



THE FALKLAND ISLANDS GAZETTE

PUBLISHED BY AUTHORITY

Vol. CIV

31st January 1995

No. 1

Appointments

John McLeod, Fitter, Falkland Islands Government Air Service, 1.1.95.

Margaret Ann Couper, Travelling Teacher, Education Department, 6.1.95.

Judith Hope Palmer, Travelling Teacher, Education Department, 10.1.95.

Confirmation of Appointments

Stephanie Jane Hanlon, Broadcasting Assistant, Falkland Islands Broadcasting Studio, 26.10.94.

Marian Louise Purvis, Teacher, Education Department, 17.12.94.

Nigel Arthur Shorrock, Teacher, Education Department, 17.12.94.

Alan Purvis, Teacher, Education Department, 17.12.94.

Veronica Fowler, Teacher, Education Department, 15.1.95.

Joyce Shorrock, Teacher, Education Department, 19.1.95.

Completion of Contract

Alison Blackburn, Teacher, Education Department, 2.1.95.

Re-Appointment

Alison Blackburn, Teacher, Education Department, 3.1.95.

Resignations

Paul Ian Clarke, Junior Technical Assistant, Public Works Department, 13.1.95.

Alison Maureen Fairfield, Senior Sports Attendant, Education Department, 20.1.95.

James Steven Fairfield, Recreation Manager, Education Department, 20.1.95.

Zachary Stephenson, Assistant Printer, Printing Office, 20.1.95.

NOTICES

No. 1

1st January 1995.

Legislative Council

Election of One Member for the Legislative Council Stanley Constituency

I, the undersigned, Bonita Greenland being the Returning Officer at this 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 564

ALLAN John 60 votes
BETTS Terence Severine 139 votes
BIRMINGHAM John 199 votes
CHEEK Janet Linda 91 votes
HALFORD Rodney John 23 votes
POLLARD John 51 votes

Rejection Ballot Papers

One

- 1) want of official mark
- 2) voting for more candidates than voter is entitled to
- 3) writing or mark by which voter could be identified
- 4) unmarked or wholly void for uncertainty
- 5) rejected in part

I Therefore Declare JOHN BIRMINGHAM to be duly elected to the Legislative Council to serve for the Stanley Constituency.

Dated this 15th day of December 1994

B. Greenland,
Returning Officer.

No. 2

1st January 1995.

**Offshore Minerals Ordinance 1994
Notice of Commencement**

Take Notice that in exercise of my powers under section 1 of the Offshore Minerals Ordinance 1994 I appoint 1st February 1995 as the date on which the Ordinance is to come into force.

Dated 1st day of January 1995.

D. E. Tatham,
Governor.

No. 3

24th January 1995.

THE COLONY OF THE FALKLAND ISLANDS

**Certificate of Registration as a Minister for
Celebrating Marriages**

IN ACCORDANCE WITH SECTION 5 OF THE MARRIAGE ORDINANCE, 1949

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

Given under my hand and the Public Seal at Stanley this 24th day of January 1995.

D. E. Tatham,
Governor.

SUPREME COURT OF THE FALKLAND ISLANDS

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

TAKE NOTICE THAT Margaret Mary Halliday, deceased, of Stanley, Falkland Islands, died at Stanley, on the 7th day of December 1994 Intestate.

WHEREAS Leslie John Halliday, husband of the deceased, has applied for Letters of Administration to administer the estate of the said deceased in the Colony.

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

B. Greenland,
Registrar, Supreme Court.

Stanley, Falkland Islands.
16th day of January 1995.
Ref: PRO/1/1995

SUPREME COURT OF THE FALKLAND ISLANDS

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

TAKE NOTICE THAT Sydney Russel Lyse, deceased, of Stanley, Falkland Islands, died at Stanley, on the 3rd day of December 1994 Intestate.

WHEREAS Reginald Sturdee Lyse, cousin of the deceased, has applied for Letters of Administration to administer the estate of the said deceased in the Colony.

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

B. Greenland,
Registrar, Supreme Court.

Stanley, Falkland Islands.
23rd day of January 1995.
Ref: PRO/2/1995

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

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

I hereby appoint:

Sgt. G. WOODS F8128248,

to be a Temporary Customs Officer from 29th November 1994 to 10th April 1995.

R. J. KING,
Collector of Customs.

Appointment of Temporary Customs Officer

Customs Ordinance 1943

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

I hereby appoint:

Flt. Lt. J. CASSELS, 8023333H,

to be a Temporary Customs Officer from 1st December 1994 to 6th March 1995.

R. J. KING,
Collector of Customs.

Appointment of Temporary Customs Officer

Customs Ordinance 1943

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

I hereby appoint:

Sqn. Ldr. S. CHRISTIE, 4281972U,

to be a Temporary Customs Officer from 5th December 1994 to 20th June 1995.

R. J. KING,
Collector of Customs.

Appointment of Temporary Customs Officer

Customs Ordinance 1943

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

I hereby appoint:

Cp. S. BENNET, Q8200849,

to be a Temporary Customs Officer from 29th December 1994 to 10th May 1995.

R. J. KING,
Collector of Customs.

Appointment of Temporary Customs Officer

Customs Ordinance 1943

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

I hereby appoint:

Cpl. M. SIZER, J8215490,

to be a Temporary Customs Officer from 6th January 1995 to 16th May 1995.

R. J. KING,
Collector of Customs.



THE FALKLAND ISLANDS GAZETTE

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28th February 1995

No. 3 2

Appointments

Christopher Jaffray, Tradesman Carpenter, Public Works Department, 16.2.95.

Jon Alan Battersby, Senior Plumber, Public Works Department, 20.2.95.

Catherine Ellenor Winthrop, Travelling Teacher, Education Department, 24.1.95.

Moira Christine Houlan, Geography Teacher, Education Department, 27.1.95.

Rosemary Lynn Hickey, Physical Education Teacher, Education Department, 27.1.95.

Lucinda Vikki Pitaluga, Teacher, Education Department, 30.1.95.

Confirmation of Appointments

Elizabeth Alice Villalon, Teacher, Education Department, 1.2.95.

Linda May Burnard, Teacher, Education Department, 1.2.95.

Martin Ronald Cant, Teacher, Education Department, 1.2.95.

Promotion

Elvio Miguel Cofre, Observer Falkland Islands Government Air Service to Housing Officer, Public Works Department, 6.2.95.

Completion of Contracts

Sandra Leigh Picone, Teacher, Education Department, 14.12.94.

Katy Lee, Travelling Teacher, Education Department, 14.12.94.

David Geoffrey Lang, Attorney General, Justice Department, 16.12.94.

Fatulatetele Tolo, Settlement Teacher, Education Department, 4.1.95.

Judith Burnard Crowe, Head Teacher, Education Department, 1.2.95.

Re-Appointments

Fatulatetele Tolo, Settlement Teacher, Education Department, 27.1.95.

Sandra Leigh Picone, Teacher, Education Department, 31.1.95.

Katy Lee, Travelling Teacher, Education Department, 31.1.95.

David Geoffrey Lang, Attorney General, Justice Department, 31.1.95.

Judith Burnard Crowe, Head Teacher, Education Department, 2.2.95.

Transfer

Charlene Rose Rowland, from Senior Clerk, Department of Agriculture, to Senior Agricultural Assistant, Department of Agriculture, 6.2.95.

Resignation

Carol Susan Howes, Police Constable, Royal Falkland Islands Police Force, 6.2.95.

NOTICE

No. 4

28th February 1995

IN ACCORDANCE with Section 21 of the Planning ordinance 1991 notification is given that a Draft Town Plan for Stanley has been prepared and is available for consideration and comment by the general public. Any person who has not received a copy of the Draft Town Plan by 10th March 1995 may view a copy at the Office of the planning Officer at the Public Works Department or at the Secretariat, Stanley.

Comments on and objections to the Draft Town Plan should be submitted in writing to the Planning Officer, PWD, to reach him on or before Friday 12th May 1995.

PLB/1/4



**THE
FALKLAND ISLANDS GAZETTE
Extraordinary**

PUBLISHED BY AUTHORITY

Vol. CIV

10th MARCH 1995

No. 3

The following is published in this Gazette —

Trade Marks and Service Marks Registered in the Falkland Islands during 1994.
Trade Mark Registrations Renewed in the Falkland Islands during 1994.

NOTICE

CORRIGENDUM

The Falkland Islands Gazette Vol. CIV No. 3 dated 28th February 1995 should in fact have been No. 2.

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

The following list of Trade Marks and Service Marks Registered in the Falkland Islands during the period 1st January 1994 to 31st December 1994 is published for general information. The Trade Marks Register may be inspected at the Office of the Registrar General, Stanley.

B. Greenland
Registrar General

Registration No:	Date of Registration	Proprietor	Description of Goods
9988	28.2.1994	Davidoff & Cie SA	Cigars and cigarillos, all for sale in the United Kingdom; all included in Class 34. AMBASSADRICE
9989	28.2.1994	Fila Sport S.p.A	Shirts, shorts, jackets, skirts, dresses, cardigans, pullovers, underpants, and articles of clothing for bathing and swimming; socks, salopettes, sweatbands for wear on the head and on the wrist, all being articles of clothing.
9990	28.2.1994	Fila Sport S.p.A	Footwear, sandals, slippers, apres-ski boots, basketball shoes, tennis shoes, jogging shoes, running shoes, walking shoes, sailing shoes, deck shoes, racquetball shoes, climbing boots, climbing shoes and golf shoes; all included in Class 25.
9991	28.2.1994	DHL Operations B.V	Transportation of goods by road and by air; storage of goods in depots; included in Class 3.
9995	1.3.1994	Cirrus System Inc.	Encoded cards; magnetically encoded cards for use with automatic teller machines and with electronic point sale machines; cheque cards, credit cards, charge cards, debit cards, payment cards and multi-purpose cards; all included in Class 9. CIRRUS
10006	2.3.1994	Desarrollo Y Gestion De Empresas SA	Statues, statuettes, figures and figurines; porcelain, ceramic and glassware for decorative and artistic purposes; all included in Class 21.
10007	2.3.1994	Toyota Jidosha Kabushiki Kaisha	Land vehicles and their parts; all included in Class 12.
10009	2.3.1994	Champagne Moet & Chandon	Dry Wines.

10012	8.3.1994	Reckitt & Colman Ltd	Depilatory preparations included in Class 48. ++ In so far as concerns the rights to the exclusive use of the Trade Mark in relation to goods for export from the United Kingdom but not including goods for export to the Irish Republic. VEET
10013	8.3.1994	Reckitt & Colman Ltd	Non-medicated toilet preparations, cosmetic preparations, soaps, perfumes, essential oils, hair lotions, hair shampoo and dentifrices. Registered as proprietors in so far as concerns the rights to the exclusive use of the Trade Marks in relation to goods for export from the United Kingdom but not including goods for export to the Irish Republic. VEET
10021	8.3.1994	20th Century Fox Film Corp	Video media pre-recorded with films; parts and fittings for all the aforesaid goods; all included in Class 9. FOXVIDEO
10108	11.5.1994	Tambrands Inc.	Sanitary preparations and substances; sanitary articles included in Class 5; diagnostic preparations for invivo use. TAMPAX
10112	17.5.1994	Sony Music Entertainment Inc.	Audio recordings, audio-visual recordings; phonograph records; pre-recorded magnetic tapes, discs and cassettes; all included in Class 9; but not including any of the aforesaid goods adapted for the recording of computer programs.
10119	26.5.1994	Kabushiki Kaisha Hattori Seiko	Scientific, nautical, surveying, electrical, electronic, wireless, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), lifesaving and teaching apparatus and instruments; coin or counter-freed apparatus included in Class 9; talking machines; cash registers; calculating machines; parts and fittings included in Class 9 for all the aforesaid goods. SEIKO
10120	26.5.1994	Cable News Network Inc.	Printed matter; books, programme guides, programme transcripts, photographs; stationery; instructional and teaching materials; playing cards; all included in Class 16.
10121	26.5.1994	Ardath Tobacco Co. Ltd	Cigarettes. 555
10122	26.5.1994	Ardath Tobacco Co. Ltd	Tobacco, whether manufactured or unmanufactured. STATE EXPRESS
10123	26.5.1994	B.A.T Cigaretten-Fabriken GmbH	Tobacco, whether manufactured or unmanufactured. KIM
10128	1.6.1994	MasterCard International Inc.	Credit cards, debit cards, magazines; all relating to finance; all included in Class 16.

10133	9.6.1994	Fila Sport S.p.A	Footwear, basketball shoes, tennis shoes, jogging shoes, running shoes, walking shoes, deck shoes, racquetball shoes, sandals, sports clothing, shirts, t-shirts, polo-shirts, pullovers, cardigans, trousers, skirts, ladies vests, jackets, winter jackets, socks, bathing suits, shorts hats, caps, wristbands, headbands, ski-suits, overalls, warm-up suits and blazers; all included in Class 25.
10150	24.6.1994	Bacardi & Company Ltd	Rum included in Class 33.
10153	24.6.1994	MasterCard International Inc.	Credit cards, travellers cheques and debit cards; all included in Class 16.
10156	29.6.1994	Ardath Tobacco Company Ltd	Tobacco whether manufactured or unmanufactured. EXPRESS
10159	4.7.1994	MasterCard International Inc.	Credit, debit and charge card services; travellers' cheques services; cash disbursement services, financial transaction authorization and settlement services; all included in Class 36.
10160	4.7.1994	MasterCard International Inc.	Credit, debit and charge cards, none being encoded; printed matter, forms, publications, periodicals, cards, travellers' cheques, pamphlets, brochures, newsletters, decalcomanias and magazines; all included in Class 16.
10161	4.7.1994	MasterCard International Inc.	Electronic data carriers in the form of identity cards; credit, debit and charge cards, all in encoded form; all included in Class 9.
10162	4.7.1994	WaterCard International Inc.	Electronic data carriers in the form of identity cards; credit, debit and charge cards, in encoded form; all included in Class 9.
10163	4.7.1994	MasterCard International Inc.	Credit, debit and charge card services; travellers' cheque services; cash disbursement services; financial transaction authorisation and settlement services; all included in Class 36.
10168	7.7.1994	Oki Denki Kogyo Kabushiki Kaisha	Telephone, facsimile, marine radar and data processing apparatus and instruments; printers for computers; parts and fittings for all the aforesaid goods; all included in Class 9. OKI

10180	21.7.1994	Ardath Tobacco Company Ltd	Cigarettes. 999
10181	21.7.1994	Ardath Tobacco Company Ltd	Cigarettes. 222
10182	21.7.1994	Ardath Tobacco Company Ltd	Cigarettes. 111
10185	29.7.1994	MasterCard International Inc.	Printed matter, books, pamphlets, paper, paper articles; charge cards, credit cards, debit cards, identity cards; all included in Class 16. MASTERCARD
10194	9.8.1994	Imperial Tobacco	Tabacco, whether manufactured or unmanufactured; substances for smoking, sold separately, or blended with tobacco, none being for medicinal or curative purposes; smokers' articles included in Class 34 and matches. REGAL
10198	17.8.1994	Gillette U.K Limited	Razors and razor blades. BLUE 11
10199	17.8.1994	Gillette U.K Limited	Perfumes, cosmetics; non-medicated toilet preparations; shampoos, soaps; detergents (not for use in industrial or manufacturing processes or for medical use); deodorants for personal use; anti-perspirants; cleaning; polishing and scouring preparations; abrasive preparations; (not for dental use); bleaching preparations and toilet articles; all included in class 3; depilatory materials. GILLETTE
10200	17.8.1994	Gillette U.K limited	Non-electrical razors and dispensers, blades, cartridges and containers therefor, all included in Class 8. SENSOR
10201	17.8.1994	Gillette U.K limited	Shaving instruments; razors and razor blades; dispensers, containers and holders, all adapted for razors or razor blades; cartridges containing razor blades; all included in Class 8. CONTOUR PLUS
10202	17.8.1994	Gillette U.K limited	Razors and razor blades; dispensers and cartridges, all containing the aforesaid blades; parts, fittings and containers, all included in Class 8 and for the aforesaid goods. GII
10203	17.8.1994	Gillette U.K limited	Razors and razor blades; containers adapted for razors or razor blades; cartridges containing razor blades, razor blade dispensers. CONTOUR
10204	17.8.1994	Gillette U.K limited	Cutlery included in Class 8 and hand tools, all incorporating blades; shaving instruments included in Class 8; razors and razor blades; dispensers, cassettes and cartridges, all containing the aforesaid blades; parts, fittings and containers all included in Class 8 and for the aforesaid goods. GILLETTE
10208	29.8.1994	MasterCard International Inc.	Electronic data carriers in the form of identity cards; all included in Class 9.
10207	29.8.1994	MasterCard International Inc.	Printed matter, forms, publications, periodicals and cards; credit, debit and charge cards; travellers cheques; pamphlets, brochures, magazines, newsletters; decalcomanias; all included in Class 16.

6653	10155	29.6.1994	Varian Associates, Inc	Electron discharge tubes for generating and amplifying electro-magnetic waves; electrical rectifying and gas discharge tubes; electron image intensifiers; radio communication apparatus and instruments; electrical pulse generators and transformers; electrical power supply units included in Class 9, semi-conductor devices and electronic amplifiers and oscillators constructed therefrom; electronic amplifiers, receivers and frequency mixers; crystal growing furnaces (experimental); automatic sputtering apparatus incorporating control instruments for use in the treatment of semi-conductor materials chromatographs for use in the analysis of liquid and gaseous effluents; and nuclear magnetic resonance spectrometers; instruments and apparatus, all for testing the qualities of materials; X-ray apparatus for the inspection of metal products; apparatus for propagating guided electromagnetic waves; microwave apparatus for irradiating articles and products; filters, absorbers and circulators' all for electromagnetic waves; electrical and electronic measuring and recording instruments; digital computers and data storage processing apparatus; apparatus for recording and printing information from computers and from data processing apparatus; terrestrial subterranean, aerial and oceanography magnetometers; scientific and analytical apparatus, all included in Class 9; spectrometers; spectrophotometers and spectropolarimeters; scientific instruments and apparatus for setting and determining time standards, neutron generators; electrically driven vacuum pumps for laboratory use; vacuum gauges; electrical apparatus include in Class 9 incorporating vacuum pumps and vacuum gauges; particle accelerators; lasers; electrical furnaces included in Class 9; closed circuit television transmitting and receiving apparatus.
9140	10164	4.7.1994	Cirrus System, Inc	Identity cards, credit cards and machine access cards, all being printed matter, all included in Class 16, all for use with cash dispenser systems, electronic funds transfer systems, electronic payment systems and with the like systems.
8200	10165	7.7.1994	Societe Des Profuits Nestle SA	Extracts from vegetables, fruit, meat, poultry, fish and from vegetal sea foods; jellies and dairy products, all for food, fruit preserves, vegetable preserves, milk, protein derived from soya beans for use as substitute for dairy products; edible oils, edible fats; mayonnaise, eggs, jams, marmalades; prepared meals consisting principally of foodstuffs included in Class 29; food preparations having a base of vegetables, milk, meat, fish or of edible fats; all for use as sandwich spreads; soups, preparations included in Class 29 for making soups; and bouillon, none being for export to that part of the People's Republic of Southern Yemen formerly known as Aden or to Bahrain. In so far as concerns the right of Nestle S.A in the United Kingdom. In so far as concerns the right to exclusive use thereof in relation to goods for export from the United Kingdom to and sale in Belize, Gibraltar, Grenada, St. Vincent, and Falkland Islands.

10236	22.9.1994	Blue Cross and Blue Shield Assoc.	Physician services, dental services, hospital services, mental health services, diagnostic testing and examination services, nursing services; all included in Class 42.
10237	22.9.1994	MasterCard International Inc.	Credit debit and charge cards, none being encoded; printed matter, forms, publications, periodicals, cards, travellers' cheques, pamphlets, brochures, newsletters, decalcomanias and magazines, all included in Class 16.
10248	19.10.1994	Reebok International Limited	Footwear; t-shirts, shirts, sweatshirts, sweaters, jackets, hats, visors, socks, sweatpants, pants, shorts, skirts, unitards and leotards; all included in Class 25.
10249	19.10.1994	MasterCard International Inc.	Electronic data carriers in the form of identity cards; credit, debit and charge cards, all in encoded form; all included in Class 9.
10250	19.10.1994	MasterCard International Inc.	Credit, debit and charge cards, none being encoded; printed matter, forms, publications, periodicals, cards, pamphlets, brochures, newsletters, decalcomanias and magazines, all included in Class 16.
10251	19.10.1994	MasterCard International Inc.	Credit, debit and charge card services; cash disbursement services; financial transaction authorisation and settlement services; all included in Class 36.
10255	31.10.1994	Iridium Inc.	Radio communications apparatus; parts and fittings therefor; all included in Class 9. IRIDIUM
10256	31.10.1994	Iridium Inc.	Telecommunications services; satellite telecommunications services; cellular telecommunications services; all included in Class 38. IRIDIUM
10274	17.11.1994	The Body Shop International Plc	Perfumes, soaps, shampoos, cosmetics, non-medicated toilet preparations; hair colourants, hair conditioners, hair dyes, hair lotions or hair styling preparations; deodorants; depilatories; anti-perspirant preparations; non-medicated talcum powder for toilet purposes; sun-tanning preparations (cosmetics); non-medicated massage preparations; bath additives, bath oils or bath salts, not for medical purposes, shaving preparations; dentifrices; essential oils; beauty masks; facial packs, nail care preparations, nail varnish; emery boards, pumice stones, cotton sticks and wool for non-medical purposes, all for use on the body; all included in Class 3.
10275	17.11.1994	JC Bamford Excavators Ltd	Power- operated machines and apparatus included in Class 7, all for the digging, excavating, mechanical handling, lifting, loading and transporting of earth, minerals, soil, crops and the like materials; parts and fittings included in Class 7 for all the aforesaid goods. J.C.B
10276	17.11.1994	JC Bamford Excavators Ltd	Agricultural vehicles; tractors; parts and fittings for all the aforesaid goods; all included in Class 12.

10277	17.11.1994	JC Bamford Excavators Ltd	Power operated machines and apparatus included in Class 7, all for the digging excavating, mechanical handling, lifting, loading and transporting earth, minerals, soil, crops, and of the like materials; parts and fittings included in Class 7 for all the aforesaid goods.
10279	17.11.1994	Mars U.K Limited	Toys and playthings; all for sale in conjunction with non-medicated chocolate confectionery; puzzles; all included in Class 28.

FILA

Reg. No. 9989 & 9990

DHL

Reg. No. 9991


LLADRÓ

Reg. No. 10006



Reg. No. 10007



Reg. No. 10009



EPIC SOUNDTRAX

Reg. No. 10112

CNN

Reg. No. 10120



Reg. No. 10128



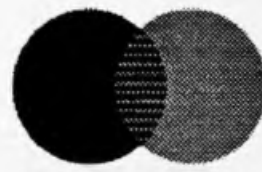
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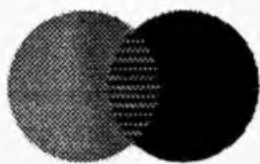
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Reg. No. 10153



Reg. No. 10159, 10160 & 10161



Reg. No. 10162, 10163 & 10237

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Reg. No. 10182

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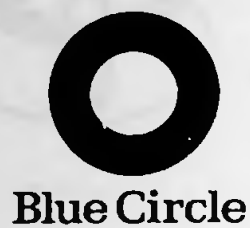
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Reg. No. 10212



Reg. No. 10217



Reg. No. 10224



Reg. No. 10231 & 10232 & 10236



Reg. No. 10233



BLUE SHIELD

Reg. No 10235



Reg. No. 10248



Reg. No. 10249, 10250 & 10251



Reg. No. 10274



Reg. No. 10277 & 10276



Reg. No. 10279

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

The following list of Trade Mark registrations renewed in the Falkland Islands during the period 1st January 1994 to 31st December 1994 is published for general information. The Trade Marks Register may be inspected at the Office of the Registrar General, Stanley.

B. Greenland
Registrar General

Registration No.	Renewal No.	Effective date of renewal	Proprietor	Description of Goods
1737	9906	28.10.1993	Cadbury Limited	Confectionery, cocoa, chocolate, chocolate biscuits and tea.
7160	9907	28.10.1993	Bass Public Ltd. Co	Beer and preparations included in Class 32 for making beer.
7464	9908	28.10.1993	Bass Public Ltd. Co	Beer, ale stout and porter; shandy; beverages containing beer and included in Class 32; and preparations included in Class 32 for making all the aforesaid goods.
7599	9911	28.10.1993	Religious Technology Center	Books and printed publications, all relating to philosophy
6829	9913	28.10.1993	Kohler Co.	Internal combustion engines for agricultural tractors and parts included in Class 12, of such engines.
7138	9914	28.10.1993	Castrol Limited	Preparations and substances for laundry use; cleaning; polishing, scouring and abrasive preparations; soaps.
9734	9917	28.10.1993	Hertz System Inc.	Vehicle rental and vehicle leasing services all included in Class 39.
5196	9918	28.10.1993	United Distillers plc	Whiskey
8854	9934	25.11.1993	Glaxo Group Limited	Pharmaceutical preparations and substances, all included in Class 5.
5819	9936	26.11.1993	The Drambuie Liqueur Comp. Ltd	Liqueurs
9287	9939	2.12.1993	Cirrus System Inc	Cash dispenser services; electronic funds transfer and electronic payment services; bank account information services; all included in Class 36.
5847	9992	1.3.1994	Ardath Tobacco Co. Ltd	Cigarettes

9131	10000	1.3.1994	Sanyo Denki Kabushiki Kaisha	Installations for lighting, heating, steam generating, cooking, refrigerating, drying, ventilating, water supply and sanitary purposes; hair dryers; oil furnaces; gas boilers; electric fans; electric circulators; window fans; lamps; lighting fittings; electric bulbs; dryers; refrigerators; freezers; microwave ovens; gas water heaters; automatic gas cookers; toasters; hot plates; gas tables; gas ranges; gas ovens; water purifiers; roasters; kerosene heaters; gas heaters; electric heaters; central heating and cooling apparatus and instruments; car lights; water boilers; air conditioners; water chillers; fan coil units; water cooling towers; absorption freezers; ice cube makers; refrigerated showcases; microwave defrosters; water coolers; air fresheners; gas roasters; gas cooking tables; electric rice cookers; electric fryers; electric apparatus for keeping food warm; electric water boilers; gas bath heaters; air purifiers; electric space heaters; electric panel heaters; gas space heaters; car heaters; lighting sets and bulbs powered by dynamos; absorption cooling and heating apparatus and instruments; solar energy systems for heating, cooling and hot water supply; electric rice wine warmers; steam boilers; electric coffee makers; humidifiers; dehumidifiers; incinerators; sterilisers (autoclaves); parts and fittings for all the aforesaid goods; all included in Class 11.
9132	10031	1.3.1994	Sanyo Denki Kabushiki Kaisha	Precious metals and their alloys; articles included in Class 14 made of precious metals or coated therewith; jewellery; precious stones; horological and chronometric instruments; electronic digital and/or analog watches, watch movements, watch bands, watch cases; parts and fittings therefore; all included in Class 14
6854	10003	2.3.1994	Mars G B Ltd	Food for cats
6590	10004	2.3.1994	Mars G B Ltd	Non-medicated sugar confectionery and toffee.
9778	10005	2.3.1994	MasterCard International Inc.	Banking and credit services; charge cards; debit cards and credit card services; account debiting services; automatic cash dispensing services; administration of issuance, processing, verification and redemption of cheques, travellers cheques, vouchers, electronic funds transfer services, electronic payment services; all included in Class 36.
9789	10010	2.3.1994	Chanel Limited	Articles of clothing for women and for girls; stockings, tights, shirts, T-shirts, sweatshirts, pullovers, sweaters, cardigans; articles of outer clothing; hats; scarves, socks, gloves, belts, ties, cravats; footwear; all included in Class 25.
3645	10011	2.3.1994	British-American Tobacco Co. Ltd	Tobacco whether manufactured or unmanufactured. This application is subject to the terms of an Agreement dated 6th June, 1907, and made between The Imperial Tobacco Company (of Great Britain and Ireland), Limited, of the one part, and British-American Tobacco Company, Limited of the other part, the goodwill so far as relates to the export business as defined in the said agreement being vested in British-American Tobacco Company, Limited. Entry cancelled under Section 34 (1)(d) of the Trades Mark Act, 1938, in respect of:- "the goods of the present specification except for export from the United Kingdom except to the Republic of Ireland, the United States of America, Cuba, Puerto Rico and the Philippine Islands.

9138	9993	1.3.1994	Hilton International Co.	Hotel, bar, restaurant, banqueting and hotel reservation services; all included in Class 42.
9128	9997	1.3.1994	Sanyo Denki Kabushiki Kaisha	Machines and machine tools; motors (not for vehicles) machine couplings and belting (not for land vehicles); agricultural implements; incubators; washing machines; drying machines; dish washing machines; shredding machines; industrial robots; sorting and packing machines; dry cleaning apparatus; ironing presses for laundry use; suction cleaning machines and apparatus, all for industrial use; pumps for wells; gas boilers; dynamos; compressors; electric can openers; electric scissors; electric scissors for cutting hair; electric hand-held drills; food blenders; automatic juice extractors; electric ice grinders; meat grinders; slicing, shredding, grating and chopping machines; parts and fittings for all the aforesaid goods; all included in Class 7.
9129	9998	1.3.1994	Sanyo Denki Kabushiki Kaisha	Hand tools and instruments; cutlery, forks and spoons; side arms; electric shavers; all included in Class 8.
9130	9999	1.3.1994	Sanyo Denki Kabushiki Kaisha	Scientific, nautical, surveying, electrical, wireless, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments; coin, token, card-operated or counter-freed apparatus; talking machines; cash registers; calculating machines; fire-extinguishing apparatus; apparatus for receiving, amplifying, converting, equalising, controlling, recording, transmitting and/or reproducing audio and/or video signals; control apparatus for audio signals; converters for analog/digital signals; dictating machines; public address apparatus and instruments; transceivers; radios and stereophonic apparatus, all for automobiles; microphones; headphones; televisions; monitors for television signals; telephone apparatus and instruments; telephone answering machines; decoders; electric or electronic timers; electronic paging and emergency call installations; discs and magnetic tapes all for the recordal of sound and/or video; computers and data processing apparatus; apparatus for use with computers or data processing apparatus computer programmes; facsimile transceivers; electronic copying machines; color graphic printers; electric irons; electric vacuum cleaners; home chimes; smoke sensors; electronic batteries and cells; electric chargers; automatic vending machines; floor polishers; industrial vacuum cleaners; sirens for cycles; speedometers for cycles; incubators for use at biological laboratories and the like; research institutions for creating constant temperature environments for the culture of bacteria, micro.

9218	10016	8.3.1994	British Telecommunications plc	Advertising and publicity services; secretarial and typewriting services; telephone answering service; data processing services; distribution of printed advertising matter and promotional material by post; market research and marketing studies services; direct mail advertising services and compilation of direct mailing lists; all included in Class 35.
9219	10017	8.3.1994	British Telecommunications plc	Telecommunication, facsimile, telex, telephone, telegram, message collection and transmission services; services for the transmission of data and of information by electronic, computer, cable, radio, radiopaging, teleprinter, teletetter, electronic mail, telecopier, television, microwave, laser beam or communication satellite means, services for the transmission, provision or display of information for business or domestic purposes from a computerstored data bank; services for the broadcasting or transmission of radio and television programmes; all included in Class 38.
9222	10018	8.3.1994	British Telecommunications plc	Advertising and publicity; secretarial services and typewriting; data processing; telephone answering; distribution of printed advertising matter and promotional material by post; market research and marketing studies; direct mail advertising; all included in Class 35.
9223	10019	8.3.1994	British Telecommunications plc	Telecommunication, facsimile, telex, telephone, telegram, message collection and transmission services; services for the transmission of data and of information by electronic, computer, cable, radio, radiopaging, teleprinter, teletetter, electronic mail, telecopier, television, microwave, laser beam or communication satellite means, services for the transmission, provision or display of information for business or domestic purposes from a computerstored data bank; services for the broadcasting or transmission of radio and television programmes; all included in Class 38.
9225	10020	8.3.1994	British Telecommunications plc	Telecommunication, facsimile, telex, telephone, telegram, message collection and transmission services; services for the transmission of data and of information by electronic, computer, cable, radio, radiopaging, teleprinter, teletetter, electronic mail, telecopier, television, microwave, laser beam or communication satellite means, services for the transmission, provision or display of information for business or domestic purposes from a computerstored data bank; services for the broadcasting or transmission of radio and television programmes; all included in Class 38.
9452	10022	8.3.1994	Tesco Stores Limited	Non-alcoholic drinks and preparations for making such drinks, all included in Class 32; and fruit juices and tomato juice.
8924	10025	8.3.1994	Societe Des Products Nestle SA	Soaps; perfumes; essential oils; cosmetics; hair lotions; dentifrices; all included in Class 3.
8923	10026	8.3.1994	Societe Des Products Nestle SA	Soaps; perfumes; essential oils; cosmetics; hair lotions; dentifrices; all included in Class 3.

9233	10027	8.3.1994	Societe Des Products Nestle SA	Non-alcoholic beverages; syrups, essences and extracts, all being preparations for making non-alcoholic beverages; fruit juices for use as beverages; all included in Class 32.
7313	10028	8.3.1994	Societe Des Products Nestle SA	All goods included in Class 29
3863	10029	8.3.1994	Moorgate Tobacco Co. Ltd	Cigarettes
5760	10049	30.3.1994	Carreras Ltd	Cigarettes, tobacco and cigars.
8896	10050	30.3.1994	Toyota Jidosha Kabushiki Kaisha	Motor land vehicles and parts and fittings therefore, all included in Class 12.
2066	10051	30.3.1994	Procter & Gamble Limited	Candles; common soap, detergents; illuminating, heating, or lubricating oils; matches; and starch, blue and other preparations for laundry purposes. ++Cancelled under section 34(1)(d) of the Trade Marks Act, 1938, in respect of metal cleaning agents.
2896	10052	30.3.1994	Chesebrough-Pond's Ltd	Talcum powder, face powder, skin cream, dentifrice paste, and perfumed soap, all being toilet articles, included in Class 48. Registered as proprietors in so far as their rights are concerned. The Proprietor undertakes that this Mark and certain other Marks shall be assigned or transmitted only as a whole and not separately.
7143	10053	30.3.1994	Chesebrough-Pond's Ltd	Perfumes, toilet preparation (not medicated), cosmetic preparations, dentifrices, depilatory preparations, toilet articles (not included in other classes), sachets for use in waving the hair, soaps and essential oils. ++Registered as a proprietor in so far as their rights are concerned.
9367	10055	30.3.1994	Standard Chartered Plc	Financial services; insurance services; all included in Class 36.
7418	10056	30.3.1994	Standard Chartered Plc	Paper, paper articles, cardboard and cardboard articles, all included in Class 16; printed matter, periodical publications, books, stationary, holders being articles of stationary, and covers, all for cheque books, paying in books and for bank cards.
6339	10059	6.4.1994	Rothmans of Pall Mall Ltd	Tobacco, snuff and smokers' articles all included in Class 34; Cigarettes, cigars, cigarillo's cheroots and matches, all being goods for export from the United Kingdom to and sale in all countries of the world except the Channel Islands, the Republic of Ireland, Fiji and Malta.

6902	10060	5.4.1994	Ford Motor Company	Replacement parts included in Class 9 for motor land vehicles.
6903	10061	5.4.1994	Ford Motor Company	Replacement parts included in Class 11 for motor land vehicles.
6904	10062	5.4.1994	Ford Motor Company	Replacement parts included in Class 7 for motor land vehicles.
6912	10063	5.4.1994	Ford Motor Company	Replacement parts included in Class 12 for motor land vehicles.
3328	10064	5.4.1994	Philip Morris Products Inc	Cigarettes. Registered as proprietors in so far as concerns the exclusive right to the use of the said mark in relation to goods for sale in the United Kingdom of Great Britain and Northern Ireland and in relation to goods for export except to Burma, Cambodia, Laos, The People's Republic of China and North and South Vietnam; and in relation to goods for export to Burma, Cambodia, Laos, The People's Republic of China and North and South Vietnam.
9380	10065	5.4.1994	CPC International Inc	All goods included in Class 42, but not including corn, flour or other bread stuffs, cakes, biscuits or pastries, and not including any goods of the same description as any of these excluded goods.
9641	10069	8.4.1994	TGI Friday's	Restaurant services and bar services for the provision of food or drink all included in Class 42.
9642	10070	8.4.1994	TGI Friday's	Restaurant services and bar services for the provision of food and drink all included in Class 42.
9643	10071	8.4.1994	TGI Friday's	Restaurant services and bar services for the provision of food and drink all included in Class 42.
9514	10072	8.4.1994	United Parcel Services	Transportation and arranging transportation of goods by land and air; all included in Class 39.
9513	10073	8.4.1994	United Parcel Services	Transportation of goods by road and by air; arranging the transport of goods by road and by air; all included in Class 39.
9515	10074	8.4.1994	United Parcel Services	Transportation of goods by road and by air; arranging of the transportation of goods; included in Class 39.
5475	10086	2.5.1994	British Ever Ready Ltd	Torches and cases therefore; electric lamps included in Class 11; electric lamp bulbs and gas lighters, all for export from the United Kingdom.
4985	10087	2.5.1994	British Ever Ready Ltd	Electric batteries, electric cells, electric accumulators; radio receivers, television apparatus, radiogramophones, record players; all for export from the United Kingdom.
6968	10088	2.5.1994	Mars U.K Ltd	Non-medicated confectionery

6475	10089	2.5.1994	Castrol Ltd	Hydraulic fluids (not being oils)
6459	10090	2.5.1994	Texwood Ltd (Hong Kong)	Jeans being articles of clothing, jackets, trousers, shorts, boiler suits and overalls.
3232	10093	4.5.1994	DAKS Simpson Group Plc	Suits, being articles of clothing.
2004	10095	4.5.1994	The Mentholatum Co. Ltd	Chemical Substances prepared for use in medicine and pharmacy.
6273	10098	4.5.1994	Biro Bic Limited	Razors, razor blades, razor cases, razor strops, mechanical sharpeners for safety razor blades, hand tools, hand instruments included in Class 8, cutlery (other than surgical cutlery), forks and spoons. CANCELLED IN RESPECT OF hand tools adapted for use in stripping, connecting, crimping, splicing and in joining electric cables and wires and goods of the same description thereto. CANCELLED IN RESPECT OF goods for use in the building industry for injecting materials for the repair of concrete structures.
9308	10099	4.5.1994	R J Reynolds Tobacco Co.	Tobacco and tobacco products.
3680	10100	4.5.1994	Brown and Williamson Tobacco Ltd.	Tobacco whether manufactured or unmanufactured. ++Entry cancelled under section 34 (1) (d) of the Trade Marks Act 1938 in respect of tobacco, whether manufactured or unmanufactured for sale in the United Kingdom and for export to the republic of Ireland. ++Registered as Proprietors in so far as their rights are concerned.
9285	10101	4.5.1994	Cirrus System Inc	Cash dispenser services; electronic funds transfer and electronic payment services; bank account information services; all included in Class 36.
5859	10109	11.5.1994	The Coca Cola Company	Non-alcoholic beverages and preparations for making such beverages, all included in Class 32.
9823	10111	17.5.1994	Mars G B Ltd	Malt, foodstuffs for animals, fish or for birds, and preparations included in Class 31 for use as additives to such foodstuffs; animal litter; fresh fruits and fresh vegetables, but not including any such goods for propagation purposes.
3952	10124	30.5.1994	Philip Morris Products Inc.	Manufactured tobacco. Registered as proprietors in so far as concerns the exclusive right to the use of the said mark in relation to goods for sale in the United Kingdom of Great Britain and Northern Ireland and in relation to goods for export except to Burma, Cambodia, Laos, The People's Republic of China and North and South Vietnam; and in relation to goods for export to Burma, Cambodia, Laos, The People's Republic of China and North and South Vietnam.
6479	10132	6.6.1994	Castrol Limited	Oils included in Class 4 and lubricants.
2314	10138	13.6.1994	Imperial Chemical Industries PLC	All goods included in Class 1.

2315	10139	13.6.1994	Imperial Chemical Industries	Paints, varnishes (other than insulating varnish), lacquers; preservatives against rust against deterioration of wood; colouring matters (not for toilet or laundry purpose) dyestuffs; mordants; natural resins.
2316	10140	13.6.1994	Imperial Chemical Industries	Bleaching preparations and other substances for laundry use; cleaning; polishing, scouring and abrasive preparations; essential oils.
2317	10141	13.6.1994	Imperial Chemical Industries	Industrial oils and greases (other than edible oils and fats and essential oils); lubricants; dust laying and absorbing compositions; fuels (including motor spirit) and illuminants.
2318	10142	13.6.1994	Imperial Chemical Industries	Pharmaceutical, veterinary and sanitary substances; disinfectants; preparations for killing weeds and destroying vermin.
2321	10143	13.6.1994	Imperial Chemical Industries	Ammunition and projectiles; explosive substances.
2323	10144	13.6.1994	Imperial Chemical Industries	Building materials (not of metal) cement lime, plaster (for building or for coating); road-making materials (not of metal), pitch and bitumen.
2325	10145	13.6.1994	Imperial Chemical Industries	Salt and gelatine all for food.
6370	10147	16.6.1994	Reckitt & Colman (overseas) Ltd	Pharmaceutical, veterinary and sanitary preparations; medicated preparations for the treatment of the scalp and skin; deodorants; air freshening preparations; insecticides; disinfectants (other than for laying and absorbing dust); germicides and antiseptics; infants' and invalids' foods; dietetic foods; medicated beverages and preparations included in Class 5 for making such beverages, all being goods for export except to the Irish Republic.
2940	10149	24.6.1994	Societe des Produits Nestle SA	Coffee essence, coffee extract, and preparations of coffee and of coffee and chicory, all for use as food.
9136	10152	24.6.1994	Tesco Stores Limited	All goods included in Class 5.

10211	31.8.1994	MasterCard International Inc.	Credit, debit and charge card services; travellers cheque services; cash disbursement services; financial transaction authorisation and settlement services; all included in Class 36.
10212	5.9.1994	Mars G.B	Agriculture, horticultural and forestry products; grains and seeds; foodstuffs for animals, birds and for fish, preparations for use as additives to foodstuffs for animals, birds and for fish; malt; cuttlefish bone; bones for dogs, litter for animals; fresh fruit and fresh vegetables; all included in Class 31.
10217	7.9.1994	Kabushiki Kaisha Hattori Seiko	Horological and chronometric instruments; horological and chronometric apparatus included in Class 14; parts and fittings for the aforesaid goods.
10224	14.9.1994	Blue Circle Industries plc	Materials and elements (none being wholly or principally of metal). Cement, pitch and bitumen and preparations (other than paints) made from the aforesaid goods; all for use in building and civil engineering construction; natural and artificial stone; lime included in Class 19, mortar, gravel, asphalt, plaster (other than for medical or surgical purposes).
10225	21.9.1994	Samuel Smith Old Brewery	Beer, ale lager and porter. SAMUEL SMITH
10229	22.9.1994	Blue Cross & Blue Shield Assoc.	Health insurance services included in Class 36. BLUE SHIELD
10230	22.9.1994	Blue Cross & Blue Shield Assoc.	Provision of finance for hospital, medical or health care services. BLUE SHIELD
10231	22.9.1994	Blue Cross & Blue Shield Assoc.	Health insurance services: all included in Class 36.
10232	22.9.1994	Blue Cross & Blue Shield Assoc.	Provision of finance for hospital, medical and health care services; all included in Class 36.
10233	22.9.1994	Blue Cross & Blue Shield Assoc.	Prepayment and insurance services relating to hospital, medical and health matters: all included in Class 36.
10234	22.9.1994	Blue Cross and Blue Shield Assoc.	Health care; family planning; all included in Class 42. BLUE SHIELD
10235	22.9.1994	Blue Cross and Blue Shield Assoc.	Healthcare services; physician, dental, hospital and nursing services; diagnostic testing and examination services; all relating to medical matters and family planning; psychiatric and psychological counselling services; all included in Class 42.

6019	10166	7.7.1994	Societe Des Profuits Nestle SA	Dietetic foods and dietetic beverages; infants' and invalids' foods; none being for export to that part of the People's Republic of Southern Yemen formerly known as Aden, or to Bahrain. In so far as concerns the right to the exclusive use thereof in relation to goods for export from the United Kingdom to and sale in Belize, Gibraltar, Grenada, St. Vincent, and Falkland Islands.
8198	10167	7.7.1994	Societe Des Profuits Nestle SA	Beer, ale and porter; non- alcoholic beverages and preparations for making such beverages, all included in Class 32, and fruit juices, but not including any such goods for sale in that part of the Peoples Democratic Republic of Yemen formerly known as Aden and Bahrain.
3964	10169	7.7.1994	The Coca Cola Company	Non-alcoholic beverages included in Class 32.
5634	10173	18.7.1994	Chevron Corporation	All goods included in Class 2.
5636	10174	18.7.1994	Chevron Corporation	All goods included in Class 4.
5639	10175	18.7.1994	Chevron Corporation	All goods included in Class 1, but not including sweetening materials and not including any goods of the same description as sweetening materials.
1738	10184	29.7.1994	Sterling Products International	A medicated preparation for human use for liver ailments. Registered as proprietors in so far as their rights are concerned.
6086	10188	2.7.1994	Usiflamme S A	Office requisites (other than furniture) and writing implements.
8199	10186	29.7.1994	Societe Des Produits Nestle S.A	Farinaceous products, cereals and preparations made from cereals or from rice, all for food for human consumption, flour, pastry and cakes; puddings and preparations for making puddings, all included in Class 30, cocoa and food preparations having a base of cocoa; chocolate, chocolates, non-medicated confectionery, honey and imitation honey, sugar, coffee, coffee extracts and coffee essences, chicory and chicory mixtures, all for use as substitutes for coffee, tea and tea extracts; ice cream and preparations for making ice cream; vinegar, flavourings (other than essential oils), sauces, condiments, spices (other than poultry spices); prepared meals made from foodstuffs included in Class 30, food preparations included in Class 30 for use as sandwich spreads; none being for export to the part of the People's Republic of Southern Yemen formerly known as Aden, or to Bahrain. In so far as concerns the right of Nestle S.A in the United Kingdom. In so far as concerns the exclusive use thereof in relation to goods for export from the United Kingdom to and sale in Belize, Gibraltar, Grenada, St. Vincent and Falkland Islands.

6386	10187	2.8.1994	Usiflamme S A	Articles included in Class 14 made of precious metal or alloys thereof or coated therewith, but not including bracelets or bangles or the like goods.
6742	10191	4.8.1994	Glaxo Group Limited	IN RESPECT OF Pharmaceutical preparations and substances for human use and for veterinary use.
8594	10192	9.8.1994	Michelin & Cie	Tyres for vehicle wheels and inner tubes therefore; vehicle wheels and vehicle wheel rims; inflation valves and pumps; all included in Class 12; and antiskid spikes for insertion into the treads of vehicle tyres.
8595	10193	9.8.1994	Michelin & Cie	Printed publications, maps, guides, books, gazettes, and magazines included in Class 16.
9556	10206	22.8.1994	V. Kann Rasmussen Industrial	Building materials; ready mountable building parts; windows; doors; glass; window glass; double glazing panels incorporating insulating glass; panels and wall coverings; all made of wood or plastic materials or of materials having the appearance of wood; flashing and flashing frames, all for windows; skylights; skylight frames, smoke exits and smoke outlets, all for use in buildings, glass roofs; roof materials and roof elements; double glazing panels and double glazing materials; shutters, all being non-metallic; parts and fittings for all the aforesaid goods; all included in Class 19.
5128	10227	19.9.1994	Roche Consumer Health (Worldwide) Ltd	Medicated preparations for human use in the treatment of indigestion, acidity, and similar digestive ailments; all included in Class 5.
6592	10238	30.9.1994	Mars G B Limited	Foodstuffs for animals, and animal litter.
8868	10246	19.10.1994	Tandy Corporation	Electrical and electronic apparatus and instruments; sound recording, reproducing, amplifying and reverberating apparatus and instruments; materials for use in sound recording or sound reproducing; computers and computing apparatus; computer programmes; radio, television and video apparatus; parts and fittings for all the aforesaid goods, sound records and tapes; calculators; electrical batteries and electrical battery charges; all included in Class 9.
3465	10247	19.10.1994	Procter & Gamble Limited	Bleaching preparations and other substances for laundry use; detergents; cleaning, polishing, scouring and abrasive preparations; perfumery, toilet preparations (not medicated), cosmetic preparations, dentifrices, depilatory preparations, toilets articles (not included in other Classes), sachets for use in waving the hair, soaps, and essential oils. CANCELLED IN RESPECT OF all goods except saponaceous detergents in solid or powered form for household and laundry purposes.
5893	10254	31.10.1994	Kohler Co	Installations for generating electric current
9915	10278	17.10.1994	Mars U.K Limited	Chocolate, non-medicated confectionery; all included in Class 30.
4123	10285	6.12.1994	Pepsi Co Inc.	Non-alcoholic drinks and preparations for making such drinks, all included in Class 32.



THE FALKLAND ISLANDS GAZETTE

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31st March 1995

No. 4

Appointments

Neil George Hewitt, Police Constable, Royal Falkland Islands Police Force, 27.2.95.

Valorie Marcela Bentsen, Clerk, Public Service, 1.3.95.

Cara Jane Newell, Observer, Falkland Islands Government Air Service, 1.3.95.

Royston William Marshall, Travelling Teacher, Education Department, 10.3.95.

Sarah Louise Dixon, Senior Attendant, Education Department, 15.3.95.

David Harding-Price, Community Psychiatric Nurse, Medical Department, 21.3.95.

Kevin Michael Patrick Joseph Ormond, Houseparent, Education Department, 23.3.95.

Confirmation of Appointments

William Edward Bowles, Works Manager, Public Works Department, 15.6.94.

Marilyn Joyce Hall, Social Welfare Officer, Medical Department, 1.3.95.

Nigel Keith Dodd, Chief Clerk, Philatelic Bureau, Post & Telecommunications Department, 1.3.95.

Danuta Cecelia Krystyna Valler, Accounting Officer, Treasury Department, 7.3.95.

German Guillermo Lazo, Watchkeeper/Handyman, Public Works Department, 16.3.95.

Promotions

Barbara Ingrid Steen, from Senior Clerk, Public Works Department to Legal/Personal Assistant, Justice Department, 27.3.95.

Terri-Ann Jaffray, from Clerk, Public Service to Senior Clerk, Public Works Department, 27.3.95.

Completion of Contract

Anne Patricia Halmshaw, PE Teacher, Education Department, 14.12.94.

Transfers

Julie Ann Fisher Smith, from Assistant Customs/Immigration Officer to Senior Clerk, Agriculture Department, 1.3.95.

John Christopher Rowland, from Houseparent, Education Department to Assistant Customs & Immigration Officer, Customs & Immigration Department, 27.3.95.

NOTICES

No. 5

13th January 1995.

THE COLONY OF THE FALKLAND ISLANDS

Appointment of a Temporary Registrar

In exercise of the powers conferred upon me by Section 4 of the Marriage Ordinance 1, D.E. Tatham, Governor of the Falkland Islands -

HEREBY APPOINT -

KENNETH WILLIAM HALLIDAY a Registrar for the purpose of the marriage at the Managers House, Fox Bay West, West Falklands of **Ronald David Rozee** and **Fiona Dickson**.

Given under my hand at Stanley this 13th day of January 1995.

D. E. Tatham,
Governor.

No. 6 1st February 1995.

**The Companies and Private Partnership Ordinance
(Cap. 13)**

Companies Act 1948

NOTICE IS HEREBY GIVEN pursuant to section 2 of the Companies and Private Partnership Ordinance and section 353 of the Companies Act 1948 in its application to the Falkland Islands that with effect from the publication of this Notice the following names are struck off the register and the Companies are dissolved subject to the proviso to subsection (5) of section 353 aforesaid -

BURWOOD MARINE LIMITED
BOYANG OVERSEAS FALKLAND COMPANY LIMITED
S.C. MILLER & SON LIMITED
LOOKOUT LAUNDRY LIMITED
SUNSCOT FISHERIES LIMITED
POULTRY PRODUCTS LIMITED
SEA LION LODGE LIMITED
JOHNSON AND SON LIMITED.

Dated this 1st day of February 1995.

B. Greenland,
Registrar of Companies.

No. 7 1st March 1995.

**The Companies and Private Partnership Ordinance
(Cap. 13)**

Companies Act 1948

NOTICE IS HEREBY GIVEN pursuant to section 2 of the Companies and Private Partnership Ordinance and section 353 of the Companies Act 1948 in its application to the Falkland Islands that with effect from the publication of this Notice the name of THE BERKELEY SOUND SHIPPING COMPANY LIMITED is struck off the register and the Company is dissolved subject to the proviso to subsection (5) of section 353 aforesaid.

Dated this 1st day of March 1995.

B. Greenland,
Registrar of Companies.

No. 8 1st March 1995.

**The Companies and Private Partnership Ordinance
(Cap. 13)**

Companies Act 1948

NOTICE IS HEREBY GIVEN pursuant to section 2 of the Companies and Private Partnership Ordinance and section 353 of the Companies Act 1948 in its application to the Falkland Islands that with effect from the publication of this Notice the name of CORAL LIMITED is struck off the register and the Company is dissolved subject to the proviso to subsection (5) of section 353 aforesaid.

Dated this 1st day of March 1995.

B. Greenland,
Registrar of Companies.

No. 9 1st March 1995.

**The Companies and Private Partnership Ordinance
(Cap. 13)**

Companies Act 1948

NOTICE IS HEREBY GIVEN pursuant to section 2 of the Companies and Private Partnership Ordinance and section 353 of the Companies Act 1948 in its application to the Falkland Islands that with effect from the publication of this Notice the name of ALPHA HOMES LIMITED is struck off the register and the Company is dissolved subject to the proviso to subsection (5) of section 353 aforesaid.

Dated this 1st day of March 1995.

B. Greenland,
Registrar of Companies.

No. 10 13th March 1995.

CONSTITUTION OF THE FALKLAND ISLANDS

Section 64

Advisory Committee on the Prerogative of Mercy

WHEREAS section 64 of the Constitution requires that two of the members of the Advisory Committee on the Prerogative of Mercy be elected members of the Legislative Council appointed by the Governor after consultation with the elected members of the Legislative Council;

AND WHEREAS by reason of a vacancy arising it is necessary for an elected member of the Legislative Council to be appointed a member of the Committee:

NOW I, DAVID EVERARD TATHAM, Companion of the Most Distinguished Order of St. Michael and St. George, Governor of the Falkland Islands, after consultation with the elected members of the Legislative Council **APPOINT** John Birmingham, one of their number, to be a member of the Advisory Committee on the Prerogative of Mercy.

Dated 13th March 1995.

D. E. Tatham,
Governor.

No. 11 28th March 1995.

PRISON ORDINANCE 1966

Appointment of Board of Visiting Justices

In accordance with Section 7 of the Prisons Ordinance,

I HEREBY APPOINT -

Andrew Shirley Jones J.P. (Senior Member)
Phyllis Mary Rendell
Terence George Spruce J.P.

to be members of the Board of Visiting Justices for one year with effect from the first day of January 1995.

Made this 28th day of March 1995.

D. E. Tatham,
Governor.

REGISTRATION OF UNITED KINGDOM PATENTS ORDINANCE (Cap.58)

It is notified for general information that Letters Patent, particulars of which appear in the Schedule hereto, have been registered in the Register of Patents on the dates shown.

B. Greenland
Registrar General

Registration No.	Date of Registration	Name of applicant	No. of Grant in United Kingdom	Registered Address
<hr/>				
7594	4.6.84	Texas Eastern Engineering Limited	2003599B	State of Delaware, USA WC2A

Nature of Invention - The method and apparatus for handling fluids in a two-phase flow pipeline system.

7595	4.6.84	F Hoffman-La Roche & Co Aktiengesellschaft	2022090B	124-184 Grenzacherstrasse, Basle, Switzerland
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Nature of Invention - Acyl derivatives.

7844	6.6.85	Aktiebolaget Hassle	0007293	S-431 83 Molndal, Sweden
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Nature of Invention - 2,6-Dimethyl-4-(2,3-dichlorophenyl)-1,4-dihydropyridine-3,5-dicarboxylic acid-3-methylester-5-ethyl ester having hypotensive properties, process for its preparation and pharmaceutical preparations containing it.

7965	14.2.86	Brupat Ltd	0020152	Court View, 12 Mount Havelock Douglas, Isle of Man
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Nature of Invention - Anchor Shank

7966	14.2.86	AJS & DT Newburn-Crook	2083564	16 Avenue Road, Isleworth, Middlesex TW7 4JN
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Nature of Invention - An improved wind energy converter.

8167	17.2.87	Albright & Wilson Ltd	2153839	Albright & Wilson House, Hagley Road West, Oldbury, Warley, West Midlands
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Nature of Invention - Pourable 'fluid detergent compositions'.

8279 20.8.87 MERCK & CO INC 0033538 126 East Lincoln Avenue,
P.O. Box 2000, Rahway, New
Jersey 07065, USA

Nature of Invention - 6(R) -(2-(8'-acloxy-2'methyl-6'methyl (or hydrogen)-polyhydronaphthyl-1')-ethyl)-4 (R)-hydroxy-3,4,5,6,-tetrahydro -2H-pyran-2-ones, the hydroxy acid form of said pyranones, the pharmaceutically acceptable salts of said hydroxy acids, and the lower alkyl, and phenyl, dimethylamino or acetylamino substituted lower alkyl esters of said hydroxy acid, processes for preparing the same, and a pharmaceutical antihypercholesterolemic composition containing the same.

8855 28.6.1990 MERK & CO INC 0155096 126 East Lincoln Avenue,
P.O. Box 2000, Rahway, New
Jersey 07065, USA

Nature of Invention - 17 BETA-SUBSTITUTED-4-AZA-5-ALPHA-ANDROSTENONES AND THEIR USE AS 5-ALPHA-REDUCTASE INHIBITORS.

8903 28.3.90 Verho-Metalli Oy 2153721B P.O. Box 77, Nummenniityn
Teollisuusalue, 20780 Kaarina
Finland

Nature of Invention - A method of and a press for bending of profiled sheet metal.

8905 7.8.90 Por-Jiy-Sheu 2172374 No. 111 Chien-Chen Lane,
Chien-Chen District, Kaohsiung
City, Taiwan

Nature of Invention - Emergency Descent Device

9056 28.3.91 Biogen Inc 0182442 Fourteen Cambridge Center,
Cambridge Massachusetts 02142
(US)

Nature of Invention - Recombinant Dna Molecules and their method of Production.

9284 11.7.91 ICI Australia Ltd 0080301 1 Nicholson Street, Melbourne
Victoria 3001, Australia

Nature of Invention - Herbicidal Cyclohexane - 1, 3 Dione Derivatives.

9434 20.2.92 The Wellcome Foundation Ltd 0085959 160 Euston Road, London NW1
2BP England

Nature of Invention - Aromatic Compounds.

9462	23.3.92	The Wellcome Foundation Ltd	0196185	160 Euston Road, London NW1 2BP England
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Nature of Invention - Antiviral Nucleosides.

9528	12.5.92	Kirinangen Inc	0148605	1900 Oak Terrace Lane, Thousand Oaks, California 91320, USA
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Nature of Invention - Production of Erythropoietin.

9529	12.5.92	Kirinangen Inc	0237545B1	1900 Oak Terrace Lane, Thousand Oaks, California 91320, USA
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Nature of Invention - Production of Pluripotent Granulocyte Colony-Stimulating Factor.

9732	23.3.93	The Wellcome Foundation Ltd	0181055	Unicorn House, 160 Euston Road London NW1 2BP
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Nature of Invention - Bis-dimethoxymethyl(trimethoxybenzyl)isoquinolinium salts, their preparations and pharmaceutical compositions containing them.

10113	20.5.94	Beecham Group PLC	0182024	Beecham House, Great West Road Brentford, Middlesex TW8 9BD England
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Nature of Invention - Purine Derivatives and their Pharmaceutical use.

10146	16.6.94	Beecham Group PLC	0141927	Beecham House, Great West Road Brentford, Middlesex TW8 9BD England
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Nature of Invention - Antiviral Guanine Derivatives

RENEWAL OF REGISTRATION OF UNITED KINGDOM PATENTS ORDINANCE (Cap.58)

It is notified for general information that Letters Patent, particulars of which appear in the Schedule hereto, have been renewed in the Register of Patents on the dates shown.

B. Greenland
Registrar General

Reg. No.	Renewal Date Renewal No.	Name of applicant	No. of Grant in United Kingdom	Registered Address
6769	5.8.81 7100	Imperial Chemical Industries Ltd	1507407	Imperial Chemical House, Millbank, London

Nature of Invention - Herbicidal Composition.

6769	26.5.83 7412	Imperial Chemical Industries Ltd	1507407	Imperial Chemical House, Millbank, London
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Nature of Invention - Herbicidal Composition.

6769	4.6.84 7596	Imperial Chemical Industries Ltd	1507407	Imperial Chemical House, Millbank, London
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Nature of Invention - Herbicidal Composition.

6769	29.3.85 7811	Imperial Chemical Industries Ltd	1507407	Imperial Chemical House, Millbank, London
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Nature of Invention - Herbicidal Composition.

6769	13.5.87 8222	Imperial Chemical Industries Ltd	1507407	Imperial Chemical House, Millbank, London
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Nature of Invention - Herbicidal Composition.

6769	22.9.88 8488	Imperial Chemical Industries Ltd	1507407	Imperial Chemical House, Millbank, London
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Nature of Invention - Herbicidal Composition.

6769	11.7.91	Imperial Chemical Industries	1507407	Imperial Chemical House, Millbank,
	9270	Ltd		London

Nature of Invention - Herbicidal Composition.

6769	27.10.92	Imperial Chemical Industries	1507407	Imperial Chemical House, Millbank,
	9627	Ltd		London

Nature of Invention - Herbicidal Composition.

9056	3.11.92	Biogen Inc	0182442	Fourteen Cambridge Center, Cambridge,
	9651			Massachusetts 02142, United States of
				America

Nature of Invention - Recombinant DNA Molecules and their Method of Production.

9056	9.3.93	Biogen Inc	0182442	Fourteen Cambridge Center, Cambridge,
	9730			Massachusetts 02142, United States of
				America

Nature of Invention - Recombinant DNA Molecules and their Method of Production.

6769	21.7.93	Imperial Chemical Industries	1507407	Imperial Chemical House, Millbank,
	9837	Ltd		London

Nature of Invention - Herbicidal Composition.

9056	1.3.94	Biogen Inc	0182442	Fourteen Cambridge Center, Cambridge,
	9996			Massachusetts 02142, United States of
				America

Nature of Invention - Recombinant DNA Molecules and their Method of Production.

6692	5.4.94	CIBA-GEIGY AG	0191736	Klybeckstrasse 141, CH-4002, Basel,
	10057			Switzerland

Nature of Invention - Use of Quinoline Derivatives for the protection of crop plants.

6769	24.6.94	Imperial Chemical Industries	1507407	Imperial Chemical House, Millbank,
	10151	Ltd		London

Nature of Invention - Herbicidal Composition.

Archivist



**THE
FALKLAND ISLANDS GAZETTE
Extraordinary**

PUBLISHED BY AUTHORITY

Vol. CIV

4th APRIL 1995

No. 5

No. 12

3rd April 1995

**Interpretation and General Clauses Ordinance 1977
Section 73 (3)**

APPOINTMENT OF PUBLIC HOLIDAY

IN EXERCISE of my powers under section 73 (3) of the Interpretation and General Clauses Ordinance, I HEREBY APPOINT Monday 8 May 1995 as a public holiday in commemoration of the fiftieth anniversary of the ending of the Second World War in Europe.

Dated this 3rd day of April 1995.

D. E. Tatham,
Governor.



THE FALKLAND ISLANDS GAZETTE

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28th April 1995

No. 6

Appointments

Lynne Forster, Clerk, Public Service, 3.4.95.

Christopher Edward Pickard, General Manager, Falkland Islands Government Office, London, 18.5.95.

Confirmation of Appointments

Denzil George Gustavius Clausen, Licensed Aircraft Engineer, Falkland Islands Government Air Service, 28.10.93.

Robert Ernest Gilbert, Assistant Superintendent, Power & Electrical Section, Public Works Department, 6.3.95.

Diana Christine Roberts, Senior Laboratory Technician, Department of Agriculture, 22.3.95.

Roy George Victor Davis, Engineman, Power & Electrical Section, Public Works Department, 29.3.95.

Kurt Ian Whitney, Licensed Aircraft Engineer, Falkland Islands Government Air Service, 7.4.95.

NOTICES

No. 13

18th April 1995.

Application For Naturalisation

Notice is hereby given that Miss Andrea Joanna Ross Ampuero of Stanley, Falkland Islands, is applying to His Excellency the Governor for naturalisation, and any person who knows why naturalisation should not be granted should send a written and signed statement

of the facts to the Immigration Officer at the Customs & Immigration Department, Stanley, within two weeks of this notice.

J. Smith,
Immigration Officer.

SUPREME COURT OF THE FALKLAND ISLANDS

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

TAKE NOTICE THAT Mary Peck, deceased, of Stanley, Falkland Islands died at Stanley, on the 7th day of March 1995.

WHEREAS James Bartholomew McRae, Godson of the deceased, has applied for Letters of Administration with Will annexed to administer the estate of the said deceased in the Colony.

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

B. Greenland,
Registrar, Supreme Court.

Stanley, Falkland Islands,
3rd April 1995.
Ref: PRO/5/1995

Stanley, Falkland Islands,
3rd April 1995.
Ref: PRO/5/1995

SUPREME COURT OF THE FALKLAND ISLANDS

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

TAKE NOTICE THAT Steven Thomas Buckett, deceased, of Stanley, Falkland Islands died at Stanley, on the 9th day of April 1995.

WHEREAS Ronald Peter Buckett, father of the deceased, has applied for Letters of Administration to administer the estate of the said deceased in the Colony.

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

B. Greenland
Registrar, Supreme Court

Stanley, Falkland Islands,
20th April 1995,
Ref: PRO/7/1995

Appointment of Temporary Customs Officer Customs Ordinance 1943

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

I hereby appoint:

Cpl. B.R. HOLLIS F8221528

to be a Temporary Customs Officer from 7th February 1995 until 7th June 1995.

R. J. KING
Collector of Customs

Appointment of Temporary Customs Officer Customs Ordinance 1943

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

I hereby appoint:

Sgt. P. HEATH Q8121896

to be a Temporary Customs Officer from 24th March 1995 until 24th July 1995.

R. J. KING
Collector of Customs

Appointment of Temporary Customs Officer Customs Ordinance 1943

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

I hereby appoint:

W02 M. W. THOMPSON 24450588

to be a Temporary Customs Officer from 11th April 1995 until 11th October 1995.

R. J. KING
Collector of Customs

Appointment of Temporary Customs Officer Customs Ordinance 1943

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

I hereby appoint:

Fg. Off. P. J. SCURRAH 8300534H

to be a Temporary Customs Officer from 19th March 1995 until 19th September 1995.

R. J. KING
Collector of Customs

The Falkland Islands Constitution Order 1985

Schedule 1 (Section 80(1))

Appointment of Acting Judge.

WHEREAS it appears to me, after consulting the Chief Justice, Sir Dermot Renn Davis, Officer of the Most Excellent Order of the British Empire, that the state of business in the Supreme Court during such time or times as the Chief Justice is absent from the Falkland Islands so requires;

AND WHEREAS after such consultation as aforesaid I am satisfied that **ROBERT MARK TITTERINGTON** possesses such legal qualifications and experience as are appropriate for him to be so appointed;

Now I, **DAVID EVERARD TATHAM**, Companion of the Most Distinguished Order of Saint Michael and Saint George, Governor of the Falkland Islands, **IN EXERCISE** of my powers under Section 80(1) of Schedule 1 to the Falkland Islands Constitution Order 1985 **DO APPOINT** the said **ROBERT MARK TITTERINGTON** to sit as an Acting Judge of the Supreme Court between the 22nd April 1995 and the 9th June 1995 inclusive or during such lesser time or times as the Chief Justice is absent from the Falkland Islands, but in relation only to such causes matters proceedings or things as are hereinafter specified **AND FURTHER** appoint the said **ROBERT MARK TITTERINGTON** to discharge the functions in the Falkland Islands of the Chief Justice but in relation only to such causes matters, proceedings and things as are hereinafter specified and only in so far as may be reasonably necessary and incidental thereto **AND PROVIDED** that nothing in these presents shall operate so as to prevent the Chief Justice himself adjudicating in any such matter or proceeding or from exercising any of his functions in relation thereto;

AND I DECLARE that the causes, matters, proceedings and things to which this appointment relates are such causes matters, proceedings and things below described as in relation to which the Chief Justice has not indicated to the said Robert Mark Titterington that he wishes himself to exercise his powers and are also of one or other or more of the following descriptions -

- (a) all matrimonial causes and matters together with all applications ancillary thereto;
- (b) all causes and matters concerning the care, supervision or adoption of minors;
- (c) applications by way of interlocutory relief for any injunction or other order which would in England fall to be considered by a High Court Judge but so that any injunction or order made on any such application shall be made *ex parte* only with liberty to apply to the Chief Justice for its variation or discharge and shall not in any case be expressed so as to have effect for a period exceeding three months from the date thereof unless extended by the Chief Justice, save that this restriction shall not apply in proceedings of a kind referred to in paragraphs (a) and (b) hereof;

- (d) non-contentious probate matters and contentious probate jurisdiction to the extent that the order or relief sought could be granted in England *ex parte* by a judge, master or district probate registrar of the High Court and would be within the jurisdiction of the Chief Justice to grant and subject as expressed in (c) above;
- (e) any jurisdiction of the Chief Justice which, in England, would be within the jurisdiction of a judge or master of the High Court sitting as a judge or master of the Court of Protection;
- (f) such interlocutory matters in proceedings in the Supreme Court (not being matters included in any of the foregoing descriptions) as in England would be within the jurisdiction of a master registrar or district judge of the High Court;
- (g) the reading and public pronouncement of any judgment order or direction of the Chief Justice.

AND THIS appointment shall be effective until such time as the Governor of the Falkland Islands for the time being signifies to the contrary

GIVEN under my hand and the Public Seal this 19th day of April, 1995



D.E. TATHAM,
Governor



THE FALKLAND ISLANDS GAZETTE

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31st May 1995

No. 7

Appointments

Derek Simon Clarke, Lieutenant, Falkland Islands Defence Force, 1.4.93.

Gillian Carol Phillips, Agricultural Assistant, Department of Agriculture, 25.7.94.

Andrew Samuel Brownlee, WO2 (FSM), Falkland Islands Defence Force, 1.1.95.

Marvin Thomas Clarke, Captain, Falkland Islands Defence Force, 1.1.95.

Jeremy Robert Dickin, Pilot, Falkland Islands Government Air Service, 17.1.95.

Miss Clare Lucy Elizabeth Ovey, Physiotherapist, Medical Department, 17.1.95.

Dr. Crispin Allan Hans Fisher, Medical Officer, Medical Department, 20.1.95.

Miss Leona Lucila Vidal, Assistant Printer, Printing Office, 23.1.95.

Douglas Graham Fiddes, Junior Technical Assistant, Design & Contract Section, Public Works Department, 1.5.95.

Roger Neil Rogers, Engineman, Power & Electrical Section, Public Works Department, 1.5.95.

Miss Emma Louise Mary Dihnutt, Health Visitor, Medical Department, 2.5.95.

Peter Woodward, Deputy Financial Secretary, Treasury Department, 2.5.95.

Mrs Lynn Frances Brownlee, Clerk, Public Service, 9.5.95.

Acting Appointment

Robert Mark Titterington, Acting Attorney General, Justice Department, 17.12.94 - 31.1.95.

Confirmation of Appointment

Mrs Claudette de Ceballos, Clerk of Councils, Legislature Department, 18.5.95.

Promotion

Paul Robert Riddell, from Housing Officer, Public Works Department to Recreation Manager, Education Department, 23.1.95.

Completion of Contracts

Miss Michelle Debra Hartley, Travelling Teacher, Education Department, 11.1.95.

Miss Rosemary Jane Anderson, Physiotherapist, Medical Department, 16.1.95.

Sidney John Salter, Senior Plumber, Public Works Department, 11.3.95.

Resignation

Michael Ian Wallace, Aircraft Fitter, Falkland Islands Government Air Service, 19.1.95.

NOTICES

No. 15 2nd May 1995.

Planning Ordinance 1991

In accordance with Section 21 of the Planning Ordinance 1991 notification is hereby given that the date for comments and objections to the Draft Town Plan has been extended until Friday 30th June 1995. Anyone who has not viewed a copy may do so by contacting the General Office, Secretariat, Stanley.

Comments on and objections to the Draft Town Plan should be submitted in writing to the Building Advisor/Planning Officer, PWD, to reach him on or before Friday 30th June 1995.

The Secretariat,
Stanley.
PN No. 65/95
PLB/1/4

No. 16 12th May 1995.

The Companies and Private Partnership Ordinance (Cap. 13) Companies Act 1948

SOUTHERN HARVEST LIMITED

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

Dated this 12th day of May 1995.

B. Greenland,
Registrar of Companies.

No. 18 23rd May 1995.

Cost of Living

The findings of the Cost of Living Committee for the quarter ended 31 March 1995 are published for general information.

2. Calculation of the Index of Retail Prices for the quarter ended 31 March shows an increase of 1.689%.

3. Hourly wages were last adjusted on 31 December 1993 when the Index stood at 125.728. With the Index now standing at 127.239 hourly paid employees in Stanley coming within the scope of the Wages Agreement qualified for an increase of 1.201% per hour with effect from 1 April 1995.

F. B. Wallace,
for Government Secretary.

23 May 1995
Ref: INT/2/3

SUPREME COURT OF THE FALKLAND ISLANDS

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

TAKE NOTICE THAT John Stewart, deceased, of Stanley, Falkland Islands died at Woolwich, United Kingdom on the 9th day of May 1995.

WHEREAS Hulda Fraser Stewart, widow of the deceased, has applied for Letters of Administration to administer the estate of the said deceased in the Colony.

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

B. Greenland,
Registrar, Supreme Court.

Stanley, Falkland Islands,
26th May 1995.

Ref: PRO/10/1995

SUPREME COURT OF THE FALKLAND ISLANDS

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

TAKE NOTICE THAT Kwon Jae Kun, deceased, of Pusan, Korea died at Pusan, Korea on the 18th day of February 1995.

WHEREAS Young Sook Joo by her attorney Boguslaw Sylvester Kluzniak, widow of the deceased, has applied for Letters of Administration to administer the estate of the said deceased in the Colony.

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

B. Greenland,
Registrar, Supreme Court.

Stanley, Falkland Islands,
11th May 1995.

Ref: PRO/9/1995

CORRIGENDUM

The date for the appointment of Christopher Edward Pickard published in Gazette No. 6 dated 28th April 1995 should read 18.4.95. and not 18.5.95.

The Falkland Islands Constitution Order 1985

Schedule 1 (Section 80(1))

Appointment of Acting Judge.

WHEREAS it appears to me, after consulting the Chief Justice, Sir Dermot Renn Davis, Officer of the Most Excellent Order of the British Empire, that the state of business in the Supreme Court during such time or times as the Chief Justice is absent from the Falkland Islands so requires;

AND WHEREAS after such consultation as aforesaid I am satisfied that **DAVID GEOFFREY LANG** possesses such legal qualifications and experience as are appropriate for him to be so appointed;

Now I, **DAVID EVERARD TATHAM**, Companion of the Most Distinguished Order of Saint Michael and Saint George, Governor of the Falkland Islands, **IN EXERCISE** of my powers under Section 80(1) of Schedule 1 to the Falkland Islands Constitution Order 1985 **DO APPOINT** the said **DAVID GEOFFREY LANG** to sit as an Acting Judge of the Supreme Court between the 17th May 1995 and the 30th May 1995 inclusive or during such lesser time or times as the Chief Justice is absent from the Falkland Islands, but in relation only to such causes matters proceedings or things as are hereinafter specified **AND FURTHER** appoint the said **DAVID GEOFFREY LANG** to discharge the functions in the Falkland Islands of the Chief Justice but in relation only to such causes matters, proceedings and things as are hereinafter specified and only in so far as may be reasonably necessary and incidental thereto **AND PROVIDED** that nothing in these presents shall operate so as to prevent the Chief Justice himself adjudicating in any such matter or proceeding or from exercising any of his functions in relation thereto;

AND I DECLARE that the causes, matters, proceedings and things to which this appointment relates are such causes matters, proceedings and things below described as in relation to which the Chief Justice has not indicated to the said Robert Mark Titterton that he wishes himself to exercise his powers and are also of one or other or more of the following descriptions -

- (a) all matrimonial causes and matters together with all applications ancillary thereto;
- (b) all causes and matters concerning the care, supervision or adoption of minors;
- (c) applications by way of interlocutory relief for any injunction or other order which would in England fall to be considered by a High Court Judge but so that any injunction or order made on any such application shall be made *ex parte* only with liberty to apply to the Chief Justice for its variation or discharge and shall not in any case be expressed so as to have effect for a period exceeding three months from the date thereof unless extended by the Chief Justice, save that this restriction shall not apply in proceedings of a kind referred to in paragraphs (a) and (b) hereof;

- (d) non-contentious probate matters and contentious probate jurisdiction to the extent that the order or relief sought could be granted in England **ex parte** by a judge, master or district probate registrar of the High Court and would be within the jurisdiction of the Chief Justice to grant and subject as expressed in (c) above;
- (e) any jurisdiction of the Chief Justice which, in England, would be within the jurisdiction of a judge or master of the High Court sitting as a judge or master of the Court of Protection;
- (f) such interlocutory matters in proceedings in the Supreme Court (not being matters included in any of the foregoing descriptions) as in England would be within the jurisdiction of a master registrar or district judge of the High Court;
- (g) the reading and public pronouncement of any judgment order or direction of the Chief Justice.

AND THIS appointment shall be effective until such time as the Governor of the Falkland Islands for the time being signifies to the contrary

GIVEN under my hand and the Public Seal this 16th day of May 1995



D.E. TATHAM,
Governor



**THE
FALKLAND ISLANDS GAZETTE
Extraordinary**

PUBLISHED BY AUTHORITY

Vol. CIV

12th JUNE 1995

No. 8

The following is published in this Gazette -

The Register of Electors - Preliminary List 1995.

15th May 1995

REGISTER OF ELECTORS - PRELIMINARY LIST

The Registration Officer has prepared the preliminary list of all persons who, on the qualifying date (15 May 1995), appear to be entitled to be registered as electors for the purposes of the Electoral Ordinance 1988. In accordance with Section 12 of the Ordinance, the Registration Officer has caused the preliminary list to be published in this edition of the Gazette.

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

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

Deceased Electors - Camp

Cartmell, Andrew Nutt
Dobbys, Timothy John
Luxton, Patricia Maureen

Deceased Electors - Stanley

Alazia, Albert Faulkner
Almonacid, Gladys Mabel
Blyth, John
Cheek, Frederick John
Halliday, Margaret Mary
Huanel, Jose Raul
Lyse, Sydney Russel
McLeod, Ellen May
McPhee, Grace Darling
Peck, Mary
Reive, Ernest
Short, Charles William
Stewart, John
Williams, Charlotte Agnes

Electors who have changed Constituency - Camp to Stanley

Berntsen, Kenneth Frederick
Halliday, Jeffrey James
Hirtle, Gerard Fenton
Kiddle, Robert Karl
Morrison, Edgar Ewen
Jaffray, John Summers
Short, Patrick Warburton
Short, Isobel Rose

Electors who have changed Constituency - Stanley to Camp

Anderson, Sohpie Marina
 Davis, Nicholas
 Jaffray, Robin George
 Minto, Patrick Andrew
 Morrison, Patrick
 Robertson, Paul Johnathan
 Smith, Marlaine Rose
 Smith, Robert William
 Towersey, Diane

Electors who are no longer resident - Camp

Findlay, Gerald

Electors who are no longer resident - Stanley

Blake, Paul Wickham
 Coutts, Carolynne Sarah
 Evans, Gladys Alberta
 Fairfield, James Steven
 Ford, Hazel
 Keenleyside, Charles Desmond (jnr)
 Keenleyside, Susan Noreen
 McGill, Roy
 Merrey, Angeline Gloria
 Porter, Brian Charles
 Reid, Emily Margaret
 Smith, James Stanley
 Thain, Julia
 Warbrick, Andrea Mary Malvina Pitaluga

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

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

Bernsten-McGill, Diana Mary
 Buckett, Susan Vera
 Elliott, Elizabeth Rose
 Eriksen, Michelle
 Ford, Alison Jane-Marie
 Ford, Sara
 Hall, Diane
 Jaffray, Elaine Michele
 Morris, Michelle Jane
 Pitaluga, Lucinda Vikki
 Tyrrell, Gina Michelle
 Watson, Ruth Jane

Electors entitled to vote for the first time - Camp

Dickson, Michael Keith*
 Gray, Johan*
 Knight, Keith Andrew*
 Pole-Evans, Ian*

Electors entitled to vote for the first time - Stanley

Aldridge, Nina Ann*
 Berntsen, Susana Caroline*
 Besley-Clark Craig Norman Leigh*
 Blackley, Shane David*
 Bonner, Angela Jane*
 Carey, Bonita Colleen*
 Clasen, Wayne Ian Summers James*
 Fogerty, Philip John*
 Forster, Amanda*
 Gilding, Sara Jane*
 Goss, Corina Rose*
 Hirtle, Michael Barry*
 May, Roger*
 Morris, Jason Paul*
 Newell, Cara Jane*
 Newman, Lisa Jeraine*
 Summers, Donna*
 Summers, Joanna Rose*
 Summers, Julie Ann*
 Tellez, Arturo*

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

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

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

- (a) in relation to a person who was born in the Falkland Islands, that he was resident in the Falkland Islands for a period of at least 12 months immediately preceding the qualifying date; and
- (b) in relation to a person who was not born in the Falkland Islands, that he was resident in the Falkland Islands for a period of at least 5 years immediately preceding the qualifying date.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) the absence in question, or

(b) the person concerned becoming a member of the Falkland Islands Defence Force or of the regular armed forces of Her Majesty,

he was physically present in the Falkland Islands.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1	Adams, John Harvey	21 Ross Rd. East.
2	Adams, Marjorie Rose	21 Ross Rd East.
3	Alazia, Andrew	2 Fitzroy Rd.
4	Alazia, Anita Jayne	Government House.
5	Alazia, Freda	2 Fitzroy Rd.
6	Alazia, Freda Evelyn*	33 Ross Rd. West.
7	Alazia, James Andrew	2 Fitzroy Rd.
8	Alazia, Keith	4 Fitzroy Rd.
9	Alazia, Maggie Ann*	6 John St.
10	Alazia, Stuart John	Fitzroy Rd.
11	Alazia, Yvonne	1A Coseley Flats, Moody St.
12	Aldridge, Caroline Mary	2 H Jones Rd.
13	Aldridge, Kenneth John	2 H Jones Rd.
14	Aldridge, Nina Ann*	2 H Jones Rd.
15	Allan, John*	3 Philomel Place.
16	Allan, Joyce Ena*	3 Philomel Place.
17	Allan, Michael Charles	3 Philomel Place.
18	Almonacid, Orlando	1 Villiers St.
19	Anderson, Eddie	22 Endurance Ave.
20	Anderson, Edward Bernard*	42 Davis St.
21	Anderson, Elizabeth Nellie*	42 Davis St.
22	Anderson, Gloria*	Jersey Est.
23	Anderson, Helen*	88 Davis St.
24	Anderson, Michelle Diane	1A Capricorn Rd.
25	Anderson, Mildred Nessie*	8 St. Mary's Walk.
26	Anderson, Paul James	39 Eliza Crescent.
27	Anderson, Richard Louis*	88 Davis St.
28	Anderson, Stephen Robert	Flat 3, 1 Moody St.
29	Anthony, Geraldine Sylvia	1B Block A, 1 Jersey Rd.
30	Barkman, Margaret Mary	7 St Mary's Walk.
31	Barnes, Ernest*	70 Davis St.
32	Barnes, Molly Stella*	70 Davis St.
33	Barnes, Sigrid Geraldine Wells*	39 John St.
34	Barnes, Trevor Marshall	1 Auster Place.
35	Barton, Alison Mary	6 Villiers St.
36	Barton, Arthur John	6 Villiers St.
37	Bedford, Kita Muriel*	2 Drury St.
38	Bell, Margaret Maud Elizabeth	12 Endurance Avenue.
39	Bell, Robin William Simpson*	12 Endurance Avenue.
40	Bennett, Harold*	14 Allardyce St.
41	Bennett, Lena Grace Gertrude*	14 Allardyce St.
42	Berntsen, Benjamin John	31 Ross Rd West.
43	Berntsen, Cecilia del Rosario	Whyteways James St.
44	Berntsen, Christian Olaf Alexander	7 Fitzroy Rd East.
45	Berntsen-McGill, Diana Mary	20 Eliza Cove Crescent.
46	Berntsen, Elaine Ellen*	39 Davis St.
47	Berntsen, John Alexander	32 Callaghan Rd.
48	Berntsen, Kathleen Gladys*	10 Fitzroy Rd.
49	Berntsen, Kenneth Frederick	Stanley.
50	Berntsen, Lavina Maud*	Vale, Thatcher Drive.
51	Berntsen, Mary Clarissa Elizabeth*	St Martin's, Thatcher Drive.
52	Berntsen, Olaf Christian Alexander	7 Fitzroy Rd. East.
53	Berntsen, Patrick	10 James St.
54	Berntsen, Saphena Anya Jane	Flat 1B, 6 Jersey Road
55	Berntsen, Susana Caroline*	Whyteways, James St.

56	Berntsen, Valdamar Lars	Whyte ways, James St.
57	Berntsen, William Blyth*	10 Fitzroy Rd.
58	Bertrand, Catherine Gladys*	11 Ross Rd. East.
59	Besley-Clark, Barbara June	53 Callaghan Rd.
60	Besley-Clark, Craig Norman Leigh*	53 Callaghan Rd.
61	Besley-Clark, Norman	53 Callaghan Rd.
62	Betts, Arlette	6 Discovery Close.
63	Betts, Cyril Severine*	Peter Brouard, Reservoir Rd.
64	Betts, Donald William	7 Jeremy Moore Ave.
65	Betts, Ellen Alma*	21 Fitzroy Rd.
66	Betts, George Winston Charles	35 Ross Rd. West.
67	Betts, Lucia Elizabeth	35 Ross Rd. West.
68	Betts, Owen*	35 Ross Rd. West.
69	Betts, Severine	Auster Drive.
70	Betts, Shirley Rose	7 Jeremy Moore Ave.
71	Betts, Terence Severine	6 Discovery Close.
72	Biggs, Alastair Gordon	Trehayle, 50 John St.
73	Biggs, Althea Maria	3 Dairy Paddock Rd.
74	Biggs, Betty Josephine*	9 Moody St.
75	Biggs, Edith Joan*	Trehayle, 50 John St.
76	Biggs, Frances	16 Endurance Ave.
77	Biggs, Frederick James*	Fitzroy Rd. East.
78	Biggs, Irene Mary*	Harbour View, 4 Ross Rd East.
79	Biggs, Leslie Frederick	3 Dairy Paddock Rd.
80	Biggs, Madge Bridget Frances*	Harbour View, 4 Ross Rd East.
81	Biggs, Michael Elfed	21 Fitzroy Rd.
82	Biggs, Peter Julian Basil	16 Endurance Ave.
83	Billett, Leslie William*	5 Hebe St.
84	Binnie, Juliet Ann*	Flat 3, Church House.
85	Binnie, Susan*	3 Brandon Rd.
86	Birmingham, John*	4 Drury St.
87	Birmingham, Susan Jane	4 Drury St.
88	Black, Cheryl Ann Spencer	57 Fitzroy Rd.
89	Blackley, Candy Joy	4 Barrack St.
90	Blackley, Charles David*	4 Pioneer Row.
91	Blackley, Hilda	4 Pioneer Row.
92	Blackley, John David	4 Barrack St.
93	Blackley, Maurice	Callaghan Rd.
94	Blackley, Shane David*	4 Barrack St.
95	Blizard, Lawrence Gordon*	51 Fitzroy Rd.
96	Blizard, Malvina Mary*	51 Fitzroy Rd.
97	Blyth, Agnes Ruth*	2 Brandon Rd.
98	Blyth, Alfred John*	2 Brandon Rd.
99	Bonner, Angela Jane*	5 John St.
100	Bonner, Donald William*	Chauffeurs Cottage.
101	Bonner, Hayley Trina	41 Ross Rd West.
102	Bonner, Linda Jane	4A Ross Rd West.
103	Bonner, Nicholas	4A Ross Rd West.
104	Bonner, Paul Roderick	5 John St.
105	Bonner, Timothy	41 Ross Rd West.
106	Bonner, Vera Ann	5 John St.
107	Bonner, Vera Joan*	Chauffeurs Cottage.
108	Bonner, Violet*	40 Ross Rd.
109	Booth, Jessie*	Racecourse Cottage.
110	Booth, Joseph Bories*	7 Philomel St.

111	Booth, Myriam Margaret Lucia	7 Philomel St.
112	Booth, Stuart Alfred*	Racecourse Cottage.
113	Bound, Graham Leslie	Barrack St.
114	Bound, Joan*	Barrack St.
115	Bowles, Norma Evangeline	1A Villiers St.
116	Bowles, William Edward*	1A Villiers St.
117	Bowles, William George Troyd	1A Villiers St.
118	Bragger, Edward Laurence	14 Jeremy Moore Ave.
119	Bragger, Olga	14 Jeremy Moore Ave.
120	Browning, Edwina	Davis Street.
121	Browning, Gavin	Flat 1, 5 Jeremy Moore Ave. East.
122	Browning, Rex*	35 Davis St.
123	Browning, Richard William	Davis St.
124	Browning, Trevor Osneth	6A Pioneer Row.
125	Buckett, Ronald Peter	49 Fitzroy Rd.
126	Buckett, Susan Vera	49 Fitzroy Rd.
127	Buckland, Charles Ronald	21 Callaghan Rd.
128	Buckland, Darlene Joanna	11 James St.
129	Bundes, Robert John Christian*	17 Fitzroy Rd.
130	Burnard, Linda May	3 Jeremy Moore Ave.
131	Burnard, Peter	3 Jeremy Moore Ave.
132	Burns, Mary Anne*	34 Davis St.
133	Burston, Kathleen	3 Beaver Rd.
134	Burston, Stephen Leslie*	3 Beaver Rd.
135	Bury, Ian Thomas	63 Davis St.
136	Butcher, Michael George	3A Dairy Paddock Rd.
137	Butcher, Trudi	3A Dairy Paddock Rd.
138	Butler, Caroline Mary*	12 Allardyce St.
139	Butler, Elsie Maud*	8 John St.
140	Butler, Frederick Lowther Edward Olai*	8 John St.
141	Butler, George Joseph*	1A Moody St.
142	Butler, Joan May	1A Moody St.
143	Butler, Laurence Jonathan*	2 Davis St. East.
144	Butler, Margaret Orlanda	15A James St.
145	Butler, Orlanda Betty	2 Davis St. East.
146	Cameron, Jane Diana Mary Keith	Old Bakery, Fitzroy Rd.
147	Cant, Carol Rosine	37 Callaghan Rd. Jersey Est.
148	Cant, Martin Ronald	37 Callaghan Rd. Jersey Est.
149	Card, Denise	Flat 2, 30 Jersey Rd.
150	Carey, Anthony Michael*	19 Ross Rd. West.
151	Carey, Bonita Colleen*	21 Eliza Cove Crescent
152	Carey, Gladys*	19 Ross Rd. West.
153	Carey, Mary Ann Margaret*	18 Ross Rd. West.
154	Carey, Terence James*	18 Ross Rd. West.
155	Castle, David Peter	26 John St.
156	Castle, Isobel	26 John St.
157	Ceballos, Claudette*	28 Endurance Ave.
158	Ceballos, Eulogio Gabriel	28 Endurance Ave.
159	Chapman, Helen	6 Fitzroy Rd. East.
160	Chapman, Paul	6 Fitzroy Rd. East.
161	Chater, Annie	33 Fitzroy Rd.
162	Chater, Anthony Richard	33 Fitzroy Rd.
163	Chater, Thomas Frederick*	33 Fitzroy Rd.
164	Cheek, Barbara	10 Ross Rd.
165	Cheek, Gerald Winston	10 Ross Rd.

166	Cheek, Janet Linda*	25 Ross Rd. West.
167	Cheek, John Edward*	25 Ross Rd. West.
168	Cheek, Marie	10 Ross Rd.
169	Cheek, Miranda	25 Ross Rd. West.
170	Cheek, Rosalind Catriona	25 Ross Rd. West.
171	Clapp, Kevin Christopher	YMCA, 12 Scoresby Close.
172	Clarke, Camilla Marie	8 Drury St.
173	Clarke, Christopher	8 Jeremy Moore Ave.
174	Clarke, David James	17 Ross Rd. West.
175	Clarke, Derek Simon	23 Jeremy Moore Ave.
176	Clarke, Doreen*	17 Ross Rd. West.
177	Clarke, Enid Elizabeth	4B Ross Rd. West.
178	Clarke, Fiona Alison	Flat 1, 5 Jeremy Moore Ave. East.
179	Clarke, Gwynne Edwina	17 Jeremy Moore Ave.
180	Clarke, Hector*	27 Eliza Cove Crescent.
181	Clarke, Ian	17 Ross Rd. West.
182	Clarke, Isabel Joan*	29 Callaghan Rd..
183	Clarke, Jane Lucacia*	8 Pioneer Row.
184	Clarke, James Martin*	4B Ross Rd. West.
185	Clarke, Jonathan Terence*	17 Jeremy Moore Ave.
186	Clarke, Joyce Kathleen*	27 Eliza Cove Crescent.
187	Clarke, Julie Ann	1 Discovery Close.
188	Clarke, Kathleen Gay	60 Davis St.
189	Clarke, Marvin Thomas	7 Fitzroy Rd.
190	Clarke, Paul Ian*	Flat 3, 2B Block C, 6 Eliza Cove Rd.
191	Clarke, Ronald John*	17 Ross Rd. West.
192	Clarke, Rudy Thomas	8 Drury St.
193	Clarke, Suzanna*	Brandon Rd.
194	Clarke, Terence John	17 Jeremy Moore Ave.
195	Clarke, Trudi Ann	7 Fitzroy Rd.
196	Clarke, Violet Rose	31 Ross Rd. West.
197	Clasen, Wayne Ian Summers James*	9 Fitzroy Rd.
198	Clausen, Denzil George Gustavius	3 St. Mary's Walk.
199	Clausen, Melanie Florence	1 Hebe St.
200	Claxton, Frank Brian*	28 Ross Rd. East.
201	Claxton, Margaret	28 Ross Rd. East.
202	Clayton, Brian	16 St Marys Walk.
203	Clayton, Susan	16 St Marys Walk.
204	Clement, Jane	8 James St.
205	Cletheroe, Kenneth Stanley*	45 Fitzroy Rd.
206	Clifton, Cathy Louise	4 Fieldhouse Close.
207	Clifton, Charles*	3 Ross Rd. West.
208	Clifton, Darwin Lewis	53 Davis St.
209	Clifton, Doreen	3 Ross Rd. West.
210	Clifton, Gavin John*	4 Fieldhouse Close.
211	Clifton, Kevin*	20 Davis St.
212	Clifton, Marie	54 Davis St.
213	Clifton, Neil	20 Davis St.
214	Clifton, Stephen Peter	61 Fitzroy Rd.
215	Clifton, Terence Charles	3 Ross Rd. West.
216	Clifton, Teresa Ann	12 Callaghan Rd.
217	Clifton, Valerie Ann	61 Fitzroy Rd.
218	Clingham, Yvonne Helen	38 Ross Rd.
219	Cofre, Anya Evelyn	6A Ross Rd. West.
220	Cofre, Elvio Miguel	6A Ross Rd. West

221	Collier, Phyllis Candy	Flat 10, 2B Block A, 6 Jersey Rd.
222	Collins, Shiralee*	Flat 9, 3B Block A, 6 Jersey Rd.
223	Coleman, Jeanette	10 Pioneer Row.
224	Connolly, Janice	9 Ross Rd. West.
225	Connolly, Kevin Barry	1 Kings St.
226	Coombe, Peter	12 Ross Rd. West.
227	Coombe, Robert	12 Ross Rd. West.
228	Coombe, Shirley Anne	12 Ross Rd. West.
229	Coulter, Paula	9 Fieldhouse Close.
230	Courtney, Anthony Clive	Lady Hunt House, John St.
231	Courtney, Julie Doris	Lady Hunt House, John St.
232	Coutts, Charles	Feltons Stream.
233	Coutts, Charles Lindsay*	33 Ross Rd.
234	Coutts, Diana Marion	13 Campbell Drive.
235	Coutts, John	36 Ross Rd. West.
236	Coutts, Olga*	33 Ross Rd.
237	Coutts, Peter	13 Campbell Drive.
238	Crowie, Ana Bonita	69 Fitzroy Rd.
239	Crowie, Nicola Jane	35 Callaghan Rd. Jersey Est.
240	Curtis, Alfred William Hamilton	6 Brandon Rd. West.
241	Curtis, Barbara Joan	6 Brandon Rd. West.
242	Curtis, James William Hamilton	6 Brandon Rd. West.
243	Davies, Andrew Liam*	Flat 7, Jersey Estate.
244	Davies, Anthony Warren	7 Callaghan Rd.
245	Davies, Colin George	15 Ross Rd. West.
246	Davies, Eileen Wynne	15 Ross Rd. West.
247	Davies, Jacqueline Nancy	7 Callaghan Rd.
248	Davies, Stephen Andrew	7 Callaghan Rd.
249	Davies, William	8 Fitzroy Rd. East.
250	Davis, Ellen Rose	39 Davis St.
251	Davis, Lynsey Leander	Auster Place.
252	Davis, Maurice Nigel	39 Davis St.
253	Davis, Raymond Andrew	YMCA, 12 Scoresby Close.
254	Davis, Roy George Victor	Narrows View.
255	Davis, Sharon Sandra Evelyn	Narrows View.
256	Davis, William John*	St. Peter in the Wood, Thatcher Dr.
257	Davy, Patrick Alex Field	Flat 3, 3 Jeremy Moore Ave.
258	Decroliere, Carrie Madeline Helen	5 Discovery Close.
259	Decroliere, Eric Ernest Albert	5 Discovery Close.
260	Dickson, Caroline Christine Bird*	108 Davis St.
261	Didlick, Fiona Margaret	13 Jeremy Moore Ave
262	Didlick, Graham John*	13 Jeremy Moore Ave.
263	Didlick, Rhiannon Elinore*	13 Jeremy Moore Ave.
264	Dodd, Alison	1 Pioneer Row.
265	Doherty, Ian	12 McKay Close.
266	Duncan, Doreen*	Tenacres.
267	Duncan, William*	Tenacres.
268	Earnshaw, Jacqueline Elizabeth	32 Ross Rd. West.
269	Eccles, Bernard Leslie	18 Jeremy Moore Ave.
270	Eccles, Moira Cameron	18 Jeremy Moore Ave.
271	Edwards, Rebecca Elizabeth*	KEMH
272	Elliott, Elizabeth Rose	15 Callaghan Rd.
273	Ellis, Cyril*	Fieldhouse Close.
274	Ellis, Valerie	Fieldhouse Close.
275	Eriksen, Michelle*	20 Jeremy Moore Ave.

276	Ewing, Gordon	4 Jeremy Moore Ave.
277	Ewing, Irene	4 Jeremy Moore Ave.
278	Eynon, Carol	8 Villiers St.
279	Eynon, David John	8 Villiers St.
280	Eynon, Leeann Watson	2A Jeremy Moore Ave. East.
281	Faria, Basil Harry	3A Brisbane Rd.
282	Faria, Maria Anne	3A Brisbane Rd.
283	Faria, Mary Ann*	14 St. Mary's Walk.
284	Felton, Faith Dilys	1B Capricorn Rd.
285	Felton, Violet Regina Margaret*	German Camp, Callaghan Rd.
286	Ferguson, Rose	Flat 7, 1 Jeremy Moore Ave.
287	Fiddes, Douglas Graham	Kent Rd.
288	Fiddes, Gardner Walker	8 Endurance Ave.
289	Fiddes, Julia Bertrand	Kent Rd.
290	Fiddes, Mary McKinnon Livingstone*	4 Moody St.
291	Fiddes, Melody Christina	8 Endurance Ave.
292	Fiddes, Robert*	4 Moody St.
293	Finlayson, Iris Dwenda Margaret*	7 John St.
294	Finlayson, Peter	6 Brandon Rd.
295	Finlayson, Phyllis*	6 Brandon Rd.
296	Fisher-Smith, Julie Anne	Fieldhouse Close.
297	Fogerty, Philip John*	Stone Cottage
298	Fogerty, Richard Edwin John	Stone Cottage.
299	Ford, Alison Jane Marie*	Flat 4, 7 Jeremy Moore Ave. East.
300	Ford, Arthur Henry*	6 Drury St.
301	Ford, Caroline	2 Philomel Place.
302	Ford, Charles David*	15 Brandon Rd.
303	Ford, Cherry Rose	1 James St.
304	Ford, Christopher James	Fieldhouse Close.
305	Ford, Colin Stewart	15 Kent Rd.
306	Ford, Colleen Mary	12 Davis St.
307	Ford, David	24 James St.
308	Ford, Frederick James	12 Davis St.
309	Ford, Gerard Allan	Flat 1, 3 Jeremy Moore Ave. East.
310	Ford, James Edward*	6A Jeremy Moore Ave. East.
311	Ford, Leann Caroline	15 Kent Rd.
312	Ford, Leonard	Flat 4, 7 Jeremy Moore Ave East..
313	Ford, Marilyn Christina	24 James St.
314	Ford, Michael	1 James St.
315	Ford, Paul Edward*	2 Philomel Place.
316	Ford, Robert	1 Davis St.
317	Ford, Sara*	Fieldhouse Close.
318	Forrest, Jennifer Carol	Kent Rd.
319	Forster, Amanda*	39 Eliza Crescent
320	Freeman, Carl Francis	10 James St.
321	Freeman, Dianne May	10 James St.
322	French, Irene Ann	Upland Goose Hotel
323	Fullerton, Mary Ellen*	Government House.
324	Geach, Alan John*	37 Eliza Crescent
325	Gilbert, Judith Elizabeth	22 Jeremy Moore Ave.
326	Gilbert, Robert Ernest	22 Jeremy Moore Ave.
327	Gilding, Deborah	69 Fitzroy Rd.
328	Gilding, Peter Bernard	4 Philomel St.
329	Gilding, Sara Jane*	9 Fitzroy Rd.
330	Gooch, Dudley Frederick*	34 John St.

331	Goodwin, Colin Valentine	86 Davis St.
332	Goodwin, Derek Samuel	3 Police Cottages, 7 Ross Rd.
333	Goodwin, Emily Rose*	7 Brisbane Rd.
334	Goodwin, Hazel Rose*	3 Police Cottages. 7 Ross Rd.
335	Goodwin, June Elizabeth	86 Davis St.
336	Goodwin, Kathleen Edith Marguerite*	6 Thatcher Drive.
337	Goodwin, Margaret Ann	3 Harbour View.
338	Goodwin, Robin Christopher	27 Callaghan Rd.
339	Goodwin, Simon James	Flat 3, 2B Block C, 6 Eliza Cove Rd.
340	Goodwin, Una	27 Callaghan Rd.
341	Goodwin, William Andrew Nutt*	3 Harbour View.
342	Goodwin, William John Maurice	7 Brisbane Rd.
343	Goss, Amara Theresa	7 Brandon Rd.
344	Goss, Annagret	16 Jeremy Moore Ave.
345	Goss, Corina Rose*	15 Callaghan Rd.
346	Goss, Dorothy Elie	Flat 3, 2 B Block A, 6 Jersey Rd.
347	Goss, Errol Barry Gordon	Flat 3, 7 Jeremy Moore Ave. East
348	Goss, Grace Elizabeth*	5 Ross Rd. East.
349	Goss, Morgan Edmund	16 Jeremy Moore Ave.
350	Goss, Simon Peter Miller	11 Kent Rd.
351	Goss, William Henry (Jnr)	7 Brandon Rd.
352	Goss, William Henry (Snr)*	5 Ross Rd. East.
353	Gould, Arthur William	Moody St.
354	Grant, Lennard John*	3 Moody St.
355	Grant, Milly*	3 Moody St.
356	Gray, Andrea Patricia	22 Ross Rd. West.
357	Greenland, Bonita Doreen*	3 Racecourse Rd.
358	Greenland, Kenneth David*	3 Racecourse Rd.
359	Grimmer, Keith	15 Pioneer Row.
360	Grimmer, Marilyn	15 Pioneer Row.
361	Hadden, Alexander Burnett*	27 Fitzroy Rd.
362	Hadden, Sheila Peggy*	27 Fitzroy Rd.
363	Halford, Rodney John	Tenacres.
364	Halford, Sharon*	Tenacres.
365	Hall, David Albert	56 Davis St.
366	Hall, Diane	10 Ross Rd.
367	Hall, Marilyn Joyce	56 Davis St.
368	Halliday, Evelyn Edna*	9 Brisbane Rd.
369	Halliday, Gerald	Flat 1, 6 Racecourse Rd.
370	Halliday, Jeffrey James*	YMCA
371	Halliday, John Arthur Leslie*	108 Davis St.
372	Halliday, Leslie John*	5 Villiers St.
373	Halliday, Raynor	9 Brisbane Rd.
374	Hansen, Douglas John*	6 Fitzroy Rd.
375	Hansen, Keva Elizabeth	1 Dairy Paddock Rd.
376	Hansen, Terence Joseph*	1 Dairy Paddock Rd.
377	Harris, Christopher James	Flat 8, 1B Block C, 6 Eliza Cove Rd.
378	Harris, Heather	3 Ross Rd. East.
379	Harris, Jill Yolanda Miller	19 Fitzroy Rd.
380	Harris, Karl Henry*	19 Fitzroy Rd.
381	Harris, Leslie Sidney	19 Fitzroy Rd.
382	Harris, Michael Ronald	3 Ross Rd. East.
383	Harris, Ralph Aaron	19 Fitzroy Rd.
384	Harvey, Muriel Elizabeth Elsie*	2 King St.
385	Harvey, Sheila*	Flat 1, 1A Moody St.

386	Harvey, William	21 Fitzroy Rd.
387	Hawksworth, David	29 Fitzroy Rd.
388	Hawksworth, Jeanette	29 Fitzroy Rd.
389	Hawksworth, Mary Catherine	5A Brisbane Rd.
390	Hawksworth, Pauline May	29 Fitzroy Rd.
391	Hawksworth, Terence	5A Brisbane Rd.
392	Hayward, Marjorie	34 Eliza Cove Crescent.
393	Hayward, Peter Dennis*	34 Eliza Cove Crescent.
394	Heathman, Malcolm Keith	Eliza Cove Rd.
395	Heathman, Mandy Gail	Eliza Cove Rd.
396	Heathman, Violet*	19 Davis St.
397	Henry, Alan Richard	2B Capricorn Rd.
398	Henry, Patricia Denise	2B Capricorn Rd.
399	Hewitt, Alison Denise	23 Shackleton Drive.
400	Hewitt, Brian David	14 Jeremy Moore Ave.
401	Hewitt, Frances Agnes	32 Callaghan Rd.
402	Hewitt, Gary George	3 Hebe Place.
403	Hewitt, Kevin John	14 Jeremy Moore Ave.
404	Hewitt, Margaret Ann	3 Hebe Place.
405	Hewitt, Rachel Catherine Orissa*	4 St. Mary's Walk.
406	Hewitt, Robert John David*	Flat 4 6 Racecourse Rd.
407	Hills, Heather Margaret*	5 Davis St.
408	Hills, Richard William*	5 Davis St.
409	Hirtle, Christine	1A Jersey Est.
410	Hirtle, Gerard Fenton	YMCA
411	Hirtle, Leonard Lloyd	20 Jeremy Moore Ave.
412	Hirtle, Mary Ann*	12 Drury St.
413	Hirtle, Michael Barry*	20 Jeremy Moore Ave
414	Hirtle, Rose Ann Shirley*	4 Villiers St.
415	Hirtle, Sandra May Winifred	Eliza Cove Rd.
416	Hirtle, Shirley	20 Jeremy Moore Ave.
417	Hirtle, Zane Eric	Eliza Cove Rd.
418	Hobman, Anilda Marilu	34 Ross Rd. West Flat.
419	Hobman, Luis Alfonso*	34 Ross Rd. West Flat.
420	Howatt, Derek Frank*	4 Racecourse Rd.
421	Howatt, Frank Derby*	Flat 5, 7 Jeremy Moore Ave. East.
422	Howe, Alison Delia	36 Davis St.
423	Howe, Paul Anthony	36 Davis St.
424	Howells, Anne Stephanie	112 Davis St.
425	Howells, Roger	112 Davis St.
426	Hoy, Dawn	41 Eliza Crescent.
427	Igao, Pauline Lynx	15 Scoresby Close.
428	Jacobsen, Alistair	1A Philomel St.
429	Jacobsen, Catherine Joan	1A Philomel St.
430	Jaffray, Angus	Cemetery Cottage.
431	Jaffray, Christopher	Cemetery Cottage.
432	Jaffray, Eileen	5 Hebe St.
433	Jaffray, Elaine Michele	8 Discovery Close.
434	Jaffray, Estelle Anita	Cemetery Cottage.
435	Jaffray, Frank Alexander	8 Discovery Close.
436	Jaffray, Gerard Alan*	5 Hebe St.
437	Jaffray, Helen Rose	84 Davis St.
438	Jaffray, Ian	5 Hebe St.
439	Jaffray, Ingrid Joyce	5 Hebe St.
440	Jaffray, Jacqueline Ann	84A Davis St.

441	Jaffray, Janet	14 Pioneer Row.
442	Jaffray, Janice Vanessa	3c Jersey Estate.
443	Jaffray, John	14 Pioneer Row.
444	Jaffray, John Summers	84 Davis St.
445	Jaffray, June Elizabeth	Flat 1, Church House.
446	Jaffray, Kenneth Ian	2 Dean St.
447	Jaffray, Lisa Jane*	Flat 3, 1 Jeremy Moore Ave.
448	Jaffray, Stephen James	Cemetery Cottage.
449	Jaffray, Terence Roy	Flat 3, 1 Jeremy Moore Ave.
450	Jaffray, Terri-Ann	24 Endurance Ave.
451	Jaffray, Tony	84 Davis St.
452	Jaffray, Wayne Neil*	5 Hebe St.
453	Jennings, Neil	Flat 4, 30 Jersey Rd.
454	Jennings, Stephen	5 Fitzroy Rd.
455	Johnson, Jacqueline	5 Kent Rd.
456	Johnson, Michael Neil	5 Kent Rd.
457	Johnson, Stanley Howard*	St Andrews, Thatcher Drive.
458	Johnson, Vanda Joan	17 Callaghan Rd.
459	Jones, Alan Smith	26 Ross Rd. West.
460	Jones, Jennifer	26 Ross Rd. West.
461	Jones, John Hugh	1 Brandon Rd.
462	Jones, Kevin Richard	Eliza Close Crescent.
463	Jones, Michael David	6 Allardyce St.
464	Jones, Michelle	1 Brandon Rd.
465	Jones, Sheila Janice	6 Allardyce St.
466	Jones, Yvonne Malvina	3 Discovery Close.
467	Jordan, Dilys Margaret Ann	14A Drury St.
468	Keane, Alva Rose Marie	18 Davis St.
469	Keenleyside, Charles Desmond (Snr)*	3 Pioneer Row.
470	Keenleyside, Dorothy Maud*	3 Pioneer Row.
471	Keenleyside, Manfred Michael Ian	Snake Hill.
472	Keenleyside, Nanette Barbara	Snake Hill.
473	Kenny, Erling	20 James St.
474	Kiddle, Robert Karl	Stanley
475	King, Anna Constance Eve	38 Davis St.
476	King, Cherilyn Julie	6 Discovery Close.
477	King, Desmond George Buckley*	38 Davis St.
478	King, Gladys Evelyn*	39 Fitzroy Rd.
479	King, Glynis Margaret	2B Jeremy Moore Ave. East.
480	King, Peter Thomas*	10 Jeremy Moore Ave.
481	King, Robert John	1D Jersey Est.
482	King, Rosemarie	10 Jeremy Moore Ave.
483	King, Vernon Thomas*	39 Fitzroy Rd.
484	Kluzniak, Beulah*	26 Ross Rd. East.
485	Kluzniak, Bogaslaw Sylvester*	26 Ross Rd. East.
486	Kultschar, Carolyn Wendy*	2 Moody St.
487	Kultschar, John William	4 Davis St. East.
488	Kultschar, Yvonne Rosina	4 Davis St. East.
489	Laffi, Atilio Segundo	3 Brisbane Rd.
490	Laffi, Kathleen Mary	3 Brisbane Rd.
491	Laffi, Lisa*	3 Brisbane Rd.
492	Lang, David Geoffrey*	45 Callaghan Rd. Jersey Est.
493	Lang, James Patrick	Flat 2, 3 Jeremy Moore Ave. East.
494	Lang, Sandra Shirleen	8A Moody St.
495	Lang, Theresa Margaret	45 Callaghan Rd. Jersey Est.

496	Lang, William Frank*	3 James St.
497	Larsen, Ellen	74 Davis St.
498	Lee, Alfred Leslie*	11 Drury St.
499	Lee, Derek William	Davis St.
500	Lee, Gladys*	11 Drury St.
501	Lee, Leslie James	10 Allardyce St.
502	Lee, Robin Myles	3 Davis St. East.
503	Lee, Trudi Dale	10 Allardyce St.
504	Lewis, James*	2 St. Mary's Walk.
505	Lewis, Jean*	2 St. Mary's Walk.
506	Livermore, Anton	33 Jersey Est. Callaghan Rd.
507	Livermore, Marie Anne	Flat 1, 2B Block B, 30 Jersey Rd.
508	Loftus, Anthony	Kent Rd.
509	Loftus, Colleen	56 John Street.
510	Lowe, Adrian Stewart	Fieldhouse Close.
511	Lowe, Anthony Trevor	Globe Hotel.
512	Luxton, Ernest Falkland*	38 John St.
513	Luxton, Jennifer Mary	4 Hebe Place.
514	Luxton, Michael	1A Pioneer Row.
515	Luxton, Nicola	1A Pioneer Row.
516	Luxton, Sybil Grace*	38 John St.
517	Luxton, Winifred Ellen*	15 Fitzroy Rd.
518	Lyse, Ethel Malvina*	65 Fitzroy Rd.
519	Lyse, George Walter*	8 Moody St.
520	Lyse, Linda Margaret	65 Fitzroy Rd.
521	Lyse, Reginald Sturdee*	65 Fitzroy Rd.
522	Macaskill, Angus Lindsay	8 Jeremy Moore Ave.
523	Macaskill, Jeanette May	8 Jeremy Moore Ave.
524	Macaskill, John	34 Ross Rd. West.
525	MacBeth, Phyllis Elizabeth Grace*	17 Brandon Rd.
526	Malcolm, George*	7 Allardyce St.
527	Malcolm, Velma*	7 Allardyce St.
528	May, Brian Roy	21 Jeremy Moore Ave.
529	May, Bruce Raymond	Wardens House, KEMH.
530	May, Connie	Wardens House, KEMH.
531	May, Heather*	1 Glasgow Rd.
532	May, Jonathan Roy	21 Jeremy Moore Ave.
533	May, Monica	21 Jeremy Moore Ave.
534	May, Roger*	21 Jeremy Moore Ave.
535	May, William Albert*	1 Glasgow Rd.
536	Middleton, Brian	13 McKay Close.
537	Middleton, Caroline Ann	7 James St.
538	Middleton, Dennis Michael*	Dolphin Cottage.
539	Middleton, Ellen*	50 Davis St.
540	Middleton, Graham Cyril	50 Davis St.
541	Middleton, Joan Eliza	8 James St.
542	Middleton, Leonard	67 Fitzroy Rd.
543	Middleton, Phillip John	5 St Marys Walk.
544	Middleton, Sharon Elizabeth	Dolphin Cottage.
545	Middleton, Shirley	3 John Street.
546	Middleton, Stephanie Ann	13 McKay Close.
547	Miller, Andrew Nigel	7 Dean St.
548	Miller, Betty Lois*	Market Gdn, Stly Airport Rd.
549	Miller, Carol	Kent Rd.
550	Miller, Florence Roberta*	5 Moody St.

551	Miller, Gail Marie	2 Police Cottages, Ross Rd.
552	Miller, Jayne Elizabeth	7 Dean St.
553	Miller, Simon Roy	Kent Rd.
554	Miller, Timothy John Durose	Market Gdn, Stly Airport Rd.
555	Minto, Alistair Daen	Flat 5, 6 Racecourse Rd.
556	Minto, Dilys Rose	18 Endurance Ave.
557	Minto, Graham Stewart	12 Brisbane Rd.
558	Minto, Timothy Ian	18 Endurance Ave.
559	Miranda, Augusto*	31 Davis St.
560	Miranda, Ramon	3 Drury St.
561	Miranda, Winifred Dorothy*	3 Drury St.
562	Mitchell, Leon John	54 Davis St.
563	Moffatt, Angela	5 Davis St. East.
564	Moffatt, James	5 Davis St. East.
565	Morris, Alana Marie	4 Callaghan Rd.
566	Morris, David*	4 Callaghan Rd.
567	Morris, Jason Paul*	4 Callaghan Rd.
568	Morris, Michelle Jane*	6 McKay Close.
569	Morris, Trevor Alan	6 McKay Close.
570	Morrison, Donald Ewen*	St Sampsons Thatcher Drive.
571	Morrison, Doreen	82 Davis St.
572	Morrison, Edgar Ewen	5 Racecourse Rd.
573	Morrison, Eleanor Olive*	Brisbane Rd.
574	Morrison, Fayen	54 John St.
575	Morrison, Graham Stewart	46 Davis St.
576	Morrison, Hyacinth Emily*	St Peter Port, Thatcher Drive.
577	Morrison, Joan Margaret	Flat 6, 1 Jeremy Moore Ave.
578	Morrison, Lewis Ronald	82 Davis St.
579	Morrison, Muriel Eliza Ivy*	40 Eliza Cove Crescent.
580	Morrison, Nanette Rose	46 Davis St.
581	Morrison, Nigel Peter	7 James St.
582	Morrison, Paul Roderick	1 Brandon Rd.
583	Morrison, Ronald Terence*	5 Racecourse Rd.
584	Morrison, Stewart	46 Davis St.
585	Morrison, Trevor	6A Jeremey Moore Ave.
586	Morrison, Valerie Anne	6A Jeremy Moore Ave.
587	Morrison, Violet Sarah*	5 Racecourse Rd.
588	Morrison, William Roderick Halliday	54 John St.
589	Murphy, Ann Susan	2 King St.
590	Murphy, Bessie*	68 Davis St.
591	Murphy, Michael James*	68 Davis St.
592	MacDonald, Colin George	26 Endurance Ave.
593	MacDonald, Derek George*	26 Endurance Ave.
594	MacDonald, Irene	26 Endurance Ave.
595	MacDonald, John Alexander Horne	Flat 3, 2B Block C, 30 Jersey Rd.
596	McCallum, Bettina Kay	14 Drury St.
597	McCallum, Christopher John	8A Jeremy Moore Ave.
598	McCallum, Ellen*	14 Brandon Rd.
599	McCallum, James*	14 Brandon Rd.
600	McCallum, Timothy Andrew	14A Drury St.
601	McCormick, Dale Ronald	Flat 2, 5 Jeremy Moore Ave. East.
602	McCormick, Pauline Margaret Ruth	Warrah Guest House, John St.
603	McCormick, Richard Paul*	Warrah Guest House, John St.
604	McEachern, Gloria Jane	2 H Jones Rd.
605	McEachern, James	2 H Jones Rd.

606	McGill, Coral Elizabeth	34 Ross Rd, East Flat.
607	McGill, Darrel Ian	Flat 2, 1 Jeremy Moore Ave. East.
608	McGill, David William	17 James St.
609	McGill, Diane Beverley	2 James St.
610	McGill, Doris Mary*	32 Davis St.
611	McGill, Gary	20 Eliza Cove Crescent.
612	McGill, Glenda	Barrack St.
613	McGill, Ian Peter	Barrack St.
614	McGill, Jane	10 Ross Rd. East.
615	McGill, Len Stanford*	2 James St.
616	McGill, Lorraine Iris	10 Ross Rd. East.
617	McKay, Clara Mary*	20 Ross Rd. West.
618	McKay, Heather Valerie	16 Eliza Cove Crescent.
619	McKay, James John*	7 Villiers St.
620	McKay, Jane Elizabeth*	7 Villiers St.
621	McKay, Jeannie Paullina	64 Davis St.
622	McKay, Josephine Ann	25 Callaghan Rd.
623	McKay, Kenneth Andrew	25 Callaghan Rd.
624	McKay, Kevin Derek Charles*	12 Scoresby Close.
625	McKay, Michael John	64 Davis St.
626	McKay, Neil	62 Davis St.
627	McKay, Paul Anthony	Flat 5, 6 Jersey Rd.
628	McKay, Peter John	21 Ross Rd. West.
629	McKay, Rex	16 Eliza Cove Crescent.
630	McKay, Shelley Jane	7 Villiers St.
631	McKay, Stephen John*	Casteal, Thatcher Drive.
632	McKay, William Robert*	20 Ross Rd. West.
633	McKenzie, Alice Maude*	Moody Brook Homestead.
634	McKenzie, Charles Alexander Albert John	Moody Brook Homestead.
635	McLaren, Tony Eugene Terence	12 Allardyce St.
636	McLeod, David	49 Callaghan Road.
637	McLeod, Dawn	90 Davis St.
638	McLeod, Donald Henry*	1B Jersey Est.
639	McLeod, Henry Donald Alexander	21 Shackleton Drive.
640	McLeod, Ian	9 Fitzroy Rd.
641	McLeod, Janet Wensley	75 Davis St.
642	McLeod, Janice	2 Ross Rd. West.
643	McLeod, John (1)	1 Campbell Drive.
644	McLeod, John (2)	Flat 1, Jeremy Moore Ave.
645	McLeod, Kenneth Benjamin John	90 Davis St.
646	McLeod, Madeline Jean	1 Campbell Drive.
647	McLeod, Mally	9 Fitzroy Rd.
648	McLeod, Margaret Anne*	Fitzroy Rd. East.
649	McLeod, Michael William	15A James St.
650	McLeod, Pearl Mary Ann*	3 Brisbane Rd.
651	McLeod, Robert	75 Davis St.
652	McLeod, Robert John	2 Ross Rd. West.
653	McPhee, Denise	14 Fieldhouse Close.
654	McPhee, Iris Blanche*	14 Davis St.
655	McPhee, Justin Owen	14 Fieldhouse Close.
656	McPhee, Marjorie May*	14 John St.
657	McPhee, Owen Horace*	14 John St.
658	McPhee, Patrick*	14 Davis St.
659	McPhee, Sheila Margaret	8 Dairy Paddock Rd.
660	McPhee, Terence Owen	8 Dairy Paddock Rd.

661	McRae, Richard Winston	Flat 2, 6 Racecourse Rd.
662	Neal, Richard John	1 Dean St.
663	Neilson, Barry Marwood	23 Ross Rd.
664	Neilson, Margaret	23 Ross Rd.
665	Newell, Cara Jane*	3 Villiers St.
666	Newell, Joseph Orr	3 Villiers St.
667	Newell, Paula Michelle*	6 Pioneer Row.
668	Newell, Trudi Malvina	3 Villiers St.
669	Newman, Andrew Raymond	Flat 1, Church House.
670	Newman, Clive Alexander	5 Brandon Rd.
671	Newman, Dorothy Elizabeth*	Fitzroy Rd.
672	Newman, Dwenda Rose	5 Brandon Rd.
673	Newman, Joyce Noreen	80 Davis St.
674	Newman, Lisa Jeraine*	Flat 1, 3 Jeremy Moore Ave.
675	Newman, Marlene	11 Jeremy Moore Ave.
676	Newman, Raymond Winston	11 Jeremy Moore Ave.
677	Newman, Terence*	11 Jeremy Moore Ave.
678	Nightingale, Susan Jane	5 Narrows View,
679	Nutter, Arthur Albert	9 Brandon Rd.
680	Nutter, Josephine Lesley	9 Brandon Rd.
681	Ormond, Christina Helen	10 Fitzroy Road East.
682	O'Shea, Desmond	9 Campbell Drive.
683	Parrin, Norman George*	108 Davis St.
684	Pauloni, Hilary Maud*	63 Fitzroy Rd.
685	Pauloni, Romolo Vittorio*	63 Fitzroy Rd.
686	Peake, Arthur	19 James St.
687	Peake, Clair Linda	19 James St.
688	Peck, Burned Brian	91 Davis St.
689	Peck, Carol Margaret	2 Discovery Close.
690	Peck, David Patrick	78 Davis St.
691	Peck, Eleanor Margaret	26 Shackleton Drive.
692	Peck, Evelyn Elizabeth	91 Davis St.
693	Peck, Gordon Pedro James*	17 Brandon Rd.
694	Peck, James	2 Discovery Close.
695	Peck, Kim Brian	15 Campbell Drive.
696	Peck, Maureen Heather	78 Davis St.
697	Peck, Patrick William*	78 Davis St.
698	Peck, Shirley	2 Barrack St.
699	Peck, Terence John	26 Shackleton Drive.
700	PED,	11B Narrows View.
701	Perkins, Vivienne Esther Mary*	33 John St.
702	Perry, Augustave Walter*	9 Villiers St.
703	Perry, Beatrice Annie Jane*	25 Ross Rd. East.
704	Perry, Hilda Blanche*	10 Campbell Drive.
705	Perry, Robert Juan Carlos	25 Ross Rd. East.
706	Perry, Thomas George*	10 Campbell Drive.
707	Perry, Thora Virginia*	17 Fitzroy Rd.
708	Pettersson, Derek Richard	21 Eliza Cove Crescent.
709	Pettersson, Eileen Heather	30 Davis St.
710	Pettersson, Tony	30 Davis St.
711	Pettersson, Trudi Ann	21 Eliza Cove Crescent.
712	Phillips, Albert James	16 Brandon Rd.
713	Phillips, David Dawson	35 Fitzroy Rd.
714	Phillips, Gillian Carol*	Flat 2, 5 Jeremy Moore Ave East.
715	Phillips, Lynda	16 Brandon Rd.

716	Phillips, Paul David	69 Fitzroy Rd.
717	Pitaluga, Lucinda Vikki	8 Allardyce St.
718	Platt, Veronica Shirley	Globe Hotel.
719	Plumb, Elaine Margaret	2 Brisbane Rd.
720	Plumb, Jason Alan	2A Brisbane Rd.
721	Plumb, Norman Phillip*	2 Brisbane Rd.
722	Pole-Evans, Amy Rose	4 McKay Close,
723	Pole-Evans, John	4 McKay Close.
724	Pole-Evans, Michael Anthony	4 McKay Close.
725	Pollard, Elizabeth Eve*	23 Ross Rd. East.
726	Pollard, John	23 Ross Rd. East.
727	Poole, Evelyn May*	31 Fitzroy Rd.
728	Poole, Nancy Margaret	52 John St.
729	Poole, Raymond John	52 John St.
730	Poole, William John*	31 Fitzroy Rd.
731	Porter, Charles*	11 Fitzroy Rd.
732	Porter, Jean Lavinia*	11 Fitzroy Rd.
733	Porter, Tracy	5 Jeremy Moore Ave.
734	Pratlett, Patricia Carol Ann	10 James Street.
735	Purvis, Alan	3 Narrows View.
736	Purvis, Marian Louise*	3 Narrows View.
737	Reddick, Keith John	By Pass Rd.
738	Reeves, Cheryl Rose	1 Callaghan Rd.
739	Reeves, Michael	2 Moody St.
740	Reid, Ann	5 Police Cottages Ross Rd.
741	Reid, Colleen Rose	9 Fitzroy Rd. East.
742	Reid, Reynold Gus	9 Fitzroy Rd. East.
743	Reive, Roma Endora Mary*	4 Allardyce St.
744	Rendell, Michael	8 Ross Rd. West.
745	Rendell, Phyllis Mary*	8 Ross Rd. West.
746	Revy, Joanne	Chaffeurs Cottage,
747	Riddell, Lisa-Marie	9 Discovery Close.
748	Roberts, Diana Christine	7 Kent Rd.
749	Roberts, Laura May*	7 Kent Rd.
750	Roberts, Peter James	57 Fitzroy Rd.
751	Roberts, William Henry*	7 Kent Rd.
752	Robertson, Janet	11A Narrows View.
753	Robertson, Sally Jean	Flat 1, 1B Block C, 6 Eliza Cove Rd.
754	Robson, Alison Emily	15 Villiers St.
755	Robson, Gerard Michael	1 Philomel Place.
756	Robson, Gladys Mary*	5 Philomel St.
757	Robson, Miranda Gay	6 Brisbane Rd.
758	Robson, Phyllis Ann	1 Philomel Place.
759	Robson, Raymond Nigel*	6 Brisbane Rd.
760	Robson, William Charles*	1 Philomel Place.
761	Rogers, Ralph	14 Endurance Ave.
762	Rogers, Roger Neil	14 Endurance Ave.
763	Ross, Colin*	40 Eliza Cove Crescent.
764	Ross, Glenn Stephen	Stanley.
765	Ross, Janet	Stanley.
766	Ross, Lachlan Neil	7 Discovery Close.
767	Ross, Marie	21 John St.
768	Ross, Odette Ellen May	Flat 6, 2B Block C, 6 Eliza Cove Rd.
769	Ross, Roy	21 John St.
770	Ross, Sheena Margaret	12 Jeremy Moore Ave.

771	Ross, William Henry	Stanley
772	Rowland, Charlene Rose	5A Ross Rd West.
773	Rowland, John Christopher	5A Ross Rd West.
774	Rowlands, Catherine Annie*	3 Hebe St.
775	Rowlands, Daisy Malvina*	41 Ross Rd.
776	Rowlands, Harold Theodore*	8 Ross Rd. East.
777	Rowlands, John Richard*	41 Ross Rd.
778	Rowlands, Neil	5 Narrows View.
779	Rowlands, Robert John	106 Davis St.
780	Rozee, Betty Ellen	16 Davis St.
781	Rozee, Bryn Thomas	16 Davis St.
782	Rozee, Derek Robert Thomas*	16 Davis St.
783	Sackett, Albert John	25 Ross Rd. East.
784	Sackett, Michael John Carlos	Flat 3, 5 Jeremy Moore Ave.
785	Sackett, Pauline*	25 Ross Rd. East.
786	Sarney, Harry*	3 Dairy Paddock Rd.
787	Saunders, Tracey Clare	23 Jeremy Moore Ave.
788	Sawle, Judith	Seaview Cottage Ross Rd.
789	Sawle, Richard	Seaview Cottage Ross Rd.
790	Seron, Jose Segundo	MV Tamar, c/o Byron Marine
791	Shedden, James Alexander*	St Saviour, Thatcher Drive.
792	Shepherd, Colin David*	13 Endurance Ave.
793	Shepherd, David Samuel Dick	13 Endurance Ave.
794	Shepherd, Elizabeth	13 Endurance Ave.
795	Shepherd, Ramsay	13 Ross Rd. West.
796	Shorrocks, Joyce	5 McKay Close.
797	Shorrocks, Nigel Arthur	5 McKay Close.
798	Short, Andreaz Peter	9 Pioneer Row.
799	Short, Brenda	Barrack St.
800	Short, Celia Soledad	1 Racecourse Rd.
801	Short, Christina Ethel*	12 Brandon Rd.
802	Short, Donald Robert Gordon*	Eliza Cove Rd.
803	Short, Ellen Mary	12 Brandon Rd.
804	Short, Emily Christina	1 Fitzroy Rd. East.
805	Short, Gavin Phillip	6 Dairy Paddock Rd.
806	Short, Isobel Rose	33 Eliza Crescent.
807	Short, Joseph Leslie*	12 Brandon Rd.
808	Short, Lisa Helen	Fieldhouse Close.
809	Short, Montana Tyrone	4 Dairy Paddock Rd.
810	Short, Patrick Warburton	33 Eliza Crescent.
811	Short, Peter Robert	1 Fitzroy Rd. East.
812	Short, Richard Edward	58 Davis St.
813	Short, Riley Ethroe*	Barrack St.
814	Short, Robert Charles	12 Brandon Rd.
815	Short, Rose Stella	KEMH.
816	Short, Vilma Alicia	4 Dairy Paddock Rd.
817	Simpson, Bertha Veronica	6 Police Cottages, 4 Ross Rd.
818	Simpson, James Garry*	7 Racecourse Rd.
819	Simpson, John Frederick	6 Police Cottages, 4 Ross Rd.
820	Simpson, Mirabelle Hermione	7 Racecourse Rd.
821	Sinclair, Veronica Joyce*	21 Ross Rd. West.
822	Skene, Greta Winnora Miller	22 Ross Rd. East.
823	Smith, Alexander Gordon	16 Jersey Rd.
824	Smith, Anthony David	11 Brandon Rd.
825	Smith, Bruce Dennis	4 Police Cottage, 6 Ross Rd.

826	Smith, Colin David	6 James St.
827	Smith, Derek	8 Eliza Crescent.
828	Smith, Eric	3 Allardyce St.
829	Smith, Gerard Alexander	8 Barrack St.
830	Smith, Gwenifer May*	8 Barrack St.
831	Smith, Ian Lars*	2 Ross Rd. West.
832	Smith, Ileen Rose	28 Ross Rd. West.
833	Smith, Iola Winifred*	3 Allardyce St.
834	Smith, James Terence*	3 Fitzroy Rd.
835	Smith, Jean Waddell	16 Jersey Est.
836	Smith, Jennifer Ethel	Flat 8, 6 Jersey Rd.
837	Smith, Jeremy	20 Scoresby Close.
838	Smith, Joan Lucy Ann	6A Pioneer Row.
839	Smith, John	28 Ross Rd. West.
840	Smith, Julia Trinidad	8 Eliza Crescent.
841	Smith, Martyn James	28 Ross Rd. West.
842	Smith, Myrian Beatriz*	Flat 3, 2B Block C, 30 Jersey Rd.
843	Smith, Natalie Marianne	6 James St.
844	Smith, Nora Kathleen	5 Fitzroy Rd. East..
845	Smith, Osmund Raymond*	3 Brisbane Rd.
846	Smith, Owen Archibald*	3 Fitzroy Rd.
847	Smith, Patricia Anne*	22 Eliza Cove Crescent.
848	Smith, Paulette Rose	KEMH.
849	Smith, Rhona	8 Fitzroy Rd.
850	Smith, Russell James	8 Fieldhouse Close.
851	Smith, Shula Louise	Flat 4, 5 Jeremy Moore Av.
852	Smith, Sidney Frederick	2A Capricorn Rd.
853	Smith, Susan	1 Hebe Place
854	Smith, Terence George	Flat 3, Racecourse Rd.
855	Sollis, Sarah Emma Maude*	20 Drury St.
856	Spall, Christopher Richard	German Camp West, Callaghan Rd.
857	Spink, Roger Kenneth	4 Hebe St.
858	Spinks, Alexander	Flat 4, 1 Moody St.
859	Spinks, Malvina Ellen*	Flat 6, 7 Jeremy Moore Ave.
860	Spruce, Helena Joan*	31 Ross Rd.
861	Spruce, Terence George*	31 Ross Rd.
862	Steen, Allan Graham	Brandon Rd.
863	Steen, Barbara Ingrid	Ross Rd. West.
864	Steen, Emma Jane*	36 Ross Rd.
865	Steen, Gail	7 St Mary's Walk.
866	Steen, Karen Lucetta	7 St Mary's Walk.
867	Steen, Vernon Robert	7 St Mary's Walk.
868	Stephenson, James	Moody Valley.
869	Stephenson, Joan Margaret	Moody Valley.
870	Stephenson, Katrina	4 Davis St.
871	Stephenson, Zachary	4 Davis St.
872	Stevens, Teresa Rose	9 Drury St.
873	Stewart, Aarron Stephen	6 Pioneer Row.
874	Stewart, Celia Joyce	12 St Mary's Walk.
875	Stewart, David William*	Davis St.
876	Stewart, Duane William*	10 Fieldhouse Close.
877	Stewart, Hulda Fraser	24 Ross Rd. West.
878	Stewart, Kenneth Barry	3 Discovery Close.
879	Stewart, Pam Ellen	4 Discovery Close.
880	Stewart, Robert	12 St Mary's Walk.

881	Stewart, Robert William	4 Discovery Close.
882	Stewart, Sheila Olga	9 McKay Close.
883	Stewart, Sylvia Rose*	7 Ross Rd. West.
884	Strange, Ian John	The Dolphins, Snake St.
885	Strange, Maria Marta	The Dolphins, Snake St.
886	Strange, Shona Marguerite	6B Ross Rd. West.
887	Summers, Brian	1 Ross Rd. East.
888	Summers, Colin Owen*	5 Brandon Rd.
889	Summers, Dennis David	37 Davis St.
890	Summers, Donna*	8 Racecourse Rd.
891	Summers, Edith Catherine*	5 Dean St.
892	Summers, Irvin Gerard	5 Dean St.
893	Summers, Joanna Rose*	5 Allardyce St.
894	Summers, Judith Orissa*	1 Ross Rd. East.
895	Summers, Julie Ann*	11 Beaver Rd.
896	Summers, Lynn Jane*	2 H Jones Rd.
897	Summers, Melvyn Mark	2 H Jones Rd.
898	Summers, Michael Kenneth	6A Brisbane Rd.
899	Summers, Michael Victor	11 Pioneer Row.
900	Summers, Nigel Clive*	32 Fitzroy Rd.
901	Summers, Owen William	5 Brandon Rd.
902	Summers, Pamela Rosemary Cheek	32 Fitzroy Rd.
903	Summers, Rowena Elsie	5 Allardyce St.
904	Summers, Roy	8 Racecourse Rd.
905	Summers, Sandra Marie	Sir Rex Hunt House, John St.
906	Summers, Sheila	Sir Rex Hunt House, John St.
907	Summers, Sybella Catherine Ann	1 Ross Rd. West.
908	Summers, Sylvia Jean	8 Racecourse Rd.
909	Summers, Terence	1 Ross Rd. West.
910	Summers, Tony	8 Racecourse Rd.
911	Summers, Veronica	5 Brandon Rd.
912	Summers, William Edward*	Stanley.
913	Summers, Yona	37 Davis St.
914	Sutherland, Elizabeth Margaret	13/14 Eliza Cove Road.
915	Sutherland, James David	5 Eliza Cove Rd.
916	Sutherland, John Gall	3B Jersey Est.
917	Sutherland, William John Munro	13/14 Eliza Cove Road.
918	Teale, Colin Edwin	8 Brisbane Rd.
919	Teale, Jeannette	8 Brisbane Rd.
920	Teggart, Carol Wendy*	9 Callaghan Rd.
921	Teggart, John Patrick	9 Callaghan Rd.
922	Tellez, Arturo*	Flat 10. 2B Block A, 6 Jersey Rd.
923	Tellez, Jeanette Valerie	2 Hodson Villa West.
924	Tellez, Jose Hector	2 Hodson Villa West.
925	Thain, John	8 Davis St.
926	Thain, Stephanie Ann	8 Davis St.
927	Thom, David Anderson*	47 Fitzroy Rd.
928	Thom, Dorothy Irene*	47 Fitzroy Rd.
929	Thom, Norma Ann	92 Davis St.
930	Thomas, Loretta Isobel	1 C Capricorn Rd.
931	Thompson, George Henry*	St Saviour, Thatcher Drive
932	Thompson, William John*	Flat 2, 1 Moody St.
933	Titterington, Lesley Ann	55 Fitzroy Rd.
934	Titterington, Robert Mark*	55 Fitzroy Rd.
935	Toase, Cora Agnes*	7 Ross Rd. East.

936	Triggs, Diane	3 Fieldhouse Close.
937	Triggs, Michael David	3 Fieldhouse Close.
938	Tuckwood, John Rodney	1 Drury St.
939	Tuckwood, Phyllis Marjorie	1 Drury St.
940	Turner, Arthur Leonard Pitaluga	Rincon Cottage.
941	Turner, Melvyn George	36 John St.
942	Tyrrell, Garry Bernard	1 Beaver Rd.
943	Tyrrell, Gina Michelle	1 Beaver Rd.
944	Valler, Danuta Cecelia Krystyna	9 Philomel St.
945	Valler, Robert Hugh	9 Philomel St.
946	Vidal, Eileen Nora*	12 Jeremy Moore Ave.
947	Vidal, Leona Lucila	12 Jeremy Moore Ave.
948	Vincent, Janette Mary	10 Endurance Ave.
949	Vincent, Stephen Lawrence	10 Endurance Ave.
950	Wade, June Rose Elizabeth	41 Fitzroy Rd.
951	Wallace, Fraser Barrett	10 John St.
952	Wallace, Maria Lilian	38 Ross Rd. West.
953	Wallace, Michael Ian	23 Callaghan Rd.
954	Wallace, Stuart Barrett*	38 Ross Rd. West.
955	Wallace, Una	23 Callaghan Rd.
956	Watson, Boyd Edward Harold	Flat 4, 6 Jersey Rd.
957	Watson, Hannah Maude*	7 Moody St.
958	Watson, Paul	20 Endurance Ave.
959	Watson, Ruth Jane*	20 Endurance Ave.
960	Watt, Sylvia Ann	11 Narrows View.
961	Watts, Patrick James	13 Brisbane Rd.
962	White, Allan Paul George	Stanley.
963	White, Kathleen Elizabeth*	2 Brandon Rd. West.
964	Whitney, Agnes Kathleen*	3 St. Mary's Walk.
965	Whitney, Frederick William	1 Police Cottage, 9 Ross Rd.
966	Whitney, Henry Leslie*	3 St. Mary's Walk.
967	Whitney, Jason	6B Jeremy Moore Ave. East.
968	Whitney, Kurt Ian	2 Pioneer Row.
969	Whitney, Robert Michael	Stanley.
970	Whitney, Susan Joan	1 Police Cottage, 9 Ross Rd.
971	Wilkinson, Alistair Graham	Church House
972	Wilkinson, Dorothy Ruth	1C Capricorn Rd.
973	Wilkinson, Robert John	Shackleton Drive.
974	Williams, Gene*	23 Ross Rd. West.
975	Williams, Marlene Rose	23 Ross Rd. West.
976	Winter, Teresa Irene	4A Jeremy Moore Avenue. East.
977	Wylie, Julian Richard	1 McKay Close.
978	Wylie, Wendy Jennifer	2A Capricorn Rd.
979	Zuvic-Bulic, Kuzma Mario	16 Ross Road West.
980	Zuvic-Bulic, Sharon Marie	16 Ross Rd. West.

* NOT LIABLE TO SERVE AS A JUROR

Register of Electors, Camp Constituency

1001	Adams, Carol Margaret	Chartres, West Falkland
1002	Alazia, George Robert*	Hope Cottage, East Falkland
1003	Alazia, Hazel	Mullet Creek Farm, East Falkland
1004	Alazia, Mandy Gwyneth	Port Edgar Farm, West Falkland
1005	Alazia, Michael Robert	Port Edgar Farm, West Falkland
1006	Alazia, Thora Lilian*	North Arm, East Falkland
1007	Aldridge, Brian George	Goose Green, East Falkland
1008	Aldridge, Olive Elizabeth*	Hill Cove, West Falkland
1009	Aldridge, Terence William	Hill Cove, West Falkland
1010	Anderson, Andrew Ronald	North Arm, East Falkland
1011	Anderson, Georgina Carol*	Port San Carlos, East Falkland
1012	Anderson, Jamie Falkland*	Port Howard, West Falkland
1013	Anderson, Jenny	Port San Carlos East Falkland
1014	Anderson, Margaret Kathleen	Fox Bay Village, West Falkland
1015	Anderson, Marina Rose	Johnson's Harbour, East Falkland
1016	Anderson, Reginald Stanford	Fox Bay Village, West Falkland
1017	Anderson, Ronald	Johnson's Harbour, East Falkland
1018	Anderson, Rupert William*	Port Howard, West Falkland
1019	Anderson, Sophie Marina	Goose Green, East Falkland
1020	Anderson, Tony James	Port San Carlos, East Falkland
1021	Anderson, William John Stanley	San Carlos, East Falkland
1022	Ashworth, Glennis	Beckside Farm, East Falkland
1023	Ashworth, Malcolm	Beckside Farm, East Falkland
1024	Bagley, Jacqueline Elizabeth	Riverview Farm East Falkland
1025	Barnes, Deirdre	Dunbar Farm, West Falkland
1026	Barnes, Marshall	Dunbar Farm, West Falkland
1027	Barnes, Paul	Hope Harbour Farm, West Falkland
1028	Bayley, Patricia Ann Cecile	Turners, MPA. East Falkland
1029	Bayley, Richard	Turners, MPA. East Falkland
1030	Beattie, Ian Robert Ewen*	North Arm, East Falkland
1031	Benjamin, Fred Basil	Turners, MPA. East Falkland
1032	Benjamin, Raymond John	Turners, MPA. East Falkland
1033	Benjamin, Walter George	Turners, MPA. East Falkland
1034	Berntsen, Arena Janice	Pebble Island, West Falkland
1035	Berntsen, Iain Kenneth	Port Howard, West Falkland
1036	Berntsen, Leon	Albermarle Station, West Falkland
1037	Berntsen, Pamela Margaret	Albermarle Station, West Falkland
1038	Betts, Arthur John*	Pebble Island, West Falkland
1039	Betts, Bernard Keith	Boundary Farm, West Falkland
1040	Betts, Diane Joan	Boundary Farm, West Falkland
1041	Betts, Irene Marion	Boundary Farm, West Falkland
1042	Binnie, Horace James*	Fox Bay Village, West Falkland
1043	Binnie, Linda Rose	Fitzroy Farm, East Falkland
1044	Binnie, Ronald Eric	Fitzroy Farm, East Falkland
1045	Binnie, Rose Ellen*	Fox Bay Village, West Falkland

1046	Blake, Alexander Charles	The Peaks Farm, West Falkland
1047	Blake, Anthony Thomas	Little Chartres Farm, West Falkland
1048	Blake, Lionel Geoffrey*	The Peaks Farm, West Falkland
1049	Blake, Lyndsay Rae	Little Chartres Farm, West Falkland
1050	Blake, Sally Gwynfa	The Peaks Farm, West Falkland
1051	Blake, Thomas Patrick	Little Chartres Farm, West Falkland
1052	Bober, John	Turners, MPA. East Falkland
1053	Bonner, Avril Margaret Rose	Salvador, East Falkland
1054	Bonner, Keith James	Salvador, East Falkland
1055	Bonner, Simon	Port Howard, West Falkland
1056	Bonner, Susan Anne	Port Howard, West Falkland
1057	Buckett, Roy Peter	Leicester Fall Farm, West Falkland
1058	Butler, Doreen Susan	Fitzroy, East Falkland
1059	Butler, James Donald	Fitzroy, East Falkland
1060	Chandler, Ann Beatrice	Port Howard, West Falkland
1061	Chandler, Edward	Port Howard, West Falkland
1062	Chandler, Lee*	Port Howard, West Falkland
1063	Clark, Fredrick Thomas	Hawkbit, MPA. Road, East Falkland
1064	Clarke, Jeanette	Kings Ridge Farm, East Falkland
1065	Clarke, Michael Jan	Kings Ridge Farm, East Falkland
1066	Clausen, Denzil	Port Louis, East Falkland
1067	Clausen, Henry Edward	Port Louis, East Falkland
1068	Clifton, Leonard	North Arm, East Falkland
1069	Clifton, Thora Janeene	North Arm, East Falkland
1070	Cockwell, Adam	Fox Bay Village, West Falkland
1071	Cockwell, Benjamin William*	Fox Bay Village, West Falkland
1072	Cockwell, Grizelda Susan	Fox Bay Village, West Falkland
1073	Cockwell, John Richard*	Fox Bay Village, West Falkland
1074	Collins, Bernard	Turners, MPA. East Falkland
1075	Cook, Brian William	Turners, MPA. East Falkland
1076	Coutts, Frederick George*	Fitzroy, East Falkland
1077	Dale, Helen	KIS, MPA. East Falkland
1078	Davis, Aase	Evelyn Station, East Falkland
1079	Davis, Ian John*	Evelyn Station, East Falkland
1080	Davis, Mandy John	North Arm, East Falkland
1081	Davis, Nicholas	North Arm, East Falkland
1082	Davis, Reginald John*	Evelyn Station, East Falkland
1083	Davis, William James*	Goose Green, East Falkland
1084	Dickson, Charles George	Brookfield Farm, East Falkland
1085	Dickson, Doreen	Wreck Point, East Falkland
1086	Dickson, Gerald William	Wreck Point, East Falkland
1087	Dickson, Iris	San Carlos, East Falkland
1088	Dickson, Michael Keith*	San Carlos, East Falkland
1089	Dickson, Ronald Edward	San Carlos, East Falkland
1090	Dickson, Steven Charles*	San Carlos, East Falkland
1091	Donnelly, Daniel	Crooked Inlet Farm, West Falkland
1092	Donnelly, Joyce Elizabeth	Crooked Inlet Farm, West Falkland
1093	Duncan, Peter Ree Howard*	Hill Cove, West Falkland
1094	Dunford, David Philip	Saddle Farm, West Falkland
1095	Edwards, Emma Jane	Lake Sullivan Farm, West Falkland
1096	Edwards, Norma*	Lake Sullivan Farm, West Falkland
1097	Edwards, Roger Anthony	Lake Sullivan Farm, West Falkland
1098	Ellis, Lucy	Port Stephens, West Falkland
1099	Evans, Donna	North Arm, East Falkland
1100	Evans, Michael David	North Arm, East Falkland

1101	Evans, Michelle Paula	Fitzroy Farm, East Falkland
1102	Evans, Olwyn Carol	Saunders Island, West Falkland
1103	Evans, Raymond	Pebble Island, West Falkland
1104	Evans, Richard Gregory	Fitzroy Farm, East Falkland
1105	Evans, Russel	Pebble Island, West Falkland
1106	Fairley, John*	Port Stephens, West Falkland
1107	Felton, Anthony Terence*	North Arm, East Falkland
1108	Felton, Sonia Ellen	Goose Green, East Falkland
1109	Felton, Walter Arthur*	Teal Inlet, East Falkland
1110	Ferguson, Finlay James*	Bleaker Island, East Falkland
1111	Ferguson, John William	Weddell Island, West Falkland
1112	Ferguson, Robert John*	Weddell Island, West Falkland
1113	Ferguson, Stephanie Janet	Weddell Island, West Falkland
1114	Ferguson, Thelma*	Weddell Island, West Falkland
1115	Findlay, Andrew John	North Arm, East Falkland
1116	Finlayson, Bairy Donald*	North Arm, East Falkland
1117	Finlayson, Iris Heather*	North Arm, East Falkland
1118	Finlayson, Neil Roderick	North Arm, East Falkland
1119	Ford, Neil Fraser	Mossvale Farm, West Falkland
1120	Ford, Penelope Rose	Mossvale Farm, West Falkland
1121	Forster, Gwyneth May	Bold Cove Farm, West Falkland
1122	Forster, James	Bold Cove Farm, West Falkland
1123	Giles, Gilbert	Chartres, West Falkland
1124	Giles, Theresa Kathleen	Chartres, West Falkland
1125	Gleadell, Ian Keith	East Bay Farm, West Falkland
1126	Gleadell, Marklin John	East Bay Farm, West Falkland
1127	Goodwin, Mandy Hazel	Green Field Farm, East Falkland
1128	Goodwin, Margo Jane	Elephant Beach, East Falkland
1129	Goodwin, Neil Alexander William	Elephant Beach, East Falkland
1130	Goodwin, Robin	Green Field Farm, East Falkland
1131	Goss, Eric Miller*	North Arm, East Falkland
1132	Goss, Ian Ernest Earle	Port Howard, West Falkland
1133	Goss, Margaret Rose	Horseshoe Bay Farm, East Falkland
1134	Goss, Peter	Horseshoe Bay Farm, East Falkland
1135	Goss, Roderick Jacob*	East Falkland
1136	Goss, Shirley Ann	North Arm, East Falkland
1137	Gray, David Edward	Sea Lion Island, East Falkland
1138	Gray, Johan*	Sea Lion Island, East Falkland
1139	Gray, Patricia May	Sea Lion Island, East Falkland
1140	Halliday, Cathy Ann	North Arm, East Falkland
1141	Halliday, Joyce Isabella Patience	Fox Bay Village, West Falkland
1142	Halliday, Kenneth William	Fox Bay Village, West Falkland
1143	Hansen, Ian	Main Point, West Falkland
1144	Hansen, Lionel Raymond*	Hill Cove, West Falkland
1145	Hansen, Rose Idina*	Hill Cove, West Falkland
1146	Hansen, Susan Ann	Main Point, West Falkland
1147	Hardcastle, Brook*	Darwin Harbour, East Falkland
1148	Hardcastle, Eileen Beryl*	Darwin Harbour, East Falkland
1149	Harvey, Jen	Hill Cove, West Falkland
1150	Harvey, Valerie Ann	Hill Cove, West Falkland
1151	Heathman, Ailsa	Estancia Farm, East Falkland
1152	Heathman, Ewart Tony	Estancia Farm, East Falkland
1153	Henry, Dulcie Rose	KIS, MPA, East Falkland
1154	Hirtle, Anthony	Pebble Island, West Falkland
1155	Hirtle, Doris Linda	Port Howard, West Falkland

1156	Hirtle, Odette Susan	Port Howard, West Falkland
1157	Hirtle, Susan Mary	Pebble Island, West Falkland
1158	Hobman, David Gonsalo	Chartres, West Falkland
1159	Hobman, Juan Jose Eleuterio	Sheffield Farm, West Falkland
1160	Hobman, Petula	Sheffield Farm, West Falkland
1161	Hutton, Elizabeth Isabella*	North Arm, East Falkland
1162	Hutton, Philip*	North Arm, East Falkland
1163	Jaffray, Alexander	Lively Island, East Falkland
1164	Jaffray, Brian	Walker Creek, East Falkland
1165	Jaffray, Dereck Charles	Walker Creek, East Falkland
1166	Jaffray, Elliott Jessie	Lively Island, East Falkland
1167	Jaffray, John Willie	Walker Creek, East Falkland
1168	Jaffray, Phyllis	Walker Creek, East Falkland
1169	Jaffray, Robin George	Port San Carlos, East Falkland
1170	Johnson, Lily Ann*	Goose Green, East Falkland
1171	Jonson, Carl	Bombilla Farm, East Falkland
1172	Jonson, Rita Elizabeth	Bombilla Farm, East Falkland
1173	Keeley, John Gabriel	Turners, MPA. East Falkland
1174	Kidd, John Nathan	Burnt Side, East Falkland
1175	Kidd, Lillian Rose Orissa	Burnt Side, East Falkland
1176	Kilmartin, Dinah May	Bluff Cove, East Falkland
1177	Kilmartin, Kevin Seaton*	Bluff Cove, East Falkland
1178	King, Edward Robert	Mount Pleasant, East Falkland
1179	Knight, Keith Andrew*	Coast Ridge Farm, West Falkland
1180	Knight, Nigel Arthur	Coast Ridge Farm, West Falkland
1181	Knight, Shirley Louvaine Patricia	Coast Ridge Farm, West Falkland
1182	Lakin, Bernard	Turners, MPA. East Falkland
1183	Lang, Patrick Andrew*	North Arm, East Falkland
1184	Lang, Velma Emily*	North Arm, West Falkland
1185	Larsen, Josephine Mary	Speedwell Island, East Falkland
1186	Larsen, Ronald Ivan*	Speedwell Island, East Falkland
1187	Larsen, Yvonne	Speedwell Island, East Falkland
1188	Lawton, Brian	Turners, MPA. East Falkland
1189	Lee, Carole	Port Howard, West Falkland
1190	Lee, Christopher*	Pebble Island, West Falkland
1191	Lee, Elizabeth	Goose Green, East Falkland
1192	Lee, John Alfred	Goose Green, East Falkland
1193	Lee, Myles	Port Howard, West Falkland
1194	Lee, Owen Henry	Goose Green, East Falkland
1195	Lee, Rodney William	Port Howard, West Falkland
1196	Leo, Brenda May	NAAFI, MPA. East Falkland
1197	Limond, Alexander Buchanan	KIS, MPA. East Falkland
1198	Livermore, Darren	Fitzroy, East Falkland
1199	Lloyd, Melvyn John	Swan Inlet, East Falkland
1200	Lloyd, John Moelwyn*	West Falkland
1201	Lloyd, Valerie Ann	Swan Inlet, East Falkland
1202	Luxton, Stephen Charles	Chartres, West Falkland
1203	Luxton, William Robert*	Chartres, West Falkland
1204	Maddocks, Robert Charles	Saunders Island, West Falkland
1205	Marsh, Alastair Roy	Shallow Harbour Farm, West Falkland
1206	Marsh, Anna Deirdre	Fox Bay Village, West Falkland
1207	Marsh, Arlette Sharon	Rincon Ridge Farm, West Falkland
1208	Marsh, Frank*	West Falkland
1209	Marsh, Gavin Nicholas	Fox Bay Village, West Falkland
1210	Marsh, June Helen*	West Falkland

1211	Marsh, Leon Peter	Rincon Ridge Farm, West Falkland
1212	Marsh, Marlane Rose	Shallow Harbour Farm, West Falkland
1213	Marsh, Patricia Anne	Lakelands Farm, West Falkland
1214	Marsh, Robin Frank	Lakelands Farm, West Falkland
1215	May, Christopher Raymond	New House Farm, East Falkland
1216	May, Lindsey Olga	New House Farm, East Falkland
1217	Miller, Betty	Walker Creek, East Falkland
1218	Miller, James Albert	Fox Bay Village, West Falkland
1219	Miller, Phillip Charles	Cape Dolphin, East Falkland
1220	Minnell, Adrian James	Blue Beach, East Falkland
1221	Minnell, Benjamin James	Moss Side Farm, East Falkland
1222	Minnell, Donna Marie	Moss Side, East Falkland
1223	Minnell, Hazel Eileen*	Moss Side Farm, East Falkland
1224	Minnell, Michael Robert	Blue Beach, East Falkland
1225	Minnell, Michelle Rose	Blue Beach, East Falkland
1226	Minto, Patrick Andrew	Goose Green, East Falkland
1227	Molkenbuhr, Lee Charles*	Murrel Farm, East Falkland
1228	Morrison, Eric George	Goose Green, East Falkland
1229	Morrison, Gerald	Goose Green, East Falkland
1230	Morrison, Jacqueline Denise Anita	Port Howard, West Falkland
1231	Morrison, John	Port Howard, West Falkland
1232	Morrison, Kathleen Iris	Goose Green, East Falkland
1233	Morrison, Kenneth	Port Howard, West Falkland
1234	Morrison, Lena	Port Howard, West Falkland
1235	Morrison, Leslie Theodore Norman	Port Howard, West Falkland
1236	Morrison, Michael John	Port Louis, East Falkland
1237	Morrison, Patrick	North Arm, East Falkland
1238	Morrison, Susan Margaret	Port Louis, East Falkland
1239	Moxham, Ronald Walter*	M.P.A. East Falkland
1240	MacBeth, Raymond John	Narrows Farm, West Falkland
1241	MacKay, James*	Turners, MPA. East Falkland
1242	McBain, Arthur*	Sea Lion Island, East Falkland
1243	McBain, Rhoda Margaret	Sea Lion Island, East Falkland
1244	McDougall, James Gilfillan Stewart*	Turners, M.P.A East Falkland
1245	McGhie, James	Pebble Island, West Falkland
1246	McGhie, Roy	Port North Sheep Farm, West Falkland
1247	McGill, Robin Perry	Carcass Island, West Falkland
1248	McKay, Christine	Teal River Farm, West Falkland
1249	McKay, Ellen Rose	Port Harriet, East Falkland
1250	McKay, Frazer Roderick	Teal River Farm, West Falkland
1251	McKay, Isabella Alice	Westley Farm, West Falkland
1252	McKay, Margaret*	KIS, MPA. East Falkland
1253	McKay, Richard*	Westley Farm, West Falkland
1254	McKay, Roderick John*	Port Harriet, East Falkland
1255	McLeod, Albert John	Goose Green, East Falkland
1256	McLeod, Ian James	Goose Green, East Falkland
1257	McLeod, Isabella Diana Frances	Port Louis, East Falkland
1258	McLeod, Sarah Rose	Goose Green, East Falkland
1259	McMullen, June	Goose Green, East Falkland
1260	McMullen, Tony	Goose Green, East Falkland
1261	McPhee, June Iris*	Brookfield Farm, East Falkland
1262	McPhee, Kenneth John*	Brookfield Farm, East Falkland
1263	McPhee, Trudi Lynette	Brookfield Farm, East Falkland
1264	McRae, David Michael	South Harbour Farm, West Falkland
1265	McRae, Gloria Linda	South Harbour Farm, West Falkland

1266	McRae, Mandy*	South Harbour Farm, West Falkland
1267	McRae, Robert George Hector*	Estancia, East Falkland
1268	Napier, Lily	West Point Island, West Falkland
1269	Napier, Roderick Bertrand*	West Point Island, West Falkland
1270	Newman, Sheena Melanie	Cape Dolphin, East Falkland
1271	Nightingale, Charlene	West Lagoons Farm, West Falkland
1272	Nightingale, Peter Richard	West Lagoons Farm, West Falkland
1273	Oxley, Brian	M.P.A. East Falkland
1274	Parkinson, Allen	Turners, MPA. East Falkland
1275	Peck, Christine	Leicester Falls Farm, West Falkland
1276	Peck, Davina Margaret	Shallow Bay Farm, West Falkland
1277	Peck, Paul	Shallow Bay Farm, West Falkland
1278	Phillips, Carol Joan	Hope Cottage Farm, East Falkland
1279	Phillips, Terence	Hope Cottage Farm, East Falkland
1280	Pitaluga, Jene Ellen*	Salvador, East Falkland
1281	Pitaluga, Nicholas A. Robinson	Salvador, East Falkland
1282	Pitaluga, Robin Andreas McIntosh*	Salvador, East Falkland
1283	Pole-Evans, Anthony Reginald*	Saunders Island, West Falkland
1284	Pole-Evans, David Llewellyn	Saunders Island, West Falkland
1285	Pole-Evans, Ian*	Manybranch Farm, West Falkland
1286	Pole-Evans, Lisa	Port Howard, West Falkland
1287	Pole-Evans, Shirley Helen	Manybranch Farm, West Falkland
1288	Pole-Evans, Suzan	Saunders Island, West Falkland
1289	Pole-Evans, William Reginald	Manybranch Farm, West Falkland
1290	Poncet, Sally Elizabeth	Beaver Island, West Falkland
1291	Poole, Ella Josephine	Port San Carlos, East Falkland
1292	Poole, Steven Charles	Port San Carlos, East Falkland
1293	Porter, George*	Shallow Harbour, West Falkland
1294	Porter, Joan	Shallow Harbour, West Falkland
1295	Porter, William Kenneth	Fox Bay Village, West Falkland
1296	Reeves, Ronald James	Port Howard, West Falkland
1297	Robertson, Ann	Port Stephens, West Falkland
1298	Robertson, Paul Jonathan	Port Stephens, West Falkland
1299	Robertson, Peter Charles*	Port Stephens, West Falkland
1300	Rozee, Ronald David	Spring Point Farm, West Falkland
1301	Saunders, Felicity Joan Carlie	Hawkbit, M.P.A. Rd. East Falkland
1302	Short, Anne	KIS, MPA. East Falkland
1303	Short, Derek Patrick	Goose Green, East Falkland
1304	Short, Lindsay Marie	Goose Green, East Falkland
1305	Short, Robert George	Goose Green, East Falkland
1306	Sinclair, Serena Samantha	Walker Creek, East Falkland
1307	Sinclair, Simon Keith	Goose Green, East Falkland
1308	Smith, Andrew John	San Carlos, East Falkland
1309	Smith, Francis David*	Port Howard, West Falkland
1310	Smith, George Patterson	Johnson's Harbour, East Falkland
1311	Smith, Heather	Harp's Farm, West Falkland
1312	Smith, Jacqueline	Stoney Ridge Farm, West Falkland
1313	Smith, Jenny Lorraine	Johnson's Harbour, East Falkland
1314	Smith, Marlaine Rose	North Arm, East Falkland
1315	Smith, Michael Edmund*	Johnson's Harbour, East Falkland
1316	Smith, Peter*	Turners, MPA. East Falkland
1317	Smith, Robert William	North Arm, East Falkland
1318	Smith, Robin Charles	Harp's Farm, West Falkland
1319	Smith, Roy Alan	Stoney Ridge Farm, West Falkland
1320	Smolarczyk, Sylvester Emanuel*	Turners, MPA. East Falkland

1321	Stevens, Richard James*	Port Sussex Farm, East Falkland
1322	Stevens, Toni Donna	Port Sussex Farm, East Falkland
1323	Thorsen, David Moller	Teal Inlet, East Falkland
1324	Thorsen, Gloria Penelope	Teal Inlet, East Falkland
1325	Towersey, Diane	Port Stephens, East Falkland
1326	Turner, Diana Jane*	Rincon Grande, East Falkland
1327	Turner, Ronald	Rincon Grande, East Falkland
1328	Velasquez, Arleen	North Arm, East Falkland
1329	Watson, Glenda Joyce	Long Is. Farm, East Falkland
1330	Watson, Neil	Long Is. Farm, East Falkland
1331	Whitney, Daneila Grace	Mount Kent Farm, East Falkland
1332	Whitney, Dennis	Fitzroy, East Falkland
1333	Whitney, Keith	Home Farm, East Falkland
1334	Whitney, Lana Rose	Fitzroy, East Falkland
1335	Whitney, Leona Ann	Home Farm, East Falkland
1336	Whitney, Patrick George	Mount Kent Farm, East Falkland
1337	Whitney, Tyrone	Home Farm, East Falkland
1338	Wilkinson, David Clive Walter	Dunnose Head Farm, West Falkland
1339	Wilkinson, Rosemary	Dunnose Head Farm, West Falkland
1340	Yon, Gillian Rose	KIS, MPA. East Falkland
1341	Youde, Maxin Arthur	Turners, MPA. East Falkland
1342	Young, Julie	M.P.A. East Falkland
1343	Young, Nigel Anthony	Turners, MPA. East Falkland

*NOT LIABLE TO SERVE AS A JUROR



THE FALKLAND ISLANDS GAZETTE

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No. 89

Appointment

Mrs. Sheena Laura Frances Cox, Special Needs Teacher,
Education Department, 9.6.95.

Acting Appointments

Edward Lawrence Bragger, Acting Senior Filtration
Plant Operator, 10.4.95. - 30.6.95.

Miss Tracey Clare Saunders, Acting Senior Clerk,
Falkland Islands Government Air Service, 9.6.95.

Confirmation of Appointments

Mrs. Celia Soledad Short, Clerk, Public Service, 24.5.95.

Gerard Michael Robson, Assistant Air Traffic
Controller, Civil Aviation Department, 7.6.95.

Mrs. Sara Ford, Clerk, Public Service, 20.6.95.

Completion of Contracts

Miss Myra May Pitt, Radio/Settlement Teacher,
Education Department, 12.12.94.

Hugh Marsden, Farm Management Specialist, Depart-
ment of Agriculture, 12.6.95.

Re-Appointment

Miss Myra May Pitt, Radio/Settlement Teacher,

Education Department, 30.5.95.

Retirement

Derek Robert Thomas Rozee, Senior Filtration
Plant Operator, Public Works Department,
10.6.95.

NOTICES

No. 19

5th June 1995.

The Companies and Private Partnership Ordinance (Cap. 13)

Companies Act 1948

NOTICE IS HEREBY GIVEN pursuant to section 2
of the Companies and Private Partnership Ordinance
and section 353 of the Companies Act 1948 in its
application to the Falkland Islands that with effect from
the publication of this Notice the name of **B & F
IMPORTS AND SUPPLIES LIMITED** is struck off
the register and the company is dissolved subject to the
proviso to sub-section (5) of section 353 aforesaid.

Dated this 5th day of June 1995.

B. Greenland,
Registrar of Companies.

No. 20

21st June 1995.

IN THE SUPREME COURT OF THE FALKLAND ISLANDS

SC/CIV/5/95

In the matter of:

SEAFISH (FALKLANDS) LIMITED

and in the matter of:

THE COMPANIES ACT 1948

NOTICE IS HEREBY GIVEN that a petition was presented to Her Majesty's Supreme Court to the Falklands Islands on the 5th day of June 1995 for the confirmation of the Reduction of the Capital of the above named company from £100,000 divided into 100,000 ordinary shares of £1 each to £5,000 divided into 100,000 ordinary shares of £0.05 pence each by returning capital which is in excess of the wants of the company.

AND NOTICE IS FURTHER GIVEN that the said petition is directed to be heard before Mr. Andrew S. Jones sitting as acting Supreme Court Judge of the Supreme Court at the Town Hall, Stanley, Falkland Islands on **Thursday the 13th day of July 1995.**

ANY Creditor or Shareholder of the said company desiring to oppose the making of an order for the confirmation of the said reduction of capital should appear at the time of hearing in person or by Counsel for that purpose.

A copy of the said petition will be furnished to any such person requiring the same by the undermentioned on payment of the regulated charge for the same.

Dated this 21st day of June 1995.

Kevin Kilmartin,

*John Street Chambers, 44 John Street, Stanley, Falkland Islands.
Legal Practitioner of the above named company.*

No. 21

30th June 1995.

Withdrawal of the Electricity Supply Tariff Rebate

NOTICE IS HEREBY GIVEN that the rebate of 2½p per unit currently available to the following categories of electrical energy consumers has been reviewed by the Governor in Council and is to be withdrawn with effect from the quarter ending 30 September 1995:

- i) any consumer who is in receipt of a Falkland Islands or a United Kingdom Old Age Pension; and
- ii) any other consumer on attaining the age of 64 years.

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

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

I hereby appoint:

Cpl. G. TARLETON L8218473

to be a Temporary Customs Officer from 28th April 1995 until 4th September 1995.

R. J. King,
Collector of Customs.

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

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

I hereby appoint:

Cpl. K. WORRAD H8105811

to be a Temporary Customs Officer from 6th June 1995 until 12th October 1995.

R. J. King,
Collector of Customs.

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

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

I hereby appoint:

Cpl. P. SMITH B8216652

to be a Temporary Customs Officer from 2nd May 1995 until 8th September 1995.

R. J. King,
Collector of Customs.

27th March 1995.

In accordance with Section 9(3) of the Media Trust Ordinance 1989, the Accounts of the Media Trust for the year ended 30th June 1994 are published for general information.

K Clarke
Secretary
Media Trust

MEDIA TRUST ACCOUNT FOR THE YEAR ENDED 30TH JUNE 1994

AUDITOR'S REPORT TO THE TRUSTEES OF MEDIA TRUST

I have audited the financial statements which have been prepared under the accounting policies.

Respective responsibilities of Trustees and the principal Auditor

The Trustees are responsible for the preparation of financial statements. It is my responsibility to form an independent opinion, based on my audit, on those statements and to report my opinion to you.

Basis of opinion

I conducted my audit in accordance with Auditing Standards. An audit includes examination, on a test basis, of evidence relevant to the amounts and disclosures in the financial statements. It also includes an assessment of the significant estimates and judgements made by the Trustees in the preparation of the financial statements, and of whether the accounting policies are appropriate to the Trust's circumstances, consistently applied and adequately disclosed.

I planned and performed my audit so as to obtain all the information and explanations which I considered necessary in order to provide me with sufficient evidence to give reasonable assurance that the financial statements are free from material misstatement, whether caused by fraud or other irregularity or error.

However, the evidence available to me was limited because £14,783 of the Trust recorded turnover comprised cash sales, over which there was no system of control on which I could rely for the purpose of my audit. There were no other satisfactory audit procedures that I could adopt to confirm that cash sales were properly recorded. In forming my opinion I also evaluated the overall adequacy of the presentation of information in the financial statements.

Qualified opinion arising from limitation in audit scope

Except for any adjustments that might have found to be necessary had I been able to obtain sufficient evidence concerning cash sales, in my opinion the financial statements give a true and fair view of the state of affairs of the Trust as at 30 June 1994 and of its profit for the year then ended and have been properly prepared in accordance with the Fiance and Audit Ordinance 1988 and the Media Trust Ordinance 1989.

In respect alone of the limitation on my work relating to cash sales:

I have not obtained all the information and explanations that I considered necessary for the purpose of my audit; and

I was unable to determine whether proper accounting records had been maintained.

PETER J CAMPBELL

Aberdeen
Date 27 MARCH 1995

Principal Auditor
Falkland Islands Government

**MEDIA TRUST (PENGUIN NEWS)
BALANCE SHEET AS AT 30 JUNE 1994**

	<u>1994</u>		<u>1993</u>
	£		£
FIXED ASSETS			
Tangible assets	1,118		1,318
CURRENT ASSETS			
Debtors	5,136		4,906
Cash at bank and in hand	<u>5,376</u>		<u>595</u>
	10,512		5,501
CREDITORS			
Amounts falling due within one year	<u>(6,253)</u>		<u>(11,102)</u>
NET CURRENT ASSETS/(LIABILITIES)	<u>4,259</u>		<u>(5,601)</u>
NET ASSETS/(LIABILITIES)	<u>5,377</u> =====		<u>(4,283)</u> =====
CAPITAL AND RESERVES			
Profit and loss account	<u>5,377</u>		<u>(4,283)</u>
	<u>5,377</u> =====		<u>(4,283)</u> =====

Approved by the Trustees on 16 MARCH 1995

L BUTLER
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A CHATER Trustees
.....

**MEDIA TRUST (PENGUIN NEWS)
PROFIT AND LOSS ACCOUNT - YEAR ENDED 30 JUNE 1994**

	<u>1994</u>		<u>1993</u>
	£		£
TURNOVER	46,236		42,640
Distribution costs	4,370		3,727
Administrative expenses	<u>65,641</u>		<u>80,064</u>
	<u>70,011</u>		<u>83,791</u>
	(23,775)		(41,151)
Other operating income	<u>33,435</u>		<u>39,000</u>
RETAINED PROFIT/(LOSS) FOR THE YEAR	<u>9,660</u> =====		<u>(2,151)</u> =====

All amounts relate to continuing operations.

The Trust has no recognised gains or losses other than the profit for the year.



THE FALKLAND ISLANDS GAZETTE

PUBLISHED BY AUTHORITY

Vol. CIV

31st July 1995

No. 9 10

Appointments

Robert Coombe, Gardener, Government House, 1.7.95.

John Alexander Horne MacDonald, Mechanic, Power and Electrical Section, Public Works Department, 1.7.95.

Miss Julia Thain, Assistant Secretary, Falkland Islands Government Office, London, 3.7.95.

Robert John McLeod, General Foreman, Highways Section, Public Works Department, 12.7.95.

Ian Colin Smith, Clerk, Public Service, 17.7.95

Paul Anthony Howe, Engineman, Power and Electrical Department, Public Works Department, 24.7.95.

Acting Appointments

David Ford, Acting Chief Fire Officer, 5.7.95.

Miss Deborah Ford, Acting Senior Clerk, Establishments Office, 14.7.95. - 1.9.95.

Confirmation of Appointments

Mrs. Alison Jane Marie Ford, Auxiliary Nurse, Medical Department, 1.7.95.

Miss Dorothy Ruth Wilkinson, Casualty Nurse, Medical Department, 1.7.95.

Mrs. Linda Jane Bonner, Auxiliary Nurse, Medical Department, 1.7.95.

Mrs. Diana Mary Berntsen-McGill, Clerk, Public Service, 1.7.95.

Miss Deborah Ford, Clerk, Public Service, 1.7.95.

Completion of Contract

Dr. Barry Elsby, Medical Officer, Medical Department, 17.5.95.

Promotion

Dr. Barry Elsby, Deputy Chief Medical Officer, Medical Department, 11.7.95.

NOTICES

No. 24

10th July 1995.

Currency Notes Rules

In exercise of the powers conferred by Rule 3 of the Currency Notes Rules, His Excellency the Governor has been pleased to approve the appointment of Mr. Peter Woodward to be a Currency Officer with effect from 10 July 1995.

The following is a full list of Currency Officers:

Mr. Derek Frank Howatt
Miss Linda Margaret Lyse
Mrs. Marie Cheek
Mr. Peter Julian Basil Biggs
Ms. Rose Ann Shirley Hirtle
Mr. Michael Luxton
Miss Glynis Margaret King
Mrs. Danuta Cecelia Krystyna Valler
Mr. Peter Woodward.

Commissioners of Currency

10 July 1995

Ref: TRE/19/1

No. 26

24th July 1995.

IN THE SUPREME COURT OF THE FALKLAND ISLANDS

In the matter of:

SEAFISH (FALKLANDS) LIMITED

and in the matter of:

THE COMPANIES ACT 1948

NOTICE IS HEREBY GIVEN that on the 13th day of July 1995 that ANDREW S. JONES sitting as Acting Judge of the Supreme Court ordered that the reduction of the capital of the said Company from £100,000.00 to £5,000.00 resolved on and effected by a special resolution passed at an Extraordinary General Meeting of the said Company held on the 25th May 1995 be and the same is hereby confirmed in accordance with the provisions of the above mentioned act.

AND NOTICE IS FURTHER GIVEN that the Court approved the Minute of the said reduction.

AND NOTICE IS FURTHER GIVEN that the said Order and the said Minute were registered on the 19th day of July 1995.

Dated this 24th day of July 1995.

Kevin Kilmartin,

*John Street Chambers, 44 John Street, Stanley, Falkland Islands.
Legal Practitioner of the above named company.*

No. 27

26th July 1995.

**In the matter of Seamount Limited
and**

**In the matter of the Companies and Private Partnership
Ordinance (Cap. 13)
and**

**In the matter of the Companies Act 1948 in its
application in the Falkland Islands**

Take notice that a first and final dividend of 2.2742148 pence in the £ has been declared in this matter and may be collected from my offices at the address given below on or after 21 August 1995.

**D. F. HOWATT,
Official Receiver.**

The Treasury,
Stanley,
FALKLAND ISLANDS.
26 July 1995.

No. 28

26th July 1995.

FALKLAND ISLANDS

No: 12/95

L I C E N C E

In accordance with the Lotteries Ordinance 1948 -

THE GIRL GUIDE ASSOCIATION

is hereby permitted to conduct a lottery (raffle) in the

Falkland Islands subject to the following conditions:

1. Prizes:

- 1st Prize Tristar Ticket (Return) Value £940
or two Return DAP Tickets to
Punta Arenas Value or Cash £940 (approx)
- 2nd Prize FIGAS Travel Value or Cash £150
- 3rd Prize FIGAS Travel Value or Cash £100

2. All proceeds after the deduction of expenses in connection with the printing, stationery and the provision of prizes shall be paid to the Lord Shackleton Scholarship Fund.

3. The licence is issued exclusive of Lotteries Tax as provided for under Section 6 of the Ordinance. However, a true balance sheet showing all money received and paid for printing, stationery, the provision of prizes and donations to charitable purposes shall be provided to the Financial Secretary on the day preceding the draw.

4. The number of tickets shall not exceed 8,000.

5. The purchase price of each ticket shall be 25 pence.

6. The raffle shall be drawn in Stanley at the Guide Hall on 28 October 1995.

7. Tickets must bear the name of the licensee.

8. Prizes shall be given to the persons to whom the winning tickets are sold.

9. No money received by the promoter for the sale of a ticket shall be refunded.

10. No person under the age of 17 years shall be engaged in the operation of the lottery nor be employed in the purchase or sale of tickets in connection therewith.

11. The result of the draw shall be broadcast on the day following the draw. A list of prize winners shall be provided to the Financial Secretary.

The Treasury
STANLEY
Ref: 33/A

26th July 1995.

**D.F. HOWATT,
Financial Secretary.**

No. 29

28th July 1995.

**MARINE ENVIRONMENT (PROTECTION)
ORDINANCE 1995:
COMING INTO FORCE OF PROVISIONS**

IN EXERCISE of my powers under section 1 of the Marine Environment (Protection) Ordinance 1995, I, ANDREW MURRAY GURR, Acting Governor of the Falkland Islands, HEREBY APPOINT the first day of August 1995 as the date on which that Ordinance shall come into effect.

28th day of July 1995.

**A.M. GURR,
Acting Governor.**

No. 30

28th July 1995.

DEPOSITS AT SEA: LICENSING AUTHORITY

IN EXERCISE of my powers under section 6(1) of the Marine Environment (Protection) Ordinance 1995, I, ANDREW MURRAY GURR, Acting Governor of the Falkland Islands, HEREBY APPOINT Arthur John Barton, Director of Fisheries, to be the Licensing Authority for the purposes of Part II (Deposits at Sea) of that Ordinance.

28th day of July 1995

A.M. GURR,
Acting Governor.

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

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

I hereby appoint:

Cpl. G. TARLETON L8218473

to be a Temporary Customs Officer from 28th April 1995 until 4th September 1995.

R. J. King,
Collector of Customs.

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

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

I hereby appoint:

Cpl. K. WORRAD H8105811

to be a Temporary Customs Officer from 6th June 1995 until 12th October 1995.

R. J. King,
Collector of Customs.

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

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

I hereby appoint:

Cpl. P. SMITH B8216652

to be a Temporary Customs Officer from 2nd May 1995 until 8th September 1995.

R. J. King,
Collector of Customs.

The Falkland Islands Constitution Order 1985

Schedule 1 (Section 80(1))

Appointment of Acting Judge.

WHEREAS it appears to me, after consulting the Chief Justice, Sir Dermot Renn Davis, Officer of the Most Excellent Order of the British Empire, that the state of business in the Supreme Court during such time or times as the Chief Justice is absent from the Falkland Islands so requires;

AND WHEREAS after such consultation as aforesaid I am satisfied that **ANDREW SHIRLEY JONES** possesses such legal qualifications and experience as are appropriate for him to be so appointed;

Now I, **DAVID EVERARD TATHAM**, Companion of the Most Distinguished Order of Saint Michael and Saint George, Governor of the Falkland Islands, **IN EXERCISE** of my powers under Section 80(1) of Schedule 1 to the Falkland Islands Constitution Order 1985 **DO APPOINT** the said **ANDREW SHIRLEY JONES** to sit as an Acting Judge of the Supreme Court for the purpose of hearing and determining the Petition filed by Seafish (Falklands) Limited under number SC/CIV/5/95 and matters ancillary thereto.

AND I DECLARE that the powers contained in this appointment are granted in addition to the appointment of the said **ANDREW SHIRLEY JONES** dated 25th day of February 1994 and all such appointments made subsequent thereto.

AND THIS appointment shall be effective until such time as the Governor of the Falkland Islands for the time being signifies to the contrary.

GIVEN under my hand and the Public Seal this 30th day of June 1995



D.E. TATHAM,
Governor

WAGES AGREEMENT

The following agreement has been reached between the Government and the General Employees' Union. The agreement shall be effective for a period of six months from 1st July 1995 and shall apply to the hourly paid Union employees of Government in Stanley.

1. Basis of Wage Rates

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

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

(a) Craftsmen - Certificated

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

Carpenters and Joiners
Blacksmiths
Painters
Motor Mechanics

Masons
Plumbers
Electricians
Plant Mechanics/Fitters

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

(b) Craftsmen - Uncertificated

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

(c) Handyman

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

(d) Plant Operator

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

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

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

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

(e) **Labourer**

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

2. **Prevailing Rates**
Class

		Hourly Rate			
		£			
1.	Foremen	5.38	5.54	5.71	
2.	Assistant Foremen	4.97	5.12	5.27	
3.	Certificated Craftsmen	4.77	4.93	5.08	5.23*
4.	Uncertificated Craftsmen	4.26	4.37	4.48	4.60*
5.	Apprentices				
	1st year				3.48
	2nd year				3.65
	3rd year				3.83
	4th year				4.02
	5th year				4.23
6.	Handymen (according to ability)	3.76	3.86	3.97	4.07 4.16*
7.	Labourers				
	Age				
	15 - 16				3.29
	16 - 17				3.42
	17 - 18				3.52
	18 and over				3.67
8.	Plant Operators (according to ability)				
	<u>Class 2</u>	3.76	3.86	3.97	4.07 4.16*
	<u>Class 1</u>	4.20	4.29	4.38	4.48 4.60

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

The above hourly rates are minimum and the Government may, if it so wishes, offer higher rates, incentive bonuses, etc.

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

3. **Extra Payments**(a) **"Dirt Money"**

"Dirt" money should only be paid when the work is substantially dirtier than the work which an employee is normally called upon to do. The following jobs automatically qualify for 20p per hour -

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

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

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

(b) Hazardous Work

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

(c) Extra Skill or Responsibility

- (i) Any employee specifically detailed to supervise the work of three or more other employees shall receive 25p per hour extra while taking this responsibility. This clause is intended for use on an occasional basis and does not cover people who continually supervise people or projects, such as Foremen or Assistant Foremen.
- (ii) Any labourer employed on semi-skilled work which would normally fall to a Handyman (eg painting, fencing, concrete laying) shall receive pay as a Handyman while engaged on this work. The precise rate shall be fixed by the Government according to the nature of the work and the skill of the particular labourer so employed. This will also apply to tallymen.

(d) Tool Allowance

A tool allowance of £21.28 per annum is payable at the commencement of each year to any craftsman or handyman who is required to provide his own tools and who has completed one year's continuous service with the Government. This allowance will not be paid where the necessary tools to carry out the duties are provided by the Government. The tool allowance shall be adjusted annually to take into account cost of living awards made during the course of the last four quarters.

4. Payment of Wages

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

5. Working Hours

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

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

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

6. Overtime

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

Time and a half

- (i) between the end of the normal day and midnight
- (ii) from 6am to the start of the normal working day, provided that work did not start before 6am.

Double time

- (i) between midnight and 6am
 - (ii) from 6am to the start of the normal working day, if work commenced before 6am
 - (iii) on Sundays and recognised Public Holidays
 - (iv) for meal hours or parts thereof, if work continues through the normal working day without a full meal-hour break.
 - (v) Double time rates shall also be paid during normal working hours if, exceptionally, an employee starts work before midnight and continues without a break into normal working hours. Double time rates shall then continue to apply until there is an (unpaid) break from work exceeding four hours, after which the normal rates will again apply.
- (b) Overtime, except for shift workers, is voluntary and an employee shall not be dismissed if he objects to working outside normal hours. However, certain jobs may require attendance at times outside the normal hours and in these cases employees shall be given the option of a 40 hour week by allowing time off during normal working hours, at a time to be agreed with the Government.

7. Public Holidays

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

8. Holidays

- (a) Annual Holidays.

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

<u>Class of Worker</u>	<u>Rate per annum</u>
a) Labourers, 1st and 2nd Year Apprentices	20 days
b) Assistant Foremen, Certificated and Uncertificated Craftsmen, Handymen and 3-5th Year Apprentices	22 days
c) Foremen	24 days

Maximum accumulation 400 hours

Paid holidays may be taken at times to be mutually agreed upon.

b) **Public Holidays.**

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

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

- c) Any allowance or special rates earned on both the working day preceeding and the working day following the holiday shall be paid for the holiday.
- d) When a dated holiday falls on a Saturday or a Sunday the next working day shall be the holiday.

9. **Sick Pay**

- a) An employee shall be entitled to the following sick pay commencing on the first day of sickness upon the production of a medical certificate which states the sickness is not brought on by any fault of his own, but the periods listed below being limited to the total number of entitled weeks within a 52 week period from the first day of sickness -
 - (i) Employees who have completed less than two years' service with the Government -
 - Full pay for the first three weeks
 - Half pay for the fourth and fifth weeks.
 - (ii) Employees who have completed two years' service with the Government -
 - Full pay for the first six weeks
 - Half pay for the following twelve weeks.
 - (iii) Employees who have completed three years' service with the Government -
 - Full pay for the first eight weeks
 - Half pay for the following sixteen weeks.
- (b) Full pay should be paid for any Public Holiday which falls during the first six weeks of sickness provided that the employee, when he has recovered, returns to work for the Government.
- (c) The Workmen's Compensation Ordinance shall apply in cases of sickness resulting from accidents at work. The Foreman and the Union Delegate should confirm in writing any accident at work.

10. **Unpaid Leave**

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

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

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

11. Termination of Employment

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

- (a) Employees who have completed one month's service but less than two years' service - one week's notice.
- (b) Employees who have completed between two years' and twelve years' continuous service - one week's notice for each year of continuous employment.
- (c) Employees who have completed more than twelve years' continuous employment - not less than twelve weeks' notice.

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

12. General

- (a) When a party of employees is required to carry meals to their work, one employee shall be allowed reasonable time to heat meals for the rest of the party.
- (b) The Government may lay down times when employees shall appear for their wages, provided that the payment is completed within normal working hours.
- (c) An official or delegation of a recognised union may, with the Government's consent, attend at a job or shop at any time to interview workmen, but no meeting shall take place in working hours without the express permission of the Government. If a dispute arises, the Government or its nominee shall interview, by appointment, any official representative of its employees.
- (d) The Government shall display for the benefit of its employees copies of regulations and rules pertaining to wages and conditions of service of workers.
- (e) The Government shall ensure that tractors are fitted with safety cabs.

13. Redundancy

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

14. Disciplinary Proceedings

Responsibility for disciplinary proceedings for all staff of the Government, including those employees employed under the Wages Agreement, is that of the Establishments Section of the Secretariat to which responsibility has been delegated by the Governor.

Foremen and Supervisors are charged with the day to day management of the employees

working under them. It is within their authority to give verbal or written instructions to employees as necessary. Should an employee fail to observe verbal or written instructions or written rules relative to his employment, or if his conduct or performance fails to meet the accepted standards, a written warning may be issued by his Head of Department. The authority of Heads of Departments, Foremen and Supervisors extends only as far as requiring the removal of an employee from the workplace in appropriate circumstances. (Dismissal or other disciplinary action can only be authorised by the Establishments Section). The reason for the removal of an employee from the workplace must be reported to the Head of Department as soon as possible. The employee concerned must be permitted to explain his actions to the Head of Department.

Written warnings must be issued by the Head of Department and copied to the Establishments Section of the Secretariat and to the Foreman or Supervisor normally in charge of an employee. Should an employee receive three written warnings within any period of twelve months or less ordinarily he will be dismissed, if the Establishments Section of the Secretariat is satisfied that some lesser punishment would not be more appropriate in the circumstances of the case. In all cases the employee must be given the opportunity to explain his actions.

The right is reserved, however, to dismiss an employee without any written warning or warnings having been previously given if the case against him is serious enough to warrant immediate dismissal; provided that the employee is given the opportunity first to explain his actions.

Examples of misconduct for which written warnings or an order to leave the workplace may be given:

- a) regularly arriving late at place of work.
- b) not wearing appropriate safety clothing and equipment as instructed;
- c) unauthorised absence from work;
- d) improper treatment of plant, vehicles and/or equipment;
- e) refusing to obey instructions given by Supervisor;
- f) carrying unauthorised passengers in Government Vehicles; and
- g) consuming alcoholic beverages or being intoxicated at the workplace.

(The above list is illustrative only and is not an exhaustive list of examples of misconduct).

15. **Payment for Public Service Duties**

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

Justices of the Peace

Jurors

Witnesses

Legislative Councillors

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

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

- (b) Payments under this clause shall be at the basic hourly rate of the employee concerned whether the employee in question would otherwise have been attending for duty of a kind or at a time which qualified for an enhanced payment or not.
 - (c) If the employee would ordinarily be working in excess of the normal working hours payments under this clause shall nevertheless be limited to payments due in respect of a basic working day.
 - (d) The Government shall be entitled before making a payment under this clause to require satisfactory evidence that the absence in question was an absence qualifying for payment under this clause.
16. Words and expressions used throughout this Agreement importing the masculine gender include the female gender.

P T King
Government Secretary,
for Falkland Islands Government.

18 July 1995

V L Berntsen
Chairman,
for General Employees' Union.

18 July 1995



**THE
FALKLAND ISLANDS GAZETTE
Extraordinary**

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The following is published in this Gazette -

The Register of Electors 1995.

Register of Electors, Stanley Constituency

1	Adams, John Harvey	21 Ross Rd. East.
2	Adams, Marjorie Rose	21 Ross Rd East.
3	Alazia, Andrew	2 Fitzroy Rd.
4	Alazia, Anita Jayne	Government House.
5	Alazia, Freda	2 Fitzroy Rd.
6	Alazia, Freda Evelyn*	33 Ross Rd. West.
7	Alazia, James Andrew	2 Fitzroy Rd.
8	Alazia, Keith	4 Fitzroy Rd.
9	Alazia, Maggie Ann*	6 John St.
10	Alazia, Stuart John	Fitzroy Rd.
11	Alazia, Yvonne	1A Coseley Flats, Moody St.
12	Aldridge, Caroline Mary	2 H Jones Rd.
13	Aldridge, Kenneth John	2 H Jones Rd.
14	Aldridge, Nina Ann*	2 H Jones Rd.
15	Allan, John*	3 Philomel Place.
16	Allan, Joyce Ena*	3 Philomel Place.
17	Allan, Michael Charles	3 Philomel Place.
18	Almonacid, Orlando	1 Villiers St.
19	Anderson, Eddie	22 Endurance Ave.
20	Anderson, Edward Bernard*	42 Davis St.
21	Anderson, Elizabeth Nellie*	42 Davis St.
22	Anderson, Gloria*	Jersey Est.
23	Anderson, Helen*	88 Davis St.
24	Anderson, Michelle Diane	1A Capricorn Rd.
25	Anderson, Mildred Nessie*	8 St. Mary's Walk.
26	Anderson, Paul James	39 Eliza Crescent.
27	Anderson, Richard Louis*	88 Davis St.
28	Anderson, Stephen Robert	Flat 3, 1 Moody St.
29	Anthony, Geraldine Sylvia	1B Block A, 1 Jersey Rd.
30	Barkman, Margaret Mary	7 St Mary's Walk.
31	Barnes, Ernest*	70 Davis St.
32	Barnes, Molly Stella*	70 Davis St.
33	Barnes, Sigrid Geraldine Wells*	39 John St.
34	Barnes, Trevor Marshall	1 Auster Place.
35	Barton, Alison Mary	6 Villiers St.
36	Barton, Arthur John	6 Villiers St.
37	Bedford, Kita Muriel*	2 Drury St.
38	Bell, Margaret Maud Elizabeth	12 Endurance Avenue.
39	Bell, Robin William Simpson*	12 Endurance Avenue.
40	Bennett, Harold*	14 Allardyce St.
41	Bennett, Lena Grace Gertrude*	14 Allardyce St.
42	Berntsen, Benjamin John	31 Ross Rd West.
43	Berntsen, Cecilia del Rosario	Whyteways James St.
44	Berntsen, Christian Olaf Alexander	7 Fitzroy Rd East.
45	Berntsen-McGill, Diana Mary	20 Eliza Cove Crescent.
46	Berntsen, Elaine Ellen*	39 Davis St.
47	Berntsen, John Alexander	32 Callaghan Rd.
48	Berntsen, Kathleen Gladys*	10 Fitzroy Rd.
49	Berntsen, Kenneth Frederick	Stanley.
50	Berntsen, Lavina Maud*	Vale, Thatcher Drive.
51	Berntsen, Mary Clarissa Elizabeth*	St Martin's, Thatcher Drive.
52	Berntsen, Olaf Christian Alexander	7 Fitzroy Rd. East.
53	Berntsen, Patrick	10 James St.
54	Berntsen, Saphena Anya Jane	Flat 1B, 6 Jersey Road
55	Berntsen, Susana Caroline*	Whyteways, James St.

56	Berntsen, Valdamar Lars	Whyteways, James St.
57	Berntsen, William Blyth*	10 Fitzroy Rd.
58	Bertrand, Catherine Gladys*	11 Ross Rd. East.
59	Besley-Clark, Barbara June	53 Callaghan Rd.
60	Besley-Clark, Craig Norman Leigh*	53 Callaghan Rd.
61	Besley-Clark, Norman	53 Callaghan Rd.
62	Betts, Arlette	6 Discovery Close.
63	Betts, Cyril Severine*	Peter Brouard, Reservoir Rd.
64	Betts, Donald William	7 Jeremy Moore Ave.
65	Betts, Ellen Alma*	21 Fitzroy Rd.
66	Betts, George Winston Charles	35 Ross Rd. West.
67	Betts, Lucia Elizabeth	35 Ross Rd. West.
68	Betts, Owen*	35 Ross Rd. West.
69	Betts, Severine	Auster Drive.
70	Betts, Shirley Rose	7 Jeremy Moore Ave.
71	Betts, Terence Severine	6 Discovery Close.
72	Biggs, Alastair Gordon	Trehayle, 50 John St.
73	Biggs, Althea Maria	3 Dairy Paddock Rd.
74	Biggs, Betty Josephine*	9 Moody St.
75	Biggs, Edith Joan*	Trehayle, 50 John St.
76	Biggs, Frances	16 Endurance Ave.
77	Biggs, Frederick James*	Fitzroy Rd. East.
78	Biggs, Irene Mary*	Harbour View, 4 Ross Rd East.
79	Biggs, Leslie Frederick	3 Dairy Paddock Rd.
80	Biggs, Madge Bridget Frances*	Harbour View, 4 Ross Rd East.
81	Biggs, Michael Elfed	21 Fitzroy Rd.
82	Biggs, Peter Julian Basil	16 Endurance Ave.
83	Billett, Leslie William*	5 Hebe St.
84	Binnie, Juliet Ann*	Flat 3, Church House.
85	Binnie, Susan*	3 Brandon Rd.
86	Birmingham, John*	4 Drury St.
87	Birmingham, Susan Jane	4 Drury St.
88	Black, Cheryl Ann Spencer	57 Fitzroy Rd.
89	Blackley, Candy Joy	4 Barrack St.
90	Blackley, Charles David*	4 Pioneer Row.
91	Blackley, Hilda	4 Pioneer Row.
92	Blackley, John David	4 Barrack St.
93	Blackley, Maurice	Callaghan Rd.
94	Blackley, Shane David*	4 Barrack St.
95	Blizard, Lawrence Gordon*	51 Fitzroy Rd.
96	Blizard, Malvina Mary*	51 Fitzroy Rd.
97	Blyth, Agnes Ruth*	2 Brandon Rd.
98	Blyth, Alfred John*	2 Brandon Rd.
99	Bonner, Angela Jane*	5 John St.
100	Bonner, Donald William*	Chauffeurs Cottage.
101	Bonner, Hayley Trina	41 Ross Rd West.
102	Bonner, Linda Jane	4A Ross Rd West.
103	Bonner, Nicholas	4A Ross Rd West.
104	Bonner, Paul Roderick	5 John St.
105	Bonner, Timothy	41 Ross Rd West.
106	Bonner, Vera Ann	5 John St.
107	Bonner, Vera Joan*	Chauffeurs Cottage.
108	Bonner, Violet*	40 Ross Rd.
109	Booth, Jessie*	Racecourse Cottage.
110	Booth, Joseph Bories*	7 Philomel St.

111	Booth, Myriam Margaret Lucia	7 Philomel St.
112	Booth, Stuart Alfred*	Racecourse Cottage.
113	Bound, Graham Leslie	Barrack St.
114	Bound, Joan*	Barrack St.
115	Bowles, Norma Evangeline	1A Villiers St.
116	Bowles, William Edward*	1A Villiers St.
117	Bowles, William George Troyd	1A Villiers St.
118	Bragger, Edward Laurence	14 Jeremy Moore Ave.
119	Bragger, Olga	14 Jeremy Moore Ave.
120	Browning, Edwina	Davis Street.
121	Browning, Gavin	Flat 1, 5 Jeremy Moore Ave. East.
122	Browning, Rex*	35 Davis St.
123	Browning, Richard William	Davis St.
124	Browning, Trevor Osneth	6A Pioneer Row.
125	Buckett, Ronald Peter	49 Fitzroy Rd.
126	Buckett, Susan Vera	49 Fitzroy Rd.
127	Buckland, Charles Ronald	21 Callaghan Rd.
128	Buckland, Darlene Joanna	11 James St.
129	Bundes, Robert John Christian*	17 Fitzroy Rd.
130	Burnard, Linda May	3 Jeremy Moore Ave.
131	Burnard, Peter	3 Jeremy Moore Ave.
132	Burns, Mary Anne*	34 Davis St.
133	Burston, Catherine	3 Beaver Rd.
134	Burston, Stephen Leslie*	3 Beaver Rd.
135	Bury, Ian Thomas	63 Davis St.
136	Butcher, Michael George	3A Dairy Paddock Rd.
137	Butcher, Trudi	3A Dairy Paddock Rd.
138	Butler, Caroline Mary*	12 Allardyce St.
139	Butler, Elsie Maud*	8 John St.
140	Butler, Frederick Lowther Edward Olai*	8 John St.
141	Butler, George Joseph*	1A Moody St.
142	Butler, Joan May	1A Moody St.
143	Butler, Laurence Jonathan*	2 Davis St. East.
144	Butler, Margaret Orlanda	15A James St.
145	Butler, Orlanda Betty	2 Davis St. East.
146	Cameron, Jane Diana Mary Keith	Old Bakery, Fitzroy Rd.
147	Cant, Carol Rosine	37 Callaghan Rd. Jersey Est.
148	Cant, Martin Ronald	37 Callaghan Rd. Jersey Est.
149	Card, Denise	Flat 2, 30 Jersey Rd.
150	Carey, Anthony Michael*	19 Ross Rd. West.
151	Carey, Bonita Colleen*	21 Eliza Cove Crescent
152	Carey, Gladys*	19 Ross Rd. West.
153	Carey, Mary Ann Margaret*	18 Ross Rd. West.
154	Carey, Terence James*	18 Ross Rd. West.
155	Castle, David Peter	26 John St.
156	Castle, Isobel	26 John St.
157	Ceballos, Claudette*	28 Endurance Ave.
158	Ceballos, Eulogio Gabriel	28 Endurance Ave.
159	Chapman, Helen	6 Fitzroy Rd. East.
160	Chapman, Paul	6 Fitzroy Rd. East.
161	Chater, Annie	33 Fitzroy Rd.
162	Chater, Anthony Richard	33 Fitzroy Rd.
163	Chater, Thomas Frederick*	33 Fitzroy Rd.
164	Cheek, Barbara	10 Ross Rd.
165	Cheek, Gerald Winston	10 Ross Rd.

166	Cheek, Janet Linda*	25 Ross Rd. West.
167	Cheek, John Edward*	25 Ross Rd. West.
168	Cheek, Marie	10 Ross Rd.
169	Cheek, Miranda	25 Ross Rd. West.
170	Cheek, Rosalind Catriona	25 Ross Rd. West.
171	Clapp, Kevin Christopher	YMCA, 12 Scoresby Close.
172	Clarke, Camilla Marie	8 Drury St.
173	Clarke, Christopher	8 Jeremy Moore Ave.
174	Clarke, David James	17 Ross Rd. West.
175	Clarke, Derek Simon	23 Jeremy Moore Ave.
176	Clarke, Doreen*	17 Ross Rd. West.
177	Clarke, Enid Elizabeth	4B Ross Rd. West.
178	Clarke, Fiona Alison	Flat 1, 5 Jeremy Moore Ave. East.
179	Clarke, Gwynne Edwina	17 Jeremy Moore Ave.
180	Clarke, Hector*	27 Eliza Cove Crescent.
181	Clarke, Ian	17 Ross Rd. West.
182	Clarke, Isabel Joan*	29 Callaghan Rd..
183	Clarke, Jane Lucacia*	8 Pioneer Row.
184	Clarke, James Martin*	4B Ross Rd. West.
185	Clarke, Jonathan Terence*	17 Jeremy Moore Ave.
186	Clarke, Joyce Kathleen*	27 Eliza Cove Crescent.
187	Clarke, Julie Ann	1 Discovery Close.
188	Clarke, Kathleen Gay	60 Davis St.
189	Clarke, Marvin Thomas	7 Fitzroy Rd.
190	Clarke, Paul Ian*	Flat 3, 2B Block C, 6 Eliza Cove Rd.
191	Clarke, Ronald John*	17 Ross Rd. West.
192	Clarke, Rudy Thomas	8 Drury St.
193	Clarke, Suzanna*	Brandon Rd.
194	Clarke, Terence John	17 Jeremy Moore Ave.
195	Clarke, Trudi Ann	7 Fitzroy Rd.
196	Clarke, Violet Rose	31 Ross Rd. West.
197	Clasen, Wayne Ian Summers James*	9 Fitzroy Rd.
198	Clausen, Denzil George Gustavius	3 St. Mary's Walk.
199	Clausen, Melanie Florence	1 Hebe St.
200	Claxton, Frank Brian*	28 Ross Rd. East.
201	Claxton, Margaret	28 Ross Rd. East.
202	Clayton, Brian	16 St Marys Walk.
203	Clayton, Susan	16 St Marys Walk.
204	Clement, Jane	8 James St.
205	Cletheroe, Kenneth Stanley*	45 Fitzroy Rd.
206	Clifton, Cathy Louise	4 Fieldhouse Close.
207	Clifton, Charles*	3 Ross Rd. West.
208	Clifton, Darwin Lewis	53 Davis St.
209	Clifton, Doreen	3 Ross Rd. West.
210	Clifton, Gavin John*	4 Fieldhouse Close.
211	Clifton, Kevin*	20 Davis St.
212	Clifton, Marie	54 Davis St.
213	Clifton, Neil	20 Davis St.
214	Clifton, Stephen Peter	61 Fitzroy Rd.
215	Clifton, Terence Charles	3 Ross Rd. West.
216	Clifton, Teresa Ann	12 Callaghan Rd.
217	Clifton, Valerie Ann	61 Fitzroy Rd.
218	Clingham, Leslie George	38 Ross Rd.
219	Clingham, Yvonne Helen	38 Ross Rd.
220	Cofre, Anya Evelyn	6A Ross Rd. West.

221	Cofre, Elvio Miguel	6A Ross Rd. West
222	Collins, Shiralee*	Flat 9, 3B Block A, 6 Jersey Rd.
223	Coleman, Jeanette	10 Pioneer Row.
224	Connolly, Janice	9 Ross Rd. West.
225	Connolly, Kevin Barry	1 Kings St.
226	Coombe, Peter	12 Ross Rd. West.
227	Coombe, Robert	12 Ross Rd. West.
228	Coombe, Shirley Anne	12 Ross Rd. West.
229	Coulter, Paula	9 Fieldhouse Close.
230	Courtney, Anthony Clive	Lady Hunt House, John St.
231	Courtney, Julie Doris	Lady Hunt House, John St.
232	Coutts, Charles	Feltons Stream.
233	Coutts, Charles Lindsay*	33 Ross Rd.
234	Coutts, Diana Marion	13 Campbell Drive.
235	Coutts, John	36 Ross Rd. West.
236	Coutts, Olga*	33 Ross Rd.
237	Coutts, Peter	13 Campbell Drive.
238	Crowie, Ana Bonita	69 Fitzroy Rd.
239	Crowie, Nicola Jane	35 Callaghan Rd. Jersey Est.
240	Curtis, Alfred William Hamilton	6 Brandon Rd. West.
241	Curtis, Barbara Joan	6 Brandon Rd. West.
242	Curtis, Coral Elizabeth	34 Ross Rd., East Flat
243	Curtis, James William Hamilton	6 Brandon Rd. West.
244	Davies, Andrew Liam*	Flat 7, Jersey Estate.
245	Davies, Anthony Warren	7 Callaghan Rd.
246	Davies, Colin George	15 Ross Rd. West.
247	Davies, Eileen Wynne	15 Ross Rd. West.
248	Davies, Jacqueline Nancy	7 Callaghan Rd.
249	Davies, Stephen Andrew	7 Callaghan Rd.
250	Davies, William	8 Fitzroy Rd. East.
251	Davis, Ellen Rose	39 Davis St.
252	Davis, Lynsey Leander	Auster Place.
253	Davis, Maurice Nigel	39 Davis St.
254	Davis, Raymond Andrew	YMCA, 12 Scoresby Close.
255	Davis, Roy George Victor	Narrows View.
256	Davis, Sharon Sandra Evelyn	Narrows View.
257	Davy, Patrick Alex Field	Flat 3, 3 Jeremy Moore Ave.
258	Decroliere, Carrie Madeline Helen	5 Discovery Close.
259	Decroliere, Eric Ernest Albert	5 Discovery Close.
260	Dickson, Caroline Christine Bird*	108 Davis St.
261	Didlick, Fiona Margaret	13 Jeremy Moore Ave
262	Didlick, Graham John*	13 Jeremy Moore Ave.
263	Didlick, Rhiannon Elinore*	13 Jeremy Moore Ave.
264	Dodd, Alison	1 Pioneer Row.
265	Doherty, Ian	12 McKay Close.
266	Duncan, Doreen*	Tenacres.
267	Duncan, William*	Tenacres.
268	Earnshaw, Jacqueline Elizabeth	32 Ross Rd. West.
269	Eccles, Bernard Leslie	18 Jeremy Moore Ave.
270	Eccles, Moira Cameron	18 Jeremy Moore Ave.
271	Edwards, Rebecca Elizabeth*	KEMH
272	Elliott, Elizabeth Rose	15 Callaghan Rd.
273	Ellis, Cyril*	Fieldhouse Close.
274	Ellis, Valerie	Fieldhouse Close.
275	Eriksen, Michelle*	20 Jeremy Moore Ave.

276	Ewing, Gordon	4 Jeremy Moore Ave.
277	Ewing, Irene	4 Jeremy Moore Ave.
278	Eynon, Carol	8 Villiers St.
279	Eynon, David John	8 Villiers St.
280	Eynon, Leeann Watson	2A Jeremy Moore Ave. East.
281	Faria, Basil Harry	3A Brisbane Rd.
282	Faria, Maria Anne	3A Brisbane Rd.
283	Faria, Mary Ann*	14 St. Mary's Walk.
284	Felton, Faith Dilys	1B Capricorn Rd.
285	Felton, Violet Regina Margaret*	German Camp, Callaghan Rd.
286	Ferguson, Marie Anne	Flat 1, Block B, 30 Jersey Rd.
287	Ferguson, Rose	Flat 7, 1 Jeremy Moore Ave.
288	Fiddes, Douglas Graham	Kent Rd.
289	Fiddes, Gardner Walker	8 Endurance Ave.
290	Fiddes, Julia Bertrand	Kent Rd.
291	Fiddes, Mary McKinnon Livingstone*	4 Moody St.
292	Fiddes, Melody Christina	8 Endurance Ave.
293	Fiddes, Robert*	4 Moody St.
294	Finlayson, Iris Dwenda Margaret*	7 John St.
295	Finlayson, Peter	6 Brandon Rd.
296	Finlayson, Phyllis*	6 Brandon Rd.
297	Fisher-Smith, Julie Anne	Fieldhouse Close.
298	Fogerty, Philip John*	Stone Cottage
299	Fogerty, Richard Edwin John	Stone Cottage.
300	Ford, Alison Jane Marie*	Flat 4, 7 Jeremy Moore Ave. East.
301	Ford, Arthur Henry*	6 Drury St.
302	Ford, Caroline	2 Philomel Place.
303	Ford, Charles David*	15 Brandon Rd.
304	Ford, Cherry Rose	1 James St.
305	Ford, Christopher James	Fieldhouse Close.
306	Ford, Colin Stewart	15 Kent Rd.
307	Ford, Colleen Mary	12 Davis St.
308	Ford, David	24 James St.
309	Ford, Frederick James	12 Davis St.
310	Ford, Gerard Allan	Flat 1, 3 Jeremy Moore Ave. East.
311	Ford, James Edward*	6A Jeremy Moore Ave. East.
312	Ford, Leann Caroline	15 Kent Rd.
313	Ford, Leonard	Flat 4, 7 Jeremy Moore Ave East..
314	Ford, Marilyn Christina	24 James St.
315	Ford, Michael	1 James St.
316	Ford, Paul Edward*	2 Philomel Place.
317	Ford, Robert	1 Davis St.
318	Ford, Sara*	Fieldhouse Close.
319	Forrest, Jennifer Carol	Kent Rd.
320	Forster, Amanda*	39 Eliza Crescent
321	France, Graham Brian*	28 Jersey Rd.
322	France, Jane Aileen Marie	28 Jersey Rd.
323	Freeman, Carl Francis	10 James St.
324	Freeman, Dianne May	10 James St.
325	French, Irene Ann	Upland Goose Hotel
326	Fullerton, Mary Ellen*	Government House.
327	Geach, Alan John*	37 Eliza Crescent
328	Gilbert, Judith Elizabeth	22 Jeremy Moore Ave.
329	Gilbert, Robert Ernest	22 Jeremy Moore Ave.
330	Gilding, Deborah	69 Fitzroy Rd.

331	Gilding, Peter Bernard	4 Philomel St.
332	Gilding, Sara Jane*	9 Fitzroy Rd.
333	Gooch, Dudley Frederick*	34 John St.
334	Goodwin, Colin Valentine	86 Davis St.
335	Goodwin, Derek Samuel	3 Police Cottages, 7 Ross Rd.
336	Goodwin, Emily Rose*	7 Brisbane Rd.
337	Goodwin, Hazel Rose*	3 Police Cottages. 7 Ross Rd.
338	Goodwin, June Elizabeth	86 Davis St.
339	Goodwin, Kathleen Edith Marguerite*	6 Thatcher Drive.
340	Goodwin, Margaret Ann	3 Harbour View.
341	Goodwin, Robin Christopher	27 Callaghan Rd.
342	Goodwin, Simon James	Flat 3, 2B Block C, 6 Eliza Cove Rd.
343	Goodwin, Una	27 Callaghan Rd.
344	Goodwin, William Andrew Nutt*	3 Harbour View.
345	Goodwin, William John Maurice	7 Brisbane Rd.
346	Goss, Amara Theresa	7 Brandon Rd.
347	Goss, Annagret	16 Jeremy Moore Ave.
348	Goss, Corina Rose*	15 Callaghan Rd.
349	Goss, Dorothy Ellen	Flat 3, 2 B Block A, 6 Jersey Rd.
350	Goss, Errol Barry Gordon	Flat 3, 7 Jeremy Moore Ave. East
351	Goss, Grace Elizabeth*	5 Ross Rd. East.
352	Goss, Morgan Edmund	16 Jeremy Moore Ave.
353	Goss, Sandra Kathleen	11 Kent Rd.
354	Goss, Simon Peter Miller	11 Kent Rd.
355	Goss, William Henry (Jnr)	7 Brandon Rd.
356	Goss, William Henry (Snr)*	5 Ross Rd. East.
357	Gould, Arthur William	Moody St.
358	Grant, Lennard John*	3 Moody St.
359	Grant, Milly*	3 Moody St.
360	Gray, Andrea Patricia	22 Ross Rd. West.
361	Green, David William	5 Police Cottage, Ross Rd.
362	Greenland, Bonita Doreen*	3 Racecourse Rd.
363	Greenland, Kenneth David*	3 Racecourse Rd.
364	Grimmer, Keith	15 Pioneer Row.
365	Grimmer, Marilyn	15 Pioneer Row.
366	Hadden, Alexander Burnett*	27 Fitzroy Rd.
367	Hadden, Sheila Peggy*	27 Fitzroy Rd.
368	Halford, Rodney John	Tenacres.
369	Halford, Sharon*	Tenacres.
370	Hall, David Albert	56 Davis St.
371	Hall, Diane	10 Ross Rd.
372	Hall, Marilyn Joyce	56 Davis St.
373	Halliday, Evelyn Edna*	9 Brisbane Rd.
374	Halliday, Gerald	Flat 1, 6 Racecourse Rd.
375	Halliday, Jeffrey James*	YMCA
376	Halliday, John Arthur Leslie*	108 Davis St.
377	Halliday, Leslie John*	5 Villiers St.
378	Halliday, Raynor	9 Brisbane Rd.
379	Hancox, Rachel Mary	39 Callaghan Rd.
380	Hancox, Robert James	39 Callaghan Rd.
381	Hansen, Douglas John*	6 Fitzroy Rd.
382	Hansen, Keva Elizabeth	1 Dairy Paddock Rd.
383	Hansen, Terence Joseph*	1 Dairy Paddock Rd.
384	Harris, Christopher James	Flat 8,1B Block C, 6 Eliza Cove Rd.
385	Harris, Heather	3 Ross Rd. East.

386	Harris, Jill Yolanda Miller	19 Fitzroy Rd.
387	Harris, Karl Henry*	19 Fitzroy Rd.
388	Harris, Leslie Sidney	19 Fitzroy Rd.
389	Harris, Michael Ronald	3 Ross Rd. East.
390	Harris, Ralph Aaron	19 Fitzroy Rd.
391	Harvey, Muriel Elizabeth Elsie*	2 King St.
392	Harvey, Sheila*	Flat 1, 1A Moody St.
393	Harvey, William	21 Fitzroy Rd.
394	Hawksworth, David	29 Fitzroy Rd.
395	Hawksworth, Jeanette	29 Fitzroy Rd.
396	Hawksworth, Mary Catherine	5A Brisbane Rd.
397	Hawksworth, Pauline May	29 Fitzroy Rd.
398	Hawksworth, Terence	5A Brisbane Rd.
399	Hayward, Marjorie	34 Eliza Cove Crescent.
400	Hayward, Peter Dennis*	34 Eliza Cove Crescent.
401	Heathman, Malcolm Keith	Eliza Cove Rd.
402	Heathman, Mandy Gail	Eliza Cove Rd.
403	Heathman, Violet*	19 Davis St.
404	Henry, Alan Richard	2B Capricorn Rd.
405	Henry, Patricia Denise	2B Capricorn Rd.
406	Hewitt, Alison Denise	23 Shackleton Drive.
407	Hewitt, Brian David	14 Jeremy Moore Ave.
408	Hewitt, Frances Agnes	32 Callaghan Rd.
409	Hewitt, Gary George	3 Hebe Place.
410	Hewitt, Kevin John	14 Jeremy Moore Ave.
411	Hewitt, Margaret Ann	3 Hebe Place.
412	Hewitt, Rachel Catherine Orissa*	4 St. Mary's Walk.
413	Hewitt, Robert John David*	Flat 4 6 Racecourse Rd.
414	Hills, Heather Margaret*	5 Davis St.
415	Hills, Richard William*	5 Davis St.
416	Hirtle, Christine	1A Jersey Est.
417	Hirtle, Gerard Fenton	YMCA
418	Hirtle, Leonard Lloyd	20 Jeremy Moore Ave.
419	Hirtle, Mary Ann*	12 Drury St.
420	Hirtle, Michael Barry*	20 Jeremy Moore Ave
421	Hirtle, Rose Ann Shirley*	4 Villiers St.
422	Hirtle, Sandra May Winifred	Eliza Cove Rd.
423	Hirtle, Shirley	20 Jeremy Moore Ave.
424	Hirtle, Zane Eric	Eliza Cove Rd.
425	Hobman, Anilda Marilu	34 Ross Rd. West Flat.
426	Hobman, Luis Alfonso*	34 Ross Rd. West Flat.
427	Hoggarth, Agnes Christina*	2 James St.
428	Howatt, Derek Frank*	4 Racecourse Rd.
429	Howatt, Frank Derby*	Flat 5, 7 Jeremy Moore Ave. East.
430	Howe, Alison Delia	36 Davis St.
431	Howe, Paul Anthony	36 Davis St.
432	Howells, Anne Stephanie	112 Davis St.
433	Howells, Roger	112 Davis St.
434	Hoy, Dawn	41 Eliza Crescent.
435	Igao, Pauline Lynx	15 Scoresby Close.
436	Jacobsen, Alistair	1A Philomel St.
437	Jacobsen, Catherine Joan	1A Philomel St.
438	Jaffray, Angus	Cemetery Cottage.
439	Jaffray, Christopher	Cemetery Cottage.
440	Jaffray, Eileen	5 Hebe St.

441	Jaffray, Elaine Michele	8 Discovery Close.
442	Jaffray, Estelle Anita	Cemetery Cottage.
443	Jaffray, Frank Alexander	8 Discovery Close.
444	Jaffray, Gerard Alan*	5 Hebe St.
445	Jaffray, Helen Rose	84 Davis St.
446	Jaffray, Ian	5 Hebe St.
447	Jaffray, Ingrid Joyce	5 Hebe St.
448	Jaffray, Jacqueline Ann	84A Davis St.
449	Jaffray, Janet	14 Pioneer Row.
450	Jaffray, Janice Vanessa	3c Jersey Estate.
451	Jaffray, John	14 Pioneer Row.
452	Jaffray, John Summers	84 Davis St.
453	Jaffray, June Elizabeth	Flat 1, Church House.
454	Jaffray, Kenneth Ian	2 Dean St.
455	Jaffray, Lisa Jane*	Flat 3, 1 Jeremy Moore Ave.
456	Jaffray, Stephen James	Cemetery Cottage.
457	Jaffray, Terence Roy	Flat 3, 1 Jeremy Moore Ave.
458	Jaffray, Terri-Ann	24 Endurance Ave.
459	Jaffray, Tony	84 Davis St.
460	Jaffray, Wayne Neil*	5 Hebe St.
461	Jennings, Neil	Flat 4, 30 Jersey Rd.
462	Jennings, Stephen	5 Fitzroy Rd.
463	Johnson, Jacqueline	5 Kent Rd.
464	Johnson, Michael Neil	5 Kent Rd.
465	Johnson, Stanley Howard*	St Andrews, Thatcher Drive.
466	Johnson, Vanda Joan	17 Callaghan Rd.
467	Jones, Alan Smith	26 Ross Rd. West.
468	Jones, Jennifer	26 Ross Rd. West.
469	Jones, John Hugh	1 Brandon Rd.
470	Jones, Michael David	6 Allardyce St.
471	Jones, Michelle	1 Brandon Rd.
472	Jones, Sheila Janice	6 Allardyce St.
473	Jones, Yvonne Malvina	3 Discovery Close.
474	Jordan, Dilys Margaret Ann	14A Drury St.
475	Keane, Alva Rose Marie	18 Davis St.
476	Keenleyside, Charles Desmond (Snr)*	3 Pioneer Row.
477	Keenleyside, Dorothy Maud*	3 Pioneer Row.
478	Keenleyside, Manfred Michael Ian	Snake Hill.
479	Keenleyside, Nanette Barbara	Snake Hill.
480	Kenny, Erling	20 James St.
481	Kiddle, Robert Karl	Stanley
482	King, Anna Constance Eve	38 Davis St.
483	King, Cherilyn Julie	6 Discovery Close.
484	King, Desmond George Buckley*	38 Davis St.
485	King, Gladys Evelyn*	39 Fitzroy Rd.
486	King, Glynis Margaret	2B Jeremy Moore Ave. East.
487	King, Peter Thomas*	10 Jeremy Moore Ave.
488	King, Robert John	1D Jersey Est.
489	King, Rosemarie	10 Jeremy Moore Ave.
490	King, Vernon Thomas*	39 Fitzroy Rd.
491	Kluzniak, Beulah*	26 Ross Rd. East.
492	Kluzniak, Boguslaw Sylvester*	26 Ross Rd. East.
493	Kultschar, Carolyn Wendy*	2 Moody St.
494	Kultschar, John William	4 Davis St. East.
495	Kultschar, Yvonne Rosina	4 Davis St. East.

496	Laffi, Atilio Segundo	3 Brisbane Rd.
497	Laffi, Kathleen Mary	3 Brisbane Rd.
498	Laffi, Lisa*	3 Brisbane Rd.
499	Lang, David Geoffrey*	45 Callaghan Rd. Jersey Est.
500	Lang, James Patrick	Flat 2, 3 Jeremy Moore Ave. East.
501	Lang, Sandra Shirleen	8A Moody St.
502	Lang, Theresa Margaret	45 Callaghan Rd. Jersey Est.
503	Lang, William Frank*	3 James St.
504	Larsen, Ellen	74 Davis St.
505	Lee, Alfred Leslie*	11 Drury St.
506	Lee, Derek William	Davis St.
507	Lee, Gladys*	11 Drury St.
508	Lee, Leslie James	10 Allardyce St.
509	Lee, Robin Myles	3 Davis St. East.
510	Lee, Trudi Dale	10 Allardyce St.
511	Lewis, James*	2 St. Mary's Walk.
512	Lewis, Jean*	2 St. Mary's Walk.
513	Livermore, Anton	33 Jersey Est. Callaghan Rd.
514	Loftus, Anthony	Kent Rd.
515	Loftus, Colleen	56 John Street.
516	Lowe, Adrian Stewart	Fieldhouse Close.
517	Lowe, Anthony Trevor	Globe Hotel.
518	Luxton, Ernest Falkland*	38 John St.
519	Luxton, Jennifer Mary	4 Hebe Place.
520	Luxton, Michael	1A Pioneer Row.
521	Luxton, Nicola	1A Pioneer Row.
522	Luxton, Sybil Grace*	38 John St.
523	Luxton, Winifred Ellen*	15 Fitzroy Rd.
524	Lyse, Ethel Malvina*	65 Fitzroy Rd.
525	Lyse, George Walter*	8 Moody St.
526	Lyse, Linda Margaret	65 Fitzroy Rd.
527	Lyse, Reginald Sturdee*	65 Fitzroy Rd.
528	Macaskill, Angus Lindsay	8 Jeremy Moore Ave.
529	Macaskill, Jeanette May	8 Jeremy Moore Ave.
530	Macaskill, John	34 Ross Rd. West.
531	MacBeth, Phyllis Elizabeth Grace*	17 Brandon Rd.
532	Malcolm, George*	7 Allardyce St.
533	Malcolm, Velma*	7 Allardyce St.
534	May, Brian Roy	21 Jeremy Moore Ave.
535	May, Bruce Raymond	Wardens House, KEMH.
536	May, Connie	Wardens House, KEMH.
537	May, Heather*	1 Glasgow Rd.
538	May, Jonathan Roy	21 Jeremy Moore Ave.
539	May, Monica	21 Jeremy Moore Ave.
540	May, Roger*	21 Jeremy Moore Ave.
541	May, William Albert*	1 Glasgow Rd.
542	Middleton, Brian	13 McKay Close.
543	Middleton, Caroline Ann	7 James St.
544	Middleton, Dennis Michael*	Dolphin Cottage.
545	Middleton, Ellen*	50 Davis St.
546	Middleton, Graham Cyril	50 Davis St.
547	Middleton, Joan Eliza	8 James St.
548	Middleton, Leonard	67 Fitzroy Rd.
549	Middleton, Phillip John	5 St Marys Walk.
550	Middleton, Sharon Elizabeth	Dolphin Cottage.

551	Middleton, Shirley	3 John Street.
552	Middleton, Stephanie Ann	13 McKay Close.
553	Miller, Andrew Nigel	7 Dean St.
554	Miller, Betty Lois*	Market Gdn, Stly Airport Rd.
555	Miller, Carol	Kent Rd.
556	Miller, Florence Roberta*	5 Moody St.
557	Miller, Gail Marie	2 Police Cottages, Ross Rd.
558	Miller, Jayne Elizabeth	7 Dean St.
559	Miller, Simon Roy	Kent Rd.
560	Miller, Timothy John Durose	Market Gdn, Stly Airport Rd.
561	Minto, Alistair Daen	Flat 5, 6 Racecourse Rd.
562	Minto, Dilys Rose	18 Endurance Ave.
563	Minto, Graham Stewart	12 Brisbane Rd.
564	Minto, Timothy Ian	18 Endurance Ave.
565	Miranda, Augusto*	31 Davis St.
566	Miranda, Ramon	3 Drury St.
567	Miranda, Winifred Dorothy*	3 Drury St.
568	Mitchell, Leon John	54 Davis St.
569	Moffatt, Angela	5 Davis St. East.
570	Moffatt, James	5 Davis St. East.
571	Morris, Alana Marie	4 Callaghan Rd.
572	Morris, David*	4 Callaghan Rd.
573	Morris, Jason Paul*	4 Callaghan Rd.
574	Morris, Michelle Jane*	6 McKay Close.
575	Morris, Trevor Alan	6 McKay Close.
576	Morrison, Donald Ewen*	St Sampsons Thatcher Drive.
577	Morrison, Doreen	82 Davis St.
578	Morrison, Edgar Ewen	5 Racecourse Rd.
579	Morrison, Fayan	54 John St.
580	Morrison, Graham Stewart	46 Davis St.
581	Morrison, Hyacinth Emily*	St Peter Port, Thatcher Drive.
582	Morrison, Joan Margaret	Flat 6, 1 Jeremy Moore Ave.
583	Morrison, Lewis Ronald	82 Davis St.
584	Morrison, Muriel Eliza Ivy*	40 Eliza Cove Crescent.
585	Morrison, Nanette Rose	46 Davis St.
586	Morrison, Nigel Peter	7 James St.
587	Morrison, Paul Roderick	1 Brandon Rd.
588	Morrison, Ronald Terence*	5 Racecourse Rd.
589	Morrison, Stewart	46 Davis St.
590	Morrison, Trevor	6A Jeremey Moore Ave.
591	Morrison, Valerie Anne	6A Jeremey Moore Ave.
592	Morrison, Violet Sarah*	5 Racecourse Rd.
593	Morrison, William Roderick Halliday	54 John St.
594	Murphy, Ann Susan	2 King St.
595	Murphy, Bessie*	68 Davis St.
596	Murphy, Michael James*	68 Davis St.
597	MacDonald, Colin George	26 Endurance Ave.
598	MacDonald, Derek George*	26 Endurance Ave.
599	MacDonald, Irene	26 Endurance Ave.
600	MacDonald, John Alexander Horne	Flat 3, 2B Block C, 30 Jersey Rd.
601	McCallum, Bettina Kay	14 Drury St.
602	McCallum, Christopher John	8A Jeremy Moore Ave.
603	McCallum, James*	14 Brandon Rd.
604	McCallum, Timothy Andrew	14A Drury St.
605	McCormick, Dale Ronald	Flat 2, 5 Jeremy Moore Ave. East.

606	McCormick, Pauline Margaret Ruth	Warrah Guest House, John St.
607	McCormick, Richard Paul*	Warrah Guest House, John St.
608	McEachern, Gloria Jane	2 H Jones Rd.
609	McEachern, James	2 H Jones Rd.
610	McGill, Darrel Ian	Flat 2, 1 Jeremy Moore Ave. East.
611	McGill, David William	17 James St.
612	McGill, Diane Beverley	2 James St.
613	McGill, Doris Mary*	32 Davis St.
614	McGill, Gary	20 Eliza Cove Crescent.
615	McGill, Glenda	Barrack St.
616	McGill, Ian Peter	Barrack St.
617	McGill, Jane	10 Ross Rd. East.
618	McGill, Len Stanford*	2 James St.
619	McGill, Lorraine Iris	10 Ross Rd. East.
620	McKay, Clara Mary*	20 Ross Rd. West.
621	McKay, Heather Valerie	16 Eliza Cove Crescent.
622	McKay, James John*	7 Villiers St.
623	McKay, Jane Elizabeth*	7 Villiers St.
624	McKay, Jeannie Paullina	64 Davis St.
625	McKay, Josephine Ann	25 Callaghan Rd.
626	McKay, Kenneth Andrew	25 Callaghan Rd.
627	McKay, Kevin Derek Charles*	12 Scoresby Close.
628	McKay, Michael John	64 Davis St.
629	McKay, Neil	62 Davis St.
630	McKay, Paul Anthony	Flat 5, 6 Jersey Rd.
631	McKay, Peter John	21 Ross Rd. West.
632	McKay, Rex	16 Eliza Cove Crescent.
633	McKay, Shelley Jane	7 Villiers St.
634	McKay, Stephen John*	Casteal, Thatcher Drive.
635	McKay, William Robert*	20 Ross Rd. West.
636	McKenzie, Alice Maude*	Moody Brook Homestead.
637	McKenzie, Charles Alexander Albert John	Moody Brook Homestead.
638	McLaren, Tony Eugene Terence	12 Allardyce St.
639	McLeod, David	49 Callaghan Road.
640	McLeod, Dawn	90 Davis St.
641	McLeod, Donald Henry*	1B Jersey Est.
642	McLeod, Henry Donald Alexander	21 Shackleton Drive.
643	McLeod, Ian	9 Fitzroy Rd.
644	McLeod, Janet Wensley	75 Davis St.
645	McLeod, Janice	2 Ross Rd. West.
646	McLeod, John (1)	1 Campbell Drive.
647	McLeod, John (2)	Flat 1, Jeremy Moore Ave.
648	McLeod, Kenneth Benjamin John	90 Davis St.
649	McLeod, Madeline Jean	1 Campbell Drive.
650	McLeod, Mally	9 Fitzroy Rd.
651	McLeod, Margaret Anne*	Fitzroy Rd. East.
652	McLeod, Michael William	15A James St.
653	McLeod, Pearl Mary Ann*	3 Brisbane Rd.
654	McLeod, Robert	75 Davis St.
655	McLeod, Robert John	2 Ross Rd. West.
656	McPhee, Denise	14 Fieldhouse Close.
657	McPhee, Iris Blanche*	14 Davis St.
658	McPhee, Justin Owen	14 Fieldhouse Close.
659	McPhee, Marjorie May*	14 John St.
660	McPhee, Owen Horace*	14 John St.

661	McPhee, Patrick*	14 Davis St.
662	McPhee, Sheila Margaret	8 Dairy Paddock Rd.
663	McPhee, Terence Owen	8 Dairy Paddock Rd.
664	McRae, Richard Winston	Flat 2, 6 Racecourse Rd.
665	Neal, Richard John	1 Dean St.
666	Neilson, Barry Marwood	23 Ross Rd.
667	Neilson, Margaret	23 Ross Rd.
668	Newell, Cara Jane*	3 Villiers St.
669	Newell, Joseph Orr	3 Villiers St.
670	Newell, Paula Michelle*	6 Pioneer Row.
671	Newell, Trudi Malvina	3 Villiers St.
672	Newman, Andrew Raymond	Flat 1, Church House.
673	Newman, Clive Alexander	5 Brandon Rd.
674	Newman, Dorothy Elizabeth*	Fitzroy Rd.
675	Newman, Dwenda Rose	5 Brandon Rd.
676	Newman, Joyce Noreen	80 Davis St.
677	Newman, Lisa Jeraine*	Flat 1, 3 Jeremy Moore Ave.
678	Newman, Marlene	11 Jeremy Moore Ave.
679	Newman, Raymond Winston	11 Jeremy Moore Ave.
680	Newman, Terence*	11 Jeremy Moore Ave.
681	Nightingale, Susan Jane	5 Narrows View,
682	Nutter, Arthur Albert	9 Brandon Rd.
683	Nutter, Josephine Lesley	9 Brandon Rd.
684	Ormond, Christina Helen	10 Fitzroy Road East.
685	O'Shea, Desmond	9 Campbell Drive.
686	Parrin, Norman George*	108 Davis St.
687	Pauloni, Hilary Maud*	63 Fitzroy Rd.
688	Pauloni, Romolo Vittorio*	63 Fitzroy Rd.
689	Peake, Arthur	19 James St.
690	Peake, Clair Linda	19 James St.
691	Peck, Burned Brian	91 Davis St.
692	Peck, Carol Margaret	2 Discovery Close.
693	Peck, David Patrick	78 Davis St.
694	Peck, Eleanor Margaret	26 Shackleton Drive.
695	Peck, Evelyn Elizabeth	91 Davis St.
696	Peck, Gordon Pedro James*	17 Brandon Rd.
697	Peck, James	2 Discovery Close.
698	Peck, Kim Brian	15 Campbell Drive.
699	Peck, Maureen Heather	78 Davis St.
700	Peck, Patrick William*	78 Davis St.
701	Peck, Shirley	2 Barrack St.
702	Peck, Terence John	26 Shackleton Drive.
703	PED,	11B Narrows View.
704	Perkins, Vivienne Esther Mary*	33 John St.
705	Perry, Augustave Walter*	9 Villiers St.
706	Perry, Beatrice Annie Jane*	25 Ross Rd. East.
707	Perry, Hilda Blanche*	10 Campbell Drive.
708	Perry, Robert Juan Carlos	25 Ross Rd. East.
709	Perry, Thomas George*	10 Campbell Drive.
710	Perry, Thora Virginia*	17 Fitzroy Rd.
711	Pettersson, Derek Richard	21 Eliza Cove Crescent.
712	Pettersson, Eileen Heather	30 Davis St.
713	Pettersson, Tony	30 Davis St.
714	Pettersson, Trudi Ann	21 Eliza Cove Crescent.
715	Phillips, Albert James	16 Brandon Rd.

716	Phillips, David Dawson	35 Fitzroy Rd.
717	Phillips, Gillian Carol*	Flat 2, 5 Jeremy Moore Ave East.
718	Phillips, Lynda	16 Brandon Rd.
719	Phillips, Paul David	69 Fitzroy Rd.
720	Pitaluga, Lucinda Vikki	8 Allardyce St.
721	Platt, Veronica Shirley	Globe Hotel.
722	Plumb, Elaine Margaret	2 Brisbane Rd.
723	Plumb, Jason Alan	2A Brisbane Rd.
724	Plumb, Norman Phillip*	2 Brisbane Rd.
725	Pole-Evans, Amy Rose	4 McKay Close,
726	Pole-Evans, John	4 McKay Close.
727	Pole-Evans, Michael Anthony	4 McKay Close.
728	Pollard, Elizabeth Eve*	23 Ross Rd. East.
729	Pollard, John	23 Ross Rd. East.
730	Poole, Evelyn May*	31 Fitzroy Rd.
731	Poole, Nancy Margaret	52 John St.
732	Poole, Raymond John	52 John St.
733	Poole, William John*	31 Fitzroy Rd.
734	Porter, Charles*	11 Fitzroy Rd.
735	Porter, Jean Lavinia*	11 Fitzroy Rd.
736	Porter, Tracy	5 Jeremy Moore Ave.
737	Pratlett, Patricia Carol Ann	10 James Street.
738	Purvis, Alan	3 Narrows View.
739	Purvis, Marian Louise*	3 Narrows View.
740	Reddick, Keith John	By Pass Rd.
741	Reeves, Cheryl Rose	1 Callaghan Rd.
742	Reeves, Michael	2 Moody St.
743	Reid, Ann	5 Police Cottages Ross Rd.
744	Reid, Colleen Rose	9 Fitzroy Rd. East.
745	Reid, Reynold Gus	9 Fitzroy Rd. East.
746	Reive, Roma Endora Mary*	4 Allardyce St.
747	Rendell, Michael	8 Ross Rd. West.
748	Rendell, Phyllis Mary*	8 Ross Rd. West.
749	Revy, Joanne	Chaffeurs Cottage,
750	Riddell, Lisa-Marie	9 Discovery Close.
751	Roberts, Diana Christine	7 Kent Rd.
752	Roberts, Laura May*	7 Kent Rd.
753	Roberts, Peter James	57 Fitzroy Rd.
754	Roberts, William Henry*	7 Kent Rd.
755	Robertson, Janet	11A Narrows View.
756	Robertson, Sally Jean	Flat 1, 1B Block C, 6 Eliza Cove Rd.
757	Robson, Alison Emily	15 Villiers St.
758	Robson, Gerard Michael	1 Philomel Place.
759	Robson, Gladys Mary*	5 Philomel St.
760	Robson, Miranda Gay	6 Brisbane Rd.
761	Robson, Phyllis Ann	1 Philomel Place.
762	Robson, Raymond Nigel*	6 Brisbane Rd.
763	Robson, William Charles*	1 Philomel Place.
764	Rogers, Ralph	14 Endurance Ave.
765	Rogers, Roger Neil	14 Endurance Ave.
766	Ross, Colin*	40 Eliza Cove Crescent.
767	Ross, Glenn Stephen	Stanley.
768	Ross, Janet	Stanley.
769	Ross, Lachlan Neil	7 Discovery Close.
770	Ross, Marie	21 John St.

771	Ross, Odette Ellen May	Flat 6, 2B Block C, 6 Eliza Cove Rd.
772	Ross, Roy	21 John St.
773	Ross, Sheena Margaret	12 Jeremy Moore Ave.
774	Ross, William Henry	Stanley
775	Rowland, Charlene Rose	5A Ross Rd West.
776	Rowland, John Christopher	5A Ross Rd West.
777	Rowlands, Catherine Annie*	3 Hebe St.
778	Rowlands, Daisy Malvina*	41 Ross Rd.
779	Rowlands, Harold Theodore*	8 Ross Rd. East.
780	Rowlands, John Richard*	41 Ross Rd.
781	Rowlands, Neil	5 Narrows View.
782	Rowlands, Robert John	106 Davis St.
783	Rozee, Betty Ellen	16 Davis St.
784	Rozee, Bryn Thomas	16 Davis St.
785	Rozee, Derek Robert Thomas*	16 Davis St.
786	Sackett, Albert John	25 Ross Rd. East.
787	Sackett, Pauline*	25 Ross Rd. East.
788	Sarney, Harry*	3 Dairy Paddock Rd.
789	Saunders, Tracey Clare	23 Jeremy Moore Ave.
790	Sawle, Judith	Seaview Cottage Ross Rd.
791	Sawle, Richard	Seaview Cottage Ross Rd.
792	Seron, Jose Segundo	MV Tamar, c/o Byron Marine
793	Shedden, James Alexander*	St Saviour, Thatcher Drive.
794	Shepherd, Colin David*	13 Endurance Ave.
795	Shepherd, David Samuel Dick	13 Endurance Ave.
796	Shepherd, Elizabeth	13 Endurance Ave.
797	Shepherd, Ramsay	13 Ross Rd. West.
798	Shorrock, Joyce	5 McKay Close.
799	Shorrock, Nigel Arthur	5 McKay Close.
800	Short, Andrez Peter	9 Pioneer Row.
801	Short, Brenda	Barrack St.
802	Short, Celia Soledad	1 Racecourse Rd.
803	Short, Christina Ethel*	12 Brandon Rd.
804	Short, Donald Robert Gordon*	Eliza Cove Rd.
805	Short, Ellen Mary	12 Brandon Rd.
806	Short, Emily Christina	1 Fitzroy Rd. East.
807	Short, Gavin Phillip	6 Dairy Paddock Rd.
808	Short, Isobel Rose	33 Eliza Crescent.
809	Short, Joseph Leslie*	12 Brandon Rd.
810	Short, Lisa Helen	Fieldhouse Close.
811	Short, Marlene Cindy	58 Davis St.
812	Short, Montana Tyrone	4 Dairy Paddock Rd.
813	Short, Patrick Warburton	33 Eliza Crescent.
814	Short, Peter Robert	1 Fitzroy Rd. East.
815	Short, Richard Edward	58 Davis St.
816	Short, Riley Ethroe*	Barrack St.
817	Short, Robert Charles	12 Brandon Rd.
818	Short, Rose Stella	KEMH.
819	Short, Vilma Alicia	4 Dairy Paddock Rd.
820	Simpson, Bertha Veronica	6 Police Cottages, 4 Ross Rd.
821	Simpson, James Garry*	7 Racecourse Rd.
822	Simpson, John Frederick	6 Police Cottages, 4 Ross Rd.
823	Simpson, Mirabelle Hermione	7 Racecourse Rd.
824	Sinclair, Veronica Joyce*	21 Ross Rd. West.
825	Skene, Greta Winnora Miller	22 Ross Rd. East.

826	Smith, Alexander Gordon	16 Jersey Rd.
827	Smith, Anthony David	11 Brandon Rd.
828	Smith, Bruce Dennis	4 Police Cottage, 6 Ross Rd.
829	Smith, Colin David	6 James St.
830	Smith, Derek	8 Eliza Crescent.
831	Smith, Elenore Olive	Brisbane Rd.
832	Smith, Eric	3 Allardyce St.
833	Smith, Gerard Alexander	8 Barrack St.
834	Smith, Gwenifer May*	8 Barrack St.
835	Smith, Ian Lars*	2 Ross Rd. West.
836	Smith, Ileen Rose	28 Ross Rd. West.
837	Smith, Iola Winifred*	3 Allardyce St.
838	Smith, James Terence*	3 Fitzroy Rd.
839	Smith, Jean Waddell	16 Jersey Est.
840	Smith, Jennifer Ethel	Flat 8, 6 Jersey Rd.
841	Smith, Jeremy	20 Scoresby Close.
842	Smith, Joan Lucy Ann	6A Pioneer Row.
843	Smith, John	28 Ross Rd. West.
844	Smith, Julia Trinidad	8 Eliza Crescent.
845	Smith, Martyn James	28 Ross Rd. West.
846	Smith, Myrian Beatriz*	Flat 3, 2B Block C, 30 Jersey Rd.
847	Smith, Natalie Marianne	6 James St.
848	Smith, Nora Kathleen	5 Fitzroy Rd. East..
849	Smith, Osmund Raymond*	3 Brisbane Rd.
850	Smith, Owen Archibald*	3 Fitzroy Rd.
851	Smith, Patricia Anne*	22 Eliza Cove Crescent.
852	Smith, Paulette Rose	KEMH.
853	Smith, Rhona	8 Fitzroy Rd.
854	Smith, Russell James	8 Fieldhouse Close.
855	Smith, Shula Louise	Flat 4, 5 Jeremy Moore Av.
856	Smith, Sidney Frederick	2A Capricorn Rd.
857	Smith, Susan	1 Hebe Place
858	Smith, Terence George	Flat 3, Racecourse Rd.
859	Sollis, Sarah Emma Maude*	20 Drury St.
860	Spall, Christopher Richard	German Camp West, Callaghan Rd.
861	Spink, Roger Kenneth	4 Hebe St.
862	Spinks, Alexander	Flat 4, 1 Moody St.
863	Spinks, Malvina Ellen*	Flat 6, 7 Jeremy Moore Ave.
864	Spruce, Helena Joan*	31 Ross Rd.
865	Spruce, Terence George*	31 Ross Rd.
866	Steen, Allan Graham	Brandon Rd.
867	Steen, Barbara Ingrid	Ross Rd. West.
868	Steen, Emma Jane*	36 Ross Rd.
869	Steen, Gail	7 St Mary's Walk.
870	Steen, Karen Lucetta	7 St Mary's Walk.
871	Steen, Vernon Robert	7 St Mary's Walk.
872	Stephenson, James	Moody Valley.
873	Stephenson, Joan Margaret	Moody Valley.
874	Stephenson, Katrina	4 Davis St.
875	Stephenson, Zachary	4 Davis St.
876	Stevens, Teresa Rose	9 Drury St.
877	Stewart, Aarron Stephen	6 Pioneer Row.
878	Stewart, Celia Joyce	12 St Mary's Walk.
879	Stewart, David William*	Davis St.
880	Stewart, Duane William*	10 Fieldhouse Close.

881	Stewart, Hulda Fraser	24 Ross Rd. West.
882	Stewart, Kenneth Barry	3 Discovery Close.
883	Stewart, Pam Ellen	4 Discovery Close.
884	Stewart, Robert	12 St Mary's Walk.
885	Stewart, Robert William	4 Discovery Close.
886	Stewart, Sheila Olga	9 McKay Close.
887	Stewart, Sylvia Rose*	7 Ross Rd. West.
888	Strange, Ian John	The Dolphins, Snake St.
889	Strange, Maria Marta	The Dolphins, Snake St.
890	Strange, Shona Marguerite	6B Ross Rd. West.
891	Summers, Brian	1 Ross Rd. East.
892	Summers, Colin Owen*	5 Brandon Rd.
893	Summers, Dennis David	37 Davis St.
894	Summers, Donna*	8 Racecourse Rd.
895	Summers, Edith Catherine*	5 Dean St.
896	Summers, Irvin Gerard	5 Dean St.
897	Summers, Joanna Rose*	5 Allardyce St.
898	Summers, Judith Orissa*	1 Ross Rd. East.
899	Summers, Julie Ann*	11 Beaver Rd.
900	Summers, Lynn Jane*	2 H Jones Rd.
901	Summers, Melvyn Mark	2 H Jones Rd.
902	Summers, Michael Kenneth	6A Brisbane Rd.
903	Summers, Michael Victor	11 Pioneer Row.
904	Summers, Nigel Clive*	32 Fitzroy Rd.
905	Summers, Owen William	5 Brandon Rd.
906	Summers, Pamela Rosemary Cheek	32 Fitzroy Rd.
907	Summers, Rowena Elsie	5 Allardyce St.
908	Summers, Roy	8 Racecourse Rd.
909	Summers, Sandra Marie	Sir Rex Hunt House, John St.
910	Summers, Sheila	Sir Rex Hunt House, John St.
911	Summers, Sybella Catherine Ann	1 Ross Rd. West.
912	Summers, Sylvia Jean	8 Racecourse Rd.
913	Summers, Terence	1 Ross Rd. West.
914	Summers, Tony	8 Racecourse Rd.
915	Summers, Veronica	5 Brandon Rd.
916	Summers, William Edward*	Stanley.
917	Summers, Yona	37 Davis St.
918	Sutherland, Elizabeth Margaret	13/14 Eliza Cove Road.
919	Sutherland, James David	5 Eliza Cove Rd.
920	Sutherland, John Gall	3B Jersey Est.
921	Sutherland, William John Munro	13/14 Eliza Cove Road.
922	Teale, Colin Edwin	8 Brisbane Rd.
923	Teale, Jeannette	8 Brisbane Rd.
924	Teggart, Carol Wendy*	9 Callaghan Rd.
925	Teggart, John Patrick	9 Callaghan Rd.
926	Tellez, Arturo*	Flat 10. 2B Block A, 6 Jersey Rd.
927	Tellez, Jeanette Valerie	2 Hodson Villa West.
928	Tellez, Jose Hector	2 Hodson Villa West.
929	Thain, John	8 Davis St.
930	Thain, Stephanie Ann	8 Davis St.
931	Thom, David Anderson*	47 Fitzroy Rd.
932	Thom, Dorothy Irene*	47 Fitzroy Rd.
933	Thom, Norma Ann	92 Davis St.
934	Thomas, Loretta Isobel	1 C Capricorn Rd.
935	Thompson, George Henry*	St Saviour, Thatcher Drive

936	Thompson, William John*	Flat 2, 1 Moody St.
937	Titterington, Lesley Ann	55 Fitzroy Rd.
938	Titterington, Robert Mark*	55 Fitzroy Rd.
939	Toase, Cora Agnes*	7 Ross Rd. East.
940	Triggs, Diane	3 Fieldhouse Close.
941	Triggs, Michael David	3 Fieldhouse Close.
942	Tuckwood, John Rodney	1 Drury St.
943	Tuckwood, Phyllis Marjorie	1 Drury St.
944	Turner, Arthur Leonard Pitaluga	Rincon Cottage.
945	Turner, Melvyn George	36 John St.
946	Tyrrell, Garry Bernard	1 Beaver Rd.
947	Tyrrell, Gina Michelle	1 Beaver Rd.
948	Valler, Danuta Cecelia Krystyna	9 Philomel St.
949	Valler, Robert Hugh	9 Philomel St.
950	Vidal, Eileen Nora*	12 Jeremy Moore Ave.
951	Vidal, Leona Lucila	12 Jeremy Moore Ave.
952	Vincent, Janette Mary	10 Endurance Ave.
953	Vincent, Stephen Lawrence	10 Endurance Ave.
954	Wade, June Rose Elizabeth	41 Fitzroy Rd.
955	Wallace, Fraser Barrett	10 John St.
956	Wallace, Maria Lilian	38 Ross Rd. West.
957	Wallace, Michael Ian	23 Callaghan Rd.
958	Wallace, Stuart Barrett*	38 Ross Rd. West.
959	Wallace, Una	23 Callaghan Rd.
960	Watson, Boyd Edward Harold	Flat 4, 6 Jersey Rd.
961	Watson, Hannah Maude*	7 Moody St.
962	Watson, Paul	20 Endurance Ave.
963	Watson, Ruth Jane*	20 Endurance Ave.
964	Watt, Sylvia Ann	11 Narrows View.
965	Watts, Patrick James	13 Brisbane Rd.
966	White, Allan Paul George	Stanley.
967	White, Kathleen Elizabeth*	2 Brandon Rd. West.
968	Whitney, Agnes Kathleen*	3 St. Mary's Walk.
969	Whitney, Frederick William	1 Police Cottage, 9 Ross Rd.
970	Whitney, Henry Leslie*	3 St. Mary's Walk.
971	Whitney, Jason	6B Jeremy Moore Ave. East.
972	Whitney, Kurt Ian	2 Pioneer Row.
973	Whitney, Robert Michael	Stanley.
974	Whitney, Susan Joan	1 Police Cottage, 9 Ross Rd.
975	Wilkinson, Alistair Graham	Church House
976	Wilkinson, Dorothy Ruth	1C Capricorn Rd.
977	Wilkinson, Robert John	Shackleton Drive.
978	Williams, Gene*	23 Ross Rd. West.
979	Williams, Marlene Rose	23 Ross Rd. West.
980	Winter, Teresa Irene	4A Jeremy Moore Avenue. East.
981	Wylie, Julian Richard	1 McKay Close.
982	Wylie, Wendy Jennifer	2A Capricorn Rd.
983	Zuvic-Bulic, Kuzma Mario	16 Ross Road West.
984	Zuvic-Bulic, Sharon Marie	16 Ross Rd. West.
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988	* NOT LIABLE TO SERVE AS A JUROR	
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Register of Electors, Camp Constituency

1000	Adams, Carol Margaret	Fox Bay Village, West Falkland
1001	Alazia, George Robert*	Hope Cottage, East Falkland
1002	Alazia, Hazel	Mullet Creek Farm, East Falkland
1003	Alazia, Mandy Gwyneth	Port Edgar Farm, West Falkland
1004	Alazia, Michael Robert	Port Edgar Farm, West Falkland
1005	Alazia, Thora Lilian*	North Arm, East Falkland
1006	Aldridge, Brian George	Goose Green, East Falkland
1007	Aldridge, Olive Elizabeth*	Hill Cove, West Falkland
1008	Aldridge, Terence William	Hill Cove, West Falkland
1009	Anderson, Andrew Ronald	North Arm, East Falkland
1010	Anderson, Georgina Carol*	Port San Carlos, East Falkland
1011	Anderson, Jamie Falkland*	Port Howard, West Falkland
1012	Anderson, Jenny	Port San Carlos East Falkland
1013	Anderson, Margaret Kathleen	Fox Bay Village, West Falkland
1014	Anderson, Marina Rose	Johnson's Harbour, East Falkland
1015	Anderson, Reginald Stanford	Fox Bay Village, West Falkland
1016	Anderson, Ronald	Johnson's Harbour, East Falkland
1017	Anderson, Rupert William*	Port Howard, West Falkland
1018	Anderson, Sophie Marina	Goose Green, East Falkland
1019	Anderson, Tony James	Port San Carlos, East Falkland
1020	Anderson, William John Stanley	San Carlos, East Falkland
1021	Ashworth, Glennis	Beckside Farm, East Falkland
1022	Ashworth, Malcolm	Beckside Farm, East Falkland
1023	Bagley, Jacqueline Elizabeth	Riverview Farm East Falkland
1024	Barnes, Deirdre	Dunbar Farm, West Falkland
1025	Barnes, Marshall	Dunbar Farm, West Falkland
1026	Barnes, Paul	Hope Harbour Farm, West Falkland
1027	Bayley, Patricia Ann Cecile	Turners, MPA. East Falkland
1028	Bayley, Richard	Turners, MPA. East Falkland
1029	Beattie, Ian Robert Ewen*	North Arm, East Falkland
1030	Benjamin, Fred Basil	Turners, MPA. East Falkland
1031	Benjamin, Raymond John	Turners, MPA. East Falkland
1032	Benjamin, Walter George	Turners, MPA. East Falkland
1033	Berntsen, Arena Janice	Pebble Island, West Falkland
1034	Berntsen, Iain Kenneth	Port Howard, West Falkland
1035	Berntsen, Leon	Albermarle Station, West Falkland
1036	Berntsen, Pamela Margaret	Albermarle Station, West Falkland
1037	Betts, Arthur John*	Pebble Island, West Falkland
1038	Betts, Bernard Keith	Boundary Farm, West Falkland
1039	Betts, Diane Joan	Boundary Farm, West Falkland
1040	Betts, Irene Marion	Boundary Farm, West Falkland
1041	Binnie, Horace James*	Fox Bay Village, West Falkland
1042	Binnie, Linda Rose	Fitzroy Farm, East Falkland
1043	Binnie, Ronald Eric	Fitzroy Farm, East Falkland
1044	Binnie, Rose Ellen*	Fox Bay Village, West Falkland
1045	Blake, Alexander Charles	The Peaks Farm, West Falkland

1046	Blake, Anthony Thomas	Little Chartres Farm, West Falkland
1047	Blake, Lionel Geoffrey*	The Peaks Farm, West Falkland
1048	Blake, Lyndsay Rae	Little Chartres Farm, West Falkland
1049	Blake, Sally Gwynfa	The Peaks Farm, West Falkland
1050	Blake, Thomas Patrick	Little Chartres Farm, West Falkland
1051	Bober, John	Turners, MPA. East Falkland
1052	Bonner, Avril Margaret Rose	Salvador, East Falkland
1053	Bonner, Keith James	Salvador, East Falkland
1054	Bonner, Simon	Port Howard, West Falkland
1055	Bonner, Susan Anne	Port Howard, West Falkland
1056	Buckett, Roy Peter	Leicester Fall Farm, West Falkland
1057	Butler, Doreen Susan	Fitzroy, East Falkland
1058	Butler, James Donald	Fitzroy, East Falkland
1059	Chandler, Ann Beatrice	Port Howard, West Falkland
1060	Chandler, Edward	Port Howard, West Falkland
1061	Chandler, Lee*	Port Howard, West Falkland
1062	Clark, Fredrick Thomas	Hawkbit, MPA. Road, East Falkland
1063	Clarke, Jeanette	Kings Ridge Farm, East Falkland
1064	Clarke, Michael Jan	Kings Ridge Farm, East Falkland
1065	Clarke, Petula Jane	Sheffield Farm, West Falkland
1066	Clausen, Denzil	Port Louis, East Falkland
1067	Clausen, Henry Edward	Port Louis, East Falkland
1068	Clifton, Leonard	North Arm, East Falkland
1069	Clifton, Thora Janeene	North Arm, East Falkland
1070	Cockwell, Adam	Fox Bay Village, West Falkland
1071	Cockwell, Benjamin William*	Fox Bay Village, West Falkland
1072	Cockwell, Grizelda Susan	Fox Bay Village, West Falkland
1073	Cockwell, John Richard*	Fox Bay Village, West Falkland
1074	Collier, Phyllis Candy	Fox Bay Village, West Falkland
1075	Collins, Bernard	Turners, MPA. East Falkland
1076	Cook, Brian William	Turners, MPA. East Falkland
1077	Coutts, Frederick George*	Fitzroy, East Falkland
1078	Dale, Helen	KIS, MPA. East Falkland
1079	Davis, Aase	Evelyn Station, East Falkland
1080	Davis, Ian John*	Evelyn Station, East Falkland
1081	Davis, Mandy John	North Arm, East Falkland
1082	Davis, Nicholas	North Arm, East Falkland
1083	Davis, Reginald John*	Evelyn Station, East Falkland
1084	Davis, William James*	Goose Green, East Falkland
1085	Dickson, Charles George	Brookfield Farm, East Falkland
1086	Dickson, Doreen	Wreck Point, East Falkland
1087	Dickson, Gerald William	Wreck Point, East Falkland
1088	Dickson, Iris	San Carlos, East Falkland
1089	Dickson, Michael Keith*	San Carlos, East Falkland
1090	Dickson, Ronald Edward	San Carlos, East Falkland
1091	Dickson, Steven Charles*	San Carlos, East Falkland
1092	Donnelly, Daniel	Crooked Inlet Farm, West Falkland
1093	Donnelly, Joyce Elizabeth	Crooked Inlet Farm, West Falkland
1094	Duncan, Peter Ree Howard*	Hill Cove, West Falkland
1095	Dunford, David Philip	Saddle Farm, West Falkland
1096	Edwards, Emma Jane	Lake Sullivan Farm, West Falkland
1097	Edwards, Norma*	Lake Sullivan Farm, West Falkland
1098	Edwards, Roger Anthony	Lake Sullivan Farm, West Falkland
1099	Ellis, Lucy	Port Stephens, West Falkland
1100	Evans, Donna	North Arm, East Falkland

1101	Evans, Michael David	North Arm, East Falkland
1102	Evans, Michelle Paula	Fitzroy Farm, East Falkland
1103	Evans, Olwyn Carol	Saunders Island, West Falkland
1104	Evans, Raymond	Pebble Island, West Falkland
1105	Evans, Richard Gregory	Fitzroy Farm, East Falkland
1106	Evans, Russel	Pebble Island, West Falkland
1107	Fairley, John*	Port Stephens, West Falkland
1108	Felton, Anthony Terence*	North Arm, East Falkland
1109	Felton, Sonia Ellen	Goose Green, East Falkland
1110	Felton, Walter Arthur*	Teal Inlet, East Falkland
1111	Ferguson, Finlay James*	Bleaker Island, East Falkland
1112	Ferguson, John William	Weddell Island, West Falkland
1113	Ferguson, Robert John*	Weddell Island, West Falkland
1114	Ferguson, Stephanie Janet	Weddell Island, West Falkland
1115	Ferguson, Thelma*	Weddell Island, West Falkland
1116	Findlay, Andrew John	North Arm, East Falkland
1117	Finlayson, Barry Donald*	North Arm, East Falkland
1118	Finlayson, Iris Heather*	North Arm, East Falkland
1119	Finlayson, Neil Roderick	North Arm, East Falkland
1120	Ford, Neil Fraser	Mossvale Farm, West Falkland
1121	Ford, Penelope Rose	Mossvale Farm, West Falkland
1122	Forster, Gwyneth May	Bold Cove Farm, West Falkland
1123	Forster, James	Bold Cove Farm, West Falkland
1124	Giles, Gilbert	Chartres, West Falkland
1125	Giles, Theresa Kathleen	Chartres, West Falkland
1126	Gleadell, Ian Keith	East Bay Farm, West Falkland
1127	Gleadell, Marklin John	East Bay Farm, West Falkland
1128	Goodwin, Mandy Hazel	Green Field Farm, East Falkland
1129	Goodwin, Margo Jane	Elephant Beach, East Falkland
1130	Goodwin, Neil Alexander William	Elephant Beach, East Falkland
1131	Goodwin, Robin	Green Field Farm, East Falkland
1132	Goss, Eric Miller*	North Arm, East Falkland
1133	Goss, Ian Ernest Earle	Port Howard, West Falkland
1134	Goss, Margaret Rose	Horseshoe Bay Farm, East Falkland
1135	Goss, Peter	Horseshoe Bay Farm, East Falkland
1136	Goss, Roderick Jacob*	East Falkland
1137	Goss, Shirley Ann	North Arm, East Falkland
1138	Goss, Susan Diane	Port Howard, West Falkland
1139	Gray, David Edward	Sea Lion Island, East Falkland
1140	Gray, Johan*	Sea Lion Island, East Falkland
1141	Gray, Patricia May	Sea Lion Island, East Falkland
1142	Halliday, Cathy Ann	North Arm, East Falkland
1143	Halliday, Joyce Isabella Patience	Fox Bay Village, West Falkland
1144	Halliday, Kenneth William	Fox Bay Village, West Falkland
1145	Hansen, Ian	Main Point, West Falkland
1146	Hansen, Lionel Raymond*	Hill Cove, West Falkland
1147	Hansen, Rose Idina*	Hill Cove, West Falkland
1148	Hansen, Susan Ann	Main Point, West Falkland
1149	Hardcastle, Brook*	Darwin Harbour, East Falkland
1150	Hardcastle, Eileen Beryl*	Darwin Harbour, East Falkland
1151	Harvey, Jen	Hill Cove, West Falkland
1152	Harvey, Valerie Ann	Hill Cove, West Falkland
1153	Heathman, Ailsa	Estancia Farm, East Falkland
1154	Heathman, Ewart Tony	Estancia Farm, East Falkland
1155	Henry, Dulcie Rose	KIS, MPA. East Falkland

1156	Hirtle, Anthony	Pebble Island, West Falkland
1157	Hirtle, Doris Linda	Port Howard, West Falkland
1158	Hirtle, Odette Susan	Port Howard, West Falkland
1159	Hirtle, Susan Mary	Pebble Island, West Falkland
1160	Hobman, David Gonsalo	Fox Bay Village, West Falkland
1161	Hobman, Juan Jose Eleuterio	Sheffield Farm, West Falkland
1162	Hutton, Elizabeth Isabella*	North Arm, East Falkland
1163	Hutton, Philip*	North Arm, East Falkland
1164	Jaffray, Alexander	Lively Island, East Falkland
1165	Jaffray, Brian	Walker Creek, East Falkland
1166	Jaffray, Dereck Charles	Walker Creek, East Falkland
1167	Jaffray, Elliott Jessie	Lively Island, East Falkland
1168	Jaffray, John Willie	Walker Creek, East Falkland
1169	Jaffray, Phyllis	Walker Creek, East Falkland
1170	Jaffray, Robin George	Port San Carlos, East Falkland
1171	Johnson, Lily Ann*	Goose Green, East Falkland
1172	Jones, Kevin Richard	Fox Bay Village, West Falkland
1173	Jonson, Carl	Bombilla Farm, East Falkland
1174	Jonson, Rita Elizabeth	Bombilla Farm, East Falkland
1175	Keeley, John Gabriel	Turners, MPA. East Falkland
1176	Kidd, John Nathan	Burnt Side, East Falkland
1177	Kidd, Lillian Rose Orissa	Burnt Side, East Falkland
1178	Kilmartin, Dinah May	Bluff Cove, East Falkland
1179	Kilmartin, Kevin Seaton*	Bluff Cove, East Falkland
1180	King, Edward Robert	Mount Pleasant, East Falkland
1181	Knight, Keith Andrew*	Coast Ridge Farm, West Falkland
1182	Knight, Nigel Arthur	Coast Ridge Farm, West Falkland
1183	Knight, Shirley Louvaine Patricia	Coast Ridge Farm, West Falkland
1184	Lakin, Bernard	Turners, MPA. East Falkland
1185	Lang, Patrick Andrew*	North Arm, East Falkland
1186	Lang, Velma Emily*	North Arm, East Falkland
1187	Larsen, Josephine Mary	Speedwell Island, East Falkland
1188	Larsen, Ronald Ivan*	Speedwell Island, East Falkland
1189	Larsen, Yvonne	Speedwell Island, East Falkland
1190	Lawton, Brian	Turners, MPA. East Falkland
1191	Lee, Carole	Port Howard, West Falkland
1192	Lee, Christopher*	Pebble Island, West Falkland
1193	Lee, Elizabeth	Goose Green, East Falkland
1194	Lee, John Alfred	Goose Green, East Falkland
1195	Lee, Myles	Port Howard, West Falkland
1196	Lee, Owen Henry	Goose Green, East Falkland
1197	Lee, Rodney William	Port Howard, West Falkland
1198	Leo, Brenda May	NAAFI, MPA. East Falkland
1199	Limond, Alexander Buchanan	KIS, MPA. East Falkland
1200	Livermore, Darren	Fitzroy, East Falkland
1201	Lloyd, Melvyn John	Swan Inlet, East Falkland
1202	Lloyd, John Moelwyn*	West Falkland
1203	Lloyd, Valerie Ann	Swan Inlet, East Falkland
1204	Luxton, Stephen Charles	Chartres, West Falkland
1205	Luxton, William Robert*	Chartres, West Falkland
1206	Maddocks, Robert Charles	Saunders Island, West Falkland
1207	Marsh, Alastair Roy	Shallow Harbour Farm, West Falkland
1208	Marsh, Anna Deirdre	Fox Bay Village, West Falkland
1209	Marsh, Arlette Sharon	Rincon Ridge Farm, West Falkland
1210	Marsh, Frank*	West Falkland

1211	Marsh, Gavin Nicholas	Fox Bay Village, West Falkland
1212	Marsh, June Helen*	West Falkland
1213	Marsh, Leon Peter	Rincon Ridge Farm, West Falkland
1214	Marsh, Marlane Rose	Shallow Harbour Farm, West Falkland
1215	Marsh, Patricia Anne	Lakelands Farm, West Falkland
1216	Marsh, Robin Frank	Lakelands Farm, West Falkland
1217	May, Christopher Raymond	New House Farm, East Falkland
1218	May, Lindsey Olga	New House Farm, East Falkland
1219	Miller, Betty	Walker Creek, East Falkland
1220	Miller, James Albert	Fox Bay Village, West Falkland
1221	Miller, Phillip Charles	Cape Dolphin, East Falkland
1222	Minnell, Adrian James	Blue Beach, East Falkland
1223	Minnell, Benjamin James	Moss Side Farm, East Falkland
1224	Minnell, Donna Marie	Moss Side, East Falkland
1225	Minnell, Hazel Eileen*	Moss Side Farm, East Falkland
1226	Minnell, Michael Robert	Blue Beach, East Falkland
1227	Minnell, Michelle Rose	Blue Beach, East Falkland
1228	Minto, Patrick Andrew	Goose Green, East Falkland
1229	Molkenbuhr, Lee Charles*	Murrel Farm, East Falkland
1230	Morrison, Eric George	Goose Green, East Falkland
1231	Morrison, Gerald	Goose Green, East Falkland
1232	Morrison, Jacqueline Denise Anita	Port Howard, West Falkland
1233	Morrison, John	Port Howard, West Falkland
1234	Morrison, Kathleen Iris	Goose Green, East Falkland
1235	Morrison, Kenneth	Port Howard, West Falkland
1236	Morrison, Lena	Port Howard, West Falkland
1237	Morrison, Leslie Theodore Norman	Port Howard, West Falkland
1238	Morrison, Michael John	Port Louis, East Falkland
1239	Morrison, Patrick	North Arm, East Falkland
1240	Morrison, Susan Margaret	Port Louis, East Falkland
1241	Murphy, Roy David	Port Howard, West Falkland
1242	MacBeth, Raymond John	Narrows Farm, West Falkland
1243	MacKay, James*	Turners, MPA. East Falkland
1244	McBain, Arthur*	Sea Lion Island, East Falkland
1245	McBain, Rhoda Margaret	Sea Lion Island, East Falkland
1246	McDougall, James Gilfillan Stewart*	Turners, M.P.A East Falkland
1247	McGhie, James	Pebble Island, West Falkland
1248	McGhie, Roy	Port North Sheep Farm, West Falkland
1249	McGill, Robin Perry	Carcass Island, West Falkland
1250	McKay, Christine	Teal River Farm, West Falkland
1251	McKay, Ellen Rose	Port Harriet, East Falkland
1252	McKay, Frazer Roderick	Teal River Farm, West Falkland
1253	McKay, Isabella Alice	Westley Farm, West Falkland
1254	McKay, Margaret*	KIS, MPA. East Falkland
1255	McKay, Richard*	Westley Farm, West Falkland
1256	McKay, Roderick John*	Port Harriet, East Falkland
1257	McLeod, Albert John	Goose Green, East Falkland
1258	McLeod, Ian James	Goose Green, East Falkland
1259	McLeod, Isabella Diana Frances	Port Louis, East Falkland
1260	McLeod, Sarah Rose	Goose Green, East Falkland
1261	McMullen, June	Goose Green, East Falkland
1262	McMullen, Tony	Goose Green, East Falkland
1263	McPhee, June Iris*	Brookfield Farm, East Falkland
1264	McPhee, Kenneth John*	Brookfield Farm, East Falkland
1265	McPhee, Trudi Lynette	Brookfield Farm, East Falkland

1266	McRae, David Michael	South Harbour Farm, West Falkland
1267	McRae, Gloria Linda	South Harbour Farm, West Falkland
1268	McRae, Mandy*	South Harbour Farm, West Falkland
1269	McRae, Robert George Hector*	Estancia, East Falkland
1270	Napier, Lily	West Point Island, West Falkland
1271	Napier, Roderick Bertrand*	West Point Island, West Falkland
1272	Newman, Sheena Melanie	Cape Dolphin, East Falkland
1273	Nightingale, Charlene	West Lagoons Farm, West Falkland
1274	Nightingale, Peter Richard	West Lagoons Farm, West Falkland
1275	Oxley, Brian	M.P.A. East Falkland
1276	Parkinson, Allen	Turners, MPA. East Falkland
1277	Peck, Christine	Leicester Falls Farm, West Falkland
1278	Peck, Davina Margaret	Shallow Bay Farm, West Falkland
1279	Peck, Paul	Shallow Bay Farm, West Falkland
1280	Phillips, Carol Joan	Hope Cottage Farm, East Falkland
1281	Phillips, Terence	Hope Cottage Farm, East Falkland
1282	Pitaluga, Jene Ellen*	Salvador, East Falkland
1283	Pitaluga, Nicholas A. Robinson	Salvador, East Falkland
1284	Pitaluga, Robin Andreas McIntosh*	Salvador, East Falkland
1285	Pole-Evans, Anthony Reginald*	Saunders Island, West Falkland
1286	Pole-Evans, David Llewellyn	Saunders Island, West Falkland
1287	Pole-Evans, Ian*	Manybranch Farm, West Falkland
1288	Pole-Evans, Lisa	Port Howard, West Falkland
1289	Pole-Evans, Shirley Helen	Manybranch Farm, West Falkland
1290	Pole-Evans, Suzan	Saunders Island, West Falkland
1291	Pole-Evans, William Reginald	Manybranch Farm, West Falkland
1292	Poncet, Sally Elizabeth	Beaver Island, West Falkland
1293	Poole, Ella Josephine	Port San Carlos, East Falkland
1294	Poole, Steven Charles	Port San Carlos, East Falkland
1295	Porter, George*	Shallow Harbour, West Falkland
1296	Porter, Joan	Shallow Harbour, West Falkland
1297	Porter, William Kenneth	Fox Bay Village, West Falkland
1298	Reeves, Ronald James	Port Howard, West Falkland
1299	Robertson, Ann	Port Stephens, West Falkland
1300	Robertson, Paul Jonathan	Port Stephens, West Falkland
1301	Robertson, Peter Charles*	Port Stephens, West Falkland
1302	Rozee, Ronald David	Spring Point Farm, West Falkland
1303	Sackett, Michael John Carlos	Fox Bay Village, West Falkland
1304	Saunders, Felicity Joan Carlie	Hawkbit, M.P.A. Rd. East Falkland
1305	Short, Anne	KIS, MPA. East Falkland
1306	Short, Derek Patrick	Goose Green, East Falkland
1307	Short, Lindsay Marie	Goose Green, East Falkland
1308	Short, Robert George	Goose Green, East Falkland
1309	Sinclair, Serena Samantha	Walker Creek, East Falkland
1310	Sinclair, Simon Keith	Goose Green, East Falkland
1311	Smith, Andrew John	San Carlos, East Falkland
1312	Smith, Francis David*	Port Howard, West Falkland
1313	Smith, George Patterson	Johnson's Harbour, East Falkland
1314	Smith, Heather	Harp's Farm, West Falkland
1315	Smith, Jacqueline	Stoney Ridge Farm, West Falkland
1316	Smith, Jenny Lorraine	Johnson's Harbour, East Falkland
1317	Smith, Marlaine Rose	North Arm, East Falkland
1318	Smith, Michael Edmund*	Johnson's Harbour, East Falkland
1319	Smith, Peter*	Turners, MPA. East Falkland
1320	Smith, Robert William	North Arm, East Falkland

1321 Smith, Robin Charles
 1322 Smith, Roy Alan
 1323 Sotoleros, Sylvester Emanuel*
 1324 Stevens, Richard James*
 1325 Stevens, Toni Donna
 1326 Thorgan, David Miller
 1327 Thorgan, Gloria Penelope
 1328 Towernsey, Diane
 1329 Turner, Diana Jane*
 1330 Turner, Ronald
 1331 Volgenant, Arleen
 1332 Watson, Brenda Joyce
 1333 Watson, Neil
 1334 Whittow, Pamela Grace
 1335 Whittow, Dennis
 1336 Whittow, Smith
 1337 Whittow, Louis Rose
 1338 Whittow, Linda Ann
 1339 Whittow, Patrick George
 1340 Whittow, Tyrone
 1341 Wilkinson, David Clive Walter
 1342 Wilkinson, Josephary
 1343 Williams, Brian John
 1344 Woods, Mark Arthur
 1345 Young, Julie
 1346 Young, Nigel Anthony

NOT ELIGIBLE TO SERVE AS A JUROR

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Harp's Farm, West Falkland
 Stoney Ridge Farm, West Falkland
 Turners, MPA. East Falkland
 Port Sussex Farm, East Falkland
 Port Sussex Farm, East Falkland
 Teal Inlet, East Falkland
 Teal Inlet, East Falkland
 Port Stephens, West Falkland
 Rincon Grande, East Falkland
 Rincon Grande, East Falkland
 North Arm, East Falkland
 Long Is. Farm, East Falkland
 Long Is. Farm, East Falkland
 Mount Kent Farm, East Falkland
 Fitzroy, East Falkland
 Home Farm, East Falkland
 Fitzroy, East Falkland
 Home Farm, East Falkland
 Mount Kent Farm, East Falkland
 Home Farm, East Falkland
 Dunnose Head Farm, West Falkland
 Dunnose Head Farm, West Falkland
 KIS, MPA. East Falkland
 Turners, MPA. East Falkland
 M.P.A. East Falkland
 Turners, MPA. East Falkland



THE FALKLAND ISLANDS GAZETTE

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31st August 1995

No. 4412

Appointments

Severine Betts, Tradesman Electrician, Public Works Department, 24.7.95.

Miss Kathleen Shirley Tingey, Crown Counsel, Justice Department, 4.8.95.

Acting Appointments

Zane Hirtle, Acting Computer Co-ordinator, Computer Section, Secretariat, 9.8.95.

Mrs Jean Waddell Smith, Acting Director of Education, Education Department, from 23.8.95 to 29.8.95.

Richard Edwin John Fogerty, Acting Director of Education, Education Department, from 30.8.95. to 26.9.95.

Transfer of Appointment

Atillo Segundo Laffi, from Engineman, Power Station, Public Works Department, to Mechanic, Plant and Vehicle Section, Public Works Department, 1.8.95.

Confirmation of Appointment

Alan John Geach, Police Constable, Royal Falkland Islands Police, 16.8.95.

Promotions

Bruce Raymond May, from Engineman, Power Station, Public Works Department, to Houseparent, Stanley House, Education Department, 8.5.95.

Kevin John Hewitt, from Tradesman Carpenter, Public Works Department, to Clerk of Works, Public Works Department, 1.7.95.

NOTICES

No. 31

28th July 1995.

FALKLAND ISLANDS

JUPITER FISHING COMPANY LIMITED

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

Dated this 28th day of July 1995.

B.D. Greenland,
Registrar of Companies.

No. 32

29th August 1995.

1. The findings of the Cost of Living Committee for the quarter ended 30 June 1995 are published for general information.
2. The Index of Retail Prices shows an increase of 1.765%, from 127.239 to 129.484.
3. The increase in the Index requires an adjustment to these hourly paid employees coming within the scope of the FIG/GEU Wages Agreement with effect from 1 July 1995. A schedule showing the revised rates of pay follow on the next page.

F.B. Wallace,
for Government Secretary.

CLASS		REVISED HOURLY RATE WEF 1 JULY 1995 £
Foremen		5.47
		5.64
		5.81
Assistant Foremen		5.06
		5.21
		5.36
Certificated Craftsmen	bottom	4.85
		5.02
		5.17
	top	5.32
Uncertificated Craftsmen	bottom	4.34
		4.45
		4.56
	top	4.68
Apprentices 1st year		3.54
Apprentices 2nd year		3.71
Apprentices 3rd year		3.90
Apprentices 4th year		4.09
Apprentices 5th year		4.30
Handymen	bottom	3.83
		3.93
		4.04
		4.14
	top	4.23
Labourer Age 15-16		3.35
Labourer Age 16-17		3.48
Labourer Age 17-18		3.58
Labourer Age 18 or over		3.73
Plant Operators - CLASS 2	bottom	3.83
		3.93
		4.04
		4.14
	top	4.23
Plant Operators - CLASS 1	bottom	4.27
		4.37
		4.46
		4.56
	top	4.68

No. 33

31st August 1995.

IN THE SUPREME COURT OF THE FALKLAND ISLANDS

No: SC/CIV/9/93

IN THE MATTER OF THE BANKRUPTCY ACT 1914

AND IN THE MATTER OF VANDA JOAN JOHNSON, a Bankrupt

CERTIFICATE OF APPOINTMENT OF TRUSTEE

THIS IS TO CERTIFY THAT DANIEL NORMAN STEWART BLACK of c/o Standard Chartered Bank, Ross Road, Stanley, Falkland Islands has been duly appointed and approved in place of GRAEME GILL as trustee of the property of Vanda Joan Johnson who was adjudged bankrupt on the 26th day of May 1993.

Dated this 31st day of August 1995,

By authority of the Governor in pursuance of his powers
under the Bankruptcy Act 1914 in its application to the Falkland Islands.

D.G. LANG QC
Attorney General



THE FALKLAND ISLANDS GAZETTE

PUBLISHED BY AUTHORITY

Vol. CIV

29th September 1995

No. 12

13

Appointments

Andrew James Coe, Senior Veterinary Officer,
Department of Agriculture, 16.9.95

Mrs. Heather Josephine Meads, Clerk, Public Service,
18.9.95.

Dr. Adrian Stuart Field-Lucas, Medical Officer,
Medical Department, 19.9.95.

Acting Appointments

Zane Eric Hirtle, Acting Computer Co-ordinator,
Computer Section, Secretariat, 9.8.95. - 13.9.95.

Miss Susan Jane Nightingale, Acting Chief Clerk,
Secretariat, 18.9.95 - 17.10.95.

Confirmation of Appointment

Magnus John Alexander George, Fisheries Observer,
Fisheries Department, 4.8.95.

Promotions

Mrs. Madeline Jean McLeod, from Assistant
(Training & Economics), to Adviser Economics/
Training Officer, 14.8.95.

Glenn Stephen Ross, from Foreman/Electrician, Power
& Electrical Section, Public Works Department, to
Superintendent Designate/Electrical Engineer, Power
& Electrical Section, Public Works Department, 1.7.95.

Resignations

Kevin Michael Patrick Joseph Ormond, House-
parent, Stanley House, Education Department,
13.9.95.

Mrs. Diana Mary Berntsen-McGill, Clerk,
Public Service, 26.9.95.

NOTICES

No. 34

1st September 1995.

The Companies and Private Partnership Ordinance (Cap. 13)

Companies Act 1948

NOTICE IS HEREBY GIVEN pursuant to section 2
of the Companies and Private Partnership Ordinance
and section 353 of the Companies Act 1948 in its
application to the Falkland Islands that with effect from
the publication of this Notice the name of
SOUTHERN HARVEST LIMITED is struck off the
Register and the Company is dissolved subject to the
proviso to subsection (5) of section 353 aforesaid

Dated this 1st day of September 1995.

B. Greenland,
Registrar of Companies.

No. 35

29th September 1995.

SCHOOL TERMS 1996**STANLEY SCHOOLS**

1st Term	1st February	15th May
2nd Term	30th May	21st August
3rd Term	12th September	18th December

RECOGNISED CAMP SCHOOLS

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

HOLIDAYS

Camp Sports Week	26th - 1st March inclusive
Good Friday	5th April
Queen's Birthday	21st April (transferred to 22nd)
Liberation Day	14th June
Falklands Day	14th August
Battle Day	8th December (transferred to 9th)

(Public Holidays may be transferred)

HOLIDAYS FOR TRAVELLING TEACHERS

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

14th December 1995 - 2nd January 1996

Three additional days (to be taken by arrangement with the Camp Education Supervisor)

Term = Ends 18th December 1996 - Commences
9th January 1997

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

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

I hereby appoint:

Cpl. R.A. BLUNDELL H8128463

to be a Temporary Customs Officer from 23rd August 1995 until 22nd December 1995.

R. J. King,
Collector of Customs.

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

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

I hereby appoint:

Sgt. G.A. CHAPMAN F8092420

to be a Temporary Customs Officer from 26th July 1995 until 25th November 1995.

R. J. King,
Collector of Customs.

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

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

I hereby appoint:

Cpl. J. TREVORROW D8248379

to be a Temporary Customs Officer from 30th August 1995 until 27th December 1995.

R. J. King,
Collector of Customs.



**THE
FALKLAND ISLANDS GAZETTE
Extraordinary**

PUBLISHED BY AUTHORITY

Vol. CIV

2nd October 1995

No. 4314

The following is published in this Gazette -

Notice - Falkland Islands Oil Licensing Round.

FALKLAND ISLANDS GOVERNMENT

THE OFFSHORE PETROLEUM (LICENSING) REGULATIONS 1995

- 1 The Governor of the Falkland Islands invites applications, in accordance with the Offshore Petroleum (Licensing) Regulations 1995, for petroleum production licences in respect of the tranches of blocks specified in Schedules 1 and 2 to this notice and delineated on a map deposited at The Secretariat, Thatcher Drive, Stanley where it may be inspected between 09.15 and 16.30 hours on Mondays to Fridays until Monday 1 July 1996 at the Secretariat, Stanley on prior arrangement having been made (Tel: 27242 or Fax: 27212).

Consideration and conditions of Licence

- 2 Licences issued in respect of tranches of blocks listed in Schedule 1 and shown on the map at Schedule 2 of this notice will be subject to the conditions set out in the Model Clauses for Production Licences in controlled waters (Schedule 2 to the Offshore Petroleum (Licensing) Regulations 1995).

Licences issued to successful applicants will have an initial exploration term of five years. Fifty per cent of the acreage must be relinquished on the expiry of this period except that ten per cent of the original may be retained in addition to the retained fifty per cent for every exploration or appraisal well drilled within it. There will follow a second exploration period of seven years and fifty per cent of the acreage retained into this second exploration term must be relinquished before a third exploration phase of ten years. An exploitation stage of thirty-five years, relating only to the area of any defined and exploitable hydrocarbon accumulation, may be entered at any time upon approval by the Governor of a field development plan.

Exploration and/or appraisal drilling is permitted but is not a requirement during the first five year exploration phase but progress to the second exploration phase of seven years requires the confirmation of well drilling plans submitted in the licence application. A third exploration phase of ten years requires a commitment to further exploration and/or appraisal drilling.

- 3 The acreage rentals, royalty and profits and gains taxation in respect of Production Licences granted as a result of this invitation will be as follows:

(a) an acreage rental payment as provided for by the Model Clauses for Production Licences in controlled waters, set out within the Offshore Petroleum (Licensing) Regulations 1995;

(b) a royalty as provided for in the Model Clauses for Production Licences in Controlled Waters, set out within the Offshore Petroleum (Licensing) Regulations 1995, at the rate of 9%;

(c) profits and gains from activities carried on in connection with the exploration for or exploitation of petroleum resources within the controlled waters will be subject to Falkland Islands taxation. The current rate of corporation tax is 32.5%.

- 4 Licences may be granted subject to special conditions governing the notice required for, and the timing and circumstances of, operations carried out thereunder (including in particular conditions as to environmental obligations). The Falkland Islands Government will make copies of these conditions available as soon as possible.

Applications for Licences

- 5 In respect of all blocks listed in Schedule 1 and shown in Schedule 2:

(a) applications should be made in duplicate in the form available from the Falkland Islands Oil Licensing Administration or in a form substantially to the like effect, and must include in duplicate all materials requested in the application form;

(b) a separate application form and appendices must be submitted for each tranche of blocks if applicants intend to apply for more than one tranche;

(c) applications should be delivered between 09.15 to 16.30 hours on Monday 1 July 1996 and 09.15 to 16.30 hours on Tuesday 2 July 1996 to the Falkland Islands Oil Licensing Administration, Falkland House, 14 Broadway, London SW1H 0BH, together with a remittance in respect of an application fee of £5,000 sterling for each application;

(d) no application will be accepted after 16.30 hours on Tuesday 2 July 1996;

(e) applicants must provide details of the work programme they propose to carry out if awarded a licence. This work programme should include, for the first exploration period of five years, details of any seismic and related surveys and of any well drilling proposals, indicating whether any drilling proposals are of a firm or provisional nature. The application should also state the anticipated provisional work programme for the second, seven year exploration period. The provisional work programme submitted for the second exploration period should detail at least a provisional commitment to drill wells;

(f) applicants must provide a statement of their general policy on the environment and (in the case of a joint application) state whether this is endorsed by all applicants. Guidance as to the essential elements of an environmental policy statement is available from the Falkland Islands Oil Licensing Administration.

(g) further guidance on the material with which applicants may support their application may be obtained from the Falkland Islands Oil Licensing Administration;

(h) copies of documents referred to in the text of this notice are available from the Falkland Islands Oil Licensing Administration, Falkland House, 14 Broadway, London SW1H 0BH.

- 6 Applicants will be judged against the background of the Falkland Islands Government's wish to ensure expeditious, thorough, efficient and safe exploration to identify oil and gas resources on the Falkland Islands Continental Shelf, with due regard to environmental considerations. The financial and technical capability of each applicant will be established as far as possible before competing applications are evaluated. Applicants must meet a threshold of acceptability for other criteria, including health and safety and environmental policies. Once these criteria have been met applicants will be evaluated on the basis of the following technical criteria:

(a) the quality of geological analysis related to the tranche of blocks applied for and the identification of prospects;

(b) the quality, extent and scope of the work programme submitted for the first and second exploration phases for evaluating the full potential of the tranche;

(c) the experience and/or technical databases (eg of relevant seismic data) of applicants;

(d) the first two of these criteria will be given predominant weight.

- 7 Applicants achieving the threshold criteria for acceptability outlined in section 6 will be called for interview at the Falkland Islands Oil Licensing Administration in London.

- 8 Following examination of all applications the Governor of the Falkland Islands will select the applicants to whom he is prepared to award licences.

- 9 The selected applicants will be offered licences on condition that within 14 days of the date on which the Governor of the Falkland Islands makes the offer of an award:

(a) they will confirm acceptance of a work programme for the first and second exploration phases approved by the Governor following discussion with the applicants concerned;

(b) they remit to the Governor the appropriate payment referred to in paragraph 3(a) above; and

(c) they confirm in writing that they accept any special conditions or restrictions of the sort referred to in paragraph 4 above.

- 10 Unsuccessful applicants will be notified in writing.

SCHEDULE 1

Standard licence terms will apply to all of the tranches of blocks listed below.

The 19 tranches of blocks available are listed below by reference to their Quadrant and block designated numbers. Tranche co-ordinates are available from the Falkland Islands Oil Licensing Administration, Falkland House, 14 Broadway, London SW1H 0BH (Tel +44 (0)171 222 2542, Fax +44 (0)171 222 2375).

TRANCHE	BLOCKS
Tranche A	14/2, 3, 4, 7, 8, 9
Tranche B	14/5, 10, 15/1, 2, 6, 7
Tranche C	14/12, 13, 14, 17, 18, 19
Tranche D	14/15, 20, 15/11, 12, 16, 17
Tranche E	13/24, 25, 29, 30, 14/21, 22, 26, 27
Tranche F	14/23, 24, 25, 28, 29, 30
Tranche G	15/21, 22, 23, 26, 27, 28
Tranche H	24/4, 5, 9, 10, 25/1, 2, 6, 7
Tranche I	25/3, 4, 5, 8, 9, 10
Tranche J	26/1, 2, 3, 6, 7, 8
Tranche K	25/11, 12, 13, 14, 16, 17, 18, 19, 21, 22, 23, 24
Tranche L	25/15, 20, 25, 26/11, 12, 13, 16, 17, 18, 21, 22, 23
Tranche M	59/4, 5, 9, 10, 14, 15, 60/1, 6, 11, 16
Tranche N	60/7, 12, 13, 14, 15, 17, 18, 19, 20, 61/11, 16
Tranche O	61/3, 4, 5, 7, 8, 9, 10, 12, 13, 14, 15, 17, 18, 19, 20
Tranche P	62/1 to 62/15 inclusive
Tranche Q	51/16 to 51/30 inclusive
Tranche R	51/4, 5, 9, 10, 14, 15, 52/1, 2, 3, 6, 7, 11
Tranche S	52/4, 5, 8, 9, 10 and 12 to 30 inclusive



THE FALKLAND ISLANDS GAZETTE Extraordinary

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20th October 1995

No. 15

NOTICES

No. 36

11th October 1995.

THE COMPANIES ACT 1948

**Special Resolution to Appoint Liquidator
pursuant to sections 141(2) and 278(1)(b) of the
Companies Act 1948**

TEAL INLET LIMITED (Company Number 2763)

At an Extraordinary General Meeting of the members of the above-named Company duly convened and held at 8 Allardyce Street, Stanley on 11 October 1995 the following Special Resolution was duly passed -

"That the Company be wound up voluntarily and that Stuart Booth be hereby appointed Liquidator for the purposes of such winding-up."

R.M. Pitaluga,
Chairman.

Presented by Stuart A. Booth.

No. 37

20th October 1995.

Notice to Creditors to Send In Claims Teal Inlet Limited (in Voluntary Liquidation)

Notice is hereby given that the Creditors of the above-named Company are required, on or before the 6th day of November 1995, to send their names and addresses, with particulars of their debts or claims, and the names and addresses of their Solicitors (if any), to the undersigned, Mr Stuart Booth, Racecourse Cottage, Stanley, the Liquidator of the said Company and, if so required by notice in writing by the said Liquidator, are, by their Solicitors or personally, to come in and prove their said debts or claims at such time and place as shall be specified in such notice, or in default thereof they will be excluded from the benefit of any distribution made before such debts are proved. This notice is purely formal and all known Creditors have been, or will be, paid in full

Dated 20th October 1995.

S. A. Booth,
Liquidator.

CORRIGENDUM

The following Gazettes are re-numbered as follows:

Gazette No. 8 of 30 June 1995 is re-numbered No. 9; Gazette No. 9 of 31 July is re-numbered No. 10; Gazette No. 10 of 15th August is re-numbered No. 11; Gazette No. 11 of 31st August is re-numbered No. 12; Gazette No. 12 of 29th September is re-numbered No. 13; Gazette No. 13 of 2nd October is re-numbered No. 14.



THE FALKLAND ISLANDS GAZETTE

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Vol. CIV

31st October 1995

No. 16

Appointments

Miss Saphena Anya Jane Berntsen, Clerk, Public Service, 29.6.95.

Miss Rachel Nicola Riley, Staff Nurse, Medical Department, 29.9.95.

Anthony Ross Chaloner, Surveyor, Public Works Department, 6.10.95.

Mrs Catriona Grace Johns, Staff Nurse, Medical Department, 13.10.95.

Acting Appointments

Miss Susan Jane Nightingale, Acting Chief Clerk, Secretariat, 18.9.95. - 20.10.95.

Miss Deborah Ford, Acting Senior Clerk, Secretariat, 4.9.95. - 20.10.95.

Resignation

Miss Dorothy Ruth Wilkinson, Casualty Nurse, Medical Department, 1.10.95.

NOTICES

No. 38 28th September 1995.

The Falkland Islands Administration of Justice Ordinance REMOVAL OF JUSTICE OF THE PEACE

WHEREAS John David Barton has stated that he no longer wishes to hold office as a Justice of the Peace.

IN EXERCISE of my power under section 3 of the Administration of Justice Ordinance (Cap. 3) **I, DAVID EVERARD TATHAM**, Companion of the Most Distinguished Order of Saint Michael and Saint George, Governor of the Falkland Islands, **DO REMOVE** the said John David Barton from office as Justice of the Peace for the Falkland Islands.

GIVEN under my hand this 28th day of September 1995.

D.E. Tatham,
Governor.

No. 39

4th October 1995.

The Falkland Islands STANDARD TRADING LIMITED

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

Dated this 4th day of October 1995.

B. Greenland,
Registrar of Companies.

No. 40

10th October 1995.

**The Falkland Islands
Administration of Justice Ordinance**

APPOINTMENT OF JUSTICES OF THE PEACE

IN EXERCISE of my powers under section 3 of the Administration of Justice Ordinance (Cap. 3) **I, DAVID EVERARD TATHAM**, Companion of the Most Distinguished Order of Saint Michael and Saint George, Governor of the Falkland Islands, **DO APPOINT** Alison Delia Howe, Terence Owen McPhee and Vernon Robert Steen to be Justices of the Peace for the Falkland Islands.

AND THIS appointment shall be effective until such time as the Governor of the Falkland Islands for the time being signifies to the contrary or until it shall be determined or limited by operation of law.

GIVEN under my hand and the Public Seal this tenth day of October 1995.

D.E. Tatham,
Governor.

SUPREME COURT OF THE FALKLAND ISLANDS

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

TAKE NOTICE THAT George Albert Sornsen, deceased, of Stanley, Falkland Islands died at K.E.M.H. on the 24th day of April 1988 Intestate.

WHEREAS Mrs June Iris McPhee, niece of the deceased, has applied for Letters of Administration to administer the estate of the said deceased in the Colony.

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

B. Greenland,
Registrar, Supreme Court.

Stanley, Falkland Islands,
5th October 1995.

Ref: PRO/11/1995.

SUPREME COURT OF THE FALKLAND ISLANDS

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

TAKE NOTICE THAT Hyacinth Emily Morrison, deceased, of Stanley, Falkland Islands died at Stanley on the 22nd day of September 1995 Intestate.

WHEREAS Michael John Morrison, son of the deceased, has applied for Letters of Administration to administer the estate of the said deceased in the Colony.

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

B. Greenland,
Registrar, Supreme Court.

Stanley, Falkland Islands,
13th October 1995.

Ref: PRO/15/1995.

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

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

I hereby appoint:

Flt. Lt. K.J. SHIEBER 0212384A

to be a Temporary Customs Officer from 17th September 1995 until 21st March 1996.

R. J. King,
Collector of Customs.

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

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

I hereby appoint:

Cpl. A.P. PAGE F8192183

to be a Temporary Customs Officer from 26th September 1995 until 26th January 1996.

R. J. King,
Collector of Customs.

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

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

I hereby appoint:

WO2 N.J.B. POWELL BEM 24385828

to be a Temporary Customs Officer from 6th October 1995 until 6th April 1996.

R. J. King,
Collector of Customs.



THE FALKLAND ISLANDS GAZETTE Extraordinary

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Vol. CIV

10th November 1995

No. 17

NOTICE

No. 41

10th November 1995.

Notice to members of final meeting Members' voluntary winding up

TEAL INLET LIMITED (in Voluntary Liquidation)

Notice is hereby given pursuant to Sections 290 and 341(1)(b) of the Companies Act 1948 that a General Meeting of Members of the above-named Company will be held at 8 Allardyce Street, Stanley on the eleventh of December 1995 at 5.30pm, for the purpose of having an Account laid before them, and to receive the Liquidator's report, showing how the winding up of the Company has been conducted and its property disposed of, and hearing any explanations that may be given by the Liquidator; and also of determining by Extraordinary Resolution the manner in which the books, accounts and papers and documents of the Company and of the Liquidator thereof, shall be disposed

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

10th November 1995

S.A. Booth,
Liquidator.



THE FALKLAND ISLANDS GAZETTE

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Vol. CIV

30th November 1995

No. 18

Appointments

Trevor Marshall Barnes, Police Constable, Royal Falkland Islands Police, 13.11.95.

Hugh Marsden, Farm Management Specialist, Department of Agriculture, 14.11.95.

Acting Appointments

Mrs Sarah Louise Allan, Acting Recreation Manager, Education Department, 30.9.95. - 12.11.95.

Miss Sarah Jane Gilding, Acting Senior Sports Attendant, Education Department, 4.10.95. - 12.11.95.

Completion of Contract

Miss Nicole Gabrielle Buxton, Data Analyst, Fisheries Department, 10.11.95.

Resignations

Miss Patricia Collette Card, Clerk, Public Service, 17.11.95.

German Guillemo Lazo, Watchkeeper/Handyman, Public Works Department, 30.11.95.

NOTICES

No. 42 9th November 1995.

**The Falkland Islands Constitution Order 1985
Schedule 1 (Section 80(1))**

APPOINTMENT OF ACTING JUDGE

Whereas it appears to me, after consulting the Chief Justice, Sir Dermot Renn Davis, Officer of the Most

Excellent Order of the British Empire, that the state of business in the Supreme Court during such time or times as the Chief Justice is absent from the Falkland Islands so requires;

And Whereas after such consultation as aforesaid I am satisfied that **Andrew Shirley Jones** possesses such legal qualifications and experience as are appropriate from him to be so appointed,

Now I, **David Everard Tatham CMG**, Governor of the Falkland Islands, **In Exercise** of my powers under section 80(1) of Schedule 1 to the Falkland Islands Constitution Order 1985 **Do Appoint** the said **Andrew Shirley Jones** to sit as an Acting Judge of the Supreme Court for the purpose of hearing and determining all pre trial issues including the taking of pleas and sentencing in the event of a guilty plea in the case of *R v. Iain Thomas Corcoran SC/CRIM/2/95*.

And I Declare that the powers contained in this appointment are granted in addition to the appointment of the said **Andrew Shirley Jones** dated 25th February 1994 and all such appointments made subsequent thereto.

And This appointment shall be effective until such time as the Governor of the Falkland Islands for the time being signifies to the contrary.

Given under my hand and the Public Seal this 9th day of November 1995.

D.E. Tatham,
Governor.

No. 43

13th November 1995.

**The Companies and Private Partnership Ordinance
(Cap. 13)**

COMPANIES ACT 1948

NOTICE IS HEREBY GIVEN pursuant to section 2 of the Companies and Private Partnership Ordinance and section 353 of the Companies Act 1948 in its application to the Falkland Islands that with effect from the publication of this Notice the names of **MAGELLAN FISHERIES (FALKLANDS) LIMITED** and **SCOTVIK FISHERIES (FALKLANDS) LIMITED** are struck off the register and the companies are dissolved subject to the proviso to sub-section (5) of section 353 aforesaid.

Dated this 13th day of November 1995.

B. Greenland,
Registrar of Companies.

No. 44

14th November 1995.

**The Companies and Private Partnership Ordinance
(Cap. 13)**

COMPANIES ACT 1948

NOTICE IS HEREBY GIVEN pursuant to section 2 of the Companies and Private Partnership Ordinance and section 353 of the Companies Act 1948 in its application to the Falkland Islands that with effect from the publication of this Notice the name of **JUPITER FISHING COMPANY LIMITED** is struck off the register and the company is dissolved subject to the proviso to sub-section (5) of section 353 aforesaid.

Dated this 14th day of November 1995.

B. Greenland,
Registrar of Companies.

No. 45

17th November 1995.

THE COLONY OF THE FALKLAND ISLANDS
**Certificate of Registration as a Minister for
Celebrating Marriage**

In accordance with Section 5 of the Marriage
Ordinance, 1949

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

Given under my hand and the Public Seal at Stanley
this 17th day of November 1995.

D.E. Tatham,
Governor.

No. 46

27th November 1995.

1. The findings of the Cost of Living Committee for the quarter ended 30 September 1995 are published for general information.
2. The Index of Retail Prices shows an increase of 0.13 percent, from 129.484 to 129.652.

The increase in the Index is insufficient to require an adjustment to hourly wages coming within the scope of the FIG/GEU Wages Agreement.

F.B. Wallace,
for Government Secretary

Ref: INT/2/3

SUPREME COURT OF THE FALKLAND ISLANDS

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

TAKE NOTICE THAT Rose Stella Short, deceased, of Stanley, Falkland Islands died at K.E.M.H. Stanley on the 17th day of October 1995 Intestate.

WHEREAS Gavin Phillip Short, son of the deceased, has applied for Letters of Administration to administer the estate of the said deceased in the Colony.

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

B. Greenland,
Registrar, Supreme Court.

Stanley, Falkland Islands,
13th October 1995.

Ref: PRO/18/1995.

SUPREME COURT OF THE FALKLAND ISLANDS

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

TAKE NOTICE THAT Rose Ellen Binnie, deceased, of Fox Bay, West Falkland, died at Fox Bay on the 22nd day of August 1995 Intestate.

WHEREAS Horace James Binnie, widower of the deceased, has applied for Letters of Administration to administer the estate of the said deceased in the Colony.

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

B. Greenland,
Registrar, Supreme Court.

Stanley, Falkland Islands,
6th November 1995.

Ref: PRO/17/1995.



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22nd December 1995

No. 19

Appointment

Michael John Southcott, Pilot, Falkland Islands Government Air Service, 28.11.95

Acting Appointments

Mrs Helen Jean Andrews, Acting Broadcasting Officer, Falkland Islands Broadcasting Station, 30.10.95 - 28.11.95.

Miss Lorna Marie Howells, Acting Assistant Producer, Falkland Islands Broadcasting Station, 30.10.95 - 28.11.95.

Completion of Contracts

Timothy Stewart Cotter, Teacher, Education Department, 13.12.95.

Mrs Margaret Wiskow, Travelling Teacher, Education Department, 13.12.95

Ms Margaret Ann Couper, Travelling Teacher, 13.12.95.

Miss Katy Lee, Travelling Teacher, Education Department, 15.12.95

Resignation

Miss Moira Christine Houlan, Teacher, Education Department, 13.12.95.

NOTICES

No. 47 5th December 1995.

The Colony of the Falkland Islands

APPOINTMENT OF TEMPORARY REGISTRAR

IN exercise of the powers conferred upon me by Section

4 of the Marriage Ordinance I, **D.E. Tatham**, Governor of the Falkland Islands -

HEREBY APPOINT

RODNEY WILLIAM LEE a Registrar for the purpose of the marriage at Port Stephens, West Falkland of **Janet Robertson and Joost Herman Willem Pompert**.

Given under my hand at Stanley this 5th day of December 1995.

D.E. Tatham,
Governor.

No. 48

18th December 1995.

THE FALKLAND ISLANDS

SOUTH ATLANTIC SEA AND AIR SERVICE COMPANY LIMITED

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

Dated this 18th day of December 1995

B.D. Greenland,
Registrar of Companies.

Archivist



THE FALKLAND ISLANDS GAZETTE Supplement

PUBLISHED BY AUTHORITY

Vol. 6

5th JANUARY 1995

No. 1

SUBSIDIARY LEGISLATION

LICENSING

The Licensing Ordinance 1994 (Rectification of Clerical Error) Order 1995

(S. R. & O. No. 1 of 1995)

(Made: 5th January 1995)

(Published: 5th January 1995)

(Coming into force: on publication)

IN EXERCISE of my powers under section 101(1) of the Interpretation and General Clauses Ordinance 1977 (a) I make the following order -

1. This Order may be cited as the Licensing Ordinance 1994 (Rectification of Clerical Error) Order 1995 and shall come into force on its being published in the Gazette.

*Citation and
commencement.*

2. After the parentheses and numeral "(1)" appearing in subsection (3) of section 42 of the Licensing Ordinance 1994 there shall be inserted the parentheses and letter "(a)".

*Rectification of
errors.
No. 18 of 1994*

Made this 5th day of January 1995.

R. M. TITTERINGTON,
Acting Attorney General.

(a) No. 14 of 1977.



THE FALKLAND ISLANDS GAZETTE Supplement

PUBLISHED BY AUTHORITY

Vol. 6

20th JANUARY 1995

No.2

The following is published in this Supplement —

The Permitted Hours Order 1995, (S. R. & O. No. 2 of 1995).

SUBSIDIARY LEGISLATION

INTOXICATING LIQUOR

The Permitted Hours Order 1995

(S. R. & O. No.2 of 1995)

(Made: 19th January 1995)

(Published: 20th January 1995)

(Coming into force: 20th January 1995)

IN EXERCISE of my powers under section 42(2) of the Licensing Ordinance 1994 (a) I make the following Order -

(a) No. 18 of 1994.

1. This Order may be cited as the Permitted Hours Order 1995 and comes into operation on 20th January 1995. *Citation and commencement.*
2. In this Order "weekday" means every day of the week except Sundays and any day of the week on which Good Friday or Christmas Day falls. *Definition of "weekday".*
3. The permitted hours in section 42(1) of the Licensing Ordinance 1994 are varied so that they are - *Permitted hours.*
 - (a) on weekdays, except Fridays and Saturdays, the hours from ten in the morning to eleven in the evening;
 - (b) on Fridays and Saturdays, except Christmas Day and Good Friday, the hours from ten in the morning to half past eleven in the evening;
 - (c) on Sundays, Christmas Day and Good Friday, twelve noon to two in the afternoon and seven in the evening to half past ten in the evening;
 - (d) on any day the hours which -
 - (i) are hours during which passengers of a cruise ship are paying a visit to Stanley;
 - (ii) fall between the hours of ten in the morning and half past eleven in the evening; and
 - (iii) are not hours during which the sale of intoxicating liquor would be permitted by virtue of any of the paragraphs (a) to (c) of this subsection.

Made this 19th day of January 1995.

D. E. TATHAM,
Governor.

EXPLANATORY NOTE

(This note does not form part of the Order)

These Regulations permit public houses to be open for the sale of intoxicating liquor throughout the day when cruise ship passengers are visiting Stanley and re-state the provisions of the Permitted Hours (Public Houses) (Amendment) Regulations 1994 which had the same effect under the repealed Licensing Ordinance.



THE FALKLAND ISLANDS GAZETTE Supplement

PUBLISHED BY AUTHORITY

Vol. 6

26th JANUARY 1995

No. 3

The following is published in this Supplement —

An Ordinance to amend and consolidate the law relating to the Administration of Justice.

ELIZABETH II



Colony of the Falkland Islands

An Ordinance

The Administration of Justice Ordinance
(Cap 3)

To amend and consolidate the law relating to the
Administration of Justice.

PART I.

Preliminary

1. This Ordinance may be cited as the Administration of Justice Ordinance. *Short title. Cap 3*
2. In this Ordinance unless the context otherwise requires: *Definitions.*
 - "Civil case" means process for the recovery of individual right or redress of individual wrong and includes an action by the Government for the recovery of fines or penalties; *Cap 3*
 - "Complaint" includes an information;
 - "Criminal case" means a case which might result in the infliction of a fine or imprisonment or one in which money claimed to be due is recoverable on information as well as on complaint; *Cap 3*
 - "Judge" means the person nominated or acting as Judge under section 8 hereof; *Cap 3*
 - "Judgment" includes a decree order, rule or sentence;
 - "Magistrate's court" means the court constituted under Part IIA of this Ordinance; *1/70*
 - "Supreme Court" means the Judge sitting either alone or with jury or assessors or in Chambers; *Cap 3*
 - "Senior Magistrate" means the Magistrate appointed under Part IIA of this Ordinance; *1/70*

"Summary Court" means a magistrate sitting either alone or in summary jurisdiction or with other justices or one or more justices sitting to hear any cause which they may be empowered to hear. 1/70

PART II.

Court of Summary Jurisdiction

3.(1) The Governor may appoint such magistrates and justices as he may deem necessary and every such magistrate or justice shall have jurisdiction in civil and criminal cases as hereinafter provided within the district specified in his warrant of appointment and if no limits be so specified he shall have jurisdiction throughout the Colony. *Appointment and powers etc of Magistrate and Justices.* Cap 3

(2) A Justice shall have all the powers and perform all the duties of a Justice of the Peace in the United Kingdom subject to any limitation thereof contained in this or any other Ordinance. Cap 3

4. A magistrate shall unless the contrary be expressed in this or any other Ordinance, have power Cap 3

(1) to hear, try, determine and adjudge criminal matters which may be summarily dealt with : but he shall not have power to impose a term of imprisonment greater than one year; Cap 3

(2) to enquire into all charges of indictable offences and make such order in respect thereof as the evidence shall justify Cap 3

(3) to hear and determine civil cases where the amount claimed does not exceed £1,000 and actions for possessions of land where the land the subject of the action consists only of a dwelling house and land used incidentally to the enjoyment of that dwelling house, and where such an action includes a money claim for arrears of rent, means profits or damages related to the use of the dwelling house by the defendant if that money claim does not exceed or does not in aggregate exceed £1,000. 5/88

5.(1) The jurisdiction of the Summary Court when one justice is sitting alone shall be : *Jurisdiction of Court when no Magistrate present.*

(a) to hear and determine civil cases where the amount claimed does not exceed £25, or, in the case of a claim for the recovery of possession of land, the annual rent or value thereof does not exceed £25; and 17/54 & 1/70

(b) to hear, try and determine criminal cases which may be dealt with summarily except cases which may only be dealt with summarily with the consent of the accused : 17/54

Provided that the Summary Court may not impose a fine greater than £5 or imprisonment exceeding one month. 17/54 & 1/70

(2) The jurisdiction of a Summary Court consisting of two or more justices (each of whom must be present during the whole hearing and determination) shall be the same as that conferred on a magistrate by section 4 of this Ordinance, but subject to the same limitation with respect to punishment as is contained therein. *Assessors to Magistrate.* Cap 3

6. A magistrate may summon two or more Justices to sit with him as assessors at any trial. Cap 3

7.(1) Any assessor who shall, without reasonable cause fail to attend Court or refuse to act as an assessor shall be liable to a fine not exceeding £10 which the Magistrate may impose summarily. *Assessors. Cap 3*

(2) An assessor shall have no voice in the decision of any case but should he dissent from the judgment of the Court, his name together with a note of the grounds of such dissent shall be recorded on the proceedings and signed by him. *Cap 3*

7A. An appeal to the Supreme Court shall lie -

*Appeals from Summary Court.
18/74*

- (a) in civil cases from every decision of a Summary Court; and
- (b) by a person convicted by a Summary Court in a criminal case -
 - (i) if he has pleaded guilty, against the sentence; and
 - (ii) if he did not, against any order, conviction or sentence.

PART IIA.

7B.(1) There is hereby constituted a court subordinate to the Supreme Court to be called the Magistrate's Court, which shall consist of and be held before a Senior Magistrate appointed by the Governor for this purpose. *Constitution of Magistrate's Court.
18/93*

(2) No person shall be appointed to be or act as the Senior Magistrate unless he is a person who is entitled to practice as an advocate or as a solicitor in a court having unlimited jurisdiction in civil and criminal matters in some part of the Commonwealth or in the Republic of Ireland and has been so entitled for at least five years. *18/93*

(3) For the purposes of this section, a person shall be regarded as entitled to practice as an advocate, or as the case may be, a solicitor, if he has been called, enrolled or admitted as such (and has not subsequently been disbarred or removed from the roll of advocates or, as the case may be, solicitors) notwithstanding that - *18/93*

(a) he holds or acts in any office the holder of which is, by reason of his office, precluded from practising in a court; or *18/93*

(b) he does not hold a practising certificate or has not satisfied any other like condition or his being permitted to practise. *18/93*

7C.(1) The Magistrate's Court shall have jurisdiction to try and determine any offence under the law of the Falkland Islands except an offence which by any law of the Falkland Islands is one which is only triable on indictment. *General criminal jurisdiction.
18/93*

(2) For the purposes of subsection (1) it is hereby declared that the following offences are triable only on indictment - *18/93*

(a) treason;

(b) murder;

- (c) manslaughter; 18/93
- (d) piracy;
- (e) genocide (as defined under section 1(1) of the Genocide Act 1969);
- (f) rape;
- (g) torture;
- (h) any offence under section 1(2) of the Criminal Damage Act 1971;
- (i) any offence under any provision of the Geneva Conventions Act 1957; and
- (j) any attempt to commit any of the foregoing offences,

and that all other offences are triable summarily and shall not be tried on indictment except where the accused is at the same time indicted with an offence triable only on indictment. 18/93

(3) In respect of any offence which is triable only on indictment, the Magistrate's Court has the like jurisdiction as a magistrates court in England has to commit a person for trial on indictment and where the Magistrate's Court commits a person for trial on indictment in respect of an offence which is only triable on indictment, the Magistrate's Court may commit that person for trial on indictment at the same time in respect of any other offence or offences which, by virtue of subsection (1), it has jurisdiction to try and determine but which in the interests of justice the court considers should be tried at the same time as the offence triable only on indictment, but without prejudice to any provision of law whereunder a person committed for trial on indictment in respect of an offence triable only on indictment may also be charged by the prosecutor in the bill of indictment in respect of an offence triable summarily disclosed by the facts of the offence in respect of which he has been committed by a court for trial on indictment. 18/93

(4) Where the Magistrate's Court has jurisdiction by virtue of subsection (1) to try and determine an offence it may on convicting a person of that offence sentence him in any manner provided for by law in respect of that offence and may also make any other order which by law may be made in consequence of or otherwise upon the conviction of the offender and where it makes a compensation order it shall not be limited as to the amount of that order to the amount prescribed by section 44(2) of the Criminal Justice Ordinance 1989. 18/93

(5) Except as provided by section 7H the jurisdiction of the Magistrate's Court under this section shall be exercised by the Senior Magistrate sitting alone. 18/93

(6) It is hereby declared that from the commencement of this section an offence which would have constituted the offence of arson at common law prior to the abolition of the common law offence of arson is only triable summarily unless in the circumstances of the case, it is an offence to which section 1(2) of the 18/93

Criminal Damage Act 1971 relates, when, in accordance with subsection (2)(h) of this section, it is triable only on indictment, and that all laws of the Falkland Islands inconsistent with this subsection shall cease to have effect. 18/93

7D.(1) The Senior Magistrate has (subject to any Order of Her Majesty in Council) the like powers and jurisdiction in relation to extradition as is possessed by a person holding appointment as a Metropolitan Stipendiary Magistrate under section 31(1) of the Justices of the Peace Act 1979. Supplemental to Section 7C 18/93

(2) The Senior Magistrate is by virtue of his office a justice of the peace and may exercise all the jurisdiction powers and authority of a justice of the peace. 18/93

(3) Subject to this Ordinance and to any other law of the Falkland Islands the practice and procedure of the Magistrate's Court in criminal proceedings shall as nearly as possible be that of a magistrates' court for the inner London Area when constituted by a Metropolitan Stipendiary Magistrate sitting alone so as to constitute such a court. 18/93

Civil jurisdiction of
Magistrate's Court 18/93

7E.(1) Subject to subsection (2) the Magistrate's Court shall have jurisdiction to hear and determine -

(a) any action founded in contract or tort where the amount claimed or in dispute does not exceed the statutory limit; 18/93

(b) any action for the recovery of a sum recoverable by virtue of any enactment for the time being in force, unless it is provided by that enactment that that sum is only recoverable in the Supreme Court; 18/93

(c) any action for the recovery of land; 18/93

(d) any action in which the title to land comes into question; 18/93

(e) proceedings for the administration of an estate of a deceased person, where the estate does not exceed in amount or value the statutory limit; 18/93

(f) proceedings for the execution of any trust or for a declaration that a trust subsists where the estate or fund subject, or alleged to be subject, to the trust does not exceed in amount or value the statutory limit; 18/93

(g) proceedings for foreclosure or redemption of any mortgage or for enforcing any charge or lien, where the amount alleged to be owing at the date of commencement of the proceedings in respect of the mortgage charge or lien does not exceed the statutory limit; 18/93

(h) proceedings for the specific performance, or for the rectification, delivery up or cancellation of any agreement for the sale, purchase or lease of any property, where, in the case of a sale or purchase, the purchase money, or in the case of a lease, the value of the property, does not exceed the statutory limit; 18/93

- (i) proceedings relating to the maintenance or advancement of a minor where the property of the minor does not exceed in amount or value the statutory limit; 18/93
 - (j) proceedings for dissolution or winding up of any partnership (whether or not the existence of the partnership is in dispute) where the whole assets of the partnership do not exceed in amount or value the statutory limit; 18/93
 - (k) proceedings for relief against fraud or mistake, where the damage sustained or the estate or fund in respect of which relief is sought does not exceed the statutory limit. 18/93
- (2) The Magistrate's Court shall not by virtue of subsection (1) have jurisdiction to hear and determine - 18/93
- (a) any action which would fall within the admiralty jurisdiction of the Supreme Court and notwithstanding that the amount claimed or in dispute does not exceed the statutory limit; 18/93
 - (b) any action in defamation unless the parties have agreed, in accordance with subsection (4), that the court shall have jurisdiction to try and determine the action; 18/93
 - (c) any action or proceedings of a kind or nature which in England are exclusively within the jurisdiction of and, if commenced in the High Court, would be assigned to the Family Division of that Court; or 18/93
 - (d) any proceedings for judicial review. 18/93
- (3) For the purposes of this section, "the statutory limit" means £50,000 or such greater sum as may from time to time be specified by the Governor by Order under this subsection. 18/93
- (4) Where - 18/93
- (a) the Magistrate's Court has, by virtue of subsections (1) and (2), jurisdiction to hear and determine any action or proceedings; and
 - (b) the amount in dispute or claimed or the value of the property, the value of the estate, the purchase money, the damage or the estate or fund involved does not exceed one half of the statutory limit,
- the action or proceedings shall not be commenced in the Supreme Court and if, by inadvertence or mistake they are commenced in the Supreme Court that court shall order that the action or proceedings shall be transferred to the Magistrate's Court where they shall continue as if they had been commenced in the Magistrate's Court. 18/93

(5) If, as respects any action or proceedings of a kind to which subsection (1) relates, the parties agree, by a memorandum signed by them or by their respective legal practitioners or agents, that the Magistrate's Court shall have jurisdiction in the action or proceedings, that court shall have jurisdiction to try and determine the action or proceedings notwithstanding that the amount in dispute or claimed or the value of the property involved or which may be involved exceeds or may exceed the statutory limit. 18/93

(6) In any action or proceedings properly commenced in, or which has or have been transferred from the Supreme Court so as to continue in, the Magistrate's Court, the Magistrate's Court shall have power to make any order which the Supreme Court could make in any action or proceedings of a similar nature properly commenced in the Supreme Court. 18/93

(7) Subject to section 7H the jurisdiction of the Magistrate's Court in any civil action or proceedings shall be exercised by the Senior Magistrate sitting alone. 18/93

(8) Subject to this Ordinance, any rules under this Ordinance under subsection (10) any other law of the Falkland Islands and to any practice direction under subsection (11) the practice and procedure of the Magistrate's Court in its civil jurisdiction shall as nearly as possible be that of a County Court in England. 18/93

(9) Subsections (1) and (2) have effect in addition to and without prejudice to any other law of the Falkland Islands which confers jurisdiction upon the Magistrate's Court to hear and determine any action or proceedings. 18/93

(10) Subsection (4) does not apply in respect of any action or proceedings commenced in the Supreme Court prior to the commencement of this section. 18/93

(11) The Senior Magistrate, may with the approval of the Chief Justice, make, and may with such approval from time to time amend or revoke, any practice direction not inconsistent with rules having effect under section 69 of this Ordinance he considers necessary or convenient for the better adaptation of the practice and procedure of county courts in England to the circumstances of the Falkland Islands. 18/93

7F. A person convicted by the Magistrate's Court may appeal to the Supreme Court - Criminal Appeal. 1/70

(a) if he has pleaded guilty, against the sentence; and

(b) if he did not, against any order, conviction or sentence.

7G. The Judge with the approval of the Governor may appoint a suitable person to be Clerk to the Magistrate's Court. Clerk. 1/70

7H.(1) The Senior Magistrate may summon two or more justices of the peace to sit with him as assessors in the exercise of the criminal jurisdiction of the Magistrate's Court in any proceedings. Assessors 18/93

(2) The Senior Magistrate may appoint one or more persons whom he considers suitable in relation to the action or proceedings in question to sit with him as an assessor or assessors in the exercise of the civil jurisdiction of the Magistrate's Court in any action or proceedings. 18/93

(3) Where, pursuant to subsection (1) or (2) of this section the Senior Magistrate sits with one or more assessors, he may seek the advice or opinion of the assessor or assessors as to any matter or question which, in his opinion, is not a matter of law alone, but the Senior Magistrate shall not be bound to determine the question or matter in accordance with any such advice or opinion he receives and the decision of the Magistrate's Court in relation to any such question or matter shall be deemed always to be that of the Senior Magistrate alone. 18/93

(Section 7I repealed by 18/93)

7J. An appeal shall lie to the Supreme Court -

Appeal in civil cases.
1/70

(a) from all final judgments and decisions; and

(b) by leave of the Senior Magistrate or the Judge from all interlocutory orders and decisions made in a suit before the Magistrate's Court.

7K. An appeal from the Magistrate's Court in any civil or criminal matter shall be commenced by the appellant giving notice of appeal within fourteen days after the day on which the decision of the Magistrate's Court was given : Time for appeal.
1/70

Provided that the Judge may, if he thinks fit, direct that any notice given after the expiration of the time fixed shall be treated as given within the said period.

(Section 7L repealed by 18/93)

PART III. Supreme Court

8. The Judge of the Supreme Court -

Appointment of Judge.
10/50 Cap 3.

(a) shall be appointed by Letters Patent under the Public Seal issued by the Governor in pursuance of a warrant under His Majesty's Signet and Sign Manual, or of instructions received through the Secretary of State, and shall hold office during his Majesty's pleasure, and shall not be removed from office except in accordance with His Majesty's pleasure signified under His Sign Manual :

Provided that the Governor may, with the advice of the Council, for good cause suspend the Judge from executing his office until His Majesty's pleasure is known :

(b) shall be a member of the Bar of England, Ireland or Scotland, or of some other Commonwealth country, of at least five years standing : Provided that, whenever the office of Judge is vacant, or the holder thereof is suspended, or is incapable of performing his duties by reason of illness, absence from the Colony or otherwise, the Governor may act as Judge or may appoint a fit person to act as Judge until His Majesty's pleasure be known, or until the Judge becomes capable of resuming his duties.

9. The Supreme Court shall have within the Colony :

Jurisdiction. Cap 3.

(1) all the power, jurisdiction and authority expressly or implicitly vested in it by any law

(2) all the power, jurisdiction and authority vested in the High Court of Justice, the Courts of Oyer and Terminer general gaol delivery and Quarter Sessions in the United Kingdom.

10. The Judge may cause any member of Council or Justice to be summoned to sit with him as an assessor at any trial and any assessor so summoned shall be subject to the liability and condition contained in section 7 of this Ordinance.

*Assessors.
Cap 3.*

11. The Judge may cause jurors to be summoned to attend at any sitting of the Supreme Court and may give such directions as to time and place to which they shall be summoned and as to the members to be summoned as he may deem fit.

*Juries.
Cap 3.*

12.(1) The Supreme Court, the Magistrate's Court and the Summary Court may sit in any place in the Falkland Islands, except that no court shall sit in any premises licensed for the sale of intoxicating liquor or in any building ordinarily used for religious purposes.

*Sittings of the Courts.
18/93*

(2) The Supreme Court shall sit as and when directed by the Chief Justice or by an acting judge of that court.

18/93

(3) The Chief Justice and, with the approval of the Chief Justice, an acting judge, may sit outside the Falkland Islands for the purpose of dealing in chambers with any matter or question which may be dealt with by the Supreme Court *ex parte* in chambers.

18/93

(4) The Magistrate's Court and Summary Court shall sit as and when directed by the Senior Magistrate.

18/93

PART IV.

Juries

13. Every person except as hereinafter mentioned, between the ages of 21 and 60 years being the owner or occupier of real estate of the value of not less than £10 per annum shall be qualified and liable to serve on juries in all civil and criminal proceedings :

*Qualifications for jury.
Cap 3.*

Provided that no person whose normal place of residence is beyond a radius of six miles from Stanley shall without the order of the Judge be summoned to serve on a Jury other than a Coroner's jury or at a sitting of the Supreme Court ordered under section 12(2).

14. The following are disqualified from serving on juries :

*Persons disqualified.
Cap 3.*

(1) aliens

(2) persons who have been convicted of treason felony or perjury or of an infamous crime unless they have received a free pardon. Cap 3

15. The following persons are exempt from serving on juries : Members of the and Clerks to the Legislative and Executive Councils, members of HM Armed Forces, Officers of the Supreme Court, Barristers, Solicitors and Attorneys, Ministers of Religion, Justices, Registered Medical Practitioners, Police Officers, and licensed pilots and Customs Officers when not on actual duty. Exemptions. Cap 3.

16.(1) It shall be the duty of the registration officer under the Legislative Council (Elections) Ordinance 1948 in preparing the register of electors for any year to mark in the prescribed manner the names of such persons included in the lists as are qualified and liable to serve as jurors. Jurors' Book. Chap. 37. Cap 3.

(2) Any person who is marked as a juror in the register of electors who claims that by reason of some disqualification or exemption he should not be so marked may within 7 days of the publication of the electors' list apply to the registration officer to have the mark placed against his name removed and the registration officer shall within seven days of the receipt of the application notify the applicant his decision thereon. Cap 3.

(3) If the registration officer refuses to comply with the application made under the last preceding subsection or fails to notify the applicant of his decision thereon as prescribed the applicant may within seven days of the notification of refusal to comply, or on the expiration of the prescribed time, apply to a Court for a declaration that he ought not to be marked as juror. Cap 3.

(4) The registration officer shall within 14 days of the completion of compilation of the electors list or as soon as all claims under subsection (2) of this section have been disposed of forward a list marked in the prescribed manner to the Registrar who shall therefrom compile a Jurors' Book. Cap 3.

(5) If a registration officer refuses neglects or fails without reasonable cause to perform any of his duties under the section or wilfully marks as a juror any person who ought not to be so marked or fails to mark as a juror any person who ought to be so marked shall be liable on summary conviction to a fine not exceeding £100. Cap 3.

17. Every person whose name is included in the Jurors' Book shall be liable to serve as a juror, notwithstanding that he may have been entitled to claim that he ought not to be marked in the electors' list as a juror : Persons in Jurors' Book. Cap 3.

Provided that any such person shall be excused from attendance on a jury on production of a certificate signed by a registered medical practitioner stating that he is unfit to attend. Cap 3 7/50.

Provided also that nothing in this section shall affect the power of the Judge to excuse any person from attending on a Jury. Cap 3 7/50.

18.(1) Every case in which the prisoner is arraigned on a capital charge shall be tried by a jury of twelve persons and unless otherwise ordered by the Judge twenty four persons shall be summoned. Number. Cap 3.

(2) Every other criminal case and every civil case if tried by a jury shall be tried by a jury of seven persons and unless ordered by the Judge fourteen persons shall be summoned. *Cap 3.*

(3) On the application of the parties in a civil case or of the prosecution or accused in a criminal case or the Judge may in his discretion order that the jury shall be composed of men only or of women only. *Cap 3.*

19. A summons to serve on a jury shall be sent by post or served personally upon the juror or upon some responsible person at the normal place of abode of the juror at least three days before the day appointed for the sitting of the Court. *Summons. Cap 3.*

20. If any person duly summoned shall fail to attend as a juror or after appearance shall withdraw himself without the permission of the Judge the Judge may summarily impose a fine not exceeding £10. *Failure to attend. Cap 3.*

21. The persons whose names are first drawn from a box in open court shall, subject to the provisions of section 22 of this Ordinance, be sworn and form the jury : *Ballot. Cap 3.*

Provided that in case of the number of the jurors summoned being exhausted by reason of challenge or otherwise the Supreme Court may complete the number from among the bystanders and any bystander refusing to act may summarily be fined a sum not exceeding £10. *Cap 3.*

22. The prosecution, and the accused and the parties to a civil action, shall have the right to challenge members of the jury before they are sworn as follows : *Challenges. 10/50*

(1) an accused charged with treason or felony shall be entitled to challenge six jurors peremptorally.

(2) The prosecution and the accused and a party to a civil action may challenge for cause without limitation.

(3) Each challenge for cause shall be tried forthwith by the Judge or Court by whom the case is to be tried.

23. If during the trial a juror dies or becomes incapable of acting or is absent the jury shall subject to consent being given in writing by or on behalf of the prosecutor and the accused, or by or on behalf of both parties in a civil case, be deemed properly constituted. *Absence of juror. Cap 3.*

Provided that should the prosecutor or accused not assent or the jury be reduced below ten on a trial for a capital offence or six on any other offence a fresh jury shall be sworn. *Cap 3.*

Provided also that should both parties in a civil case not assent or the Jury be reduced below five a fresh jury shall be sworn. *Cap 3.*

24. The Judge may when he shall deem it expedient make an order for the jury together with two persons named by him, one being appointed by each party to view the place in which any transaction material to the trial is alleged to have occurred. *Viewing. 10/50*

25. The Judge may permit jurors to separate after being sworn except upon trials for murder treason and treason felony. *Separation. Cap 3.*
- 26.(1) The verdict of the jury shall be unanimous except in that in civil cases the verdict of the majority may be taken by consent of both parties. *Verdict. 10/50*
- (2) The verdict shall be given in court and, in a criminal case, in the presence of the accused. *10/50*
- 27.(1) A party in a civil case who has applied for, and been granted, a jury shall pay to the Registrar not less than 3 days before the date of hearing the sum of three shillings for each juror summoned and a further sum of five shillings for each juror sworn to serve and the Registrar shall pay such sums to each juror accordingly. *Civil cases: fees. Cap 3.*
- (2) In the event of the trial not being concluded in one day any such party shall pay daily in advance to the Registrar a further sum of five shillings for each juror so serving. *Cap 3.*
- (3) Where both parties have applied for a jury the above fees shall be payable by them in equal shares. *10/50*
28. Any person who *Offences. Cap 3 10/50*
- (a) attempts to corrupt or influence a juror by any means other than evidence and argument in open Court at the trial; or
 - (b) gives money to a juror in consideration of his giving, or having given, a verdict favourable to one of the parties; or
 - (c) by improper means procures himself or others to be sworn upon a jury for the purpose of giving a verdict favourable to one of the parties; or
 - (d) induces a juror not to appear, and
 - (e) any juror who consents to or assists in the commission of any of the acts mentioned in paragraphs (a), (b), (c) or (d) hereof
- commits an offence and shall be liable on conviction to a fine not exceeding level 6 on the standard scale or to imprisonment for a term not exceeding one year or both a fine and imprisonment. *18/93*
- 29.(1) The person for the time being holding the post of Senior Magistrate is the Coroner for the Falkland Islands and any person appointed to act as Senior Magistrate other than for the purpose of a specified case or cases is the acting Coroner so long as he continues to act as Senior Magistrate and may exercise all the functions power and authority of the Coroner. *Coroner. 18/93*

(2) Where a person in his capacity as acting Coroner has opened an inquest into the death of any person he may, notwithstanding that he has ceased to act as Senior Magistrate, continue to exercise all the functions of the Coroner so far as they touch and concern the death of the person the subject of that inquest. 18/93

(3) The Attorney General shall perform all the functions and exercise the powers and authority of the Coroner - 18/93

(a) in respect of or touching or concerning the death of any person or persons in relation to whom the Senior Magistrate has advised him that it is in the interests of justice that the Senior Magistrate should not exercise those functions powers and authority; or

(b) whenever there is no person present in the Falkland Islands who holds appointment as Senior Magistrate or acting Senior Magistrate,

and whenever the Attorney General pursuant to this subsection performs the functions or exercises the powers or authority of the Coroner in respect of or touching or concerning the death of any person he shall in respect of that death be deemed to be the Coroner.

30. The Coroners Act 1988 shall apply as law of the Falkland Islands, subject to the modifications and exceptions specified in the Schedule to this Ordinance. Law as to Coroners etc. 18/93

(Sections 31 - 41 repealed by 18/93)

PART VI.

Officers of the Supreme Court

42. The Judge shall, with the approval of the Governor, appoint a Registrar and such other officers as shall from time to time be necessary for the administration of justice whose duties shall correspond to those officers appointed to similar posts by the High Court of Justice in England. Appointment of Registrar. Cap 3.

42A.(1) All persons practising law in the Falkland Islands as legal practitioners pursuant to the Legal Practitioners Ordinance 1988 are officers of the Supreme Court. Legal Practitioners to be officers of the Supreme Court. 18/93

(2) In relation to the conduct, behaviour and duties of legal practitioners -

(a) the Supreme Court has all the powers possessed by the Supreme Court of England and Wales in relation to solicitors of that court;

(b) the Magistrate's Court has all the powers possessed by a county court in England in relation to solicitors of the Supreme Court of England and Wales.

43. The Governor may from time to time appoint any person to be a notary public who shall have all the powers and authorities of a notary public appointed under the law in England and shall use a seal inscribed "Supreme Court of the Falkland Islands, Notarial Seal". Notary Public. 18/93

PART VII.

Procedure

- 44.(1) The following provisions of this section have effect subject to the provisions of this Ordinance (including rules made under section 69 of this Ordinance) and subject to the provisions of any other Ordinance and any rules made thereunder. 18/93 Practice and Procedure
- (2) So far as is convenient and practicable, the practice and procedure of the Supreme Court in the exercise of its appellate jurisdiction shall be that of the Court of Appeal in England (disregarding or modifying any provisions related to a multiplicity of judges). 18/93
- (3) So far as is convenient and practicable, the practice and procedure of the Supreme Court on and related to a trial on indictment shall be that of the Crown Court in England. 18/93
- (4) The practice and procedure of the Magistrate's Court in criminal and civil proceedings shall be as provided by Part IIA of this Ordinance. 18/93
- (5) The practice and procedure of the Summary Court in criminal and civil proceedings shall be that of a magistrates' court in England when composed of justices of the peace and dealing with a similar matter. 18/93
- 45.(1) Textual or technical errors in any process or proceeding shall not invalidate such process or proceeding provided that no party is deceived misled or prejudiced thereby. Errors in proceedings.
10/50
- (2) The Court trying the case shall decide whether any such textual or technical error is calculated to deceive mislead or prejudice a party and shall amend such errors or make such order in respect thereof as it may deem fit. 10/50
46. The conviction of an offender shall not be quashed or set aside on the ground of want of form in the order, judgment, warrant or other proceeding made in connection therewith. Want of form not to
invalidate.
Cap 3.
- 47.(1) This section has effect for the purpose of prescribing the periods within which prosecutions for offences must be commenced and has effect subject to - 18/93
- (a) any provision of any law of the Falkland Islands which, in relation to any particular offence or offences, prescribes a greater period, and
- (b) to any power of any court to dismiss a prosecution by reason of a delay in bringing it so great that a fair trial of the defendant cannot be held, or as an abuse of the process of the court,
- but has effect notwithstanding any provision of any English Act adopted by an Ordinance and which prescribes a shorter period in relation to an offence to which that provision relates. 18/93

(2) There shall be no limitation on the time within which a prosecution for treason, genocide, murder, manslaughter, torture, hijacking, piracy or any offence under any provision of the Geneva Conventions Act 1957 must be commenced. 18/93

(3) A prosecution for rape or an offence under section 1(2) of the Criminal Damage Act 1971 must be commenced within twelve years of the date of the offence. 18/93

(4) A prosecution for an offence triable summarily must be commenced as follows - 18/93

(a) if the offence is punishable on conviction by imprisonment for seven years or more, within nine years of the date of the offence;

(b) if the offence is punishable on conviction by imprisonment for five years or more (but less than seven years) within six years of the date of the offence;

(c) if the offence is punishable on conviction by imprisonment for three years or more (but less than five years), within four years of the date of the offence;

(d) if the offence is punishable on conviction by imprisonment for twelve months or more (but less than three years) within three years of the date of the offence;

(e) in any other case where an offence is punishable on conviction by imprisonment, within two years of the date of the offence;

(f) where an offence is punishable on conviction by a fine (and not by imprisonment) -

(i) if there is no limit on the amount of the fine which may be imposed, within nine years of the date of the offence;

(ii) if the fine which may be imposed on conviction is a specified sum which exceeds £100,000, within six years of the date of the offence;

(iii) if the fine which may be imposed on conviction exceeds £10,000 but does not exceed £100,000, within three years of the date of the offence;

(iv) if the fine which may be imposed on conviction exceeds £1,000 but does not exceed £10,000 within two years of the date of the offence;

(v) if the fine which may be imposed on conviction exceeds £400, but does not exceed £1,000, within one year of the date of the offence, and

- (vi) in any other case, within six months of the date of the offence. 18/93
- (5) For the purposes of subsection (4) any limitation on the power of any court to impose the maximum sentence provided for by law in relation to an offence shall be ignored. 18/93
- (6) For the purposes of this section, a prosecution of a person is commenced when the complaint or information in relation to the offence in question is presented to the office of the Magistrate's Court or of the Summary Court. 18/93
- 48.(1) When a civil claim within the limits prescribed by section 4(3) and 5 is laid before a magistrate or a justice shall issue a summons under his hand and seal. *Summons in civil cases.* 10/50 & 17/54
- (2) When a party in such civil action desires a person to be summoned as a witness to give oral evidence in Court or produce at the hearing in Court a document in the control or possession of such person a Magistrate or a Justice shall issue a summons under his hand and seal accordingly. 17/54
10/50
- 49.(1) Where the plaintiff in any action shall prove to the satisfaction of the Judge that the plaintiff has good cause of action against the defendant and that there is probable cause for believing that the defendant is about to leave the Colony, and that the absence of the defendant will materially prejudice the plaintiff in the prosecution of his action the Judge may order such defendant to be arrested and imprisoned for a period not exceeding six months, unless and until he give security, not exceeding the amount claimed in the action, that he will not leave the Colony without the permission of the Court. *Absconding defendants.* 10/50
- Provided that where the action is for a penalty, or sum in the nature of a penalty in respect of a contract it shall not be necessary to prove that the absence from the Colony will materially prejudice the plaintiff in the prosecution of his action. 10/50
- (2) The expenses incurred for the subsistence in prison of any person arrested under this section shall be paid by the plaintiff at the rate of five shillings a day or such other sum as the Court may from time to time direct and shall be paid monthly in advance and the costs thereof shall be recoverable as costs in the action unless the Court shall otherwise order. The Court may, on failure of the plaintiff to pay the subsistence, order that the defendant be released. *Cap 3.*
50. A Justice, Magistrate or Judge sitting without a jury in any civil or criminal case shall record his judgment in writing and every such judgment shall contain the point or points for determination, the decision thereon and the reason therefore and shall be dated by the Justice, Magistrate or Judge at the time of pronouncement. *Reasons for judgment to be given.* *Cap 3.*
- (Section 51(1) repealed by 18/93) 7/49 *Cap 3.*
- 51(2) The Governor may by Order commit the sentence of any prisoner to a lesser sentence and such Order shall have the force and effect of a warrant of commitment.
52. (1) The Judge shall in every case heard in the Supreme Court have the power to order a new trial to be had upon such terms as he thinks reasonable and in the meantime to stay the proceedings.

(2) A new trial may be ordered on any question without interfering with the finding or decision on any other question.

Cap 3 7/49.

53. The Supreme Court shall have the following powers in relation to an appeal from the Magistrate's Court or a Summary Court -

1/70

(a) on an appeal against conviction, or against conviction or sentence, the power to

(i) quash the conviction and acquit the appellant; or

(ii) affirm the conviction; or

(iii) to substitute a conviction for any other offence of which the appellant could have been lawfully convicted; or

(iv) to affirm the sentence passed or to substitute therefore any other sentence, whether more or less severe and whether of the same nature or not, which the Magistrate's Court or Summary Court would have had power to pass; and

(v) to order a retrial of the appellant before a court of competent jurisdiction; and

(b) on an appeal against sentence only, the power

(i) to affirm the sentence; or

(ii) to substitute any other sentence, whether more or less severe and whether of the same nature or not, which the court would have had power to pass; and

(c) on an appeal against any other order, the power to affirm, quash or vary the order, and in such case the Judge may make any consequential or incidental order which may appear just and proper;

(d) in the exercise of his appellate jurisdiction under this section the Judge may in his discretion hear additional evidence, any may substitute a finding of guilty but insane for any sentence.

On the hearing of an appeal, the Judge may draw any inference of fact and either -

Powers of Supreme Court
on civil appeal.

1/70.

(a) order a new trial on such terms as he thinks just; or

(b) order judgment to be entered for any party; or

(c) make a final or other order on such terms as he thinks proper to ensure the determination on the merits of the real question in controversy between the parties.

53A.(1) The Judge of the Supreme Court, whether sitting in the Colony or elsewhere, may of his own motion call for and examine the record of any proceedings before a Summary Court or the Magistrate's Court, in which an accused person has been sentenced to imprisonment or a fine exceeding £25, for the purpose of satisfying himself as to the correctness, legality or propriety of the finding, sentence or order recorded or passed, and as to the regularity of the proceedings of such Courts. *Review. 18/74*

(2) The Judge of the Supreme Court shall have in respect of the proceedings, the record of which is called for under this section, all the powers of an appellate authority under section 53 of this Ordinance other than to substitute for a sentence a more severe sentence.

(Sections 54 - 68 repealed 4/67).

PART IX.

General

69. The Governor in Council may make rules for regulating the practice and procedure, the pleadings, fees and costs, and the conduct of all civil and criminal matters in the Supreme Court, the Magistrate's Court and Courts of Summary Jurisdiction, the duties and powers of the officers of the Supreme Court and of the Magistrate's Court. *10/50 and 1/70*

SCHEDULE
Application of Coroners Act 1988

General modifications

1. Every reference to the Attorney General or the Director of Public Prosecutions shall be construed as a reference to the Attorney General for the Falkland Islands and every reference to the High Court or the Crown Court shall be construed as a reference to the Supreme Court.

Provisions which shall not apply

2. Sections 1 to 7, 8(3)(c) and (d), 11(8), 14, 22(6), 24 to 29 and 31 to 34 shall not apply in the Falkland Islands.

Modifications of provisions

3. In section 8(1)(c), the word "Act" shall be replaced by the words "law of or relating to the Falkland Islands".

4. In section 9(1) the words from the word "juror" in the second place it appears in the subsection shall be replaced by the words "under the Administration of Justice Ordinance".

5. In section 11(3)(b) the words appearing after the words "required by" shall be replaced by the words "law to be registered concerning the death".

6. In section 16(1) -

(a) in paragraph (a), the words "Clerk of a magistrates' court" shall be replaced by the words "Clerk of the Magistrate's Court or by the Clerk of the Summary Court" and subparagraph (ii) of that paragraph shall be replaced by -

"(ii) an offence under the Road Traffic Ordinance committed by causing the death of the deceased; and

(b) in paragraph (b) the words "examining justices" shall be replaced by the words "the Magistrate's Court or the Summary Court".

7. In section 16(4) the words appearing after the word "particulars" to the end of the subsection shall be replaced by the words "which by law are required to be registered concerning the death".

8. In section 17(1), paragraph (b) shall be replaced by -

"(b) an offence of causing death by reckless driving or an offence of causing death by dangerous driving; or"

9. In section 17(2), paragraphs (b) and (c) shall be omitted.

10. Section 22(1) and (2) are replaced by the following -

(1) Subject to subsection (2), where by the direction of or at the request of the Coroner, a post-mortem examination of a body is to be made, the Coroner may, if he is satisfied that that examination could more conveniently be carried out at some place in the United Kingdom, authorise the removal of the body from the Falkland Islands for that purpose.

(2) The Coroner shall not authorise the removal of a body for the purpose of post-mortem examination in the United Kingdom unless he is satisfied that on arrival of the body in the United Kingdom a post-mortem examination will be carried out in relation to that body in accordance with arrangements made, or approved, by him.

This consolidated version of the Administration of Justice Ordinance incorporating all amendments made to it up to date is published pursuant to section 105 of the Interpretation and General Clauses Ordinance 1977 as a consolidated version of the Ordinance. Under section 105(2) it is admissible in evidence and, unless the contrary is proved, is deemed correctly to state the contents of the Ordinance at the date of publication of this Gazette.



**THE
FALKLAND ISLANDS GAZETTE
Supplement**

PUBLISHED BY AUTHORITY

Vol. 6

6th FEBRUARY 1995

No. 4

The following is published in this Supplement —

Suspension of United Nations Sanctions against Serbia and Montenegro

United Nations Act 1946

The Serbia and Montenegro (United Nations Prohibition of Flights) Order 1992 (No. 1304)

The Serbia and Montenegro (United Nations Sanctions) Order 1992 (No. 1302)

The Serbia and Montenegro (United Nations Sanctions) (Channel Islands) Order 1992 (No. 1308)

The Serbia and Montenegro (United Nations Sanctions) Order 1993 (No. 1188)

The Serbia and Montenegro (United Nations Sanctions) (Channel Islands) Order 1993 (No. 1253)

The Serbia and Montenegro (United Nations Sanctions) (Isle of Man) Order 1993 (No. 1254)

Pursuant to the provisions of Article 1(2) of the above-mentioned Orders and further to his notice of 5th October 1994, the Secretary of State for Foreign and Commonwealth Affairs hereby gives notice that, by resolution 970 (1995) adopted on 12 January 1995, the Security Council of the United Nations decided to suspend for a further period of 100 days with effect from 13 January 1995 the operation of the following provisions of resolution 757 (1992) adopted by it on 30th May 1992 and of resolution 820 (1993) adopted by it on 17th April 1993, and of other relevant resolutions, which imposed certain economic measures in relation to Serbia and Montenegro:

Paragraph 7 of resolution 757 (1992), paragraph 24 of resolution 820 (1993) with regard to aircraft which are not impounded, and the provisions of other relevant resolutions which relate to the provision of goods and services, with respect to all civilian passenger flights to and from Belgrade airport carrying only passengers and personal effects, and no cargo unless authorised under the procedures of the Committee established by resolution 724 (1991).

Paragraphs 24 and 28 of resolution 820 (1993) and the provisions of other relevant resolutions which relate to the provision of goods and services, with respect to the ferry service between Bar in Montenegro and Bari in Italy carrying only passengers and personal effects, and no cargo unless authorised under the procedures of the Committee established by resolution 724 (1991).

In accordance with the provisions of the said Article 1(2), the operation of the above-mentioned Orders was therefore suspended for a further period of 100 days as from 13 January 1995 to the extent required in the above-mentioned decision of the Security Council.



THE FALKLAND ISLANDS GAZETTE Supplement

PUBLISHED BY AUTHORITY

Vol. 6

17th FEBRUARY 1995

No. 5

SUBSIDIARY LEGISLATION

MERCHANT SHIPPING

The Commencement in the Falkland Islands of Amendments to the Merchant Shipping Act 1974 Order 1995

(S. R. & O. No: 3 of 1995)

Made: 10th February 1995

Published: 17th February 1995

Coming into force: 22nd February 1995

IN EXERCISE of my powers under paragraph 2 of the Part II of the Schedule to the Merchant Shipping (Oil Pollution) (Falkland Islands) (Amendment) Order 1981 (a) I make the following Order -

1. This Order may be cited as the Commencement in the Falkland Islands of Amendments to the Merchant Shipping Act 1974 Order 1995.

*Citation and
commencement.*

2. The amendments to Schedule 2 of the Merchant Shipping (Oil Pollution) (Falkland Islands) Order 1975 (b) ("the 1975 Order") effected by paragraph 1 of the Part II of the Schedule to the Merchant Shipping (Oil Pollution) (Falkland Islands) (Amendment) Order 1981 (being amendments to the Merchant Shipping Act 1974 in the form it has effect in the Falkland Islands by virtue of the 1975 Order) shall come into force on 22nd February 1995.

*Commencement in
Falkland Islands
of Amendments to
Merchant Shipping
Act 1974.*

Made this 10th day of February 1995.

D. E. TATHAM,
Governor.

(b) SI 1975/2167

EXPLANATORY NOTE

(This is not part of the Order)

Parts I and V of, and Schedule 1 to, the Merchant Shipping Act 1974 were applied to the Falkland Islands, by the Merchant Shipping (Oil Pollution) (Falkland Islands) Order 1975 with the modifications and exceptions specified in Schedule 2 to that Order. In this way provision was made in law applying to the Falkland Islands implementing the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage of 1971 ("the Fund Convention"). The Fund Convention was amended by a Protocol to the Convention dated 19th November 1976 ("the 1976 Protocol"). Section 38(4) of the Merchant Shipping Act 1979 prospectively amended the Merchant Shipping Act 1974 to the extent necessary to give effect in United Kingdom law to the provisions of the 1976 Protocol (which substituted International Monetary Fund special drawing rights as the means of calculation of indemnity under the Fund Convention for the previous calculation by reference to gold francs (a gold franc being 65.5 milligrammes of gold of millesimal fineness 900)). Similarly, Part II of the Schedule to the Merchant Shipping (Oil Pollution) (Falkland Islands) (Amendment) Order 1981 prospectively amended Schedule 2 to the 1975 Order (that is to say the Merchant Shipping Act 1974 in the form it has effect in the Falkland Islands by virtue of the 1975 Order) so as to give effect in Falkland Islands law to the 1976 Protocol. The 1976 Protocol is now to come into force in relation to the Falkland Islands and it is therefore necessary to commence the provisions of Part II of the Schedule to the 1981 Order so as to bring the amendments of law made by it into force. The above Order does this with effect from 22nd February 1995.



THE FALKLAND ISLANDS GAZETTE Supplement

PUBLISHED BY AUTHORITY

Vol. 6

10th MARCH 1995

No. 6

The following are published in this Supplement -

The Land (Amendment) Bill 1995;
The Licensing (Amendment) Bill 1995.

The Land (Amendment) Bill 1995

(No: of 1995)

ARRANGEMENT OF PROVISIONS

Clause

1. Short title.
2. Amendment of section 8(1) Land Ordinance.

A Bill

for

An Ordinance

To make new provision as to the attestation of deeds affecting land

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

1. This Ordinance may be cited as the Land (Amendment) Ordinance 1995.

Short title.

2. Section 8(1) of the Land Ordinance is amended by replacing all words appearing after paragraph (f) with the following words -

*Amendment of
section 8(1)
Land Ordinance.*

"in the case of a deed executed in the Falkland Islands in the presence of a justice of the peace, commissioner for oaths, legal practitioner or a person whose name appears in the register of electors for the time being in force (and in each case the usual address of that person shall follow his attestation) and in the case of a deed executed outside the Falkland Islands by a Notary Public and in the case of a company or corporation in such manner as is for the time being required by law in relation to a deed executed by it."

The Licensing (Amendment) Bill 1995

(No: of 1995)

ARRANGEMENT OF PROVISIONS

Clause

1. Short title and commencement.
2. Amendments to subsections 4(3) and 30(7)(a).
3. Amendment to subsection 42(3).
4. Amendment to section 76(9).
5. Amendments to section 86(3).
6. Amendments to section 89.
7. New fee.

A Bill

for

An Ordinance

to amend the provisions of the Licensing Ordinance 1994

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

1. This Ordinance may be cited as the Licensing (Amendment) Ordinance 1995 and shall be deemed to have come into force on 1st January 1995. *Short title and commencement.*
2. The Licensing Ordinance 1994 (in this Ordinance hereafter called "the principal Ordinance") is amended in sections 4(3) and 30(7)(a) by replacing the word "fifteenth" where it appears in those provisions by the word "nineteenth". *Amendments to sections 4(3) and 30(7)(a).*
3. Subsection 42(3) of the principal Ordinance is replaced by the following:- *Replacement of section 42(3).*

"(3) In premises licensed only for the sale of intoxicating liquor for consumption off the premises the permitted hours on weekdays and Sundays, other than Christmas Day and Good Friday, shall begin at eight in the morning but shall otherwise be the same as those specified in subsection 1(a)".
4. Section 76(9) of the principal Ordinance is replaced by - *Amendments to section 76(9).*

"(a) nothing in subsection (7) prohibits a person from entering in or remaining upon or, subject to section 86(3), from being permitted to enter or remain upon any bar to which a Part V licence relates or which is licensed under an occasional licence."
5. Section 86(3) of the principal Ordinance is repealed and is replaced by the following subsection - *Amendments to section 86(3).*

"(3) Subject as hereinafter expressed, the provisions of Parts VI and VII of this Ordinance apply to premises licensed under an occasional licence, the holder of such a licence and his servants and agents as if the premises licensed under a justices on licence and the holder of the occasional licence were a licensee under such a licence, but section 76(7)(b)(ii) (presence of a person subject to a prohibition order on licensed premises) shall not apply unless the court, on granting the occasional licence imposes a condition under section 84(3) to the contrary effect."

6. Section 89 of the principal Ordinance is amended -

*Amendments to
section 89.*

(a) by the addition of the following words at the end of paragraph (b) -

"or any person who is resident or temporarily resident in any dwelling upon, or in close proximity to, that farm or station."

(b) by the addition of the following new paragraphs (c), (d) and (e) to that section -

"(c) a person who as a member of the public or otherwise attends -

(i) at a sports meeting in Camp; or

(ii) at a social function hosted by a settlement in Camp,

in either case held at or in close proximity to such a settlement shall, for the purposes of the provisions of this Ordinance relating to supply of intoxicating liquor, and unless the contrary is proved, be treated as a bona fide guest of the member of any club in that settlement on the occasion of any visit to that club he makes during that sports meeting or social function or within forty-eight hours before or after the sports meeting or social function.

(d) A justices' licence may not be granted to a corporation and a justices' licence presently held by a corporation may at the request of the corporation be renewed in the name of one or more directors, members or employees of the corporation.

(e) so long as it is not delivered to or to the order of any person who is under the age of eighteen years or who is known to the person delivering it to be the subject of a prohibition order, intoxicating liquor delivered or to be delivered to any person as a prize won in any lottery or amusement with prizes which is lawfully operated shall be deemed not to be intoxicating liquor which is sold or supplied or offered for sale or supply."

7. Schedule 3 to the Ordinance is amended by the insertion after paragraph 8 of the following paragraph 8A - *New fee.*

"8A. On the grant or renewal of a club registration certificate, £50."

Archivist



**THE
FALKLAND ISLANDS GAZETTE
Supplement**

PUBLISHED BY AUTHORITY

Vol. 6

24th MARCH 1995

No. 7

The following is published in this Supplement -

The Administration of Justice (Amendment) Bill 1995

The Administration of Justice (Amendment) Bill 1995

(No: of 1995)

ARRANGEMENT OF PROVISIONS

Clause

1. Short title.
2. Amendment of Administration of Justice Ordinance (Cap. 3).

Schedule

A Bill
for
An Ordinance
To amend the Administration of Justice Ordinance

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

- | | |
|--|---|
| 1. This Ordinance may be cited as the Administration of Justice (Amendment) Ordinance 1995. | <i>Short title.</i> |
| 2. The Administration of Justice Ordinance is amended in the manner specified in the Schedule to this Ordinance. | <i>Amendment of the Administration of Justice Ordinance (Cap. 3).</i> |

THE SCHEDULE

PART I

AMENDMENTS TO THE ADMINISTRATION OF JUSTICE ORDINANCE

Introductory

1. In the subsequent provisions of this Schedule, a reference to a section or any other provision is a reference to that section or provision of the Administration of Justice Ordinance.

Interpretation

2. In section 2 -

(a) the definition of "Civil case" is replaced by the following definition -

"civil proceedings" means any proceedings in a court which have for their object the recovery of money or other property, the enforcement of a right or advantage on behalf of a party to the proceedings or a determination as to the existence or otherwise of a legal right or obligation, and without prejudice to the generality of the foregoing includes proceedings by the Crown in the Supreme Court or the Magistrate's Court for the recovery of a fine or penalties, and proceedings which, in England, would be on the Crown side of the Queen's Bench Division and include proceedings by way of enforcement of a judgment or appeal from the decision of any court in civil proceedings but not withstanding the foregoing shall not include any proceedings by way of judicial review of any judgment or order in criminal proceedings of any appeal arising out of such judicial review proceedings or any proceedings falling within the definition in this section of "criminal proceedings";

(b) immediately thereafter the following definition is inserted -

"Chief Justice" means a person for the time being holding appointment under section 79(1) of the Constitution, and includes an acting judge of the Supreme Court appointed under section 80(1) of the Constitution to the extent that he has been appointed to exercise the functions of the Chief Justice;

(c) the definition of "Complaint" is repealed and the following definition is inserted -

"court of summary jurisdiction" means, as the context requires, either of the Summary Court and the Magistrate's Court or both of those courts;

(d) the definition of "Criminal case" is replaced by the following definition -

"criminal proceedings" include proceedings instituted in relation to a breach of law in respect of which the person proceeded against, if the breach is proved, is liable to be punished (other than by an award of punitive or exemplary damages) in some manner provided for by law, and, so far as the context admits, include any proceedings by way of appeal from any decision of a court in proceedings which are criminal proceedings and any proceedings for enforcement of payment of any fine imposed by way of sentence of any person in criminal proceedings, but do not include any proceedings, other than in the course of a prosecution, for an order that a person be bound over or made the subject of an order under section 76 of the Licensing Ordinance 1994 or proceedings in relation to contempt of court;

(e) the definition of "Judge" is replaced by the following definition -

"judge", in relation to -

(i) the Supreme Court, means the Chief Justice appointed under section 79(1) of the Constitution or acting judge, appointed under section 80(1) of the Constitution who is exercising the jurisdiction of the Supreme Court in relation to the matter in question; and

(ii) the Magistrate's Court, means the Senior Magistrate or the person appointed under section 7B(2) of this Ordinance to act as Senior Magistrate who is exercising the jurisdiction of the Magistrate's Court in relation to the matter in question; and

(f) the definition of "Summary Court" is replaced by the following definition -

"Summary Court" means two or more justices of the peace sitting together as the Summary Court to exercise the jurisdiction conferred on the Summary Court by or under this Ordinance or any other law of the Falkland Islands.

Replacement of Part II of the Ordinance

3. Part II of the Ordinance is repealed and replaced by the following new Part II -

PART II

JUSTICES OF THE PEACE AND THE SUMMARY COURT

Appointment etc. of justices of the peace

3.(1) Subject to this Ordinance, the Governor acting in his discretion may by instrument under his hand appoint any person to be a justice of the peace for the Falkland Islands and may be such an instrument remove any person from office as justice of the peace.

Appointment and removal of justices of the peace.

(2) Subject to this Ordinance, any person who immediately prior to the relevant date held office as a magistrate or justice of the peace, other than by reason of appointment as Senior Magistrate, shall on and after the relevant date, in the case of a person who immediately prior to that date held office as magistrate, hold office, and in the case of a person who then held office as a justice of the peace, continue to hold office, as a justice of the peace as if he had on the relevant date been appointed as a justice of the peace under the provisions of subsection (1).

(3) Any function power duty or jurisdiction which under the law of the Falkland Islands immediately before the relevant date fell to be performed or exercised by a magistrate shall in so far as it continues to exist on and after the relevant date falls to be performed and exercised by the Senior Magistrate.

(4) In subsections (2) and (3), "the relevant date" means the date on which the Administration of Justice (Amendment) Ordinance 1995 came into force.

3A.(1) There shall be kept at the offices of the Supreme Court a list of justices of the peace and a supplemental list of justices of the peace. There shall appear on the list of justices of the peace the names of all justices of the peace whose names are not upon the supplemental list of justices of the peace maintained under this Part (hereafter in this Part described as "the supplemental list").

List of justices of the peace and supplemental list of justices of the peace.

(2) Subject to the provisions of this section, there shall be entered in the supplemental list the name of any justice of the peace who is of the age of 70 years of age or over or who has requested that his name be entered upon that list.

(3) The Chief Justice may direct that the name of a justice of the peace shall be entered on the supplemental list if the Chief Justice is satisfied either -

(a) that by reason of the justice's age or infirmity or other like cause it is expedient that he should cease to exercise judicial functions; or

(b) that the justice declines or neglects to take a proper part in the exercise of those functions.

(4) Nothing in this section shall apply to a person holding office as Senior Magistrate.

3B.(1) A person's name shall be removed from the supplemental list if he ceased to be a justice of the peace.

*Removal of name
from supplemental
list.*

(2) The name of any person, if not required to be entered on the supplemental list by section 3A(2) or (3) shall be removed from the list of justices of the peace if so directed by the Chief Justice.

3C.(1) Subject to the following provisions of this section, a justice of the peace, while his name is on the supplemental list, shall not do any act or to be a member of any committee or other body which he is only entitled to do or be by reason of being a justice of the peace which he is only entitled to do or be by reason of being a justice of the peace.

*Effect of entry
of name on
supplemental list.*

(2) Subsection (1) does not preclude a justice from doing all or any of the following acts as a justice -

(a) signing any document for the purpose of authenticating another person's signature;

(b) taking and authenticating by his signature any written declaration not made on oath; and

(c) giving a certificate of facts within his knowledge or of his opinion in relation to any matter.

(3) No act or appointment shall be invalidated by reason of the disqualification under this section of the person acting or appointed.

Disqualification for office or for acting as justice of the peace

3D.(1) The following persons are disqualified from appointment as a justice of the peace -

*Persons
disqualified.*

(a) any person who is not a Commonwealth citizen;

(b) any person who is an undischarged bankrupt; and

(c) any person who has been convicted of treason or of any offence amounting to a corrupt practice under the Electoral Ordinance 1988.

(2) If a justice of the peace, by reason of the happening or occurrence of any thing after his appointment, would be reason of subsection (1) be disqualified for appointment as such justice, he ceases forthwith to be a justice of the peace and his name shall be removed from the list of justices of the peace or supplemental list of justices of the peace, whichever in the circumstances of the case may be appropriate.

Protection of justices and indemnification of justices of the peace

3E.(1) No action shall lie against any justice of the peace or any person who is or who is acting as clerk to the Summary Court or the Magistrate's Court in respect of any act or omission of his -

Immunity for acts within jurisdiction and for certain acts beyond jurisdiction.

(a) in the execution of his duty -

(i) as such a justice; or

(ii) as such clerk exercising by virtue of any statutory provision, any of the functions of a single justice; and

(b) with respect to any matter within his jurisdiction.

(2) An action shall lie against any justice of the peace or a person who is or who is acting as clerk to the Summary Court or the Magistrate's Court in respect of any act or omission of his -

(a) in the purported execution of his duty -

(i) as such justice; or

(ii) as such clerk exercising, by virtue of any statutory provision, any of the function of a single justice; but

(b) with respect to a matter which is not within his jurisdiction,

if, but only if, it is proved that he acted in bad faith.

(3) If any action is brought in circumstances in which the proceeding provision of this section provide that no action is to be brought, a judge of the court in which the action is brought may, on the application of the defendant and upon an affidavit as to the facts, set aside the proceedings in the action, with or without costs, as the judge sees fit.

Powers of justices of the peace

3F.(1) A justice of the peace acting alone, may exercise any power or jurisdiction which by virtue of any provision of this or any other Ordinance may be exercised by such a justice.

General provision as to powers and jurisdiction of justices of the peace.

(2) Subject to any provision of this or any other Ordinance which requires any power or jurisdiction of the Summary court specified by or in relation to that provision to be exercisable by a greater number of justices of the peace sitting together as the Summary Court, or that court for a particular purpose to be constituted in a manner specified by or in relation to that purpose, any two or more justices of the peace, sitting together as the Summary Court, may exercise any jurisdiction or power vested in the Summary Court.

(3) A single justice of the peace has jurisdiction to do anything which a single justice of the peace in England may do under section 1 of the Magistrates' Courts Act 1980 (issue of summons to accused or warrant for his arrest) and as if the Falkland Islands were an area to which that section applies.

(4) No functions of examining justices shall be exercisable by a single justice of the peace, and such functions shall be exercisable by two or more justices of the peace sitting together as the Summary Court.

(5) Nothing in this section shall apply to a person holding office as Senior Magistrate when he sits in the Magistrate's Court.

Constitution of Summary Court

4.(1) There shall continue to be a Summary Court which shall be the same court as the court existing under that name before the enactment of this section and all proceedings and matters whatsoever pending in the Summary court before the coming into force of this section shall, subject to the provision of this and any other Ordinance, continue in that court.

*Constitution of
Summary Court.*

(2) The Summary Court shall, subject to this and any other Ordinance, be properly constituted for the purpose of the exercise of its jurisdiction if, and only if, it is composed of at least two justices of the peace sitting together for the purpose of exercising that jurisdiction.

(3) Except as may otherwise be provided by any Ordinance, the Senior Magistrate may, except in the exercise of any jurisdiction of the Summary Court in respect of which an appeal lies to the Magistrate's Court or to the Senior Magistrate, be one of the justices of peace composing the Summary Court for any purpose.

Jurisdiction of Summary Court

5.(1) The Summary Court shall, subject to the provisions of this Part, have the like jurisdiction in criminal proceedings as that possessed, by virtue of section 7C(1) of this Ordinance, by the Magistrate's Court.

*Criminal jurisdiction
of the Summary
Court.*

(2) Except where otherwise provided by this or any other Ordinance, the Summary Court shall not have power to impose imprisonment or any other custodial sentence for more than six months in respect of any one offence.

(3) Unless expressly excluded, subsection (2) applies even if the offence in question is one for which a person would otherwise be liable on conviction to imprisonment or other custodial sentence for more than six months.

(4) The limitation by virtue of subsection (2) on the Summary Court's power to impose a term of imprisonment does not apply in respect of any power of the Summary Court to impose a term of imprisonment for non-payment of a fine, or for want of sufficient distress to satisfy a fine.

(5) In this section "fine" includes a pecuniary penalty but does not include a pecuniary forfeiture or pecuniary compensation.

6.(1) If the Summary Court imposes imprisonment or another custodial sentence on any person it may order that the term of imprisonment or other custodial sentence shall commence on the expiration of any other term of imprisonment or other custodial imposed by that or any other court; but where the Summary Court imposes two or more terms of imprisonment to run consecutively the aggregate of such terms shall not, subject to this section, exceed twelve months.

Consecutive terms of imprisonment.

(2) If two or more of the terms imposed by the court are imposed in respect of serious offences, the aggregate of the terms so imposed and any other terms imposed by the court may exceed six months but may not exceed twenty-four months.

(3) Where a person has been sentenced by the Summary Court to imprisonment and a fine for the same offence, a period of imprisonment imposed for non-payment of the fine, or for want of sufficient distress to satisfy the fine, shall not be subject to the limitations imposed by the preceding subsections.

(4) For the purposes of this section -

(a) a term of imprisonment shall be deemed to be imposed in respect of an offence if it is imposed as sentence or in default of payment of sum adjudged to be paid by the conviction or for want of sufficient distress to satisfy such a sum; and

(b) a serious offence is one in respect of which the maximum term of imprisonment provided for by law is three years or more or imprisonment for an indefinite term which may in the event equal or exceed three years.

6A.(1) Except where otherwise provided by Ordinance, the Summary Court may not convicting any person of an offence impose on him a fine greater in amount than the prescribed sum.

General limitation on power of Summary Court to impose fines.

(2) In subsection (1), "the prescribed sum" means -

(a) in respect of a person of 18 years or more of age, £5,000;

(b) in respect of a person who has attained 14 years of age but who has not attained 18 years of age, £2,000; and

(c) in respect of a person who has not attained 14 years of age, £500

(3) If it appears to the Governor that a change in the value of money has occurred after the enactment for this section or since the last previous Order was made under the provisions of this subsection, he may by Order amend subsection (2) so as to substitute for any sum or sums for the time being specified in subsection (2) such other sum or sums as appear to him to be justified by the change.

6B.(1) This section applies where a person who is not less than 18 years of age is convicted of an offence by the Summary Court.

Committal for sentence where Summary Court considers its powers inadequate.

(2) If the Summary Court is of opinion that -

(a) that the offence or the combination of the offence and other offences associated with it was so serious that greater punishment should be inflicted for the offence than the court has power to impose; or

(b) in the case of a violent or sexual offence committed by a person who is not less than 21 years old, that a sentence of imprisonment greater than the court has power to impose is necessary to protect the public from serious harm from him, the court may in accordance with section 6C commit the offender in custody or on bail to the Magistrate's Court for sentence.

(3) The preceding provisions of this section shall apply in relation to a corporation as if -

(a) the corporation were an individual who is not less than 18 years old;

(b) in subsection (2), paragraph (b) and the words "in custody or on bail" were omitted.

6C(1) Where the Summary Court commits a person in custody or on bail to the Magistrate's Court under any enactment to which this section applies to be sentenced or otherwise dealt with in respect of an offence ("the relevant offence") the Summary Court may also commit him, in custody or on bail as the case may require, to the Magistrate's Court to be dealt with in respect of -

*Further provisions
in relation to
committal for
sentence.*

(a) any other offence whatsoever in respect of which the Summary Court has power to deal with him (being an offence of which he has been convicted by the Summary Court) including any offence in respect of which the Summary Court has a power or duty to order him under any provision of the Road Traffic Ordinance to be disqualified for holding or obtaining a driving licence; and

(b) any suspended sentence in respect of which the Summary Court has power under section 35(1)(c) of the Criminal Justice Ordinance 1989 to deal with him.

(2) Where under subsection (1) of this section the Summary Court commits a person to be dealt with by the Magistrate's Court, the latter court may after inquiring into the circumstances of the case deal with him in any way in which the Magistrate's Court might have dealt with him had he originally fallen to be dealt with in respect of the matter by the Magistrate's Court and not by the Summary Court.

(3) Without prejudice to subsection (2), where the Summary court under any enactment to which this section applies commits a person to the Magistrate's Court to be dealt with, any duty or power which, apart from this section, would fall to be discharged or exercised by the Summary Court shall not be discharged or exercised by that court but shall instead be discharged or may instead be exercised by the Magistrate's Court.

Committal proceedings

6D. Section 7C(3) of this Ordinance shall apply in relation to the Summary Court as it does in relation to the Magistrate's Court but with the substitution of the words "Summary Court" for the words "Magistrate's Court" wherever they appear in that provision.

*Power of Summary
Court to commit
for trial before
Supreme Court.*

Civil Jurisdiction of Summary Court

6E. Subject to the provisions of this Ordinance, where a complaint is made to a justice of the peace in respect of a matter in relation to which the Summary Court has in civil proceedings power to make an order against any person, the justice may issue a summons directed to that person requiring him to appear before the Summary Court or the Magistrate's Court, as the summons shall specify, to answer to the complaint.

*Issue of summons
on complaint.*

6F.(1) On the hearing of a complaint, the Summary Court shall, if the defendant appears, state to him the substance of the complaint.

*Procedure on
hearing.*

(2) The Summary Court, after hearing the evidence and the parties, shall make the order for which the complaint is made or dismiss the complaint.

(3) Where a complaint is for the order for the payment of a sum recoverable summarily as a civil debt, or for the variation of the rate of any periodical payments ordered by a court of the summary jurisdiction, or for such other matter as may be prescribed, the court may make the order with the consent of the defendant without hearing evidence.

Appeal

6G.(1) A person convicted by the Summary Court may appeal to the Supreme Court -

*Right of appeal to
the Supreme Court
in criminal
proceedings.*

(a) if he pleaded guilty, against his sentence;

(b) if he did not, against the conviction or sentence.

(2) A person sentenced by the Summary Court for an offence in respect of which a probation order or an order for conditional discharge has been previously made may appeal to the Supreme Court against the sentence.

(3) In this section "sentence" includes any order made on conviction by the Summary Court, not being -

(a) an order for the payment of costs;

(b) an order under section 2 of the Protection of Animals Act 1911 in its application to the Falkland Islands (which enables a court to order the destruction of an animal);

(c) an order made in pursuance of any enactment under which the court has no discretion as to the making of the order or as to its terms.

(4) An appeal under this section shall be commenced by the appellant giving notice of appeal within 21 days of the order appealed against.

6H. Where notice of abandonment of an appeal has been duly given by the appellant -

*Abandonment of
appeal.*

(a) the Summary Court may issue process for enforcing that decision, subject to anything already suffered or done under it by the appellant; and

(b) the Summary Court may, on the application of the other party to the appeal, order the appellant to pay to that party such costs as appear to the court to be just and reasonable in respect of expenses properly incurred or work done by or on behalf of that party in connection with the appeal before notice of abandonment was given to that party.

6I. After the determination by the Supreme Court of an appeal from the Summary Court the decision appealed against as confirmed or varied by the Supreme Court, or any decision of the Supreme Court substituted for the decision appealed against, may, without prejudice to the powers of the Supreme Court to enforce the decision, be enforced.

*Enforcement of
decision of the
Supreme Court.*

(a) by the issue by the Summary Court of any process it could have issued if it had decided the case as the Supreme Court decided it;

(b) so far as the nature of any process already issued to enforce the decision against permits, by that process;

and the decision of the Supreme Court shall have effect as if it had been made by the Summary Court.

Case stated

6J.(1) Any person who was a party to any proceeding before the Summary Court or who is aggrieved by the conviction, order, determination or other proceeding of the court may question the proceeding on the ground that it is in wrong in law or is in excess of jurisdiction by applying to the justices composing the court to state a case for the opinion of the Supreme Court on the question of law or jurisdiction involved; but a person shall not make an application under this section in respect of which he has a right of appeal to the Supreme Court or which by virtue of any enactment is final.

*Statement of case
by the Summary Court.*

(2) An application under subsection (1) shall be made within 21 days of the day on which the decision of the Summary Court was given.

(3) For the purpose of subsection (2), the day on which the decision of the Summary Court is given shall, where the court has adjourned the trial of an information after conviction, be the day on which the court sentences or otherwise deals with the offender.

(4) On the making of an application under this section in respect of a decision any right of the applicant to appeal against the decision to the Supreme Court shall cease.

(5) If the justices are of the opinion that an application under this section is frivolous, they may refuse to state a case, and if the applicant so requires, shall give him a certificate stating that the application has been refused; but the justices shall not refuse to state a case if the application is made by or on under the direction of the Attorney General.

(6) Where the justices refuse to state a case, the Supreme Court may, on the application of the person who applied for the case to be stated, make an order of mandamus requiring the justices to state a case.

(7) Nothing in this section, or the fact that an application has been made to the justices to state a case, shall preclude the Chief Justice from exercising his powers under section 53A.

6K. Any conviction, order, determination or other proceeding of the Summary Court varied by the Supreme Court on an appeal by case stated, and any judgment or order of the Supreme Court on such an appeal, may be enforced as if it were a decision of the Summary Court.

Effect of decision of Supreme Court on case stated by the Summary Court.

Application of Magistrates' Courts Act 1980

7.(1) The provisions of the Magistrates' Court Act 1980 specified in Schedule 1 to this Ordinance shall have effect in relation to the Summary Court and the jurisdiction, practice and procedure of the Summary Court subject to the modifications and exceptions in relation to those provisions set out in that Schedule.

Application of provisions of the Magistrates' Courts Act 1980.

(2) Section 78 of the Interpretation and General Clauses Ordinance shall not have effect so as to apply as law of the Falkland Islands in place of or in addition to the provisions to which subsection (1) any statutory modification, amendment, augmentation or replacement of those provisions enacted after 30th June 1992.

(3) Paragraph 63 of the Schedule to the Application of Enactments Ordinance 1954 (which adopted certain provisions of the Magistrates' Courts Act 1952) is repealed.

Application of certain provisions of Part IIA

7A. For the sake of avoidance of doubt, it is hereby declared that section 7C(2), (2A) and (3) apply to and in relation to the Summary Court as they do the Magistrate's Court."

Application of certain provisions of Part IIA of the Summary Court.

4. Section 7C of the principal Ordinance is amended -

(a) in subsections (1) and (3), by replacing the words "which is triable only on indictment" where they appear in those subsections with the words "which must be tried on indictment".

(b) by replacing subsection (2) with the following two subsections -

"(2) For the purposes of subsection (2) it is hereby declared that, subject to subsection (2A), the following offences must be tried on indictment -

(a) any offence which, by virtue of any law of the United Kingdom having direct effect in the Falkland Islands (that is to say having effect other than by reason of its application or adoption under the provisions of any Ordinance of the Falkland Islands), must be tried on indictment;

(b) any offence of treason, murder, manslaughter, piracy or rape or arson of a kind to which section 1(2) of the Criminal Damage Act 1971 in its application to the Falkland Islands applies or any attempt to commit any of those offences; and

(c) any offence specified for the purposes of this subsection by the provisions of any Ordinance.

(2A) An offence by a person under the age of 18 years which would otherwise fall to be tried on indictment shall, in respect of that person, be tried summarily except in the circumstances specified in section 24 of the Magistrates' Court Act 1980 in its application to the Falkland Islands."; and

(c) in subsection (4), by inserting the words "or section 24 of the Magistrates' Courts Act 1980 in its application to the Falkland Islands" immediately after the words "or subsection (1)".

Repeal of section 7D(3)

5. Section 7D(3) is repealed.

New Section 7DA

6. The following section is inserted immediately after section 7D -

7DA.(1) Subject to section 7C, subsection (2) of this section and the modifications and exceptions set out in Schedule 1 of this Ordinance, the Magistrates' Courts Act 1980 shall have effect in relation to the Magistrates' Court and the jurisdiction, practice and procedure of the Magistrates' Court.

*Application of
Magistrates' Court
Act 1980 in respect
of Magistrate's Court.*

(2) The Magistrates' Courts Act 1980 as applied by the Schedule 1 shall have effect in relation any civil proceedings and the jurisdiction, practice and procedure of the Magistrates' Court in civil proceedings only so far as is necessary to render the jurisdiction, practice and procedure of the Magistrate's Court and that of the Summary Court so far as is possible the same where each of those courts has jurisdiction arising out of the same provision of law and, without prejudice to the generality of the foregoing, the said Act shall not apply in or in relation to civil proceedings in which the Magistrates' Court has jurisdiction by virtue of section 7E(1) of this Ordinance or to family proceedings in which the Magistrate's Court is exercising in family proceedings jurisdiction corresponding to that in such proceedings of an English County Court.

Repeal and replacement of section 7F

7. Section 7F is repealed and replaced by the following new section 7F -

7F.(1) Subject to subsection (2), sections 6F to 6K shall apply to and in relation to the Magistrate's Court as they apply to and in relation to the Summary Court and with the replacement of the words "Summary Court", wherever they appear in those sections, by the words "Magistrate's Court".

*Application of
certain provisions
of Part II to the
Magistrate's Court.*

(2) Section 7K, and not section 6J, shall apply in relation to civil proceedings in which the Magistrate's Court has jurisdiction by virtue of section 7E(1).

Amendment of section 7K

8. Section 7K is amended -

(a) by replacing the words "civil or criminal matter" by the words "civil proceedings to which section 7E(1) relates and in any criminal proceedings";

(b) by replacing the words "fourteen days" by the words "21 days";

(c) by replacing the proviso to the section with the following proviso -

"Provided that where sufficient cause is shown in any particular case, the Senior Magistrate or a judge of the Supreme Court may, before or after the expiry of the 21 days, extend the period within which notice of appeal may be given."

Amendment of section 30

9. Section 30 is amended by replacing the words "the Schedule" with the words "Schedule 2".

Amendment of section 69

10. Section 69 is amended by addition thereto of the following words -

"and may also makes rules for regulating the practice and procedure at in or in connection with inquests and post-mortem examinations and, without prejudice to the generality of the foregoing, may include in such rules any provision which, in relation to those matters, could be made by rules made by the Lord Chancellor in England under section 32 of the Coroners Act 1988."

Amendment of the Schedule

11. The Schedule to the Ordinance (which by virtue of paragraph 9 above is to become Schedule 2 to the Ordinance) is amended by replacing paragraph 3 with the following paragraph -

"3. In section 8(1) -

(a) in paragraph (c), the word "Act" shall be replaced by the words "law of or relating to the Falkland Islands;" and

(b) the following words shall be added immediately after the words "without a jury" -

"except that unless otherwise directed by the Governor, the coroner shall not hold an inquest into the death of the deceased if there is reasonable cause to believe that the death of the deceased occurred more than ten years previously".

SCHEDULE 1

(sections 6k and 7D)

APPLICATION OF PROVISIONS OF MAGISTRATES' COURTS 1980*General modifications*

1.

(a) In the subsequent provisions of this Schedule and except where stated to the contrary every reference to a section or division of a section is a reference to the corresponding provision of the Magistrates' Courts Act 1980.

(b) In the provisions of the Magistrates' Court Act 1980 applied by the subsequent paragraphs of this Schedule, and unless otherwise stated -

(a) every reference to "a magistrates' court" shall be construed as a reference to a court of summary jurisdiction and every reference to an area, county or other geographical limit of jurisdiction shall be omitted, every reference to a county court shall be construed as a reference to the Magistrate's Court and every reference to the High Court shall be construed as a reference to the Supreme Court;

(b) every reference to "examining justices" shall be construed, as the circumstances of the case may require, to two or more justices of the peace one of whom may be the Senior Magistrate, sitting together in the Summary Court to exercise the jurisdiction of examining justices or to the Senior Magistrate sitting alone or together with one or more justices of the peace, and in either case as the Magistrate's Court, to exercise the like jurisdiction;

(c) every reference to the United Kingdom, Great Britain, the British Islands, or to England and Wales is replaced by a reference to the Falkland Islands and every provision which is occasioned only by the division in the United Kingdom into separate legal jurisdictions of England and Wales, Scotland and Northern Ireland is omitted;

(d) every reference to "a justice of the peace" shall be construed, subject to Part II of the Administration of Justice Ordinance, as a reference to a person (including the Senior Magistrate) who is a justice of the peace for the Falkland Islands, and every reference to an area in respect of which a justice of the peace is appointed shall be construed as a reference to the Falkland Islands;

(e) the words "subject to the provisions of this Act" shall be replaced by the words "subject to the Administration of Justice Ordinance and to any provision of this Act applied by that Ordinance";

(f) every reference to the Crown Court is replaced by a reference to the Supreme Court;

(g) every reference to "the clerk to the justices" shall be construed as a reference to the clerk of whichever court of summary jurisdiction is seised of the matter;

(h) every reference to the recorded delivery service shall be omitted;

(i) the words "youth custody", wherever they appear, are replaced by the words "other custodial sentence"; and

(j) the words "legal representative" wherever they appear shall be replaced by the words "legal practitioner or other person who, with the permission of the court, is representing a person before it".

Application of provisions of the Act

2. Every provision of the Act shall apply unless it is excluded from application by one of the following paragraphs of this Schedule, but subject to such modifications (if any) as are specified in this Schedule in relation to it.

Section 1

3. Section 1(2) is replaced by the following subsection -

"(2) A justice of the peace may issue a summons or warrant under this section -

(a) if the offence was committed or suspected to have been committed within the Falkland Islands;

(b) if the offence was committed outside the Falkland Islands, if a court of summary jurisdiction in the Falkland Islands would have jurisdiction to try the offence if the offender were before it."

4. Section 1(4) and (5) are replaced by the following subsections -

"(4) No warrant shall be issued under this section for the arrest of any person who has attained the age of 18 years unless -

(a) the offence to which the warrant relates is an offence punishable by imprisonment; or

(b) the person's address is not sufficiently established for a summons to be served on him.

(5) Every summons or warrant issued under this section shall specify before which of the Magistrate's Court and the Summary Court the person to whom it relates is to attend or is to be brought."

5. In section 1(6) the words "an indictable offence" are replaced by the words "an offence punishable on conviction by imprisonment for two years or more".

6. Section 1(8) is omitted.

Sections 2 and 3

7. Sections 2 and 3 shall not apply.

Section 4

8. Section 4(1) is omitted.

Section 6

9. In section 6(1), the words "Subject to the provisions of this and any other Act relating to the Summary trial of indictable offences" appearing at the beginning of the subsection are omitted.

10. In section 6(3) the words "section 4 of the Bail Act 1976" are replaced by the words "section 81 of the Criminal Justice Ordinance 1989" and the words "Bail Act 1976" where they later appear in the subsection are replaced by the words "Criminal Justice Ordinance 1989" and similarly, the words "Bail Act 1976" in section 6(4) are replaced by the words "Criminal Justice Ordinance 1989".

Section 7

11. Section 7 is replaced by the following -

"7. All persons committed for trial by a court of summary jurisdiction shall be committed for trial before the Supreme Court.

Section 8

12. In section 8(3) the words "and where at any time" and all words thereafter appearing down to the end of the subsection shall be omitted.

13. In section 8(6) the words "England and Wales" shall be omitted.

14. In section 8(8) all words after the words "examining justices", where they first appear in the subsection, shall be omitted.

Section 10

15. In section 10(4) the words "or would be required to be brought before the court but for section 128(3A) below" are omitted.

Section 11

16. In section 11(3) the words "section 23 of the Powers of Criminal Courts Act 1973" are replaced by the words "section 34 of the Criminal Justice Ordinance 1989".

Section 12

17. In section 12(1) the words "subject to subsection (7)" and the words "and section 18 of the Criminal Justice Act 1991 (unit fines)" are omitted.

18. Section 12(1A), (7) and (8) are omitted.

Section 14

19. Nothing in section 14(3) shall be construed as having the effect that the Magistrate's Court may not (at any time the Administration of Justice Ordinance does not prescribe to the contrary) be composed of the Senior Magistrate sitting alone.

Sections 17 to 23

20. Sections 17 to 23 shall not apply.

Section 24

21. In section 24(1)(a), the words "subsection (2) of section 53 of the Children and Young Persons Act 1933" are replaced by the words "section 27A(2) of the Criminal Justice Ordinance 1989".

22. In section 24(3), the words "section 1(1) of the Criminal Justice Act 1982" are replaced by the words "section 22(1) of the Criminal Justice Ordinance 1989".

Section 25 to 28

23. Section 25 to 28 shall not apply.

Section 30

24. In section 30(2), the words "section 3(6) of the Bail Act 1976" are replaced by the words "section 80(6) of the Criminal Justice Ordinance 1989".

Sections 31 to 40

25. Sections 31 to 40 shall not apply.

Section 41

26. The words "High Court or the Secretary of State" are replaced by the words "Supreme Court or the Governor".

Section 42

27. Section 42(2) is replaced by the following subsection -

"(2) Nothing in subsection (1) shall apply in relation to the Senior Magistrate."

Section 43

28. In section 43(1), the words "Police and Criminal Evidence Act 1984" are replaced by the words "section 99 of the Criminal Justice Ordinance 1989".

Section 43A

29. Section 43A(2) is omitted.

Section 44

30. Section 44(2) is omitted.

Section 52

31. Section 52 is omitted.

Section 59

32. In section 59(7) -

(a) the words "Guardianship of Minors Acts 1971 and 1973" are replaced by the words "Guardianship of Minors Ordinance 1979";

(b) the words "Part I of the Domestic Proceedings and Magistrates' Court Act 1978" are replaced by the words "Matrimonial Proceedings (Court of Summary Jurisdiction) Ordinance 1967"; and

(c) the words "Schedule 1 to the Children Act 1989" are replaced by the words "Schedule 1 to the Children Ordinance 1994".

33. Section 59(8) to (11) is omitted.

Sections 59A and 59B

34. Sections 59A and 59B are omitted.

Section 62

35. In section 62(1), the words "under subsection (1) or subsection (2) respectively of section 59A above" are omitted.

36. Section 62(3), paragraph (a) in section 62(5) and section 62(6) are omitted.

Section 65

37. Section 65 is replaced by the following section -

"65. In this Act "family proceedings" has the same meaning as it has under section 2(1) of the Children Ordinance 1989."

Section 66

38. Section 66(2) is replaced by the following subsection -

"(2) The Magistrate's Court is duly constituted for the purpose of family proceedings when constituted by the Senior Magistrate sitting alone, but without prejudice to the Senior Magistrate's discretionary power under section 7H of the Administration of Justice Ordinance to sit for the purpose of such proceedings with one or more justices of the peace as assessors."

39. Section 66(3) to (5) are omitted.

Sections 67 and 68

40. Sections 67 and 68 are omitted.

Section 70

41. Section 70 is omitted.

Section 75

42. In section 75(2A), "59B" is omitted.

Section 76

43. Section 76(3) is omitted.

Section 77

44. In section 77(2) the words "section 9 of the Criminal Justice Act 1982" are replaced by the words "section 28 of the criminal Justice Ordinance 1989".

Section 81

45. In section 81(1) the words "section 1 of the Criminal Justice Act 1982" are replaced by the words "section 22 of the Criminal Justice Ordinance 1989".

46. In section 81(3) all words appearing therein before the words "shall be made by a magistrates' court" are replaced by the words "No order under subsection (1)".

47. In the definition of "sum adjudged to be paid on conviction" appearing in section 81(8) the words "section 35 of the Powers of Criminal Courts Act 1973" are replaced by the words "section 44 of the Criminal Justice Ordinance 1989".

Section 82

48. In section 82(1)(c) all words after "immediate imprisonment" are replaced by the words "or passes upon him another custodial sentence having immediate effect".

49. In section 82(3) all words in paragraph (a) after "already serving" are replaced by the words "a custodial sentence".

50. Section 82(4A) is replaced by the following subsection -

"(4A) The methods of enforcing payment mentioned in subsection (4)(b)(ii) are -

(a) a warrant of distress under section 76;

(b) an application to the Supreme Court, or in the case of a sum adjudged to be paid by a conviction by the Summary Court, to the Magistrate's Court, under section 87;

(c) in the case of a sum adjudged to be paid by a convention in the Magistrate's Court, an order made of its own motion or on the application of the clerk of the court by the Magistrate's Court under section 87; or

(d) an attachment of earnings order."

51. In section 82(5)(b) the words "a sentence of custody for life" up to and include the words "detention in a detention centre" are replaced by the words "a custodial sentence".

Section 87

52. Section 87(4) is omitted.

Section 87A

53. In section 87A(1) all words after the "clerk of the court" are replaced by the words "may petition for the winding-up of the company".

54. Section 87A(2) is omitted.

Section 88

55. In section 87(4) the words "section 9 of the Criminal Justice Act 1982" are replaced by the words "section 28 of the Criminal Justice Ordinance 1989".

Sections 89 to 91

56. Section 89 to 91 are omitted.

Section 92

57. Paragraphs (b) and (c) of section 92(1) are omitted.

Section 94A

58. Section 94A is omitted.

Section 95

59. In section 95 the words "English" and "non-English", wherever they appear, are replaced by the words "Falkland Islands" and "non-Falkland Islands" respectively and section 95(7) is replaced by the following subsection -

"(7) In this section "Falkland Islands", in relation to a maintenance order, means a maintenance order which was made by a court in the Falkland Islands other than under a provision of law relating to the enforcement in the Falkland Islands of maintenance orders made by courts outside the Falkland Islands and "non-Falkland Islands", in relation to a maintenance order, means a maintenance order which is not by virtue of this subsection a Falkland Islands maintenance order."

Section 96A

60. In section 96A the words "section 9 of the Criminal Justice Act 1982" are replaced by the words "section 28 of the Criminal Justice Ordinance 1989".

Section 97

61. Section 97(5) is omitted.

Section 103

62. Paragraph (d) of section 103(3) is omitted.

Section 108 to 112

63. Sections 108 to 112 are omitted.

Section 121

64. Section 121 is omitted.

Section 125

65. In section 125(2) all words after "by any person to whom it is directed" are omitted.

66. In section 125(3) the words "to which this subsection applies" are omitted and section 125(4) is omitted.

Section 126 and 127

67. Sections 126 and 127 are omitted.

Section 128

68. In section 128(1) the words "section 4 of the Bail Act 1976" and "Bail Act 1976" are replaced by the words "section 81 of the Criminal Justice Ordinance 1989" and "Criminal Justice Ordinance 1989" respectively.

69. In section 128(2) the words "section 8(1) of the Bail Act 1976" are replaced by the words "section 85(3) of the Criminal Justice Ordinance 1989".

70. Section 128(3A) to (3E) are omitted.

71. In section 128(4) the words "Bail Act 1976" are replaced by the words "Criminal Justice Ordinance 1989".

72. In section 128(6) the words "section 128A and 129" are replaced by the words "section 129".

73. Section 128(7) and (8) are omitted.

Section 128A

74. Section 128A is omitted.

Section 130

75. Section 130 is omitted.

Section 133

76. Section 133 is omitted.

Section 137

77. In section 137(1) -

(a) the words "Subject to the provisions of this section" are replaced by the words "Subject to any rules made under section 69 of the Administration Ordinance and to the provisions of this section";

(b) the following proviso is added -

"Provided that no fee under this section shall be charged to or payable by the Crown or any public officer acting in his official capacity".

Section 139

78. Paragraph (c) of section 139 is replaced by the following paragraph -

"(c) the balance into the Consolidated Fund is otherwise as he may be required by or under the provisions of the Finance and Audit Ordinance 1988".

Section 141

79. Section 141 is replaced by the following section -

"141. Any reference in this Act to the clerk of any magistrates' court shall be construed as follows -

(a) in relation to the Summary Court as a reference to the clerk of that court;

(b) in relation to the Magistrate's Court, the clerk of that court;

and, in each case, if no other person holds appointment as the clerk of the court, the Registrar General shall be deemed to be the clerk."

Section 143

80. Section 143 is omitted.

Section 144

81. Section 144 is replaced by the following section -

144.(1) Subject to this section and to the provisions of any Ordinance, the rules for the time being in force in England and made under section 144 of the Magistrates' Court Act 1980 in the form it has in England, shall apply in the Falkland Islands in relation to the practice and procedure of the Summary Court, and to the practice and procedure of the Magistrate's Court in criminal proceedings.

(2) The said rules shall also apply in relation to the practice and procedure of the Magistrate's Court in any civil proceedings in which the Summary Court has summary jurisdiction and, for the sake of avoidance of doubt, it is hereby declared that the said rules do not apply in relation to any civil proceedings in which the Magistrate's Court has jurisdiction to entertain but which the Summary Court does not have jurisdiction to entertain.

(3) In their application to the Summary Court and to the Magistrate's Court, the said rules shall be read and construed -

(a) subject to the like modifications as are required in relation to this Act by virtue of paragraph 1(b) of this Schedule;

(b) subject to such modifications and exceptions as may be required to bring them into conformity with the provisions of Ordinances of the Falkland Islands for the time being in force;

(c) subject to any applicable rules made under section 69 of the Administration of Justice Ordinance; and

(d) subject to the foregoing, subject to the modifications required by section 76 of the Interpretation and General Clauses Ordinance 1977."

Sections 146 to 149

82. Sections 146 to 149 shall not apply.

Section 150

83. Section 150 shall apply with such modifications and exceptions as are required to bring it into conformity with the foregoing paragraphs of this Schedule.

Section 151

84. Section 151 shall not apply.

Schedules 1, 2, 4, 5, 6A and 8

85. Schedules 1, 2, 4, 5, 6A and 8 shall not apply.



THE FALKLAND ISLANDS GAZETTE Supplement

PUBLISHED BY AUTHORITY

Vol. 6

31st MARCH 1995

No. 8

The following is published in this Supplement -

The Fishing Licences (Application and Fees) Regulations Order 1995
(S.R. & O. No: 4 of 1995)

SUBSIDIARY LEGISLATION

The Fishing Licences (Application and Fees) Regulations Order 1995

(S.R. & O. No: 4 of 1995)

Made: 31st March 1995

Published: 31st March 1995

Coming into operation: on publication

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

1. (1) This Order may be cited as the Fishing Licences (Applications and Fees) Regulations Order 1995 and shall come into operation on the date it is first published in the Gazette and cease to have effect on 31st December 1995.

*Commencement
and citation.*

(2) This Order is hereinafter called "these Regulations" and any paragraph of this Order may be cited as (and is hereafter described as) a regulation bearing the same number as that paragraph and every subparagraph of a paragraph of this Order may be cited as (and is hereafter described as) a paragraph of the same number of the regulation in which it appears.

2. Nothing in these Regulations applies to licences for exploratory or scientific purposes or to fishing within the territorial sea or internal waters.

*Regulations not
to apply to
exploratory and
scientific licences
etc.*

3. In these Regulations -

"exploratory or scientific purposes" means purposes related to the assessment of the commercial or practical viability of fishing for fish generally or for a particular species of fish or to the assessment or quantification of stocks of any species of fish or fish of any age, stage of maturity or size of a species of fish or the locations in which they or any species of fish or fish of any age, stage of maturity or size may be found;

Application.

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

"the fishing season" means -

(a) in relation to an "R" licence a period commencing on 1st July 1995 and ending on 31st December 1995;

(b) in relation to an "X" licence the period commencing on 1st August 1995 and ending on 31st October 1995;

(c) in relation to a "Y" licence a period commencing on 1st July 1995 and ending on 31st December 1995;

(d) in relation to a "Z" licence a period commencing on 1st July 1995 and ending on 31st December 1995;

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

4. For so long as these Regulations are in force such of the provisions of the principal Regulations as are inconsistent with these Regulations shall not be in force, but except as aforesaid the provisions of the principal Regulations remain in force and shall be complied with in addition to those of these Regulations. *Relationship with principal Regulations.*

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

(a) an "R" licence;

(b) an "X" licence ;

(c) a "Y" licence; and

(d) a "Z" licence.

(2) An "R" licence issued under these Regulations shall permit the catching or taking of all species of the family Skate (*Rajidae*) and shall not permit the taking of other species of finfish or squid of any kind.

(3) An "X" licence issued under these Regulations shall authorise the catching or taking of squid of the species *Loligo gahi* from on or after the 1st August 1995 until and including 31st October 1995.

(4) A "Y" licence issued under these Regulations shall permit the catching or taking of any finfish, that is to say vertebrate fish having a dorsal fin, a ventral or pectoral fin and not in any case include Toothfish (*Dissostichus eleginoides*), Skate (*Rajidae*) or squid of any kind.

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

Provided that a "by-catch" which in the reasonable opinion of the Director of Fisheries could not reasonably be avoided shall not be deemed to have been caught or taken without the authority of a licence.

4

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

(2) Any application to which paragraph (1) of this regulation relates shall be accompanied by an application fee of £200 (which shall not be returnable whether or not the application is granted) and shall be made so as to be received there by Wednesday, 12th April 1995.

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

7.(1) Table 1 of the Schedule to these Regulations applies in respect of the fees payable for type "R" licences. *The Schedule and its Tables.*

(2) Table 2 of the Schedule to these Regulations applies in respect of type "X" licences.

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

(4) Table 4 of the Schedule to these Regulations applies in respect of the fees payable for type "Z" licences.

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

(6) The explanatory notes at the commencement of each Table in the Schedule to these Regulations are for guidance only and shall not have legislative effect.

(7) The fees for transshipment or transshipment and export licences for the period 1st July 1995 to 31st December 1995 shall be £150 per transshipment operation.

THE SCHEDULE

Provision as to fishing licences in respect of the fishing season

TABLE 1

Skate. Type "R" Licences

(Explanatory notes :

1. These notes are not of legislative effect but are for guidance only.
2. Fees calculated by the Formula set out in this Table apply to trawlers licensed to take species of the family RAJIDAE.
3. The season for this type of licence commences on 1st July and ends on 31st December 1995 and will be subject to closed area and to mesh and net restrictions.

Effective text (of legislative effect)

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

B. A licence is not transferable.

FORMULA

Fee payable per licensed month is the result of:

$$£(2.10 \times GT) + 17004$$

TABLE 2

Squid - Type "X" Licences

(Explanatory notes :

1. These notes are not of legislative effect but are for guidance only.
2. Fees calculated by the Formula set out in this Table apply to trawlers licensed to take squid.
3. The season for this type of licence commences on 1st August 1995 and ends on 31st October 1995 and is exempt from the Fishing (Nets and Supplementary Net Equipment) Regulations Order 1990.
4. Fees calculated by the Formula set out in this Table are for the full season only).

Effective text (of legislative effect)

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

B. A Licence is not transferable.

FORMULA

Fee payable is the result of:

$$£(27.28 \times GT) + 48351$$

TABLE 3**Finfish Only. Type "Y" Licences**

(Explanatory notes :

1. These notes are not of legislative effect but are for guidance only.
2. Fees calculated by the Formula set out in this Table apply to trawlers licensed to take all finfish species with the exception of Toothfish (*Dissostichus eleginoides*) and Skate (*Rajidae*) or squid.
3. The season for this type of licence commences on 1st July and ends on 31st December 1995 and will be subject to closed area and to mesh and net restrictions.

Effective text (of legislative effect)

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

B. A licence is not transferable.

FORMULA

Fee payable per licensed month is the result of:

$$£(5.99 \times GT) + 4131$$

TABLE 4

Finfish Only. Species Restricted - Type "Z" Licences

(Explanatory notes :

1. These notes are not of legislative effect but are for guidance only.
2. Fees calculated by the Formula set out in this Table apply to trawlers licensed to take all finfish species with the exception of Hake (*Merluccius spp.*) Toothfish (*Dissostichus eleginoides*) and Skate (*Rajidae*) or squid.
3. The season for this type of licence commences on 1st July and ends on 31st December 1995 and will be subject to closed area and to mesh and net restrictions.

Effective text (of legislative effect)

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

B. A licence is not transferable.

FORMULA

Fee payable per licensed month is the result of whichever of the following is applicable:

- I. Where the vessel has a Gross Tonnage of 1699 or less;
 $\pounds(0.33 \times \text{GT}) + 8255$
- II. Where the vessel has a Gross Tonnage between 1700 and 2000;
 $\pounds41.01 \times \text{GT}) - 60907$
- III. Where the vessel has a Gross Tonnage between 2001 and 3499;
 $\pounds(13.56 \times \text{GT}) - 6000$
- IV. Where the vessel has a Gross Tonnage between 3500 and 4000;
 $\pounds(61.88 \times \text{GT}) - 175106$
- V. Where the vessel has a Gross Tonnage of 4001 or greater;
 $\pounds(21.70 \times \text{GT}) - 9602$

Made this 31st day of March 1995

D.E. TATHAM,
Governor



THE FALKLAND ISLANDS GAZETTE Supplement

PUBLISHED BY AUTHORITY

Vol. 6

27th APRIL 1995

No. 9

The following are published in this Supplement -

The Administration of Justice (Amendment) Ordinance No. 1 of 1995;

The Supplementary Appropriation (1994-1995) Ordinance No. 2 of 1995;

The Land (Amendment) Ordinance No. 3 of 1995;

The Licensing (Amendment) Ordinance No. 4 of 1995.

The Administration of Justice (Amendment) Ordinance 1995

(No: 1 of 1995)

ARRANGEMENT OF PROVISIONS

Section

1. Short title.
2. Amendment of Administration of Justice Ordinance (Cap. 3).

Schedule

ELIZABETH II



Colony of the Falkland Islands

The Administration of Justice (Amendment) Ordinance 1995

(No: 1 of 1995)

An Ordinance

To amend the Administration of Justice Ordinance

(assented to: 18th April 1995)
(commencement: on publication)
(published: 27th April 1995)

ENACTED by the Legislature of the Falkland Islands as follows:

1. This Ordinance may be cited as the Administration of Justice (Amendment) Ordinance 1995. *Short title.*
2. The Administration of Justice Ordinance is amended in the manner specified in the Schedule to this Ordinance. *Amendment of the Administration of Justice Ordinance (Cap. 3).*

THE SCHEDULE

PART I

AMENDMENTS TO THE ADMINISTRATION OF JUSTICE ORDINANCE

Introductory

1. In the subsequent provisions of this Schedule, a reference to a section or any other provision is a reference to that section or provision of the Administration of Justice Ordinance.

Interpretation

2. In section 2 -

(a) the definition of "Civil case" is replaced by the following definition -

"civil proceedings" means any proceedings in a court which have for their object the recovery of money or other property, the enforcement of a right or advantage on behalf of a party to the proceedings or a determination as to the existence or otherwise of a legal right or obligation, and without prejudice to the generality of the foregoing includes proceedings by the Crown in the Supreme Court or the Magistrate's Court for the recovery of a fine or penalties, and proceedings which, in England, would be on the Crown side of the Queen's Bench Division and include proceedings by way of enforcement of a judgment or appeal from the decision of any court in civil proceedings but notwithstanding the foregoing shall not include any proceedings by way of judicial review of any judgment or order in criminal proceedings of any appeal arising out of such judicial review proceedings or any proceedings falling within the definition in this section of "criminal proceedings";

(b) immediately thereafter the following definition is inserted -

"Chief Justice" means a person for the time being holding appointment under section 79(1) of the Constitution, and includes an acting judge of the Supreme Court appointed under section 80(1) of the Constitution to the extent that he has been appointed to exercise the functions of the Chief Justice;

(c) the definition of "Complaint" is repealed and the following definition is inserted -

"court of summary jurisdiction" means, as the context requires, either of the Summary Court and the Magistrate's Court or both of those courts;

(d) the definition of "Criminal case" is replaced by the following definition -

"criminal proceedings" include proceedings instituted in relation to a breach of law in respect of which the person proceeded against, if the breach is proved, is liable to be punished (other than by an award of punitive or exemplary damages) in some manner provided for by law, and, so far as the context admits, include any proceedings by way of appeal from any decision of a court in proceedings which are criminal proceedings and any proceedings for enforcement of payment of any fine imposed by way of sentence of any person in criminal proceedings, but do not include any proceedings, other than in the course of a prosecution, for an order that a person be bound over or made the subject of an order under section 76 of the Licensing Ordinance 1994 or proceedings in relation to contempt of court;

(e) the definition of "Judge" is replaced by the following definition -

"judge", in relation to -

(i) the Supreme Court, means the Chief Justice appointed under section 79(1) of the Constitution or acting judge, appointed under section 80(1) of the Constitution who is exercising the jurisdiction of the Supreme Court in relation to the matter in question; and

(ii) the Magistrate's Court, means the Senior Magistrate or the person appointed under section 7B(2) of this Ordinance to act as Senior Magistrate who is exercising the jurisdiction of the Magistrate's Court in relation to the matter in question; and

(f) the definition of "Summary Court" is replaced by the following definition -

"Summary Court" means two or more justices of the peace sitting together as the Summary Court to exercise the jurisdiction conferred on the Summary Court by or under this Ordinance or any other law of the Falkland Islands.

Replacement of Part II of the Ordinance

3. Part II of the Ordinance is repealed and replaced by the following new Part II -

PART II

JUSTICES OF THE PEACE AND THE SUMMARY COURT

Appointment etc. of justices of the peace

3.(1) Subject to this Ordinance, the Governor acting in his discretion may by instrument under his hand appoint any person to be a justice of the peace for the Falkland Islands and may by such an instrument remove any person from office as justice of the peace.

Appointment and removal of justices of the peace.

(2) Subject to this Ordinance, any person who immediately prior to the relevant date held office as a magistrate or justice of the peace, other than by reason of appointment as Senior Magistrate, shall on and after the relevant date, in the case of a person who immediately prior to that date held office as magistrate, hold office, and in the case of a person who then held office as a justice of the peace, continue to hold office, as a justice of the peace as if he had on the relevant date been appointed as a justice of the peace under the provisions of subsection (1).

(3) Any function power duty or jurisdiction which under the law of the Falkland Islands immediately before the relevant date fell to be performed or exercised by a magistrate shall in so far as it continues to exist on and after the relevant date fall to be performed and exercised by the Senior Magistrate.

(4) In subsections (2) and (3), "the relevant date" means the date on which the Administration of Justice (Amendment) Ordinance 1995 came into force.

3A.(1) There shall be kept at the offices of the Supreme Court a list of justices of the peace and a supplemental list of justices of the peace. There shall appear on the list of justices of the peace the names of all justices of the peace whose names are not upon the supplemental list of justices of the peace maintained under this Part (hereafter in this Part described as "the supplemental list").

List of justices of the peace and supplemental list of justices of the peace.

(2) Subject to the provisions of this section, there shall be entered in the supplemental list the name of any justice of the peace who is of the age of 70 years of age or over or who has requested that his name be entered upon that list.

(3) The Chief Justice may direct that the name of a justice of the peace shall be entered on the supplemental list if the Chief Justice is satisfied either -

(a) that by reason of the justice's age or infirmity or other like cause it is expedient that he should cease to exercise judicial functions; or

(b) that the justice declines or neglects to take a proper part in the exercise of those functions.

(4) Nothing in this section shall apply to a person holding office as Senior Magistrate.

3B.(1) A person's name shall be removed from the supplemental list if he has ceased to be a justice of the peace.

*Removal of name
from supplemental
list*

(2) The name of any person, if not required to be entered on the supplemental list by section 3A(2) or (3) shall be removed from the list of justices of the peace if so directed by the Chief Justice.

3C.(1) Subject to the following provisions of this section, a justice of the peace, while his name is on the supplemental list, shall not do any act or to be a member of any committee or other body which he is only entitled to do or be by reason of being a justice of the peace which he is only entitled to do or be by reason of being a justice of the peace.

*Effect of entry
of name on
supplemental list*

(2) Subsection (1) does not preclude a justice from doing all or any of the following acts as a justice -

(a) signing any document for the purpose of authenticating another person's signature;

(b) taking and authenticating by his signature any written declaration not made on oath; and

(c) giving a certificate of facts within his knowledge or of his opinion in relation to any matter.

(3) No act or appointment shall be invalidated by reason of the disqualification under this section of the person acting or appointed.

Disqualification for office or for acting as justice of the peace

3D.(1) The following persons are disqualified from appointment as a justice of the peace -

*Persons
disqualified.*

(a) any person who is not a Commonwealth citizen;

(b) any person who is an undischarged bankrupt; and

(c) any person who has been convicted of treason or of any offence amounting to a corrupt practice under the Electoral Ordinance 1988.

(2) If a justice of the peace, by reason of the happening or occurrence of any thing after his appointment, would be reason of subsection (1) be disqualified for appointment as such justice, he ceases forthwith to be a justice of the peace and his name shall be removed from the list of justices of the peace or supplemental list of justices of the peace, whichever in the circumstances of the case may be appropriate.

Protection of justices and indemnification of justices of the peace

3E.(1) No action shall lie against any justice of the peace or any person who is or who is acting as clerk to the Summary Court or the Magistrate's Court in respect of any act or omission of his -

Immunity for acts within jurisdiction and for certain acts beyond jurisdiction.

(a) in the execution of his duty -

(i) as such a justice; or

(ii) as such clerk exercising by virtue of any statutory provision, any of the functions of a single justice; and

(b) with respect to any matter within his jurisdiction.

(2) An action shall lie against any justice of the peace or a person who is or who is acting as clerk to the Summary Court or the Magistrate's Court in respect of any act or omission of his -

(a) in the purported execution of his duty -

(i) as such justice; or

(ii) as such clerk exercising, by virtue of any statutory provision, any of the function of a single justice; but

(b) with respect to a matter which is not within his jurisdiction,

if, but only if, it is proved that he acted in bad faith.

(3) If any action is brought in circumstances in which the proceeding provision of this section provide that no action is to be brought, a judge of the court in which the action is brought may, on the application of the defendant and upon an affidavit as to the facts, set aside the proceedings in the action, with or without costs, as the judge sees fit.

Powers of justices of the peace

3F.(1) A justice of the peace acting alone, may exercise any power or jurisdiction which by virtue of any provision of this or any other Ordinance may be exercised by such a justice.

General provision as to powers and jurisdiction of justices of the peace.

(2) Subject to any provision of this or any other Ordinance which requires any power or jurisdiction of the Summary Court specified by or in relation to that provision to be exercisable by a greater number of justices of the peace sitting together as the Summary Court, or that court for a particular purpose to be constituted in a manner specified by or in relation to that purpose, any two or more justices of the peace, sitting together as the Summary Court, may exercise any jurisdiction or power vested in the Summary Court.

(3) A single justice of the peace has jurisdiction to do anything which a single justice of the peace in England may do under section 1 of the Magistrates' Courts Act 1980 (issue of summons to accused or warrant for his arrest) and as if the Falkland Islands were an area to which that section applies.

(4) No functions of examining justices shall be exercisable by a single justice of the peace, and such functions shall be exercisable by two or more justices of the peace sitting together as the Summary Court.

(5) Nothing in this section shall apply to a person holding office as Senior Magistrate when he sits in the Magistrate's Court.

Constitution of Summary Court

4.(1) There shall continue to be a Summary Court which shall be the same court as the court existing under that name before the enactment of this section and all proceedings and matters whatsoever pending in the Summary Court before the coming into force of this section shall, subject to the provision of this and any other Ordinance, continue in that court.

*Constitution of
Summary Court.*

(2) The Summary Court shall, subject to this and any other Ordinance, be properly constituted for the purpose of the exercise of its jurisdiction if, and only if, it is composed of at least two justices of the peace sitting together for the purpose of exercising that jurisdiction.

(3) Except as may otherwise be provided by any Ordinance, the Senior Magistrate may, except in the exercise of any jurisdiction of the Summary Court in respect of which an appeal lies to the Magistrate's Court or to the Senior Magistrate, be one of the justices of peace composing the Summary Court for any purpose.

Jurisdiction of Summary Court

5.(1) The Summary Court shall, subject to the provisions of this Part, have the like jurisdiction in criminal proceedings as that possessed, by virtue of section 7C(1) of this Ordinance, by the Magistrate's Court.

*Criminal jurisdiction
of the Summary
Court.*

(2) Except where otherwise provided by this or any other Ordinance, the Summary Court shall not have power to impose imprisonment or any other custodial sentence for more than six months in respect of any one offence.

(3) Unless expressly excluded, subsection (2) applies even if the offence in question is one for which a person would otherwise be liable on conviction to imprisonment or other custodial sentence for more than six months.

(4) The limitation by virtue of subsection (2) on the Summary Court's power to impose a term of imprisonment does not apply in respect of any power of the Summary Court to impose a term of imprisonment for non-payment of a fine, or for want of sufficient distress to satisfy a fine.

(5) In this section "fine" includes a pecuniary penalty but does not include a pecuniary forfeiture or pecuniary compensation.

6.(1) If the Summary Court imposes imprisonment or another custodial sentence on any person it may order that the term of imprisonment or other custodial sentence shall commence on the expiration of any other term of imprisonment or other custodial sentence imposed by that or any other court; but where the Summary Court imposes two or more terms of imprisonment to run consecutively the aggregate of such terms shall not, subject to this section, exceed twelve months.

Consecutive terms of imprisonment.

(2) If two or more of the terms imposed by the court are imposed in respect of serious offences, the aggregate of the terms so imposed and any other terms imposed by the court may exceed six months but may not exceed twenty-four months.

(3) Where a person has been sentenced by the Summary Court to imprisonment and a fine for the same offence, a period of imprisonment imposed for non-payment of the fine, or for want of sufficient distress to satisfy the fine, shall not be subject to the limitations imposed by the preceding subsections.

(4) For the purposes of this section -

(a) a term of imprisonment shall be deemed to be imposed in respect of an offence if it is imposed as sentence or in default of payment of sum adjudged to be paid by the conviction or for want of sufficient distress to satisfy such a sum; and

(b) a serious offence is one in respect of which the maximum term of imprisonment provided for by law is three years or more or imprisonment for an indefinite term which may in the event equal or exceed three years.

6A.(1) Except where otherwise provided by Ordinance, the Summary Court may not on convicting any person of an offence impose on him a fine greater in amount than the prescribed sum.

General limitation on power of Summary Court to impose fines.

(2) In subsection (1), "the prescribed sum" means -

(a) in respect of a person of 18 years or more of age, £5,000;

(b) in respect of a person who has attained 14 years of age but who has not attained 18 years of age, £2,000; and

(c) in respect of a person who has not attained 14 years of age, £500

(3) If it appears to the Governor that a change in the value of money has occurred after the enactment for this section or since the last previous Order was made under the provisions of this subsection, he may by Order amend subsection (2) so as to substitute for any sum or sums for the time being specified in subsection (2) such other sum or sums as appear to him to be justified by the change.

6B.(1) This section applies where a person who is not less than 18 years of age is convicted of an offence by the Summary Court.

Committal for sentence where Summary Court considers its powers inadequate.

(2) If the Summary Court is of opinion that -

(a) that the offence or the combination of the offence and other offences associated with it was so serious that greater punishment should be inflicted for the offence than the court has power to impose; or

(b) in the case of a violent or sexual offence committed by a person who is not less than 21 years old, that a sentence of imprisonment greater than the court has power to impose is necessary to protect the public from serious harm from him, the court may in accordance with section 6C commit the offender in custody or on bail to the Magistrate's Court for sentence.

(3) The preceding provisions of this section shall apply in relation to a corporation as if -

(a) the corporation were an individual who is not less than 18 years old;

(b) in subsection (2), paragraph (b) and the words "in custody or on bail" were omitted.

6C(1) Where the Summary Court commits a person in custody or on bail to the Magistrate's Court under any enactment to which this section applies to be sentenced or otherwise dealt with in respect of an offence ("the relevant offence") the Summary Court may also commit him, in custody or on bail as the case may require, to the Magistrate's Court to be dealt with in respect of -

*Further provisions
in relation to
committal for
sentence.*

(a) any other offence whatsoever in respect of which the Summary Court has power to deal with him (being an offence of which he has been convicted by the Summary Court) including any offence in respect of which the Summary Court has a power or duty to order him under any provision of the Road Traffic Ordinance to be disqualified for holding or obtaining a driving licence; and

(b) any suspended sentence in respect of which the Summary Court has power under section 35(1)(c) of the Criminal Justice Ordinance 1989 to deal with him.

(2) Where under subsection (1) of this section the Summary Court commits a person to be dealt with by the Magistrate's Court, the latter court may after inquiring into the circumstances of the case deal with him in any way in which the Magistrate's Court might have dealt with him had he originally fallen to be dealt with in respect of the matter by the Magistrate's Court and not by the Summary Court.

(3) Without prejudice to subsection (2), where the Summary court under any enactment to which this section applies commits a person to the Magistrate's Court to be dealt with, any duty or power which, apart from this section, would fall to be discharged or exercised by the Summary Court shall not be discharged or exercised by that court but shall instead be discharged or may instead be exercised by the Magistrate's Court.

Committal proceedings

6D. Section 7C(3) of this Ordinance shall apply in relation to the Summary Court as it does in relation to the Magistrate's Court but with the substitution of the words "Summary Court" for the words "Magistrate's Court" wherever they appear in that provision.

*Power of Summary
Court to commit
for trial before
Supreme Court.*

Civil Jurisdiction of Summary Court

6E. Subject to the provisions of this Ordinance, where a complaint is made to a justice of the peace in respect of a matter in relation to which the Summary Court has in civil proceedings power to make an order against any person, the justice may issue a summons directed to that person requiring him to appear before the Summary Court or the Magistrate's Court, as the summons shall specify, to answer to the complaint.

Issue of summons on complaint.

6F.(1) On the hearing of a complaint, the Summary Court shall, if the defendant appears, state to him the substance of the complaint.

Procedure on hearing.

(2) The Summary Court, after hearing the evidence and the parties, shall make the order for which the complaint is made or dismiss the complaint.

(3) Where a complaint is for the order for the payment of a sum recoverable summarily as a civil debt, or for the variation of the rate of any periodical payments ordered by a court of the summary jurisdiction, or for such other matter as may be prescribed, the court may make the order with the consent of the defendant without hearing evidence.

Appeal

6G.(1) A person convicted by the Summary Court may appeal to the Supreme Court -

Right of appeal to the Supreme Court in criminal proceedings.

(a) if he pleaded guilty, against his sentence;

(b) if he did not, against the conviction or sentence.

(2) A person sentenced by the Summary Court for an offence in respect of which a probation order or an order for conditional discharge has been previously made may appeal to the Supreme Court against the sentence.

(3) In this section "sentence" includes any order made on conviction by the Summary Court, not being -

(a) an order for the payment of costs;

(b) an order under section 2 of the Protection of Animals Act 1911 in its application to the Falkland Islands (which enables a court to order the destruction of an animal);

(c) an order made in pursuance of any enactment under which the court has no discretion as to the making of the order or as to its terms.

(4) An appeal under this section shall be commenced by the appellant giving notice of appeal within 21 days of the order appealed against.

6H. Where notice of abandonment of an appeal has been duly given by the appellant -

Abandonment of appeal.

(a) the Summary Court may issue process for enforcing that decision, subject to anything already suffered or done under it by the appellant; and

(b) the Summary Court may, on the application of the other party to the appeal, order the appellant to pay to that party such costs as appear to the court to be just and reasonable in respect of expenses properly incurred or work done by or on behalf of that part in connection with the appeal before notice of abandonment was given to that party.

61. After the determination by the Supreme Court of an appeal from the Summary Court the decision appealed against as confirmed or varied by the Supreme Court, or any decision of the Supreme Court substituted for the decision appealed against, may, without prejudice to the powers of the Supreme Court to enforce the decision, be enforced.

*Enforcement of
decision of the
Supreme Court.*

(a) by the issue by the Summary Court of any process it could have issued if it had decided the case as the Supreme Court decided it;

(b) so far as the nature of any process already issued to enforce the decision against permits, by that process;

and the decision of the Supreme Court shall have effect as if it had been made by the Summary Court.

Case stated

6J.(1) Any person who was a party to any proceeding before the Summary Court or who is aggrieved by the conviction, order, determination or other proceeding of the court may question the proceeding on the ground that it is in wrong in law or is in excess of jurisdiction by applying to the justices composing the court to state a case for the opinion of the Supreme Court on the question of law or jurisdiction involved; but a person shall not make an application under this section in respect of which he has a right of appeal to the Supreme Court or which by virtue of any enactment is final.

*Statement of case
by the Summary Court.*

(2) An application under subsection (1) shall be made within 21 days of the day on which the decision of the Summary Court was given.

(3) For the purpose of subsection (2), the day on which the decision of the Summary Court is given shall, where the court has adjourned the trial of an information after conviction, be the day on which the court sentences or otherwise deals with the offender.

(4) On the making of an application under this section in respect of a decision any right of the applicant to appeal against the decision to the Supreme Court shall cease.

(5) If the justices are of the opinion that an application under this section is frivolous, they may refuse to state a case, and if the applicant so requires, shall give him a certificate stating that the application has been refused; but the justices shall not refuse to state a case if the application is made by or on under the direction of the Attorney General.

(6) Where the justices refuse to state a case, the Supreme Court may, on the application of the person who applied for the case to be stated, make an order of mandamus requiring the justices to state a case.

(7) Nothing in this section, or the fact that an application has been made to the justices to state a case, shall preclude the Chief Justice from exercising his powers under section 53A.

6K. Any conviction, order, determination or other proceeding of the Summary Court varied by the Supreme Court on an appeal by case stated, and any judgment or order of the Supreme Court on such an appeal, may be enforced as if it were a decision of the Summary Court.

Effect of decision of Supreme Court on case stated by the Summary Court.

Application of Magistrates' Courts Act 1980

7.(1) The provisions of the Magistrates' Court Act 1980 specified in Schedule 1 to this Ordinance shall have effect in relation to the Summary Court and the jurisdiction, practice and procedure of the Summary Court subject to the modifications and exceptions in relation to those provisions set out in that Schedule.

Application of provisions of the Magistrates' Courts Act 1980.

(2) Section 78 of the Interpretation and General Clauses Ordinance 1977 shall not have effect so as to apply as law of the Falkland Islands in place of or in addition to the provisions to which subsection (1) any statutory modification, amendment, augmentation or replacement of those provisions enacted after 30th June 1992.

(3) Paragraph 63 of the Schedule to the Application of Enactments Ordinance 1954 (which adopted certain provisions of the Magistrates' Courts Act 1952) is repealed.

Application of certain provisions of Part IIA

7A. For the sake of avoidance of doubt, it is hereby declared that section 7C(2), (2A) and (3) apply to and in relation to the Summary Court as they do the Magistrate's Court."

Application of certain provisions of Part IIA of the Summary Court.

4. Section 7C of the principal Ordinance is amended -

(a) in subsections (1) and (3), by replacing the words "which is triable only on indictment" where they appear in those subsections with the words "which must be tried on indictment".

(b) by replacing subsection (2) with the following two subsections -

"(2) For the purposes of subsection (2) it is hereby declared that, subject to subsection (2A), the following offences must be tried on indictment -

(a) any offence which, by virtue of any law of the United Kingdom having direct effect in the Falkland Islands (that is to say having effect other than by reason of its application or adoption under the provisions of any Ordinance of the Falkland Islands), must be tried on indictment;

(b) any offence of treason, murder, manslaughter, piracy or rape or arson of a kind to which section 1(2) of the Criminal Damage Act 1971 in its application to the Falkland Islands applies or any attempt to commit any of those offences; and

(c) any offence specified for the purposes of this subsection by the provisions of any Ordinance.

(2A) An offence by a person under the age of 18 years which would otherwise fall to be tried on indictment shall, in respect of that person, be tried summarily except in the circumstances specified in section 24 of the Magistrates' Court Act 1980 in its application to the Falkland Islands."; and

(c) in subsection (4), by inserting the words "or section 24 of the Magistrates' Courts Act 1980 in its application to the Falkland Islands" immediately after the words "or subsection (1)".

Repeal of section 7D(3)

5. Section 7D(3) is repealed.

New Section 7DA

6. The following section is inserted immediately after section 7D -

7DA.(1) Subject to section 7C, subsection (2) of this section and the modifications and exceptions set out in Schedule 1 of this Ordinance, the Magistrates' Courts Act 1980 shall have effect in relation to the Magistrates' Court and the jurisdiction, practice and procedure of the Magistrates' Court.

*Application of
Magistrates' Court
Act 1980 in respect
of Magistrate's Court.*

(2) The Magistrates' Courts Act 1980 as applied by the Schedule 1 shall have effect in relation to any civil proceedings and the jurisdiction, practice and procedure of the Magistrates' Court in civil proceedings only so far as is necessary to render the jurisdiction, practice and procedure of the Magistrate's Court and that of the Summary Court so far as is possible the same where each of those courts has jurisdiction arising out of the same provision of law and, without prejudice to the generality of the foregoing, the said Act shall not apply in or in relation to civil proceedings in which the Magistrates' Court has jurisdiction by virtue of section 7E(1) of this Ordinance or to family proceedings in which the Magistrate's Court is exercising in family proceedings jurisdiction corresponding to that in such proceedings of an English County Court.

Repeal and replacement of section 7F

7. Section 7F is repealed and replaced by the following new section 7F -

7F.(1) Subject to subsection (2), sections 6F to 6K shall apply to and in relation to the Magistrate's Court as they apply to and in relation to the Summary Court and with the replacement of the words "Summary Court", wherever they appear in those sections, by the words "Magistrate's Court".

*Application of
certain provisions
of Part II to the
Magistrate's Court.*

(2) Section 7K, and not section 6J, shall apply in relation to civil proceedings in which the Magistrate's Court has jurisdiction by virtue of section 7E(1).

Amendment of section 7K

8. Section 7K is amended -

(a) by replacing the words "civil or criminal matter" by the words "civil proceedings to which section 7E(1) relates and in any criminal proceedings";

(b) by replacing the words "fourteen days" by the words "21 days";

(c) by replacing the proviso to the section with the following proviso -

"Provided that where sufficient cause is shown in any particular case, the Senior Magistrate or a judge of the Supreme Court may, before or after the expiry of the 21 days, extend the period within which notice of appeal may be given."

Amendment of section 30

9. Section 30 is amended by replacing the words "the Schedule" with the words "Schedule 2".

Amendment of section 69

10. Section 69 is amended by addition thereto of the following words -

"and may also makes rules for regulating the practice and procedure at in or in connection with inquests and post-mortem examinations and, without prejudice to the generality of the foregoing, may include in such rules any provision which, in relation to those matters, could be made by rules made by the Lord Chancellor in England under section 32 of the Coroners Act 1988."

Amendment of the Schedule

11. The Schedule to the Ordinance (which by virtue of paragraph 9 above is to become Schedule 2 to the Ordinance) is amended by replacing paragraph 3 with the following paragraph -

"3. In section 8(1) -

(a) in paragraph (c), the word "Act" shall be replaced by the words "law of or relating to the Falkland Islands;" and

(b) the following words shall be added immediately after the words "without a jury" -

"except that unless otherwise directed by the Governor, the coroner shall not hold an inquest into the death of the deceased if there is reasonable cause to believe that the death of the deceased occurred more than ten years previously".

SCHEDULE 1

(sections 6K and 7D)

APPLICATION OF PROVISIONS OF MAGISTRATES' COURTS 1980

General modifications

1.

(a) In the subsequent provisions of this Schedule and except where stated to the contrary every reference to a section or division of a section is a reference to the corresponding provision of the Magistrates' Courts Act 1980.

(b) In the provisions of the Magistrates' Court Act 1980 applied by the subsequent paragraphs of this Schedule, and unless otherwise stated -

(a) every reference to "a magistrates' court" shall be construed as a reference to a court of summary jurisdiction and every reference to an area, county or other geographical limit of jurisdiction shall be omitted, every reference to a county court shall be construed as a reference to the Magistrate's Court and every reference to the High Court shall be construed as a reference to the Supreme Court;

(b) every reference to "examining justices" shall be construed, as the circumstances of the case may require, to two or more justices of the peace one of whom may be the Senior Magistrate, sitting together in the Summary Court to exercise the jurisdiction of examining justices or to the Senior Magistrate sitting alone or together with one or more justices of the peace, and in either case as the Magistrate's Court, to exercise the like jurisdiction;

(c) every reference to the United Kingdom, Great Britain, the British Islands, or to England and Wales is replaced by a reference to the Falkland Islands and every provision which is occasioned only by the division in the United Kingdom into separate legal jurisdictions of England and Wales, Scotland and Northern Ireland is omitted;

(d) every reference to "a justice of the peace" shall be construed, subject to Part II of the Administration of Justice Ordinance, as a reference to a person (including the Senior Magistrate) who is a justice of the peace for the Falkland Islands, and every reference to an area in respect of which a justice of the peace is appointed shall be construed as a reference to the Falkland Islands;

(e) the words "subject to the provisions of this Act" shall be replaced by the words "subject to the Administration of Justice Ordinance and to any provision of this Act applied by that Ordinance";

(f) every reference to the Crown Court is replaced by a reference to the Supreme Court;

(g) every reference to "the clerk to the justices" shall be construed as a reference to the clerk of whichever court of summary jurisdiction is seised of the matter;

(h) every reference to the recorded delivery service shall be omitted;

(i) the words "youth custody", wherever they appear, are replaced by the words "other custodial sentence"; and

(j) the words "legal representative" wherever they appear shall be replaced by the words "legal practitioner or other person who, with the permission of the court, is representing a person before it".

Application of provisions of the Act

2. Every provision of the Act shall apply unless it is excluded from application by one of the following paragraphs of this Schedule, but subject to such modifications (if any) as are specified in this Schedule in relation to it.

Section 1

3. Section 1(2) is replaced by the following subsection -

"(2) A justice of the peace may issue a summons or warrant under this section -

(a) if the offence was committed or suspected to have been committed within the Falkland Islands;

(b) if the offence was committed outside the Falkland Islands, if a court of summary jurisdiction in the Falkland Islands would have jurisdiction to try the offence if the offender were before it."

4. Section 1(4) and (5) are replaced by the following subsections -

"(4) No warrant shall be issued under this section for the arrest of any person who has attained the age of 18 years unless -

(a) the offence to which the warrant relates is an offence punishable by imprisonment; or

(b) the person's address is not sufficiently established for a summons to be served on him.

(5) Every summons or warrant issued under this section shall specify before which of the Magistrate's Court and the Summary Court the person to whom it relates is to attend or is to be brought."

5. In section 1(6) the words "an indictable offence" are replaced by the words "an offence punishable on conviction by imprisonment for two years or more".

6. Section 1(8) is omitted.

Sections 2 and 3

7. Sections 2 and 3 shall not apply.

Section 4

8. Section 4(1) is omitted.

Section 6

9. In section 6(1), the words "Subject to the provisions of this and any other Act relating to the Summary trial of indictable offences" appearing at the beginning of the subsection are omitted.

10. In section 6(3) the words "section 4 of the Bail Act 1976" are replaced by the words "section 81 of the Criminal Justice Ordinance 1989" and the words "Bail Act 1976" where they later appear in the subsection are replaced by the words "Criminal Justice Ordinance 1989" and similarly, the words "Bail Act 1976" in section 6(4) are replaced by the words "Criminal Justice Ordinance 1989".

Section 7

11. Section 7 is replaced by the following -

"7. All persons committed for trial by a court of summary jurisdiction shall be committed for trial before the Supreme Court.

Section 8

12. In section 8(3) the words "and where at any time" and all words thereafter appearing down to the end of the subsection shall be omitted.

13. In section 8(6) the words "England and Wales" shall be omitted.

14. In section 8(8) all words after the words "examining justices", where they first appear in the subsection, shall be omitted.

Section 10

15. In section 10(4) the words "or would be required to be brought before the court but for section 128(3A) below" are omitted.

Section 11

16. In section 11(3) the words "section 23 of the Powers of Criminal Courts Act 1973" are replaced by the words "section 34 of the Criminal Justice Ordinance 1989".

Section 12

17. In section 12(1) the words "subject to subsection (7)" and the words "and section 18 of the Criminal Justice Act 1991 (unit fines)" are omitted.

18. Section 12(1A), (7) and (8) are omitted.

Section 14

19. Nothing in section 14(3) shall be construed as having the effect that the Magistrate's Court may not (at any time the Administration of Justice Ordinance does not prescribe to the contrary) be composed of the Senior Magistrate sitting alone.

Sections 17 to 23

20. Sections 17 to 23 shall not apply.

Section 24

21. In section 24(1)(a), the words "subsection (2) of section 53 of the Children and Young Persons Act 1933" are replaced by the words "section 27A(2) of the Criminal Justice Ordinance 1989".

22. In section 24(3), the words "section 1(1) of the Criminal Justice Act 1982" are replaced by the words "section 22(1) of the Criminal Justice Ordinance 1989".

Sections 25 to 28

23. Section 25 to 28 shall not apply.

Section 30

24. In section 30(2), the words "section 3(6) of the Bail Act 1976" are replaced by the words "section 80(6) of the Criminal Justice Ordinance 1989".

Sections 31 to 40

25. Sections 31 to 40 shall not apply.

Section 41

26. The words "High Court or the Secretary of State" are replaced by the words "Supreme Court or the Governor".

Section 42

27. Section 42(2) is replaced by the following subsection -

"(2) Nothing in subsection (1) shall apply in relation to the Senior Magistrate."

Section 43

28. In section 43(1), the words "Police and Criminal Evidence Act 1984" are replaced by the words "section 99 of the Criminal Justice Ordinance 1989".

Section 43A

29. Section 43A(2) is omitted.

Section 44

30. Section 44(2) is omitted.

Section 52

31. Section 52 is omitted.

Section 59

32. In section 59(7) -

(a) the words "Guardianship of Minors Acts 1971 and 1973" are replaced by the words "Guardianship of Minors Ordinance 1979";

(b) the words "Part I of the Domestic Proceedings and Magistrates' Court Act 1978" are replaced by the words "Matrimonial Proceedings (Court of Summary Jurisdiction) Ordinance 1967"; and

(c) the words "Schedule 1 to the Children Act 1989" are replaced by the words "Schedule 1 to the Children Ordinance 1994".

33. Section 59(8) to (11) is omitted.

Sections 59A and 59B

34. Sections 59A and 59B are omitted.

Section 62

35. In section 62(1), the words "under subsection (1) or subsection (2) respectively of section 59A above" are omitted.

36. Section 62(3), paragraph (a) in section 62(5) and section 62(6) are omitted.

Section 65

37. Section 65 is replaced by the following section -

"65. In this Act "family proceedings" has the same meaning as it has under section 2(1) of the Children Ordinance 1989."

Section 66

38. Section 66(2) is replaced by the following subsection -

"(2) The Magistrate's Court is duly constituted for the purpose of family proceedings when constituted by the Senior Magistrate sitting alone, but without prejudice to the Senior Magistrate's discretionary power under section 7H of the Administration of Justice Ordinance to sit for the purpose of such proceedings with one or more justices of the peace as assessors."

39. Section 66(3) to (5) are omitted.

Sections 67 and 68

40. Sections 67 and 68 are omitted.

Section 70

41. Section 70 is omitted.

Section 75

42. In section 75(2A), "59B" is omitted.

Section 76

43. Section 76(3) is omitted.

Section 77

44. In section 77(2) the words "section 9 of the Criminal Justice Act 1982" are replaced by the words "section 28 of the Criminal Justice Ordinance 1989".

Section 81

45. In section 81(1) the words "section 1 of the Criminal Justice Act 1982" are replaced by the words "section 22 of the Criminal Justice Ordinance 1989".

46. In section 81(3) all words appearing therein before the words "shall be made by a magistrates' court" are replaced by the words "No order under subsection (1)".

47. In the definition of "sum adjudged to be paid on conviction" appearing in section 81(8) the words "section 35 of the Powers of Criminal Courts Act 1973" are replaced by the words "section 44 of the Criminal Justice Ordinance 1989".

Section 82

48. In section 82(1)(c) all words after "immediate imprisonment" are replaced by the words "or passes upon him another custodial sentence having immediate effect".

49. In section 82(3) all words in paragraph (a) after "already serving" are replaced by the words "a custodial sentence".

50. Section 82(4A) is replaced by the following subsection -

"(4A) The methods of enforcing payment mentioned in subsection (4)(b)(ii) are -

(a) a warrant of distress under section 76;

(b) an application to the Supreme Court, or in the case of a sum adjudged to be paid by a conviction by the Summary Court, to the Magistrate's Court, under section 87;

(c) in the case of a sum adjudged to be paid by a convention in the Magistrate's Court, an order made of its own motion or on the application of the clerk of the court by the Magistrate's Court under section 87; or

(d) an attachment of earnings order."

51. In section 82(5)(b) the words "a sentence of custody for life" up to and include the words "detention in a detention centre" are replaced by the words "a custodial sentence".

Section 87

52. Section 87(4) is omitted.

Section 87A

53. In section 87A(1) all words after the "clerk of the court" are replaced by the words "may petition for the winding-up of the company".

54. Section 87A(2) is omitted.

Section 88

55. In section 87(4) the words "section 9 of the Criminal Justice Act 1982" are replaced by the words "section 28 of the Criminal Justice Ordinance 1989".

Sections 89 to 91

56. Section 89 to 91 are omitted.

Section 92

57. Paragraphs (b) and (c) of section 92(1) are omitted.

Section 94A

58. Section 94A is omitted.

Section 95

59. In section 95 the words "English" and "non-English", wherever they appear, are replaced by the words "Falkland Islands" and "non-Falkland Islands" respectively and section 95(7) is replaced by the following subsection -

"(7) In this section "Falkland Islands", in relation to a maintenance order, means a maintenance order which was made by a court in the Falkland Islands other than under a provision of law relating to the enforcement in the Falkland Islands of maintenance orders made by courts outside the Falkland Islands and "non-Falkland Islands", in relation to a maintenance order, means a maintenance order which is not by virtue of this subsection a Falkland Islands maintenance order."

Section 96A

60. In section 96A the words "section 9 of the Criminal Justice Act 1982" are replaced by the words "section 28 of the Criminal Justice Ordinance 1989".

Section 97

61. Section 97(5) is omitted.

Section 103

62. Paragraph (d) of section 103(3) is omitted.

Section 108 to 112

63. Sections 108 to 112 are omitted.

Section 121

64. Section 121 is omitted.

Section 125

65. In section 125(2) all words after "by any person to whom it is directed" are omitted.

66. In section 125(3) the words "to which this subsection applies" are omitted and section 125(4) is omitted.

Section 126 and 127

67. Sections 126 and 127 are omitted.

Section 128

68. In section 128(1) the words "section 4 of the Bail Act 1976" and "Bail Act 1976" are replaced by the words "section 81 of the Criminal Justice Ordinance 1989" and "Criminal Justice Ordinance 1989" respectively.

69. In section 128(2) the words "section 8(1) of the Bail Act 1976" are replaced by the words "section 85(3) of the Criminal Justice Ordinance 1989".

70. Section 128(3A) to (3E) are omitted.

71. In section 128(4) the words "Bail Act 1976" are replaced by the words "Criminal Justice Ordinance 1989".

72. In section 128(6) the words "section 128A and 129" are replaced by the words "section 129".

73. Section 128(7) and (8) are omitted.

Section 128A

74. Section 128A is omitted.

Section 130

75. Section 130 is omitted.

Section 133

76. Section 133 is omitted.

Section 137

77. In section 137(1) -

(a) the words "Subject to the provisions of this section" are replaced by the words "Subject to any rules made under section 69 of the Administration Ordinance and to the provisions of this section";

(b) the following proviso is added -

"Provided that no fee under this section shall be charged to or payable by the Crown or any public officer acting in his official capacity".

Section 139

78. Paragraph (c) of section 139 is replaced by the following paragraph -

"(c) the balance into the Consolidated Fund or otherwise as he may be required by or under the provisions of the Finance and Audit Ordinance 1988".

Section 141

79. Section 141 is replaced by the following section -

"141. Any reference in this Act to the clerk of any magistrates' court shall be construed as follows -

(a) in relation to the Summary Court as a reference to the clerk of that court;

(b) in relation to the Magistrate's Court, the clerk of that court;

and, in each case, if no other person holds appointment as the clerk of the court, the Registrar General shall be deemed to be the clerk."

Section 143

80. Section 143 is omitted.

Section 144

81. Section 144 is replaced by the following section -

144.(1) Subject to this section and to the provisions of any Ordinance, the rules for the time being in force in England and made under section 144 of the Magistrates' Court Act 1980 in the form it has in England, shall apply in the Falkland Islands in relation to the practice and procedure of the Summary Court, and to the practice and procedure of the Magistrate's Court in criminal proceedings.

(2) The said rules shall also apply in relation to the practice and procedure of the Magistrate's Court in any civil proceedings in which the Summary Court has summary jurisdiction and, for the sake of avoidance of doubt, it is hereby declared that the said rules do not apply in relation to any civil proceedings in which the Magistrate's Court has jurisdiction to entertain but which the Summary Court does not have jurisdiction to entertain.

(3) In their application to the Summary Court and to the Magistrate's Court, the said rules shall be read and construed -

(a) subject to the like modifications as are required in relation to this Act by virtue of paragraph 1(b) of this Schedule;

(b) subject to such modifications and exceptions as may be required to bring them into conformity with the provisions of Ordinances of the Falkland Islands for the time being in force;

(c) subject to any applicable rules made under section 69 of the Administration of Justice Ordinance; and

(d) subject to the foregoing, subject to the modifications required by section 76 of the Interpretation and General Clauses Ordinance 1977."

Sections 146 to 149

82. Sections 146 to 149 shall not apply.

Section 150

83. Section 150 shall apply with such modifications and exceptions as are required to bring it into conformity with the foregoing paragraphs of this Schedule.

Section 151

84. Section 151 shall not apply.

Schedules 1, 2, 4, 5, 6A and 8

85. Schedules 1, 2, 4, 5, 6A and 8 shall not apply.

Passed by the Legislature of the Falkland Islands this 30th day of March 1995.

C. de CEBALLOS,
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. de CEBALLOS,
Clerk of Councils.

The Supplementary Appropriation (1994-1995) Ordinance 1995

(No: 2 of 1995)

ARRANGEMENT OF PROVISIONS

Section

1. Short title.
 2. Appropriation of further sums.
- First Schedule.
Second Schedule.

ELIZABETH II



Colony of the Falkland Islands

The Supplementary Appropriation (1994-1995) Ordinance 1995

(No: 2 of 1995)

An Ordinance

To appropriate and authorise the withdrawal from the Consolidated Fund of additional funds totalling £1,022,140 for the service of the financial year ending on 30 June 1995.

(assented to: 18th April 1995)
(coming into force: on publication)
(published: 27th April 1995)

ENACTED by the Legislature of the Falkland Islands as follows -

1. This Ordinance may be cited as the Supplementary Appropriation (1994-1995) Ordinance 1995.

Short title.

2. The Financial Secretary may cause to be issued out of the Consolidated Fund and applied to the service of the year commencing on 1 July 1994 and ending on 30 June 1995 ("the financial year") -

Appropriation of further sums.

(a) the sum of FOUR HUNDRED AND THIRTEEN THOUSAND FIVE HUNDRED AND TEN POUNDS, which sum is granted and shall be appropriated for replenishing the Contingencies Funds in respect of advances authorised to be issued therefrom for the purposes of the Heads of Service mentioned in the First Schedule hereto and which will come in course of payment during the Financial year; and

(b) the further sum of SIX HUNDRED AND EIGHT THOUSAND SIX HUNDRED AND THIRTY POUNDS which sum is granted and shall be appropriated for the purposes of the Heads of Service mentioned in the Second Schedule hereto and which will come in course of payment during the financial year.

FIRST SCHEDULE

Number	Head of Service	£
PART I OPERATING BUDGET		
100	Aviation	19,300
200	Medical and Dental	60,000
350	Public Works	20,000
450	Justice	1,000
600	Secretariat, Treasury etc	199,850
700	Social Welfare	2,100
850	Falkland Islands Government London Office	<u>21,000</u>
Total Operating Supplementary Expenditure		323,250
PART II CAPITAL BUDGET		
950	Expenditure	90,260
TOTAL SUPPLEMENTARY EXPENDITURE		<u>£413,510</u>

SECOND SCHEDULE

Number	Head of service	£
PART I OPERATING BUDGET		
100	Aviation	30,000
200	Medical and Dental	46,690
350	Public Works	68,400
400	Agriculture	5,000
450	Justice	8,750
500	Falkland Islands Defence Force	1,000
550	Police and Fire and Rescue	9,140
600	Secretariat, Treasury etc	207,970
750	Governor	3,490
850	Falkland Islands Government London Office	<u>12,080</u>
Total Operating Supplementary Expenditure		392,520
PART II CAPITAL BUDGET		
950	Expenditure	216,110
Total Supplementary Expenditure		<u>£608,630</u>

Passed by the Legislature of the Falkland Islands this 30th day of March 1995.

C. de CEBALLOS,
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. de CEBALLOS,
Clerk of Councils.

The Land (Amendment) Ordinance 1995

(No: 3 of 1995)

ARRANGEMENT OF PROVISIONS

Section

1. Short title.
2. Amendment of section 8(1) Land Ordinance.

ELIZABETH II



Colony of the Falkland Islands

The Land (Amendment) Ordinance 1995

(No: 3 of 1995)

An Ordinance

To make new provision as to the attestation of deeds affecting land

(assented to: 18th April 1995)
(commencement: on publication)
(published: 27th April 1995)

ENACTED by the Legislature of the Falkland Islands as follows -

1. This Ordinance may be cited as the Land (Amendment) Ordinance 1995.

Short title.

2. Section 8(1) of the Land Ordinance is amended by replacing all words appearing after paragraph (f) with the following words -

*Amendment of
section 8(1)
Land Ordinance.*

"in the case of a deed executed in the Falkland Islands in the presence of a justice of the peace, commissioner for oaths, legal practitioner or a person whose name appears in the register of electors for the time being in force (and in each case the usual address of that person shall follow his attestation) and in the case of a deed executed outside the Falkland Islands by a Notary Public and in the case of a company or corporation in such manner as is for the time being required by law in relation to a deed executed by it."

Passed by the Legislature of the Falkland Islands this 30th day of March 1995.

C. de CEBALLOS,
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. de CEBALLOS,
Clerk of Councils.

The Licensing (Amendment) Ordinance 1995

(No: 4 of 1995)

ARRANGEMENT OF PROVISIONS

Section

1. Short title and commencement.
2. Amendments to subsections 4(3) and 30(7)(a).
3. Amendment to subsection 42(3).
4. Amendment to section 76(9).
5. Amendments to section 86(3).
6. Amendments to section 89.
7. New fee.

ELIZABETH II



Colony of the Falkland Islands

The Licensing (Amendment) Ordinance 1995

(No: 4 of 1995)

An Ordinance
to amend the provisions of the Licensing Ordinance 1994

(assented to: 18th April 1995)
(commencement: 1st January 1995)
(published: 27th April 1995)

ENACTED by the Legislature of the Falkland Islands as follows:

1. This Ordinance may be cited as the Licensing (Amendment) Ordinance 1995 and shall be deemed to have come into force on 1st January 1995. *Short title and commencement.*
2. The Licensing Ordinance 1994 (in this Ordinance hereafter called "the principal Ordinance") is amended in sections 4(3) and 30(7)(a) by replacing the word "fifteenth" where it appears in those provisions by the word "nineteenth". *Amendments to sections 4(3) and 30(7)(a).*
3. Subsection 42(3) of the principal Ordinance is replaced by the following:- *Replacement of section 42(3).*

"(3) In premises licensed only for the sale of intoxicating liquor for consumption off the premises the permitted hours on weekdays and Sundays, other than Christmas Day and Good Friday, shall begin at eight in the morning but shall otherwise be the same as those specified in subsection 1(a)".
4. Section 76(9) of the principal Ordinance is replaced by - *Amendments to section 76(9).*

"(a) nothing in subsection (7) prohibits a person from entering in or remaining upon or, subject to section 86(3), from being permitted to enter or remain upon any bar to which a Part V licence relates or which is licensed under an occasional licence."
5. Section 86(3) of the principal Ordinance is repealed and is replaced by the following subsection - *Amendments to section 86(3).*

"(3) Subject as hereinafter expressed, the provisions of Parts VI and VII of this Ordinance apply to premises licensed under an occasional licence, the holder of such a licence and his servants and agents as if the premises licensed under a justices on licence and the holder of the occasional licence were a licensee under such a licence, but section 76(7)(b)(ii) (presence of a person subject to a prohibition order on licensed premises) shall not apply unless the court, on granting the occasional licence imposes a condition under section 84(3) to the contrary effect."

6. Section 89 of the principal Ordinance is amended -

*Amendments to
section 89.*

(a) by the addition of the following words at the end of paragraph (b) -

"or any person who is resident or temporarily resident in any dwelling upon, or in close proximity to, that farm or station."

(b) by the addition of the following new paragraphs (c), (d) and (e) to that section -

"(c) a person who as a member of the public or otherwise attends -

(i) at a sports meeting in Camp; or

(ii) at a social function hosted by a settlement in Camp,

in either case held at or in close proximity to such a settlement shall, for the purposes of the provisions of this Ordinance relating to supply of intoxicating liquor, and unless the contrary is proved, be treated as a bona fide guest of the member of any club in that settlement on the occasion of any visit to that club he makes during that sports meeting or social function or within forty-eight hours before or after the sports meeting or social function.

(d) A justices' licence may not be granted to a corporation and a justices' licence presently held by a corporation may at the request of the corporation be renewed in the name of one or more directors, members or employees of the corporation.

(e) so long as it is not delivered to or to the order of any person who is under the age of eighteen years or who is known to the person delivering it to be the subject of a prohibition order, intoxicating liquor delivered or to be delivered to any person as a prize won in any lottery or amusement with prizes which is lawfully operated shall be deemed not to be intoxicating liquor which is sold or supplied or offered for sale or supply."

7. Schedule 3 to the Ordinance is amended by the insertion after paragraph 8 of the following paragraph 8A - *New fee.*

"8A. On the grant or renewal of a club registration certificate, £50."

Passed by the Legislature of the Falkland Islands this 30th day of March 1995.

C. de CEBALLOS,
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. de CEBALLOS,
Clerk of Councils.



THE FALKLAND ISLANDS GAZETTE Supplement

PUBLISHED BY AUTHORITY

Vol. 6

3rd MAY 1995

No. 10

The following are published in this Supplement -

The Road Traffic Regulations (Amendment) Order 1995 (S.R. & O. No. 5 of 1995);

The Electricity Supply (Amendment) Regulations 1995 (S.R. & O. No. 6 of 1995);

The Marine Environment (Protection) Bill 1995.

SUBSIDIARY LEGISLATION

ROAD TRAFFIC

The Road Traffic Regulations (Amendment) Order 1995

S. R. & O. No: 5 of 1995

Made: 26th April 1995

Published: 3rd May 1995

Coming into operation: on publication

IN EXERCISE of my powers under section 18 of the Road Traffic Ordinance (a) and of all other powers enabling me, I make the following Order -

1. This Order may be cited as the Road Traffic Regulations (Amendment)) Order 1995. *Citation.*
2. In this Order, "the principal Order " means the Road Traffic (Provisional) Regulations Order 1986 (b). *The principal Order.*
3. Paragraphs (2), (3), (5) and (6) of the principal Order are revoked and replaced by the following new paragraphs (2),(3) and (4) - *Amendment of the principal Order.*

"(2) For the purposes of the Ordinance, and subject to the provisions of the Ordinance and of these regulations in relation to provisional driving licences, a person holds a driving licence in respect of a motor vehicle if he is not for the time being disqualified by an order of a court in the Falkland Islands for holding or obtaining a driving licence and -

(a) he holds a driving licence issued by the chief police officer which is current and which operates, other than as a provisional driving licence, in respect of the class of motor vehicles to which that motor vehicle belongs; or

(b) he entered the Falkland Islands less than twelve months previously and -

(i) he holds a driving licence which is current and was issued by an overseas authority competent to issue driving licences in the place in which it was issued and which, in the country or territory in which it was issued, is a driving licence (other than a driving licence equivalent to a provisional driving licence) authorising him to drive in that country or territory the class of motor vehicles to which that motor vehicle belongs; and

(a) Cap. 60 Laws of the Falkland Islands 1950 Edition.

(b) No.5 of 1986.

(ii) he is not for the time being prohibited under any law of that country or territory from driving a motor vehicle of the class to which that motor vehicle belongs; and

(iii) he has not been present in the Falkland Islands for more than twelve months out of the preceding thirty-six months and;

(iv) he is at least eighteen years of age; or

(c) he holds a provisional driving licence issued by the chief police officer (but only in such circumstances, for such purposes and subject to such conditions authorises him to drive the motor vehicle in question);

(3) The chief police officer may issue a driving licence (other than a provisional driving licence) to a person authorising him to drive motor vehicles of the class or classes specified in the licence if that person is not disqualified by any order of a court in the Falkland Islands for holding or obtaining a driving licence and one or other of the following conditions is satisfied in relation to him -

(a) he has passed such test of competency to drive motor vehicles as satisfies the chief police officer that he is competent to drive motor vehicles of the class or classes to which the driving licence relates and he is at least seventeen years of age (except that a driving licence may be issued in respect of motor cycles to a person who is at least sixteen years of age);

(b) he satisfies the chief police officer that he holds a driving licence which under subparagraph (b) of paragraph (2) of this regulation authorises or would, (but for the period or periods for which he has been present in the Falkland Islands) authorise him to drive motor vehicles of the class or classes to which the driving licence issued by the chief police officer relates.

(4) The fee payable -

(a) on the issue of driving licence issued by the chief police officer shall be £10;

(b) for administering a test of competency to drive approved by the chief police officer shall be £10; and

(c) on the issue of a provisional driving licence shall be £5."

Made the 26th day of April 1995.

D.E. TATHAM.
Governor.

SUBSIDIARY LEGISLATION

ELECTRICITY SUPPLY

(S. R. & O. No: 6 of 1995)

The Electricity Supply (Amendment) Regulations 1995

Made: 26th April 1995

Published: 3rd May 1995

Coming into force: 3rd April 1995

IN EXERCISE of my powers under section 3 of the Electricity Supply Ordinance (a) I make the following regulations -

1. These regulations may be cited as the Electricity Supply (Amendment) Regulations 1995 and shall come into force on 3rd April 1995.

*Citation and
commencement.*

2. The Electricity Supply Regulations 1969 are amended by the insertion of the following regulations immediately after regulation 31 -

"31A.(1) In any case where the Financial Secretary or Director so directs and otherwise where agreed between the Director and the consumer the meter shall be a card operated meter.

*Card-operated
meters.*

(2) In paragraph (1) "card operated meter" means a meter which is designed to require payment in advance for electricity supplied through it, the amount of electricity so paid for being registered on the meter by the insertion therein by or on behalf of the consumer of cards on each of which such cards is recorded an amount of in money pre-paid for electricity ("prepayment cards").

(3) Card operated meters and prepayment cards shall be of such design and type and have such method of operation as may from time to time be agreed by the Financial Secretary and the Director.

31B.(1) Except as provided by this regulation electrical energy shall be supplied through card-operated meters in accordance with the general rates applying under regulation 10.

(2) Where a consumer is indebted to the Government for electricity previously supplied, the Financial Secretary may direct that the consumer's card-operated meter shall be set so as to recover a fixed sum of an amount agreed by the consumer per unit of time (and not per unit of electricity consumed) in reduction of the consumer's indebtedness, and so that the recovery shall automatically cease when the indebtedness is discharged.

*Quantity of electricity
to be supplied through
card-operated meters:
provision for recovery
of arrears.*

(a) Cap. 23

(b) No. 5 of 1969.

31C. Prepayment cards shall be available for purchase at such places as the Financial Secretary may approve but shall not be sold at such places at a price higher than the value of electricity they are designed to permit to be supplied. *Sale of cards.*

Made the 26th day of April 1995.

D. E. TATHAM,
Governor.

The Marine Environment (Protection) Bill 1995

(No: of 1995)

ARRANGEMENT OF PROVISIONS

Clause

1. Short title and commencement.
2. Interpretation.
3. Requirement of licences for deposit of substances and articles in the sea.
4. Requirement of licences for incineration at sea etc.
5. Exemptions.
6. Licences.
7. Offences related to the licensing system.
8. Power to take remedial action.
9. Power of offences.
10. Enforcement of convention.
11. Power of Governor to test and charge for testing.
12. Offences, penalties etc.
13. General defence to due diligence.

Schedule 1

Schedule 2

A Bill

for

An Ordinance

To prohibit, except that the authority of a licence granted by the Governor, the deposit of deleterious matter in controlled waters of the Falkland Islands and to enable the provisions of the London Dumping Convention 1972 to be implemented in the Falkland Islands and in Falkland Islands waters.

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

PART I

INTRODUCTORY

Short title, commencement and definitions

1. This Ordinance may be cited as the Marine Environment (Protection) Ordinance 1995 and shall come into force on such date as the Governor, by notice published in the Gazette, may appoint. *Short title and commencement.*

2.(1) In this Ordinance, and unless the context otherwise requires - *Interpretation.*

"the 1985 Act " means the Food and Environment Protection Act 1985; *(1985 c.48 s.24)*

"the Convention" means the Convention on the prevention of Maritime Pollution by the Dumping of Wastes and Other Matter concluded at London in December 1972;

"Convention State" means a state which is a party to the Convention;

"designated area of the continental shelf" has the same meaning as it has under section 2(1) of the Offshore Minerals Ordinance 1994;

"Falkland Islands aircraft" means an aircraft registered in the Falkland Islands;

"Falkland Islands controlled waters" means any part of the sea within the limits of any designated area of the continental shelf;

"Falkland Islands hovercraft" means a hovercraft registered in the Falkland Islands;

"Falkland Islands marine structure" means a marine structure within Falkland Islands waters or Falkland Islands controlled waters;

"Falkland Islands vessel" means a vessel registered in the Falkland Islands, or a vessel exempted from such registration under the Merchant Shipping Act 1894;

"Falkland Islands waters" means any part of the sea within the seaward limits of the Falkland Islands territorial sea;

"incineration" means any combustion of substances and materials for the purpose of their thermal destruction;

"licence" means a licence granted by the licensing authority under Part II of this Ordinance;

"the licensing authority" means the person who, under the provisions of section 6(1), is for the time being the licensing authority;

"marine structure" means a platform or other man-made structure at sea, other than a pipeline;

"master" in relation to any vessel, includes the person for the time being in charge of the vessel;

"scuttling" in relation to a vessel, means the deliberate sinking of that vessel by one or more members of the crew of that vessel or by or on behalf of any person having an interest in the ownership of that vessel, in a mortgage or charge of that vessel, in a demise of that vessel or in the proceeds of a policy of insurance effected in relation to that vessel;

"sea" includes any area submerged at mean high water springs and also includes, so far as the tide flows at mean high water springs, an estuary or arm of the sea and the waters of any channel, creek, bay or river;

"vessel" has the meaning assigned to it by section 742 of the Merchant Shipping Act 1894;

(2) Any reference in this Ordinance to the Convention is a reference to it as it has effect from time to time.

PART II

DEPOSITS AT SEA

Licensing

3.(1) Subject to the following provisions of this Part, a licence under this Part is needed -

*Requirement of licences
for deposit of
substances and articles
in the sea.*

(a) for the deposit of substances or articles within Falkland Islands waters or Falkland Islands controlled waters, either in the sea or under the sea-bed -

(i) from a vehicle, vessel, aircraft, hovercraft or marine structure;

(1985 c.48 s.5)

(ii) from a container floating in the sea;

(iii) from a structure on land constructed or adapted wholly or mainly for the purpose of depositing solids in the sea;

(b) for the deposit of substances or articles anywhere in the sea or under the sea-bed -

(i) from a Falkland Islands vessel, Falkland Islands aircraft or Falkland Islands marine structure; or

(ii) from a container floating in the sea, if the deposit is controlled from a Falkland Islands vessel, Falkland Islands aircraft, Falkland Islands hovercraft or Falkland Islands marine structure,

(c) for the scuttling of vessels -

(i) in Falkland Islands waters or Falkland Islands controlled waters;

(ii) anywhere at sea if the scuttling is controlled from a Falkland Islands vessel, Falkland Islands aircraft, Falkland Islands hovercraft or Falkland Islands marine structure;

(d) for the loading of a vessel, aircraft, hovercraft, marine structure or floating container in the Falkland Islands or Falkland Islands waters with substances or articles for deposit anywhere in the sea or under the sea-bed;

(e) for the loading of a vehicle in the Falkland Islands with substances or articles for deposit from that vehicle as mentioned in paragraph (a) or (b); and

(f) for the towing or propelling from the Falkland Islands or Falkland Islands waters of a vessel for scuttling anywhere at sea.

4. Subject to the following provisions of this Part, a licence is needed -

*Requirement of
licences for
incineration at
sea etc.*

(a) for the incineration of substances or articles on a vessel or marine structure -

(1985 c.48 s.6)

(i) in Falkland Islands waters or Falkland Islands controlled waters; and

(ii) anywhere at sea if the incineration takes place on a Falkland Islands vessel or Falkland Islands marine structure,

(b) for the loading of a vessel or marine structure in the Falkland Islands or Falkland Islands waters with substances or articles for incineration at sea.

5.(1) The Governor may by order specify operations -

Exemptions.

(a) which are not to need a licence;

(1985 c.48 s.7)

(b) which are not to need a licence if they satisfy the conditions specified in the order.

(2) The conditions that an order under this section may specify include conditions enabling the licensing authority to require a person to obtain the authority's approval before he does anything for which a licence would be needed but for the order.

6.(1) The Governor may appoint a public officer to be the licensing authority for the purposes of this Part and may from time to time revoke any such appointment and appoint another public officer to be the licensing authority in his place. If no appointment of a public officer is for the time being in force under this subsection, the Governor himself shall be the licensing authority.

Licences.

(1985 c.48 s.8)

(2) In determining whether to issue a licence the licensing authority -

(a) shall have regard to the need -

(i) to protect to the marine environment, the living resources which it supports and human health;

(ii) to prevent interference with legitimate uses of the sea; and

(b) may have regard to such other matters as the authority considers relevant.

(3) Without prejudice to the generality of subsection (1) above, where it appears to the licensing authority that an application for a licence has applied for the licence with a view to the disposal of articles or substances to which it would relate, the authority, in determining whether to issue a licence, shall have regard to the practical availability of any alternative methods of dealing with them.

(4) The licensing authority -

(a) shall include such provisions in a licence as appear to the authority to be necessary or expedient -

(i) to protect the marine environment, the living resources which it supports and human health; and

(ii) to prevent interference with legitimate uses of the sea; and

(b) may include in a licence such other provisions as the authority considers appropriate.

(5) Without prejudice to the generality of subsection (3) above, the licensing authority -

(a) may include in a licence provisions requiring -

(i) that no operations authorised by the licence shall be carried out until the licensing authority has given such further consent or approval of the operation as the licence may specify; and

(ii) that automatic equipment shall be used for recording such information relating to the operation of any deposit, scuttling or incineration mentioned in the licence as the licensing authority may specify; and

(b) may include in a licence which only authorises operations such as are mentioned in section 3(d) or section 4(b) provisions requiring that any operation of deposit, scuttling or incineration which is mentioned in it shall take place at a specified site.

(6) The licensing authority may require an applicant for a licence to supply such information and permit such examinations and tests as in the opinion of the licensing authority may be necessary or expedient to enable the authority to decide whether a licence should be issued to the applicant and the provisions which any licence that is issued to him ought to contain.

(7) Where automatic recording equipment is used in accordance with a provision included in a licence by virtue of subsection (5)(a) of this section, any record produced by means of the equipment shall, in any proceedings under this Part, be evidence of the matters appearing from the record.

(8) The licensing authority may require an applicant for a licence, on making his application, to pay a reasonable fee towards the expense -

(a) of carrying out any examinations and tests which in the opinion of the authority are necessary or expedient to enable the authority to decide -

(i) whether to issue a licence to the applicant; and

(ii) the provisions which any licence issued to him ought to include;

(b) of checking the manner in which operations for which a licence is needed have been or are being conducted; and

(c) of monitoring the effect of such operation.

(10) Fees under this section shall be determined by the Governor who shall, in determining such fees, have regard to the amount and scope of the fees for the time being charged under section 8 of the Food and Environment Protection Act 1985.

(11) The licensing authority may vary or revoke a licence which the authority has issued if it appears to the authority that the licence ought to be varied or revoked -

(a) because of a change in circumstances relating to the marine environment, the living resources it supports or human health; or

(b) because of increased scientific knowledge relating to any of those matters; or

(c) for any other reason that appears to the authority to be relevant.

(12) Schedule 1 to this Ordinance shall have effect in relation to the right to make representations and other matters relating to licences.

Offences relating to the licensing system

7.(1) Subject to subsections (3) to (7), a person commits an offence who -

*Offences related
to the licensing
system.*

(a) except in pursuance of a licence and in accordance with its provisions does anything for which a licence is needed; or

(1985 c.48 s.9)

(b) causes or permits any other person to do any such thing except in pursuance of a licence and in accordance with its provisions.

(2) A person commits an offence who, for the purpose of procuring the issue of a licence or in purporting to carry out any duty imposed on him by the provisions of a licence -

(a) makes a statement which he knows to be false in a material particular;

(b) recklessly makes a statement which is false in a material particular; or

(c) intentionally fails to disclose any material particular.

(3) Subject to subsection (4), it shall be a defence for a person charged with an offence under subsection (1) in relation to any operation to prove -

(a) that the operation was carried out for the purposes of securing the safety of a vessel, aircraft, hovercraft or marine structure or of saving life; and

(b) that he took steps within a reasonable time to inform the licensing authority -

(i) of the operation;

(ii) of the locality and circumstances in which it took place; and

(iii) of any substances or articles concerned.

(4) A person does not have the defence provided by subsection (3) if the court is satisfied -

(a) that the operation -

(i) was not necessary for any purpose mentioned in paragraph (a) of that subsection;

(ii) was not a reasonable step in the circumstances; or

(b) that it was necessary for one of those purposes but the necessity was due to the fault of the defendant.

(5) It shall be a defence for a person charged with an offence under subsection (1) in relation to any operation -

(a) which falls within section 3(b) or section 4(1)(a)(ii) above; and

(b) which was carried outside Falkland Islands controlled waters and not within Falkland Islands waters

to prove that subsections (6) and (7) of this section are satisfied in respect of that operation.

(6) This subsection is satisfied -

(a) in respect of an operation falling within section 3(b) if the vessel, aircraft, hovercraft, marine structure or container (as the case may be) was loaded in a Convention State or the national or territorial waters of a Convention State with the substances or articles deposited;

(b) in respect of an operation falling within section 3(c)(ii), if the vessels scuttled was towed or propelled from a Convention State to the place where the scuttling was carried out; or

(c) in respect of an operation falling within section 4(a)(ii), if the vessel or marine structure on which the incineration took place was loaded in a Convention State or the national or territorial waters of a Convention State with the substances or articles incinerated.

(7) This subsection is satisfied in respect of an operation if the operation took place in pursuance of a licence issued by the responsible authority in the Convention State concerned and in accordance with the provisions of that licence.

8.(1) The Governor may carry out any operation which appears to him may be necessary or expedient for the purpose of protecting the marine environment, the living resources which it supports and human health, or of preventing interference with the legitimate use of the sea, in any case where anything for which a licence is needed appears to have been done otherwise than in pursuance of a licence and in accordance with its provisions. *Power to take remedial action.* (1985 c.48 s.10)

(2) If the Governor carries out an operation under subsection (1) the Crown may recover any expenses reasonably incurred by the Governor in carrying it out from any person who has been convicted of an offence in consequence of the act or omission which made it appear to the Minister to be necessary or expedient to carry out the operation.

Enforcement

9.(1) The Governor may authorise any person, subject to such limitations as may be specified in the instrument authorising him, to enforce this Part, and the following provisions of this Ordinance shall be construed, in reference to a person so authorised, as subject to any such limitation. *Power of officers.* (1985 c.48 s.11)

(2) Subject to the following provisions of this Ordinance, a person so authorised may enter -

- (a) land and vehicle in the Falkland Islands;
- (b) foreign vessels, foreign aircraft, foreign hovercraft and foreign marine structures in the Falkland Islands or within Falkland Islands waters or Falkland Islands controlled waters;
- (c) Falkland Islands vessels, Falkland Islands aircraft, Falkland Islands hovercraft and Falkland Islands marine structures wherever they may be,

if he has reasonable grounds for believing that any substances or articles intended to be deposited in the sea or under the sea-bed or incinerated on a vessel or marine structure at sea are or have been present there.

(3) A person so authorised may board -

- (a) any vessel within Falkland Islands waters or Falkland Islands controlled waters; and
- (b) any Falkland Islands vessel wherever it may be,

if it appears to him that it is intended to be scuttled.

(4) A person so authorised shall not enter premises used only as a dwelling for the purpose of enforcing this Ordinance.

(5) Schedule 2 shall have effect with respect to persons authorised to enforce this Ordinance.

10.(1) The Governor may by Order -

*Enforcement
of convention.*

(a) declare that any procedure which has been developed for the effective application of the Convention and is specified in the order is a procedure declared to be an agreed procedure under section 12(1)(a) of the 1985 Act; and

(1985 c. 48 s. 12)

(b) specify that any of the powers conferred by this Ordinance for the purpose of enforcing this Part as a power that may be exercised, by such persons and in such circumstances and subject to such conditions or modifications as may be specified, for the purposes of enforcing that procedure.

(2) An Order under subsection (1) may apply to the Falkland Islands, Falkland Islands waters and Falkland Islands controlled waters any statutory instrument made under section 12(1) of the 1985 Act and with such modifications and adaptations as the Governor may consider necessary or expedient.

(3) A person who exercises any powers by virtue of an Order under this section shall have the same right and liabilities in relation to their exercise that a person authorised under section 9 of this Ordinance would have in relation to the exercise of any powers for the purpose of enforcing of this Part.

Miscellaneous

11.(1) At the request of any person the Governor may conduct tests for the purpose of ascertaining the probable effect on the marine environment and the living resources which it supports of using for the purpose of treating oil on the surface of the sea any substance produced for that purpose. *Power of Governor to test and charge for testing.*

(1985 c.48 s.13)

(2) If the Governor conducts tests under this section, he may recover any expenses reasonably incurred by him in conducting them from any person at whose request they were conducted.

12.(1) A person convicted of an offence under section 7(1) is liable to a fine or to imprisonment for a term not exceeding two years. *Offences, penalties etc.*

(2) A person convicted of an offence under section 7(2) is liable to a fine.

(1985 c.48 s.21)

(3) A person convicted of an offence under Schedule 2 to this Ordinance is liable to a fine not exceeding the maximum of level 5 on the standard scale.

(4) Where an offence under this Ordinance which has been committed by a body corporate is proved to have been committed with the consent or the connivance of, or attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate, he as well as the body corporate has committed that offence and is liable to be proceeded against then punished accordingly.

(5) Where the affairs of a body corporate are managed by its members, subsection (4) applies in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

13.(1) In any proceedings for an offence under this Ordinance it is a defence for the person charged to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence. *General defence to due diligence.*

(1985 c.48 s.22)

(2) Without prejudice to the generality of subsection (1), a person is to be taken to have established the defence provided by that subsection if he proves -

(a) that he acted under instructions given to him by his employer, or

(b) that he acted in reliance on information supplied by another person without any reason to suppose that the information was false or misleading,

and in either case that he took all such steps as were reasonably open to him to ensure that no offence would be committed.

(3) If in any case the defence provided by subsection (1) involves an allegation that the commission of the offence was due to an act or omission by another person, other than the giving of instructions to the person charged with the offence by his employer, or to reliance on information supplied by another person, the person charged shall not, without the leave of the court, be entitled to rely on that defence unless within a period ending seven clear days before the hearing, he has served on the prosecutor a notice giving such information identifying or assisting in the identification of that other person as was then in his possession.

SCHEDULE 1

(section 6)

LICENCES - RIGHT TO MAKE REPRESENTATIONS ETC

1. If within twenty-eight days of the issue of a licence the person to whom it is issued requests the licensing authority to give him notice in writing of the reasons for the inclusion of any provision in it, the authority shall comply with his request within twenty-eight days of receiving it.
2. On issuing a licence to a person the licensing authority shall notify him of the effect of paragraph 1.
3. If the licensing authority refuses an application for a licence, the licensing authority shall give the applicant notice in writing of the reasons for the refusal.
4. If a licensing authority varies or revokes a licence without the holder's consent, the authority shall give the holder notice in writing of the reasons for variation or revocation.
5. If within twenty-eight days of receipt of a notice under this Schedule giving the licensing authority's reasons the person to whom it is given makes written representations to the authority concerning the matter to which the notice related, the authority shall consider those written representations and shall reconsider the matter in the light of those representations.
6. A notice under this Schedule stating the licensing authority's reasons shall state the effect of paragraph 5.
7. The licensing authority shall notify the person who made the representations of the result of the authority's reconsideration and the reasons for it.

SCHEDULE 2

(section 9)

Introductory

1. In this Schedule "officer" means a person authorised to enforce Part II of this Ordinance.

Assistants for officers etc

- 2.(1) An officer may take with him, to assist him in performing his functions -

- (a) any other person; and

- (b) any equipment or materials.

- (2) A person whom an officer takes with him to assist him may perform any of the officer's functions, but only under the officer's supervision.

Powers in relation to vessels, aircraft etc

3.(1) In order to perform his functions under Part II of this Ordinance an officer may require any person -

(a) to give details of any substances or articles on board, a vessel, aircraft, hovercraft or marine structure; and

(b) to give information concerning any substances or articles lost from a vessel, aircraft, hovercraft or marine structure.

(2) In order to perform any such functions an officer -

(a) may require any vessel, aircraft, hovercraft or marine structure to stop; and

(b) may require the attendance -

(i) of the master, captain or commander of a vessel, aircraft or hovercraft;

(ii) of the person in charge of a marine structure; and

(iii) of any other person who is on board a vessel, aircraft, hovercraft or marine structure,

and may require any person on board to assist him in the performance of his functions.

(3) In order to perform functions under Part II of this Ordinance an officer -

(a) may require -

(i) the master, captain or commander of a vessel, aircraft or hovercraft; and

(ii) the person in charge of a marine structure,

to take it and its crew to the port which appears to the officer to be the nearest convenient port; or

(b) may take it there himself.

(4) In order to perform any such functions an officer may detain a vessel, aircraft, hovercraft or marine structure.

(5) If an officer detains a vessel, aircraft, hovercraft or marine structure, he shall serve on the master, captain, commander or person in charge a notice in writing stating that it is to be detained until the notice is withdrawn by the service on him of a further notice in writing signed by the officer.

Containers etc.

4. Without prejudice to his powers under any other provision of this Ordinance, in order to perform his functions an officer -

- (a) may open any container;
- (b) may carry out searches, inspections, measurements and tests;
- (c) may take samples;
- (d) may require the production of documents, books and records; and
- (e) may photograph or copy anything the production of which he has power to require under paragraph (d).

Evidence of officer's authority

5.(1) An officer shall be furnished with a certificate of his authorisation, and when he proposes to perform any functions under this Ordinance, it shall be his duty if so requested, to produce that certificate.

(2) It shall also be his duty, if so requested, to state -

- (a) his name;
- (b) the functions that he proposes to perform; and
- (c) his grounds for proposing to perform it.

Time of performance of functions

6. An officer must perform his functions under this Ordinance at a reasonable hour unless it appears to the officer that there are grounds for suspecting that the purposes of their performance may be frustrated if he seeks to perform them at a reasonable hour.

Entry into dwellings

7.(1) An officer may only enter a dwelling for the purposes of performing his functions under this Ordinance if a justice of the peace has issued a warrant authorising him to enter and search that dwelling.

(2) A justice of the peace may only issue such a warrant if on application by the officer he is satisfied -

- (a) that the officer has reasonable grounds for believing that there is present in the dwelling anything to which those functions relates; and
- (b) that -

(i) it is not practicable to communicate with any person entitled to grant entry to the dwelling; or

(ii) a person entitled to grant entry to the dwelling has unreasonably refused an officer entry; or

(iii) entry to the dwelling is unlikely to be granted unless a warrant is produced; or

(iv) the purpose of entry may be frustrated or seriously prejudiced unless an officer arriving at the dwelling can secure immediate entry to it.

(3) In this paragraph "justice of the peace" includes the Senior Magistrate.

Power of officer to use reasonable force

8. An officer may use reasonable force, if necessary, in the performance of his functions.

Protection of officers

9. An officer shall not be liable in any civil or criminal proceedings for anything done in the purported performance of his functions under this Ordinance if the court is satisfied that the act was done in good faith and that there were reasonable grounds for doing it.

Offences

10. A person commits an offence who -

(a) intentionally obstructs an officer in the performance of any of his functions under this Ordinance;

(b) fails without reasonable excuse to comply with a requirement made or direction given by an officer in the performance of his functions under this Ordinance; or

(c) in purporting to give information required by an officer for the performance of any of his functions under this Ordinance -

(i) makes a statement which he knows to be false in a material particular;

(ii) recklessly makes a statement which is false in a material particular; or

(iii) intentionally fails to disclose any material particular.

Archivist



**THE
FALKLAND ISLANDS GAZETTE
Supplement**

PUBLISHED BY AUTHORITY

Vol. 6

10th MAY 1995

No. 11

The following is published in this Supplement -

Taxes and Duties (Special Exemptions) (Amendment) Bill 1995.

Taxes and Duties (Special Exemptions) (Amendment) Bill 1995

(No: of 1995)

ARRANGEMENT OF PROVISIONS

Clause

1. Short title.
2. Amendment of the Taxes and Duties (Special Exemptions) Ordinance 1987.

A Bill

for

An Ordinance

To amend the Taxes and Duties (Special Exemptions) Ordinance 1987.

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

1. This Ordinance may be cited as the Taxes and Duties (Special Exemptions) (Amendment) Ordinance 1995. *Short title.*
2. The Taxes and Duties (Special Exemptions) Ordinance 1987 is amended by the insertion of the following section immediately after section 9 - *Amendment of the Taxes and Duties (Special Exemptions) Ordinance 1987.*

"9A(1) Without prejudice to the foregoing provisions of this Ordinance, the Governor may on the advice of the Standing Finance Committee by Order grant an exemption from liability to tax or taxes and duties under this section. *Exemption of persons in defence - related employment.*

(2) An exemption under this section may only be granted to a person or class of persons whom or which the Governor is satisfied -

 - (a) is or are present in the Falkland Islands in the course of relevant employment; and
 - (b) is entitled to be accommodated upon land which for the purposes of the defence of the Falkland Islands is in the occupation of Her Majesty in right of Her Government of the United Kingdom.

(3) An exemption under this section may confer exemption from liability to pay income tax and old age pension contributions in relation to relevant income, but shall not confer any exemption from liability to pay customs duty.

(4) An exemption under this section -

 - (a) may be granted subject to lawful conditions and shall only have effect in respect of a person in respect of such period as paragraphs (a) and (b) of subsection (2) are satisfied in respect of him;

(b) may be granted so as to have retrospective effect;

(c) may be granted so as to have effect indefinitely or for a definite period stated therein.

(5) For the purposes of this section -

"old age pension contributions" means contributions payable by an employee under the Old Age Pensions Ordinance 1952;

"relevant employment" means -

(a) employment only for the purpose of providing services in the Falkland Islands to Her Majesty's regular armed forces or in the Falkland Islands to the Ministry of Defence of Her Majesty's Government in the United Kingdom; or

(b) employment only for the purposes of providing services to persons who are themselves in relevant employment by virtue of paragraph (a) of this definition or by virtue of this paragraph of this definition and "relevant income" means income from relevant employment.



THE FALKLAND ISLANDS GAZETTE Supplement

PUBLISHED BY AUTHORITY

Vol. 6

23rd MAY 1995

No. 12

The following are published in this Supplement -

The Coroners Rules 1995 (S.R. & O. No. 7 of 1995);

The Various Wreck Sites (Designation) (Amendment) Order 1995 (S.R. & O. No. 8 of 1995);

The Firearms (Special Exemption) Order 1995 (S.R. & O. No. 9 of 1995).

SUBSIDIARY LEGISLATION

ADMINISTRATION OF JUSTICE

The Coroners Rules 1995

(S. R. & O. No: 7 of 1995)

Made: 18th May 1995

Published: 23rd May 1995

Coming into force: on publication

IN EXERCISE of my powers under section 69 Administration of Justice Ordinance (a) I make the following Rules:-

PART I

GENERAL

1. These Rules may be cited as the Coroners Rules 1995 and shall come into operation on publication in the Gazette.

*Citation and
commencement.*

2.(1) In these Rules, unless the context otherwise requires:

Interpretation.

"the Act" means the Coroners Act 1988 as applied to the Falkland Islands by the Administration of Justice Ordinance;

"chief officer of police" means the chief officer of the Royal Falkland Islands Police;

"coroner" includes a person exercising the functions of the coroner pursuant to section 29 Administration of Justice Ordinance;

"deceased" means the person upon whose body a post-mortem examination is made or touching whose death an inquest is held or the person whose death is reported to the coroner, as the case may be;

"hospital" means any institution for the reception and treatment of persons suffering from illness or mental disorder, any maternity home, and any institution for the reception and treatment of persons during convalescence;

"inquest" means an inquest for the purpose of inquiring into the death of a person;

"post mortem examination" means a post-mortem examination which a medical practitioner is directed or requested by a coroner to make under section 19, 20 or 21 of the Act;

"special examination" has the same meaning as it has in section 20 of the Act.

"spouse of the deceased" includes a person living in the same household as the deceased in a quasi-marital relationship.

(2) In these Rules any reference to a Rule or Schedule shall be construed as a reference to a Rule contained in these Rules, or, as the case may be, to a Schedule thereto; and any reference in a Rule to a paragraph shall be construed as a reference to a paragraph of that Rule.

PART II

AVAILABILITY OF CORONER

3. The coroner shall at all times hold himself ready to undertake, any duties in connection with inquests and post-mortem examinations.

*Coroner to
be available at
all times.*

PART III

POST-MORTEM EXAMINATIONS

4. Where the coroner directs or requests that a post-mortem examination shall be made, it shall be made as soon after the death of the deceased as is reasonably practicable.

*Delay in making
post-mortem to
be avoided.*

5. In considering what medical practitioner shall be directed or requested by the coroner to make a post-mortem examination the coroner shall have regard to the following considerations:-

*Medical Practitioner
making post-mortem.*

(a) the post-mortem examination should be made, whenever practicable, by a pathologist with suitable qualifications and experience and having access to laboratory facilities;

(b) if the coroner is informed by the chief officer of police that a person may be charged with the murder, manslaughter or infanticide of the deceased, the coroner should consult the chief officer of police regarding the medical practitioner who is to make the post-mortem examination;

(c) if the deceased died in hospital, the coroner should not direct or request a pathologist on the staff of, or associated with, that hospital to make a post-mortem examination if,

(i) that pathologist does not desire to make the examination;

(ii) the conduct of any member of the hospital staff is likely to be called in question;
or

(iii) any relative of the deceased asks the coroner that the examination be not made by such a pathologist,

unless the obtaining of another pathologist with suitable qualifications and experience would cause the examination to be unduly delayed.

6.(1) Where pursuant to section 19 of the Act the coroner requests a medical practitioner to make a post-mortem examination in the Falkland Islands, the coroner shall notify the persons and bodies set out in paragraph (2) of the date, hour and place at which the examination will be made, unless it is impracticable to notify any such persons or bodies or to do so would cause the examination to be unduly delayed.

*Coroner to notify
persons of post-
mortem to be made.*

(2) The persons and bodies to be notified by the coroner are as follows:-

(a) any relative of the deceased who has notified the coroner of his desire to attend, or be represented at, the post-mortem examination;

(b) the deceased's regular medical attendant;

(c) if the deceased died in hospital, the hospital;

(d) if the death of the deceased may have been caused by any accident or disease notice of which is required by or under any written law of the Falkland Islands to be given to any public officer or other authority, that public officer or authority.

(e) any public officer who has notified the coroner of his desire to be represented at the examination;

(f) if the chief officer of police has notified the coroner of his desire to be represented at the examination, the chief officer of police.

(3) Any person or authority mentioned in paragraph (2) shall be entitled to be represented at a post-mortem examination by a medical practitioner, but the chief officer of police may be represented by a member of the police force of which he is chief officer.

(4) Nothing in the foregoing provisions of this Rule shall be deemed to limit the discretion of the coroner to notify any person of the date, hour and place at which a post-mortem examination will be made and to permit him to attend the examination.

7. A person attending a post-mortem examination by virtue of paragraph (3) or (4) of the Rule 6 shall not interfere with the performance of the examination.

Persons attending post-mortem not to interfere.

8. A person making a post-mortem shall make provision, so far as possible, for the preservation of material which in his opinion bears upon the cause of death for such period as the coroner thinks fit.

Preservation of material.

9.(1) Unless otherwise directed by the coroner the person making a post-mortem examination shall report to the coroner in the form set out in Schedule 2 or in a form to the like effect.

Report on post-mortem.

(2) Unless authorised by the coroner, the person making a post-mortem examination shall not supply a copy of his report to any person other than the coroner.

10.(1) Every post-mortem examination shall be made in premises which are adequately quipped for the purpose of the examination.

Premises for post-mortem.

(2) For the purpose of this Rule no premises shall be deemed to be adequately equipped for the purpose of the post-mortem examinations unless they are supplied with running water, proper heating and lighting facilities, and containers for the storing and preservation of material.

PART IV

SPECIAL EXAMINATIONS

11. A person making a special examination shall make provision, so far as possible, for the preservation of the material submitted to him for examination for such period as the coroner thinks fit. *Preservation of material.*
12. Unless authorised by the coroner, the person making a special examination shall not supply a copy of his report to any person other than the coroner. *Report on special examination.*

PART V

BURIAL ORDERS

13. An order of a coroner authorising the burial of a body shall not be issued unless the coroner has held, or has decided to hold, an inquest touching the death. *Issue of burial order.*
14. Where the coroner is satisfied that a certificate for the disposal of a body has been issued by the Registrar General, the coroner shall not issue an order authorising the burial of that body unless the certificate has been surrendered to him; and in such a case he shall on issuing the order transmit the certificate to the Registrar General and inform him of the issue of the order. *Burial order where certificate for disposal of body issued.*

PART VI

INQUESTS

15. Every inquest shall be opened, adjourned and closed in a formal manner. *Formality.*
16. Every inquest shall be held in public: Provided that the coroner may direct that the public be excluded from an inquest or any part of an inquest if he considers that it would be in the interest of national security so to do. *Inquest in public.*
17. An inquest shall not be held on Christmas day, Good Friday, or a Public Holiday unless the coroner thinks it requisite on grounds of urgency that an inquest should be held on such a day, and no inquest shall be held on a Sunday. *Days on which inquest not to be held.*
- 18.(1) The coroner shall notify the date, hour and place of an inquest to;
- (a) the spouse or a near relative or personal representative of the deceased whose name and address are known to the coroner; and *Coroner to notify persons of inquest arrangements.*
- (b) any other person who;
- (i) in the opinion of the coroner is within Rule 19 (2);
- (ii) has asked the coroner to notify him of the aforesaid particulars of the inquest; and
- (iii) has supplied the coroner with a telephone number or address for the purpose of so notifying him.

(2) The coroner may proceed to hold an inquest without giving the notice or notices required by Rules 18 (1) and 22 if in his opinion the proper performance of his duties so require and in reaching that opinion he may have regard to the following matters:-

- (a) Any delay which may be incurred in notifying the interested parties;
- (b) The prospects of that party being able to attend or to be represented at the inquest;
- (c) The extent in which the evidence will remain available if the holding of the inquest is delayed to enable the interested parties to be notified and to attend;
- (d) Any other matters which in the opinion of the coroner should properly be taken into account.

(3) The coroner shall notify the Attorney General on behalf of the Governor of any inquests held without giving notice as required by Rules 18(1) or 22.

(4) Any notice required by Rules 18(1) or 22 to be given to the owner or charterer of a fishing boat or to its servants or agents shall be deemed sufficient if given to the agent appointed pursuant to Regulation 26 of the Fishing Regulations Order 1987 in respect of the boat or who was so appointed at the time of the death or when the cause of death arose.

19.(1) Without prejudice to any written law with regard to the examination of witnesses at an inquest, any person who satisfies the coroner that he is within paragraph (2) shall be entitled to examine any witness at an inquest either in person or by a Legal Practitioner provided that the coroner shall disallow any question which in his opinion is not relevant or is otherwise not a proper question.

*Entitlement to
examine witnesses.*

(2) Each of the following persons shall have the rights conferred by paragraph (1):-

- (a) a parent, child, spouse and any personal representative of the deceased;
- (b) any beneficiary under a policy of insurance issued on the life of the deceased;
- (c) the insurer who issued such a policy of insurance;
- (d) any person whose act or omission or that of his agent or servant may in the opinion of the coroner have caused, or contributed to, the death of the deceased;
- (e) any person appointed by a trade union or staff association to which the deceased at the time of death belonged, if the death of the deceased may have been caused by an injury received or a disease contracted in the course of his employment;
- (f) any public officer appointed by the Governor to attend the inquest;
- (g) the chief officer of police;
- (h) any other person who, in the opinion of the coroner, is a properly interested person.

20. Unless the coroner otherwise determines, a witness at an inquest shall be examined first by the coroner and, if the witness is represented at the inquest, lastly by his representative.

*Examination of
witnesses.*

21.(1) No witness at an inquest shall be obliged to answer any question tending to incriminate himself. *Self-incrimination.*

(2) Where it appears to the coroner that a witness has been asked such a question, the coroner shall inform the witness that he may refuse to answer.

22. Any person whose conduct is likely in the opinion of the coroner to be called in question at an inquest shall, if not duly summoned to give evidence at the inquest, be given reasonable notice of the date, hour and place at which the inquest will be held. *Notice to person whose conduct is likely to be called in question.*

23.(1) If the chief officer of police requests the coroner to adjourn an inquest on the ground that a person may be charged with an offence within paragraph (3), the coroner shall adjourn the inquest for 28 days or for such longer period as he may think fit. *Request by chief officer of police for adjournment.*

(2) At any time before the date fixed for the holding of the adjourned inquest, the chief officer of police may ask the coroner for a further adjournment and the coroner may comply with his request.

(3) The offences within this paragraph are:

(a) murder, manslaughter or infanticide of the deceased,

(b) any offence under the Road Traffic Ordinance committed by causing the death of the deceased; and

(c) an offence under section 2(1) of the Suicide Act 1961 in its application to the Falkland Islands consisting of aiding, abetting, counselling or procuring the suicide of the deceased.

24.(1) If the Attorney General requests the coroner to adjourn an inquest on the ground that a person may be charged with an offence (whether or not involving the death of a person other than the deceased) committed in circumstances connected with the death of the deceased, not being an offence within Rule 23(3), the coroner shall adjourn the inquest for 28 days or for such longer period as he may think fit. *Request by Attorney General for adjournment.*

(2) At any time before the date fixed for the holding of the adjourned inquest, the Attorney General may ask the coroner for a further adjournment and the coroner may comply with his request.

25.(1) If during the course of an inquest evidence is given from which it appears to the coroner that the death of the deceased is likely to be due to an offence within Rule 23(3) and that a person might be charged with such an offence, then the coroner, unless he has previously been notified by the Attorney General that adjournment is unnecessary, shall adjourn the inquest for 14 days or for such longer period as he may think fit and send to the Attorney General particulars of the evidence. *Coroner to adjourn in certain other cases.*

(2) At any time before the date fixed for the holding of the adjourned inquest, the Attorney General may ask the coroner for a further adjournment and the coroner may comply with his request.

26. A certificate under the hand of the coroner stating the particulars which under the Registration Ordinance are required to be registered concerning a death which he furnishes to a registrar of deaths under section 16(4) of the Act shall be furnished within five days from the date on which the inquest is adjourned. *Coroner to furnish certificate after adjournment.*
27. When an inquest has been adjourned for any reason and section 16(4) of the Act does not apply, the coroner shall on application supply to any person who, in the opinion of the coroner, is a properly interested person an interim certificate of the fact of death. *Coroner's interim certificate of the fact of death.*
28. A certificate under the hand of the coroner stating the result of the relevant criminal proceedings which he furnishes to a registrar of deaths under section 16(5) or section 16(7) of the Act shall be furnished within 28 days from the date on which he is notified of the result of the proceedings under section 17 of the Act or, if the person charged with an offence before a court of summary jurisdiction as mentioned in that section is not committed for trial to the Supreme Court, within 28 days from the date on which he is notified under that section of the result of the proceedings in the court of summary jurisdiction. *Coroner to furnish certificate stating result of criminal proceedings.*
29. Subject to sections 16 and 17 of the Act, an inquest shall not be adjourned solely by reason of the institution of criminal proceedings arising out of the death of the deceased. *Effect of institution of criminal proceedings.*
- 30.(1) If an inquest which has been adjourned in pursuance of section 16 of the Act is not to be resumed, the coroner shall notify the persons within paragraph (4). *Coroner to notify persons as to resumption of, and alteration of arrangements for, adjourned inquest.*
- (2) If an inquest which has been adjourned as aforesaid is to be resumed, the coroner shall give reasonable notice of the date, hour and place at which the inquest will be resumed to the persons within paragraph (4).
- (3) Where the coroner has fixed a date, hour and place for the holding of an inquest adjourned for any reason, he may, at any time before the date so fixed, alter the date, hour or place fixed and shall then give reasonable notice to the persons within paragraph (4).
- (4) The persons within this paragraph are the members of the jury (if any), the witnesses, the chief officer of police, any person notified under Rule 18 or 22 and any other person appearing in person or represented at the inquest save that the provisions of Rule 18(2)(3) and (4) shall apply to notices given under this rule in the same way that they apply to notices of inquests.
31. Where any witness or juror who has been bound over to attend at an adjourned inquest, whether without further notice or conditionally on receiving further notice, is notified by the coroner that his attendance at the adjourned inquest is not required or that the inquest will not be resumed, the recognizance entered into by him shall be void. *Recognizance of witness or juror becoming void.*
- 32.(1) The proceedings and evidence at an inquest shall be directed solely to ascertaining the following matters, namely:- *Matter to be ascertained at inquest.*
- (a) who the deceased was;
 - (b) how, when and where the deceased came by his death;
 - (c) the particulars for the time being required to be registered concerning the death.
- (2) Neither the coroner nor the jury shall express any opinion on any other matters.

33.(1) Subject to the provisions of paragraphs (2) to (4), the coroner may admit at an inquest documentary evidence relevant to the purposes of the inquest from any living person which in his opinion is unlikely to be disputed, unless a person who in the opinion of the coroner is within Rule 19(2) objects to the documentary evidence being admitted. *Documentary evidence.*

(2) Documentary evidence so objected to may be admitted if in the opinion of the coroner the maker of the document is unable to give oral evidence within a reasonable period.

(3) Subject to paragraph (4), before admitting such documentary evidence the coroner shall at the beginning of the inquest announce publicly:-

(a) that the documentary evidence may be admitted, and

(b) the full name of the maker of the document to be admitted in evidence and a brief account of such document, and

(c) that any person who in the opinion of the coroner is within Rule 19(2) may object to the admission of any such documentary evidence, and

(d) that any person who in the opinion of the coroner is within Rule 19(2) is entitled to see a copy of any such documentary evidence if he so wishes.

(4) If during the course of an inquest it appears that there is available at the inquest documentary evidence which in the opinion of the coroner is relevant to the purposes of the inquest but the maker of a document is not present and in the opinion of the coroner the content of the documentary evidence is unlikely to be disputed, the coroner shall at the earliest opportunity during the course of the inquest comply with the provisions of paragraph (3).

(5) A coroner may admit as evidence at an inquest any document made by a deceased person if he is of the opinion that the contents of the document are relevant to the purposes of the inquest.

(6) Any documentary evidence admitted under this Rule shall, unless the coroner otherwise directs, be read aloud at the inquest.

34. All exhibits produced in evidence at an inquest shall be marked with consecutive numbers and each number shall be preceded by the letter "C". *Exhibits.*

35. The coroner shall take notes of evidence at every inquest.

Notes of evidence.

36. No person shall be allowed to address the coroner or the jury as to the facts.

No addresses as to fact.

37. Where the coroner sits with a jury, he shall sum up the evidence to the jury and direct them as to the law before they consider their verdict and shall draw their attention to Rules 32(2) and 38.

Summing-up and direction to jury.

38. No verdict shall be framed in such away as to appear to determine any question of:-

Verdict.

- (a) criminal liability on the part of a named person, or
- (b) civil liability.

39. If the coroner believes that action should be taken to prevent the recurrence of fatalities similar to that in respect of which the inquest is being held he may announce at the inquest that he is reporting the matter in writing to the person or authority who may have power to take such action and he may report the matter accordingly.

Prevention of similar fatalities.

PART VII

SUMMONING OF JURORS AND EXCUSAL FROM JURY SERVICE

40. Subject to the provisions of these Rules, jurors shall be summoned by notice in writing sent by post or delivered by hand and a notice shall be sent or delivered to a juror at his address as shown in the register of electors.

Method of summoning.

41. A written summons sent or delivered to any person under Rule 40 shall be accompanied by a notice informing him that he may make representations to the coroner with a view to obtaining the withdrawal of the summons, if for any reason, he wishes to be excused.

Notice to accompany summons.

42. If it appears to the coroner, at any time before the day on which any person summoned is to attend, that his attendance is unnecessary, or can be dispensed with, the coroner may withdraw or alter the summons by notice served in the same way as a notice of summons.

Withdrawal or alteration of summons.

43. If it appears to the coroner that a jury will be, or probably will be, incomplete, the coroner may, if he thinks fit, require any persons who are in, or in the vicinity of, the place of the inquest to be summoned (without any written notice) for jury service up to the number needed (after allowing for any who may not be qualified so to serve and for excusals) to make up such number.

Summoning in exceptional circumstances.

44.(1) If a person summoned under section 8 of the Act shows to the satisfaction of the coroner:-

Excusal for previous jury service.

(a) that he has served on a jury, or duly attended to serve on a jury, at inquests held in that coroner's jurisdiction on three or more days in the period of one year ending with the service of the summons on him; or

(b) that he has served on a jury, or duly attended to serve on a jury, in the Supreme Court in the period of two years ending with the service of the summons on him; or

(c) that the Supreme Court or a coroner has excused him from jury service for a period which has not terminated,

the coroner shall excuse him from attending, or further attending, in pursuance of the summons.

(2) In reckoning the days for the purpose of paragraph (1) (a) no account shall be taken of any day or days to which an inquest is adjourned.

45. A person duly attending to serve on a jury in compliance with a summons under section 8 of the Act shall be entitled on application to the coroner to a certificate recording that he has so attended.

Certificate of attendance.

46.(1) A person summoned under section 8 of the Act shall be entitled, if he so wishes, to be excused from jury service if he is among the persons for the time being listed in section 15 of the Administration of Justice Ordinance, but a person shall not by this Rule be exempt from his obligation to attend if summoned unless he is excused from attending under paragraph (2).

Excusal for certain persons and discretionary excusal.

(2) If any person so summoned shows to the satisfaction of the coroner that there is a good reason why he should be excused from attending in pursuance of the summons, the coroner may excuse him from so attending and shall do so if the reason shown is that the person is entitled under paragraph (1) to excusal.

47. Where it appears to the coroner, in the case of a person attending in pursuance of a summons under section 8 of the Act, that on account of physical disability or insufficient understanding of English there is doubt as to his capacity to act effectively as a juror, the coroner, shall determine whether or not he should act as a juror and, if not, shall discharge the summons.

Discharge of summons in case of doubt as to capacity to act effectively as a juror.

PART VIII

RECORDS, DOCUMENTS, EXHIBITS AND FORMS

48. Every exhibit at an inquest shall, unless a court otherwise directs, be retained by the coroner until he is satisfied that the exhibit is not likely to be, or will no longer be, required for the purposes of any other legal proceedings, and shall then, if a request for its delivery has been made by a person appearing to the coroner to be entitled to the possession thereof, be delivered to that person, or, if no such request has been made, be destroyed or otherwise disposed of as the coroner thinks fit.

Retention and delivery or disposal of exhibits.

49. Any document (other than an exhibit at an inquest) in the possession of a coroner in connection with an inquest or post-mortem examination shall, unless a court otherwise directs, be retained by the coroner for at least 15 years: Provided that the coroner may deliver any such document to any person who in the opinion of the coroner is a proper person to have possession of it.

Retention and delivery of documents.

50.(1) A coroner shall, on application and on payment of the fee prescribed in Schedule 1 supply to any person who, in the opinion of the coroner, is a properly interested person a copy of any report of a post-mortem examination (including one made under section 19 of the Act) or special examination, or of any notes of evidence, or of any document put in evidence at an inquest.

Inspection of, or supply of copies of, documents etc.

(2) A coroner may, without charge, permit any person who, in the opinion of the coroner, is a properly interested person to inspect such report, notes of evidence, or document or to receive copies thereof.

51. Where the coroner signs a document, he shall sign it in his own name.

Coroner to sign documents in own name.

52. Where the coroner vacates his office by death or otherwise, all documents, exhibits, registers and other things in the custody of the coroner in connection with inquests or post-mortem examinations shall be transferred to the coroner next appointed to that office.

Transfer of documents etc. to next-appointed coroner.

53. The forms set out in Schedule 3, with such modifications as circumstances may require, may be used for the purposes for which they are expressed to be applicable.

Forms.

SCHEDULE 1

The following fees may be charged for the provision of copy documents.

Typed copies prepared by a public officer	£1.50 per A4 page or part thereof.
Typed copies prepared by any person other than a public officer	£0.25 per A4 page or part thereof plus such proportion of the cost of production as may be determined by the coroner.
Photographic copies	£0.25 per A4 page or part thereof.

SCHEDULE 2

POST-MORTEM EXAMINATION REPORT

THIS REPORT IS CONFIDENTIAL. IT SHOULD NOT BE DISCLOSED TO A THIRD PARTY WITHOUT THE CORONER'S CONSENT

POST-MORTEM EXAMINATION REPORT

Name of deceased:

Coroner:

Address (if known):

Identified by:

Place of examination:

Date and time of examination:

Observers present at examination:

INTERNAL EXAMINATION*

Stated/Estimated date and time of death:

Stated/Apparent age:

Nourishment:

Marks of identification (tattoos, old scars, etc.):

Body surface and musculo-skeletal system, including injuries:

INTERNAL EXAMINATION*

Central nervous system

Cranial
cavity

Skull:

Brain:

Meninges:

Cerebral vessels:

Respiratory system

Larynx:

Trachea:

Bronchi:

Pleurae:

Lung parenchyma:

Thoracic
cavity

Cardio-vascular system

Heart:

Weight:

Valves:

Myocardium:

Pericardium:

Coronary arteries:

Great vessels:

NOTES:

*Descriptions of injuries or of complex pathology may be attached on a separate sheet, provided it is properly identified and signed.

Alimentary system

Mouth:

Tongue:

Oesophagus:

Stomach and contents:

Duodenum:

Intestines:

Liver and gall bladder:

Pancreas:

Abdominal
cavity

Peritoneum:

Genito-urinary system

Kidneys and ureters:

Bladder and urine:

Generative organs:

Reticulo-endothelial system

Spleen:

Lymph nodes:

Thymus:

Endocrine system

Thyroid:

Pituitary:

Adrenals:

In my opinion the cause of death was:

I

I

Disease or condition directly
leading to death*(a).....
due to (or as consequence of)

Antecedent causes:

Morbid conditions, if any, giving
rise to the above cause (stating
the underlying condition last)(b).....
due to (or as consequence of)
(c).....

II

II

Other significant conditions
contributing to the death but
NOT related to the disease or
condition causing it+
.....Morbid conditions present but in the pathologist's opinion NOT *contributing to the death*:

Is any further laboratory examination to be made which may affect the cause of death? YES/NO

Comments:

To the best of my knowledge no cardiac pacemaker remains in the body.

Signature and qualifications

Name (in block letters)

NOTES:

*This does not mean the mode of dying, such as (e.g.) heart failure, asphyxia, asthenia, etc. It means the disease, injury or complication which caused death.

+Conditions which did not in the pathologist's opinion contribute materially to the death should NOT be included under this heading, but under "Morbidity conditions present but in the pathologist's opinion NOT contributing to the death."

Made the 18th day of May 1995.

D. E. TATHAM,
Governor.

EXPLANATORY NOTE
(not part of above Order)

These rules replace the (English) Coroners Rules 1984 which at present apply so far as they are applicable.

SUBSIDIARY LEGISLATION

PROTECTION OF WRECKS

The Various Wreck Sites (Designation) (Amendment) Order 1995

(S. R. & O. No. 8 of 1995)

Made: 18th May 1995

Published: 23rd May 1995

Coming into force: on publication

IN EXERCISE of my powers under section 3 of the Protection of Wrecks Ordinance 1977 (a) and of all other powers enabling me in that behalf, I make the following Order -

1. This Order may be cited as The Various Wreck Sites (Designation) (Amendment) Order 1995 and shall come into force on its being published in the *Gazette*.

*Citation and
commencement.*

2. The Various Wreck Sites (Designation) Order 1994 (b) is amended by replacing the word "circumference" in the third line of that part of the Schedule to the Order describing "*The Billy Rock Area*" with the word "radius".

*Amendment of the
Various Wreck Sites
(Designation) Order
1994.*

Made the 18th day of May 1995

D. E. TATHAM,
Governor

(a) No. 12 of 1977.

(b) S. R. & O. No. 20 of 1994.

SUBSIDIARY LEGISLATION

FIREARMS

(S. R. & O. No. 9 of 1995)

The Firearms (Special Exemption) Order 1995

Made: 18th May 1995

Published: 23rd May 1995

Coming into force: on publication

IN EXERCISE of my powers under section 25(1) of the Firearms and Ammunition Ordinance 1987 (a) I make the following Order -

1. This Order may be cited as the Firearms (Special Exemption) Order 1995 and shall come into force on its being published in the *Gazette*. *Citation and commencement.*

- 2.(1) The persons named in the Schedule hereto and any agent or employee of such persons acting on their authority are exempted from the prohibition as to the discharge of firearms contained in section 25(1) of the Firearms and Ammunition Ordinance 1987 (a) so far as it is necessary to render it lawful to discharge ammunition in the places and for the purposes specified in the said Schedule. *Exemption from prohibition on discharge of firearms.*

- (2) The persons named in this Order shall take all steps necessary or expedient to prevent any injury to any person consequent upon the discharge of ammunition as permitted by subparagraph (1).

SCHEDULE

Name	Place	Purpose
Benjamin John Berntsen Michael David Jones	Property owned or used by Stanley Butchery and adjoining roads and tracks	Slaughtering bullocks and injured horses
Timothy John Durose Miller	Property owned or used by Stanley Growers Ltd	Control of vermin
Rodney John Halford Sharon Halford	Tenacres Stanley and other property owned or used by those individuals named in the first column hereof	Slaughtering injured horses

Made this 18th day of May 1995.

D. E. TATHAM,
Governor.



**THE
FALKLAND ISLANDS GAZETTE
Supplement**

PUBLISHED BY AUTHORITY

Vol. 6

26th MAY 1995

No. 13

The following is published in this Supplement -

**The Former Yugoslavia (United Nations Sanctions) (Dependent Territories) Order 1994,
S.I. 1994 No. 2674**

S T A T U T O R Y I N S T R U M E N T S

1994 No. 2674

UNITED NATIONS

The Former Yugoslavia (United Nations Sanctions)
(Dependent Territories) Order 1994

<i>Made - - - - -</i>	<i>17th October 1994</i>
<i>Laid before Parliament</i>	<i>18th October 1994</i>
<i>Coming into force - -</i>	<i>19th October 1994</i>

At the Court of Saint James, the 17th day of October 1994

Present,

The Counsellors of State in Council

Whereas Her Majesty in pursuance of the Regency Acts 1937 to 1953 was pleased, by Letters Patent dated the 11th day of August 1994, to delegate to the six Counsellors of State therein named or any two or more of them full power and authority during the period of Her Majesty's absence from the United Kingdom to summon and hold on Her Majesty's behalf Her Privy Council and to signify thereat Her Majesty's approval for anything for which Her Majesty's approval in Council is required:

And whereas under Article 41 of the Charter of the United Nations the Security Council of the United Nations has, by resolutions adopted on 17th April 1993 and 23rd September 1994, called upon Her Majesty's Government in the United Kingdom and all other States to apply certain measures to give effect to decisions of that Council in relation to the United Nations Protected Areas in the Republic of Croatia, those areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces, and Serbia and Montenegro:

Now, therefore, His Royal Highness The Prince Edward and Her Royal Highness The Princess Royal, being authorised thereto by the said Letters Patent, and in pursuance of the powers conferred by section 1 of the United Nations Act 1946(a), and by and with the advice of Her Majesty's Privy Council, do on Her Majesty's behalf order, and it is hereby ordered, as follows:

Citation, commencement, operation and extent

1.—(1) This Order may be cited as the Former Yugoslavia (United Nations Sanctions) (Dependent Territories) Order 1994 and shall come into force on 19th October 1994.

(2) If, after the making of this Order, the Security Council of the United Nations takes a decision which has the effect of cancelling or suspending in whole or in part the operation of the resolutions adopted by it on 17th April 1993 and 23rd September 1994, this Order shall cease to have effect or its operation shall be suspended, as the case may be, in accordance with that decision; and particulars of that decision shall be published by the Governor in a notice in the Gazette.

(3) (a) This Order shall extend, as part of the law thereof, to each of the territories listed in Schedule 2 to this Order.

(b) In the application of this Order to any of the said territories the expression "the Territory" in this Order means that territory.

Interpretation

2. In this Order the following expressions have, except where otherwise expressly provided, the meanings hereby respectively assigned to them, that is to say—

"the 1993 Order" means the Serbia and Montenegro (United Nations Sanctions) (Dependent Territories) Order 1993(a);

"Bosnian Serb controlled areas" means those areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces;

"export" includes shipment as stores;

"exportation", in relation to any vessel, submersible vehicle or aircraft, includes the taking out of the territory of the vessel, submersible vehicle or aircraft notwithstanding that it is conveying goods or passengers and whether or not it is moving under its own power; and cognate expressions shall be construed accordingly;

"Gazette" means the official Gazette of the Territory;

"Governor" means the Governor or other officer administering the Government of the Territory;

"ship" has the meaning it bears in section 742 of the Merchant Shipping Act 1894(b);

"shipment" includes loading into an aircraft;

"vehicle" means land transport vehicle.

Exportation of goods to Bosnian Serb controlled areas and areas of Croatia

3. Except under the authority of a licence granted by the Governor under this article, all goods are prohibited to be exported from the Territory to any destination in the Bosnian Serb controlled areas or the United Nations Protected Areas of the Republic of Croatia.

Prohibition on economic activities

4.—(1) Except under the authority of a licence granted by the Governor under this article, no person connected with the Bosnian Serb controlled areas shall carry on any economic activities in the Territory.

(2) For the purposes of this article:

(a) "economic activities" includes

(i) all activities of an economic nature including commercial, financial and industrial activities and transactions, in particular all activities of an economic nature involving the use of or dealing in, with or in connection with property or interests in property;

(ii) the exercise of rights relating to property or interests in property;

(iii) the establishment of any new body or change in management of an existing body;

(b) "person connected with the Bosnian Serb controlled areas" means any of the following persons:

(i) any body, wherever incorporated or constituted, which is owned or controlled, directly or indirectly, by the following persons:

(aa) any person in, or resident in, the Bosnian Serb controlled areas; or

(bb) any body in the Bosnian Serb controlled areas; or

(ii) any person or body acting on behalf of a body in the Bosnian Serb controlled areas or a body described in sub-paragraph (i).

(c) "property" includes funds, financial, tangible and intangible assets, property rights, public and privately traded securities and debt instruments, and any other financial and economic resources.

(a) S.I. 1993/1195.

(b) 1894 c.60.

Prohibition on the provision of services

5.—(1) Except under the authority of a licence granted by the Governor under this article, no person mentioned in article 8 of this Order shall provide any services to any person or body for the purposes of any business carried on in the Bosnian Serb controlled areas.

(2) For the purposes of this article "services" shall not include (a) telecommunications services; or (b) postal services.

Assets of persons connected with Bosnian Serb controlled areas

6.—(1) Except with permission granted by or on behalf of the Governor, no person mentioned in article 8 of this Order shall—

- (a) make any payment, or part with any gold, securities or investments; or
- (b) make any change in the persons to whose credit any sum is to stand or to whose order any gold, securities or investments are to be held,

where any such action is action to which this article applies.

(2) This article applies to any action which is likely to make available to or for the benefit of any person connected with the Bosnian Serb controlled areas any funds or any other financial assets or resources, whether by their removal from the Territory or otherwise, or otherwise to result in the remittance or transfer of funds or other such assets or resources to or for the benefit of any person connected with the Bosnian Serb controlled areas.

(3) Any permission granted by or on behalf of the Governor under this article may be granted either absolutely or subject to conditions and may be varied or revoked at any time by or on behalf of the Governor.

(4) In this article, "person connected with the Bosnian Serb controlled areas" means any of the following persons:

- (a) any body in the Bosnian Serb controlled areas; or
- (b) any body, wherever incorporated or constituted, which is owned or controlled, directly or indirectly, by the following persons:
 - (i) any person in, or resident in, the Bosnian Serb controlled areas; or
 - (ii) any body in the Bosnian Serb controlled areas; or
- (c) Any person or body acting on behalf of a body described in sub-paragraph (a) or (b).

Exception

7. Nothing in this Order, in the Serbia and Montenegro (United Nations Sanctions) (Dependent Territories) Order 1992(a) or the 1993 Order(b) shall prohibit any activities in connection with the United Nations Protection Force (UNPROFOR), the International Conference on the Former Yugoslavia or the European Community Monitoring Mission.

Provision relating to articles 4, 5, and 6

8.—(1) The provisions of articles 5 and 6 of this Order shall apply to any person within the Territory and to any person elsewhere who:

- (a) is a British citizen, a British Dependent Territories citizen, a British Overseas citizen, a British subject, or a British protected person; or
- (b) is a body incorporated or constituted under the law of the Territory.

(2) Subject to the provisions of paragraphs (3) and (4) of this article, any person who contravenes the provisions of article 4(1) or any person specified in paragraph (1) of this article who contravenes the provisions of articles 5(1) or 6(1) of this Order shall be guilty of an offence under this Order.

(3) In the case of proceedings for an offence in contravention of article 4(1) of this Order by a person or body acting on behalf of a body in the Bosnian Serb controlled areas or a body described in article 4(2)(b)(i) of this Order, it shall be a defence for the accused person to prove that he did not know and had no reason to suppose that he was so acting.

(a) S.I. 1992/1303.

(b) S.I. 1993/1195.

(4) In the case of proceedings for an offence in contravention of article 5(1) of this Order, it shall be a defence for the accused person to prove that he did not know and had no reason to suppose that the services in question were to be provided for the purposes of any business carried on in the Bosnian Serb controlled areas.

Powers to demand evidence of destination which goods reach

9. Any exporter or any shipper of goods which have been exported from the Territory shall, if so required by the Governor, furnish within such time as he may allow proof to his satisfaction that the goods have reached either—

(i) a destination to which they were authorised to be exported by a licence granted under this Order; or

(ii) a destination to which their exportation was not prohibited by this Order,

and, if he fails to do so, he shall be guilty of an offence under this Order unless he proves that he did not consent to or connive at the goods reaching any destination other than such a destination as aforesaid.

Offences in connection with applications for licences, conditions attaching to licences, etc.

10.—(1) If for the purposes of obtaining any licence or permission under this Order any person makes any statement or furnishes any document or information which to his knowledge is false in a material particular or recklessly makes any statement or furnishes any document or information which is false in a material particular he shall be guilty of an offence under this Order.

(2) Any person who has done any act under the authority of a licence granted by the Governor or with permission granted by or on behalf of the Governor under this Order and who fails to comply with any condition attaching to that licence or permission shall be guilty of an offence under this Order:

Provided that no person shall be guilty of an offence under this paragraph where he proves that the condition with which he failed to comply was modified, otherwise than with his consent,

(i) by the Governor after the doing of the act authorised by the licence, or

(ii) by or on behalf of the Governor after the doing of the act with permission granted by or on behalf of the Governor.

Declaration as to goods: powers of search

11.—(1) Any person who is about to leave the Territory shall if he is required to do so by an officer authorised for the purpose by the Governor—

(a) declare whether or not he has with him any goods destined for the Bosnian Serb controlled areas or the United Nations Protected Areas in the Republic of Croatia; and

(b) produce any such goods as aforesaid which he has with him,

and such officer, and any person acting under his directions, may search that person for the purpose of ascertaining whether he has with him any such goods as aforesaid:

Provided that no person shall be searched in pursuance of this paragraph except by a person of the same sex.

(2) Any person who without reasonable excuse refuses to make a declaration, fails to produce any goods or refuses to allow himself to be searched in accordance with the foregoing provisions of this article shall be guilty of an offence under this Order.

(3) Any person who under the provisions of this article makes a declaration which to his knowledge is false in a material particular or recklessly makes any declaration which is false in a material particular shall be guilty of an offence under this Order.

Obtaining of evidence and information

12. The provisions of Schedule 1 to this Order shall have effect in order to facilitate the obtaining, by or on behalf of the Governor, of evidence and information for the purpose of securing compliance with or detecting evasion of this Order and in order to facilitate the obtaining, by or on behalf of the Governor, of evidence of the commission of an offence under this Order or, with respect to any of the matters regulated by this Order, of an offence relating to customs or of an offence against any provision of law with respect to similar matters that is for the time being in force in any territory to which this Order extends.

Penalties and Proceedings

13.—(1) Any person guilty of an offence in contravention of article 5(1) or article 6(1) of this Order shall be liable:

- (a) on conviction on indictment to imprisonment for a term not exceeding seven years or to a fine or to both; or
- (b) on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding £5,000 or its equivalent or to both.

(2) Any person guilty of an offence under paragraph 5(b) or (d) of Schedule 1 to this Order shall be liable:

- (a) on conviction on indictment to imprisonment for a term not exceeding two years or to a fine or to both; or
- (b) on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding £5,000 or its equivalent or to both.

(3) Any person guilty of an offence in contravention of article 4(1) or under article 10(1) or (2) or article 11(3) of this Order shall be liable:

- (a) on conviction on indictment to imprisonment for a term not exceeding two years or to a fine or to both;
- (b) on summary conviction to a fine not exceeding £5,000 or its equivalent.

(4) Any person guilty of an offence under paragraph 5(a) or (c) of Schedule 1 to this Order shall be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding £5,000 or its equivalent.

(5) Any person guilty of an offence under article 9 or article 11(2) of this Order shall be liable on summary conviction to a fine not exceeding £5,000 or its equivalent.

(6) Where any body corporate is guilty of an offence under this Order, and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(7) Summary proceedings for an offence under this Order, being an offence alleged to have been committed outside the Territory, may be instituted at any time not later than 12 months from the date on which the person charged first enters the Territory after committing the offence.

(8) Proceedings against any person for an offence under this Order may be taken before the appropriate court in the Territory having jurisdiction in the place where that person is for the time being.

(9) No proceedings for an offence under this Order shall be instituted in the Territory except by or with the consent of the principal public officer of the Territory having responsibility for criminal prosecutions:

Provided that this paragraph shall not prevent the arrest, or the issue or execution of a warrant for the arrest, of any person in respect of such an offence, or the remand in custody or on bail of any person charged with such an offence, notwithstanding that the necessary consent to the institution of proceedings for the offence has not been obtained.

Exercise of powers of the Governor

14.—(1) The Governor may, to such extent and subject to such restrictions and conditions as he may think proper, delegate or authorise the delegation of any of his powers under this Order (other than the power to give authority under Schedule 1 to this Order to apply for a search warrant) to any person, or class or description of persons, approved by him, and references in this Order to the Governor shall be construed accordingly.

(2) Any licence granted under this Order may be either general or special, may be subject to or without conditions, may be limited so as to expire on a specified date unless renewed and may be varied or revoked by the authority that granted it.

Amendment of the 1993 Order

15.—(1) Article 7(1)(a) of the 1993 Order shall be amended by the replacement of the reference to article 4(5)(a) by a reference to article 4(7)(a).

(2) Article 9(1)(a) of the 1993 Order shall be amended by the replacement of the reference to article 6(5)(a) by a reference to article 6(6)(a).

Miscellaneous

16.—(1) Any provision of this Order which prohibits the doing of a thing except under the authority of a licence or permission granted by the Governor shall not have effect in relation to any such thing done anywhere other than the territory to which this Order extends provided that it is duly authorised.

(2) A thing is duly authorised for the purpose of paragraph (1) of this article if it is done under the authority of a licence or permission granted in accordance with any law in force in the place where it is done (being a law substantially corresponding to the relevant provisions of this Order) by the authority competent in that behalf under that law.

N. H. Nicholls
Clerk of the Privy Council

SCHEDULE 1

Article 12

EVIDENCE AND INFORMATION

1—(1) Without prejudice to any other provision of this Order, or any provision of any other law, the Governor (or any person authorised by him for that purpose either generally or in a particular case) may request any person in or resident in the Territory to furnish to him (or to that authorised person) any information in his possession or control, or to produce to him (or that authorised person) any document in his possession or control, which he (or that authorised person) may require for the purpose of securing compliance with or detecting evasion of this Order; and any person to whom such a request is made shall comply with it within such time and in such manner as may be specified in the request.

(2) Nothing in the foregoing sub-paragraph shall be taken to require any person who has acted as counsel or solicitor for any person to disclose any privileged communication made to him in that capacity.

(3) Where a person is convicted of failing to furnish information or produce a document when requested to do so under this paragraph, the court may make an order requiring him, within such period as may be specified in the order, to furnish the information or produce the document.

(4) The power conferred by this paragraph to request any person to produce documents shall include power to take copies of or extracts from any document so produced and to request that person, or, where that person is a body corporate, any other person who is a present or past officer of, or is employed by, the body corporate, to provide an explanation of any of them.

2—(1) If any judge, magistrate or justice of the peace is satisfied by information given on oath by any constable or person authorised by the Governor to act for the purposes of this paragraph either generally or in a particular case:

(a) that there is reasonable ground for suspecting that an offence under this Order or, with respect to any of the matters regulated by this Order, an offence under any enactment relating to customs or an offence against any provision of law with respect to similar matters that is for the time being in force in any territory to which this Order extends has been or is being committed and that evidence of the commission of the offence is to be found on any premises specified in the information, or in any vehicle, ship or aircraft so specified; or

(b) that any documents which ought to have been produced under paragraph 1 of this Schedule and have not been produced are to be found on any such premises or in any such vehicle, ship or aircraft,

he may grant a search warrant authorising any police officer, together with any other persons named in the warrant and any other police officers, to enter the premises specified in the information or, as the case may be, any premises upon which the vehicle, ship or aircraft so specified may be, at any time within one month from the date of the warrant and to search the premises, or as the case may be, the vehicle, ship or aircraft.

(2) A person authorised by any such warrant as aforesaid to search any premises or any vehicle, ship or aircraft may search every person who is found in, or whom he has reasonable ground to believe to have recently left or to be about to enter, those premises or that vehicle, ship or aircraft and may seize any document or article found on the premises or in the vehicle, ship or aircraft or on such person which he has reasonable ground to believe to be evidence of the commission of any such offence as aforesaid or any documents which he has reasonable ground to believe ought to have been produced under paragraph 1 of this Schedule or to take in relation to any such article or document any other steps which may appear necessary for preserving it and preventing interference with it:

Provided that no person shall in pursuance of any warrant issued under this paragraph be searched except by a person of the same sex.

(3) Where, by virtue of this paragraph, a person is empowered to enter any premises, vehicle, ship or aircraft he may use such force as is reasonably necessary for that purpose.

(4) Any document or article of which possession is taken under this paragraph may be retained for a period of three months or, if within that period there are commenced any proceedings for such an offence as aforesaid to which it is relevant, until the conclusion of those proceedings.

3. A person authorised by the Governor to exercise any power for the purposes of this Schedule shall, if requested to do so, produce evidence of his authority before or on exercising that power.

4. No information furnished or document produced (including any copy of or extract made of any document produced) by any person in pursuance of a request made under this Schedule and no document seized under paragraph 2(2) of this Schedule shall be disclosed except—

(a) with the consent of the person by whom the information was furnished or the document was produced or the person from whom the document was seized:

Provided that a person who has obtained information or is in possession of a document only in his capacity as servant or agent of another person may not give consent for the purposes of this sub-paragraph but such consent may instead be given by any person who is entitled to that information or the possession of that document in his own right; or

- (b) to any person who would have been empowered under this Schedule to request that it be furnished or produced or to any person holding or acting in any office under or in the service of the Crown in respect of the Government of the United Kingdom or under or in the service of the Government of any territory to which this Order extends; or
- (c) on the authority of the Secretary of State, to any organ of the United Nations or to any person in the service of the United Nations or the Government of any other country for the purpose of assisting the United Nations or that Government in securing compliance with or detecting evasion of measures in relation to the Bosnian Serb controlled areas or the United Nations Protected Areas of the Republic of Croatia decided upon by the Security Council of the United Nations; or
- (d) with a view to the institution of, or otherwise for the purposes of, any proceedings for an offence under this Order or, with respect to any of the matters regulated by this Order, for an offence under any enactment relating to customs or for an offence against any provision of law with respect to similar matters that is for the time being in force in any territory to which this Order extends.

5. Any person who—

- (a) without reasonable excuse, refuses or fails within the time and in the manner specified (or, if no time has been specified, within a reasonable time) to comply with any request made under this Schedule by any person who is empowered to make it; or
- (b) wilfully furnished false information or a false explanation to any person exercising his powers under this Schedule; or
- (c) otherwise wilfully obstructs any person in this exercise of his powers under this Schedule; or
- (d) with intent to evade the provisions of this Schedule, destroys, mutilates, defaces, secretes or removes any document,

shall be guilty of an offence under this Order.

SCHEDULE 2

Article 1(3)(a)

TERRITORIES TO WHICH THE ORDER EXTENDS

Anguilla
Bermuda
British Antarctic Territory
British Indian Ocean Territory
Cayman Islands
Falkland Islands
South Georgia and South Sandwich Islands
Gibraltar
Hong Kong
Montserrat
Pitcairn
St. Helena and its dependencies
Sovereign Base Areas of Akrotiri and Dhekelia
Turks and Caicos Islands
Virgin Islands

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, made under the United Nations Act 1946, applies to each of the territories specified in Schedule 2. It places restrictions on the export of goods to the Bosnian Serb controlled areas of the Republic of Bosnia and Herzegovina or the United Nations Protected Areas of the Republic of Croatia. In addition this Order imposes restrictions pursuant to a decision of the Security Council of the United Nations in resolution 942 (1994) of 23 September 1994 on the carrying on of economic activities by persons connected with the Bosnian Serb controlled areas of the Republic of Bosnia and Herzegovina and the provision of services for businesses carried on in those areas. The Order also places restrictions on certain actions making available or otherwise transferring funds or other financial assets or resources to or for the benefit of persons connected with the Bosnian Serb controlled areas of the Republic of Bosnia and Herzegovina. The Order further amends the Serbia and Montenegro (United Nations Sanctions) (Dependent Territories) Order 1993 (S.I. 1993/1195) to correct two references therein.



THE FALKLAND ISLANDS GAZETTE Supplement

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The following are published in this Supplement -

The South Africa (United Nations Arms Embargo) (Prohibited Transactions) Revocations Order 1994;

The United Nations Arms Embargoes (Dependent Territories) Order 1995.

STATUTORY INSTRUMENTS

1994 No. 1636

UNITED NATIONS

The South Africa (United Nations Arms Embargo)
(Prohibited Transactions) Revocations Order 1994

Made - - - - - 22nd June 1994

Laid before Parliament 23rd June 1994

Coming into force 22nd June 1994

At the Court at Buckingham Palace, the 22nd day of June 1994

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred on Her by section 1 of the United Nations Act 1946(a) is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

Citation and extent

1.—(1) This Order may be cited as the South Africa (United Nations Arms Embargo) (Prohibited Transactions) Revocations Order 1994.

(2) This Order shall, to the extent that it makes provision in relation to any Order of Her Majesty in Council in force in each of the Channel Islands, in the Isle of Man or in any territory specified in Schedule 1 to this Order, have effect as part of the law of that one of the Channel Islands, of the Isle of Man or that territory.

Revocations

2. The Orders specified in Schedule 2 to this Order are revoked.

N. H. Nicholls
Clerk of the Privy Council

N. H. Niclolls

SCHEDULE 1

Article 1(2)

TERRITORIES IN WHICH THIS ORDER HAS EFFECT

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

SCHEDULE 2

Article 2

ORDERS REVOKED BY THIS ORDER

- The South Africa (United Nations Arms Embargo) (Prohibited Transactions) Order 1978(a)
 The South Africa (United Nations Arms Embargo) (Prohibited Transactions) (Amendment) Order 1978(b)
 The South Africa (United Nations Arms Embargo) (Prohibited Transactions) (Amendment No. 2) Order 1978(c)
 The South Africa (United Nations Arms Embargo) (Prohibited Transactions) (Guernsey) Order 1978(d)
 The South Africa (United Nations Arms Embargo) (Prohibited Transactions) (Jersey) Order 1978(e)
 The South Africa (United Nations Arms Embargo) (Prohibited Transactions) (Isle of Man) Order 1978(f)
 The South Africa (Prohibited Exports and Transactions) (Overseas Territories) Order 1978(g)
 The South Africa (United Nations Arms Embargo) (Prohibited Transactions) (Guernsey) (Amendment) Order 1978(h)
 The South Africa (United Nations Arms Embargo) (Prohibited Transactions) (Jersey) (Amendment) Order 1978(i)
 The South Africa (United Nations Arms Embargo) (Prohibited Transactions) (Isle of Man) (Amendment) Order 1978(j)
 The South Africa (United Nations Arms Embargo) (Prohibited Transactions) (Amendment) Order 1981(k)
 The South Africa (United Nations Arms Embargo) (Prohibited Transactions) (Guernsey) (Amendment) Order 1982(l)
 The South Africa (United Nations Arms Embargo) (Prohibited Transactions) (Jersey) (Amendment) Order 1982(m)
 The South Africa (United Nations Arms Embargo) (Prohibited Transactions) (Isle of Man) (Amendment) Order 1982(n)

(a) S.I. 1978/277.

(d) S.I. 1978/1052.

(g) S.I. 1978/1624.

(j) S.I. 1978/1897.

(m) S.I. 1982/154.

(b) S.I. 1978/1034.

(e) S.I. 1978/1054.

(h) S.I. 1978/1896.

(k) S.I. 1981/1671.

(n) S.I. 1982/153.

(c) S.I. 1978/1895.

(f) S.I. 1978/1053.

(i) S.I. 1978/1898.

(l) S.I. 1982/1531.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order revokes fourteen Orders made to give effect to United Nations sanctions on South Africa. The Order implements the decision of the Security Council of the United Nations, in a resolution adopted on 25th May 1994, to end the sanctions.

S T A T U T O R Y I N S T R U M E N T S

1995 No. 1032

UNITED NATIONS

The United Nations Arms Embargoes (Dependent Territories) Order 1995

<i>Made</i>	<i>11th April 1995</i>
<i>Laid before Parliament</i>	<i>25th April 1995</i>
<i>Coming into force</i>	<i>16th May 1995</i>

At the Court at Windsor Castle, the 11th day of April 1995

Present,

The Queen's Most Excellent Majesty in Council

Whereas under Article 41 of the Charter of the United Nations the Security Council of the United Nations has, by certain resolutions adopted on 25th September 1991, 23rd January 1992, 19th November 1992 and 17th May 1994, called upon Her Majesty's Government in the United Kingdom and all other States to apply certain measures to give effect to decisions of that Council in relation to Liberia, Somalia, the former Yugoslavia and Rwanda:

Now, therefore, Her Majesty, in exercise of the powers conferred on Her by section 1 of the United Nations Act 1946(a), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

Citation, commencement and extent

1.—(1) This Order may be cited as the United Nations Arms Embargoes (Dependent Territories) Order 1995 and shall come into force on 16th May 1995.

(2) If, after the making of this Order, the Security Council of the United Nations takes a decision which has the effect of cancelling or suspending in whole or in part the operation of any of the resolutions adopted by it on 25th September 1991, 23rd January 1992, 19th November 1992 or 17th May 1994, this Order shall cease to have effect or its operation shall be suspended, as the case may be, in accordance with that decision; and particulars of that decision shall be published by the Governor in a notice in the Gazette.

(3)(a) This Order shall extend, as part of the law thereof, to each of the territories listed in Schedule 1 to this Order.

(b) In this application of this Order to any of the said territories the expression "the Territory" in this Order means that territory.

Interpretation

2. In this Order the following expressions have the meanings hereby respectively assigned to them, that is to say—

"commander", in relation to an aircraft, means the member of the flight crew

(a) 1946 c.45.

designated as commander of the aircraft by the operator thereof, or, failing such a person, the person who is for the time being in charge or command of the aircraft; "export" includes shipment as stores and, in relation to any vessel, submersible vehicle or aircraft, includes the taking out of the Territory of the vessel, submersible vehicle or aircraft notwithstanding that it is conveying goods or passengers and whether or not it is moving under its own power; and cognate expressions shall be construed accordingly;

"the former Yugoslavia" means all territories which Her Majesty's Government in the United Kingdom recognise as having been comprised within the Socialist Federal Republic of Yugoslavia on 25th September 1991, and a certificate issued by or on behalf of the Governor shall be conclusive evidence as to whether any territory was so comprised on that date;

"Gazette" means the official Gazette of the Territory;

"Governor" means the Governor or other officer administering the Government of the Territory;

"master", in relation to a ship, includes any person (other than a pilot) for the time being in charge of the ship;

"operator", in relation to an aircraft or vehicle, means the person for the time being having the management of the aircraft or vehicle;

"owner", where the owner of a ship is not the operator, means the operator and any person to whom it is chartered;

"person connected with a prohibited destination" means

(i) the Government of any territory comprised within a prohibited destination;

(ii) any other person in, or resident in, a prohibited destination;

(iii) any body incorporated or constituted under the law of any part of a prohibited destination;

(iv) any body, wherever incorporated or constituted, which is controlled by the Government of any territory comprised within a prohibited destination, any other person in, or resident in, a prohibited destination, or any body incorporated in or constituted under the law of any part of a prohibited destination; and

(v) any person acting on behalf of any of the above mentioned persons;

"prohibited destination" means Liberia, Somalia, the former Yugoslavia or Rwanda;

"ship" has the meaning it bears in section 742 of the Merchant Shipping Act 1894(a);

"shipment" includes loading into an aircraft.

Deliveries and supplies of certain goods to a prohibited destination

3.—(1) Except under the authority of a licence granted by the Governor under this article, the Serbia and Montenegro (United Nations Sanctions) (Dependent Territories) Order 1992(b), the Serbia and Montenegro (United Nations Sanctions) (Dependent Territories) Order 1993(c) or the Former Yugoslavia (United Nations Sanctions) (Dependent Territories) Order 1994(d), no person shall:

(a) supply or deliver;

(b) agree to supply or deliver; or

(c) do any act likely to promote the supply or delivery of,

any goods specified in Schedule 2 to this Order to a prohibited destination, or to, or to the order of, a person connected with a prohibited destination, or to any destination for the purpose of delivery, directly or indirectly, to a prohibited destination or to, or to the order of, any person connected with a prohibited destination.

(2) The provisions of this article shall apply to any person within the Territory and to any person elsewhere who:

(a) 1894 c.60.

(b) S.I. 1992/1303.

(c) S.I. 1993/1195.

(d) S.I. 1994/2674.

- (a) is a British citizen, a British Dependent Territories citizen, a British Overseas citizen, a British subject or a British protected person, and is ordinarily resident in the Territory;
- (b) is a body incorporated or constituted under the law of the Territory.

(3) Subject to the provisions of paragraph (4) of this article, any person specified in paragraph (2) of this article who contravenes the provisions of paragraph (1) of this article shall be guilty of an offence under this Order.

(4) In the case of proceedings for an offence in contravention of paragraph (1) of this article it shall be a defence for the accused person to prove, (i) that he did not know and had no reason to suppose that the goods in question were prohibited goods, or (ii) that he did not know and had no reason to suppose that the goods were to be delivered or supplied to a prohibited destination or to, or to the order of, a person connected with a prohibited destination.

(5) Paragraph (1) of this article shall not apply to goods delivered or supplied to a prohibited destination by or on behalf of the United Nations, the United Nations Protection Force, the European Community Monitor Mission, the International Conference on the Former Yugoslavia or the peacekeeping forces of the Economic Community of West African States.

(6) Nothing in paragraph (1)(b) or (c) of this article shall apply where the supply or delivery of the goods to the person concerned is authorised by a licence granted by the Governor under this article.

Exportation of certain goods to a prohibited destination

4. Except under the authority of a licence granted by the Governor under this article, the Serbia and Montenegro (United Nations Sanctions) (Dependent Territories) Order 1992, the Serbia and Montenegro (United Nations Sanctions) (Dependent Territories) Order 1993 or the Former Yugoslavia (United Nations Sanctions) (Dependent Territories) Order 1994, the goods specified in Schedule 2 to this Order are prohibited to be exported from the Territory to any prohibited destination or to any destination for the purpose of delivery, directly or indirectly, to any prohibited destination or to, or to the order of, any person connected with a prohibited destination.

Powers to demand evidence of destination which goods reach

5. Any exporter or any shipper of goods specified in Schedule 2 to this Order which have been exported from the Territory shall, if so required by the Governor, furnish within such time as he may allow proof to his satisfaction that the goods have reached either—

- (i) a destination to which they were authorised to be supplied or delivered by a licence granted under this Order, or
- (ii) a destination to which their supply or delivery was not prohibited by this Order;

and, if he fails to do so, he shall be liable to a customs penalty not exceeding £5,000 or its equivalent unless he proves that he did not consent to or connive at the goods reaching any destination other than such a destination as aforesaid.

Offences in connection with applications for licences, conditions attaching to licences, etc.

6.—(1) If for the purpose of obtaining any licence under this Order any person makes any statement or furnishes any document or information which to his knowledge is false in a material particular or recklessly makes any statement or furnishes any document or information which is false in a material particular he shall be guilty of an offence under this Order.

(2) Any person who has done any act under the authority of a licence granted by the Governor under this Order and who fails to comply with any condition attaching to that licence shall be guilty of an offence under this Order:

Provided that no person shall be guilty of an offence under this paragraph where he proves that the condition with which he failed to comply was modified, otherwise than with his consent, by the Governor after the doing of the act authorised by the licence.

Declaration as to goods: powers of search

7.—(1) Any person who is about to leave the Territory shall if he is required to do so by an officer authorised for the purpose by the Governor—

- (a) declare whether or not he has with him any goods specified in Schedule 2 to this Order; and
- (b) produce any goods specified in Schedule 2 to this Order which he has with him, and such officer, and any person acting under his directions, may search that person for the purpose of ascertaining whether he has with him any such goods as aforesaid:

Provided that no person shall be searched in pursuance of this paragraph except by a person of the same sex.

(2) Any person who without reasonable excuse refuses to make a declaration, fails to produce any goods or refuses to allow himself to be searched in accordance with the foregoing provisions of this article shall be guilty of an offence.

(3) Any person who under the provisions of this article makes a declaration which to his knowledge is false in a material particular or recklessly makes any declaration which is false in a material particular shall be guilty of an offence under this Order.

Carriage of certain goods destined for a prohibited destination

8.—(1) Except under the authority of a licence granted by the Governor under this article, and without prejudice to the generality of article 3 of this Order, no ship or aircraft to which this article applies, and no vehicle within the Territory, shall be used for the carriage of goods specified in Schedule 2 to this Order if the carriage is or forms part of carriage from any place outside a prohibited destination to any place therein, or to, or to the order of, a person connected with a prohibited destination.

(2) This article applies to ships registered in the Territory, to aircraft so registered and to any other ship or aircraft that is for the time being chartered to any person who is:

- (a) a British citizen, a British Dependent Territories citizen, a British Overseas citizen, a British subject, or a British protected person, and is ordinarily resident in the Territory; or
- (b) a body incorporated or constituted under the law of the Territory.

(3) If any ship, aircraft or vehicle is used in contravention of paragraph (1) of this article, then:

- (a) in the case of a ship registered in the Territory or any aircraft so registered, the owner and the master of the ship or, as the case may be, the operator and the commander of the aircraft; or
- (b) in the case of any other ship or aircraft, the person to whom the ship or aircraft is for the time being chartered and, if he is such a person as is referred to in sub-paragraph (a) or sub-paragraph (b) of paragraph (2) of this article, the master of the ship or, as the case may be, the operator and the commander of the aircraft; or

(c) in the case of a vehicle, the operator of the vehicle,
shall be guilty of an offence under this Order unless he proves that he did not know and had no reason to suppose that the carriage of the goods in question was, or formed part of, carriage from any place outside a prohibited destination to any place therein or to, or to the order of, any person connected with a prohibited destination.

(4) In the case of proceedings for an offence in contravention of paragraph (3) above, it shall be a defence for the accused person to prove that he did not know and had no reason to suppose that the goods in question were goods specified in Schedule 2 to this Order.

(5) Nothing in this article shall be construed so as to prejudice any other provision of law prohibiting or restricting the use of ships, aircraft or vehicles.

(6) Nothing in this article shall apply where the supply or delivery of the goods to the person concerned is authorised by a licence granted by the Governor as referred to in paragraph (1) of article 3 of this Order.

Investigation, etc. of suspected ships, aircraft and vehicles

9.—(1) Where any authorised officer, that is to say, any such officer as is referred to in section 692(1) of the Merchant Shipping Act 1894(a), has reason to suspect that any ship in the Territory has been or is being or is about to be used in contravention of paragraph (1) of article 8 of this Order, he may (either alone or accompanied and assisted by persons under his authority) board the ship and search her and, for that purpose, may use or authorise the use of reasonable force, and he may request the master of the ship to furnish such information relating to the ship and her cargo and produce for his inspection such documents so relating and such cargo as he may specify; and an authorised officer (either there and then or upon consideration of any information furnished or document or cargo produced in pursuance of such a request) may, in the case of a ship that is reasonably suspected of being or of being about to be used in contravention of article 8 of this Order, exercise the following further powers with a view to the prevention of the commission (or the continued commission) of such contravention or in order that enquiries into the matter may be pursued, that is to say, he may either direct the master to refrain, except with the consent of an authorised officer, from landing at any port specified by the officer any part of the ship's cargo that is so specified or request the master to take any one or more of the following steps:

- (a) to cause the ship not to proceed with the voyage on which she is then engaged or about to engage until the master is notified by any authorised officer that the ship may so proceed;
- (b) if the ship is then in a port in the Territory to cause her to remain there until the master is notified by any authorised officer that the ship may depart;
- (c) if the ship is then in any other place, to take her to any such port specified by the officer and to cause her to remain there until the master is notified as mentioned in sub-paragraph (b) of this paragraph; and
- (d) to take her to any other destination that may be specified by the officer in agreement with the master;

and the master shall comply with any such request or direction.

(2) Without prejudice to the provisions of paragraph (10) of this article, where a master refuses or fails to comply with a request made under this article that his ship shall or shall not proceed to or from any place or where an authorised officer otherwise has reason to suspect that such a request that has been so made may not be complied with, any such officer may take such steps as appear to him to be necessary to secure compliance with that request and, without prejudice to the generality of the foregoing, may for that purpose enter upon, or authorise entry upon, that ship and use, or authorise the use of, reasonable force.

(3) Where the Governor or any person authorised by him for that purpose either generally or in a particular case has reason to suspect that any aircraft in the Territory has been or is being or is about to be used in contravention of paragraph (1) of article 8 of this Order, the Governor or that authorised person may request the charterer, the operator and the commander of the aircraft or any of them to furnish such information relating to the aircraft and its cargo and produce for his inspection such documents so relating and such cargo as he may specify, and the Governor or that authorised person may (either alone or accompanied and assisted by persons under his authority) board the aircraft and search it and, for that purpose, may use or authorise the use of reasonable force; and, if the aircraft is then in the Territory, the Governor or any such authorised person (either there and then or upon consideration of any information furnished or document or cargo produced in pursuance of such a request) may further request the charterer, operator and the commander or any of them to cause the aircraft to remain in the Territory until notified that the aircraft may depart; and the charterer, the operator and the commander shall comply with any such request.

(4) Without prejudice to the provisions of paragraph (10) of this article, where any person authorised as aforesaid has reason to suspect that any request that an aircraft should remain in the Territory that has been made under paragraph (3) of this article may not be complied with, that authorised person may take such steps as appear to him to be necessary to secure compliance with that request and, without prejudice to the generality of the foregoing, may for that purpose:

(a) 1894 c.60.

- (a) enter, or authorise entry, upon any land and upon that aircraft;
- (b) detain, or authorise the detention of, that aircraft; and
- (c) use, or authorise the use of, reasonable force.

(5) Where the Governor or any person authorised by him for that purpose either generally or in a particular case has reason to suspect that any vehicle in the Territory has been or is being or is about to be used in contravention of paragraph (1) of article 8 of this Order, the Governor or that authorised person may request the operator and driver of the vehicle or either of them to furnish such information relating to the vehicle and any goods contained in it and produce for his inspection such documents so relating and such goods as he may specify, and the Governor or that authorised person may (either alone or accompanied and assisted by persons under his authority) board the vehicle and search it and, for that purpose, may use or authorise the use of reasonable force; and the Governor or any such authorised person (either there and then or upon consideration of any information furnished or document or goods produced in pursuance of such a request) may further require the operator or driver to cause the vehicle to remain in the Territory until notified that the vehicle may depart; and the operator and the driver shall comply with any such request.

(6) Without prejudice to the provisions of paragraph (10) of this article, where the Governor or any person authorised as aforesaid has reason to suspect that any request that a vehicle should remain in the Territory that has been made under paragraph (5) of this article may not be complied with, the Governor or that authorised person may take such steps as appear to him to be necessary to secure compliance with that request and, without prejudice to the generality of the foregoing, may for that purpose--

- (a) enter, or authorise entry, upon any land and upon that vehicle;
- (b) detain, or authorise the detention of, that vehicle; and
- (c) use, or authorise the use of, reasonable force.

(7) Before or on exercising any power conferred by paragraph (3), (4), (5) or (6) of this article, such an authorised person as is referred to in paragraph (3) or (5) shall, if requested so to do, produce evidence of his authority.

(8) No information furnished or document produced by any person in pursuance of a request made under this article shall be disclosed except:

- (a) with the consent of the person by whom the information was furnished or the document was produced:

Provided that a person who has obtained information or is in possession of a document only in his capacity as servant or agent of another person may not give consent for the purposes of this sub-paragraph but such consent may instead be given by any person who is entitled to that information or to the possession of that document in his own right;

- (b) to any person who would have been empowered under this article to request that it be furnished or produced or to any person holding or acting in any office under or in the service of the Crown in respect of the Government of the United Kingdom or under or in the service of the Government of any territory to which this Order extends;
- (c) on the authority of the Secretary of State, to any organ of the United Nations or to any person in the service of the United Nations or to the Government of any other country for the purpose of assisting the United Nations or that Government in securing compliance with or detecting evasion of measures in relation to Liberia, Somalia, the former Yugoslavia or Rwanda decided upon the Security Council of the United Nations; or
- (d) with a view to the institution of, or otherwise for the purposes of, any proceedings for an offence under this Order or, with respect to any of the matters regulated by this Order, for an offence against any enactment relating to customs or for an offence against any provision of law with respect to similar matters that is for the time being in force in the Territory.

(9) Any power conferred by this article to request the furnishing of information or the production of a document or of cargo for inspection shall include a power to specify whether the information should be furnished orally or in writing and in what form and to specify

the time by which and the place in which the information should be furnished or the document or cargo produced for inspection.

(10) Each of the following persons shall be guilty of an offence under this Order, that is to say:

- (a) a master of a ship who disobeys any direction given under paragraph (1) of this article with respect to the landing of any cargo;
- (b) a master of a ship or a charterer or an operator or a commander of an aircraft or an operator or a driver of a vehicle who,
 - (i) without reasonable excuse, refuses or fails within a reasonable time to comply with any request made under this article by any person empowered to make it, or
 - (ii) wilfully furnishes false information or produces false documents to such a person in response to such a request;
- (c) a master or a member of a crew of a ship or a charterer or an operator or a commander or a member of a crew of an aircraft or an operator or a driver of a vehicle who wilfully obstructs any such person (or any person acting under the authority of any such person) in the exercise of his powers under this article.

(11) Nothing in this article shall be construed so as to prejudice any other provision of law conferring powers or imposing restrictions or enabling restrictions to be imposed with respect to ships, aircraft or vehicles.

Obtaining of evidence and information

10. The provisions of Schedule 3 to the Order shall have effect in order to facilitate the obtaining, by or on behalf of the Governor, of evidence and information for the purpose of securing compliance with or detecting evasion of this Order and in order to facilitate the obtaining, by or on behalf of the Governor, of evidence of the commission of an offence under this Order or, with respect to any of the matters regulated by this Order, of an offence relating to customs.

Penalties and proceedings

11.—(1) Any person guilty of an offence under article 3(3) or article 8(3) of this Order shall be liable:

- (a) on conviction on indictment to imprisonment for a term not exceeding seven years or to a fine or to both; or
- (b) on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding £5,000 or its equivalent or to both.

(2) Any person guilty of an offence under article 9(10)(b)(ii) of this Order or paragraph 5(b) or (d) of Schedule 3 to this Order shall be liable:

- (a) on conviction on indictment to imprisonment for a term not exceeding two years or to a fine or to both;
- (b) on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding £5,000 or its equivalent or to both.

(3) Any person guilty of an offence under article 6(1) or (2) or article 7(3) of this Order shall be liable:

- (a) on conviction on indictment to imprisonment for a term not exceeding two years or to a fine or to both;
- (b) on summary conviction to a fine not exceeding £5,000 or its equivalent.

(4) Any person guilty of an offence under article 7(2) of this Order shall be liable on summary conviction to a fine not exceeding £5,000 or its equivalent.

(5) Any person guilty of an offence under article 9(10)(a), (b)(i) or (c) of this Order or paragraph 5(a) or (c) of Schedule 3 to this Order shall be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding £5,000 or its equivalent or to both.

(6) Where any body corporate is guilty of an offence under this Order, and that offence is proved to have been committed with the consent or connivance of, or to be attributable

to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence, and shall be liable to be proceeded against and punished accordingly.

(7) Summary proceedings for an offence under this Order, being an offence alleged to have been committed outside the Territory, may be commenced at any time not later than twelve months from the date on which the person charged first enters the Territory after committing the offence.

(8) Proceedings against any person for an offence under this Order may be taken before the appropriate court in the Territory having jurisdiction in the place where that person is for the time being.

(9) No proceedings for an offence under this Order shall be instituted in the Territory except by or with the consent of the principal public officer of the Territory having responsibility for criminal prosecutions:

Provided that this paragraph shall not prevent the arrest, or the issue or execution of a warrant for the arrest, of any person in respect of such an offence, or the remand in custody or on bail of any person charged with such an offence, notwithstanding that the necessary consent to the institution of proceedings for the offence has not been obtained.

Exercise of powers of the Governor

12.—(1) The Governor may, to such extent and subject to such restrictions and conditions as he may think proper, delegate or authorise the delegation of any of his powers under this Order (other than the power to give authority under Schedule 3 to this Order to apply for a search warrant) to any person, or class or description of persons, approved by him, and references in this Order to the Governor shall be construed accordingly.

(2) Any licences granted under this Order may be either general or special, may be subject to or without conditions, may be limited so as to expire on a specified date unless renewed and may be varied or revoked by the authority that granted them.

Miscellaneous

13.—(1) Any provision of this Order which prohibits the doing of a thing except under the authority of a licence granted by the Governor shall not have effect in relation to any such thing done anywhere other than the Territory provided that it is duly authorised.

(2) A thing is duly authorised for the purpose of paragraph (1) of this article if it is done under the authority of a licence granted in accordance with any law in force in the place where it is done (being a law substantially corresponding to the relevant provisions of this Order) by the authority competent in that behalf under that law.

N H Nicholls
Clerk of the Privy Council

SCHEDULE 1

Article 1(3)

TERRITORIES TO WHICH THE ORDER EXTENDS

Anguilla
Bermuda
British Antarctic Territory
British Indian Ocean Territory
Cayman Islands
Falkland Islands
Gibraltar

Hong Kong
 Montserrat
 Pitcairn, Henderson, Ducie and Oeno Islands
 St. Helena and its Dependencies
 South Georgia and South Sandwich Islands
 Sovereign Base Areas of Akrotiri and Dhekelia
 Turks and Caicos Islands
 Virgin Islands

SCHEDULE 2

Articles 3 to 8

PROHIBITED GOODS

PART A

- (1) Any arms and related material (including weapons, ammunition, military vehicles, military equipment and paramilitary police equipment).
- (2) Any component for any goods specified in paragraph (1) of this Part of this Schedule.
- (3) Any goods specially designed or prepared for use, or normally used, in the manufacture or maintenance of any goods specified in paragraph (1) or (2) of this Part of this Schedule.

PART B

In relation to Bosnia-Herzegovina, Croatia and the former Yugoslav Republic of Macedonia:

- (1) All wheel drive utility vehicles capable of off road use that have a ground clearance of greater than 175 millimetres;
- (2) Heavy duty recovery vehicles capable of towing suspended a load of more than 6 tonnes or winching a load of more than 10 tonnes;
- (3) Drop sided trucks that have a load carrying capacity of more than 5 tonnes.

SCHEDULE 3

Article 10

EVIDENCE AND INFORMATION

1.—(1) Without prejudice to any other provision of this Order, or any provision of any other law, the Governor (or any person authorised by him for that purpose either generally or in a particular case) may request any person in or resident in the Territory to furnish to him (or to that authorised person) any information in his possession or control, or to produce to him (or to that authorised person) any document in his possession or control, which he (or that authorised person) may require for the purpose of securing compliance with or detecting evasion of this Order; and any person to whom such a request is made shall comply with it within such time and in such manner as may be specified in the request.

(2) Nothing in the foregoing sub-paragraph shall be taken to require any person who has acted as counsel or solicitor for any person to disclose any privileged communication made to him in that capacity.

(3) Where a person is convicted of failing to furnish information or produce a document when requested so to do under this paragraph, the court may make an order requiring him, within such period as may be specified in the order, to furnish the information or produce the document.

(4) The power conferred by this paragraph to request any person to produce documents shall include power to take copies of or extracts from any document so produced and to request that person, or, where that person is a body corporate, any other person who is a present or past officer of, or is employed by, the body corporate, to provide an explanation of any of them.

2.—(1) If any justice of the peace is satisfied by information on oath given by any police officer, customs officer or person authorised by the Governor to act for the purposes of this paragraph either generally or in a particular case:

- (a) that there is reasonable ground for suspecting that an offence under this Order or, with respect to any of the matters regulated by this Order, an offence under any enactment relating to customs has been or is being committed and that evidence of the commission of the offence is to be found on any premises specified in the information, or in any vehicle, ship or aircraft so specified; or
- (b) that any documents which ought to have been produced under paragraph 1 of this Schedule and have not been produced are to be found on any such premises or in any such vehicle, ship or aircraft.

he may grant a search warrant authorising any police officer or customs officer, together with any other persons named in the warrant and any other police officers, to enter the premises specified in the information or, as the case may be, any premises upon which the vehicle, ship or aircraft so specified may be, at any time within one month from the date of the warrant and to search the premises, or, as the case may be, the vehicle, ship or aircraft.

(2) A person authorised by any such warrant as aforesaid to search any premises or any vehicle, ship or aircraft may search every person who is found in, or whom he has reasonable ground to believe to have recently left or to be about to enter, those premises or that vehicle, ship or aircraft and may seize any document or article found on the premises or in the vehicle, ship or aircraft or on such person which he has reasonable ground to believe to be evidence of the commission of any such offence as aforesaid or any documents which he has reasonable ground to believe ought to have been produced under paragraph 1 of this Schedule or to take in relation to any such article or document any other steps which may appear necessary for preserving it and preventing interference with it:

Provided that no person shall, in pursuance of any warrant issued under this paragraph, be searched except by a person of the same sex.

(3) Where, by virtue of this paragraph, a person is empowered to enter any premises, vehicle, ship or aircraft he may use such force as is reasonably necessary for that purpose.

(4) Any document or article of which possession is taken under this paragraph may be retained for a period of three months or, if within that period there are commenced any proceedings for such an offence as aforesaid to which it is relevant, until the conclusion of those proceedings.

3. A person authorised by the Governor to exercise any power for the purposes of this Schedule shall, if requested to do so, produce evidence of his authority before or on exercising that power.

4. No information furnished or document produced (including any copy of or extract made of any document produced) by any person in pursuance of a request made under this Schedule and no document seized under paragraph 2(2) of this Schedule shall be disclosed except:

- (a) with the consent of the person by whom the information was furnished or the document was produced or the person from whom the document was seized:

Provided that a person who has obtained information or is in possession of a document only in his capacity as a servant or agent of another person may not give consent for the purposes of this sub-paragraph but such consent may instead be given by any person who is entitled to that information or to the possession of that document in his own right; or

- (b) to any person who would have been empowered under this Schedule to request that it be furnished or produced or to any person holding or acting in any office under or in the service of the Crown in respect of the Government of the United Kingdom or under or in the service of the Government of any territory to which this Order extends; or
- (c) on the authority of the Secretary of State, to any organ of the United Nations or to any person in the service of the United Nations or to the Government of any other country for the purpose of assisting the United Nations or that Government in securing compliance with or detecting evasion of measures in relation to Liberia, Somalia, the former Yugoslavia or Rwanda decided upon by the Security Council of the United Nations; or
- (d) with a view to the institution of, or otherwise for the purposes of, any proceedings for an offence under this Order or, with respect to any of the matters regulated by this Order, for an offence against any enactment relating to customs or for an offence against any provision of law with respect to similar matters that is for the time being in force in the Territory.

5. Any person who—

- (a) without reasonable excuse, refuses or fails within the time and in the manner specified (or, if no time has been specified, within a reasonable time) to comply with any request made under this Schedule by any person who is empowered to make it; or

- (b) wilfully furnishes false information or a false explanation to any person exercising his powers under this Schedule; or
 - (c) otherwise wilfully obstructs any person in the exercise of his powers under this Schedule; or
 - (d) with intent to evade the provisions of this Schedule, destroys, mutilates, defaces, secretes or removes any document,
- shall be guilty of an offence under this Order.
-

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, made under the United Nations Act 1946, applies to each of the territories specified in Schedule 1. It imposes restrictions pursuant to decisions of the Security Council of the United Nations in resolution 713 (1991) of 25th September 1991, which provided for States to "implement a general and complete embargo on all deliveries of weapons and military equipment" to the former Yugoslavia, and in resolution 733 (1992) of 23rd January 1992, resolution 788 (1992) of 19th November 1992 and resolution 918 (1994) of 17th May 1994, which made similar provision in relation to Somalia, Liberia and Rwanda respectively.



THE FALKLAND ISLANDS GAZETTE Supplement

PUBLISHED BY AUTHORITY

Vol. 6

19th JUNE 1995

No. 15

LEGISLATIVE COUNCIL OF THE FALKLAND ISLANDS

Customs Ordinance (Cap. 16)
(Section 5)

RESOLUTION OF THE LEGISLATIVE COUNCIL

No. 1 of 1995

RESOLVED by the Legislative Council, under section 5 of the Customs Ordinance (Cap. 16), on the 1st day of June 1995, as follows -

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

Item	Article	Rate of Duty
"6.	Tobacco per kilo	
	(a) Cigars	£85.97
	(b) Cigarettes	£62.18
	(c) Tobacco	£56.51"

2. This Resolution may be cited as the Customs (Amendment of Import Duties) Resolution 1995 and shall come into force on the 2nd day of June 1995.

C. de CEBALLOS
Clerk of Councils.



THE FALKLAND ISLANDS GAZETTE Supplement

PUBLISHED BY AUTHORITY

Vol. 6

27th JUNE 1995

No. 16

The following are published in this Supplement -

The Appropriation Ordinance 1995 (S.R. & O. No. 5 of 1995);

The Supplementary Appropriation (1994-1995) (No. 2) Ordinance 1995 (No: 6 of 1995);

The Finance Ordinance 1995 (No: 7 of 1995);

The Taxes and Duties (Special Exemptions) (Amendment) Ordinance 1995 (No: 8 of 1995).

The Appropriation Ordinance 1995

(S. R. & O. No. 5 of 1995)

ARRANGEMENT OF PROVISIONS

Section

1. Short title.
2. Appropriation of £38,365,010 for the service of the year 1995/96.

Schedule

ELIZABETH II



Colony of the Falkland Islands

DAVID EVERARD TATHAM, C.M.G.,
Governor.

The Appropriation Ordinance 1995

(No: 5 of 1995)

An Ordinance

to appropriate and authorise the withdrawal from the Consolidated Fund of sums totalling £38,365,010 for the service of the financial year commencing on 1 July 1995 and ending of 30 June 1996.

(assented to: 20th June 1995)

(commencement: 1st July 1995)

(published: 27th June 1995)

ENACTED by the Legislature of the Falkland Islands as follows:

- | | |
|--|--|
| <ol style="list-style-type: none"> 1. This Ordinance may be cited as the Appropriation Ordinance 1995. 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 1995 and ending on 30 June 1996 ("the financial year"), sums not exceeding in aggregate the sum of Thirty Eight Million Three Hundred and Sixty Five Thousand and Ten Pounds (£38,365,010) 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. | <p><i>Short title.</i></p> <p><i>Appropriation of £38,365,010 for the service of the year 1995/96.</i></p> |
|--|--|

SCHEDULE

Number	Head of Service	£
PART I OPERATING BUDGET		
100	Aviation	1,533,830
150	Posts and Telecommunications	320,850
200	Medical and Dental	2,228,450
250	Education and Training	2,159,060
300	Customs and Immigration	145,280
320	Fisheries	4,248,820
350	Public Works Department	4,795,160
390	Fox Bay Village	68,770
400	Agriculture	543,420
450	Justice	458,390
500	Falkland Islands Defence Force	159,310
550	Police, Fire and Rescue Service	565,820
600	Secretariat, Treasury, Central Store, Broadcasting etc	2,550,650
650	Pensions and Gratuities	345,400
700	Social Welfare	458,000
750	The Governor	141,880
800	Legislature	213,000
850	Falkland Islands Government Office - London	314,750
TOTAL OPERATING BUDGET		21,250,840
PART II CAPITAL BUDGET		
950	Expenditure	17,114,170
TOTAL EXPENDITURE		38,365,010

Passed by the Legislature of the Falkland Islands this 1st day of June 1995.

C. de CEBALLOS,
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. de CEBALLOS,
Clerk of Councils.

**The Supplementary Appropriation (1994-1995) (No.2)
Ordinance 1995**

(No: 6 of 1995)

ARRANGEMENT OF PROVISIONS

Section

1. Short title.
2. Appropriation of £160,690 for the service of the year 1994-1995.
3. Appropriation of £2,000,000 for the service of the year 1994-1995.

Schedule

ELIZABETH II



Colony of the Falkland Islands

DAVID EVERARD TATHAM, C.M.G.,
Governor.

The Supplementary Appropriation (1994-1995) (No.2)
Ordinance 1995

(No: 6 of 1995)

An Ordinance

to appropriate and authorise the withdrawal from the Consolidated Fund of additional sums totalling £2,160,690 for the service of the financial year ending on 30 June 1995.

(assented: 20th June 1995)
(commencement: on publication)
(published: 27th June 1995)

ENACTED by the Legislature of the Falkland Islands as follows:

1. This Ordinance may be cited as the Supplementary Appropriation (1994-1995) (No. 2) Ordinance 1995.

Short title.

2. The Financial Secretary may cause to be issued out of the Consolidated Fund and applied to the service of the year commencing on 1 July 1994 and ending on 30 June 1995 ("the financial year"), additional sums not exceeding in aggregate the sum of one hundred and sixty thousand six hundred and ninety pounds, which sum is granted and shall be appropriated for replenishing the Contingencies Fund in respect of advances authorised to be issued therefrom for the purposes of the Heads of Service mentioned in the Schedule hereto and which will come in course of payment during the Financial Year.

*Appropriation of
£160,690 for the
service of the
year 1994-1995.*

3. In addition to the sum mentioned in section (2) the Financial Secretary may cause to be issued out of the Consolidated Fund and applied to the service of the financial year the further sum of two million pounds which sum is granted and shall be appropriated for the purposes of Head of Service 950 Capital Expenditure for payment to the Sinking Fund during the financial year.

*Appropriation of
£2,000,000 for the
service of the
year 1994-1995.*

SCHEDULE

Number	Head of Service	£
PART I OPERATING BUDGET		
100	Aviation	7,540
150	Posts and Telecommunications	7,500
250	Education and Training	2,800
300	Customs and Immigration	530
350	Public Works	99,750
390	Fox Bay Village	10,500
450	Justice	1,700
600	Secretariat, Treasury etc	9,900
850	Falkland Islands Government London Office	3,000
Total Operating Supplementary Expenditure		143,220
PART II CAPITAL BUDGET		
950	Expenditure	17,470
TOTAL SUPPLEMENTARY EXPENDITURE		160,690

Passed by the Legislature of the Falkland Islands this 1st day of June 1995.

C. de CEBALLOS,
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. de CEBALLOS,
Clerk of Councils.

The Finance Ordinance 1995

(No: 7 of 1995)

ARRANGEMENT OF PROVISIONS

Section

1. Short title and commencement.
2. Alteration of fees and charges etc.

Schedule 1

Schedule 2

ELIZABETH II



Colony of the Falkland Islands

DAVID EVERARD TATHAM, C.M.G.,
Governor.

The Finance Ordinance 1995

(No: 7 of 1995)

An Ordinance

To amend a number of Ordinances in relation to sums payable to or by the Government of the Falkland Islands thereunder

(assented to: 20th June 1995)

(commencement: 1st July 1995)

(published: 27th June 1995)

ENACTED by the Legislature of the Falkland Islands as follows -

1. This Ordinance may be cited as the Finance Ordinance 1995 and comes into force on 1st July 1995. *Short title and commencement.*
- 2.(1) The Ordinances specified in the Schedule 1 to this Ordinance are amended in the manner there mentioned in respect of them. *Alteration of fees and charges etc.*
- (2) The Orders and Regulations specified in Schedule 2 to this Ordinance are amended in the manner specified in that Schedule in relation to them.

SCHEDULE 1

Amendment of various Ordinances

Road Traffic Ordinance (Cap. 60)

1. With effect from the publication of this Ordinance or 1st July 1995 whichever is the earlier, the Road Traffic Ordinance is amended by replacing section 4(1) with the following subsection -

"(1) Subject to subsection (3) there shall be charged, levied and paid in respect of every motor vehicle or trailer used on a road, duty at the following annual rates -

(a) motor vehicles of an unladen weight not exceeding 500 kilograms; £43;

(b) motor vehicles of an unladen weight exceeding 500 kilograms, but not exceeding 3,400 kilograms, or which if exceeding the latter weight are designed and constructed as agricultural tractors; £54;

(c) motor vehicles, other than motor vehicles designed and constructed as agricultural tractors, of an unladen weight exceeding 3,400 kilograms: £86; and

(d) trailers, of whatever unladen weight, designed and constructed so as to be drawn only by motor vehicles of an unladen weight exceeding 3,400 kilograms; £20;

Old Age Pensions Ordinance 1952

2. With effect from 1st July 1995, the Old Age Pensions Ordinance 1962 is amended -

(a) in section 6(2) (weekly contributions) -

(i) in paragraph (a) by replacing "£5.40" (weekly contribution by employed person) with "£5.60";

(ii) in paragraph (b) by replacing "£8.00" (weekly contribution by employer in respect of each employed person or a female contributor other than the widow of a contributor) with "£8.40"; and

(iii) in paragraph (c) by replacing "£13.40" (weekly contribution by self-employed male person or self-employed female contributor) with "£14.00"; and

(b) in the Schedule -

(i) by replacing "£93.00" (weekly pension of married man) with "£97.00";

(ii) by replacing "£59.50" (weekly pension of single man) with "£62.00";

(iii) by replacing "£59.50" (weekly pension of widow during widowhood) with "£62.00"; and

(iv) by replacing "£59.50" (weekly pension of unmarried female contributor and of married female contributor not living with or being maintained by her husband) with "£62.00".

Family Allowances Ordinance 1960

3. With effect from 1 July 1995 the Family Allowances Ordinance 1960 is amended by replacing section 3 with the following section -

"3(1) The Financial Secretary shall from time to time pay to the Superintendent out of the Consolidated Fund such sums as may be necessary to enable the Superintendent to pay the allowances directed by this Ordinance to be paid by him.

(2) Subject to subsection (4), the Superintendent shall pay for each child of a family an allowance at the rate of £43.50.

(3) Subject to subsection (4) of this section the Superintendent shall pay each month to any person to whom he pays an allowance under subsection (2) of this section in respect of a family to which paragraph (b) or (c) of section 5(1) applies ("a single parent") a further allowance of £36.00 ("a single parent's allowance") and this sum shall be paid regardless of the number of children that person maintains.

(4) No allowance shall be payable under the foregoing provisions of this section in respect of any child who has not been ordinarily resident in the Falkland Islands during the six months immediately preceding the payment in question or in respect of any period in relation to which the child in question had not been ordinarily resident in the Falkland Islands for the preceding six months."

Non-contributory Old Age Pensions Ordinance 1961

4. With effect from 1st July 1995, the Non-contributory Old Age Pensions Ordinance 1961 is amended in the Schedule -

(a) by replacing "£89.00" (non-contributory weekly pension of married man) with "£92.00";

(b) by replacing "£57.00" (non-contributory weekly pension of unmarried person) with "£59.00"; and

(c) by replacing "£57.00" (non-contributory weekly pension of man or woman living apart from his or her spouse) with "£59.00".

Firearms and Ammunition Ordinance 1987

5. With effect from the publication of this Ordinance or 1st July 1995, whichever is the earlier, section 13(2) of the Firearms Ordinance 1987 is replaced by the following -

"(2) Such a licence shall have effect until it is revoked under the provisions of this Ordinance, and if not revoked, until the death of the holder and a fee in respect of such a licence shall be prescribed. A licence in force at the commencement of this subsection as an annual licence in respect of a firearm shall continue in force as if this subsection had been in force on the date on which the licence was granted."

SCHEDULE 2

Amendment of Orders and Regulations

Firearms and Ammunition (Fees) Regulation Order 1993

1. With effect from the publication of this Ordinance or 1st July 1995, whichever is the earlier, the Schedule to the Firearms and Ammunition (Fees) Regulation Order 1993 is amended in the third column of the entry relating to firearms licences by deleting the word "Annual".

Customs (Fees) Regulations 1992

2. With effect from 1st July 1995, the Customs (Fees) Regulations 1992 are amended -

(a) in regulation 3 (customs service fees) -

(i) by replacing "£38.00" in paragraph (a)(i) with "£40";

(ii) by replacing "£19.00" in paragraph (a)(ii) with "£20";

- (iii) by replacing "£57.00" in paragraph (b)(ii) "£60";
 - (iv) by replacing "£57.00" in paragraph (c)(i) with "£60";
 - (v) by replacing "£28.50" in paragraph (c)(ii) with "£30";
- (b) in regulation 4 (single act of entering and clearing) -
- (i) in paragraph (1), by replacing "£20.00" with "£30" and by replacing "£100" with "£150".
 - (ii) in paragraph (2), by replacing "£10.00" with "£15" and by replacing "£50" with "£75".

Passed by the Legislature of the Falkland Islands this 1st day of June 1995.

C. de CEBALLOS,
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. de CEBALLOS,
Clerk of Councils.

**The Taxes and Duties (Special Exemptions) (Amendment)
Ordinance 1995**

(No: 8 of 1995)

ARRANGEMENT OF PROVISIONS

Section

1. Short title.
2. Amendment of the Taxes and Duties (Special Exemptions) Ordinance 1987.

ELIZABETH II



Colony of the Falkland Islands

DAVID EVERARD TATHAM, C.M.G.,
Governor.

The Taxes and Duties (Special Exemptions) (Amendment)
Ordinance 1995

(No: 8 of 1995)

An Ordinance
To amend the Taxes and Duties (Special Exemptions) Ordinance 1987.

*(assented to: 20th June 1995
(coming in force: on publication)
(published: 27th June 1995)*

ENACTED by the Legislature of the Falkland Islands as follows -

1. This Ordinance may be cited as the Taxes and Duties (Special Exemptions) (Amendment) Ordinance 1995. *Short title.*
2. The Taxes and Duties (Special Exemptions) Ordinance 1987 is amended by the insertion of the following section immediately after section 9 - *Amendment of the Taxes and Duties (Special Exemptions) Ordinance 1987.*

"9A(1) Without prejudice to the foregoing provisions of this Ordinance, the Governor may on the advice of the Standing Finance Committee by Order grant an exemption from liability to tax or taxes and duties under this section. *Exemption of persons in defence - related employment.*

(2) An exemption under this section may only be granted to a person or class of persons whom or which the Governor is satisfied -

 - (a) is or are present in the Falkland Islands in the course of relevant employment; and
 - (b) is entitled to be accommodated upon land which for the purposes of the defence of the Falkland Islands is in the occupation of Her Majesty in right of Her Government of the United Kingdom.

(3) An exemption under this section may confer exemption from liability to pay income tax and old age pension contributions in relation to relevant income, but shall not confer any exemption from liability to pay customs duty.

(4) An exemption under this section -

(a) may be granted subject to lawful conditions and shall only have effect in respect of a person in respect of such period as paragraphs (a) and (b) of subsection (2) are satisfied in respect of him;

(b) may be granted so as to have retrospective effect;

(c) may be granted so as to have effect indefinitely or for a definite period stated therein.

(5) For the purposes of this section -

"old age pension contributions" means contributions payable by an employee under the Old Age Pensions Ordinance 1952;

"relevant employment" means -

(a) employment only for the purpose of providing services in the Falkland Islands to Her Majesty's regular armed forces or in the Falkland Islands to the Ministry of Defence of Her Majesty's Government in the United Kingdom; or

(b) employment only for the purposes of providing services to persons who are themselves in relevant employment by virtue of paragraph (a) of this definition or by virtue of this paragraph of this definition and "relevant income" means income from relevant employment.

Passed by the Legislature of the Falkland Islands this 1st day of June 1995.

C. de CEBALLOS,
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. de CEBALLOS,
Clerk of Councils.



**THE
FALKLAND ISLANDS GAZETTE
Supplement**

PUBLISHED BY AUTHORITY

Vol. 6

28th JUNE 1995

No. 17

The following is published in this Supplement -

The Marine Environment (Protection) Ordinance 1995.

The Marine Environment (Protection) Ordinance 1995

(No: 9 of 1995)

ARRANGEMENT OF PROVISIONS

Section

1. Short title and commencement.
2. Interpretation.
3. Requirement of licences for deposit of substances and articles in the sea.
4. Requirement of licences for incineration at sea etc.
5. Exemptions.
6. Licences.
7. Offences related to the licensing system.
8. Power to take remedial action.
9. Power of offences.
10. Enforcement of convention.
11. Power of Governor to test and charge for testing.
12. Offences, penalties etc.
13. General defence to due diligence.

Schedule 1

Schedule 2

ELIZABETH II



Colony of the Falkland Islands

DAVID EVERARD TATHAM, C.M.G.,
Governor.

The Marine Environment (Protection) Ordinance 1995

(No: 9 of 1995)

An Ordinance

To prohibit, except under the authority of a licence granted by the Governor, the deposit of deleterious matter in controlled waters of the Falkland Islands and to enable the provisions of the London Dumping Convention 1972 to be implemented in the Falkland Islands and in Falkland Islands waters.

(assented to: 23rd June 1995)
(commencement: in accordance with section 1)
(published: 28th June 1995)

ENACTED by the Legislature of the Falkland Islands as follows -

PART I

INTRODUCTORY

Short title, commencement and definitions

1. This Ordinance may be cited as the Marine Environment (Protection) Ordinance 1995 and shall come into force on such date as the Governor, by notice published in the Gazette, may appoint. *Short title and commencement.*
- 2.(1) In this Ordinance, and unless the context otherwise requires - *Interpretation.*
 - "the 1985 Act " means the Food and Environment Protection Act 1985; *(1985 c.48 s.24)*
 - "the Convention" means the Convention on the prevention of Maritime Pollution by the Dumping of Wastes and Other Matter concluded at London in December 1972;
 - "Convention State" means a state which is a party to the Convention;
 - "designated area of the continental shelf" has the same meaning as it has under section 2(1) of the Offshore Minerals Ordinance 1994;

"Falkland Islands aircraft" means an aircraft registered in the Falkland Islands;

"Falkland Islands controlled waters" means any part of the sea within the limits of any designated area of the continental shelf;

"Falkland Islands hovercraft" means a hovercraft registered in the Falkland Islands;

"Falkland Islands marine structure" means a marine structure within Falkland Islands waters or Falkland Islands controlled waters;

"Falkland Islands vessel" means a vessel registered in the Falkland Islands, or a vessel exempted from such registration under the Merchant Shipping Act 1894;

"Falkland Islands waters" means any part of the sea within the seaward limits of the Falkland Islands territorial sea;

"incineration" means any combustion of substances and materials for the purpose of their thermal destruction;

"licence" means a licence granted by the licensing authority under Part II of this Ordinance;

"the licensing authority" means the person who, under the provisions of section 6(1), is for the time being the licensing authority;

"marine structure" means a platform or other man-made structure at sea, other than a pipeline;

"master" in relation to any vessel, includes the person for the time being in charge of the vessel;

"scuttling" in relation to a vessel, means the deliberate sinking of that vessel by one or more members of the crew of that vessel or by or on behalf of any person having an interest in the ownership of that vessel, in a mortgage or charge of that vessel, in a demise of that vessel or in the proceeds of a policy of insurance effected in relation to that vessel;

"sea" includes any area submerged at mean high water springs and also includes, so far as the tide flows at mean high water springs, an estuary or arm of the sea and the waters of any channel, creek, bay or river;

"vessel" has the meaning assigned to it by section 742 of the Merchant Shipping Act 1894;

(2) Any reference in this Ordinance to the Convention is a reference to it as it has effect from time to time.

PART II

DEPOSITS AT SEA

Licensing

3.(1) Subject to the following provisions of this Part, a licence under this Part is needed -

*Requirement of licences
for deposit of
substances and articles
in the sea.*

(a) for the deposit of substances or articles within Falkland Islands waters or Falkland Islands controlled waters, either in the sea or under the sea-bed -

(1985 c.48 s.5)

(i) from a vehicle, vessel, aircraft, hovercraft or marine structure;

(ii) from a container floating in the sea;

(iii) from a structure on land constructed or adapted wholly or mainly for the purpose of depositing solids in the sea;

(b) for the deposit of substances or articles anywhere in the sea or under the sea-bed -

(i) from a Falkland Islands vessel, Falkland Islands aircraft or Falkland Islands marine structure; or

(ii) from a container floating in the sea, if the deposit is controlled from a Falkland Islands vessel, Falkland Islands aircraft, Falkland Islands hovercraft or Falkland Islands marine structure,

(c) for the scuttling of vessels -

(i) in Falkland Islands waters or Falkland Islands controlled waters;

(ii) anywhere at sea if the scuttling is controlled from a Falkland Islands vessel, Falkland Islands aircraft, Falkland Islands hovercraft or Falkland Islands marine structure;

(d) for the loading of a vessel, aircraft, hovercraft, marine structure or floating container in the Falkland Islands or Falkland Islands waters with substances or articles for deposit anywhere in the sea or under the sea-bed;

(e) for the loading of a vehicle in the Falkland Islands with substances or articles for deposit from that vehicle as mentioned in paragraph (a) or (b); and

(f) for the towing or propelling from the Falkland Islands or Falkland Islands waters of a vessel for scuttling anywhere at sea.

4. Subject to the following provisions of this Part, a licence is needed -

*Requirement of
licences for
incineration at
sea etc.*

(a) for the incineration of substances or articles on a vessel or marine structure -

(1985 c.48 s.6)

(i) in Falkland Islands waters or Falkland Islands controlled waters; and

(ii) anywhere at sea if the incineration takes place on a Falkland Islands vessel or Falkland Islands marine structure,

(b) for the loading of a vessel or marine structure in the Falkland Islands or Falkland Islands waters with substances or articles for incineration at sea.

5.(1) The Governor may by order specify operations -

Exemptions.

(a) which are not to need a licence;

(1985 c. 48 s.7)

(b) which are not to need a licence if they satisfy the conditions specified in the order.

(2) The conditions that an order under this section may specify include conditions enabling the licensing authority to require a person to obtain the authority's approval before he does anything for which a licence would be needed but for the order.

6.(1) The Governor may appoint a public officer to be the licensing authority for the purposes of this Part and may from time to time revoke any such appointment and appoint another public officer to be the licensing authority in his place. If no appointment of a public officer is for the time being in force under this subsection, the Governor himself shall be the licensing authority.

Licences.

(1985 c. 48 s.8)

(2) In determining whether to issue a licence the licensing authority -

(a) shall have regard to the need -

(i) to protect to the marine environment, the living resources which it supports and human health;

(ii) to prevent interference with legitimate uses of the sea; and

(b) may have regard to such other matters as the authority considers relevant.

(3) Without prejudice to the generality of subsection (1) above, where it appears to the licensing authority that an application for a licence has applied for the licence with a view to the disposal of articles or substances to which it would relate, the authority, in determining whether to issue a licence, shall have regard to the practical availability of any alternative methods of dealing with them.

(4) The licensing authority -

(a) shall include such provisions in a licence as appear to the authority to be necessary or expedient -

(i) to protect the marine environment, the living resources which it supports and human health; and

(ii) to prevent interference with legitimate uses of the sea; and

(a) because of a change in circumstances relating to the marine environment, the living resources it supports or human health; or

(b) because of increased scientific knowledge relating to any of those matters; or

(c) for any other reason that appears to the authority to be relevant.

(12) Schedule 1 to this Ordinance shall have effect in relation to the right to make representations and other matters relating to licences.

Offences relating to the licensing system

7.(1) Subject to subsections (3) to (7), a person commits an offence who -

*Offences related
to the licensing
system.*

(a) except in pursuance of a licence and in accordance with its provisions does anything for which a licence is needed; or

(1985 c.48 s.9)

(b) causes or permits any other person to do any such thing except in pursuance of a licence and in accordance with its provisions.

(2) A person commits an offence who, for the purpose of procuring the issue of a licence or in purporting to carry out any duty imposed on him by the provisions of a licence -

(a) makes a statement which he knows to be false in a material particular;

(b) recklessly makes a statement which is false in a material particular; or

(c) intentionally fails to disclose any material particular.

(3) Subject to subsection (4), it shall be a defence for a person charged with an offence under subsection (1) in relation to any operation to prove -

(a) that the operation was carried out for the purposes of securing the safety of a vessel, aircraft, hovercraft or marine structure or of saving life; and

(b) that he took steps within a reasonable time to inform the licensing authority -

(i) of the operation;

(ii) of the locality and circumstances in which it took place; and

(iii) of any substances or articles concerned.

(4) A person does not have the defence provided by subsection (3) if the court is satisfied -

(a) that the operation -

(i) was not necessary for any purpose mentioned in paragraph (a) of that subsection;

(ii) was not a reasonable step in the circumstances; or

(b) may include in a licence such other provisions as the authority considers appropriate.

(5) Without prejudice to the generality of subsection (3) above, the licensing authority -

(a) may include in a licence provisions requiring -

(i) that no operations authorised by the licence shall be carried out until the licensing authority has given such further consent or approval of the operation as the licence may specify; and

(ii) that automatic equipment shall be used for recording such information relating to the operation of any deposit, scuttling or incineration mentioned in the licence as the licensing authority may specify; and

(b) may include in a licence which only authorises operations such as are mentioned in section 3(d) or section 4(b) provisions requiring that any operation of deposit, scuttling or incineration which is mentioned in it shall take place at a specified site.

(6) The licensing authority may require an applicant for a licence to supply such information and permit such examinations and tests as in the opinion of the licensing authority may be necessary or expedient to enable the authority to decide whether a licence should be issued to the applicant and the provisions which any licence that is issued to him ought to contain.

(7) Where automatic recording equipment is used in accordance with a provision included in a licence by virtue of subsection (5)(a) of this section, any record produced by means of the equipment shall, in any proceedings under this Part, be evidence of the matters appearing from the record.

(8) The licensing authority may require an applicant for a licence, on making his application, to pay a reasonable fee towards the expense -

(a) of carrying out any examinations and tests which in the opinion of the authority are necessary or expedient to enable the authority to decide -

(i) whether to issue a licence to the applicant; and

(ii) the provisions which any licence issued to him ought to include;

(b) of checking the manner in which operations for which a licence is needed have been or are being conducted; and

(c) of monitoring the effect of such operation.

(10) Fees under this section shall be determined by the Governor who shall, in determining such fees, have regard to the amount and scope of the fees for the time being charged under section 8 of the 1985 Act.

(11) The licensing authority may vary or revoke a licence which the authority has issued if it appears to the authority that the licence ought to be varied or revoked -

(b) that it was necessary for one of those purposes but the necessity was due to the fault of the defendant.

(5) It shall be a defence for a person charged with an offence under subsection (1) in relation to any operation -

(a) which falls within section 3(b) or section 4(1)(a)(ii) above; and

(b) which was carried outside Falkland Islands controlled waters and not within Falkland Islands waters

to prove that subsections (6) and (7) of this section are satisfied in respect of that operation.

(6) This subsection is satisfied -

(a) in respect of an operation falling within section 3(b) if the vessel, aircraft, hovercraft, marine structure or container (as the case may be) was loaded in a Convention State or the national or territorial waters of a Convention State with the substances or articles deposited;

(b) in respect of an operation falling within section 3(c)(ii), if the vessels scuttled was towed or propelled from a Convention State to the place where the scuttling was carried out; or

(c) in respect of an operation falling within section 4(a)(ii), if the vessel or marine structure on which the incineration took place was loaded in a Convention State or the national or territorial waters of a Convention State with the substances or articles incinerated.

(7) This subsection is satisfied in respect of an operation if the operation took place in pursuance of a licence issued by the responsible authority in the Convention State concerned and in accordance with the provisions of that licence.

8.(1) The Governor may carry out any operation which appears to him may be necessary or expedient for the purpose of protecting the marine environment, the living resources which it supports and human health, or of preventing interference with the legitimate use of the sea, in any case where anything for which a licence is needed appears to have been done otherwise than in pursuance of a licence and in accordance with its provisions.

Power to take remedial action.

(1985 c.48 s.10)

(2) If the Governor carries out an operation under subsection (1) the Crown may recover any expenses reasonably incurred by the Governor in carrying it out from any person who has been convicted of an offence in consequence of the act or omission which made it appear to the Minister to be necessary or expedient to carry out the operation.

Enforcement

9.(1) The Governor may authorise any person, subject to such limitations as may be specified in the instrument authorising him, to enforce this Part, and the following provisions of this Ordinance shall be construed, in reference to a person so authorised, as subject to any such limitation.

Power of officers.

(1985 c.48 s.11)

(2) Subject to the following provisions of this Ordinance, a person so authorised may enter -

- (a) land and vehicle in the Falkland Islands;
- (b) foreign vessels, foreign aircraft, foreign hovercraft and foreign marine structures in the Falkland Islands or within Falkland Islands waters or Falkland Islands controlled waters;
- (c) Falkland Islands vessels, Falkland Islands aircraft, Falkland Islands hovercraft and Falkland Islands marine structures wherever they may be,

if he has reasonable grounds for believing that any substances or articles intended to be deposited in the sea or under the sea-bed or incinerated on a vessel or marine structure at sea are or have been present there.

(3) A person so authorised may board -

- (a) any vessel within Falkland Islands waters or Falkland Islands controlled waters; and
- (b) any Falkland Islands vessel wherever it may be,

if it appears to him that it is intended to be scuttled.

(4) A person so authorised shall not enter premises used only as a dwelling for the purpose of enforcing this Ordinance.

(5) Schedule 2 shall have effect with respect to persons authorised to enforce this Ordinance.

10.(1) The Governor may by Order -

*Enforcement
of convention.*

(a) declare that any procedure which has been developed for the effective application of the Convention and is specified in the order is a procedure declared to be an agreed procedure under section 12(1)(a) of the 1985 Act; and

(1985 c.48 s.12)

(b) specify that any of the powers conferred by this Ordinance for the purpose of enforcing this Part as a power that may be exercised, by such persons and in such circumstances and subject to such conditions or modifications as may be specified, for the purposes of enforcing that procedure.

(2) An Order under subsection (1) may apply to the Falkland Islands, Falkland Islands waters and Falkland Islands controlled waters any statutory instrument made under section 12(1) of the 1985 Act and with such modifications and adaptations as the Governor may consider necessary or expedient.

(3) A person who exercises any powers by virtue of an Order under this section shall have the same right and liabilities in relation to their exercise that a person authorised under section 9 of this Ordinance would have in relation to the exercise of any powers for the purpose of enforcing of this Part.

Miscellaneous

11.(1) At the request of any person the Governor may conduct tests for the purpose of ascertaining the probable effect on the marine environment and the living resources which it supports of using for the purpose of treating oil on the surface of the sea any substance produced for that purpose. *Power of Governor to test and charge for testing.*

(1985 c.48 s.13)

(2) If the Governor conducts tests under this section, he may recover any expenses reasonably incurred by him in conducting them from any person at whose request they were conducted.

12.(1) A person convicted of an offence under section 7(1) is liable to a fine or to imprisonment for a term not exceeding two years. *Offences, penalties etc.*

(2) A person convicted of an offence under section 7(2) is liable to a fine. *(1985 c.48 s.21)*

(3) A person convicted of an offence under Schedule 2 to this Ordinance is liable to a fine not exceeding the maximum of level 5 on the standard scale.

(4) Where an offence under this Ordinance which has been committed by a body corporate is proved to have been committed with the consent or the connivance of, or attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate, he as well as the body corporate has committed that offence and is liable to be proceeded against then punished accordingly.

(5) Where the affairs of a body corporate are managed by its members, subsection (4) applies in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

13.(1) In any proceedings for an offence under this Ordinance it is a defence for the person charged to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence. *General defence to due diligence.*

(1985 c.48 s.22)

(2) Without prejudice to the generality of subsection (1), a person is to be taken to have established the defence provided by that subsection if he proves -

(a) that he acted under instructions given to him by his employer; or

(b) that he acted in reliance on information supplied by another person without any reason to suppose that the information was false or misleading,

and in either case that he took all such steps as were reasonably open to him to ensure that no offence would be committed.

(3) If in any case the defence provided by subsection (1) involves an allegation that the commission of the offence was due to an act or omission by another person, other than the giving of instructions to the person charged with the offence by his employer, or to reliance on information supplied by another person, the person charged shall not, without the leave of the court, be entitled to rely on that defence unless within a period ending seven clear days before the hearing, he has served on the prosecutor a notice giving such information identifying or assisting in the identification of that other person as was then in his possession.

SCHEDULE 1

(section 6)

LICENCES - RIGHT TO MAKE REPRESENTATIONS ETC

1. If within twenty-eight days of the issue of a licence the person to whom it is issued requests the licensing authority to give him notice in writing of the reasons for the inclusion of any provision in it, the authority shall comply with his request within twenty-eight days of receiving it.
2. On issuing a licence to a person the licensing authority shall notify him of the effect of paragraph 1.
3. If the licensing authority refuses an application for a licence, the licensing authority shall give the applicant notice in writing of the reasons for the refusal.
4. If the licensing authority varies or revokes a licence without the holder's consent, the authority shall give the holder notice in writing of the reasons for variation or revocation.
5. If within twenty-eight days of receipt of a notice under this Schedule giving the licensing authority's reasons the person to whom it is given makes written representations to the authority concerning the matter to which the notice related, the authority shall consider those written representations and shall reconsider the matter in the light of those representations.
6. A notice under this Schedule stating the licensing authority's reasons shall state the effect of paragraph 5.
7. The licensing authority shall notify the person who made the representations as to the result of the authority's reconsideration and the reasons for it.

SCHEDULE 2

(section 9)

Introductory

1. In this Schedule "officer" means a person authorised to enforce Part II of this Ordinance.

Assistants for officers etc

- 2.(1) An officer may take with him, to assist him in performing his functions -

(a) any other person; and

(b) any equipment or materials.

- (2) A person whom an officer takes with him to assist him may perform any of the officer's functions, but only under the officer's supervision.

Powers in relation to vessels, aircraft etc

3.(1) In order to perform his functions under Part II of this Ordinance an officer may require any person -

(a) to give details of any substances or articles on board, a vessel, aircraft, hovercraft or marine structure; and

(b) to give information concerning any substances or articles lost from a vessel, aircraft, hovercraft or marine structure.

(2) In order to perform any such functions an officer -

(a) may require any vessel, aircraft, hovercraft or marine structure to stop; and

(b) may require the attendance -

(i) of the master, captain or commander of a vessel, aircraft or hovercraft;

(ii) of the person in charge of a marine structure; and

(iii) of any other person who is on board a vessel, aircraft, hovercraft or marine structure,

and may require any person on board to assist him in the performance of his functions.

(3) In order to perform functions under Part II of this Ordinance an officer -

(a) may require -

(i) the master, captain or commander of a vessel, aircraft or hovercraft; and

(ii) the person in charge of a marine structure,

to take it and its crew to the port which appears to the officer to be the nearest convenient port; or

(b) may take it there himself.

(4) In order to perform any such functions an officer may detain a vessel, aircraft, hovercraft or marine structure.

(5) If an officer detains a vessel, aircraft, hovercraft or marine structure, he shall serve on the master, captain, commander or person in charge a notice in writing stating that it is to be detained until the notice is withdrawn by the service on him of a further notice in writing signed by the officer.

Containers etc.

4. Without prejudice to his powers under any other provision of this Ordinance, in order to perform his functions an officer -

- (a) may open any container;
- (b) may carry out searches, inspections, measurements and tests;
- (c) may take samples;
- (d) may require the production of documents, books and records; and
- (e) may photograph or copy anything the production of which he has power to require under paragraph (d).

Evidence of officer's authority

5.(1) An officer shall be furnished with a certificate of his authorisation, and when he proposes to perform any functions under this Ordinance, it shall be his duty if so requested, to produce that certificate.

(2) It shall also be his duty, if so requested, to state -

- (a) his name;
- (b) the functions that he proposes to perform; and
- (c) his grounds for proposing to perform it.

Time of performance of functions

6. An officer must perform his functions under this Ordinance at a reasonable hour unless it appears to the officer that there are grounds for suspecting that the purposes of their performance may be frustrated if he seeks to perform them at a reasonable hour.

Entry into dwellings

7.(1) An officer may only enter a dwelling for the purposes of performing his functions under this Ordinance if a justice of the peace has issued a warrant authorising him to enter and search that dwelling.

(2) A justice of the peace may only issue such a warrant if on application by the officer he is satisfied -

- (a) that the officer has reasonable grounds for believing that there is present in the dwelling anything to which those functions relates; and
- (b) that -

(i) it is not practicable to communicate with any person entitled to grant entry to the dwelling; or

(ii) a person entitled to grant entry to the dwelling has unreasonably refused an officer entry; or

(iii) entry to the dwelling is unlikely to be granted unless a warrant is produced; or

(iv) the purpose of entry may be frustrated or seriously prejudiced unless an officer arriving at the dwelling can secure immediate entry to it.

(3) In this paragraph "justice of the peace" includes the Senior Magistrate.

Power of officer to use reasonable force

8. An officer may use reasonable force, if necessary, in the performance of his functions.

Protection of officers

9. An officer shall not be liable in any civil or criminal proceedings for anything done in the purported performance of his functions under this Ordinance if the court is satisfied that the act was done in good faith and that there were reasonable grounds for doing it.

Offences

10. A person commits an offence who -

(a) intentionally obstructs an officer in the performance of any of his functions under this Ordinance;

(b) fails without reasonable excuse to comply with a requirement made or direction given by an officer in the performance of his functions under this Ordinance; or

(c) in purporting to give information required by an officer for the performance of any of his functions under this Ordinance -

(i) makes a statement which he knows to be false in a material particular;

(ii) recklessly makes a statement which is false in a material particular; or

(iii) intentionally fails to disclose any material particular.

Passed by the Legislature of the Falkland Islands this 1st day of June 1995.

C. de CEBALLOS,
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. de CEBALLOS,
Clerk of Councils.

Archivist



**THE
FALKLAND ISLANDS GAZETTE
Supplement**

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No. 18

The following is published in this Supplement -

The Coroners Rules (Correction) Rules 1995, (S.R. & O. No: 10 of 1995).

SUBSIDIARY LEGISLATION

ADMINISTRATION OF JUSTICE

The Coroners Rules (Correction) Rules 1995

(S. R. & O. No: 10 of 1995)

(Made: 18th July 1995)

(Published: 25th July 1995)

(Coming into force: on publication)

IN EXERCISE of my powers under section 69 Administration of Justice Ordinance (a) I make the following Order -

1. This Order may be cited as the Coroners Rules (Correction) Rules 1995.

*Citation and
commencement.*

2. The Coroners Rules 1995 (b) ("the principal rules") are corrected by the insertion after Schedule 2 of the following Schedule 3 (which was provided for by rule 23 of the principal rules but omitted by misadventure therefrom) -

*The Coroners Rules
1995 correction.*

(a) Cap. 3 Laws of the Falkland Islands 1950 Edition.

(b) No. 7 of 1995.

SCHEDULE 3

IN THE CORONERS COURT OF THE FALKLAND ISLANDS

COR 1

NOTIFICATION TO HM CORONER of death governed by Regulation 41
Registration of Births and Deaths Regulations 1987.

Particulars of the Deceased

Name and Surname:

Sex:

Age or Date of Birth:

Date of Death:

Place of Death:

Cause of Death:

Reason for Report:

Dated.....

Signed.....
Registrar General

NOTIFICATION TO REGISTRAR GENERAL

(Delete as appropriate)

A. I do not consider it necessary to hold an inquest or order a post-mortem examination.

B. I certify that a post-mortem examination of the body of the above person was made by *(Pathologist)*, whose report disclosed that the cause of death was as specified below and I am satisfied that an inquest is unnecessary.

C. On the day of 199 I adjourned an inquest on the body of the above person pursuant to section 16(1) Coroners Act 1988. In so far, as they have been ascertained I now certify that the particulars which are required to be registered concerning the death are set out below.

Particulars

Date of Death	Name & Surname	Sex	Age	Rank or Profession and Country	Cause of death

Dated.....

Signed.....
HM Coroner

IN THE CORONERS COURT OF THE FALKLAND ISLANDS

Warrant to Exhume

To

(insert the names of the Minister and churchwardens or other persons having power of control over the churchyard, cemetery, or other place in which the body is buried).

Whereas I, Her Majesty's coroner for the Falkland Islands am credibly informed that the body of one, has been recently buried in *(insert the name of the churchyard, cemetery or other place in which the body is buried)*, and it appears to me that it is necessary for the body to be examined for the purpose of [my holding an inquest touching the death of the deceased] [my discharging one of my functions in relation to the body or death of the deceased, namely *(insert function)*]:

I hereby order you to cause the body of the said to be disinterred for that purpose.

Dated this day of 199 .

Signature.....
Coroner for the Falkland Islands

COR 3

IN THE CORONERS COURT OF THE FALKLAND ISLANDS

Warrant to summon jury

To the Registrar General. You are hereby commanded to summon
to appear before me on the day of 19, at jurors
at am/pm

Dated this day of 19 .

Signature.....

Coroner for the Falkland Islands

COR 4

IN THE CORONERS COURT OF THE FALKLAND ISLANDS**Summons to juror**

To

By virtue of a warrant of _____, Her Majesty's coroner for
 the Falkland Islands you are hereby summoned to appear before him as a juror on
 the _____ day of _____ 19____, at _____ am/pm at
 _____ until you are no longer needed.

You must attend at the time and place shown above unless you are told by or on
 behalf of the Coroner that you need not to do so.

Dated this _____ day of _____ 19____.

Signature.....
 Registrar General

**YOU MUST COMPLETE THE ATTACHED FORM AND RETURN IT TO THE
 REGISTRAR GENERAL IN THE ENVELOPE PROVIDED WITHIN THREE
 DAYS OF THE RECEIPT OF THIS SUMMONS.**

WARNING: YOU WILL BE LIABLE TO A FINE IF YOU:-

1. refuse to give the information necessary to decide if you are qualified to serve on a jury;
2. deliberately give false information or cause or permit false information to be given;
3. fail to attend for jury service or refuse without reasonable excuse to serve as a juror; or
4. serve on a jury knowing you are not qualified to do so.

COR 5

IN THE CORONERS COURT OF THE FALKLAND ISLANDS

Notice to accompany summons and rely thereto

This form should be returned in the envelope within three days of receiving it.

Surname.....

Forename(s).....

Date of Birth.....

Address.....

.....

Telephone number.....

(If possible please give a telephone number where you can be contacted between 8 a.m and 5 p.m).

YOU MAY BE EXCUSED at the discretion of the Coroner or of the officer authorised by the Coroner on grounds such as poor health, illness, physical disability, insufficient understanding of English, holiday arrangements or for any other good reason.

I WISH TO BE EXCUSED from jury service on this occasion because:-

(If you are in any doubt as to whether you may be excused from jury service please write to the Registrar General at the address on the front of the summons).

When you attend as a juror you may be discharged if there is doubt as to your capacity to serve on a jury because of physical disability or insufficient understanding of English.

I HAVE READ THE WARNING IN THE SUMMONS AND THE INFORMATION I HAVE GIVEN IS TRUE. I ACKNOWLEDGE RECEIPT OF THE SUMMONS

Signed.....

Dated.....

COR 6

IN THE CORONERS COURT OF THE FALKLAND ISLANDS

Certificate of attendance

Name of juror.....

I hereby certify that the above-named Juror [attended to serve] [served] on a jury at
an inquest held before Her Majesty's coroner for the
Falkland Islands.

*Delete as *on/*from
required *to

[and I further certify that in the opinion of the Coroner it would be reasonable and
proper that he/she should be exempt from service on a jury in coroner's court for a
period of years from].

Dated this day of 19 .

Signature.....
Registrar General

COR 7

IN THE CORONERS COURT OF THE FALKLAND ISLANDS

Form of oath of juror

I swear by Almighty God that I will diligently inquire on behalf of our Sovereign
Lady the Queen into the death of _____ and
give a true verdict according to the evidence.

NOTE: If a person wishes to affirm, or swear in Scottish form or in any other form
authorised by law, this oath shall be modified accordingly.

COR 8

IN THE CORONERS COURT OF THE FALKLAND ISLANDS

Summons to witness

To

You are hereby summoned to appear before me on the day of
19 , at a.m/p.m, at to give
evidence touching the death of

Dated this day of 19 .

Signature.....
Coroner of the Falkland Islands

COR 9

IN THE CORONERS COURT OF THE FALKLAND ISLANDS

Oath of witness

I swear by Almighty God that the evidence which I shall give shall be the truth, the whole truth and nothing but the truth.

NOTE: If a person wishes to affirm, or swear in Scottish form or in any other form authorised by law, this oath shall be modified accordingly.

COR 10

IN THE CORONERS COURT OF THE FALKLAND ISLANDS**Direction to medical practitioner to make a post-mortem examination**

To

I hereby direct you, in pursuance of [section {19 or 21} of the Coroners Act 1988],
to make a post-mortem examination of the body of _____ and to
report the result thereof to me in writing.

Dated this _____ day of _____ 19 .

Signature.....
Coroner for the Falkland Islands

COR 11

IN THE CORONERS COURT OF THE FALKLAND ISLANDS

Certificate of fine

I hereby certify that I have imposed a fine of _____ upon
 for that he being duly summoned to appear as a juror [witness] at
 an inquest held before [by] me on the _____ day of _____ 19____ ,

*Delete as
 required

*did not, after being openly called three times, appear to such
 summons.

*refused, without reasonable excuse, to serve as a juror.

*refused, without lawful excuse, to answer a question put to him.

Dated this _____ day of _____ 19____ .

Signature.....
 Coroner for the Falkland Islands

Form of recognizance - witnesses or jurors

of acknowledges that he/she owes to our Sovereign Lady the Queen the sum of payment thereof to be enforced against him/her by due process of law if he/she fails to comply with the following condition.

Taken before me the day of 199 .

Signature.....
Coroner for the Falkland Islands

Condition

If the said _____ [on receiving notice] appears at an inquest touching the death of _____ to be held on the _____ day of _____ next at _____, or on such other date or at such other place as may be notified to him/her, and there gives evidence [makes further inquiry as a juror] touching the said death, then this recognizance shall be void but other wise shall remain in full force.

COR 13

IN THE CORONERS COURT OF THE FALKLAND ISLANDS**Notice of inquest arrangements**

To

I hereby give you notice that the inquest touching the death of
will take place on the day of

19 ,

at

Dated this day of 19 .

Signature.....
Coroner for the Falkland Islands

COR 14

IN THE CORONERS COURT OF THE FALKLAND ISLANDS**Coroner's interim certificate of the fact of death**

To whom it may concern.

(Name).....

of (address).....

.....

died on.....

The precise medical cause of death *was as follows/*has yet to be established.

.....

Dated this day of 199 .

Signature.....
Coroner for the Falkland Islands

COR 15

IN THE CORONERS COURT OF THE FALKLAND ISLANDS

Notice that an inquest which is adjourned in pursuance of section [16 or 17] of the Coroners Act 1988 will not be resumed.

To

I hereby give you notice that the inquest touching the death of _____ will not be resumed.

Dated this day of 19 .

Signature.....
Coroner for the Falkland Islands

COR 16

IN THE CORONERS COURT OF THE FALKLAND ISLANDS

**Notice that an inquest which is adjourned in pursuance of section [16 or 17]
of the Coroners Act 1988 will be resumed.**

To

I hereby give you notice that the inquest touching the death of _____ will be
resumed on the _____ day of _____ 19____, at _____ a.m/p.m at
[and that your attendance is required].

Dated this _____ day of _____ 19____.

Signature.....
Coroner for the Falkland Islands

COR 17

IN THE CORONERS COURT OF THE FALKLAND ISLANDS

Notice that the attendance of a witness will not be required at the holding of an adjourned inquest.

To

I hereby give you notice that your attendance at the adjourned inquest touching the death of _____ to be held on the _____ day of _____ 19____, will not be required.

Dated this _____ day of _____ 19____.

Signature.....
Coroner for the Falkland Islands

COR 18

IN THE CORONERS COURT OF THE FALKLAND ISLANDS

Notice that the date, hour or place fixed for the holding of an adjourned inquest has been altered

To

I hereby give notice that the date/hour/place fixed for the holding of the adjourned inquest touching the death of _____ has _____ been altered, and that the adjourned inquest will be held on the _____ day of _____ 19____, at _____ a.m/p.m at _____ [and your attendance thereat is/is not required].

Dated this _____ day of _____ 19____.

Signature.....
Coroner for the Falkland Islands

COR 19

IN THE CORONERS COURT OF THE FALKLAND ISLANDS

Certificate of forfeiture of recognizance

I hereby certify that _____ of _____
 was bound by recognizance taken by me on the _____ day of _____
 19____, in the sum of _____ for his appearance at an inquest held at _____
 on the _____ day of _____ 19____, to give
 evidence [make further inquiry as a juror] touching the death of _____
 failed to appear in accordance with the condition of the
 said recognizance and that the said recognizance is accordingly forfeited.

Dated this _____ day of _____ 19____.

Signature.....
 Coroner for the Falkland Islands

COR 20

IN THE CORONERS COURT OF THE FALKLAND ISLANDS**Order to remove body for inquest or post-mortem examination**To _____ (*undertaker or other person as the case may be*)

I hereby authorise you to remove the body of _____, aged _____
from _____ to _____ before
the _____ day of _____ 19 ____.

Dated this _____ day of _____ 19 ____.

Signature.....
Coroner for the Falkland Islands

COR 21

IN THE CORONERS COURT OF THE FALKLAND ISLANDS

Coroner's order for burial

I hereby authorise the burial of the body of _____ aged _____
late of _____ who died at _____
on the _____ day of _____ 19 _____.

Dated this _____ day of _____ 19 _____.

Signature.....
Coroner for the Falkland Islands

COR 22

IN THE CORONERS COURT OF THE FALKLAND ISLANDS

RE:

deceased

No:

 CERTIFICATE AND ORDER

I, _____ Her Majesty's Coroner for the Falkland Islands, being satisfied as to the same by evidence given on oath in the course of an Inquest concerning a body now lying at the King Edward IV Memorial Hospital, Stanley:-

DO CERTIFY:-

1. That the Male/female body appears to be that of
(formerly/otherwise _____) a
2. That the said _____ died on the _____ 199 at
aged _____ years
3. That following the death the said body was subjected to medical examination but the precise cause of death can not be determined without further postmortem examination.

AND I DIRECT

1. That the body be released for transport to the United Kingdom for postmortem examination and that thereafter it be disposed of according to law.
2. That the Inquest be adjourned to a date to be fixed.

IN WITNESS whereof I have hereunto set my hand and the seal of my office this
day of _____ 199

HM Coroner

COR 23

CORONERS INQUISITION

An inquisition taken for our Sovereign Lady Queen at Stanley, Falkland Islands on the 19th day of 19 | and by adjournment on the | day of | before and by me (1) | , Her Majesty's Coroner touching the death of

The following matters are found:-

- 1. Name of the deceased (if known);
- 2. Injury or disease causing death:(2)
- 3. Time, place and circumstances at or in which injury was sustained:(3)
- 4. Conclusion of the jury/coroner as to the death:(4)
- 5. Particulars for the time being required by the Registration Ordinance to be registered concerning the death:

Date of Death	Name & Surname	Sex	Age	Rank or Profession and Country	Cause of death

Signature of Coroner [and jurors].....

NOTES

(1) Modify this as necessary according to whether the inquest is held with or without a jury or partly with and partly without a jury.

(2) In the case of a death from natural causes or from industrial disease, want of attention at birth, or dependence on, or non-dependent abuse of, drugs insert the immediate cause of death and the morbid conditions (if any) giving rise to the immediate cause of death.

(3) Omit this if cause of death is one to which Note 2 applies.

(4) (a) Where the cause of death is one to which Note 2 applies, it is suggested that one of the following forms be adopted:-

C.D. died from natural causes.

C.D. died from the industrial disease of

C.D. died from dependence on drugs/non-dependent abuse of drugs.

C.D. died from want of attention at birth.

(In any of the above cases, but in no other, it is suggested that the following words may, where appropriate, be added: "and the cause of death was aggravated by lack of care/self neglect".)

(b) In any other case except murder, manslaughter, infanticide or stillbirth, it is suggested that one of the following forms be adopted:-

C.D. killed himself [whilst the balance of his mind was disturbed]

C.D. died as a result of an attempted/self induced abortion.

C.D. died as a result of an accidental/misadventure.

Execution of sentence of death

C.D. was killed lawfully.

Open verdict, namely, the evidence did not fully or further disclose the means whereby the cause of death arose.

(c) In the case of murder, manslaughter or infanticide it is suggested that the following form be adopted:-

C.D. was killed unlawfully.

(d) In the case of a stillbirth insert "stillbirth" and do not complete the remainder of the form.

SUBSIDIARY LEGISLATION

IMMIGRATION

The Permanent Residence Permit (Form of Application) Regulations 1995

(S. R. & O. No: 11 of 1995)

Made: 18th July 1995

Coming into force: on publication

Published: 25th July 1995

IN EXERCISE of my powers under section 11A(8) of the Immigration Ordinance 1987 (a) and of all other powers enabling me in that behalf, I make the following Regulation -

1. These regulations may be cited as the Permanent Residence Permit (Form of Application) Regulations 1995 and shall come into force on their publication in the *Gazette*. *Citation and commencement.*
2. The form set out in the Schedule to these regulations is prescribed as the form of application for a permanent residence permit. *Form of application for a permanent residence permit.*

(a) No. 15 of 1987 as amended by No. 31 of 1987 and No. 27 of 1994 (section 11A was inserted by No. 27 of 1994)

THE SCHEDULE

(regulation 2)

FALKLAND ISLANDS
IMMIGRATION ORDINANCE 1987

APPLICATION FOR A PERMANENT RESIDENCE PERMIT

1. SURNAME _____
FORENAMES _____
2. NATIONALITY _____ PASSPORT NO. _____
DATE OF BIRTH _____ DATE OF ISSUE _____
COUNTRY OF BIRTH _____ PLACE OF ISSUE _____
3. ADDRESS IN FALKLAND ISLANDS _____
_____ TEL: _____
4. LAST ADDRESS ABROAD _____

5. MARITAL STATUS _____
PLACE & DATE OF MARRIAGE (if any) _____
6. PARTICULARS OF ANY DEPENDENTS (eg Wife and Children) INCLUDED IN THIS APPLICATION AND LIVING IN THE FALKLAND ISLANDS (Birth certificates should be included)

NAME	AGE	NATIONALITY	RELATIONSHIP
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

ARE DEPENDENT CHILDREN UNDERTAKING FULL TIME EDUCATION EITHER IN
A) FALKLAND ISLANDS?
B) OVERSEAS ? (State Country) _____

7. PARTICULARS OF ANY DEPENDENTS NOT INCLUDED IN THIS APPLICATION AND LIVING OUTSIDE THE FALKLAND ISLANDS

NAME	AGE	NATIONALITY	RELATIONSHIP
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Is it intended that any of the above-named dependents not included in this application will wish to join you in the Falkland Islands at a later date. If so, please indicate with an *.

8. HOW LONG HAVE YOU LIVED IN THE FALKLAND ISLANDS PRIOR TO MAKING THIS APPLICATION _____ YEARS _____ MONTHS

9. HOW LONG HAVE DEPENDENT FAMILY MEMBERS BEEN LIVING IN THE FALKLANDS

NAME	YEARS	MONTHS
_____	_____	_____
_____	_____	_____
_____	_____	_____

10. DATES AND ADDRESSES OF ALL PLACES WHERE YOU HAVE RESIDED FOR MORE THAN SIX MONTHS DURING THE LAST THREE YEARS

11. PARTICULARS OF ANY PROPERTY OWNED IN THE FALKLAND ISLANDS
ADDRESS _____

TYPE OF STRUCTURE _____

VALUE _____

12. PARTICULARS OF ANY BUSINESS INVESTMENTS IN THE FALKLAND ISLANDS

13. VALUE OF ASSETS OWNED £ _____

a) IN THE FALKLAND ISLANDS £ _____

b) OUTSIDE THE FALKLAND ISLANDS £ _____

(Please provide full details of the above on a separate sheet, together with any other financial information you think may assist in the consideration of your application. If you are retired please give details of pension payments received. If you plan to retire during the course of the next five years please provide details of pension funds to which you are contributing).

PENSION FUNDS _____

14. CURRENT OCCUPATION _____

ANNUAL INCOME _____

LIST PREVIOUS EMPLOYERS IN THE FALKLAND ISLANDS AND DATES OF EMPLOYMENT

EMPLOYER

FROM

TO

_____	_____	_____
_____	_____	_____
_____	_____	_____

OCCUPATION OF SPOUSE (If any) _____

15. DO YOU INTEND TO CONTINUE THIS EMPLOYMENT YES / NO
IF NO, WHAT ARE YOUR INTENTIONS

a) SELF-EMPLOYED AS _____

b) EMPLOYMENT WITH _____

c) RETIREMENT _____

IF YOU WISH TO BE SELF-EMPLOYED PLEASE GIVE DETAILS OF ANY BUSINESS PLAN INCLUDING DETAILS OF RELEVANT EXPERIENCE, FINANCIAL RESOURCES AVAILABLE AND EXPECTED INCOME.

16. HAVE YOU EVER HAD A RESIDENCE PERMIT FOR THE FALKLAND ISLANDS REFUSED, REVOKED OR NOT RENEWED?
IF SO, PLEASE GIVE DETAILS

17. WHEN DOES YOUR CURRENT RESIDENCE PERMIT EXPIRE? _____
WHEN DOES YOUR CURRENT CONTRACT END? (If applicable) _____

18. HAVE YOU OR ANY OF YOUR DEPENDENTS EVER BEEN CONVICTED OF A CRIMINAL OFFENCE EITHER IN THE FALKLAND ISLANDS OR ABROAD.

IF SO, PLEASE GIVE DETAILS OF OFFENCE AND SENTENCE IMPOSED.

NAME	OFFENCE	DATE	SENTENCE
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

DECLARATION

I declare that the information given on this form is true and correct and I understand that if I have made any material mis-statement any Permanent Residence Permit granted to me on the basis of that information may be revoked.

Signature of Applicant

Date

(Once completed this form should be returned to the Immigration Officer who will advise you of the likely timescale before you hear the result of your application).

Made this 18th day of July 1995

D. E. TATHAM,
Governor.



**THE
FALKLAND ISLANDS GAZETTE
Supplement**

PUBLISHED BY AUTHORITY

Vol. 6

31st July 1995

No. 19

The following is published in this Gazette-

The Deposits in the Sea (Exemptions) Order 1995.

SUBSIDIARY LEGISLATION

ENVIRONMENT

The Deposits in the Sea (Exemptions) Order 1995

(S. R. & O. No: 12 of 1995)

Made: 28th July 1995

Published: 31st July 1995

Coming into force: 1st August 1995

IN EXERCISE of my powers under section 5(1) of the Marine Environment (Protection) Ordinance 1995 (a), section 32 of the Interpretation and General Clauses Ordinance 1977 (b) and all other powers enabling me in that behalf, I make the following Order -

1.(1) This Order may be cited as the Deposits in the Sea (Exemptions) Order 1995 and shall come into force on 1st August 1995 or the date (if different) upon which the Marine Environment (Protection) Ordinance 1995 comes into force under the provisions of section 1 thereof, whichever is the later.

Title, commencement and interpretation.

2. A licence is not needed -

Exemptions.

(a) for an operation specified in the Schedule to this Order which satisfies the conditions (if any) specified therein in relation to the operation; or

(b) for the loading of a vehicle, vessel, aircraft, hovercraft, marine structure or floating container in the Falkland Islands or Falkland Islands waters with substances or articles for deposit in the sea or under the sea-bed in the course of an operation specified in that Schedule which satisfies the conditions (if any) specified therein.

SCHEDULE

Article 2

OPERATIONS NOT NEEDING A LICENCE

1. Deposit from a vessel, hovercraft or marine structure of sewage originating on the vessel, hovercraft or marine structure.

2. Deposit from, or incineration on, a vessel, hovercraft or marine structure of garbage originating in on or the vessel, hovercraft or marine structure; and for this purpose "garbage" means any kind of victual or domestic waste, but does not include any bulky or industrial waste.

(a) No. 9 of 1995.

(b) No. 14 of 1977 (s.32 of that Ordinance enable subsidiary legislation under an Ordinance which has not come into operation to be made at any time after the Ordinance has been assented to, provided that the subsidiary legislation cannot come into force until the Ordinance does).

3. Deposit from a vessel of cooling water and of ballast water, tank washings or other residues resulting from tank cleaning or tank ballasting after carriage of any substance other than a substance deposited or incinerated in pursuance of a licence.

4. Deposit from a vessel or marine structure of any oil or mixture containing oil in such manner or in such circumstances as to constitute a discharge -

(a) of a kind to which section 3 of the Prevention of Oil Pollution Act 1971 applies; or

(b) of a kind for the time being regulated under section 20 of the Merchant Shipping Act 1979.

5. Deposit of cable and associated equipment (otherwise than for the purpose of disposal) in the course of cable laying or cable maintenance.

6. Deposit of any substance from a vessel, vehicle, aircraft, hovercraft or marine structure for the purpose of fighting any fire or preventing the spread of any fire.

7. Deposit of fishing gear (whether fixed or not) otherwise than for the purpose of disposal.

8. Deposit (by way of return to the sea) of fish or shellfish or parts thereof in the course of fishing operations or fish processing at sea.

9. Deposit (by way of return to the sea) of fishing vessel of any article (other than a fish or shellfish) taken from the sea by the vessel in the course of normal fishing operations.

10. Deposit of any substance or article (otherwise than for the purpose of disposal) in the course of, for the purpose of, or in connection with, the propagation or cultivation of fish or shellfish.

11. Deposit (by way of return to the sea) of any substance or article dredged from the sea-bed in connection with the propagation or cultivation of shellfish.

12. Deposit from a vessel, hovercraft or marine structure of any substance or article (other than bulky waste) in the course of the normal navigation or maintenance thereof.

13. Deposit of any substance or article (otherwise than for the purpose of disposal) in the course of salvage operations.

14. Deposit on the site of drilling for, or production of, oil or gas of any chemicals, drill cuttings or drilling muds in the course of such drilling or production.

15. Deposit under the sea-bed on the site of drilling for, or production of, oil or gas of any substance or article in the course of such drilling or production.

16. Incineration of hydrocarbons resulting from the exploration for, or production of, oil or gas.

17. Deposit on the site of dredging for aggregates or other minerals of any substance or article taken from the sea in the course of such dredging.

18. Deposit in the normal course of operation of a dredging vessel of waters overflowing from the hold of the vessel.

19. Deposit of any article in connection with the provision of moorings or aids to navigation -

(a) by a harbour authority or lighthouse authority; or

(b) by any other person, if the consent of a harbour authority or lighthouse authority is required.

20. Deposit of any article or substance in the maintenance of harbour, coast protection (other than beach replenishment), drainage or flood control works, if made on the site of the works.

21. Deposit for the purpose of treating oil on the surface of the sea or any substance produced for that purpose subject to the conditions -

(a) that the substance is a substance the use of which is for the time being approved by the licensing authority;

(b) that the substance is used in accordance with any conditions to which the approval was subject; and

(c) that no deposit is made in an area of the sea of a depth of less than 20 metres or within one mile of any such area save with the approval of the licensing authority.

22. Deposit of any equipment for the purpose of controlling, containing or recovering oil, mixtures containing oil, flotsam or algal blooms on or near to the surface of the sea.

23. Deposit of any scientific instrument or associated equipment (otherwise than for the purpose of disposal) in connection with scientific experiment or survey.

24. Launching of vessels or marine structures.

25. Deposit under the sea-bed of any substance or article (otherwise than for the purpose of disposal) in connection with the construction or operation of a bored tunnel subject to the conditions -

(a) that notice of intention to construct the tunnel is first given to the licensing authority; and

(b) that the approval of the licensing authority is first obtained to the doing of anything which might disturb the marine environment or the living resources which it supports.

Made the 28th day of July 1995.

A. M. GURR,
Acting Governor.

EXPLANATORY NOTE
(not forming part of above Order)

This Marine Environment (Protection) Ordinance 1995 deals with licensing for deposits in the sea. Sections 3 and 4 of that Ordinance provide that a licence is needed for the deposit of substances and articles and for incineration at sea. Section 5 enables the Governor to make an Order exempting specified operations from the licensing requirement. This Order exempts specified operations from the licensing requirements under sections 3 and 4 of the Ordinance.



THE FALKLAND ISLANDS GAZETTE Supplement

PUBLISHED BY AUTHORITY

Vol. 6

31st AUGUST 1995

No. 20

The following is published in this Supplement -

The Offshore Petroleum (Licensing) Regulations 1995, (S.R. & O. No. 13 of 1995).

SUBSIDIARY LEGISLATION

Offshore Petroleum (Licensing) Regulations 1995

(S. R. & O. No. 13 of 1995)

(Made: 31st August 1995)

(Published: 31st August 1995)

(Coming into force: 1st September 1995)

IN EXERCISE of my powers under section 7 of the Offshore Minerals Ordinance 1994 (a) and of all other powers enabling me in that behalf, I make the following Regulations -

1. These Regulations shall come into force on 1st September 1995 and may be cited as the Offshore Petroleum (Licensing) Regulations 1995. *Commencement and citation.*

2. In these Regulations the following expressions have the meanings hereby respectively assigned to them, that is to say - *Interpretation.*

"block" has the meaning assigned thereto in regulation 7(2);

"exploration licence" means a licence which authorises the licensee in accordance with its terms to search for petroleum in the sea-bed and subsoil of or under the area or areas of the controlled waters to which the licence for the time being relates;

"Gazette notice" means a notice published by the Governor in the *Falkland Islands Gazette* and in the *London Gazette*;

"invited application" has the meaning assigned thereto in regulation 7(1);

"non-invited application" has the meaning assigned thereto in regulation 6(1);

"production licence" means a licence which authorises the licensee in accordance with its terms to search and bore for, and get, petroleum in the area or areas of the controlled waters to which the licence for the time being relates; and

"tranche" means an aggregation or group of blocks in respect of which as a whole an invited application may be made.

3.(1) These Regulations shall have effect -

Application of the Regulations.

(a) in relation to applications for exploration licences;

(b) in relation to applications for production licences;

(c) so as to prescribe the model clauses required to be incorporated, except as provided by regulation 8(1), in production licences; and

(d) in relation to exploration licences which permit drilling, so as to amend the model clauses required by the Petroleum Survey (Model Clauses) Regulations 1992 to be incorporated in such licences except as provided by those regulations.

4. Any person may apply in accordance with these Regulations for a production licence or for an exploration licence. *Applicants for licences.*

5.(1) An application for a licence shall be made in duplicate and shall be in the form specified in Schedule 1 hereto or in a form substantially to the like effect, sent to The Oil Licensing Administration, Falkland Islands Government, Falkland House, 14 Broadway, London SW1H 0BH, and shall be accompanied by the appropriate fee and two copies of such evidence and particulars or documents in support thereof as are referred to in that Schedule and are appropriate to that application. *Applications for licences.*

(2) If any of the matters stated in an application or any further information supplied by the applicant shall change after the application is made or after the information is given but before a licence is granted or the Governor informs the applicant that the application is refused, the applicant shall forthwith give notice in writing to the Governor giving particulars of the change.

(3) The footnotes to Schedule 1 form part of that Schedule and shall have effect accordingly.

6.(1) An application for a production licence in accordance with the provisions of this Regulation (in these Regulations called a "non-invited application") may, subject to paragraph (2), be made in respect of any part of the controlled waters. *Non-invited applications.*

(2) No non-invited application may be made unless -

(a) every part of the area to which the application relates was comprised in a production licence (in this paragraph referred to as "the lapsed licence") which has been surrendered or revoked either in whole or in relation to the area to which the application relates;

(b) at the time the lapsed licence was surrendered or revoked, it was held by two or more persons; and

(c) the application is made by one of those persons, or by a group including at least one of those persons.

7.(1) Every application for a production licence pursuant to these Regulations, not being a non-invited application made pursuant to the last foregoing Regulation (in these Regulations referred to as an "invited application"), shall be without prejudice to regulation 10(1), be - *Invited applications.*

(a) in respect of one tranche or one or more blocks specified by a Gazette notice ¹;

(b) lodged within the period specified by such a notice as the period within which the Governor is prepared to receive applications in respect of the tranches or blocks as the case may be are to be made,

¹ The intention is that a separate application will be required in respect of each tranche the applicant may wish to apply for. See also regulation 10(2).

and shall not comprise any part of a block.

(2) The Gazette notice referred to in the last foregoing paragraph is a Gazette notice describing or specifying by reference to a map deposited at The Secretariat, Thatcher Drive, Stanley, Falkland Islands and at such other places (if any) as may be specified in the notice areas (in these Regulations referred to as "blocks") to which reference numbers shall be assigned, in respect of which he is prepared to receive applications for production licences and specifying the dates within which applications in respect of the blocks so specified are to be made, but such a Gazette notice may provide that applications may only be made in respect of tranches of blocks specified in that notice.

8.(1) Every licence shall incorporate model clauses respectively prescribed by the next following paragraph for the kind of licence to which that licence belongs unless the Governor with the consent of the Secretary of State thinks fit to modify, or exclude, in any particular case, the clauses so prescribed.

Forms of licences.

(2) The clauses prescribed -

(a) for incorporation in production licences are those set out in Schedule 2;

(b) for incorporation in exploration licences not permitting drilling are those set out in the Schedule to the Petroleum Survey (Model Clauses) Regulations 1992 (b); and

(c) for incorporation in exploration licences which do permit drilling, are the clauses set out in the said Schedule to the said Regulations, with the omission of clauses 8 and 12 thereof and the substitution in their place of the clauses set out in Schedule 3 to these Regulations.

9.(1) With every application for an exploration licence shall be paid a fee of £1,000 and, if the licence is granted, an annual fee of £5,000 shall be paid on each anniversary of the grant of the licence while it continues in force.

Fees.

(2) With every application for a production licence shall be paid a fee of £5,000, but if the application is a non-invited application for a production licence and the application is refused on grounds -

(a) that the Governor proposes to publish a Gazette notice pursuant to Regulation 7 inviting applications for production licences in respect of blocks comprising the whole or any part of the area for a licence in respect of which that application is made; or

(b) that the Governor proposes to grant a licence in respect of the whole or part of the area in respect of which the application is made to an applicant whose application in respect thereof was made before receipt of the application which is so refused,

the Governor shall repay the fee in respect of the application so refused.

10. Nothing in these Regulations shall prevent more than one application being made by the same person or more than one licence being granted to him, but a separate application is required for each tranche in respect of which an application for a licence is made.

Plurality of licences.

SCHEDULE 1

Regulation 5(1)

FORM OF APPLICATION FOR A LICENCE

PART I

1. Type of licence applied for.

PART II

2. Name of each applicant in full.
3. If the application is made by more than one person and the applicants have agreed on the manner in which benefits resulting from the exploitation of the licence should be shared between them, the share which each applicant would be entitled to take.
4. Name of proposed operator.

PART III

5. In the case of an application for a production licence, tranche or reference number(s) of the block(s) in respect of which the application is made and, if the application is made by tender, the consideration which the applicant is prepared to offer for each such block.¹

¹If the advertisement in the *Gazette* inviting applications invites applications for tranches of blocks, an application cannot validly be made for a block or number of blocks constituting part of a tranche. Where the advertisement invites applications for tranches, a separate application will be required for each tranche for which an applicant wishes to apply. Where an applicant lodges an application for more than one tranche, the applicant should state in a covering letter the applicant's order of preference as between tranches.

PART IV²

6. In respect of each applicant who is an individual -

- (a) Name of applicant in full
- (b) Usual residential address
- (c) Nationality

7. In respect of each applicant who is a body corporate -

- (a) Name of applicant in full
- (b) Place of incorporation
- (c) Principal place of business
- (d) In the case of a company, its registered office
- (e) Place of central management and control
- (f) Particulars of each member of the board of directors or other governing body of the body corporate, as follows -

(1)	(2)	(3)
Full name	Usual residential address	Nationality

²If there is more than one applicant or proposed operator all the information relating to each operator which is required in this Part should be grouped together. The groups should appear in the order in which the applicants and proposed operator are named in Part II. Where any of the applicants for a production licence is a subsidiary the assets of which might not indicate sufficient financial strength to undertake its share of the costs of financing the work programme, the applicant may wish to submit with the application suitable evidence of financial support, e.g. from the group of companies of which it forms part. An applicant which has not a substantial cash flow and does not submit evidence that a corporate parent or other connected company is willing to finance the cost, or the applicant's share of the cost, of the work programme will need to submit with the application evidence (e.g. in a satisfactory form from bankers or professional advisers) that the applicant will be able to meet that cost and the source of the funds.

8. In respect of each applicant which is a body corporate³ -

(a) Particulars of the capital authorised and issued as follows -

(1) Class of capital	(2) Amount authorised	(3) Amount issued	(4) ⁴ Voting rights of each class
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(b) Particulars of all holdings of not less than 5 per cent. in number or value of any class of capital which has been issued by the body corporate as follows -

(1) Name of holder or names of joint holders, in full	(2) Nationality of holders	(3) Class of holding	(4) Amount
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³If a body corporate does not possess a capital structure, any comparable information concerning the items listed should be furnished.

⁴Column 4 of sub-paragraph (a) need not be completed if a copy of the memorandum and articles of association, or other document setting out or defining the constitution, of the body corporate accompanies the application.

(c) Particulars of all capital issued to bearer, as follows -

(1)	(2)	(3)
Class of capital	Total amount issued	Amount issued to bearer

9.(1) In the case of an application for a production licence, for each applicant which is a body corporate there shall accompany the application two⁵ copies of the most recent audited accounts of each such applicant and two copies of the audited accounts of any body corporate having control of such applicant⁶. Subsections (2) and (4) to (6) of section 416 of the Income and Corporation Taxes Act 1988 of the United Kingdom shall apply⁷, for the purposes of determining whether for the purposes of this paragraph a body corporate has control of another body corporate, with the following modifications -

(a) for the words "greater part" wherever they occur in the said subsection (2) there shall be substituted the words "one third or more",

(b) in the said subsection (6), for the word "may" there shall be substituted the word "shall", the words from "and such attributions" onwards shall be omitted, and in the other provisions of that subsection any reference to the associate of a person shall be construed as including only a relative of his (as defined by section 417(4) of that Act), a partner of his and a trustee of a settlement (as defined by section 681(4) of that Act) of which he is a beneficiary.

(2) There shall accompany the application a list of the bodies corporate whose accounts are submitted pursuant to sub-paragraph (1) of this paragraph.

10. Where the proposed operator is not an applicant, the proposed operator shall comply with paragraphs 6 to 9 above as if he were an applicant.

⁵ Where the audited accounts are not in English they should be accompanied by two copies of a certified translation of them into English. The audited accounts should also be accompanied by (a) a copy of any Chairman's Statement or like document accompanying the accounts and circulated to shareholders or stockholders, (b) any Notes forming part of the accounts and (c) the Auditor's Report on the accounts. If the audited accounts relate to a period ending more than six months before the closing date for submission of the application, the applicant may on receipt of the application be asked to submit further financial statements in respect of the intervening period ending not earlier than three months before the closing date. It would be helpful if applicants would, where appropriate, anticipate such a requirement. Any such financial statements should be certified by the signatory to the application as being true and correct to the best of his information, knowledge and belief.

⁶ Applicants should also provide two copies of any published financial information in relation to the applicant in respect of any period after the period to which the audited accounts relate.

⁷ The provisions are applied only for the purpose of determination, for the purposes of these Regulations, of the question as to whether a body corporate has control of another body corporate. The Income and Corporation Taxes Act 1988 of the United Kingdom does not form part of the law of the Falkland Islands, which have their own laws on taxation of personal and corporate income.

11. In the case of an application for a production licence, there shall be annexed a Technical Summary prepared in such a manner as best illustrates the rationale underlying the application. As a minimum the Technical Summary must contain the information required by any Notice to Applicants issued by the Oil Licensing Administration and for the time being in force.

12. Name and address of proposed Agent of the applicant in the Falkland Islands⁸.

PART V

13. Details of the fees which accompany the application (cheques should be crossed "not negotiable A/C Payee only" and made payable to "Falkland Islands Government").

PART VI

I/We hereby declare that the information given in Parts I, II, III and IV or annexed to or accompanying this application is correct⁹.

Date

Signature of each applicant or proposed operator or, in the case of each applicant or proposed applicant which is a body corporate, of a duly authorised officer whose capacity is stated.¹⁰

To: Oil Licensing Administration,
Falkland Islands Government,
Falkland House,
14 Broadway
London SW1H 0BH

⁸ See Model Clause 40 for production licences. There is a similar requirement in the Model Clauses relating to exploration licences.

⁹ The applicant may annex any information or particulars additional to those required by this form which the applicant wishes to be considered in connection with the application.

¹⁰ Where there is more than one signature, the applicant or proposed operator to which each signature relates should be identified.

SCHEDULE 2**Regulation 8(2)(a)****MODEL CLAUSES FOR PRODUCTION LICENCES IN CONTROLLED WATERS**

1.(1) In the following clauses, the following expressions have meanings hereby respectively assigned to them, that is to say - *Interpretation.*

"approved development programme" means a development programme in respect of which the Governor's approval has been notified to the Licensee pursuant to clause 15;

"approved well" means a well specified in Schedule 4 to this Licence or after the date of this Licence approved in writing by or on behalf of the Governor;

"block" means an area comprised in this Licence which is delineated on the reference map deposited at The Secretariat, Thatcher Drive, Stanley, Falkland Islands and to which a reference number was assigned at the date of this Licence;

"relevant period" has the meaning given by clause 11(1);

"tax disposal value" has the meaning given by clause 11(3);

"clause" means a clause of this Licence;

"crude", where the reference is to petroleum being disposed of or appropriated crude, refers to its being so dealt with without having been refined (whether or not it has previously undergone initial treatment);

"development programme" means a programme prepared for the purposes of clause 15;

"development scheme" has the meaning assigned thereto by clause 25(2);

"exploit" and "explore", in relation to petroleum, have the same meanings as they have under section 2(1) of the Ordinance;

"exploitation term" has the meaning assigned by clause 5(7);

"field" means a part of the licensed area which the Licensee believes to be an oil field or part of an oil field;

"half year" means the period from 1st January to 30th June in any year and the period from 1st July to 31st December in any year;

"initial term", "second exploration term" and "third exploitation term" have the meanings respectively assigned to them by clause 3;

"initial treatment", in relation to petroleum from a field, means the doing, at any place, of any of the following things -

- (a) subjecting oil won from the field to any process of which the sole purpose is to enable the petroleum to be safely stored, safely loaded into a tanker or safely accepted by an oil refinery; or
- (b) separating petroleum so won and consisting of gas from other petroleum so won; or
- (c) separating petroleum so won and consisting of gas of a kind that is transported and sold in normal commercial practice from other petroleum so won and consisting of gas; or
- (d) liquefying petroleum so won and consisting of gas of such a kind as aforesaid for the purpose of transporting it; or
- (e) subjecting petroleum so won to any process of which the purpose is to secure that petroleum disposed of crude has the quality that is normal for petroleum so disposed of from the field,

but does not include -

- (i) the storing of petroleum even where this involves the doing to the oil of things within any of the paragraphs (a) to (e) of this definition; or
- (ii) any activity carried on as part of, or in association with, the refining of petroleum not consisting of gas or any activity the sole or main purpose of which is to achieve a chemical reaction in respect of petroleum consisting of gas; or

(iii) deballasting;

"the licensed area" means the area for the time being in which the Licensee may exercise the rights granted by this Licence;

"the Licensee" means the person or person to whom this Licence is granted, his personal representatives and any person or person to whom the rights granted by this Licence may lawfully have been assigned;

"notice" means a notice in writing;

"the Ordinance" means the Offshore Minerals Ordinance 1994;

"petroleum" includes any mineral oil or relative hydrocarbon and natural gas existing in its natural condition in strata but does not include coal or bituminous shales or other stratified deposits from which oil can be extracted by destructive distillation;

"production purposes", in relation to a field, means any of the following purposes -

(a) carrying on drilling or production operations within the field;

(b) pumping petroleum won from the field to the place where it is first landed in the Falkland Islands or another country or to the place in the Falkland Islands or another country in which the seller in a sale at arm's length could reasonably be expected to deliver it or, if there is more than one place at which the seller could reasonably be expected to deliver it, the one nearest to the place of extraction; or

(c) the initial treatment of oil won from the field;

"relevantly appropriated", in relation to petroleum won from a field, means appropriated to refining or to any use except for production purposes in relation to that field;

"section" means a part of a block comprising an area bounded by minute lines of latitude and longitude one minute apart respectively;

"\$" means dollars of the United States of America;

"well" includes borehole.

(2) Any obligations which are to be observed and performed by the Licensee shall at any time when the Licensee is more than one person be joint and several obligations.

(3) Every reference in this Licence to an Ordinance or other law of the Falkland Islands shall be construed as including a reference to any Ordinance or other law of the Falkland Islands for the time being amending, modifying replacing augmenting or re-enacting that Ordinance or other law.

2. In consideration of the payments and royalties hereinafter provided and the performance and observance by the Licensee of all the terms and conditions hereof, the Governor in exercise of the powers conferred on him by the Offshore Minerals Ordinance 1994 hereby grants to the Licensee EXCLUSIVE LICENCE AND LIBERTY during the continuance of this Licence and subject to the provisions hereof to search and bore for, and get, petroleum in the sea bed and sub soil under the part of the controlled waters comprising an area of *[number of square kilometres to be inserted here]* square kilometres more particularly described in Schedule 1 to this Licence being the area comprising block(s) No. *[to be inserted in Licence granted]* on the reference map deposited at The Secretariat, Thatcher Drive, Stanley, Falkland Islands AND IT IS HEREBY DECLARED for the purpose of section 5(2) of the Ordinance that this Licence permits in accordance with its terms and conditions the drilling of wells and taking of samples in the course of exploration for petroleum.

Grant of Licence.

3. This Licence unless sooner determined under any of the provisions hereof shall be and continue in force for the term of five years after *[date of commencement of licence term to be inserted here]* (hereinafter called "the initial term"); but if the terms and conditions of this Licence are duly performed and observed and, in particular, if the work programme described in Part I of Schedule 4 to this Licence has been duly performed, this Licence may be continued for a further term of seven years (hereinafter called "the second exploration term") as provided by clause 4 of this Licence and if the terms and conditions of this Licence and, in particular, the work programme described in Part II of Schedule 4 to this Licence, are duly performed and observed during the second exploration term, this Licence may be continued for a further term of ten years as provided by clauses 5 and 6 (hereinafter called "the third exploration term") or, as the case may be and as further provided by clauses 5 and 6 of this of this Licence, as to a field for a further term of thirty-five years (hereinafter called "the exploitation term") and, in the event that this Licence is continued for the third exploration term as hereinbefore mentioned and the terms and conditions of this Licence are duly performed and observed, and in particular if the further work programme contemplated in relation to the third exploration term by clause 5 of this Licence is duly performed, then this Licence may be continued after the third exploration term for the exploitation term as provided by clause 7 of this Licence.

Term of Licence.

4.(1) At any time not later than three months before the expiry of the initial term the Licensee paying the payments by way of acreage rent and, if appropriate, royalties hereinafter in this Licence provided and observing and performing the terms and conditions in this Licence contained may give notice in writing to the Governor that the Licensee desires the Licence to continue as to part of the licensed area (hereinafter called "the initial continuing part") in the manner hereinafter provided and (unless paragraph (4) of this clause applies and the Licensee does not desire to determine the Licence in respect of any part of the licensed area) to determine the residue thereof (hereinafter called "the initial compulsorily surrendered part").

Option to continue licence for second exploration term as to part of licensed area.

(2) Such notice shall describe the initial continuing part which shall be an area which, if the number of approved wells drilled by the Licensee during the initial term did not exceed four, shall not be greater than the relevant fraction.

(3) For the purposes of paragraph (2), the relevant fraction is the fraction determined by the result of the equation $A \text{ plus } B$ where -

A equals one half of the area originally comprised in this Licence, and

B equals one tenth of the area originally comprised in this Licence multiplied by the appropriate number, and

"the appropriate number" is the number, if three or less, of approved wells drilled by the Licensee during the initial term.

(4) If the Licensee has drilled four or more approved wells during the initial term, paragraph (1) of this clause shall not have effect so as to require the Licensee to surrender any part of the licensed area at the expiration of that term.

(5) If the Licensee, whether the Licensee is required by that paragraph to do so or does so voluntarily, states in a notice given pursuant to paragraph (1) of this clause that the Licensee intends to surrender part of the area initially comprised in this Licence, the Licensee shall specify in that notice a date (hereinafter called "the surrender date"), not later than the expiry of the initial term, on which the surrendered part is to be surrendered.

(6) The Licensee may at any time not less than one month before the surrender date give a further notice to the Governor varying the part of the licensed area to be surrendered and in the event of such further notice being given the previous paragraphs of this clause shall apply *mutatis mutandis* to such notice but so that the surrender date specified in such notice shall be the surrender date specified in the first notice.

5.(1) Subject to paragraph (2) of this clause, at any time not later than three months before the expiry of the second exploration term the Licensee paying the acreage rents and, if appropriate, royalties hereinafter provided and observing and performing the terms and conditions in this Licence contained may give notice to the Governor that he desires the licence to continue as to part of the licensed area (hereinafter called "the subsequent continuing part") in the manner hereinafter provided and to determine in relation to the residue of the area licensed in respect of the second exploration term (hereinafter called "the subsequent compulsorily surrendered part").

*Option to continue
Licence as to part of
licensed area after second
exploration term.*

(2) The Licensee shall not be entitled to give such notice unless the Licensee at the same time sends or delivers to the Governor for approval -

(a) a development programme complying with the requirements of clause 15(2) and as if the Licensee had been directed by the Governor pursuant to that provision to prepare and submit the same; or

(b) a work programme as to the subsequent continuing part (which must incorporate proposals as to further exploration or appraisal wells) and as if the Licensee had been required to submit the same pursuant to clause 14(2); or

(c) both such a development programme, in relation to such portion of the subsequent continuing part as the Licensee identifies as the immediate area of a potential petroleum field, and a work programme as to the remainder of the subsequent continuing part,

and the notice shall -

(i) describe the subsequent continuing part (the maximum permitted area of which is governed by the provisions of paragraph (3) of this clause as to the minimum permitted area of the subsequent compulsorily surrendered part);

(ii) if the Licensee submits at the same time both a development programme and a work programme, describe the portions of the subsequent continuing part to which each of them respectively relate, and

(iii) specify a date (hereinafter called "the second surrender date") not later than the expiry of the second exploration term upon which the subsequent compulsorily surrendered part is to be surrendered.

(3) The subsequent compulsorily surrendered part shall -

(a) not be less than one half of the area in respect of which, by virtue of clause 4, this Licence continued for the second exploration term; and

(b) if the Licensee submits a development programme but does not submit a work programme, shall be the whole of the area for which this Licence continued for the second exploration term excepting only the part of that area to which the development programme submitted by the Licensee relates.

(4) The Licensee may at any time before the second surrender date give further notice to the Governor varying the part of the licensed area to be surrendered and in the event of such further notice being given the provisions of the previous paragraphs of this clause shall apply *mutatis mutandis* to such notice but so that the second surrender date specified in such notice shall be the same as that specified in the first notice.

(5) If the Licensee gives a notice in pursuance of paragraph (1) of this clause (where appropriate, varied in accordance with paragraph (4)) complying with the preceding provisions of this clause, this Licence shall continue in force after the expiry of the second exploration term -

(a) if before that time the Governor has given a consent in pursuance of clause 15(1) of this Licence, and such consent is still in force as to that date, in relation to the part of the licensed area to which that consent relates;

(b) if before that time the Governor has in pursuance of clause 15(4) of this Licence approved a development programme and such approval is still in force at that date, in relation to the part of the licensed area to which that approval relates;

(c) if before that time the Governor has served a programme on the Licensee in pursuance of clause 15(6) of this Licence, in relation to the part of the licensed area to which that programme relates;

(d) if before that time the Governor has approved a work programme submitted by the Licensee pursuant to this clause, and such approval is still in force at that date, in relation to the part of the licensed area to which that approved work programme (and, if appropriate, as amended by the Governor) relates;

(e) if before that time the Governor has in his discretion so directed in writing,

and the Licence may continue in respect of different parts of the licensed area by virtue of different subparagraphs of this paragraph.

(6) Where the Governor has given a direction in pursuance of paragraph (5)(e) of this clause he may in his discretion, on notice being given to him by the Licensee not later than three months before the expiry of any extension or further extension having effect by virtue of such a direction that the Licensee desires the licence to continue in force thereafter, give a further direction that this Licence shall so continue in force.

(7) Where this licence continues in force in respect of a part of the licensed area by virtue of paragraph (5)(a), (b) or (c) of this clause it shall, subject to the provisions of clause 3 of this Licence, so continue in force for a further period of thirty-five years ("the exploitation term") after the expiry of the second exploration term.

(8) Where this Licence continues in force in respect of a part of the licensed area by virtue of paragraph (5)(d) of this clause it shall, subject to the provisions of clause 3 of this Licence, continue in force for a further period of ten years ("the third exploration term") after the expiry of the second exploration term, and clause 6 of this Licence applies in relation to the possible further continuation of this Licence in respect of a portion of that part after the expiry of the third exploration term.

(9) A direction given by the Governor in pursuance of paragraph (5)(e) of this clause or further direction given by the Governor in pursuance of paragraph (6) of this clause may be given subject to such conditions as he may specify and (without prejudice to the generality of the foregoing) such conditions may include conditions as to the duration of the extension or further extension (as the case may be) and shall have effect only to extend the second exploration term.

6.(1) This Clause applies where this Licence has been continued as to part of the Licensed area under clause 5(5)(d) and (8) for the third exploration term.

*Continuation of Licence
as to part of Licensed
area on expiry of third
exploration term.*

(2) Subject to paragraph (3), at any time not later than three months before the expiry of the third exploration term the Licensee paying the payments and acreage rents and (if appropriate) royalties hereinafter provided and observing and performing the terms and conditions herein contained may give notice in writing to the Governor that he desires the licence to continue as to a part of the licensed area ("the potential field") and to determine as to the residue of the area in respect of which the licence continued for the third term (such residue being hereinafter called "the thirdly surrendered part").

(3) The Licensee shall not be entitled to give such a notice unless at the same time he sends or delivers to the Governor for his approval a development programme as to the potential field.

(4) A notice pursuant to paragraph (2) shall -

(a) describe the boundaries of the potential field; and

(b) specify a date (hereinafter called "the third surrender date") not later than the expiry of the third exploration term on which the thirdly surrendered part is to be surrendered.

(5) The Licensee may at any time not less than one month before the third surrender date give further notice to the Governor varying the boundaries of the potential field (and hence the area of the residue of the licensed area to be surrendered) and in the event of such further notice being given the provisions of previous paragraphs of this clause shall apply *mutatis mutandis* to such notice but so that the third surrender date specified in such notice shall be the same as that specified in the first notice.

(6) If a notice pursuant to paragraph (2), varied as may be by a further notice pursuant to paragraph (5), is given this Licence shall continue in force after the expiry of the third exploration term -

(a) if before that time the Governor has given a consent in pursuance of clause of 15(1) this Licence and that consent is still in force at that time, in relation to the part of the licensed area to which that consent relates;

(b) if the Governor has before that time in pursuance of clause 15(4) of this Licence approved a development programme and such approval is still in force at that time, in relation to the part of the licensed area to which that approval relates;

(c) if the Governor has before that time served a programme on the Licensee in pursuance of clause 15(6) of this Licence and such programme is still in force at that i.e., in relation to that part of the licensed area to which that programme relates, or

(d) the Governor has before that time in his direction so directed in writing, in relation to the part of the licensed area to which that direction relates.

(7) Where this Licence continues in respect of a part of the licensed area pursuant to clause 5(5)(a), (b) or (c) and was also continued under clause 5(5)(d) in respect of another part of the licensed area for a third exploration term, the continuation of this Licence in respect of another part of the licensed area pursuant to any sub-paragraph of paragraph (6) of this clause shall not derogate from the continuation of this Licence as to part of the licensed area by virtue of the earlier operation of clause 5(5)(a), (b) or (c).

(8) Where the Governor has given a direction in pursuance of paragraph (6)(d) of this clause he may in his direction, on notice being given to him by the Licensee not later than three months before the expiry of any extension or further extension having effect by virtue of such a direction that the Licensee desires the licence to continue in force thereafter, give a further direction that this Licence shall so continue in force.

(9) Where this Licence continues in force in respect of a part of the licensed area by virtue of paragraph (6)(a), (b) or (c) of this clause it shall, subject to the provisions of clause 3 of this Licence so continue in force for a further period of thirty-five years ("the exploitation term") reckoned from the expiry of the third exploration term.

(10) A direction given by the Governor in pursuance of paragraph (6)(d) of this clause or a further direction given by the Governor in pursuance of paragraph (8) of this clause may be given subject to such conditions as he may specify and (without prejudice to the generality of the foregoing) such conditions may include conditions as to the duration of the extension or further extension (as the case may be) and shall have effect only to extend the third exploration term.

7. Where this Licence has, by virtue of clause 5 or 6 (or both clause 5 or 6), continued in force as to a part or parts of the area in respect of which it was originally granted for a period of thirty-five years after the expiry of the second term, the Governor, on application being made to him in writing not later than three months before the expiry of such period, may in his discretion agree with the Licensee that this Licence shall continue in force thereafter for such further period as the Governor and the Licensee may agree and subject to such modification of the terms and conditions of this Licence (which modification may include making provision for any further extension of the Licence) as the Governor and the Licensee may then agree is appropriate.

*Power further to
extend term of licence.*

8.(1) Without prejudice to any obligation or liability imposed by or incurred under the terms of this Licence the Licensee may at any time by giving to the Governor not less than six months' notice to that effect to expire on an anniversary of the date of the commencement of the initial term, determine this Licence or surrender any part of the licensed area being a part which complies with clause 9 of this Licence.

Right of Licensee to determine licence or surrender part of licensed area.

(2) A notice given to the Governor pursuant to paragraph (1) of this clause may be cancelled by a further notice given to the Governor not less than one month before the expiration of the notice.

9.(1) Within a block any area surrendered by the Licensee pursuant to any preceding clause of this Licence and any area accordingly retained by the Licensee, or where the surrendered or retained area comprises separate parts, each part of each area, shall unless the Governor has otherwise agreed in writing before the date on which the appropriate notice is given by the Licensee to the Governor -

Areas surrendered.

(a) be bounded by minute lines of latitude extending not less than two minutes of longitude and minute lines of longitude extending not less than two minutes of latitude;

(b) consist of not less than thirty sections; and

(c) have boundaries which, whether they run north and south or east and west, either coincide with the corresponding boundaries of the block or are not less than two sections distant from those boundaries;

and where the surrendered or retained area comprises separate parts, each part of that area shall be not less than two sections distant from any other part of that area.

(2) Upon the date upon which any determination of this Licence or any surrender of part of the licensed area in the manner provided by any preceding clause of this Licence is to take effect the rights granted by this Licence shall cease in respect of the licensed area or of the part thereof so surrendered as the case may be but without prejudice to any obligation or liability imposed upon the Licensee or incurred by the Licensee under the terms of this Licence prior to that date.

10.(1) The Licensee shall make to the Governor as consideration for the grant of this Licence -

Payment of consideration for licence.

(a) payments of acreage rent in accordance with Schedule 2 to this Licence; and

(b) payments of royalty in accordance with clause 11 of this Licence.

(2) The Licensee shall not by reason of determination of this Licence or surrender of any part of the licensed area be entitled to be repaid or allowed any sum payable to the Governor pursuant to this Licence before the date of determination or surrender.

11.(1) The Licensee shall pay to the Governor, in respect of each half year in which this Licence is in force (hereinafter in this clause and in clauses 12 and 13 of this Licence referred to as a "relevant period"), a royalty of nine per cent or such lesser percentage as the Governor may by notice to the Licensee from time to time stipulate (hereinafter referred to as the appropriate percentage) of the value of the petroleum relating to that period.

Royalty payments.

(2) For the purposes of this clause and clauses 12 and 13 of this Licence the value of petroleum relating to a relevant period is A minus B where -

A equals the aggregate of -

(a) the value of all petroleum which during the relevant period either -

(i) has been delivered; or

(ii) has been relevantly appropriated (and is accordingly deemed, for the purposes of income tax or corporation tax, to have been disposed of); and

(b) the value on the last day of that relevant period of the petroleum won by the Licensee under the Licence and which -

(i) has not been disposed of and has not been relevantly appropriated; or

(ii) has been disposed of but has not been delivered; and

B equals the value on the last day of the preceding relevant period, of so much of the petroleum won under the Licence as at the end of the preceding relevant period either -

(i) had not been disposed of and had not been relevantly appropriated; or

(ii) had been disposed of but had not been delivered.

(3) For the purposes of paragraph (2) the value of petroleum shall be the tax disposal value of the petroleum in question and in this paragraph "tax disposal value" in relation to any petroleum means -

(a) where the petroleum has been relevantly appropriated, the consideration for which the petroleum is deemed to have been disposed of for the purposes of income tax or corporation tax;

(b) where the petroleum has not been disposed of or, if has been disposed of, has neither been delivered nor relevantly appropriated, the consideration for which it would have been deemed to have been disposed of for tax purposes if it had been relevantly appropriated on the last day of the relevant period concerned; or

(c) if the petroleum has been disposed of the delivered, the consideration for that disposal which is taken into account in computing the Licensee's chargeable income for tax purposes.

(4) The Licensee shall, within two months after the end of each relevant period, deliver to the Financial Secretary of the Falkland Islands, in such form as the Financial Secretary shall specify, a statement complying with the requirements of Schedule 3.

(5) The Licensee shall at the same time as the Licensee delivers to the Financial Secretary a statement under paragraph (4) of this clause pay to the Financial Secretary such sum as, calculated by reference to the information set out in the statement, is payable by way of royalty.

(6) The Financial Secretary may from time to time, after a statement in respect of any relevant period has been delivered to him in pursuance of paragraph (4) of this clause and before he has given to the Licensee a notice in pursuance of paragraph (7) of this clause in respect of that period, give a notice in writing to the Licensee specifying the amount which the Financial Secretary estimates is payable by the Licensee in pursuance of paragraph (1) to (3) of this clause in respect of that period, and where the amount specified in the notice is large or smaller than the total amount already paid by the Licensee in pursuance of this clause in respect of that period, then -

(a) if it is larger the difference shall be paid forthwith by the Licensee to the Financial Secretary; and

(b) if it is smaller the difference shall be paid forthwith by the Financial Secretary to the Licensee.

(7) When it appears to the Financial Secretary that the value of the petroleum relating to any relevant period has been finally determined for tax purposes, he may give to the Licensee a notice in writing specifying the amount which the Financial Secretary considers is payable by the Licensee in pursuance of paragraphs (1) to (3) of the clause in respect of that period; and where the amount specified in the notice is larger or smaller than the total amount already paid by the Licensee in pursuance of this clause in respect of that period, then subject to paragraph (9) of this clause -

(a) if it is larger the difference shall be paid forthwith by the Licensee to the Financial Secretary; and

(b) if it is smaller the difference shall be paid forthwith by the Financial Secretary to the Licensee.

(8) If after the date when the Financial Secretary gave notice to the Licensee in pursuance of paragraph (7) of this clause or this paragraph in respect of a chargeable period it appears to the Financial Secretary, in consequence of a relevant assessment or determination made after that date which relates directly or indirectly to the value of petroleum by reference to which the amount specified in the notice was determined, that another amount ought to have been specified, he may give notice in writing to the Licensee specifying that other amount; and where he does so, then subject to paragraph (9) of this clause -

(a) if the other amount is larger than the total amount already paid by the Licensee in pursuance of this clause in respect of that period the difference shall be paid forthwith by the Licensee to the Financial Secretary; and

(b) if it is smaller the difference shall be paid forthwith by the Financial Secretary to the Licensee.

(9) A decision made by the Financial Secretary for the purposes of paragraph (6), (7) or (8) of this clause shall not be called into question by the Licensee except that any dispute between the Financial Secretary and the Licensee as to whether the amount specified in a notice given in pursuance of the said paragraph (6) or (7) is payable may during a period of 28 days beginning with the day on which the Licensee receives the notice be referred to arbitration in the manner provided for by clause 39 of this Licence; and on a reference to arbitration in pursuance of this paragraph any relevant assessment or determination for the time being in force shall be binding on the Financial Secretary and the Licensee so far as the assessment or determination relates directly or indirectly to the value of petroleum relating to the relevant period in question.

(10) When any payment is made by the Licensee or the Financial Secretary in pursuance of paragraph (6), (7) or (8) of this clause, an amount in respect of interest on the payment shall also be payable by him to the recipient of the payment and that amount shall be calculated in such manner as the Financial Secretary may specify from time to time in a notice given by him to the Licensee; but -

(a) the rate of interest which shall be payable shall be the greater of -

(i) the time-weighted average for the relevant period of the rates applicable to loans from the United Kingdom National Loans Fund for maturities of fifteen to twenty-five years; and

(ii) one per cent under the rate indicated by the *Financial Times* (of London) actuaries index of redemption yields from debentures and loan stocks with twenty years to maturity; and

(b) any such amount in respect of interest shall be disregarded in calculating for the purposes of the said paragraphs (6), (7) or (8) any amount already paid by the Licensee in pursuance of this clause.

(11) In paragraph (8) of this clause "relevant assessment or determination" means an assessment or determination made by the Commissioner of Taxation for the purposes of the charge of income tax or corporation tax on income or a determination made in proceedings arising out of such assessment or determination made by the said Commissioner.

(12) For the purposes of this clause any amount paid by the Licensee or the Financial Secretary on account of a prospective liability under paragraphs (6), (7) or (8) of this clause shall be treated as paid in pursuance of that paragraph.

(13) Schedule 3 to this Licence shall have effect for the purposes of and in connection with this clause.

12.(1) The Licensee shall measure or weigh by a method or methods customarily used in good oilfield practice and from time to time approved by the Governor all petroleum won and saved from the licensed area. *Measurement of petroleum obtained from licensed area.*

(2) If and to the extent that the Governor so directs, the duty imposed by paragraph (1) of this clause shall be discharged separately in relation to petroleum won and saved -

(a) from each part of the licensed area which is a field;

(b) from each part of the licensed area which forms part of a field extending beyond the licensed area; and

(c) from each well producing petroleum from a part of the licensed area which is not within such an oil field.

(3) If and to the extent that the Governor so directs, the preceding provisions of this clause shall apply as if the duty to measure or weigh petroleum included a duty to ascertain its quality or composition or both; and where a direction under this paragraph is in force, the following provisions of this clause have effect as if references to measuring or weighing included references to ascertaining quality or composition.

(4) The Licensee shall not make any alteration in the method or methods of measuring or weighing used by him or any appliance used for that purpose without the consent in writing of the Governor and the Governor may in any case require that no alteration be made save in the presence of a person authorised by the Governor.

(5) The Governor may from time to time direct that any weighing or measuring appliance shall be tested and examined in such manner, upon such occasions or at such intervals and by such persons as may be specified by the Governor's direction and the Licensee shall pay to any such person or to the Governor such fees and expenses for test and examination as the Governor may specify.

(6) If any measuring or weighing appliance shall upon any such test or examination as is mentioned in paragraph (5) of this clause be found to be false or unjust the same shall if the Governor so determines after considering any representations in writing by the Licensee be deemed to have existed in that condition during the period since the last occasion upon which the same was tested or examined pursuant to paragraph (5).

13.(1) The Licensee shall keep in the Falkland Islands full and correct accounts in a form from time to time approved by the Governor of - *Keeping of accounts.*

(a) the quantity of petroleum in the form of gas won and saved;

(b) the quantity of petroleum in any other form won and saved;

(c) the name and address of any person to whom any petroleum has been supplied by the Licensee, the quantity so supplied, the price or other consideration therefore and the place to which the petroleum was conveyed pursuant to the agreement for such supply; and

(d) such other particulars as the Governor may from time to time direct.

(2) The quantities of petroleum stated in such accounts may exclude any water separated from the petroleum and shall be expressed as volumes in cubic metres measured at, or calculated as if measured at, a temperature of fifteen degrees Celsius and a pressure of 1.0132 bar but if the Governor serves notice on the Licensee determining any other manner in which any quantity of petroleum is to be expressed that quantity shall be so expressed.

(3) Such accounts shall state separately the quantities used for the purposes of carrying on drilling and production operations and pumping to field storage, and quantities not so used, and in the case of petroleum not in the form of gas shall state the specific gravity of the petroleum and, if petroleum of different specific gravities has been won and saved, the respective quantities of petroleum of each specific gravity.

(4) The Licensee shall within two months after the end of each half year in which this Licence is in force and within two months after the expiration or determination of this Licence deliver to the Governor an abstract in a form from time to time approved by the Governor of the accounts for that half year or for the period prior to such expiration or determination as the case may be.

14.(1) The Licensee shall before the expiration of the initial term of this Licence carry out such scheme of prospecting including any geological survey by any physical or chemical means [*if appropriate add the words and test drilling*] as is set out in Part I of Schedule 4 to this Licence and the Licensee shall before the expiration of the second exploration term of this Licence carry out such scheme of prospecting including any geological survey by any physical or chemical means and test drilling as is set out in Part II of Schedule 5 to this Licence (all of which obligations are hereinafter collectively referred to as a "work programme"); provided that nothing in this paragraph shall be construed as preventing the Licensee from carrying out before the expiration of the initial term any of the part of the work programme set out in Part II of Schedule 5.

Working obligations.

(2) If the Licence continues pursuant to clause 5(8) as to part of the licensed area for the third exploration term, the Licensee shall before the expiration of that term carry out the work programme approved by the Governor and to which clause 5(5)(d) refers.

(3) If at any time the Governor serves a notice in writing on the Licensee requiring the Licensee to submit to the Governor, before a date specified in the notice, an appropriate programme for exploring for petroleum in the licensed area during a period so specified, the Licensee shall comply with the notice; and for the purposes of this paragraph an appropriate programme is one which any person who, if that person -

(a) were entitled to exploit the rights granted by this Licence; and

(b) had the competence and resources needed to exploit those rights to the best commercial advantage; and

(c) were seeking to exploit those rights to the best commercial advantage could reasonably be expected to carry out during the period specified in the notice, and that period must be within the term of this Licence.

(4) If a programme is submitted to the Governor in consequence of a notice served by him in pursuance of paragraph (3) of this clause, then -

(a) he shall not be entitled to revoke this Licence on the ground that the programme does not satisfy the requirements of that paragraph (hereinafter in this clause referred to as "the relevant requirements") but;

(b) if he is of opinion that the programme does not satisfy the relevant requirements he may serve a notice in writing on the Licensee stating his opinion and the reasons for it.

(5) Where notice in respect of a programme is served on the Licensee pursuant to paragraph (4) of this clause the Licensee shall either -

(a) within 28 days beginning with the date of service of the notice refer to arbitration, in the manner provided by clause 39 of this Licence, the question of whether the programme satisfies the relevant requirements; or

(b) within a reasonable period beginning with that date submit to the Governor a further programme which satisfies the relevant requirements;

and where it is determined in consequence of any reference to arbitration in pursuance of sub-paragraph (a) of this paragraph that the programme in question does not satisfy the relevant requirements the Licensee shall submit to the Governor, as soon as possible after the date of the determination, a further programme which satisfies the relevant requirements.

(6) The Licensee shall carry out any programme submitted by the Licensee in pursuance of this clause as to which either -

(a) the Governor serves notice on the Licensee stating that the Governor approves the programme; or

(b) it is determined in consequence of any reference to arbitration in pursuance of this Licence that the programme satisfies the relevant requirements.

(7) Where, in consequence of any breach or non-observance by the Licensee of any provision of paragraph (3), (5) or (6) of this clause, the Governor has power by virtue of paragraph (1) of clause 38 of this Licence to determine this Licence, he may if he thinks fit exercise that power in relation to such part only of the licensed area as he may specify; and where he does so the rights granted by this Licence shall cease in respect of the specified part of that area without prejudice to any obligation or liability imposed upon the Licensee or incurred by the Licensee under the terms of this Licence.

(8) Where the Licensee has a duty by virtue of this clause to carry out a programme during a part of the term of this Licence, the Governor may serve notice in pursuance of paragraph (3) of this clause in respect of another part of that term.

15.(1) The Licensee shall not -

Development and production programmes.

(a) erect or carry out any relevant works, either in the licensed area or elsewhere, for the purpose of getting petroleum from that area or for the purpose of conveying to a place on land petroleum got from that area;

(b) get petroleum from that area otherwise in the course of searching for petroleum or drilling wells,

except with the consent in writing of the Governor or in accordance with a programme which the Governor has approved or served on the Licensee in pursuance of the following provisions of this clause.

(2) The Licensee shall prepare and submit to the Governor, in such form and by such time and in respect of such period during the term of this Licence as the Governor may direct, a programme specifying -

(a) the relevant works which the Licensee proposes to erect or carry out during that period for either of the purposes mentioned in paragraph (1)(a) of this clause;

(b) the proposed location of the works, the purposes for which it is proposed to use the works and the times at which it is proposed to begin and complete the erection or carrying out of the works;

(c) the maximum and minimum quantities of petroleum in the form of gas and the maximum and minimum quantities of petroleum in other forms, which, in each calendar year during the period aforesaid or in such other periods during that period as the Governor may specify, the Licensee proposes to get as mentioned in paragraph (1)(b) of this clause.

(3) If the Governor directs the Licensee -

(a) to prepare different programmes in pursuance of paragraph (2) of this clause in respect of petroleum from such different parts of the licensed area as are specified in the direction; or

(b) where a programme approved or served in pursuance of this clause relate to a particular period during the term of this Licence, to prepare a programme or programmes in pursuance of paragraph (2) of this clause in respect of a further period or further periods during that term,

the Licensee shall comply with that direction.

(4) The Governor shall expeditiously consider any programme submitted to him in pursuance of paragraph (2) of this clause and when he has done so he shall give notice to the Licensee stating -

(a) that the Governor approves the programme; or

(b) that the Governor approves the programme subject to the condition that such of the relevant works as are specified in the notice shall not be used before the expiration of the period so specified in relation to the works or shall not be used without the consent in writing of the Governor; or

(c) that the Governor rejects the programme on one or both of the following grounds, namely -

(i) that the carrying out of any proposals included in the programme in pursuance of paragraph (2) of this clause would be contrary to good oilfield practice;

(ii) that the proposals included in the programme in pursuance of paragraph (2)(c) are, in the opinion of the Governor not in the national interest of the Falkland Islands;

and a notice in pursuance of sub-paragraph (b) of this paragraph may contain different conditions in respect of different works.

(5) Where the Governor gives notice of rejection of a programme in pursuance of paragraph (4)(c) of this clause, then -

(a) if the grounds of rejection consist of or include the ground that the carrying out of any proposals included in the programme in pursuance of paragraph (2) of this clause would be contrary to good oilfield practice, he shall include in the notice a statement of the matters in consequence of which he rejected the programme on that ground; and

(b) if the grounds of rejection consist of or include the ground that the proposals included in the programme are not in the national interest of the Falkland Islands he shall include in the notice a statement of the rates at which he considers that, in the national interest, petroleum should be got from the area to which the programme relates;

(c) the Licensee shall prepare and submit to the Governor, before the time specified in that behalf in the notice -

(i) where the notice contains such a statement as is mentioned in paragraph (5)(a) of this clause, modifications of the programme which ensure that the carrying out of the programme would not be contrary to good oilfield practice;

(ii) where the notice contains such a statement as is mentioned in paragraph (5)(b), modifications of the programme which ensure the getting of petroleum from the area there mentioned at the rates specified in the statement and which (except so far as may be necessary in order to get petroleum at those rates) are not such that the carrying out of the programme with those modifications would be contrary to good oilfield practice;

but the Licensee shall not be required by virtue of paragraph (i) of this sub-paragraph to submit modifications if the carrying out of the programme without modifications would not be contrary to good oilfield practice.

(6) If the Governor gives notice to the Licensee that the Governor approves the modifications of a programme which have been submitted to the Governor in pursuance of paragraph (5)(c) of this clause, the programme with those modifications shall be deemed to be approved by the Governor; but if the Licensee fails to perform the duty imposed on the Licensee by that paragraph the Governor may if he thinks fit, instead of revoking this Licence in consequence of the failure, serve on the Licensee such a programme as the Governor considers that the Licensee should have submitted to him in respect of the area and period to which the rejected programme related.

(7) Where the Governor proposes to approve a programme subject to a condition in pursuance of paragraph (4)(b) of this clause or to reject a programme in pursuance of paragraph (4)(c) of this clause or to serve a programme on the Licensee in pursuance of paragraph (6) of this clause he shall before doing so -

(a) give the Licensee particulars of the proposal and an opportunity of making representations to the Governor about the technical and financial factors which the Licensee considers are relevant in connection with the proposal; and

(b) consider any such representations then made to him by the Licensee; and the Governor shall not approve a programme subject to such a condition unless he is satisfied that such a condition is required in the national interest of the Falkland Islands.

(8) The Licensee shall carry out any programme approved or served on him by the Governor in pursuance of this clause or, if such a programme is varied in pursuance of clause 16 of this Licence, the programme as so varied except so far as the Licensee is authorised in writing by the Governor to do otherwise or is required to do otherwise by such a condition as is mentioned in paragraph (4)(b) of this clause; but if it is necessary to carry out certain works in order to comply with provisions included in a programme by virtue of paragraph (5)(c) of this clause or provisions of a programme served on the Licensee in pursuance of paragraph (6) of this clause or provisions of a programme as varied in pursuance of clause 16 of this Licence, then notwithstanding anything in the programme as to the time when those provisions are to be complied with, the Licensee shall not be treated as having failed to comply with those provisions before the expiration of the period reasonably required for carrying out the works.

(9) In this clause "relevant works" means any structures and any other works whatsoever which are intended by the Licensee to be permanent and are neither designed to be moved from place to place without major dismantling nor intended by the Licensee to be used openly for searching for petroleum.

16.(1) A consent given by the Governor in pursuance of clause 15(1) of this Licence may be given subject to such conditions as are specified in the document signifying the consent and may in particular, without prejudice to the generality of the preceding provisions of this paragraph, be limited to a period so specified.

Provisions supplementary to clause 15.

(2) Where -

(a) The Governor gives notice in respect of a programme in pursuance of paragraph (4)(a) or (b) or paragraph (6) of clause 15 of this Licence or serves a programme in pursuance of the said paragraph (6); or

(b) it is determined by arbitration that the Licensee is not required by virtue of paragraph (i) of clause 15(5)(c) of this Licence to submit modifications of a programme in respect of which notice of rejection containing such a statement as is mentioned in the said paragraph (i) was given by the Governor in pursuance of clause 15(4)(c) of this Licence,

the Governor may give to the Licensee, with the notice given or the programme served as mentioned in sub-paragraph (a) of this paragraph or, in a case falling within sub-paragraph (b) of this paragraph, within the period of three months beginning with the arbitrator's determination, a notice (hereafter in this clause referred to as a "limitation notice") authorising the Governor, by a further notice given to the Licensee from time to time after the expiration of the period specified in that behalf in the limitation notice, to provide that the programme to which the limitation notice relates shall have effect while the further notice is in force with the substitution for any quantity of petroleum or any period specified in the programme in pursuance of clause 15(2)(c) of this Licence of a different quantity of petroleum or a different period specified in the further notice.

(3) A quantity or period specified in such a further notice as that to be substituted for a quantity or period which is specified in the programme in question shall be within the limits specified in the limitation notice as those applicable to that quantity or period specified in the programme; and those limits shall be such as to secure that the expenditure to be incurred by the Licensee in complying with the further notice, in a case where an effect of the notice is to increase the quantity of petroleum which the Licensee is required to get from the licensed area in any period, is less than the cost of drilling a new well in the licensed area at the time when the further notice is given.

(4) Where the Governor proposes to give a limitation notice or any such further notice as aforesaid he shall before doing so -

(a) give the Licensee particulars of the proposal and an opportunity of making representations to the Governor about the technical and financial factors which the Licensee considers are relevant in connection with the proposal; and

(b) consider any such representations then made to him by the Licensee;

and the Governor shall not give such a further notice of which an effect is to increase the quantity of petroleum which the Licensee is required to get from the licensed area during any period unless the Governor is satisfied that the notice is required in the national interest of the Falkland Islands.

(5) A limitation notice or such a further notice as aforesaid may -

(a) specify any quantity or period by reference to such factors as the Governor thinks fit; and

(b) in the case of such a further notice, contain provisions as to -

(i) the date upon which the notice is to come into force,

(ii) the date upon which the notice is to cease to be in force,

and specify different periods in pursuance of this sub-paragraph for different provisions of the notice;

and the Governor may revoke such a further notice at a particular time by serving on the Licensee a notice in writing stating that the further notice is revoked at that time.

(6) Any question arising under clause 15 of this Licence or this clause as to what is, is not or is required in the national interest of the Falkland Islands shall be determined by the Governor.

(7) The Licensee shall ensure that any conditions to which an approval is subject in pursuance to clause 15(4)(b) of this Licence or a consent is subject in pursuance of paragraph (1) of this clause are complied with.

(8) If in respect of a part of the licensed area -

(a) a consent has been given in pursuance of clause 15(1) of this Licence; or

(b) the Licensee has submitted to the Governor, in accordance with a direction given by virtue of paragraph (3)(a) of that clause, a programme in pursuance of paragraph (2) of that clause -

(i) as respects which the Governor has served in pursuance of paragraph (4)(a) or (b) or paragraph (6) of that clause; or

(ii) in consequence of which the Governor has served a programme on the Licensee in pursuance of the said paragraph (6); or

(iii) in respect of which it has been determined by arbitration that the Licensee is not required by virtue of paragraph (5)(c)(i) of that clause to submit modifications,

paragraph (1) of clause 38 of this Licence shall not authorise the Governor to revoke this Licence in relation to that part of the licensed area in consequence of any breach or non-observance, while the consent is in force or during the period to which the programme relates, of any provisions of the said clause 15 in connection with a different part of the licensed area.

(9) Where in consequence of any breach or non-observance by the Licensee of any provision of clause 15 of this Licence the Governor has power by virtue of clause 38(1) to revoke this Licence or, in consequence of paragraph (8) of this clause to revoke it in respect of part only of the licensed area, he may if he thinks fit -

(a) in a case where he has power to revoke this Licence, exercise the power in relation to such part only of the Licensed area as he may specify;

(b) in a case where by virtue of paragraph (8) of this clause he has power to revoke it in respect of part only of the licensed area, exercise the power in relation to such portion only of that part as he may specify;

and where in consequence of the said paragraph (8) or by virtue of the preceding provisions of this paragraph the Governor revokes this Licence in respect of a part or portion of the licensed area, the rights granted by this Licence shall cease in respect of that part or portion without prejudice to any obligation or liability imposed upon the Licensee or incurred by him under the terms of this Licence.

17.(1) The Licensee shall not commence or, after abandoning in manner hereinafter provided, shall not recommence the drilling of any well without the consent in writing of the Governor.

*Commencement and
abandonment and
plugging of wells.*

(2) The Licensee shall not abandon any well without the consent in writing of the Governor.

(3) The Licensee shall ensure compliance with any conditions subject to which any consent under either of the foregoing paragraphs is given.

(4) If any such condition under paragraph (1) of this clause relates to the position, depth or direction of the well, or to any casing of the well or if any conditions under either paragraph (1) or paragraph (2) of this clause relates any plugging or sealing of well, the Governor may from time to time direct that the well and all records relating thereto shall be examined in such manner upon such occasions or at such intervals and by such person as may be specified by the Governor's direction and the Licensee shall pay to any such person or to the Governor such fees and expenses for such examination as the Governor may specify.

(5) The plugging of any well shall be done in accordance with a specification approved by the Governor applicable to that well or to wells generally or to a class of wells to which that well belongs and shall be carried out in an efficient and workmanlike manner.

(6) Any well drilled by the Licensee pursuant to this Licence, which, at the expiry or determination of the Licensee's rights in respect of the area or part of the part of the area in which the well is drilled, has not with the consent of the Governor been abandoned, shall be left in good order and fit for further working together with all casings and any well head fixtures the removal whereof would cause damage to such well or if the Governor so directs in manner provided by paragraph (8) of this clause be plugged and sealed in accordance with the Governor's direction.

(7) All casings and fixtures left in position pursuant to paragraph (6) of this clause shall be the property of the Crown.

(8) In any case to which paragraph (6) of this clause applies, a direction by the Governor may be given by notice to the Licensee not less than one month before the Licensee's rights in respect of the area or part thereof in which the well is situate expire or determine, specifying the manner in which the well is to be plugged and sealed and the time within which such work is to be done.

18. No well shall except with the consent in writing of the Governor be drilled or made so that any part thereof is less than one hundred and twenty-five metres from any of the boundaries of the licensed area.

*Distance of wells
from boundaries of
licensed area.*

19.(1) The Licensee shall not suspend work on the drilling of a development well, or having suspended it in accordance with this paragraph shall not begin it again, except with the consent in writing of the Governor and in accordance with the conditions, if any, subject to which the consent is given.

*Control of development
wells.*

(2) When work on the drilling of a development well is suspended in accordance with paragraph (1) of this clause, the Licensee shall forthwith furnish the Governor with such information relating to the well as the Governor may specify.

(3) The Licensee -

(a) shall not do any completion work in respect of a well in the licensed area except in accordance with a programme of completion work approved by the Governor in respect of the well;

(b) shall furnish to the Governor, in accordance with the provisions of such a programme, particulars of any completion work done by him in respect of a well in the licensed area; and

(c) shall not remove or alter any casing or equipment installed by way of completion work in respect of a well except with the consent in writing of the Governor and in accordance with the conditions, if any, subject to which the consent is given.

(4) In this clause -

"completion work", in relation to a well, means work, by way of the installation of a casing or equipment or otherwise after the well has been drilled, for the purpose of bringing the well into use as a development well;

"development well" means a well which the Licensee uses or intends to use in connection with the getting of petroleum in the licensed area, other than a well which for the time being he uses or intends to use only for searching for petroleum.

20. The Licensee shall use methods and practices customarily used in good oilfield practice for confining the petroleum obtained from the licensed area in tanks, gasholders, pipes, pipe-lines or other receptacles constructed for that purpose.

Provision of storage tanks, pipes, pipelines or other receptacles.

21.(1) The Licensee shall maintain all apparatus and appliances and all wells in the licensed area which have not been abandoned and plugged as provided by clause 17 of this Licence in good repair and condition and shall execute all operations in or in connection with the licensed area in a proper and workmanlike manner in accordance with methods and practices customarily used in good oilfield practice and without prejudice to the generality of the foregoing provision the Licensee shall take all steps practicable in order -

Avoidance of harmful methods of working.

(a) to control the flow and prevent the escape or waste of petroleum discovered in or obtained in the licensed area;

(b) to conserve the licensed area for productive operations;

(c) to prevent damage to adjoining petroleum bearing strata;

(d) to prevent the entrance of water through wells to petroleum bearing strata except for the purposes of secondary recovery; and

(e) to prevent the escape of petroleum into waters in or in the vicinity of the licensed area.

(2) The Licensee shall comply with any instructions from time to time given by the Governor in writing relating to any of the matters set out in the foregoing paragraph. If the Licensee objects to any such instruction on the ground that it is unreasonable he may, within fourteen days from the date upon which the same was given, refer the matter to arbitration in the manner provided by clause 39 of this Licence.

(3) Notwithstanding anything in the previous provisions of this clause, the Licensee shall not -

(a) flare any gas from the licensed area;

(b) use gas for the purpose of creating or increasing the pressure by means of which petroleum is obtained from that area,

except with the consent in writing of the Governor and in accordance with the conditions, if any, of the consent.

(4) An application for consent in pursuance of paragraph (3) of this clause must be made in writing to the Governor and must specify the date on which the Licensee proposes to begin the flaring or use in question; and subject to paragraph (5) of this clause that date must not be before the expiration of the period of two years beginning with the date when the Governor receives the application.

(5) If the Governor gives notice to the Licensee stating that, in consequence of plans made by the Licensee which the Governor considers are reasonable, the Governor will entertain an application for consent in pursuance of paragraph (3) of this clause which specifies a date after the expiration of a period mentioned in the notice which is shorter than the period mentioned in paragraph (4) of this clause, an application made in consequence of the notice may specify, as the date on which the applicant proposes to begin the flaring or use in question, a date after the expiration of the shorter period.

(6) Before deciding to withhold consent or to grant it subject to conditions in pursuance of paragraph (3) of this clause, the Governor shall give to the Licensee an opportunity of making representations in writing to the Governor about the technical and financial factors which the Licensee considers are relevant in connection with the case and shall consider any representations then made to him by the Licensee.

(7) Consent in pursuance of paragraph (3) of this clause shall not be required for any flaring which, in consequence of an event which the Licensee did not foresee in time to deal with it otherwise than by flaring, is necessary in order -

(a) to remove or reduce the risk of injury to persons in the vicinity of the well in question; or

(b) to maintain a flow of petroleum from that or any other well;

but when the Licensee does any flaring which is necessary as aforesaid he shall forthwith inform the Governor that he has done it and shall, in the case of flaring to maintain a flow of petroleum, stop the flaring upon being directed by the Governor to stop it.

(8) The Licensee shall give notice to the Governor of any event causing escape or waste of petroleum, damage to petroleum bearing strata or entrance of water through wells to petroleum bearing strata except for the purposes of secondary recovery forthwith after the occurrence of that event and shall, forthwith after the occurrence of any event causing escape of petroleum into the sea, give notice to such person or authority as the Governor may have notified him that notice in that behalf shall be given.

(9) The Licensee shall comply with any reasonable instructions from time to time given by the Governor with a view to ensuring that funds are available to discharge any liability for damage attributable to the release or escape of petroleum in the course of activities connected with the exercise of rights granted by this Licence; but where the Governor proposes to give such instructions he shall before giving them -

(a) give the Licensee particulars of the proposal and an opportunity of making representations to the Governor about the proposal; and

(b) consider any representations then made to him by the Licensee about the proposal.

22.(1) The Licensee shall ensure that another person (including, in the case where the Licensee is two or more persons, any of those persons) does not exercise any function of organising or supervising all or any of the operations of searching or boring for or getting petroleum in pursuance of this Licence unless that other person is a person approved in writing by the Governor and the function in question is one to which that approval relates. *Appointment of operators.*

(2) The Governor shall not unreasonably refuse to give his approval of a person in pursuance of paragraph (1) of this clause if that person is competent to exercise the function in question, but where an approved person is no longer competent to exercise that function, the Governor may by notice to the Licensee revoke that approval.

23. The Licensee shall not carry out any operations authorised by this Licence in or about the licensed area in such manner as to interfere unjustifiably with navigation or fishing in the waters of the licensed area or with the conservation of the living resources of the sea. *Fishing and navigation.*

24.(1) The Governor may from time to time give to the Licensee instructions in writing as to the training of persons employed or to be employed whether by the Licensee or any other person, in any activity which is related to the exercise of the rights granted by this Licence and the Licensee shall ensure that any instructions so given are complied with. *Training.*

(2) The Licensee shall furnish the Governor with such information relating to the training of persons referred to in paragraph (1) of this clause as the Governor may from time to time require.

25.(1) If at any time in which this Licence is in force the Governor shall be satisfied that the strata in the licensed area or any part thereof form part of a single geological structure or petroleum field (hereinafter referred to as an "oil field") other parts whereof are formed by strata in areas in respect of which other licences granted in pursuance of the Ordinance are then in force and the Governor shall consider that it is in the national interest of the Falkland Islands in order to secure the maximum ultimate recovery of petroleum and in order to avoid unnecessary competitive drilling that the oil field should be worked and developed as a unit in co-operation by all persons including the Licensee whose licences extend to or include any part thereof the following provisions of this clause shall apply. *Unit development.*

(2) Upon being so required by notice by the Governor the Licensee shall co-operate with such other persons, being persons holding licences under the Ordinance in respect of any part or parts of the oil field (hereinafter referred to as "the other licensees") as may be prescribed in the said notice in the preparation of a scheme (hereinafter referred to as a "development scheme") for the working and development of the oil field as a unit by the Licensee and the other licensees in co-operation, and shall, jointly with the other licensees, submit such scheme for approval by the Governor in writing.

(3) The said notice shall also contain or refer to a description of the area or areas in respect of which the Governor requires a development scheme to be submitted for approval by the Governor.

(4) If a development scheme is not submitted to the Governor within the period so stated or if a development scheme so submitted is not approved by the Governor, the Governor may himself prepare a development scheme which shall be fair and equitable to the Licensee and all other Licensees, and the Licensee shall observe and perform the terms and conditions thereof.

(5) If the Licensee objects to any such development scheme prepared by the Governor the Licensee may within 28 days from the date on which notice in writing of the said scheme was given to the Licensee refer the matter to arbitration in the manner provided by clause 39 of this Licence.

(6) Any such development scheme or the award of any arbitrator in relation thereto shall have regard to any direction pursuant to clause 26 of this Licence in force at the date of such a scheme.

26.(1) Where the Governor is satisfied that any strata in the licensed area or any part thereof form part of an oil field, other parts whereof are in an area to which the Governor's powers to grant licences pursuant to the Ordinance do not apply and the Governor is satisfied that it is expedient that the oil field should be worked and developed as a unit in co-operation by the Licensee and all other persons having an interest in any part of the oil field, the Governor may from time to time by notice give to the Licensee such directions as the Governor may think fit, as to the manner in which the rights conferred by this Licence may be exercised.

Directions as to oil fields across boundaries.

(2) The Licensee shall observe and perform all such requirements in relation to the licensed area as may be specified in any such direction.

(3) Any such direction may add to, vary or revoke the provisions of a development scheme.

27.(1) The Licensee shall keep accurate records in a form from time to time approved by the Governor of the drilling, deepening, plugging or abandonment of all wells and of any alterations in the casing thereof. Such records shall contain particulars of the following matters -

Licensee to keep records.

- (a) the site of and number assigned to every well;
- (b) the subsoil and strata through which the well was drilled;
- (c) the casing inserted in any well and any alteration to such casing;
- (d) any petroleum, water, or workable seems of any minerals other than petroleum encountered; and
- (e) such other matters as the Governor may from time to time direct.

(2) The Licensee shall keep in the Falkland Islands accurate geological plans and maps relating to the licensed area and such other records in relation thereto as may be necessary to preserve all information which the Licensee obtains about the geology of the licensed area.

(3) The Licensee shall as and when required deliver to the Governor copies of the said records, plans and maps referred to in the two foregoing paragraphs.

28.(1) The Licensee shall furnish to the Governor three months from the date of this Licence and at intervals of three months thereafter during the period in which this Licence is in force a return in a form from time to time approved by the Governor of the progress of the Licensee's operations in the licensed area. Such return shall contain -

Returns.

- (a) a statement of all geological work, including surveys and tests, which has been carried out and the areas in which and the persons by whom the work has been carried out and the results thereof;
- (b) the number assigned to each well, and in the case of any well the drilling of which was begun or the number of which has been changed during such period of three months, the site thereof;
- (c) a statement of the depth drilled in each well;

(d) a statement of any petroleum, water or workable seams of other minerals encountered in the course of the said operations; and

(e) a statement of all petroleum won and saved.

(2) Within two months of the end of each calendar year in which this Licence is in force and within two months after the expiration or determination of this Licence or any renewal thereof the Licensee shall furnish to the Governor an annual return in a form from time to time approved by the Governor of the operations conducted in the licensed area during that year or the period prior to such expiration or determination as the case may be together with a plan on a scale approved by the Governor showing the situation of all wells. The Licensee shall also indicate on the said plan all development and other works executed by him in connection with searching for, boring for or getting petroleum.

(3) The Licensee shall furnish the Governor with such information as the Governor may from time to time request about any aspect of activities of the Licensee which are attributable directly or indirectly to the grant of this Licence, except that the Licensee shall not by virtue of this paragraph be required to furnish information in respect of his activities in connection with any crude oil after he has appropriated it for refining by him.

(4) Without prejudice to the Licensee's obligations under the foregoing provisions of this clause or otherwise under this Licence, the Licensee shall without charge supply to the Governor and to the Hydrographic Department of the Ministry of Defence in the United Kingdom all bathymetric data or other hydrographic information the Licensee acquires in the course of its operations under this Licence.

(5) The Licensee shall furnish the Governor with its audited business accounts of its income and expenditure in relation to the licensed area for each of its accounting periods any part of which falls within the currency of this Licence and such accounts -

(a) shall be furnished within six months after the end of the accounting period to which they relate;

(b) shall be in such format and comprise such documents as the Licensee and the Governor may from time to time agree in writing and in default of any such agreement shall be in such format and comprise such documents as the Governor may require;

(c) shall be prepared in accordance with statements of standard accounting practice from time to time in force and published by the Council of the Financial Reporting Council Limited of England or such other statements of accounting practice as may from time to time be approved for the purpose by the Governor; and

(d) if not prepared in English shall be accompanied by a notarised translation thereof into English.

29.(1) As far as reasonably practicable the Licensee shall correctly label and preserve for reference for a period of five years samples of the sea bed and of strata encountered in any well and samples of any petroleum or water discovered in any well in the licensed area. *Licensee to keep samples.*

(2) The Licensee shall not dispose of any sample after the expiry of the said period of five years unless -

(a) the Licensee has at least six months from the date of the disposal given notice to the Governor of the Licensee's intention to dispose of the sample; and

(b) the Governor or any person authorised by him has not within the said period of six months informed the Licensee that he wishes the sample to be delivered to him.

(3) The Governor or any person authorised by him shall be entitled at any time -

(a) to inform the Licensee in writing that he wishes part of any sample preserved by the Licensee to be delivered to him; or

(b) to inspect and analyse any sample preserved by the Licensee.

(4) The Licensee shall forthwith comply with any request for the delivery of the whole or any part of any sample which is made in accordance with the preceding provisions of this clause.

30.(1) All records, returns, plans, maps, samples, accounts and information (in this clause referred to as "the specified data") which the Licensee is or may from time to time be required to furnish under the provisions of this Licence shall be supplied at the expense of the Licensee and shall not without the consent of the Licensee (which shall not be unreasonably withheld) be disclosed to any person not in the service or employment of the Crown.

*Reports to be treated
as confidential*

Provided that -

(i) the Governor shall be entitled at any time to make use of any of the specified data for the purpose of preparing and publishing such returns and reports as may be required of the Governor by law;

(ii) the Governor shall be entitled at any time to furnish any of the specified data to the Secretary of State, Members of the Executive Council of the Falkland Islands under suitable conditions as to confidentiality and to the Natural Environment Research Council of the United Kingdom and to any body in the Falkland Islands or the United Kingdom carrying on activities of a substantially similar kind to the geological activities at present carried on by the said Council;

(iii) the Governor, the Natural Environment Research Council and any such other body shall be entitled at any time to prepare and publish reports and surveys of a general nature using information derived from any of the specified data;

(iv) the Governor, the said Council and any such body shall be entitled to publish any of the specified data of a geological, scientific or technical kind after the expiration of the period of five years beginning with the date on which the Governor received the data or after the expiration of such longer period as the Governor may determine after considering any representations made to him by the Licensee about the publication of data in pursuance of this sub-paragraph.

(2) For the purposes of this clause and of clause 31 -

(a) "the Crown" means Her Majesty in right of Her government in the United Kingdom or in right of Her government in the Falkland Islands; and

(b) a person engaged by, or in the employment of a person or body engaged by, the Crown to advise it in matters related to exploration for or exploitation of petroleum in the controlled waters is deemed to be in the service or employment of the Crown.

31. The Licensee shall -

Inspection of records etc.

(a) permit any person in the service or employment of the Crown who is appointed by the Governor for the purpose to inspect, and to take copies of and make notes from, all books, papers, maps and other records of any kind kept by the Licensee in pursuance of this Licence or in connection with activities about which the Governor is entitled to obtain information in pursuance of clauses 24(2) and 28(3) of this Licence; and

(b) furnish that person at reasonable times with such information and provide him at reasonable times with such reasonable assistance as he may request in connection with or arising out of an inspection in pursuance of this clause.

32. Any person or persons authorised by the Governor shall be entitled at all reasonable times to enter into and upon any of the Licensee's installations or equipment used or to be used in connection with searching, boring for or getting petroleum in the licensed area for the purposes hereinafter mentioned -

Rights of access.

(a) to examine the installations, wells, plant, appliances and works made or executed by the Licensee in pursuance of the Licence and the state of repair and condition thereof; and

(b) to execute any works or to provide and install any equipment which the Governor may be entitled to execute or provide and install in accordance with the provisions of this Licence.

33. If the Licensee shall at any time fail to perform the obligations arising under the terms and conditions of any of clauses 12, 17, 20 or 21 of this Licence, the Governor shall be entitled, after giving to the Licensee reasonable notice in writing of such his intention, to execute any works and to install and provide any equipment which in the opinion of the Governor may be necessary to secure the performance of the said obligations or any of them and to recover the costs and expenses of so doing from the Licensee.

Power to execute works.

34. If and whenever any of the payments mentioned in clause 10(1) of this Licence or any part thereof shall be in arrears or unpaid for 28 days next after any of the days whereon the same ought to be paid (whether the same shall have been legally demanded or not) then and so often as the same may happen the Governor may (as an additional remedy and without prejudice to the power of distress and any other rights and remedies to which he would be entitled) enter into and upon any of the Licensee's installations and equipment used or to be used in connection with searching, boring for or getting petroleum in the licensed area and may seize and distrain and sell as a landlord may do for rent in arrears all or any of the stocks of petroleum, engines, machinery, tools, implements, chattels and effects belonging to the Licensee which shall be found in or upon or about the installations and equipment so entered upon and out of the moneys arising from the sale of such distress may retain and pay all the arrears of the said payments and also the costs and expenses incident to any such distress and sale rendering the surplus (if any) to the Licensee.

Right of distress.

35. The Licensee shall at all times keep the Governor, the Secretary of State, the Crown and all servants, employees or agents of the Crown effectually indemnified against all actions, proceedings, costs, charges, claims and demands whatsoever which may be brought by any third party in relation to or in connection with this Licence or any matter or thing done or purported to be done in pursuance thereof.

Indemnity against third party claims.

36. No statement shall be made in any notice, advertisement, prospectus or other documents issued by or to the knowledge of the Licensee or in any other manner claiming or suggesting whether expressly or by implication that Her Majesty (whether in right of Her government of the Falkland Islands or in right of Her government of the United Kingdom), the Secretary of State or the Governor, any Government Department in the Falkland Islands or in the United Kingdom or any person acting or body acting on behalf of Her Majesty has or have formed or expressed any opinion that the licensed area is from its geological formation or otherwise one in which petroleum is likely to be obtainable.

*Advertisements,
prospectuses etc.*

37.(1) The Licensee shall not, except with the consent in writing of the Governor and in accordance with the conditions (if any) of the consent do anything whereby, under the law (including the rules of equity) of the Falkland Islands or of any other place, any right granted by this Licence or derived from a right so granted becomes exercisable by or for the benefit of or in accordance with the directions of another person.

*Restriction on
assignment etc.*

(2) Without prejudice to the generality of paragraph (1) of this clause, an agreement or arrangement of any kind between the Licensee and any other person permitting the carrying out in the licensed area or any part thereof of any geological survey by physical or chemical means is hereby declared to require the consent in writing of the Governor pursuant to that paragraph, notwithstanding (if such be the case) that the survey is to be carried out for the exclusive benefit of, at the cost of or subject to the direction or control of the Licensee, except that no such consent shall be necessary if the person by whom such survey is to be carried out is -

(a) the holder of a licence granted by the Governor of the right in common with all other persons to whom the like right may have been granted, to search for petroleum in respect of an area which would include the licensed area, but for a proviso therein excluding the exercise of such rights in the licensed area without the consent of the Licensee; or

(b) the holder of a licence granted by the Governor to search and bore for, and get petroleum in an area adjacent to the licensed area,

and if the information intended to be obtained by such survey is reasonably necessary to enable that holder more efficiently to exercise the rights granted by the licence which he holds from the Governor.

(3) The Licensee shall not enter into any agreement providing for a person other than the Licensee to become entitled to, or to any proceeds of sale of, any petroleum which, at the time when the agreement is made, has not been but may be won and saved from the licensed area unless the terms of the agreement have been approved in writing by the Governor either unconditionally or subject to conditions, but the preceding provisions of this paragraph do not apply to -

(a) an agreement for the sale of such petroleum under which the price is payable after the petroleum is won and saved; and

(b) an agreement in so far as it provides that, after any petroleum has been won and saved from the licensed area, it shall be exchanged for other petroleum.

(4) The Licensee shall not, without the consent of the Governor, dispose of any petroleum won and saved in the licensed area in such a manner that the disposal does, to the knowledge of the Licensee or without the Licensee knowing it, fulfil or enable another person to fulfil obligations which a person who controls the Licensee, or a person who is controlled by a person who controls the Licensee, is required to fulfil by an agreement which, if the person required to fulfil the obligations were the Licensee, would be an agreement of which the terms require approval by virtue of paragraph (3) of this clause; and subsections (2) and (4) to (6) of section 416 of the Income and Corporation Taxes Act 1988 of the United Kingdom shall apply, for the purposes of determining whether for the purposes of this paragraph a person has control of another person, with the following modifications, namely -

(a) for the words "greater part" wherever they occur in the said subsection (2) there shall be substituted the words "one third or more"; and

(b) in the said subsection (6), for the word "may" there shall be substituted the word "shall", and the words "from such attributions" onwards shall be omitted and in the other provisions of that subsection any reference to an associate of a person shall be construed as including only a relative of his (as defined by section 417(4) of that Act), a partner of his and a trustee of a settlement (as defined by section 681(4) of that Act) of which he is a beneficiary.

(5) Where the Licensee is two or more persons, then without prejudice to the preceding provisions of this clause, none of those persons shall enter into an agreement with respect to the entitlement of any of them to -

(a) the benefit of any rights granted by this Licence; or

(b) any petroleum won and saved from the licensed area; or

(c) any proceeds of sale of such petroleum,

unless the terms of the agreement have been approved in writing by the Governor, but the preceding provisions of this paragraph do not apply to an agreement for the sale of such petroleum under which the price is payable after the petroleum is won and saved and an agreement in so far as it provides that, after any petroleum has been won and saved from the licensed area, it shall be exchanged for other petroleum.

38.(1) If any of the events specified in the following paragraph shall occur then and in any such case the Governor may revoke this Licence and thereupon the same and the rights hereby granted shall cease and determine but without prejudice to any obligation or liability incurred by the Licensee or imposed upon the Licensee by or under the terms and conditions of this Licence.

Power of revocation.

(2) The events referred to in paragraph (1) of this clause are -

(a) any payments mentioned in clause 10(1) of this Licence or any part of such payments being in arrears or unpaid for two months next after any of the days whereon the same ought to have been paid;

(b) any breach or non-observance by the Licensee of any of the terms and conditions of this Licence;

- (c) the bankruptcy of the Licensee;
- (d) the making by the Licensee of any arrangement or composition with his creditors;
- (e) if the Licensee is a company, the appointment of a receiver or any liquidation whether compulsory or voluntary;
- (f) any breach or non-observance by the Licensee of the terms and conditions of a development scheme;
- (g) if the licensee shall at any time during the currency of this Licence win and save any petroleum without first having established (and if the same shall have been previously established without at the time in question maintaining) a permanent establishment in the Falkland Islands of a kind and nature approved by the Governor;
- (h) any breach of a condition subject to which the Governor gave his approval in pursuance of clause 37(3) of this Licence;
- (i) any breach of clause 41(5) of this Licence;
- (j) if the Licensee shall at any time during the currency of this licence fail to pay and discharge in full within ninety days of the same having become due any tax lawfully payable by the Licensee under the provisions of the Taxes Ordinance 1994.

and where two or more persons are the Licensee and reference to the Licensee in sub-paragraphs (c) to (g) of this paragraph is a reference to each or either of those persons as may be requisite to enable the Governor to revoke this Licence if an event mentioned in those paragraphs has arisen in relation to one (but not necessarily all) of those persons.

(3) The Governor may revoke this Licence, with the like consequences as are mentioned in paragraph (1) of this clause, if -

- (a) the Licensee is a company;
- (b) there is a change in the control of the Licensee; and
- (c) the Governor serves notice in writing on the Licensee stating that the Governor proposes to revoke this Licence in pursuance of this paragraph unless such a further change in the control of the Licensee as is specified in the notice takes place in the period of three months beginning with the date of service of the notice; and
- (d) that further change does not take place within that period.

(4) There is a change of control of the Licensee for the purposes of paragraph (3)(b) of this clause whenever a person has control of the Licensee who did not have control of the Licensee when this licence was granted and subsections (2) and (4) to (6) of section 416 of the Income and Corporation Taxes Act 1988 of the United Kingdom shall apply, for the purpose of determining whether for the purposes of this paragraph a person has or had control of the Licensee, with the modifications stated in clause 37(4) of this Licence.

(5) Where two or more persons are the Licensee and any of them is a company, paragraphs (3) and (4) of this clause shall have effect as if -

(a) sub-paragraph (a) of paragraph (3) were omitted;

(b) in sub-paragraph (b) of that paragraph, after the word "of" there were inserted the words "any company included among the persons who together constitute"; and

(c) for the word "Licensee" in any other provision of those paragraphs there were substituted the word "company".

39.(1) If at any time any dispute, difference or question shall arise between the Governor and the Licensee as to any matter arising under or by virtue of this Licence or as to their respective rights and liabilities in respect thereof then the same shall, except where it is expressly provided by this Licence that the matter or thing to which the same relates is to be determined, decided, directed, approved or consented to by the Governor, be referred to arbitration as provided by the following paragraph. *Arbitration.*

(2) The arbitration referred to in the foregoing paragraph shall be in accordance with the Arbitration Act 1950 of England by a single arbitrator who, in default of agreement between the Governor and the Licensee and, in the case of arbitration in relation to a development scheme, other licensees, shall be appointed by the Chief Justice of the Falkland Islands for the time being.

(3) Unless otherwise agreed between the Governor and the Licensee, any arbitration under this clause shall take place in London.

(4) In the case of any such arbitration which relates to a development scheme the Licensee shall unless the arbitrator otherwise determines perform and observe the terms and conditions of the development scheme pending the decision of the arbitrator.

(5) The reference in paragraph (2) of this clause to the Arbitration Act 1950 of England shall be construed as including a reference to any statutory modification, amendment, replacement or re-enactment of the said Act for the time being in force in England.

40.(1) The Licensee appoints the person specified in paragraph 1 of Schedule 5 to this Licence as the Licensee's agent (hereinafter called "the Agent") for the purpose of service and receipt of service of all notices, notifications and proceedings whatsoever required to be or authorised to be served upon the Licensee under or in connection with this Licence, the Ordinance or any of the provisions of this Licence but nothing in this paragraph shall preclude the same being served additionally or instead upon the Licensee in the manner provided by clause 41 of this Licence. *Appointment of Agent of Licensee.*

(2) The Licensee shall not while any of the terms and conditions of this Licence remain in force revoke the appointment of the Agent nor shall any such revocation be effective unless at the same time the Licensee appoints another person resident in the Falkland Islands as the Licensee's agent in place of the Agent and forthwith notifies that appointment to the Governor in writing whereupon the provisions of this paragraph and of paragraph (1) of this clause shall apply in relation to the person so appointed as if that person had been appointed under paragraph (1) of this clause.

(3) The foregoing provisions of this clause have effect without prejudice to the provisions of Part X of the Companies Act 1948 in its application to the Falkland Islands, in so far and whenever the same may be applicable to the Licensee but the Licensee shall in discharge of the Licensee's obligations under section 407(1)(c) of the said Act (when and whenever applicable) appoint the same person as the person for the time being appointed under the foregoing provisions of this clause.

41.(1) Notices and notifications to the Governor under the provisions of this Licence shall be sent or delivered to him at the address specified in relation to such notices and notifications in Schedule 5 to this Licence and shall additionally be sent or delivered in the like manner to the Attorney General, Falkland Islands Government, at the address specified in relation to him in that Schedule. *Notices.*

(2) Notices or notifications to the Agent under the provisions of this Licence shall be sent addressed to the Agent at the address specified in relation to the Agent in the said Schedule 6.

(3) Notices to or notifications to the Licensee under the provisions of this Licence to the Licensee shall be sent addressed to the Licensee at the address specified in relation to the Licensee in the said Schedule 6.

(4) Where any notice or notification is sent by telephonic facsimile transmission to any person under any of the foregoing paragraphs of this clause, a copy of it shall be sent on the same day to the same addressee by the quickest available postal means and the notice shall be deemed to have been received by the addressee on the day on which, in the ordinary course of post, the notice would ordinarily have been received if sent by that postal means to the addressee on the day and at the time the copy of it was posted as hereinbefore provided.

(5) All notices and notifications under this Licence shall be in English.

42.(1) This Licence is governed by the law of the Falkland Islands.

*Governing law
and jurisdiction.*

(2) Save as is provided by paragraph (3) of this clause and clause 39(1) (arbitration), the Supreme Court of the Falkland Islands has sole and exclusive jurisdiction in relation to any dispute, difference or question arising between the Governor and the Licensee under and by virtue of this Licence.

(3) In respect of any sum or sums owed by the Licensee under any provision of this Licence, the Governor or Her Majesty in right of Her government in the Falkland Islands may bring proceedings in any court of competent jurisdiction in the country of the Licensee's incorporation or, in the case of an individual, his place of residence as well or instead of the Supreme Court of the Falkland Islands and similarly may seek to enforce any judgment of the Supreme Court of the Falkland Islands against the Licensee for any such sum or sums in any such court.

43.(1) This Licence represents the entire agreement of the parties thereto as to its subject matter as at the date of this Licence. *Entire agreement.*

(2) No variation in the provisions of this Licence shall have effect unless it is in writing and signed by the Governor.

44. The five Schedules immediately following form part of this Licence and shall have effect for the purposes of this Licence. *Schedules.*

Schedule 1

(clause 2)

DESCRIPTION OF BLOCKS TO WHICH THIS LICENCE RELATES

[These will be blocks numbered on the reference map referred to in clause 2 of the Licence and this Schedule must be appropriately completed in the Licence as granted]

Schedule 2

(clause 10(1))

ACREAGE RENTS

1. The Licensee shall in respect of the initial term pay to the Governor without any deduction *As to initial term.* whatsoever an annual rent of \$30 for every square kilometre or part thereof for the time being comprised in this Licence.

2. The said annual rent shall -

Annual rents.

(a) be paid annually in advance, the first payment being due and payable on the grant of this Licence and subsequent payments being due and payable on each anniversary of this Licence falling within the initial term;

(b) be paid to such account in the name of the Falkland Islands Government of such branch of such bank in the Falkland Islands or in London as the Financial Secretary of the Falkland Islands may from time to time notify in writing to the Licensee.

3. Where the Licence continues for the second exploration term as to any part of the area for which this Licence was originally granted, the Licensee shall in respect of every square kilometre or part thereof for which this Licence for the time being continues for the second exploration term pay rent as follows -

As to second exploration term.

(a) on the commencement of the second exploration term, \$300 (but reduced to \$150 if two or more approved wells have been drilled before that time);

(b) on the first anniversary of the commencement of the second exploration term, \$375 (but reduced to \$225 if three or more approved wells have been drilled before that time);

(c) on the second anniversary of the commencement of the second exploration term, \$525 (but reduced to \$300 if four or more approved wells have been drilled before that time);

(d) on the third anniversary of the commencement of the second exploration term \$600 (but reduced to \$300 if four or more approved wells have been drilled before that time); and

(e) on the fourth anniversary and subsequent anniversaries of the commencement of the second exploration term \$675 (but reduced to \$300 if four or more approved wells have been drilled before that time);

and such rent shall be payable to a bank account as provided in paragraph 2(b) of this Schedule and without any deduction whatsoever.

4. Where this Licence continues for the third exploration term as to any part of the area for which it was originally granted, the Licensee shall in respect of every square kilometre or part thereof for which the Licence for the time being continues for the third exploration term pay rent as follows -

As to third exploration term.

(a) on the commencement of the third exploration term \$1500;

(b) on the first anniversary of such commencement \$2250;

(c) on the second anniversary of such commencement \$3000;

(d) on the third anniversary of such commencement \$3750;

(e) on the fourth anniversary of such commencement \$4500;

(f) on the fifth anniversary of such commencement \$5250;

(g) on the sixth anniversary of such commencement \$6000;

(h) on the seventh anniversary of such commencement \$6750;

(i) on the eighth anniversary of such commencement \$7500;

(j) on the ninth anniversary of such commencement \$8250;

and such rent shall be payable to a bank account as provided by paragraph 2(b) of this Schedule and shall be paid without any deduction whatsoever.

5. In the event that this Licence continues as to part of the area for which it was originally granted for a second exploration term or a third exploration term and as to another part thereof for the exploitation term, rent in accordance with the foregoing paragraphs shall be paid as to the part of that area for which it continues for a second exploration term or for a third exploration term. *Overlapping terms.*

6. Where the Licensee continues in respect of any part of the licensed area for an exploitation term, acreage rent shall be payable in respect of that part of the licensed area at the rate of \$375,000 a year until such time as royalty is first paid in respect thereof under clause 11(1). *Exploitation terms: acreage rent obligations.*

Schedule 3

(clause 11(4))

INFORMATION TO BE CONTAINED IN RETURNS BY LICENSEES

1. A return in respect of a relevant period shall give the following information in relation to petroleum won from the licensed area that is to say -

(a) in the case of each delivery in the period of petroleum, the return shall state -

(i) the quantity delivered;

(ii) the person to whom it was disposed of;

(iii) the tax disposal value of the petroleum; and

(iv) contain other particulars of or relating to the disposal as the Financial Secretary by notice in writing to the Licensee may from time to time require the Licensee to provide;

(b) in the case of each relevant appropriation of petroleum in the period, the return shall -

(i) state the quantity of petroleum appropriated;

(ii) state the consideration for which the petroleum is deemed to have been disposed of for tax purposes; and

(iii) contain such other particulars of or relating to the appropriation as the Financial Secretary by notice to the Licensee may from time to time require the Licensee to provide.

(c) in the case of petroleum which, at the end of the period, has either not been disposed of and not relevantly appropriated or has been disposed of but not delivered, the return shall -

(i) state the quantity of the petroleum;

(ii) state the consideration for which the petroleum would have been deemed to have been disposed of for tax purposes if it has been relevantly appropriated on the last day of the relevant period; and

(iii) contain such other particulars relating to the petroleum as the Financial Secretary by notice to the Licensee may from time to time require the Licensee to provide.

2. In this Schedule "tax disposal value" has the same meaning as it has under clause 11(3).

Schedule 4

(clause 3)

WORK PROGRAMME FOR INITIAL TERM AND SECOND EXPLORATION TERM

Part 1

Work Programme for Initial Term

[Here set out the work programme for the initial term agreed between the Licensee and the Governor before the grant of the Licence]

Part 2

Work Programme for Second Exploration Term

The Licensee shall in the second exploration term, if any, carry out the following work programme in so far as it may not have been carried out by the Licensee during the initial term.

[Here set out the work programme for the second exploration term agreed between the Licensee and the Governor before the grant of the Licence]

Schedule 5

(clauses 40 and 41)

PARTICULARS OF AGENT OF LICENSEE AND ADDRESSES FOR NOTICES

1. Agent appointed by the Licensee -

(a)

Name

(b)

Address

[To be completed appropriately in the Licence]

2. Address for notices and notifications to the Governor -

[To be completed appropriately in the Licence]

(and, if sent by telephonic facsimile transmission, to be sent to [International Access Code] + 500 where applicable 27434)

3. Address for notices and notifications to the Attorney General, Falkland Islands -

[To be completed appropriately in the Licence]

(and, if sent by telephonic facsimile transmission, to be sent to [International Access Code] + 500 where applicable 27276)

4. Address for notices and notifications to the Licensee -

[To be completed appropriately in the Licence]

(there will then follow the execution of the Licence as a Deed by the Governor and the Licensee)

SCHEDULE 3*

Regulation 8(2)(c)

SUBSTITUTED CLAUSES IN EXPLORATION LICENCES WHICH PERMIT DRILLING

1. The following clauses (hereinafter called "the substituted clauses") are prescribed in relation to every exploration licence which permits drilling (hereinafter called "a relevant licence") and in respect of which regulation 8(2)(c) of these Regulations excludes clauses 8 and 12 as set out in the Schedule to the Petroleum Survey Licences (Model Clauses) Regulations 1992. *Prospecting methods.*

2. Unless expressly excluded by a relevant licence the following clauses shall have effect as clauses thereof in place of the said clause 8 -

"8. The right to search for petroleum conferred by this Licence shall include prospecting and carrying out geological surveys by physical or chemical means and drilling for the purpose of obtaining geological information about strata in the areas defined in Schedule 1 to this Licence but shall not include any right to get petroleum or any right to drill wells for production of petroleum or any other well of a depth exceeding three hundred and fifty metres below the surface of the sea bed or such greater depth as the Governor may from time to time approve either generally or in relation to a particular well or in relation to a class of wells to which that well belongs.

* This Schedule is the Schedule provided for by regulation 8(2)(c) and is NOT a Schedule to the Licence (the model clauses for which, as above set out, form Schedule 2 to the Regulations).

8A. No well shall without the consent in writing of the Governor be drilled or made so that any part thereof is less than one hundred and twenty-five metres from any of the boundaries of the exploration area.

Distance of wells from boundary of exploration area.

8B.(1) The Licensee shall not commence, or after abandoning in manner hereinafter provided, shall not recommence the drilling of a well without the consent in writing of the Governor.

Commencement, abandonment and plugging of wells.

(2) Except as provided in paragraphs (5) and (6) of this clause, the Licensee shall not abandon any well without the consent in writing of the Governor.

(3) The Licensee shall ensure compliance with any conditions subject to which any consent under either of the foregoing paragraphs is given.

(4) If any such condition under paragraph (1) of this clause relates to the position, depth or direction of the well or to any casing of the well or any condition under either paragraph (1) or paragraph (2) of this clause relates to any plugging or sealing of the well, the Governor may from time to time direct that the well and all records relating thereto shall be examined in such manner and upon such occasions or at such intervals and by such persons as may be specified in the Governor's direction and the Licensee shall pay to any such person or to the Governor such fees and expenses for such examination as the Governor may specify.

(5) In the event that the Licensee's rights in any part of the areas defined in Schedule 1 of this Licence or cease to be, exercisable for the time being because this Licence was granted subject to a proviso that, except with the agreement of the holder of the licence hereinafter mentioned, such rights should not be or should cease to be exercisable in the relevant part of those areas if a licence to search and bore for and get petroleum has been or is granted in relation thereto, the Licensee shall unless the Governor otherwise determines within one month after the date on which the Licensee's rights cease to be exercisable (whether by the granting of such a licence as is hereinbefore mentioned or by termination of the agreement of the holder of that licence) plug all of the Licensee's wells in any part of the areas defined in Schedule 1 in which the Licensee's rights are for the time being not exercisable.

(6) All of the Licensee's wells in the areas defined in Schedule 1 (other than wells to which paragraph (5) of this clause applies) shall, unless the Governor otherwise determines, be plugged by the Licensee not less than one month and not more than three months before the expiry or determination of the Licensee's rights under this Licence.

(7) The plugging of any well shall be done in accordance with a specification approved by the Governor applicable to that well or to wells generally or to a class of wells to which that well belongs and shall be carried out in an efficient and workmanlike manner.

8C.(1) The Licensee shall maintain all apparatus and appliances and all wells which have not been abandoned and plugged as provided by clause 8B of this Licence in good repair and condition and shall execute all operations in or in connection with the exploration area in a proper and workmanlike manner in accordance with methods and practice or exploration customarily used in good oilfield practice and without practice and without prejudice to the generality of the foregoing provision the Licensee shall take all steps practicable in order -

Avoidance of harmful methods of working.

- (a) to prevent the escape or waste of petroleum discovered in the exploration area;
- (b) to conserve the exploration area for production purposes;
- (c) to prevent damage to petroleum bearing strata;

(d) to prevent the entrance of water through wells to petroleum bearing strata; and

(e) to prevent the escape of petroleum into any waters in or in the vicinity of the exploration area.

(2) The Licensee shall comply with any instructions from time to time given by the Governor in writing relating to the matters set out in paragraph (1) of this clause. If the Licensee objects to any such instruction he may, within 14 days from the date upon which the same was given, refer the matter to arbitration in the manner provided by clause 21 of this Licence.

(3) The Licensee shall give notice to the Governor of any event causing escape or waste of petroleum, damage to petroleum bearing strata or entrance of water through wells to petroleum bearing strata forthwith after the occurrence of that event and shall, forthwith after the occurrence of any event causing escape of petroleum into the sea, give notice of the event to the Chief Executive of the Falkland Islands Government."

3. Unless expressly excluded by a relevant licence, the following clauses shall have effect in place of the said clause 12 -

"12.(1) The Licensee shall furnish to the Governor and to the Secretary of State on or before the fifteenth day of each month in which this Licence is in force, reckoned by reference to the date of this Licence, a return in a form from time to time approved by the Governor of the progress of the Licensee's operations in the exploration area. Such return shall contain -

Returns and information.

(a) a statement of the areas in any geological work, including surveys by any physical or chemical means, has been carried out;

(b) the numbers assigned to each well, and in the case of any well the drilling of which was begun or the number of which was changed in that month, the site thereof;

(c) a statement of the depth drilled in each well; and

(d) a statement of any petroleum, water, mines or workable seams or any mineral encountered in the course of the said operations.

(2) Within two months of the end of each calendar year in which this Licence is in force and within two months of the expiration or determination of this Licence the Licensee shall furnish to the Governor and the Secretary of State an annual return in a form from time to time approved by the Governor of the operations conducted by the Licensee in the exploration area during that year or the period prior to such expiration or determination as the case may be together with a plan on a scale approved by the Governor showing the situation of all wells. The Licensee shall also indicate on the said plan all works executed by the Licensee in connection with searching for petroleum.

12A.(1) As far as reasonably practicable the Licensee shall correctly label and preserve for reference for a period of five years samples of the sea bed and of the strata encountered in any of the Licensee's wells in the exploration area and samples of any petroleum or water discovered in any such wells.

Licensee to keep samples.

(2) The Licensee shall not dispose of any sample after the expiry of the said period of five years unless -

(a) he has at least six months before the date of the disposal given notice in writing to the Governor of his intention to dispose of the sample; and

(b) the Governor or any person authorised by him has not within the said period of six months informed the Licensee in writing that he wishes the sample to be delivered to him.

(3) The Governor or any person authorised by him shall be entitled at any time -

(a) to inform the Licensee in writing that he wishes part of any sample preserved by the Licensee to be delivered to him; or

(b) to inspect and analyse any sample preserved by the Licensee.

(4) The Licensee shall forthwith comply with any request for the delivery of the whole or any part of any sample which is made in accordance with the preceding provisions of this clause.

12B. Any person or persons authorised by the Governor shall be entitled at all reasonable times to enter into and upon any of the Licensee's installations and equipment used or to be used in connection with searching for petroleum in the exploration area for the purposes -

Rights of access.

(a) of examining the installations, wells, plant, appliances and works made or executed by the Licensee in pursuance of this Licence and the state of repair and condition thereof; and

(b) of executing any works or of providing and installing any equipment which the Governor may be entitled to execute or provide and install in accordance with the provisions hereof.

12C. If the Licensee shall at any time fail to perform the obligations arising under the terms and conditions of any of clauses 8B or 8C of this Licence then and in any such case the Governor shall be entitled, after giving to the Licensee reasonable notice in writing of such his intention, to execute any works and to provide and install any equipment which in the opinion of the Governor may be necessary to secure the performance of the said obligations or any of them and to recover the costs and expenses of so doing from the Licensee."

Power to execute works.

Made this 31st day of August 1995.

A. M. GURR,
Acting Governor.



THE FALKLAND ISLANDS GAZETTE Supplement

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31st August 1995

No. 21

STATUTORY INSTRUMENTS

1995 No. 1620

EXTRADITION

The Extradition (Drug Trafficking) (Falkland Islands and Gibraltar) Order 1995

Made - 28th June 1995

Laid before Parliament 10th July 1995

Coming into force in accordance with Article 1

At the Court at Buckingham Palace, the 28th day of June 1995

Present,

The Queen's Most Excellent Majesty in Council

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

1. This Order may be cited as the Extradition (Drug Trafficking) (Falkland Islands and Gibraltar) Order 1995. It shall come into force for the purposes of Article 4 on the date, to be notified in the London, Edinburgh and Belfast Gazettes, on which the Convention on the Illicit Traffic in Narcotic Drugs and Psychotropic Substances (c) ("the Convention") enters into force in respect of the Falkland Islands and Gibraltar, and for all other purposes on 11th July 1995.

2. Article 4 of the Extradition (Drug Trafficking) Order 1991 ("the 1991 Order") (d) shall be amended by substituting the words "said Schedule 4" for the words "said Schedule 2".

3. Schedule 4 to the 1991 Order (foreign States which are parties to the Convention and with which extradition treaties are in force in relation to extradition between those States and one or more of the Territories specified in Schedule 5 to that Order) shall be amended by adding the following entries—

State	Date of Extradition Treaty	Date of entry into force of Convention	Order in Council
Croatia	6th December 1900	26th July 1993	1901/586
Norway	26th June 1873	12th February 1995	30th September 1873
Slovenia	6th December 1900	6th July 1992	1901/586

4. Schedule 5 to the 1991 Order (Territories to which that Order extends) shall be amended by adding "Falkland Islands" and "Gibraltar" to the list of Territories therein.

N.H. Nicholls
Clerk of the Privy Council

(a) 1870 c.52; the Act was repealed by the Extradition Act 1989 with the savings mentioned in section 37 of that Act.

(b) 1989 c.33.

(c) Cm. 804.

(d) S.I. 1991/1701 (amended by S.I. 1994/2794).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order extends to the Falkland Islands and Gibraltar the operation of the Extradition (Drug Trafficking) Order 1991, updates the list of States in Schedule 4 to that Order and corrects a reference in Article 4 thereof.



**THE
FALKLAND ISLANDS GAZETTE
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The following is published in this Gazette-

The Fishing Licences (Application and Fees) Regulations Order 1995, (S.R. & O. No. 14 of 1995).

SUBSIDIARY LEGISLATION

FISHERIES

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

The Fishing Licences (Application and Fees) Regulations Order 1995

(S.R. & O. No. 14 of 1995)

Made: 1 September 1995

Published: 1 September 1995

Coming into operation: on publication

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

Commencement and citation

1. (1) This Order may be cited as the Fishing Licences (Applications and Fees) Regulations Order 1995 and shall come into operation on the date it is first published in the Gazette and cease to have effect on the 30 June 1996.

(2) This Order is hereinafter called "these Regulations" and any paragraph of this Order may be cited as (and is hereafter described as) a regulation bearing the same number as that paragraph and every subparagraph of a paragraph of this Order may be cited as (and is hereafter described as) a paragraph of the same number of the regulation in which it appears.

2. (1) Nothing in these Regulations applies to licences for exploratory or scientific purposes or to fishing within the territorial sea or internal waters.

Application

3. In these Regulations -

"exploratory or scientific purposes" means purposes related to the assessment of the commercial or practical viability of fishing for fish generally or for a particular species of fish or to the assessment or quantification of stocks of any species of fish or fish of any age, stage of maturity or size of a species of fish or the locations in which they or any species of fish or fish of any age, stage of maturity or size may be found;

"FICZ" means the interim conservation and management zone as defined in Section 2 of The Fisheries (Conservation and Management) Ordinance 1986;

"FOCZ" means the outer conservation zone as defined in Proclamation 2 of 1990 as varied by Proclamation 1 of 1994;

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

"combination vessel" means a fishing boat which is equipped so as to be able to catch or take fish both by jigging machines and by trawl or trawls;

"jigger" means a fishing boat which is equipped so as to be able to catch or take fish by means of jigging machines;

"trawler" means a fishing boat which is equipped so as to be able to catch or take fish by means of a trawl or trawls.

"southern area" means all those parts of the FICZ which lie to the South of latitude 51°15' South and to the East of 60° of longitude West and South of latitude 52°00 South and to the west of 60° longitude West;

"northern area" means all that part of the FICZ which lies to the North of latitude 51°15' South, East of longitude 60° West and North of latitude 52° South, West of longitude 60° West;

"the fishing season" means -

(a) in relation to an "A" licence, the period commencing on 1st January 1996 and ending on 30th June 1996;

(b) in relation to a "B" licence, the period commencing on 15th February and 1996 and ending on 15th June 1996;

(c) in relation to a "C" licence, the period commencing on 1st February 1996 and ending on 31st May 1996;

(d) in relation to a "W" licence, the period commencing on 1st January 1996 and ending on 30th June 1996;

(e) in relation to an "F" licence, the period commencing on 1st January 1996 and ending on 30th June 1996;

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

Relationship with principal Regulations

4. For so long as these Regulations are in force such of the provisions of the principal Regulations as are inconsistent with these Regulations shall not be in force, but except as aforesaid the provisions of the principal Regulations remain in force and shall be complied with in addition to those of these Regulations.

Types of licence

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

- (a) an "A" licence
- (b) a "B" licence
- (c) a "C" licence
- (d) a "W" licence
- (e) an "F" licence

(2) An "A" licence issued under these Regulations shall authorise the catching or taking of any finfish with the exception of Toothfish (*Dissostichus eleginoides*) and Skate (*Rajidae*) that is to say vertebrate fish having a dorsal fin, a ventral or pectoral fin and shall not in any case include squid of any kind.

(3) A "B" licence issued under these Regulations shall authorise the catching or taking within the northern area of *Illex argentinus* and *Martialia hyadesi*.

(4) A "C" licence issued under these Regulations shall authorise the catching or taking within the southern area of *Loligo gahi*.

(5) A "W" licence issued under these Regulations shall authorise the catching or taking of any finfish, with the exception of Hake (*Merluccius spp.*), Skate (*Rajidae*) and Toothfish (*Dissostichus eleginoides*) that is to say vertebrate fish having a dorsal fin, a ventral or pectoral fin and shall not in any case include squid of any kind.

(6) An "F" licence issued under these Regulations shall authorise the catching or taking of all species of the family *Rajidae* (Skate) and shall not permit the taking of other species of finfish or squid of any kind.

Provided that a "by-catch" which in the reasonable opinion of the Director of Fisheries could not reasonably be avoided shall not be deemed to have been caught or taken without the authority of a licence.

Applications for licences

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

(2) Any application to which paragraph (1) of this regulation relates shall be accompanied by an application fee of £200 (which shall not be returnable whether or not the application is granted) and shall be made so as to be received there by Friday, 29th September 1995.

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

The Schedule and its Tables

7. (1) Table 1 of the Schedule to these Regulations applies in respect of the fees payable for type "A" licences.

(2) Table 2 of the Schedule to these Regulations applies in respect of the fees payable for type "B" licences granted to any jigger.

(3) Table 3 of the Schedule to these Regulations applies in respect of the fees payable for type "B" licences granted to any trawler or combination vessel.

(4) Table 4 of Schedule to these Regulations applies in respect of type "C" licences.

(5) Table 5 of the Schedule to these Regulations applies in respect of type "W" licences.

(6) Table 6 of the Schedule to these Regulations applies in respect of type "F" licences.

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

(8) The explanatory notes at the commencement of each Table in the Schedule to these Regulations are for guidance only and shall not have legislative effect.

Licences in rotation

(8) (1) The Director of Fisheries may, if he thinks fit, grant a licence in respect of one or more vessels in rotation for one another.

(2) Where a licence is granted under paragraph (1) the Director of Fisheries shall impose such conditions in the licence as are necessary to make clear and ensure

(a) that only one vessel is permitted to fish within the fishing waters at any one time;

(b) that proper and adequate notice is given to him of the intention to substitute one vessel for another and that any vessel previously permitted to fish in the fishing waters has ceased to do so before another vessel is permitted to commence fishing;

(c) that all and any other conditions specially necessary to promote the proper conservation and management of fish within the fishing fleet waters appear therein.

(3) The Director of Fisheries may require -

(a) that, where appropriate so as to take into consideration the overall fishing capacity of vessels as they are rotating for one another, a special licence fee calculated by reference to a formula approved by the Governor and published in the Gazette shall be paid in respect of a rotating licence; and

(b) that an administration fee of such amounts as he may fix in the circumstances of the case shall be paid before one vessel is substituted for another under a rotating licence.

(4) A rotating licence is not transferable except as expressly permitted thereby.

(9) (1) The Director of Fisheries may, if he thinks fit, grant a "B" licence for such period within the fishing season as he thinks fit.

(2) Where a licence is granted under paragraph (1) a special fee, calculated by reference to a formula approved by the Governor and published in the Gazette, shall be paid.

(10) The fees for transshipment or transshipment and export licences for the period 1st January 1996 to 30th June 1996 shall be £1500 per transshipment operation.

(11) Where concurrent type "W" and type "B" licences are granted to a vessel of less than 2,000 gross tons in respect of a particular month, the fee payable shall be 70% of the sum of the relevant type "W" and type "B" licence calculated by reference to the vessels gross tonnage.

THE SCHEDULE

Provision as to fishing licences in respect of the fishing season

TABLE 1

Finfish only - Type "A" Licences

(Explanatory notes :

1. These notes are not of legislative effect but are for guidance only.
2. Fees calculated by the Formula set out in this Table apply to trawlers licensed to take all finfish except Toothfish (*Dissostichus eleginoides*) and Skate (*Rajidae*).
3. The season for this type of licence commences on 1 January 1996 and ends on 30 June 1996 and will be subject to closed areas and The Fishing (Nets and Supplementary Equipment) Regulations Order 1990.
4. Fees calculated by the Formula set out in this Table are payable in respect of the number of months for which the licence is valid.)

Effective text (of legislative effect)

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

FORMULA

Fee payable per licensed month of fishing is calculated by adding £5,000 to the relevant Finfish (Species Restricted) type "W" licence fee, taking account of the Gross Tonnage of the vessel.

TABLE 2

Jiggers - Squid North - Type "B" Licences

(Explanatory notes :

1. These notes are not of legislative effect but are for guidance only.
2. Fees calculated by the Formula set out in this Table apply to jiggers licensed to take squid in the northern area and FOCZ and not to trawlers or combination vessels.
3. The season for this type of licence commences on 15 February 1996 and ends on 15 June 1996.
4. Fees calculated by the Formula set out in this Table are for the full season only).

Effective text (of legislative effect)

A. In the following Formula, "GT" means "Gross Tonnage" as shown in a Tonnage Certificate issued in accordance with the International Tonnage Measurement Rules; "D" means the number of double jigging machines located upon the jigger to which the licence relates and "S" means the number of single jigging machines located upon the jigger to which the licence relates.

B. A licence is not transferable.

FORMULA

Whichever of the following is applicable -

I. Where the vessel held and utilised a comparable licence in respect of the First Season of 1995 -

Fee payable is the result of

$$£(0.488 \times GT \times (S + 1.5D)) + 93362$$

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

$$£(0.631 \times GT \times (S + 1.5D)) + 114893$$

TABLE 3

Trawlers - Squid North - Type "B" Licences

(Explanatory notes :

1. These notes are not of legislative effect but are for guidance only.
2. Fees calculated by the Formula set out in this Table apply to trawlers and combination vessels licensed to take squid in the northern area and FOCZ and not to jiggers.
3. The season for this type of licence commences on 15 February 1996 and ends on 15 June 1996. (Note: Vessels fishing under a Type "B" licence using a bottom or demersal trawl are subject to the Fishing (Nets and Supplementary Net Equipment) Regulations Order 1990, but vessels fishing under such a licence using any other kind of trawl have until 30 June 1996 been exempted by the Director of Fisheries from the provisions of that Order).
4. Fees calculated by the Formula set out in this Table are for the full season only).

Effective text (of legislative effect)

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

FORMULA

Whichever of the following is applicable -

I. Where the vessel has a Gross Tonnage of less than 1500 GT

Fee payable is the result of

$$£(7.390 \times GT) + 57276$$

II. Where the vessel has a Gross Tonnage of 1500 GT or greater

Fee payable is the result of

$$£(7.742 \times GT) + 60709$$

TABLE 4

Trawlers - Squid South - Type "C" Licences

(Explanatory notes :

1. These notes are not of legislative effect but are for guidance only.
2. Fees calculated by the Formula set out in this Table apply to trawlers licensed to take squid in the southern area.
3. The season for this type of licence commences on 1 February 1996 and ends on 31 May 1996 and is exempt from The Fishing (Nets and Supplementary Equipment) Regulations Order 1990 in certain parts of the southern area.
4. Fees calculated by the Formula set out in this Table are for the full season).

Effective text (of legislative effect)

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

FORMULA

Fee payable is the result of

$$£(73.6 \times GT) + 117388$$

TABLE 5

Finfish only: Species Restricted - Type "W" Licences

(Explanatory notes :

1. These notes are not of legislative effect but are for guidance only.

2. Fees calculated by the Formula set out in this Table apply to trawlers licensed to take all finfish except Hake (*Merluccius spp.*), Skate (*Rajidae*) and Toothfish (*Dissostichus eleginoides*).

3. The season for this type of licence commences on 1 January 1996 and ends on 30 June 1996 and will be subject to closed areas and The Fishing (Nets and Supplementary Equipment) Regulations Order 1990.

4. Fees calculated by the Formula set out in this Table are payable in respect of the number of months for which the licence is valid.)

Effective text (of legislative effect)

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

FORMULA

Fee payable per licensed month of fishing is the result of whichever of the following is applicable:

I. Where the vessel has a Gross Tonnage of 1699 or less;

$\pounds(0.346 \times \text{GT}) + 8659$

II. Where the vessel has a Gross Tonnage between 1700 and 2000;

$\pounds(43.109 \times \text{GT}) - 64039$

III. Where the vessel has a Gross Tonnage between 2001 and 3000;

$\pounds(14.240 \times \text{GT}) - 6300$

IV. Where the vessel has a Gross Tonnage between 3001 and 4000;

$\pounds(75.156 \times \text{GT}) - 219506$

V. Where the vessel has a Gross Tonnage of 4001 or greater;

$\pounds(22.80 \times \text{GT}) - 10082$

TABLE 6

Skate only - Type "F" Licences

(Explanatory notes :

1. These notes are not of legislative effect but are for guidance only.

2. Fees calculated by the Formula set out in this Table apply to trawlers licensed to take Skate (*Rajidae*) only.

3. The season for this type of licence commences on 1 January 1996 and ends on 30 June 1996 and will be subject to closed areas and The Fishing (Nets and Supplementary Equipment) Regulations Order 1990.

4. Fees calculated by the Formula set out in this Table are payable in respect of the number of months for which the licence is valid.)

Effective text (of legislative effect)

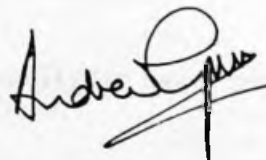
A. In the following Formula, "GT" means "Gross Tonnage" as shown in a Tonnage Certificate issued in accordance with the International Tonnage Measurement Rules.

FORMULA

Fee payable per licensed month of fishing is the result of

$\pounds(2.205 \times \text{GT}) + 17813$

Made this 1st day of September 1995.

A handwritten signature in black ink, appearing to read 'A. M. Gurr', with a stylized flourish at the end.

A. M. GURR
Acting Governor



THE FALKLAND ISLANDS GAZETTE Supplement

PUBLISHED BY AUTHORITY

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18th September 1995

No. 23

The following are published in this Gazette-

The Access to Health Records Bill 1995;

The Access to Personal Files Bill 1995;

The Data Protection Bill 1995.

The Access to Health Records Bill 1995

(No: of 1995)

ARRANGEMENT OF PROVISIONS

Clause

1. Short title and commencement and application.
2. Interpretation.
3. Right of access to health records.
4. Cases where right of access may be wholly excluded.
5. Cases where right of access may be partially excluded.
6. Correction of inaccurate health records.
7. Applications to the court.
8. Avoidance of certain contractual terms.

A Bill

for

An Ordinance

To establish a right of access to health records by the individuals to whom they relate and other persons; to provide for the correction of inaccurate health records and for the avoidance of certain contractual obligations; and for connected purposes

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

Preliminary

Short title and commencement and application (1990 c.23 ss.2(4) & 12)

1.(1) This Ordinance may be cited as the Access to Health Records Ordinance 1995 and comes into force on 1 January 1996.

(2) The provisions of this Ordinance apply in relation to health professionals in the public service of the Crown in right of its Government of the Falkland Islands as they apply in relation to other health professionals.

Interpretation (1990 c.23 ss.1, 2(1) and 11)

2.(1) In this Ordinance -

"application" means an application in writing and "apply" shall be construed accordingly;

"care" includes examination, investigation, diagnosis and treatment;

"child" means an individual who has not yet attained the age of sixteen years;

"health record" means a record which -

(a) consists of information relating to the physical or mental health of an individual who can be identified from that information, or from that and other information in the possession of the holder of the record; and

(b) has been made by or on behalf of a health professional in connection with the care of that individual,

but does not include any record which consists of information of which the individual is, or but for any exemption would be, entitled to be supplied with a copy under section 11 of the Data Protection Ordinance 1995;

"health professional" has the meaning given by subsection (2) of this section;

"holder" in relation to a health record, means -

(a) in the case of a record, not being one relating to dental health, made by a health professional employed by or by the Crown in right of its Government of the Falkland Islands or at the King Edward VII Memorial Hospital, the Chief Medical Officer;

(b) in the case of a record relating to dental health made by a health professional employed by the Crown in right of its Government of the Falkland Islands or at the King Edward VII Memorial Hospital, the Government Dental Officer, or if there be more than one officer so described, the more or most senior of such officers;

(c) in any other case, the health professional by or on whose behalf the record is held;

"information", in relation to a health record, includes any expression of opinion about the patient;

"make", in relation to such a record, includes compile;

"parental responsibility" has the same meaning as in the Children Ordinance 1994;

"patient", in relation to a health record, means the individual in connection with whose care the record has been made.

(2) In this Ordinance "health professional" means any of the following -

(a) a registered medical practitioner;

(b) a registered dentist;

(c) an optician, chiropodist, clinical psychologist, child psychotherapist, dietitian, occupational therapist, orthoptist, physiotherapist or speech therapist engaged by the Crown in right of its Government of the Falkland Islands under a contract of service or a contract for services;

(d) a registered midwife.

Main provisions

Right of access to health records (1990 c.23 2.3)

3.(1) An application for access to a health record, or to any part of a health record, may be made to the holder of the record by any of the following -

- (a) the patient;
- (b) a person authorised in writing to make application on the patient's behalf;
- (c) where the patient is incapable of managing his own affairs, any person appointed by a court to manage those affairs; and
- (d) where the patient has died, the patient's personal representative and any person who may have a claim arising out of the patient's death.

(2) Subject to section 4, where an application is made under subsection (1) of this section the holder shall, within the requisite period, give access to the record, or the part of the record, to which the application relates -

- (a) in the case of a record, by allowing the applicant to inspect the record or, where section 5 applies, an extract setting out so much of the record as is not excluded by that section;
- (b) in the case of part of a record, by allowing the applicant to inspect an extract setting out that part or, where that section applies, so much of that part as is not so excluded; or
- (c) in either case, if the applicant so required, by supplying him with a copy of the record or extract.

(3) Where any information is contained in a record or extract which is so allowed to be inspected, or a copy of which is so supplied, is expressed in terms which are not intelligible without explanation, an explanation of those terms shall be provided with the record or extract, or supplied with the copy.

(4) No fee shall be required for giving access under subsection (2) other than the following -

- (a) where access is given to a record, or part of a record, none of which was made after the period of 40 days immediately preceding the date of application, a fee not exceeding the maximum prescribed under section 11 of the Data Protection Ordinance 1995; and
- (b) where a copy of a record or extract is supplied to the applicant, a fee not exceeding the cost of making the copy and (where applicable) the cost of posting it to him.

(5) For the purposes of subsection (2) of this section the requisite period is -

(a) where the application relates to a record, or part of a record, none of which was made before the period of 40 days immediately preceding the date of the application, the period of 21 days beginning with that date;

(b) in any other case, the period of 40 days beginning with that date.

(6) Where -

(a) an application under subsection (1) of this section does not contain sufficient information to enable the holder of the record to identify the patient or, in the case of an application made otherwise than by the patient, to satisfy himself that the applicant is entitled to make the application; and

(b) within the period of 14 days beginning with the date of the application, the holder of the record requests the applicant to furnish him with such further information as he may reasonably be required for that purpose,

subsection (5) shall have effect as if for any reference to that date there were substituted a reference to the date on which that further information is so furnished.

Cases where right of access may be wholly excluded (1990 c.23 s.4)

4.(1) Where an application is made under section 3(1)(a) or (b) and the patient is a child, access shall not be given under section 3(2) unless the holder of the record is satisfied that the patient is capable of understanding the nature of the application.

(2) Where an application is made under section 3(1)(c), access shall not be given under section 3(2) unless the holder of the record is satisfied either -

(a) that the patient has consented to the making of the application; or

(b) that the patient is incapable of understanding the nature of the application and the giving of access would be in his best interests.

(3) Where an application is made under section 3(1)(e), access shall not be given under section 3(2) of that section if the record includes a note, made at the patient's request, that he did not want access to be given on such an application.

Cases where right of access may be partially excluded (1990 c.23 s.5)

5.(1) Access shall not be given under section 3(2) to any part of a health record -

(a) which in the opinion of the holder of the record, would disclose -

(i) information likely to cause serious harm to the physical or mental health of the patient or any other individual; or

(ii) information relating to or provided by an individual, other than the patient, who could be identified by that information;

(b) which was made before the commencement of this Ordinance.

(2) Subsection (1)(a)(ii) shall not apply -

- (a) where the individual concerned has consented to the application; or
- (b) where that individual is a health professional who has been involved in the care of the patient;

and subsection (1)(b) shall not apply where and to the extent that, in the opinion of the holder of the record, the giving of access is necessary in order to make intelligible any part of the record to which access is required to be given under section 3(2) of this Ordinance.

(3) Where an application is made under section 3(1)(c) or (d), access shall not be given under section 3(2) to any part of the record which, in the opinion of the holder of the record, would disclose -

- (a) any information provided by the patient in the expectation that it would not be disclosed to the applicant; or
- (b) information obtained as a result of any examination or investigation to which the patient consented in the expectation that the information would not be so disclosed.

(4) Where an application is made under section 3(1)(d), access shall not be given under section 3(2) to any part of the record which, in the opinion of the holder of the record, would disclose information which is not relevant to any claims which may arise out of the patient's death.

(5) The Governor may by regulations provide, that, in such circumstances as may be prescribed by the regulations, access shall not be given under section 3(2) to any part of a health record which satisfies such conditions as may be so prescribed.

Correction of inaccurate health records (1990 c.23 s.6)

6.(1) Where a person considers that any information contained in a health record, or any part of a health record, to which he has been given access under section 3(2) of this Ordinance, is inaccurate he may apply to the holder for the necessary correction to be made.

(2) On an application under subsection (1), the holder of the record shall -

- (a) if he is satisfied that the information is inaccurate, make the necessary correction;
- (b) if he is not so satisfied, make in the part of the record in which the information is contained a note of the matters in respect of which the information is considered by the applicant to be inaccurate; and
- (c) in either case, without requiring any fee, supply the applicant with a copy of the correction or note.

(3) In this section, "inaccurate" means incorrect, misleading or incomplete.

Supplemental

Applications to the court (1990 c.23 s.8)

7.(1) Subject to subsection (2) of this section, where a court is satisfied, on any application made by the person concerned within such period as may be prescribed by rules of the court, that the holder of a health record has failed to comply with any requirement of this Ordinance, the court may order the holder to comply with that requirement.

(2) The court shall not entertain an application under subsection (1) unless it is satisfied that the applicant has taken all such steps to secure compliance with the requirement as may be prescribed by regulations made by the Governor.

(3) For the purposes of subsection (2), the Governor may by regulations require the holders of health records to make such arrangements for dealing with complaints that they have failed to comply with requirements of this Ordinance as may be prescribed by the regulations.

(4) For the purpose of determining any question whether an applicant is entitled to be given access under section 3(2) of this Ordinance to any health record, or any part of a health record, the court -

(a) may require the record or part of it to be made available for its own inspection; but

(b) shall not, pending determination of that question in the applicant's favour require the record or part to be disclosed to him or his representatives whether by discovery or otherwise.

(5) The jurisdiction conferred by this section shall be exercisable by the Supreme Court or the Magistrate's Court.

Avoidance of certain contractual terms (1990 c.23 s.9)

8. Any term or condition of a contract is void in so far as it purports to require an individual to supply any other person with a copy of a health record, or of an extract of a health record, to which he has been given access under section 3(2) of this Ordinance.

The Access to Personal Files Bill 1995

(No: of 1995)

ARRANGEMENT OF PROVISIONS

Clause

1. Short title and commencement.
2. Interpretation.
3. Obligation to give access etc.
4. Access regulations.
5. Regulations.

Schedule

A Bill

for

An Ordinance

To provide access for individuals to certain information relating to themselves maintained by the Crown, the Falkland Islands Development Corporation or by any other authority specified for the purposes of this Ordinance and to allow individuals to obtain copies of, and require amendment of, such information.

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

Short title and commencement

1. This Ordinance may be cited as the Access to Personal Files Ordinance 1995 and shall come into force on such date as may be appointed by the Governor by notice published in the *Gazette*.

Interpretation

- 2.(1) For the purposes of this Ordinance -

"authority" means the Crown, the Falkland Islands Development Corporation and any authority specified in regulations made under section 5, but does not include Her Majesty in her private capacity;

"the Crown" means Her Majesty in right of Her Government of the Falkland Islands (and does not include Her Majesty in right of Her Government of the United Kingdom or Her Majesty's armed forces); and

"personal information" means information which relates to a living individual who can be identified from that information (or from that and other information in the possession of the authority keeping the record) including any expression of opinion about the individual but not any indication of the intentions of the authority with respect to the individual.

(2) Subject to subsection (3), for the purposes of this Ordinance -

(a) information is "accessible personal information" if it is held by an authority and is information of a description specified in the Schedule to this Ordinance; and

(b) any obligation to give access to information is an obligation to give access to the individual who is the subject of it or is by virtue of paragraph 2 of the Schedule to this Ordinance to be treated as if he were the subject of the information.

(3) Notwithstanding paragraph (a) of subsection (2), information is not accessible personal information if it was recorded before the commencement of this Ordinance except to the extent that access to it is required to render intelligible any information recorded after that date.

(4) In relation to information which by virtue of regulations made under section (regulations amending the Schedule to this Ordinance so as to extend the descriptions of information specified in that Schedule) becomes after the commencement of this Ordinance accessible personal information the words "recorded before the commencement of this Ordinance" in subsection (3) shall have effect as if they read "recorded before the date of commencement of the regulations amending the Schedule to this Ordinance so that the information in question became accessible personal information".

Obligation to give access etc

3.(1) Subject to the provisions of this Ordinance and regulations under section 4, any authority keeping records containing personal information which is accessible personal information for the purposes of this Ordinance shall have such obligations as regards access to, and the accuracy of, that information as are imposed by the regulations.

(2) Where an individual is, or would but for any exemption be, entitled under section 11 of the Data Protection Ordinance 1995 to be supplied with information constituting personal data of which he is the subject no obligation arises under this Ordinance to give him access to that information.

(3) The obligation to give access to information under this Ordinance applies subject to any exemptions or restrictions prescribed in regulations under section 4, notwithstanding any enactment or rule of law prohibiting or restricting the disclosure, or authorising the withholding, of information.

Access regulations

4.(1) The Governor may by regulations under this section make such provision as, after consultation with the Executive Council, he considers appropriate for securing access by individuals to accessible personal information of which they are (or are treated as) the subjects and the rectification or erasure of inaccurate records containing such information.

(2) Regulations under this section may, in particular, for those purposes -

(a) impose obligations on the authorities keeping records containing such information to give access to the information in the manner prescribed by the regulations;

(b) impose obligations on the authorities keeping records containing such information to rectify or make erasures in records containing inaccurate information;

(c) provide for exemptions from or impose restrictions on access to information or the rectification or erasure of inaccurate records;

(d) regulate the procedure for obtaining access to information or the rectification or erasure of inaccurate records;

(e) provide for decisions taken by authorities to be reconsidered or reviewed;

(f) authorise authorities to charge fees not exceeding the prescribed maximum; and

(g) make incidental and supplementary provision.

(3) Regulations under this section may make different provision for different descriptions of information, different authorities or other different circumstances.

Regulations

5.(1) The Governor may by regulations under this section -

(a) amend the definition of "authority" contained in section 2(1), so as to extend it to include any statutory corporation or company wholly-owned by the Crown specified in the amendment;

(b) amend the Schedule to this Ordinance so as to extend the categories of personal information which are accessible personal information for the purpose of this Ordinance.

(2) Regulations under this section may make such provision incidental to or consequential upon the matters mentioned in subsection (1) as the Governor considers it necessary or expedient to make.

SCHEDULE

ACCESSIBLE PERSONAL INFORMATION

1. For the purposes of this Ordinance the following information is accessible personal information -

(a) personal information held for any purpose of the authority's tenancies;

(b) personal information held for any purpose related to the making by the authority of any grant of money or loan or the granting of financial assistance of any kind; and

(c) personal information held for any of the authority's social services functions;

(d) personal information relating to the presence or absence of the individual in or from the Falkland Islands.

2. Personal information is "held for the purpose of the authority's tenancies" if it is held for any purpose of the relationship of landlord and tenant of a dwelling which subsists, has subsisted or may subsist between the authority and any individual who is, has been or, as the case may be, has applied to be, a tenant of a dwelling belonging to the authority; and information about any member of the individual's family held for any purpose of that relationship or potential relationship shall be treated as information of which he is the subject and accessible by him accordingly.

3. Personal information is "held for any purpose related to the making by the authority of any grant of money or loan or the granting of financial assistance of any kind" if it is or might be relevant to a decision whether or not to make it, except that it does not include any expression of opinion by any person as to whether or not the individual will be able to repay the same.

4. Personal information is "held for any purpose of the authority's social services functions" if it is held for the purpose of any past, current or proposed exercise of the authority's functions in relation to -

(a) protection of children and young persons in relation to criminal and summary proceedings;

(b) the making, discharge or continuance of any order of a court in relation to a child or young person under the provisions of the Children Ordinance 1994;

(c) provision of residential accommodation for the aged, infirm, disabled or needy;

(d) welfare of persons who are blind, deaf, dumb or otherwise handicapped or are suffering from mental disorder;

(e) supervision of nurseries and child-minders;

(f) provision of facilities for enabling disabled persons to be employed or work under special conditions;

(g) welfare and accommodation and guardianship of mentally disordered persons;

(h) promotion of the welfare of old people; and

(i) care of mothers and young children.

5. Personal information is personal information relating to the presence or absence of the individual in or from the Falkland Islands if it is personal information held or maintained by or on behalf of the Principal Immigration Officer recording the individual's arrivals in and departures from the Falkland Islands.

The Data Protection Bill 1995

(No: of 1995)

ARRANGEMENT OF PROVISIONS

Clause

PART I PRELIMINARY

1. Short title, commencement and application (*1984 c.35 s.42 & 43*)
2. Interpretation (*1984 c.35 ss.1, 26(2) & (3) & 41*)

PART II INTRODUCTORY PROVISIONS IN RELATION TO DATA PROTECTION *Data protection principles*

3. The data protection principles (*1984 c.35 s.2*)
Exemptions from requirements
4. Data held for domestic or other limited purposes (*1984 c.35 s.33*)
5. Crime and taxation (*1984 c.35 s.28*)
6. Public appointments and legal professional privilege (*1984 c.35 s.31*)
7. Payrolls and accounts (*1984 c.35 s.32*)
8. National security (*1984 c.35 s.27*)
9. Other exemptions (*1984 c.35 s.34*)
10. Application to the Crown in right of the Falkland Islands (*1984 c.35 s.38*)

PART III RIGHTS OF DATA SUBJECTS

11. Rights of access to personal data (*1984 c.35 s.21*)
12. Compensation for inaccuracy (*1984 c.35 s.22*)
13. Compensation for loss or unauthorised disclosure (*1984 c.35 s.23*)
14. Rectification and erasure (*1984 c.35 s.24*)
15. Examination marks (*1984 c.35 s.35*)

PART IV
REGISTRATION AND SUPERVISION OF DATA USERS AND COMPUTER
BUREAUX
Registration

16. Register
17. Registration of data users and computer bureaux (1984 c.35 s.4)
18. Prohibition of unregistered holding etc of personal data (1984 c.35 s.5)
19. Applications for registration and for amendment of registered particulars (1984 c.35 s.6)
20. Acceptance and refusal of applications (1984 c.35 s.7)
21. Duration and renewal of registration (1984 c.35 s.8)
22. Inspection etc of registered particulars (1984 c.35 s.9)

Supervision

23. Enforcement notices (1984 c.35 s.10)
24. De-registration notices (1984 c.35 s.11)
25. Transfer prohibition notices (1984 c.35 s.12)

Appeals

26. Rights of appeal (1984 c.35 s.13)
27. Determination of appeals (1984 c.35 s.14)

Miscellaneous and supplementary

28. Unauthorised disclosure by a computer bureau (1984 c.35 s.15)
29. Powers of entry and inspection (1984 c.35 s.16)
30. Disclosure of information (1984 c.35 s.17(1))
31. Service of notices (1984 c.35 s.18)

PART V
GENERAL

32. Prosecutions and penalties (1984 c.35 s.19)
33. Liability of directors etc (1984 c.35 s.20)

34. General duties of Attorney General (1984 c.35 s.36)

35. Data held, and services provided, outside the Falkland Islands (1984 c.35 s.39)

Schedule 1

Schedule 2

Schedule 3

A Bill

for

An Ordinance

To regulate the use of automatically processed information relating to individuals and the provision of services in respect of such information and to confer rights upon individuals in relation to data concerning them which has been recorded in a form in which it can be automatically processed.

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

PART I PRELIMINARY

Short title, commencement and application (1984 c.35 s. 42 & 43)

1.(1) This Ordinance may be cited as the Data Protection Ordinance 1995 and subject to this section shall come into force on such date as the Governor, by notice published in the *Gazette* appoint, but different dates may be so appointed by one or more such notices in respect of different provisions of this Ordinance.

(2) No application for registration shall be made until such day as the Governor may by Order appoint, and sections 18 and 28 of this Ordinance shall not apply until the end of six months beginning with that day.

(3) Until the end of the period of two years beginning with the day appointed under subsection (2) of this section the Registrar shall not have power -

(a) to refuse an application made in accordance with section 19 except on the ground mentioned in section 20(2)(a); or

(b) to serve an enforcement notice imposing obligations to be complied with, a de-registration notice expiring, or a transfer prohibition notice imposing a prohibition taking effect, before the end of that period.

(4) Where the Attorney General proposes to direct the Registrar to serve any person with an enforcement notice before the end of the period mentioned in subsection (3) of this section he shall, in determining the time by which the requirements of the notice are to be complied with, have regard to the probable cost to that person of complying with those requirements.

(5) Section 11 of this Ordinance and paragraph 1(b) of Schedule 3 to this Ordinance do not apply until the end of the period mentioned in subsection (3) of this section.

(6) Section 12 does not apply to damage suffered before the end of the period mentioned in subsection (2) of this section and in deciding whether to refuse an application or serve a notice under Part IV of this Ordinance the Registrar and the Attorney General, or whichever of them is appropriate in the circumstances of the case, shall treat the provision about accuracy in the fifth data protection principle as inapplicable until the end of that period and as in applicable thereafter to data shown to have been held by the data user in question since before the end of that period.

(7) Sections 13 and 14(3) do not apply to damage suffered before the end of the period of two months beginning with the date of first publication of this Ordinance in the *Gazette*.

(8) Section 14(1) and 92) shall not apply before the end of the period mentioned in subsection (2) of this section.

(9) None of the subsequent provisions of this Ordinance shall apply in respect of any data, file, record or document of any nature in the Falkland Islands which was or is prepared, kept, recorded or maintained for on behalf of or for the purposes of Her Majesty's Government in the United Kingdom or in the Falkland Islands by Her Majesty's regular armed forces.

Interpretation (1984 c.35 ss.1, 26(2) & (3) & 41)

2.(1) For the purposes of this Ordinance -

"business" includes any trade or profession;

"data" means information recorded in a form in which it can be processed by equipment operating automatically in response to instructions given for that purpose;

"data equipment" means equipment for the automatic processing of data or for recording information so that it can be automatically processed;

"data material" means any document or other material used in connection with data equipment;

"data protection principles" has the meaning given by section 3(1);

"data subject" means an individual who is the subject of personal data;

"data user" means a person who holds data, and a person "holds" data if -

(a) the data form part of a collection of data processed or intended to be processed by or on behalf of that person as mentioned in the definition in this subsection of "data"; and

(b) that person (either alone or jointly or in common with other persons) controls the contents and use of the data comprised in the collection; and

(c) the data are in the form in which they have been or are intended to be processed as mentioned in paragraph (a) above or (although not for the time being in that form) in a form into which they have been converted after being so processed and with a view to being further so processed on a subsequent occasion;

"de-registration notice" has the meaning given in section 23;

"disclosing", in relation to data, includes disclosing information extracted from the data; and where the identification of the individual who is the subject of personal data depends partly on the information constituting the data and partly on other information in the possession of the data user, the data shall not be regarded as disclosed or transferred unless the other information is also disclosed or transferred;

"enforcement notice" has the meaning given in section 23;

"government department" includes the Royal Falkland Islands Police Force, the Falkland Islands Defence Force, the Falkland Islands Development Corporation and any other body or authority exercising functions on behalf of the Her Majesty in right of Her Government of the Falkland Islands but does not include any person, body or authority exercising functions on behalf of Her Majesty in right of Her Government of the United Kingdom;

"non-disclosure provisions" means section 18(2)(d) and 28 and any provision of Part IV conferring a power on the Attorney General or Registrar to the extent which it is exercisable by reference to any data protection principle inconsistent with the disclosure in question;

"personal data", subject to subsection (4), means a data consisting of information which relates to a living individual who can be identified from that information (or from that and other information in the possession of the data user), including any expression of opinion about the individual but not any indication of the intentions of the data user in respect of that individual;

"prescribed" means prescribed by regulations made under this Ordinance by the Governor;

"prescribed hours", in relation to the inspection of the register, means the hours 9 a.m. to 11.30 a.m. and 1.30 p.m. to 4.00 p.m. on Mondays to Fridays except public holidays;

"processing", in relation to data, means amending augmenting, deleting or re-arranging the data and, in the case of personal data, means performing any of those operations by reference to the data subject, except that any operation performed only for the purpose of preparing the text of documents shall not, for the purposes of this Ordinance, be construed as being processing in relation to data;

"the Registrar" means the Data Protection Register;

"subject access provisions" means section 11 and any provision of this Ordinance conferring a power on the Registrar to the extent which it is exercisable by reference to paragraph (a) of the seventh data protection principle;

"transfer prohibition notice" has the meaning given in section 25(1)'

(2) For the purposes of this Ordinance, a person belongs to the Falkland Islands if by virtue of the provisions of section 17(5) of the Constitution he belongs to the Falkland Islands for the purposes of Chapter 1 of the constitution.

(3) For the purposes of this Ordinance a person carries on a "computer bureau" if he provides other persons with services in respect of data, and a person provides such services if -

(a) as agent for other persons he causes data held by them to be processed as mentioned in the definition of "data" in subsection (1) of this section; or

(b) he allows other persons the use of the equipment in his possession for the processing as mentioned in that definition of data held by them.

(4) References in any provisions ("the first-mentioned provisions") in sections 11 to 14 or in Part IV of this Ordinance to personal data do not include data which by virtue of any provision of sections 4 to 9 of this Ordinance are exempt from the first-mentioned provision.

PART II

INTRODUCTORY PROVISIONS IN RELATION TO DATA PROTECTION

Data protection principles

The data protection principles (1984 c.35 s.2)

3.(1) Subject to subsection (3), references in this Ordinance to the data protection principles are to the principles set out in Part I of Schedule 1 to this Ordinance, and those principles shall be interpreted in accordance with Part II of that Schedule.

(2) The first seven principles apply to personal data held by data users and the eighth applies both to such data and to personal data in respect of which services are provided by persons carrying on computer bureaux.

(3) The Governor may by Order modify or supplement those principles for the purpose of providing additional safeguards in relation to personal data consisting of information as to -

(a) the racial origin of the data subject;

- (b) his political opinions or religious beliefs;
- (c) his physical or mental health or his sexual life; or
- (d) his criminal convictions;

and references in this Ordinance to the data protection principles include, except where the context otherwise requires, references to any modified or additional principles having effect by virtue of an Order under this subsection.

(4) An Order under subsection (3) may modify a principle either by modifying the principle itself or by modifying its interpretation; and where an order under that subsection modifies a principle or provides for an additional principle it may contain provisions for the interpretation of the modified or additional principle and may make different provision in relation to data consisting of information of different descriptions.

Exemptions from requirements

Data held for domestic or other limited purposes (1984 c.35 s.33)

4.(1) Personal data held by an individual and concerned only with the management of his personal, family or household affairs or held by him only for recreational purposes are exempt from the provisions of Part IV of this Ordinance (Licensing of Data Users and Computer Bureaux) and from the provisions of sections 11 to 14 and Part IV of this Ordinance.

(2) Subject to subsections (3) and (4) -

(a) personal data held by an unincorporated members' club and relating only to members of the club; and

(b) personal data held by a data user only for the purpose of distributing, or recording the distribution of, articles or information to data subjects and consisting only of their names, addresses or other particulars necessary for effecting the distribution are exempt from the provisions of sections 11 to 14 and Part IV of this Ordinance.

(3) Neither paragraph (a) nor paragraph (b) of subsection (2) applies to any personal data relating to any data subject unless he has been asked by the club or data user whether he objects to the data relating to him being held as mentioned in that paragraph and has not objected.

(4) It is a condition of the exemption of any data under paragraph (b) of subsection (2) that the data are not used for any purpose other than that for which they are held and of the exemption of any data under either paragraph of that subsection that the data are not disclosed except as permitted by subsection (5); but the first exemption shall not be lost by any use, and neither exemption shall be lost by any disclosure, in breach of that condition if the data user shows that he had taken such care to prevent it as in all the circumstances was reasonably required.

(5) Data to which subsection (4) applies may be disclosed -

(a) if the data subject (or a person acting on his behalf) has requested or consented to the disclosure of the data either generally or in the circumstances in which the disclosure in question is made;

(b) if the person making the disclosure has reasonable grounds for believing that the disclosure falls within paragraph (a) of this subsection; or

(c) in any case in which the disclosure would be permitted by any other provision of this Part if subsection (4) of this section were included among the non-disclosure provisions.

(6) Personal data held only for -

(a) preparing statistics; or

(b) carrying out research.

are exempt from the subject access provisions; but it shall be a condition of that exemption that the data are not used or disclosed for any other purpose and that the resulting statistics or the results of the research are not made available in a form that identifies the data subjects or any of them.

Crime and taxation (1984 c.35 s.28)

5.(1) Personal data held for any of the following purposes -

(a) the prevention or detection of crime;

(b) the apprehension or prosecution of offenders;

(c) the implementation of the law of the Falkland Islands in relation to immigration of person who do not belong to the Falkland Islands; or

(d) the assessment or collection of any tax or duty,

are exempt from the subject access provisions in any case where the application of those provisions to the data would be likely to prejudice any of the matters mentioned in this subsection.

(2) Personal data which -

(a) are held for the purpose of discharging statutory functions; and

(b) consist of information obtained for such a purpose from a person who had it in his possession for any of the purposes mentioned in subsection (1),

are exempt from the subject access provisions to the same extent as personal data held for any of the purposes mentioned in that subsection.

(3) Personal data are exempt from the non-disclosure provisions in any case in which -

(a) the disclosure is for any of the purposes mentioned in subsection (1) ;and

(b) the application of those provision in relation to the disclosure would be likely to prejudice any of the matters mentioned in that subsection,

and in proceedings against any person for contravening section 18(2)(d) or 28 it shall be a defence to prove that he had reasonable grounds for believing that failure to make the disclosure in question would have been likely to prejudice any of those matters.

(4) Personal data are exempt from the provisions of Part IV conferring powers on the Registrar, to the extent that they are exercisable by reference to the first data protection principle, in any case in which the application of those provisions to the data would be likely to prejudice any of the matters mentioned in subsection (1) of this section.

Public appointments and legal professional privilege (1984 c.35 s.31)

6.(1) Personal data held by or on behalf of the Crown are exempt from the subject access provisions if the data consist of information which has been received from a third party and is held as information relevant to the making of any appointment to any public office (including any judicial appointment).

(2) Personal data are exempt from the subject access provisions if the data consist of information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

Payrolls and accounts (1984 c.35 s.32)

7.(1) Subject to subsection (2), personal data held by a data user only for one or more of the following purposes -

(a) calculating amounts payable by way of remuneration or pensions in respect of service in any employment or office or making payments of, or sums deducted from, such remuneration or pensions; or

(b) keeping accounts relating to any business or other activity carried on by the data user or keeping records of purchases, sales or other transactions for the purpose of ensuring that the requisite payments are made by or to him in respect of those transactions or for the purpose of making financial or management forecasts to assist him in the conduct of any such business or activity,

are exempt from the provisions of Part IV of this Ordinance and of sections 11 to 14(3) -

(2) It is a condition of the exemption of any data under this section that the data are not used for any purpose other than the purpose or purposes for which they are held and are not disclosed except as permitted by subsections 9(3) and (4); but the exemption shall not be lost by any use or disclosure in breach of that condition if the data user shows that he had taken such care to prevent it as in all the circumstances was reasonable required.

(3) Data only held for one or more of the purposes mentioned in subsection (1)(a) above may be disclosed -

(a) to any person, other than the data user, by whom the remuneration or pensions in question are payable;

(b) for the purpose of obtaining actuarial advice;

(c) for the purpose of giving information as to the person in any employment or office for use in medical research into the health of, or injuries suffered by, person engaged in particular occupations or working in particular places or areas;

(d) if the data subject (or a person acting on his behalf) has requested or consented to the disclosure of the data either generally or in the circumstances in which the disclosure in question is made; or

(e) if the person making the disclosure has reasonable grounds for believing that the disclosure falls within paragraph (d) of this subsection.

(4) Data held for any of the purposes mentioned in subsection (1) may be disclosed -

(a) for the purpose of audit or where the disclosure is for the purpose only of giving information about the data user's financial affairs; or

(b) in any case where disclosure would be permitted by any other provision of this Part if subsection (2) of this section were included among the non-disclosure provisions.

(5) In this section "remuneration" includes remuneration in kind and pensions includes gratuities or similar benefits.

National security (1984 c.35 s.27)

8.(1) Personal data are exempt from the provisions of sections 11 to 14 and Part IV of this Ordinance if the exemption is required for the purpose of safeguarding national security.

(2) Any question whether the exemption mentioned in subsection (1) is or at any time required for the purpose there mentioned in respect of any personal data shall be determined by the Governor acting in his discretion; and a certificate signed by the Governor certifying that the exemption is or was at any time so required shall be conclusive evidence of that fact.

(3) Personal data which are not exempt under subsection (1) of this section are exempt from the non-disclosure provisions in any case in which the disclosure of the data is for the purpose of safeguarding national security.

(4) For the purpose of subsection (3) a certificate signed by the Governor certifying that the personal data are or have been disclosed for the purpose mentioned in that subsection shall be conclusive evidence of that fact.

(5) A document purporting to be such a certificate as is mentioned in this section shall be received in evidence and shall be deemed to be such a certificate unless the contrary is proved.

Other exemptions (1984 c.35 s.34)

9.(1) Personal data held by any person are exempt from the provisions of section 11 to 14 and Part IV of this Ordinance if the data consist of information which that person is required by or under any enactment to make available to the public, whether by publishing it, making it available for inspection or otherwise and whether gratuitously or on payment of a fee.

(2) The Governor may by order exempt from the subject access provisions personal data consisting of information the disclosure of which is prohibited or restricted by or under any enactment if he considers that the prohibition or restriction ought to prevail over those provisions in the interests of the data subject or of any other individual.

(3) Personal data are exempt from the subject access provisions if the data are kept only for the purpose of replacing other data in the event of the latter being lost, destroyed or impaired.

(4) Personal data are exempt from the non-disclosure provisions in any case in which the disclosure is -

(a) required by or under any enactment, by any rule of law or by order of a court; or

(b) made the purpose of obtaining legal advice or for the purpose of, or in the court of legal proceedings in which the person making the disclosure is a party or witness.

(5) Personal data are exempt from the non-disclosure provisions in any case in which -

(a) the disclosure is to the data subject or a person acting on his behalf; or

(b) the data subject or any such person has requested or consented to the particular disclosure in question; or

(c) the disclosure is by a data user or a person carrying on a computer bureau to his servant or agent for the purpose of enabling the servant or agent to perform his functions as such; or

(d) the person making the disclosure has reasonable grounds for believing that the disclosure falls within any of the foregoing paragraph of this subsection.

(6) Section 17(3)(d) does not apply to any disclosure falling within paragraph (a), (b) or (c) of subsection (5) of this section; and subsection (5) shall apply to the restriction on disclosure in section 4(6) as it applies to the non-disclosure provisions.

(7) Personal data are exempt from the non-disclosure provisions in any case in which the disclosure is urgently required for preventing injury or other damage to the health of any person or person; and in proceedings against any person for contravening a provision mentioned in paragraph (a) of the definition of section 2(10) of "non-disclosure provisions" it is a defence to prove that he had reasonable grounds for believing that the disclosure in question was urgently required for that purpose.

(8) A person need not comply with a notice, request or order under the subject access provisions if compliance would expose him to proceedings for any offence other than an offence under this Ordinance; and information disclosed by any person in compliance with such a notice, request or order shall not be admissible against him for an offence under this Ordinance.

Application to the Crown in right of the Falkland Islands (1984 c.35 s.38)

10.(1) Subject to this section, Her Majesty in right of Her Government of the Falkland Islands shall be subject to the same obligations and liabilities under this Ordinance as a private person; and for the purposes of this Ordinance each Government department shall be treated as a person separate from any other Government department and a person in the public service of the Crown shall be treated as a servant of the Government department to which his responsibilities or duties relate.

(2) A Government department shall not be liable to prosecution under this Ordinance but -

(a) sections 18(3) and 28(2) (and so far as relating to those provisions sections 18(5) and 28(3)) shall apply to any person who by virtue of this section falls to be treated as a servant of the Government department in question; and

(b) section 19(6) and paragraph 12 of Schedule 3 to this Ordinance shall apply to a person in the public service of the Crown as they apply to any other person.

**PART III
RIGHTS OF DATA SUBJECTS**

Rights of access to personal data (1984 c.35 s.21)

11.(1) Subject to the provisions of this section, an individual is entitled -

(a) to be informed by any data user whether the data held by him include personal data of which that individual is the data subject; and

(b) to be supplied by any data user with a copy of the information constituting any such personal data held by him,

and where any of the information referred to in paragraph (b) is expressed in terms which are not intelligible without explanation the information shall be accompanied by an explanation of those terms.

(2) A data user shall not be obliged to supply any information under subsection (1) except in response to a request in writing and on payment of such fee (not exceeding the prescribed maximum) as he may require; but a request for information under both paragraphs of that subsection shall be treated as a single request and a request for information under paragraph (a) shall, in the absence of any information to the contrary, be treated as extending also to information under paragraph (b).

(3) In the case of a data user having separate entries in the register in respect of data held for different purposes a separate request must be made and a separate fee paid under this section in respect of the data to which each entry relates.

(4) A data user shall not be obliged to comply with a request under this section -

(a) unless he is supplied with such information as he may reasonably require in order to satisfy himself to the identify of the person making the request and to locate the information he seeks; and

(b) if he cannot comply with the request without disclosing information relating to another individual who can be identified from that information, unless he is satisfied that the other individual has consented to the disclosure of the information to the person making the request.

(5) In paragraph (b) of subsection (4) the reference to information relating to another individual includes a reference to information identifying that individual as the source of the information sought by the request; and that paragraph shall not be construed as excusing a data user from supplying so much of the information sought by the request as can be supplied without disclosing the identity of the other individual concerned, whether by the omission of names of other identifying particulars or otherwise.

(6) A data user shall comply with a request under this section within forty days of receiving the request or, if later, receiving the information referred to in paragraph (a) of subsection (4) and, in a case where it is required, the consent referred to in paragraph (b) of that subsection.

(7) The information to be supplied pursuant to a request under this section shall be supplied by reference to the data in question at the time when the request is received except that it may take account of any amendment or deletion made between that time and the time when the information is supplied, being an amendment or deletion that would have been made regardless of the receipt of the request.

(8) If the Magistrate's Court is satisfied on the application of any person who has made a request under the foregoing provisions of this section that the data user in question has failed to comply with the request in contravention of those provisions, the court may order him to comply with the request; but the Magistrate's Court shall not make an order under this section if it considers that it would in all the circumstances be unreasonable to do so, whether because of the frequency with which the applicant has made requests to the data user under those provisions or for any other reason.

(9) The Magistrate's Court may, on such terms and subject to such conditions as it sees fit, permit such person as it sees fit to make an application on behalf of an individual who appears to the Magistrate's Court to be incapable by reason of mental disorder of managing his own affairs.

(10) For the purpose of determining any question whether an applicant under subsection (8) is entitled to information which he seeks (including any question whether any relevant data are exempt from that section by virtue of any provision of this Ordinance) the Magistrate's Court may require the information constituting any data held by the data user to be made available for its own inspection but shall not, pending the determination of that question in the applicant's favour, require the information sought by the applicant to be disclosed to him or his representatives by discover or otherwise.

(11) Except as provided in the subject access provisions shall apply notwithstanding any enactment or rule of law prohibiting or restricting the disclosure, or authorising the withholding, or information.

Compensation for inaccuracy (1984 c.35 s.22)

12.(1) An individual who is the subject of personal data held by a data user and who suffers damage by reason of the inaccuracy of the data is entitled to compensation from the data user for that damage and for any distress which the individual has suffered by reason of its inaccuracy.

(2) In the case of data which accurately record information received or obtained by the data user from the data subject or a third part, subsection (1) does not apply if the following requirements have been complied with -

(a) the data indicate that the information was obtained or received as aforesaid or the information has not been extracted from the data except in a form which includes an indication to that effect; and

(b) if the data subject has notified the data user that he regards the information as incorrect or misleading, an indication to that effect has been included in the data or the information has not been extracted from the data except in a form which includes an indication to that effect.

(3) In proceedings brought against any person by virtue of this section it shall be a defence to prove that he had taken such care as in all the circumstances was reasonably required to ensure the accuracy of the data at the material time.

Compensation for loss or unauthorised disclosure (1984 c.35 s.23)

13.(1) An individual who is the subject of personal data held by a data user or in respect of which services are provided by a person carrying on a computer bureau and who suffers damage by reason of -

(a) the loss of the data;

(b) the destruction of the data without the authority of the data user or, as the case may be, of the person carrying on the bureau; or

(c) subject to subsection (2), the disclosure of the data, or access having been obtained to the data, without such authority,

is entitled to compensation from the data user, or as the case may be, the person carrying on the bureau, for that damage and for any distress which the individual has suffered by reason of the loss, destruction, disclosure or access.

(2) In the case of a registered data user, subsection (1)(c) of this section does not apply to disclosure to, or access by, any person falling within a description specified pursuant to section 17(3)(d) in an entry in the register relating to that data user.

(3) In proceedings brought against any person by virtue of this section it is a defence to prove that he had taken such care as in all the circumstances was reasonably required to prevent the loss, destruction, disclosure or access in question.

Rectification and erasure (1984 c.35 s.24)

14.(1) If the Magistrate's Court is satisfied on the application of a data subject that personal data held by a data user of which the applicant is the subject are inaccurate within the meaning of section 12, the court may order the rectification or erasure of the data and of any data held by the data user and containing an expression of opinion which appears to the court to be based on the inaccurate data.

(2) Subsection (1) applies whether or not the data accurately record information received or obtained by the data user from the data subject or a third party but where the data accurately record such information, then -

(a) if the requirements mentioned in section 12(2) above have been complied with, the court may, instead of making an order under subsection (1) of this section, make an order requiring the data to be supplemented by such statement of the true facts relating to the matter dealt with by the data as the court may approve; and

(b) if all or any of those requirements have not been complied with, the court may, instead of making an order under that subsection, make such order as it thinks fit for securing compliance with those requirements with or without a further order requiring the data to be supplemented by such a statement as is mentioned in paragraph (a) of this subsection.

(3) If the Magistrate's Court is satisfied on the application of a data subject -

(a) that he has suffered damage by reason of the disclosure of personal data, or of access having been obtained to personal data, in circumstances entitling him to compensation under section 13; and

(b) that there is a substantial risk of further disclosure of or access to the data without such authority as is mentioned in that section,

the court may order the erasure of the data; but, in the case of data in respect of which services were being provided by a person carrying on a computer bureau, the court shall not make such an order unless such steps as are reasonably practicable have been taken for notifying the person for whom those services were provided and giving him an opportunity to be heard.

(4) For the purpose of determining whether an applicant under section 11(8) is entitled to the information he seeks (including any question whether any relevant data are exempt from that section by virtue of sections 4 to 9 of this Ordinance) the Magistrate's Court may require the information constituting any information held by the data user to be made available for its own inspection but shall not, pending the determination of that question in the applicant's favour, require the information sought by the applicant to be disclosed to him or his representatives whether by discovery or otherwise.

Examination marks (1984 c.35 s.35)

15.(1) Section 11 shall have effect subject to the provisions of this section in the case of personal data consisting of marks or other information held by a data user -

(a) for the purpose of determining the results of any academic, professional or other examination or of enabling the results of any such examination to be determined;

(b) in consequence of the determination of any such results.

(2) Where the period mentioned in subsection (6) of section 11 begins before the results of the examination are announced that period shall be extended until -

(a) the end of five months from the beginning of that period;

(b) the end of forty days after the commencement,

whichever is the earlier.

(3) Where by virtue of subsection (2) a request is complied with more than forty days after the beginning of the period mentioned in subsection (6) of section 11, the information to be supplied pursuant to the request shall be supplied both by reference to the data in question at the time when the request is received and (if different) by reference to the data as from time to time held in the period beginning when the request is received and ending when it is complied with.

(4) For the purposes of this section the results of an examination shall be treated as announced when they are first published or (if not published) when they are first made available or communicated to the candidate in question.

(5) In this section "examination" includes any process for determining the knowledge, intelligence, skill or ability of a candidate by reference to his performance in any test, work or other activity.

PART IV
REGISTRATION AND SUPERVISION OF DATA USERS AND COMPUTER
BUREAUX
Registration

Register

16.(1) For the purposes of this Ordinance there shall be an officer known as the Data Protection Register (in this Ordinance referred to as "the Registrar"), who, subject to this section, shall be appointed by the Governor by instrument under his hand and who shall be a public officer.

(2) Unless any other person for the time being holds office as the Registrar by virtue of appointment under subsection (1), the Registrar General shall be the Registrar.

(3) The Registrar shall have such functions as are conferred upon the Registrar by this Ordinance.

Registration of data users and computer bureaux (1984 c.35 s.4)

17.(1) The Registrar shall maintain a registrar of data users who hold, and of persons carrying on computer bureaux who provide services in respect of, personal data and shall make an entry in the register in respect of each application for registration accepted by the Registrar under this Part.

(2) Each entry shall state whether it is in respect of a data user, of a person carrying on a computer bureau or of a data user who also carries on such a bureau.

(3) Subject to the provisions of this section, an entry in respect of a data user shall consist of the following particulars -

(a) the name and address of the data user;

(b) a description of the personal data held by him and of the purpose or purposes of which the data are to held or used;

(c) a description of the source or sources from which he intends or may wish to obtain the data or the information to be contained in the data;

(d) a description of any person or persons to whom he intends or may wish to disclose the data;

(e) the names or descriptions of any countries or territories outside the Falkland Islands to which he intends or may wish directly or indirectly to transfer the data; and

(f) one or more addresses for the receipt of requests from data subjects for access to the data.

(4) Subject to the provisions of this section, an entry in respect of a person carrying on a computer bureau shall consist of that persons's name and address.

(5) Subject to this section, an entry in respect of a data user who also carries on a computer bureau shall consist of his name and address and, as respects the personal data to be held by him, the particulars specified in subsection (3)(b) to (f).

(6) In the case of a registered company, the address referred to in subsections (3)(a), (4) and (5) is that of its registered office.

(7) In the case of a person (other than a registered company) carrying on a business the address referred to in subsections (3)(a), (4) and (5) is that of his principal place of business.

(8) The Governor may by order vary the particulars to be included in entries made in the register.

Prohibition of unregistered holding etc of personal data (1984 c.35 s.5)

18.(1) A person shall not hold personal data unless an entry in respect of that person as a data user, or as a data user who also carries on a computer bureau, is for the time being contained in the register.

(2) A person in respect of whom such an entry is contained in the register shall not -

(a) hold personal data of any description other than that specified in the entry;

(b) hold any such data, or use any data held by him, for any purpose other than the purpose or purposes described in the entry;

(c) obtain such data, or information to be contained in such data, to be held by him from any source which is not described in the entry;

(d) disclose such data held by him to any person who is not described in the entry;
or

(e) directly or indirectly transfer such data held by him to any country or territory outside the Falkland Islands other than one named or described in the entry.

(3) A servant or agent of a person to whom subsection (2) applies shall, as respects personal data held by that person, be subject to the same restrictions on the use, disclosure or transfer of the data as those to which that person is subject under paragraphs (b), (d) and (e) of that subsection and, as respects personal data to be held by that person, to the same restrictions as those to which he is subject under paragraph (c) of that subsection.

(4) A person shall not, in carrying on a computer bureau, provide services in respect of personal data unless an entry in respect of that person as a person carrying on such a bureau, or as a data user who also carries on such a bureau, is for the time being contained in the register.

(5) Any person commits an offence who contravenes subsection (1) of this section or knowingly or recklessly contravenes any of the other provisions of this section.

Applications for registration and for amendment of registered particulars (1984 c.35 s.6)

19.(1) A person applying for registration shall state whether he wishes to be registered as a data user, as a person carrying on a computer bureau or as a data user who also carries on such a bureau, and shall furnish the Registrar, in such form as he shall require, with the particulars required to be included in the entry to be made in pursuance of the application.

(2) Where a person intends to hold personal data for two or more purposes he may make separate applications for registration in respect of any of those purposes.

(3) A registered person may at any time apply to the Registrar for the alteration of any particulars included in the entry or entries relating to that person.

(4) Where the alteration would consist of the addition of a purpose for which personal data are to be held, the person may, instead of making an application under subsection (3), make a fresh application in respect of the additional purpose.

(5) A registered person shall make an application under subsection (3) whenever necessary for ensuring that the entry or entries relating to that person contain his current address; and any person who fails to comply with this subsection commits an offence.

(6) Any person who commits an offence who, in connection with an application for registration or for the alteration of registered particulars, knowingly or recklessly furnishes the Registrar with information which is false or misleading in a material respect.

(7) Every application for registration shall be accompanied by the prescribed fee, and every application for the alteration of registered particulars shall be accompanied by such fee, if any, as may be prescribed.

(8) Any application for registration or for the alteration of registered particulars may be withdrawn by notice in writing to the Registrar at any time before the applicant receives a notification in respect of the application under section 20(1).

Acceptance and refusal of applications (1984 c.35 s.7)

20.(1) Subject to the provisions of this section, the Registrar shall as soon as practicable and in any case within the period of six months after receiving an application for registration or for the alteration of registered particulars notify the applicant in writing whether his application has been accepted or refused; and where the Registrar notifies an applicant that his application has been accepted the notification shall contain a statement of -

(a) the particulars entered in the register, or the alteration made, in pursuance of the application;

(b) the date on which the particulars were entered or the alteration was made.

(2) The Registrar shall not refuse an application made in accordance with section 19 unless -

(a) the Registrar considers that the particulars proposed for registration or, as the case may be, the particulars that would result from the proposed alteration, will not give sufficient information as to the matters to which they relate; or

(b) the Registrar is satisfied that the applicant is likely to contravene any of the data protection principles; or

(c) the Registrar considers that the information available to the Registrar is insufficient to satisfy the Registrar that the application is unlikely to contravene any of those principles.

(3) Subsection (2)(a) shall not be construed as precluding the acceptance by the Registrar of particulars expressed in general terms in cases where that is appropriate, and the Registrar shall accept particulars expressed in such terms in any case in which the Registrar is satisfied that more specific particulars would be likely to prejudice the purpose or purposes for which the data are to be held.

(4) Where the Registrar refuses an application under this section the Registrar shall give reasons for such refusal and inform the applicant of the rights of appeal conferred by section.

(5) If in any case it appears to the Registrar that an application needs more consideration than can be given to it in the period mentioned in subsection (1), the Registrar shall as soon as practicable and in any case before the end of that period notify the applicant in writing to that effect; and in that event no notification need be given under that subsection until after the end of that period.

(6) Subject to subsection (8), a person who has made an application in accordance with section 19 shall -

(a) until he receives a notification in respect of it under subsection (1) of this section or the application is withdrawn; and

(b) if he receives a notification under that subsection of the refusal of his application, until the end of the period within which an appeal can be brought against the refusal and, if an appeal is brought, until the determination or withdrawal of the appeal,

be treated for the purposes of section 18 as if his application has been accepted and the particulars contained in it had been entered in the register or, as the case may be, the alteration requested in the application had been made on the date on which the application was made.

(7) If by reason of special circumstances the Registrar considers that a refusal notified by the Registrar to an applicant under subsection (1) of this section should take effect as a matter of urgency he may include a statement to that effect in the notification of the refusal; and in that event subsection (6)(b) of this section shall have effect as if for the words from "the period" onwards there were substituted the words "the period of seven days beginning with the date on which the application is received".

(8) Subsection (6) of this section shall not apply to an application made by any person if in the previous two years. -

(a) an application by the person has been refused under this section; or

(b) all or any of the particulars constituting an entry contained in the register in respect of that person have been removed in pursuance of a de-registration notice,

but in the case of any such application subsection (1) of this section shall apply as if for the reference to six months there were substituted a reference to two months and, where the registrar gives a notification under subsection (5) of this section in respect of any such application, subsection (6) of this section shall apply to it as if for the reference to the date on which the application was made there were substituted a reference to the date on which the notification is received.

(9) For the purposes of subsection (6) of this section an application shall be treated as made or withdrawn -

(a) if the application or notice of withdrawal is sent by registered post, on the date on which it is received for dispatch by the Post Office;

(b) in any other case, on the date on which it is received by the Registrar;

and for the purposes of subsection (8)(a) of this section an application shall not be treated as having been refused so long as an appeal against the refusal can be brought, while such an appeal is pending or if such an appeal has been allowed.

Duration and renewal of registration (1984 c.35 s.8)

21.(1) No entry shall be retained in the registrar after the expiration of the initial period of registration except in pursuance of a renewal application made to the Registrar in accordance with this section.

(2) Subject to subsection (3) of this section, the initial period of registration and the period for which an entry is to be retained in pursuance of a renewal application ("the renewal period") shall be a period of five years beginning with the date on which the entry in question was made or, as the case may be, the date on which the entry would fall to be removed if the renewal application had not been made.

(3) The person making the application for registration or a renewal application may in his application specify as the initial period of registration or, as the case may be, as the renewal period, a period shorter than five years, being a period consisting of one or more complete years.

(4) Where the Registrar notifies an applicant for registration that his application has been accepted the notification shall include a statement of the date on which the initial period of registration will expire.

(5) Every renewal application shall be accompanied by the prescribed fee, and no such application shall be made except in the period of six months ending with -

(a) the initial period of registration; or

(b) if there have been one or more previous renewal applications, the current renewal period.

(6) A renewal application may be sent by post, and the Registrar shall acknowledge its receipt and notify the applicant in writing of the date until which the entry in question will be retained in the registrar in pursuance of the application.

(7) Without prejudice to the foregoing provisions of this section, the Registrar may at any time remove an entry from the register at the request of the person to whom the entry relates.

Inspection etc of registered particulars (1984 c.35 s.9)

22.(1) The Registrar shall make the information contained in the register available for inspection in visible and legible form by members of the public during the prescribed hours.

(2) The Registrar shall, on payment of such fee, if any, as may be prescribed, supply any member of the public with a duly certified copy in writing of the particulars contained in the entry made in the register in pursuance of any application for registration.

Supervision

Enforcement notices (1984 c.35 s.10)

23.(1) If the Registrar believes that a registered person has contravened or is contravening any of the data protection principles he shall report matter to the Attorney General who may serve the registered person with a notice ("an enforcement notice") requiring the registered person to take, within such time as is specified in the notice, such steps as are so specified for complying with the principle or principles in question.

(2) In deciding whether to serve an enforcement notice the Attorney General shall consider whether the contravention has caused or is likely to cause any person damage or distress.

(3) An enforcement notice in respect of a contravention of the fifth data protection principle may require the data user -

(a) to rectify or erase the data and any other data held by him and containing an expression of opinion which appears to the Attorney General to be based on inaccurate data; or

(b) in the case of such data as are mentioned in section 12(2), either to take the steps mentioned in paragraph (a) of this subsection or to take such steps as are specified in the notice for securing compliance with the requirements specified in section 12(2) and, if the Attorney General thinks fit, for supplementing the data with such statement of the true facts relating to the matters dealt with by the data as the Attorney General may approve.

(4) The Attorney General shall not serve an enforcement notice requiring the person served with the notice to take steps for complying with paragraph (a) of the seventh data principle in respect of any data subject unless satisfied that the person has contravened section 11 by failing to supply information to which the data subject is entitled and which has been duly requested in accordance with that section.

(5) An enforcement notice shall contain -

(a) a statement of the principle or principles which the Attorney General is satisfied have been or are being contravened and his reasons for reaching that conclusion; and

(b) particulars of the rights of appeal conferred by section 26.

(6) Subject to subsection (7) of this section, the time specified in an enforcement notice for taking the steps which it requires shall not expire before the end of the period within which an appeal can be brought against the notice and, if such an appeal is brought, those steps need not be taken pending the determination or withdrawal of the appeal.

(7) If by reason of special circumstances the Attorney General considers that the steps required by an enforcement notice should be taken as a matter of urgency he may include a statement to that effect in the notice; and in that event subsection (6) shall not apply but the notice shall not require the steps to be taken before the end of the period of seven days beginning with the date on which the notice is served.

(8) The Attorney General may direct the Registrar to cancel an enforcement notice by written notification to the person on whom it was served.

(9) A person who fails to comply with an enforcement notice commits an offence; but it is a defence for a person charged with an offence under this subsection to prove that he exercised all due diligence to comply with the notice in question.

De-registration notices (1984 c.35 s.11)

24.(1) If the Attorney General is satisfied that a registered person has contravened or is contravening any of the data protection principles he may -

(a) direct the Registrar to serve him with a notice ("a de-registration notice") stating that the Registrar proposes, at the expiration of such period as is specified in the notice, to remove from the register all or any of the particulars constituting the entry or any of the entries contained in the register in respect of that person; and

(b) subject to the provisions of this section, direct the Registrar to remove those particulars from the register at the expiration of that period.

(2) In deciding whether to direct the Registrar to serve a de-registration notice the Attorney General shall consider whether the contravention has caused or is likely to cause any person damage or distress, and the Attorney General shall not give such a direction unless he is satisfied that the compliance with the principle or principles in question cannot be adequately secured by the service of an enforcement notice.

(3) A de-registration notice shall contain -

(a) a statement of the principle or principles which the Attorney General is satisfied have been or are being contravened and his reasons for reaching that conclusion and deciding that compliance cannot be adequately secured by the service of an enforcement notice; and

(b) particulars of the right of appeal conferred by section 26.

(4) Subject to subsection (5), the period specified in a de-registration notice pursuant to subsection (1)(a) of this section shall not expire before the end of the period within which an appeal can be brought against the notice and, if such an appeal is brought, the particulars shall not be removed pending the determination or withdrawal of the appeal.

(5) If by reason of special circumstances the Attorney General considers that any particulars should be removed from the register as a matter of urgency he may direct the Registrar to include a statement to that effect in the de-registration notice; and in that even subsection (4) of this section shall not apply but the particulars shall not be removed before the end of the period of seven days beginning with the date on which the notice is served.

(6) The Attorney General may direct the Registrar to cancel a de-registration notice by written notification to the person on whom it was served.

(7) References in this section to removing any particulars include references to restricting any description which forms part of any particulars.

Transfer prohibition notices (1984 c.35 s.12)

25.(1) If it appears to the Attorney General that -

(a) a person registered as a data user or as a data user who also carries on a computer bureau; or

(b) a person treated as so registered by virtue of section 20(6) of this Ordinance,

proposes to transfer personal data held by him to a place outside the Falkland Islands, the Attorney General may, if satisfied as to the matters mentioned in subsection (2) or (3) below, direct the Registrar to serve that person with a notice ("a transfer prohibition notice") prohibiting him from transferring the data either absolutely or until he has taken such steps as are specified in then notice for protecting the interests of the data subjects in question.

(2) The Attorney General may not give a direction of the kind mentioned in subsection (1) unless he is satisfied that the transfer is likely to contravene, or lead to a contravention of, any of the data protection principles.

(3) In deciding whether to give a direction under subsection (1) the Attorney General shall consider whether the notice is required for preventing damage or distress to any person and shall have regard to the general desirability of facilitating the free transfer of data between the Falkland Islands and overseas countries and territories.

(4) A transfer prohibition notice shall specify the time when it is to take effect and contain -

(a) a statement of the principle or principles which the Attorney General is satisfied are likely to be contravened and his reason for reaching that conclusion; and

(b) particulars of the rights of appeal conferred by section 26.

(5) Subject to subsection (6) of this section, the time specified in a transfer prohibition notice pursuant to subsection (4) shall not be before the end of the period within which an appeal can be brought against the notice and, if such an appeal is brought, the notice shall not take effect pending the determination or withdrawal of the appeal.

(6) If by reason so special circumstances the Attorney General considers that the prohibition should take effect as matter of urgency he may direct the Registrar to include a statement to that effect in the transfer prohibition notice; and in that event subsection (5) of this section shall not apply but the notice shall not take effect before the end of the period of seven day beginning with the date on which the notice is served.

(7) The Attorney General may direct the Registrar to cancel a transfer prohibition notice by written notification to the person on whom it was served.

(8) No transfer prohibition notice shall prohibit the transfer of data where the transfer of the information constituting the data is required or authorised by or under any enactment or is required by any convention or other instrument imposing an international obligation on the Falkland Islands.

(9) A person who contravenes a transfer prohibition notice commits an offence; but it shall be a defence for a person charged with an offence under this subsection to prove that he exercised all due diligence to avoid a contravention of the notice in question.

Appeals

Rights of appeal (1984 c.35 s.13)

26.(1) A person may appeal to the Supreme Court against -

(a) any refusal by the Registrar of an application by that person for registration or for the alteration of registered particulars;

(b) any enforcement notice, de-registration notice or transfer prohibition notice with which that person has been served.

(2) Where a notification that an application has been refused contains a statement by the Registrar in accordance with section 20(7) above, then, whether or not the applicant appeals under subsection (1)(a) above, he may appeal against the Registrar's decision to include that statement in the notification.

(3) Where any such notice as is mentioned in subsection (1)(b) contains a statement by the Registrar at the direction of the Attorney General in accordance with section 23(7), 24(5) or 25(6) of this Ordinance, then, whether or not the person served with the notice appeals under that paragraph, he may appeal against the Attorney General's decision to direct the Registrar to include that statement in the notice or against the effect of the inclusion of the statement as respects any part of the notice.

(3) Schedule 2 to this Ordinance shall have effect in relation to appeals under this section and to the proceedings of the Supreme Court in respect of any such appeal.

Determination of appeals (1984 c.35 s.14)

27.(1) If on an appeal the Supreme Court considers -

(a) that the refusal or notice against which the appeal is brought is not in accordance with the law;

(b) to the extent that the refusal or notice involved an exercise of discretion by the Registrar or by the Attorney General, that he ought to have exercised his discretion differently,

the Supreme Court shall allow the appeal or substitute such other decision or notice and could have been made or served by the Registrar or, as the case may be, the Attorney General; and in any other case the Supreme Court shall dismiss the appeal.

(2) The Supreme Court may review any determination of fact on which the refusal or notice in question was based.

(3) On an appeal under section 26(2) the Supreme Court may direct that the notice in question shall have effect as if it did not contain any such statement as is mentioned in that subsection.

(4) On an appeal under section 26(3) the Supreme Court may direct that the notice in question shall have effect as if it did not contain any such statement as is mentioned in that subsection or that the inclusion of the statement shall not have effect in relation to any part of the notice and may make such modifications in the notice as may be required for giving effect to the direction.

(5) Any party to an appeal to the Supreme Court may appeal from the decision of the Supreme Court on a point of law to the Court of Appeal.

Miscellaneous and supplementary

Unauthorised disclosure by a computer bureau (1984 c.35 s.15)

28.(1) Personal data in respect of which services are provided by a person carrying on a computer bureau shall not be disclosed by him without the prior authority of the person for whom those services are provided.

(2) Subsection (1) applies also to any servant or agent of a person carrying on a computer business.

(3) A person commits an offence who knowingly or recklessly contravenes this section.

Powers of entry and inspection (1984 c.35 s.16)

29.(1) Schedule 3 to this Ordinance shall have effect for the detection of offences under this Ordinance and contravention of the data protection principles.

Disclosure of information (1984 c.35 s.17(1))

30.(1) Subject to subsection (2), no enactment or rule of law prohibiting or restricting the disclosure of information shall preclude a person from furnishing the Registrar, the Attorney General or the Supreme Court with any information necessary for the discharge of their functions under this Ordinance.

(2) Nothing in subsection (1) authorises any person to disclose any information in breach of legal professional privilege.

Service of notices (1984 c.35 s.18)

31.(1) Any notices or notification authorised or required by this Ordinance to be served or given to any person by the Registrar -

(a) if that person is an individual, be served on him -

(i) by delivering it to him;

(ii) by sending it to him by post addressed to him at his usual or last-known place of address or business; or

(iii) by leaving it for him at that place;

(b) if that person is a body corporate or unincorporated, be served on that body -

(i) by sending it by post to the proper officer of the body at its principal office;

(ii) by addressing it to the proper officer of the body and leaving it at that office.

(2) In subsection (1) of this section "principal office", in relation to a registered company means its registered office and "proper officer", in relation to any body, means the secretary or other executive officer charged with the conduct of its general affairs.

(3) This section has effect without prejudice to any other lawful method of serving or giving a notice or notification.

**PART V
GENERAL**

Prosecutions and penalties (1984 c.35 s.19)

32.(1) Prosecutions for an offence under this Ordinance may only be instituted by or with the consent of the Attorney General.

(2) A person convicted of an offence under this Ordinance is liable to a fine -

(a) in the case of an offence under section 19 or paragraph 12 of Schedule 3 not exceeding the maximum of level 5 on the standard scale;

(b) in the case of any offence other than one to which paragraph (a) relates, not exceeding the maximum of level 10 on the standard scale.

(3) Subject to subsection (4) of this section, the court by which a person is convicted of an offence under section 18, 23, 25 or 28 may order any data material appearing to the court to be connected with the commission of the offence to be forfeited, destroyed or erased.

(4) The court shall not make an order under subsection (3) in relation to any material where a person (other than the offender) claiming to be the owner or otherwise interested in it applies to be heard by the court unless an opportunity is given to him to show cause why the order should not be made.

Liability of directors etc (1984 c.35 s.20)

33.(1) Where an offence under this Ordinance has been committed by a body corporate and is proved to have been committed with the consent or connivance or to be attributable to any neglect on the part of any director, manager, secretary or similar officer of the body corporate or any person who was purporting to act in any such capacity, he as well as the body corporate has committed that offence and may be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members subsection (1) above shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

General duties of Attorney General (1984 c.35 s.36)

34.(1) It is the duty of the Attorney General and the Registrar so to perform their duties under this Ordinance as to promote the observance of data protection principles by data users and persons carrying on computer bureaux.

(2) The Attorney General may consider any complaint that any of the data protection principles of any provision of this Ordinance has been or is being contravened and shall do so if the complaint appears to him to raise a matter of substance and to have been made without undue delay by a person directly affected; and where the Attorney General considers any such complaint he shall notify the complainant of the result of his consideration and of any action he proposes to take.

(3) The Attorney General may arrange for the dissemination in such manner as he considers appropriate of such information as it may appear him expedient to give to the public about the operation of this Ordinance and other matters within the scope of his functions under this Ordinance and may give advice to any person as to any of those matters.

Data held, and services provided, outside the Falkland Islands (1984 c.35 s.39)

35.(1) Subject to the following provisions of this section, this Ordinance does not apply to a data user in respect of data held, or to a person carrying on a computer bureau in respect of services provided, outside the Falkland Islands.

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

(a) data shall be treated as held where the data user exercises in relation to the data the control referred to in paragraph (b) of the definition in section 2(1) of "data user";

(b) services shall be treated as provided where the person carrying on the computer bureau does any of the things mentioned in paragraph (a) or (b) of section 2(3).

(3) Where a person who is not resident in the Falkland Islands -

(a) exercises the control mentioned in paragraph (a) of subsection (2) of this section; or

(b) does any of the things mentioned in paragraph (b) of that subsection,

through a servant or agent in the Falkland Islands, this Ordinance shall apply as if that control were exercised or, as the case may be, those things were done in the Falkland Islands by the servant or agent acting on his own account and not on behalf of the person whose servant or agent he is.

(4) Where by virtue of subsection (3) of this section a servant or agent is treated as a data user or as a person carrying on a computer bureau he may be described for the purposes of registration by the position or office which he holds; and any such description in an entry on the register shall be treated as applying to the person for the time being holding the position or office in question.

(5) This Ordinance does not apply to data processed wholly outside the Falkland Islands unless the data are used or intended to be used in the Falkland Islands.

(6) Sections 17(3)(e), 18(2)(e) and 25(1) do not apply to the transfer of data which are already outside the Falkland Islands; but references in section 25 to a contravention of the data protection principles include references to anything that would constitute such contravention if it occurred in relation to that data when held in the Falkland Islands.

SCHEDULE 1

THE DATA PROTECTION PRINCIPLES

PART I

THE PRINCIPLES

Personal data held by data users

1. The information to be contained in personal data shall be obtained, and personal data shall be processed, fairly and lawfully.
2. Personal data shall be held only for one or more specified and lawful purposes.
3. Personal data held for any purpose or purposes shall not be used or disclosed in any manner incompatible with that purpose or those purposes.
4. Personal data held for any purpose or purposes shall be adequate, relevant and not excessive in relation to that purpose or those purposes.

5. Personal data shall be accurate and, where necessary, kept up to date.
6. Personal data held for any purpose or purposes shall not be kept for longer than is necessary for that purpose or for those purposes.
7. An individual shall be entitled -
 - (a) at reasonable intervals and without undue delay or expense -
 - (i) to be informed by any data user whether he holds personal data of which that individual is the subject; and
 - (ii) to access to any such data held by a data user; and
 - (iii) where appropriate, to have such data corrected or erased.

Personal data held by data users or in respect of which services are provided by persons carrying on computer bureaux

8. Appropriate security measures shall be taken against unauthorised access to, or alteration disclosure or destruction of, personal data and against accidental loss or destruction of personal data.

PART II INTERPRETATION

The first principle

1.(1) Subject to sub-paragraph (2), in determining whether information was obtained fairly, regard shall be had to the method by which it was obtained, including in particular whether any person from whom it was obtained was deceived or misled as to the purpose of purposes for which it is to be held, used or disclosed.

(2) Information shall in any event be treated as obtained fairly if it is obtained from a person who -

- (a) is authorised by or under any enactment to supply it; or
- (b) is required to supply it by or under any enactment or by any convention or other instrument imposing an international obligation on the Falkland Islands;

and in determining whether information was obtained fairly there shall be disregarded any disclosure of the information which is authorised or required by or under any enactment or required by any such convention or instrument as aforesaid.

The second principle

2. Personal data shall not be treated as held for a specified purpose unless that purpose is described in particulars registered under this Ordinance in relation to the data.

The third principle

3. Personal data shall not be treated as used or disclosed in contravention of this principle unless -

- (a) used otherwise than for a purpose of a description registered under this Ordinance in relation to the data; or
- (b) disclosed otherwise than to a person of a description so registered.

The fifth principle

4. Any question whether or not personal data are accurate shall be determined as for the purposes of section 12 of this Ordinance but, in the case of such data as are mentioned in subsection (2) of that section, this principle shall not be regarded as having been contravened by reason of any inaccuracy in the information there mentioned if the requirements mentioned in that section have been complied with.

The seventh principle

5.(1) Paragraph (a) of this principle shall not be construed as conferring any right inconsistent with section 11 of this Ordinance.

(2) In determining whether access to personal data is sought at reasonable intervals regard shall be had to the nature of the data, the purpose for which the data are held and the frequency with which the data are altered.

(3) The correction or erasure of personal data is appropriate only where necessary for ensuring compliance with the other data protection principles.

The eighth principle

6. Regard shall be had -

- (a) to the nature of the personal data and the harm which would result from such access, alteration, disclosure, loss or destruction as are mentioned in this principle; and
- (b) to the place where the personal data are stored, to security measures programmed into the relevant equipment and to measures taken for ensuring the reliability of staff having access to the data.

7. Where Personal data are held for historical, statistical or research purposes and not used in such a way that damage or distress is, or is likely to be, caused to any data subject -

- (a) the information contained in the data shall not be regarded for the purposes of the first principle as obtained unfairly by reason only that its use for any such purpose was not disclosed when it was obtained; and
- (b) the data may, notwithstanding the sixth principle, be kept indefinitely.

SCHEDULE 2

APPEAL PROCEEDINGS

Hearing of appeals

1. For the purpose of hearing and determining appeals or any matter preliminary or incidental to an appeal the Supreme Court shall sit at such times and at such places within the Falkland Islands as the Chief Justice may direct.

2.(1) The Governor may make rules for regulating the exercise of the rights of appeal conferred by section 26 of this Ordinance and the practice and procedure of the Supreme Court in and in connection with appeals under that section, but until and unless such rules are made, and thereafter to the extent that the same is not inconsistent with such rules and the following provisions of this Schedule, the practice and procedure of the Supreme Court in relation to appeals from decisions of the Magistrate's Court in civil proceedings shall apply.

(2) Without prejudice to the generality of sub-paragraph (1), rules under this paragraph may in particular make provision -

- (a) with respect to the period within which an appeal may be brought and the burden of proof on appeal;
- (b) for the summoning of witnesses and the administration of oaths;
- (c) for securing the production of documents and data material;
- (d) for the inspection, examination, operation and testing of data equipment and the testing of data material;
- (e) for the hearing of an appeal wholly or partly *in camera*;
- (f) for hearing an appeal in the absence of an appellant or for determining an appeal without a hearing; and
- (g) for the awarding of costs.

SCHEDULE 3

POWERS OF ENTRY AND INSPECTION

Issue of warrants

1. If the Chief Justice, an acting judge of the Supreme Court or the Senior Magistrate (all of whom are in subsequent paragraphs of this Schedule called "a judge") is satisfied by information on oath supplied by the Attorney General or the Registrar that there are reasonable grounds for suspecting -

- (a) that an offence under this Ordinance has been or is being committed;
- (b) that any of the data protection principles have been or are being contravened by a registered person;

and that evidence of the commission of the offence or of the contravention is to be found on any premises specified in the information, he may, subject to paragraph 2, grant a warrant authorising the Attorney General or the Registrar or any public officer acting with the Attorney General's or Registrar's authority at any time within seven days of the date of the warrant to enter those premises, to search them, to inspect, examine, operate and test any data equipment found there and to inspect and seize any documents or other material found there which may be such evidence as aforesaid.

2. A judge shall not issue a warrant under this Schedule unless he is satisfied -

(a) that the Attorney General or the Registrar has given seven days notice in writing to the occupier of the premises in question demanding access to the premises;

(b) that access was demanded at a reasonable hour and was unreasonably refused; and

(c) that the occupier has, after the refusal, been notified by the Attorney General or the Registrar of the application for the warrant and has had an opportunity of being heard by the judge on the question of whether or not it should be issued.

but the foregoing provisions of this paragraph shall not apply if the judge is satisfied that the case is one of urgency or that compliance with those provisions would defeat the object of the entry.

3. A judge who issues a warrant under this Schedule shall also issue two copies of it and certify them clearly as copies.

Execution of warrants

4. A person executing a warrant issued under this Schedule may use such reasonable force as may be necessary.

5. A warrant issued under this Schedule shall be executed at a reasonable hour unless it appears to the person executing it that there are grounds for suspecting that the evidence in question would not be found if it were so executed.

6. If the person who occupies the premises in respect of which a warrant is issued under this Schedule is present when the warrant is executed, he shall be shown the warrant and supplied with a copy of it; and if that person is not present a copy of the warrant shall be left in a prominent place on the premises.

7.(1) A person seizing anything in pursuance of a warrant under this Schedule shall give a receipt for it if asked to do so.

(2) Anything seized may be retained for so long as is necessary in all the circumstances but the person in occupation of the premises in question shall be given a copy of anything that is seized if he so request and the person executing the warrant considers that it can be done without undue delay.

Matters exempt from inspection and seizure

8. The powers of inspection and seizure conferred by a warrant issued under this Schedule shall not be exercised in respect of personal data which are exempt from part IV of this Ordinance.

9.(1) Subject to the provisions of this paragraph, the powers of inspection and seizure conferred by a warrant issued under this Schedule shall not be exercisable in respect of -

(a) any communication between a professional legal adviser and his client in connection with the giving of legal advice to the client with respect to his obligation, liabilities or rights under this Ordinance;

(b) any communications between a professional legal adviser and his client, or between such an adviser or his client and any other person, made in connection with or in contemplation of proceedings under or arising out of this Ordinance and for the purpose of such proceedings.

(2) Sub-paragraph (1) of this paragraph applies also to -

(a) any copy or record of any such communication as is there mentioned;

(b) any document or article enclosed with or referred to in any such communication if made in connection with the giving of any advice or, as the case may be, in connection with or in contemplation of and for the purpose of such proceedings as are there mentioned.

(3) This paragraph does not apply to anything in the possession of any person other than the professional legal adviser or his client or to anything held with the intention of furthering a criminal purpose.

(4) In this paragraph references to a client of a professional legal adviser include references to any person representing such a client.

10. If the person in occupation of any premises in respect of which a warrant is issued under this Schedule objects to the inspection or seizure under the warrant of any material on the grounds that it consists partly of matter in respect of which those powers are not exercisable, he shall, if the person executing the warrant so requests, furnish that person with a copy of so much of the material as is not exempt from those powers.

Return of warrants

11. A warrant issued under this Schedule shall be returned to the court from which it was issued -

(a) after being executed; or

(b) if not executed within the time authorised for its execution;

and the person by whom any such warrant is executed shall make an endorsement on it stating what powers have been exercised by him under the warrant.

Offences

12. Any person who -

(a) intentionally obstructs a person in the execution of a warrant issued under this Schedule; or

(b) fails without reasonable excuse to give any person executing such a warrant such assistance as he may reasonably require for the execution of the warrant,

commits an offence.

Vessels, vehicles etc

13. In this Schedule "premises" includes any vessel, vehicle, aircraft or hovercraft, and references to the occupier of any premises include references to the person in charge of any vessel, vehicle, aircraft or hovercraft.



**THE
FALKLAND ISLANDS GAZETTE
Supplement**

PUBLISHED BY AUTHORITY

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29th September 1995

No. 24

The following is published in this Gazette-

The Fishing (Nets and Supplementary Net Equipment) Regulations (Amendment) Order 1995, (S.R. & O. No. 16 of 1995).

SUBSIDIARY LEGISLATION

FISHERIES

The Fishing (Nets and Supplementary Net Equipment) Regulations (Amendment) Order 1995

(S. R. & O. No: 16 of 1995)

*Made: 25 September 1995
Published: 29 September 1995
Coming into force: 1 October 1995*

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

Citation and commencement

1. This Order may be cited as the Fishing (Nets and Supplementary Net Equipment) Regulations (Amendment) Order 1995 and come into force on 1st October 1995.

Amendment of the principal Order

2.(1) In this Order, "the principal Order" means the Fishing (Nets and Supplementary Equipment) Order 1990.

(2) Regulation 19 of the principal Order is replaced by the following -

"19. These Regulations apply to fishing boats holding licences to fish within the fishing waters at all times they are within those waters."

Made this 25th day of September 1995.

D. E. TATHAM,
Governor.

(a) No. 11 of 1986.

EXPLANATORY NOTE *(not forming part of the above Order)*

The effect of this Order is to extend the operation of the Regulations to the whole of the fishing waters. Previously they only applied to the FICZ.



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The following are published in this Gazette-

The Philomel Street Waiting Regulations (Amendment) Order 1995, (S.R. & O. No. 15 of 1995);

The Road Traffic Regulations (Amendment) (Correction) Order 1995, (S.R. & O. No. 17 of 1995);

The Pensionable Officers Order 1995, (S.R. & O. No. 18 of 1995);

The Merchant Shipping (Registry) (Amendment) Bill 1995.

SUBSIDIARY LEGISLATION

ROAD TRAFFIC

The Philomel Street Waiting Regulations (Amendment) Order 1995

(S. R. & O. No. 15 of 1995)

Made: 28 September 1995

Published: 5 October 1995

Coming into force: on publication

IN EXERCISE of my powers under section 18 of the Road Traffic Ordinance (a), I make the following Order -

Citation and commencement

1. This Order may be cited as the Philomel Street Waiting Regulations (Amendment) Order 1995 and comes into force upon its publication in the *Gazette*.

Amendment of Philomel Street Waiting Regulations Order 1994

2. Article 4 of the Philomel Street Waiting Regulations Order 1994 (b), is amended -

(a) by the addition of the word "or" at the end of paragraph (f); and

(b) by the addition of the following paragraph -

"(g) where the motor vehicle is a taxi which has been hired for the purpose, and there is no place not in the relevant length of road where the taxi may conveniently wait for the purpose, for so long as may reasonably necessary to pick up or set down passengers and their luggage."

Made this 28th day of September 1995.

D. E. TATHAM

Governor

(a) Cap. 60 Laws of the Falkland Islands (1950 Edition)

(b) S. R. & O. No.7 of 1994

EXPLANATORY NOTE
(not forming part of the above Order)

The effect of this Order is to amend the existing no waiting order so as to exempt from the prohibitions on waiting taxis which have previously been hired, by allowing them to wait in Philomel Street for the purpose of picking up and setting down passengers and their luggage if there is no convenient place not in the relevant length of Philomel Street in which they could do so.

SUBSIDIARY LEGISLATION

ROAD TRAFFIC

The Road Traffic Regulations (Amendment) (Correction) Order 1995

(S. R. & O. No. 17 of 1995)

Made: 25 September 1995

Published: 5 October 1995

Coming into force: on publication

IN EXERCISE of my powers under section 18 of the Road Traffic Ordinance (a) and of all other powers enabling me, I make the following Order -

Citation

1. This Order may be cited as the Road Traffic Regulations (Amendment) (Correction) Order 1995, comes into force on publication in the *Gazette* but on coming into force shall be deemed to have had effect on and from 3rd May 1995.

Correction of the Amendment Order

2. The Schedule to this Order shall have effect for the purpose of correcting errors in the Road Traffic Regulations (Amendment) Order 1995 (b).

THE SCHEDULE

Corrections

Interpretation

1. In paragraph 2 of this Schedule "the Order" means the Road Traffic Regulations (Amendment) Order 1995 and "the principal Order" means the Road Traffic (Provisional) Regulation Order 1986.

Regulation 2

2.(1) The words "Paragraphs (2), (3), (5) and (6)" in article 2 of the Order are replaced by the words "Regulation 5(2), (3), (4), (5) and (6)".

(a) Cap. 60 Laws of the Falkland Islands (1950 Edition), as amended.

(b) S. R. & O. No. 5 of 1995.

(2) The new paragraph (4) of Regulation 5 of the principal Order set out in article 2 of the Order is corrected by replacing the words "£10" wherever they appear in that paragraph with the words "£15".

Made this 25th day of September 1995

D.E. TATHAM,
Governor.

EXPLANATORY NOTE
(not forming part of the above Order)

This Order corrects some minor errors in the Road Traffic Regulations (Amendment) Order 1995.

SUBSIDIARY LEGISLATION

PUBLIC SERVICE

The Pensionable Officers Order 1995

(S. R. & O. No: 18 of 1995)

Made: 25 September 1995

Published: 5 October 1995

Coming into force: on publication

IN EXERCISE of my powers under section 2(1) of the Pensions Ordinance 1965 (a) I make the following Order -

1. This Order may be cited as the Pensionable Officers Order 1995.

Citation.

2. The offices specified in the Schedule to this Order are declared to be pensionable offices for the purposes of the Pensions Ordinance 1965, but nothing in this article shall render an officer pensionable under the provisions of the Ordinance who -

Pensionable Officers.

(a) is serving under a contract of engagement for a fixed period; or

(b) has agreed in writing with the Government that a pension to him shall be provided for in another way.

3. The Pensionable Officers Order 1991 (b) is revoked.

Revocation of Pensionable Officers Order 1991.

THE SCHEDULE

(article 2)

Pensionable Officers

Department

Office

The Governor

Steward/Chauffeur

Head Gardener

Gardener

Cook/Housekeeper

(a) No. 5 of 1965.

(b) No. 23 of 1991.

Agriculture

Director of Agriculture
 Senior Veterinary Officer
 Veterinary Officer
 Senior Scientist
 Scientist/Adviser (Sheep)
 Farm Management Specialist
 Adviser (Economics and Training)
 Senior Laboratory Technician
 Laboratory Technician
 Senior Agricultural Assistant
 Agricultural Assistant
 Senior Clerk
 Clerk

Civil Aviation

Director of Civil Aviation
 Trainee Director Civil Aviation
 Assistant Air Traffic Controller

Customs and Immigration

Collector of Customs
 Customs Officer
 Immigration Officer
 Assistant Customs/Immigration Officer

Education

Director of Education
 Community Education Officer
 Head Teacher
 Education Officer
 Certified Teacher
 Teacher's Assistant
 School Secretary
 Librarian
 Head of Hostel
 Hostel Matron
 House Parent
 Recreation Manager
 Senior Attendant
 Attendant
 Senior Clerk
 Clerk

Falkland Islands Defence Force

Permanent Staff Instructor

Falkland Islands Government Air Service

General Manager
 Chief Pilot
 Chief Engineer
 Chief Inspector
 Pilot
 Engineer
 Assistant Fitter
 Senior Clerk
 Storekeeper/Clerk
 Clerk
 Observer

Fisheries

Director of Fisheries
 Marine Officer
 Senior Clerk
 Licensing Officer
 Personal Assistant
 Senior Fisheries Protection Officer
 Senior Fisheries Scientist
 Data Manager
 Data Analyst
 Fisheries Scientific Office/Observer
 Fisheries Scientist (Co-ordinator)
 Trainee Fishery Officer
 Scientist
 Clerk

Justice

Attorney General
 Senior Crown Counsel
 Senior Magistrate
 Crown Counsel
 Registrar General
 Legal Assistant
 Clerk

Legislature

Clerk of Councils
 Research Assistant
 Clerk

Medical

Chief Medical Officer
 Deputy Chief Medical Officer
 Dental Surgeon
 Medical Officer
 Chief Nursing Officer
 Administrator
 Environmental Health Officer
 Laboratory Technician
 Nursing Sister
 Social Worker
 Hospital Engineer
 Pharmacy Technician
 Physiotherapist
 Health Visitor
 Community Psychiatric Nurse
 Speech Therapist
 Dental Technician
 Assistant Engineer
 Staff/Senior Nurse
 Casualty Nurse
 Auxiliary Nurse
 Warden Sheltered Accommodation
 Laboratory Assistant
 Receptionist/Dental Nurse
 Dental Nurse
 Senior Clerk
 Medical Storeman
 Clerk

Police, Fire and Rescue Service

Chief Police Officer
 Inspector
 Station Sergeant
 Detective Sergeant
 Detective Constable
 Constable
 Cadet Constable
 Gaoler/Handyman
 Senior Clerk
 Clerk
 Chief Fire Officer
 Sub Officer
 Fireman

Public Works

Director of Public Works
 Deputy Director of Public Works
 Chief Clerk
 Senior Clerk
 Design Engineer
 Roads Engineer
 General Foreman/Engineer
 Assistant Design Engineer
 Senior Draughtsman
 Surveyor
 Building Adviser/Planning Officer
 Technical Assistant
 Draughtsman
 Technical Assistant
 Junior Technical Assistant
 Clerk of Works
 Foreman
 Tradesman
 Superintendent
 Assistant Superintendent
 Engineman
 Watchkeeper/Handyman
 Works Manager
 Supervisor Water Supply
 Senior Foreman
 Handyman
 Assistant Filtration Plant Operator
 Housing Officer
 Clerk

Secretariat

Chief Executive
 Government Secretary
 Senior Assistant Secretary
 Establishments Secretary
 Assistant Secretary
 Personal Assistant
 Chief Clerk
 Senior Clerk
 Clerk
 Curator
 Archivist
 Computer Co-ordinator
 Assistant Computer Co-ordinator
 Trainee Assistant Computer Co-ordinator

Treasury and Central Store

Financial Secretary
 Deputy Financial Secretary
 Economic and Financial Adviser
 Income Tax Officer
 Chief Accountant
 Internal Auditor
 Accounting Officer
 Personal Officer
 Assistant Income Tax Officer
 Chief Clerk
 Senior Clerk
 Clerk
 Supplies Officer
 Senior Storeman
 Storeman

Printing

Head Printer
 Assistant Printer
 Trainee Printer
 Machine Operator

Broadcasting

Broadcasting Officer
 Assistant Producer
 Broadcasting Assistant

Post and Telecommunications

Superintendent
 Chief Clerk
 Senior Clerk
 Clerk

Falkland Islands Government Office

Representative
 General Manager
 Assistant Secretary
 Travel Co-ordinator
 Personal Assistant
 Secretary Receptionist

Made this 25th day of September 1995.

D. E. TATHAM,
Governor.

The Merchant Shipping (Registry) (Amendment) Bill 1995

(No: of 1995)

ARRANGEMENT OF PROVISIONS

Clause

1. Short title and commencement.
2. Amendment to section 3 of Merchant Shipping (Registry) Ordinance 1987.
3. New section 3A of Merchant Shipping (Registry) Ordinance 1987.

A Bill

for

An Ordinance

To amend the Merchant Shipping (Registry) Ordinance 1987

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

1. This Ordinance may be cited as the Merchant Shipping (Registry) (Amendment) Ordinance 1995 and shall come into force on such date as is notified by the Governor in the *Gazette* (which date shall not be earlier than the date on which the approval of this Ordinance by Her Majesty in Council pursuant to section 735 of the Merchant Shipping Act 1894 has been proclaimed in the Falkland Islands). *Short title and commencement.*
2. Section 3 of the Merchant Shipping (Registry) Ordinance 1987 is amended by replacing all words from and including the words "the Governor may" up to the end of the section with the words "a ship shall not be registered in the Port Stanley register unless the Governor notifies the Registrar in writing that he considers that it would be in the interests of the Falkland Islands for it to be so registered." *Amendment of section 3 of Merchant Shipping (Registry) Ordinance 1987.*
3. The following section is inserted in the Merchant Shipping (Registry) Ordinance 1987, immediately after section 3 - *New section 3A of Merchant Shipping (Registry) Ordinance 1987.*
 - 3A.(1) The Registrar may, if regulations made under subsection (2) so provide, and, if such regulations so provide, shall if so directed by the Governor, suspend or terminate the registration of a ship on the Port Stanley register of ships. *Removal of ship from Port Stanley Register.*
 - (2) The Governor may make regulations for and in connection with the suspension or termination of the registration of ships from the Port Stanley register of ships in the circumstances referred to in subsection (3).
 - (3) The circumstances referred to in subsection (2) are the following circumstances -

(a) any circumstances which, if the regulations for the time being in force and made under section 3(2)(j) of the Merchant Shipping (Registration, etc) Act 1993 extended to the Port Stanley register of ships would enable the registration of a ship registered upon that register to be suspended or terminated; or

(b) The Governor having certified in writing his opinion that it is in the interests of the Falkland Islands, for a reason specified in that certificate, that the registration of the ship to which the certificate relates should be suspended, or as the case may be, terminated.

(4) Regulations made under subsection (2) may contain such consequential or incidental provisions as the Governor thinks fit."



THE FALKLAND ISLANDS GAZETTE Supplement

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The following are published in this Gazette-

The Firearms and Ammunition (Amendment) Bill 1995;

The Pensions (Amendment) Bill 1995;

The Road Traffic (Amendment) Bill 1995;

The Land (Non-resident) Bill 1995;

The High Seas Fishing Bill 1995;

The Supplementary Appropriation (1995-1996) Bill 1995.

The Firearms and Ammunition (Amendment) Bill 1995

(No: of 1995)

ARRANGEMENT OF PROVISIONS

Clause

1. Short title
2. Amendment of the principal Ordinance

Schedule

**A Bill
for
An Ordinance**

To amend the Firearms Ordinance 1987.

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

Short title

1. This Ordinance may be cited as the Firearms and Ammunition (Amendment) Ordinance 1995.

Amendment of the principal Ordinance

2.(1) In this Ordinance, "the principal Ordinance" means the Firearms and Ammunition Ordinance 1987.

(2) The principal Ordinance is amended in the manner specified in the Schedule to this Ordinance.

THE SCHEDULE

(section 2(2))

Amendment of the principal Ordinance

General

1. In the subsequent paragraphs of this Schedule, a reference to a section is a reference to the section of that number of the principal Ordinance.

Amendment of section 4

2. Section 4 is amended by the addition of the following subsection -

"(9) Nothing in the foregoing provisions of this section shall be deemed to require a licence to possess an airgun".

Amendment of section 12

3. Section 12 is amended by the addition of the following subsection -

"(5) Nothing in the foregoing provisions of this section applies to airguns".

Amendment of section 13

4. Section 13 is amended by the addition of the following subsection -

"(5) A licence under this section is not required for a person to hold an airgun or ammunition for an airgun, but such a licence is required for the manufacture of an airgun or of any ammunition for an airgun".

Amendment of section 14

5. Section 14 is amended by the insertion, immediately after the words "any firearm", of the words "other than an airgun".

Amendment of section 16

6. Section 16 is amended by the insertion, immediately after subsection (1), of the following subsection -

"(1A) Subsection (1) shall not apply in relation to the sale transfer or parting with possession of an airgun to a person of the age of 14 years or more, but shall otherwise have effect as if a firearm licence were required for a person to possess an airgun".

Amendment of section 17

7. Section 17 is amended by the addition of the following words at the end of the section-

"but, subject to sections 18 and 19, it shall be unlawful for any person to lend an airgun or supply any ammunition for an airgun to any person under the age of 14 years".

Amendment of section 18

8. Section 18(2) is repealed and is replaced by the following new subsection (2) -

"(2) It is unlawful for a person under the age of 14 years to possess or use an airgun or to possess or use any ammunition for an airgun except in the presence and under the actual supervision of his parent or guardian or some other person of the age of 21 years or more who is bona fide in charge of him".

Amendment of section 25

9. Section 25(1) is amended by the insertion after the word "discharge" of the words "or without reasonable excuse possess".

The Pensions (Amendment) Bill 1995

(No: of 1995)

ARRANGEMENT OF PROVISIONS

Clause

1. **Short title and commencement**
2. **Interpretation**
3. **Repeal of section 6(2) of the principal Ordinance**
4. **Amendment of the Pension Regulations**

A Bill
for
An Ordinance

To amend the Pensions Ordinance.

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

Short title and commencement

1. This Ordinance may be cited as the Pensions (Amendment) Ordinance and shall be deemed to have come into force on 1st January 1995.

Interpretation

2. In this Ordinance, "the principal Ordinance" means the Pensions Ordinance 1965.

Repeal of section 6(2) of the principal Ordinance

3. Section 6(2) of the principal Ordinance is repealed.

Amendment of the Pension Regulations

4. The Pension Regulations (which constitute the Schedule to the principal Ordinance) are amended by the addition of the following paragraph to regulation 15 (which makes provision for a break of a person's service as a public officer to be disregarded in certain circumstances) -

"(3) Where a person who is or was a pensionable officer ("the seconded") is, under the provisions of arrangements approved for the purposes of this paragraph by the Governor in Council, with the consent of the seconded seconded to the service of an employer in the Falkland Islands or elsewhere, and whether or not upon terms that the seconded's emoluments during such service on secondment will continue to be paid to the seconded by the Government of the Colony, the period of time spent by the seconded in such service on secondment shall, notwithstanding regulation 14(3) and unless the Governor in Council otherwise directs, be regarded as qualifying service and as pensionable service".

The Road Traffic (Amendment) Bill 1995

(No: of 1995)

ARRANGEMENT OF PROVISIONS

Clause

1. Short title and commencement.
2. Interpretation.
3. Amendment of section 12C of the principal Ordinance.

**A Bill
for
An Ordinance**

To amend the Roads Traffic Ordinance

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

Short title and commencement

1. This Ordinance may be cited as the Road Traffic (Amendment) Ordinance 1995 and comes into force on 1st January 1996.

Interpretation

2. In this Ordinance, "the principal Ordinance" means the Road Traffic Ordinance.

Amendment of section 12C of the principal Ordinance

3.(1) Section 12C of the principal Ordinance

- (a) by inserting, immediately after paragraph (a) of subsection (1), the following paragraph:

"(aa) may be expressed to have effect so as to limit the requirement to wear seat belts to persons driving or riding in motor-vehicles on roads specified in the regulations;"

- (b) by inserting, immediately after subsection (5), the following subsection:

"(5A) Except as provided by regulations, where:

- (a) a child who is under the age of 12 years and less than 150 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 in relation to which the regulations relate;"

(c) by inserting in subsection (6), immediately after the words "subsection (5)", the words "or subsection (5A)";

(d) by inserting the following subsection immediately after subsection (7):

"(7A) Regulations made under

(a) subsection (7) :

(i) may make different provision in relation to different vehicles and different circumstances;

(ii) shall include an exemption for any child holding a valid certificate signed by a medical practitioner in the Falkland Islands or in an approved country to the effect that it is inadvisable on medical grounds for him to wear a seat belt; or

(iii) may be expressed to have effect so as to limit the requirement for children to wear seat belts to children riding in motor vehicles on roads specified in the regulations;

(b) subsection (2) or (7) may authorise the wearing of a seat belt approved under the law of any country outside the Falkland Islands";

(e) by inserting the following subsection immediately after subsection (8):

"(8A) In this section:

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

"maximum laden weight" in relation to a vehicle means the weight which the vehicle is designed or adapted not to exceed when in normal use and travelling on a road laden;

"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 design speed exceeding 25 kilometres per hour;
and

(e) has a maximum laden weight not exceeding 3.5 tonnes".

The Land (Non-residents) Bill 1995

(No: of 1995)

ARRANGEMENT OF PROVISIONS

Clause

1. Short title and commencement.
2. Interpretation.
3. Certain companies doing business in the Falkland Islands to be treated as resident.
4. Non-residents to obtain licences to hold land.
5. Licences to hold land or an interest in land in the Falkland Islands.
6. Inheritance of land under will or intestacy.
7. Breach of conditions of licence.
8. Rules of court.
9. Repeals and saving.

A Bill
for
An Ordinance

To replace Part II of the Aliens Ordinance and the Land (Sub-division for Non-Residents) Ordinance with fresh provision as to the acquisition of land in the Falkland Islands by non-residents.

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

1. This Ordinance may be cited as the Land (Non-residents) Ordinance 1995 and shall come into operation on such date as may be fixed by the Governor by notice published in the *Gazette*.

*Short title and
commencement.*

2.(1) For the purposes of this Ordinance, an individual shall be regarded as being resident in the Falkland Islands -

Interpretation.

(a) if -

(i) under the provisions of section 17(5) of the Constitution he is to be regarded as belonging to the Falkland Islands; and

(ii) he is ordinarily resident in the Falkland Islands; or

(b) if -

(i) his name is upon the voters' list for the time being in force prepared under the Electoral Ordinance 1988; and

(ii) he is ordinarily resident in the Falkland Islands; or

(c) if -

(i) he has under the provisions of the Immigration Ordinance 1987 been granted a permanent residence permit; and

(ii) he is ordinarily resident in the Falkland Islands.

(2) For the purposes of this Ordinance, a body corporate is to be regarded as being resident in the Falkland Islands -

(a) if it is a statutory corporation created or continued under any Ordinance of the Falkland Islands;

(b) if it is a company incorporated in the Falkland Islands and -

(i) at least seventy-five per cent of its share capital carrying voting rights at general meetings of the company are beneficially owned by individuals who, under the provisions of subsection (1) of this section are to be regarded as being resident in the Falkland Islands; or

(ii) it is for the purposes of the Taxes Ordinance 1994 to be regarded as resident in the Falkland Islands by reason of its central control and management being in the Falkland Islands; or

(c) if it is a company, whether incorporated in the Falkland Islands or not, to which section 3 of this Ordinance applies.

(3) For the purposes of subsection (1) of this section, an individual is ordinarily resident in the Falkland Islands if he usually lives in the Falkland Islands.

(4) Her Majesty in right of Her Government of the United Kingdom, as well as in right of Her Government in the Falkland Islands, shall for the purpose of this Ordinance be regarded as being resident in the Falkland Islands and, accordingly, no licence under this Ordinance is required in relation to the acquisition of land in the Falkland Islands by or for any Department, Ministry or other division of Her Majesty's Government in the United Kingdom.

3.(1) The Governor may by Order provide that a company or class of companies specified in that Order shall for the purposes of this Ordinance be treated as being resident in the Falkland Islands for so long as it may be specified by or under the provisions of that or any other Order made under this subsection, and may from time to time amend or revoke any such Order.

Certain companies doing business in the Falkland Islands to be treated as resident.

(2) Any company for the time being holding -

(a) a banking licence granted by the Governor under section 5(1) of the Banking Ordinance 1987; or

(b) a licence granted by the Governor under section 6(1) of the Offshore Minerals Ordinance 1994,

shall for the purpose of this Ordinance be treated as being resident in the Falkland Islands for so long as that licence is in force (but in the case of a company to which paragraph (a) applies only in so far as may be necessary to enable it, without a licence granted under this Ordinance, to acquire land (including an interest in land acquired by way of security) reasonably incidentally to its banking business in the Falkland Islands and in the case of a company to which paragraph (b) applies only in so far as may be necessary to enable it without a licence granted under this Ordinance to acquire land required for its occupation of that of its contractors in relation to or incidentally to the exploration for or exploitation of minerals in the seabed of waters to which the Offshore Minerals Ordinance 1994 relates)..

(3) Without prejudice to the foregoing provisions of this section, Cable and Wireless Plc the Falkland Islands Company Limited and the Standard Chartered Bank and each of them shall be treated as being for the purposes of this Ordinance resident in the Falkland Islands unless and until, in relation to the company specified in such a notice, the Governor publishes a notice in the *Gazette* stating his opinion that for a reason stated in that notice the company so specified is no longer carrying on business in the Falkland Islands and is no longer by virtue of this subsection to be treated as being resident in the Falkland Islands.

(4) The Governor may only publish a notice pursuant to subsection (3) if he is satisfied -

(a) that the company so specified has ceased to be registered pursuant to Part X of the Companies Act 1948 as an overseas company having a place of business in the Falkland Islands; or

(b) that the company so specified is in serious default of its obligations under Part X of the Companies Act 1948; or

(c) that the company so specified is no longer for the purposes of the Taxes Ordinance 1994 carrying on business in the Falkland Islands through a branch or agency; or

(d) that by reason of a change of the beneficial ownership of the company so specified occurring after the enactment of this Ordinance, it is not in the public interest to continue to permit the company so specified to hold land in the Falklands (but no notice shall be published on the ground to which this paragraph relates at any time when the majority of the share capital carrying voting rights at general meetings of the company is beneficially owned by Commonwealth citizens).

4.(1) Subject to this Ordinance, it is unlawful for a person who is neither resident in the Falkland Islands nor under this Ordinance to be treated as being resident in the Falkland Islands to acquire or purport to acquire for his own benefit any land or interest in land in the Falkland Islands.

Non-residents to obtain licences to hold land.

(2) For the purposes of this section -

(a) a person acquires land if he knowingly acquires for his own benefit a freehold or leasehold estate in land or contracts to acquire a freehold or leasehold estate in land whether he does so in his own name alone, jointly with others or through a nominee or trustee of any kind, and whether by or under a trust, settlement, resulting or constructive trust or any other device or arrangement, whether or not of a like or similar nature to any of the foregoing;

(b) "land" includes land wholly or partly covered by water and includes any building or structure forming part of any land;

(c) "interest in land" includes a mortgage, charge or debenture affecting land, any right to occupy land.

(3) Nothing in subsection (1) applies -

(a) to any lease, agreement, licence or arrangement, other than one involving acquisition of the freehold estate, whereby an individual is entitled for an indefinite period or a fixed period not exceeding three years to the use of land not exceeding two acres in area as his residence, and provided that he does not use any part of that land, or any buildings thereon for the purpose of any trade, business or profession and that he does not part with the possession of the whole or any part thereof to any other person other than a person who is a dependent or bona fide employee of his;

(b) so as to prevent any person who is not resident in the Falkland Islands holding any land upon trust for any person who is resident, and provided that the trust is effected in writing and the identity of the person for whom the land is held is apparent from the face of the trust instrument;

(c) to any contract or option for sale or lease so long as the purchaser or lessee is neither entitled to enter into possession nor actually enters into possession of the land to which it relates, until a licence under section 5 has been obtained;

(d) to any lease, agreement, licence in writing or other instrument under which a person is entitled to occupy for business purposes for not more than twelve months certain any land not exceeding (in aggregate with all other land which the person is entitled to occupy in relation to which no licence under this Ordinance has been obtained, and to which this paragraph applies) five acres in area (and for the purposes of this paragraph, an individual and his spouse are to be deemed to be one person, and company in which an individual or his spouse or both of them in combination owns more than twenty-five per cent of the share capital carrying voting rights at general meetings of the company is to be deemed to be the same person as that individual, and two or more companies in both or all of which an individual or his spouse or both of them in combination own more than twenty-five per cent of the share capital carrying voting rights at general meetings are to be deemed to be one and the same person).

(4) Any disposition of land which is unlawful by reason of the foregoing provisions of this section shall be ineffective to pass any right title or interest whatsoever in the land concerned to the person who is not resident in the Falkland Islands ("the non-resident person") but shall instead be effective to transfer to or vest the same in Her Majesty in right and title of Her Government in the Falkland Islands free from all incumbrances or obligations created by the disposition to the non-resident person.

(5) The Governor may by instrument under his hand and registered in the Deeds Registry maintained pursuant to the Lands Ordinance disclaim any land or interest in land which is transferred to or vests In Majesty only by virtue of subsection (4) in favour of the person or persons specified in the disclaimer when the same shall vest in or be transferred that person or those persons (and the Governor's powers under this subsection includes power to disclaim the land or interest in favour of the non-resident person if that person has, by the time of the disclaimer, obtained a licence under section 5 in respect of the land concerned).

(6) No person shall be entitled to any compensation by reason of the transfer or vesting under subsection (4) of any land or interest in land in Her Majesty.

(7) The Attorney General may apply to the Supreme Court for a declaration that the land described in the application has vested in Her Majesty pursuant to subsection (4), and the Supreme Court may grant such a declaration and make such order incidental thereto as it sees fit.

5.(1) A person who is not resident in the Falkland Islands may apply to the Governor for a licence to hold land or an interest in land in the Falkland Islands, and the Governor may grant such a licence either free of conditions or subject to such conditions to be performed by the licensee as the Governor considers necessary or convenient in the particular circumstances of the case.

Licences to hold land or an interest in land in the Falkland Islands.

(2) Without prejudice to the generality of the Governor's powers under subsection (1) to impose conditions on the grant of a licence, such powers include power to impose conditions requiring the licensee to carry out such works as may be specified in the licence upon the land the subject of the licence or in the neighbourhood of the land, in so far, in the case of conditions requiring works to be carried out in the neighbourhood of the land, as such works are reasonably incidental to the use the licensee intends to make of the land the subject of the licence.

(3) A condition imposed under subsection (1) shall not require the payment of any sum of money to any person.

(4) A licence granted under subsection (1) shall cease to have effect if the land or interest in land to which it relates has not been acquired by the licensee within three years of the date on which the licence was granted.

(5) Every application for the grant of a licence under subsection (1) shall identify the land or interest in land to which it relates and shall contain such other information as may be prescribed by regulations made under subsection (6).

(6) The Governor may make such regulations as he considers necessary or convenient to be made for the better implementation of the purposes of this section, and without prejudice to the generality of the foregoing provisions of this subsection, such regulations may -

(a) require the payment of to the Governor a fee of such amount as may be prescribed by the regulations on the making, or alternatively upon the granting, of an application for a licence under subsection (1);

(b) require the submission of plans and details of the applicant's proposals in relation to the land to which the application relation;

(c) where the application is a company, require the submission of such information in relation to the constitution of and ownership and control of the company as the Governor may require in connection with the application.

6.(1) Subsections (2) to (5) of this section apply subject to subsection n(6).

Inheritance of land under will or intestacy.

(2) Notwithstanding the preceding provisions of this Ordinance, subject to this section, a licence is not required by a non-resident person to hold land in the Falkland Islands which he inherits or which becomes his property under or by virtue of the will or intestacy of his predecessor in title but he shall, if he has not previously disposed of his whole right title and interest in and to the land ("his ownership of the land"), and he is not then resident in the Falkland Islands, apply for a licence under section 6(1) not later the third anniversary of the date on which the land vested in or was transferred to him and if such a licence is not within three months after such third anniversary or has not previously been granted to him in respect of that land, he shall dispose of his ownership of the land within the twelve months next following the expiry of such three months.

(3) Where a person does not dispose of his ownership of the land which he is required to dispose of by the provisions of subsection (2) within the time thereby limited or such greater period of time as may be allowed by the Governor under subsection (4), his ownership of the land shall on expiry of that time vest in Her Majesty in right of Her Government of the Falkland Islands, and subsection (5) shall apply in relation to the land, the proceeds of sale of the land and the profits of the land pending sale.

(4) The Governor may at any time before the expiry thereof extend the time within which a person would otherwise be required under subsection (2) to dispose of his ownership of the land.

(5) Where land has vested in Her Majesty under subsection (3) -

(a) and the land has vested in Her Majesty for any estate or interest less than the estate in fee simple absolute in possession, or in the opinion of the Governor the ownership of the land would not, by reason of onerous obligations imposed by a predecessors in title which may be binding upon Her Majesty, be contrary to Her Majesty's interests, the governor may at any time by notice in writing disclaim the same, whereupon the estate or interest of Her Majesty in the land shall vest in and merge with the estate or interest in the land immediately superior to that of Her Majesty, or if none, with the estate or interest in the land immediately inferior to that of Her Majesty; but

(b) unless the Governor disclaims the land under paragraph (a) he shall cause the same to be sold as soon as reasonably possible at the best price reasonably obtainable from a person resident in the Falkland Islands (provided that he shall have power to postpone the sale for so long as in his opinion is reasonably and prudently necessary so as to realise a proper price from a person resident in the Falkland Islands) and shall pay the price received and the profits (if any) of the land pending sale received by Her Majesty, less the reasonable costs of and incidental to such sale and the reasonable cost of management of the land pending sale, to the person from whom the land was divested under subsection (2).

(6) Nothing in this Ordinance which would require a non-resident to hold a licence to acquire land applies, and nothing in subsections (2) and (5) of this section applies, to an interest in land consisting of a share in a partnership which owns land if -

(a) the partnership is one or a continuation of one to which the Companies and Private Partnerships Ordinance applied immediately before the commencement of this Ordinance; and

(b) the share in the partnership is acquire by the non-resident under or by virtue of the terms of a will or intestacy of a prior owner of that share in the partnership.

(7) The Attorney General may apply to the Supreme Court for a declaration that the land described in the application has vested in the Her Majesty under subsection (3) of this section and the Supreme Court may grant such a declaration and make such order incidental thereto as it thinks fit.

7.(1) A person commits an offence who knowingly and wilfully breaches or fails without reasonable excuse (the proof of which lies upon him) to perform any condition of a licence granted under this Ordinance.

*Breach of
conditions of licence.*

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

(3) Every condition of every licence granted under this Ordinance is enforceable against the licensee and every person deriving title to the land in question through or under the licensee as if it were a covenant by the licensee in favour of the Crown to which the provisions of the Lands Ordinance in relation to covenants in favour of the Crown apply, and in particular may be enforced against the licensee or any other person in possession of the land by an injunction of the Supreme Court ordering the person to whom it is addressed to perform the condition (and it shall be assumed by the Supreme Court, unless it is otherwise informed by or on behalf of the Crown in the proceedings in question, that damages are not an adequate remedy for breach of the condition). Proceedings may be brought for an injunction under this section whether or not a prosecution has been or is to be brought for an offence under subsection (1) and whether or not a conviction has been obtained in respect thereof, and whether or not any other remedy is sought in the proceedings brought pursuant to this subsection.

8. The power to make rules of the Supreme Court under section 69 of the Administration of Justice Ordinance shall include power to make rules of court relating to the practice and procedure of the Supreme Court in relation to applications for a declaration under section 4(7) or 6(7) of this Ordinance and for enforcement of a condition of a licence under section 7(3) of this Ordinance.

Rules of court.

9.(1) The Aliens Ordinance, in so far as not previously repealed, and the Land (Sub-division for Non-residents) Ordinance 1985 are repealed.

Repeals and saving.

(2) Notwithstanding the repeals effected by subsection (1), any licence granted under either of the Ordinances thereby repealed, and being a licence to acquire or hold land in the Falkland Islands, which was in force immediately before the commencement of this Ordinance shall continue to have effect as if it had been granted under section 5 of this Ordinance and any conditions of the licence shall be enforceable under section 7(3) as if they had been imposed under the provisions of this Ordinance.

The High Seas Fishing Bill 1995

(No: of 1995)

ARRANGEMENT OF PROVISIONS

Clause

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A Bill
for
An Ordinance

To make provisions for the implementation of the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas adopted by the Conference of the Food and Agricultural Organisation of the United Nations on the twenty fourth day of November 1993.

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

PART I

PRELIMINARY

1. This Ordinance may be cited as the High Seas Fishing Ordinance 1995 and shall come into force on such day as the Governor may appoint by Notice in the *Gazette*.

*Short title and
commencement.*

2. In this Act unless the context otherwise requires:-

Interpretation.

"Agreement" means the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas adopted by the Conference of the FAO on the twenty fourth day of November 1993;

"authorised officer" means the Director of Fisheries and any of the authorised officers provided for under section 3 or any person authorised by or acting under the orders of an authorised officer;

"Director of Fisheries" means the Public Officer for the time being holding or acting in the office of Director of Fisheries or any person to whom he may delegate functions under section 3(2);

"FAO" means the Food and Agriculture Organisation of the United Nations;

"fish" includes any living marine resource;

"fishing" means:-

(a) the catching or taking of fish;

(b) any other activity which can reasonably be expected to result in the catching or taking of fish; or

(c) any other activity directly related to fishing including the operation of mother ships;

"fishing vessel" means any vessel used or intended for use for the purposes of the commercial exploitation of fish, including mother ships and any other vessels directly engaged in fishing operations;

"Falkland Islands fishing vessel" means a fishing vessel that is registered under the Merchant Shipping Act 1894 in a port of registry in the Falkland Islands;

"Falkland Islands fishing waters" means the internal waters, territorial sea, Falkland Islands Interim Conservation and Management Zone, the Falkland Islands Outer Conservation Zone and any other marine waters over which exclusive rights of fishing or fisheries management are claimed by the Falkland Islands by proclamation, law or convention for the time being in force in the Falkland Islands;

"overseas fishing vessel" means a fishing vessel other than a Falkland Islands fishing vessels;

"Governor" means the Governor acting in his discretion;

"high seas" means the marine waters beyond the territorial sea, archipelagic waters, fisheries zone or exclusive economic zone of any state;

"high seas fishing licence" means a fishing licence granted pursuant to Section 7 and the other provisions of this Act;

"international conservation and management measures" means measures to conserve or manage one or more species of living marine resources that are adopted and applied in accordance with the relevant rules of international law as reflected in the 1982 United Nations Convention on the Law of the Sea either by global, regional or subregional fisheries organisations, subject to the rights and obligations of their members, or by treaties or other international agreements;

"length" means for any fishing vessel:-

(a) built after 18 July 1982, 96 percent of the total length on a waterline at 85 percent of the least moulded depth measured from the top of the keel, or the length from the foreside of the stem to the axis of the rudder stock on that water line, if that be greater. In vessels designed with a rake of keel the water line on which this length is measured shall be parallel to the designed water line;

(b) built before 18 July 1982, the registered length entered on the national register or other record of vessels;

"licensed fishing vessel" means a fishing vessel in respect of which a licence has been granted pursuant to section 7;

"master" includes, in relation to a fishing vessel, the person for the time being in command or in charge of the fishing operations on board the vessel;

PART II

ADMINISTRATION

3.(1) This Ordinance shall be administered by the Director of Fisheries who shall be responsible for:-

The Director of Fisheries and authorised officers.

(a) maintaining a record of all fishing vessels in respect of which high seas fishing licences have been issued under this Ordinance, which record shall include all information provided by an applicant under section 6;

(b) the collection of statistics concerning fish stocks and fishing on the high seas;

(c) the monitoring, control and surveillance of the operations of Falkland Islands fishing vessels on the high seas;

(d) the issue, variation, suspension and revocation of licences for fishing on the high seas;

(e) the collection of fees in respect of licences of fishing vessels;

(f) the giving of such information and the making of such reports to FAO and other parties to the Agreement is required of the Falkland Islands pursuant to Articles V and VI of the Agreement;

(d) the taking of appropriate measures in cooperation with other states for the implementation of Articles VII and VIII of the Agreement;

(h) the making of such reports to the Governor as the latter may require or the Director of Fisheries shall consider appropriate;

(i) the taking of all such other measures as the Governor may direct or the Director of Fisheries may consider appropriate for the implementation of the Agreement and this Ordinance.

(2) Subject to Subsection (3), the Director of Fisheries may, and if directed by the Governor shall, in writing authorise any public officer to exercise any or all of the powers of the Director of Fisheries either concurrently with him or in his absence subject to such conditions, including territorial restrictions, as may be stipulated in the authorisation.

(3) The Director of Fisheries shall personally exercise the powers provided for under section 21, but may not exercise those powers in any case without the consent of the Attorney General.

(4) This Ordinance shall be enforced by authorised officers acting subject to the direction of the Director of Fisheries and for that purpose authorised officers shall have the powers set out in section 12 and 13.

(5) The following persons shall be authorised officers:-

- (a) fisheries officers appointed pursuant to the Fisheries (Conservation and Management) Ordinance 1986;
- (b) all members of the Royal Falkland Islands Police Force;
- (c) persons in command or in charge of any vessel, aircraft or hovercraft of Her Majesty's Armed Services or of the Government of the Falkland Islands, and
- (d) such other public officers as may be prescribed.

PART III

LICENSING OF FISHING ON THE HIGH SEAS

4.(1) No Falkland Islands fishing vessel shall be used for fishing on the high seas except under the authority of a high seas fishing licence. *Prohibition of fishing on the high seas without a licence.*

(2) Where a fishing vessel is used in contravention of subsection (1) the master, the owner and the charterer shall each commit an offence and be liable to a fine not exceeding the maximum of level 12 on the standard scale.

5.(1) Subject to subsection (2) any Falkland Islands fishing vessel shall be eligible for a high seas fishing licence except where the vessel has been authorised to be used for fishing on the high seas by another state and that state has either:- *Vessels eligible for high seas fishing licences.*

- (a) suspended such authorisation and such suspension has not expired; or
- (b) withdrawn such authorisation within the three years preceding the application;

because the fishing vessel has undermined the effectiveness of international conservation and management measures.

(2) The exceptions contained in subsection (1) shall not apply to a vessel where:-

- (a) ownership of that vessel has changed since such suspension or withdrawal of authorisation and the new owner has provided evidence, to the satisfaction of the Director of Fisheries that the previous owner, charterer or operator has no further legal, beneficial or financial interest in, or control of, the vessel; or
- (b) the Director of Fisheries has decided, after taking into account all relevant facts, that the grant of a fishing licence in respect of the vessel will not undermine the object and purpose of the Agreement.

6.(1) An application for the grant of a high seas fishing licence shall be:-

Applications and fees.

- (a) made in the prescribed manner;
- (b) accompanied by the information required under subsection (2) and such other information and documents as may be prescribed; and
- (c) accompanied by the prescribed application fee.

(2) An application for a high seas fishing licence shall relate to a specific vessel and shall be accompanied by the following information in relation to the vessel:-

- (a) -
 - (i) name of fishing vessel;
 - (ii) registration number (if any);
 - (iii) previous names (if known);
 - (iv) port of registry;
- (b) previous flag (if any);
- (c) international radio call sign (if any);
- (d) names and addresses of owners and operator (manager) (if any);
- (e) where and when built;
- (f) type of vessel;
- (g) length;
- (h) type of fishing method or methods;
- (i) moulded depth;
- (j) beam;
- (k) gross register tonnage where available;
- (l) power of main engine or engines.

7.(1) A high seas fishing licence shall be granted by the Director of Fisheries to the master, owner or charterer in respect of a specified fishing vessel.

Grant of high seas fishing licences and conditions relating to licences.

(2) Subject to any directions given to him by the Governor the issue of each high seas fishing licence shall be in the discretion of the Director of Fisheries.

(3) The Director of Fisheries shall not grant a high seas fishing licence in respect of a fishing vessel unless he is satisfied that the Falkland Islands will be able to exercise effectively its responsibilities under the Agreement in respect of that vessel.

(4) A high seas fishing licence may authorise a vessel to be used for fishing generally or may confer limited authority by reference in particular to:-

- (a) the area in which fishing is authorised;
- (b) the period, times or particular voyages during which fishing is authorised;
- (c) the descriptions, quantities, size and presentation of fish which may be taken, or
- (d) the method of fishing.

(5) A high seas fishing licence shall be subject to the following conditions:-

(a) the licensed fishing vessel shall be marked in accordance with the FAO Standard Specifications for the Marking and Identification of Fishing Vessels.

(b) such records of fishing operations shall be kept on board the licensed fishing vessel and such returns shall be submitted to the Director of Fisheries concerning areas of fishing, catches and landings of fish and such other matters as are stipulated in the licence or as shall be notified by the Director of Fisheries to the person to whom the licence is granted;

(c) the licensed fishing vessel shall not engage in activities which undermine the effectiveness of international conservation and management measures and in particular such activities as may be prescribed.

(6) A high seas fishing licence shall authorise fishing subject to such further conditions as may appear to the Director of Fisheries to be necessary or expedient for the conservation or management of species of living marine resources in the high seas and as may be specified by him in writing.

(7) If a licence condition referred to in subsection (4) or (5) is broken, the master, the owner and the charterer of the fishing vessel concerned in such breach shall each commit an offence and be liable to a fine not exceeding the maximum of level 10 on the standard scale.

(8) A high seas fishing licence may be:-

- (a) varied from time to time; or
- (b) revoked or suspended,

if this appears to the Director of Fisheries to be necessary or expedient for the conservation or management of living marine resources in the high seas.

(9) If a high seas fishing licence is varied, revoked or suspended the Director of Fisheries may, if he considers it appropriate taking into account the circumstances of the case, refund the whole or any part of the fee charged for the licence.

8.(1) Subject to subsection (2), the period of validity of a high seas fishing licence shall be one year or such other period as may be specified in the licence.

*Period of validity
of high seas fishing
licences.*

(2) A high seas fishing licence shall cease to be valid if the vessel in respect of which it was issued ceases to be entitled to fly the flag of the Falkland Islands.

PART IV

INTERNATIONAL COOPERATION

9. The Director of Fisheries may require any fisherman or person owning or working on a Falkland Islands fishing vessel that is used for fishing on the high seas, whether or not that fishing vessel is required to be licensed under this Act, to provide him with information or make returns in such form and at such periods as he may decide concerning areas of fishing, catches and landings of fish and such other matters relating to fishing operations with which such person is connected as may be stated in any such requirement. *High seas fishing information.*

10.(1) The Director of Fisheries shall provide FAO with all such information as is required to be furnished to FAO by the Falkland Islands pursuant to Article VI of the Agreement and shall in particular but without derogating from the generality of the requirements of that Article make readily available to FAO all information contained in the record provided for under section 3(1)(a). *Provision of information to FAO.*

(2) The Director of Fisheries shall notify FAO promptly of:-

- (a) any changes in the information referred to in subsection (1);
- (b) any addition of a fishing vessel to the record provided for under section 3(1)(a);
- (c) any deletion of a fishing vessel from the record provided for under section 3(1)(a) by reason of -
 - (i) the voluntary relinquishment or non-renewal of the high seas fishing licence by the fishing vessel owner or operator;
 - (ii) the withdrawal of the high seas fishing licence issued in respect of the fishing vessel;
 - (iii) the fact that the fishing vessel concerned is no longer entitled to fly its flag;
 - (iv) the scrapping, decommissioning or loss of the fishing vessel concerned; or
 - (v) any other reason;

specifying for which of the above reasons the fishing vessel has been deleted from the record.

(3) The Director of Fisheries shall inform FAO of:-

- (a) information relating to any licence granted pursuant to section 5(2)(b) including information sufficient to identify the vessel and the owner or operator and such other information as is relevant to the decision to grant the licence;

(b) information relating to the activities and identities of fishing vessels that have undermined the effectiveness of international conservation and management measures and the sanctions imposed by ?????? ???

(c) a summary of evidence regarding the activities of any foreign fishing vessel that have undermined the effectiveness of international conservation and management measures;

(d) information with respect to the activities of vessels of states that are not parties to the Agreement that undermine the effectiveness of international conservation and management measures.

11.(1) The Director of Fisheries shall make such arrangements as may be appropriate to enable him to exchange information, including evidentiary material, with other countries that are parties to the Agreement or to which the Agreement has been applied to enable the Falkland Islands and such other countries better to implement the objects of the Agreement.

*Exchange of
information with
other States.*

(2) Without derogating from the generality of arrangements made under subsection (1), the Director of Fisheries in particular shall where he has reason to believe that a foreign fishing vessel has engaged in activities that undermine international conservation and management measures -

(a) provide to the appropriate authorities of the flag state of the foreign fishing vessel concerned such information, including evidentiary material, relating to those activities, as may be necessary to assist the flag state in identifying the vessel; and

(b) when such foreign fishing vessel is voluntarily in a port of the Falkland Islands promptly notify the appropriate authorities of the flag state of the vessel accordingly.

PART V

ENFORCEMENT

12.(1) For the purpose of enforcing this Ordinance an authorised officer may exercise the following powers with respect to any Falkland Islands fishing vessel on the high seas and in the Falkland Islands fishing waters:-

*General powers at
sea of authorised
officers.*

(a) he may stop the vessel;

(b) he may require the master to stop fishing and take the fishing gear of the vessel back on board;

(c) he may require the master to facilitate the boarding of the vessel by all appropriate means;

(d) he may go on board the vessel and take with him such other persons as he may require to assist him in the exercise of his powers;

- (e) he may require the master, the crew or any of them to produce and he may examine and take copies of any certificate of registry, licence, official log book, official paper, article of agreement, record of fish caught and any other document relating to the vessel and to the crew or any member thereof or to any person on board the vessel which is in their respective possession or control on board the vessel;
 - (f) he may muster the crew of the vessel;
 - (g) he may require the master to appear and give any explanation concerning the vessel and any crew or any person on board the vessel and any document mentioned in paragraph (e);
 - (h) he may make any search, examination or enquiry which he shall consider necessary to find out whether any provision of this Act has been contravened;
 - (i) he may take or require the master to take the vessel to any place, port or harbour in the Falkland Islands for the purpose of the carrying out of any search, examination or enquiry;
 - (j) in the case of any person who appears to him to have committed any offence against this Ordinance he may without summons, warrant or other process, take the suspected offender and take or require the master of the vessel to take the vessel in respect of which it appeared to him that there has been an offence together with the crew thereof to a port or harbour in the Falkland Islands and bring him or them before a competent court and detain him and them and the vessel in the Falkland Islands until the alleged offence has been adjudicated upon;
 - (k) he may, having regard to the safety of the vessel, take steps to immobilise any fishing vessel seized, taken or detained in accordance with this section for the purpose of preventing the vessel being taken by any person prior to the release of the vessel under section 13 or 15 or by the court;
 - (l) in the case of any offence against section 4 he may seize any vessel together with its equipment, stores and cargo which he believes has been used in the commission of such offence or in respect of which he believes such offence has been committed;
 - (m) he may seize any fishing gear, instruments or appliances which he believes have been used in the commission of such offence;
 - (n) he may seize any fish which he believes have been taken or fish products produced in the commission of such offence;
 - (o) he may seize or take copies of any documents which he believes are relevant to any such offence.
- (2) In exercising the powers referred to in subsection (1) an authorised officer may use such force as may be reasonable necessary.

13.(1) Where a fishing vessel is taken, seized or detained under this Ordinance and an information or charge is laid against the master, the owner or the charterer of the vessel in respect of the offence for which the vessel has been detained, the master, the owner or the charterer or the agent of the owner or of the charterer of the vessel may at any time before the determination of the information or charge apply to the court by which the information or charge is due to be determined for the release of the vessel on the provision of security in accordance with this section.

*Security for
release of a
fishing vessel.*

(2) On hearing the application the court shall either:-

(a) being satisfied that reasonable security has been given to the Crown in respect of the aggregate of the maximum penalty to which the defendant may be liable and the costs and expenses that the Crown may recover under section 19 order the release of the fishing vessel; or

(b) order the release of the fishing vessel on the execution by any suitable person or persons approved by the court for the purpose of a reasonable bond in favour of the Crown in the prescribed form and conditioned in accordance with subsection (4) in an amount not less than the aggregate of the maximum penalty to which the defendant may be liable and the costs and expenses that the Government may recover under section 19.

(3) Notwithstanding subsection (2) the court may, where it is satisfied that there are special circumstances to justify it doing so, order that the bond shall be in a specified amount that is less than the amount required by that subsection.

(4) The condition of the bond shall be that if:-

(a) the defendant is found not guilty of the information or charge; or

(b) the defendant, on being convicted of the information or charge, pays in full within fourteen days after he is convicted the amount of the fine imposed by the court and the amount of all costs and expenses due by him to the Crown under section 19 then the bond shall be of no effect but that otherwise the bond shall remain in full force and effect.

(5) The amount specified in the bond shall be recoverable in full in any court of competent jurisdiction as a debt due to the Crown jointly and severally by the person or persons by whom the bond is given unless the person or persons prove the due performance of the condition for which the bond was made.

(6) In this section "fishing vessel" includes all equipment on board or used by the vessel and also includes all fish that has been seized from the vessel under this Ordinance and is detained on board the vessel in the custody of the Crown.

14.(1) Where any fish or other things of a perishable nature are seized under section 12 the Director of Fisheries may, notwithstanding any other provision of this Ordinance, either:-

*Disposal of seized
fish and other
perishables.*

(a) return the fish or other thing to the person from whom it was seized on receiving security that is, in the opinion of the Director of Fisheries adequate for the equivalent value of the fish or thing by way of bond or other stipulation conditioned for payment of such equivalent value in the event that such amounts shall be adjudged by the court to be forfeited to the Crown; or

(b) cause the sale of the fish or other thing at its reasonable marked value and if court proceedings are instituted pay the proceeds of sale into court pending an order by the court in respect of the forfeiture or otherwise of the proceeds or if no proceedings are instituted, release the proceeds to the person from whom the fish or thing was seized in accordance with section 12.

(2) Where any live fish has been seized in accordance with section 12 it may be released or destroyed at the discretion of the seizing officer where he considers such act desirable in order to prevent undue suffering or for other good and sufficient reason.

15.(1) Any person arrested and, subject to section 14, any vessel, article or thing arrested, detained or seized shall be brought before or under the jurisdiction of a court of competent jurisdiction without undue delay.

Disposal of persons arrested, vessels and other things detained or seized.

(2) Where any person arrested is released without charge or the prosecution of that person is not proceeded with within thirty days of the arrest any vessel, article or thing arrested detained or seized when in the possession of or under the control of that person or the proceeds of sale thereof shall subject to section 15(2) be returned to that person.

(3) Where the court holds any vessel, article or thing arrested, detained or seized under section 12 and a person who has been properly charged with an offence in relation thereto within ninety days of the arrest, detention or seizure fails to appear to answer the charge the Director of Fisheries may apply to the court for such vessel, article or thing to be forfeited to the Crown and the court shall make such order as it shall consider just.

(4) Where the court fails or refuses to make an order for forfeiture under subsection (3) the Director of Fisheries may appeal to the Supreme Court the decision of which shall be final.

(5) Subject to subsection (6) and section 14 where a vessel, article or thing is arrested, detained or seized under section 12 and no person is arrested the vessel, article or thing, shall be returned to the owner or the person having possession care or control of it at the time of arrest, detention or seizure.

(6) If the lawful owner of a vessel, article or thing, arrested, detained or seized under section 12 cannot be traced within thirty days of such seizure it shall be forfeit to the Crown and be disposed of as the Director of Fisheries in his discretion shall consider fit and any proceeds of sale thereof shall be paid into the Consolidated Fund.

(7) Where a vessel article or thing has been arrested, detained or seized under section 12 and the Court does not order the forfeiture of that vessel, article or thing it, or any proceeds realised from its disposal, shall be returned to the owner thereof or the person having the possession care or control of it at the time of arrest, detention or seizure.

(8) Where the owner of a vessel, article or thing or the person having the possession, care or control of it at the time of its arrest, detention or seizure is convicted of an offence under this Ordinance and a fine is imposed.

(a) the vessel, article or thing may be detained until the fine is paid;

(b) the vessel, article or thing may be sold in satisfaction of the fine; or

(c) any proceeds realised from its disposal under section 14 may be applied in payment of the fine.

(9) The Director of Fisheries may cause any fish, vessel or any fishing gear found or seized and at his disposal to be destroyed if he considers fit.

PART VI

PROHIBITIONS AND OFFENCES

16.(1) No fishing vessel entitled to fly the flag of the Falkland Islands, whether or not it is required to be licensed under this Ordinance, shall engage in any activity on the high seas that undermines the effectiveness of international conservation and management measures.

Prohibition of activities that undermine the effectiveness of international conservation and management measures.

(2) The Governor may, by regulation, prescribe certain activities as being activities that undermine the effectiveness of international conservation and management measures.

(3) Where a vessel contravenes subsection (1) the master, the owner and the charterer shall each commit an offence and be liable on conviction to a fine not exceeding the maximum of level 12 on the standard scale.

17.(1) Any person who:-

Obstruction of authorised officers, false information and alteration of licences.

(a) assaults, resists or wilfully obstructs an authorised officer when acting in the exercise of his powers under this Ordinance;

(b) refuses or neglects to comply with any order, requisition or direction lawfully made or given under this Ordinance;

(c) without reasonable excuse fails to:-

(i) answer any question asked by an authorised officer; or

(ii) given any information or produce any thing required to be given or produced in pursuance of this Ordinance;

(d) fails to allow a search or inspection under this Ordinance; or

(e) prevents or attempts to prevent another person from complying with such orders, requisitions or directions or from answering such questions, producing any thing or allowing a search or inspection;

commits an offence and shall be liable on conviction to a fine not exceeding the maximum of level 8 on the standard scale.

(2) Any person who:-

(a) for the purpose of obtaining a licence; or

(b) for purported compliance with an requirement to furnish any information under this Ordinance,

knowingly or recklessly provides information which is false in a material particular commits an offence and shall be liable on conviction to a fine not exceeding the maximum of level 8 on the standard scale.

(3) Any person who without lawful authority alters a licence granted under this Ordinance commits an offence and on conviction shall be liable to a fine not exceeding the maximum of level 10 on the standard scale.

18.(1) Any person who contravenes any provision of this Ordinance where no offence is specifically provided commits an offence.

*Other offences,
penalties and
proceedings.*

(2) Any person who commits an offence against this Ordinance for which no penalty is specifically provided shall be liable on conviction to a fine not exceeding the maximum of level 6 on the standard scale.

(3) Where any person is convicted of an offence against this Ordinance the court may in addition to any other penalty that it may impose order that any fishing gear, instruments or appliances used in the commission of such offence and any fish on board a fishing vessel or the proceeds of sale thereof, if already sold, shall be forfeited to the Crown and if so forfeited shall be disposed of in such manner as the Director of Fisheries, acting in his discretion, may direct.

(4) For the purposes of any proceedings under this Ordinance any fish found on board a fishing vessel shall be presumed to have been caught:-

(a) on the high seas; and

(b) within the vicinity of the vessel at the time the fish is so found where the licence to fish specifying the vessel restricts fishing to a particular area of the high seas;

unless the contrary is proved.

(5) An attempt to commit an offence under this Ordinance shall itself constitute an offence and may be dealt with in like manner as if the attempted offence had been committed.

(6) Any master or other person who transships, receives on board a fishing vessel, transports, sells, offers for sale, processes or in any other manner deals with fish caught in contravention of this Ordinance commits an offence.

(7) Any person who aids, abets, counsels or procures an offence under this Ordinance conspires to commit such offence commits the offence so aided, abetted, counselled or procured or conspired to be committed.

(8) When a person is convicted on a second or further occasion of an offence against this Ordinance he shall be liable to double the normal penalty for that offence.

(9) A certificate purporting to be signed by the Director of Fisheries or any officer authorised by him for that purpose to the effect that on a date specified in the certificate:-

- (a) a fishing vessel specified in that certificate was not licensed under this Ordinance;
- (b) the accused person or any other named person was not the holder of a licence under this Ordinance; or
- (c) a person was the holder of a licence or permit under this Ordinance,

shall, in the absence of proof to the contrary, be sufficient evidence of the matter stated in the certificate.

PART VII

COURT PROCEEDINGS, PENALTIES AND COMPOUNDING OF OFFENCES

19. All penalties, offences and proceedings under this Ordinance may be recovered, prosecuted and taken before the Magistrate's Court or the Summary Court and each of those courts shall have power to impose any time provided for by this Ordinance. *Jurisdiction of the Court.*

20. Where a person is convicted of an offence against this Ordinance the court may in addition to any other penalty order that any licence granted under this Ordinance to the convicted person be forfeited and also any fees paid for such licence and that such person be disqualified from the day of conviction from holding a licence for a period not exceeding three years. *Forfeiture of licence and disqualification.*

21.(1) Where the Director of Fisheries has reasonable cause to believe that:- *Administrative penalty.*

- (a) an offence against this Ordinance has been committed by any person;
- (b) the offence is of a minor nature; or
- (c) having regard to the previous conduct of the person concerned and of the vessel if a vessel is involved, it would be appropriate to impose a penalty under this section,

he may cause a notice in writing in accordance with subsection (2) in the prescribed form to be served on that person.

(2) A notice under subsection (1) shall specify:-

- (a) the date and nature of the offence;
- (b) a summary of the facts upon which the allegation that an offence has been committed is based (being sufficient summary fully and fairly to inform the person of the allegation against him); and
- (c) any other matters (not being previous convictions) that the Director of Fisheries considers relevant to the imposition of a penalty;

and shall be endorsed with a statement setting out the previous of this Section.

(3) Any person on whom a notice under Subsection (1) is served may within thirty days after such service by notice in writing in the prescribed form served on the Director of Fisheries require that proceedings in respect of the alleged offence shall be dealt with by the court, in which case the following shall apply:-

(a) no further proceedings shall be taken under this section by the Director of Fisheries; and

(b) nothing in this section shall be construed to prevent the subsequent laying of any information or charge in respect of the alleged offence or the conviction of the person of the offence by the Court or the imposition of any penalty or forfeiture under this Act upon such conviction.

(4) Any person on whom a notice under subsection (1) is served who does not require that proceedings in respect of the alleged offence shall be dealt with by the court may by notice in writing served on the Director of Fisheries:-

(a) admit the offence; and

(b) make submissions to the Director of Fisheries as to the matters he wishes him to take into account in imposing any penalty under this Section.

(5) Where a person on whom a notice under subsection (1) is served does not within thirty days after the notice is served on him:-

(a) require that proceedings in respect of the alleged offence shall be dealt with by the court; or

(b) admit the offence;

he shall on the expiration of that period be considered to have admitted the offence.

(6) Where under this Section a person admits or is considered to have admitted an offence the Director of Fisheries after taking into account any submissions by that person under subsection (4), may impose a monetary penalty on that person in respect of the offence not exceeding one third of the maximum penalty to which the person would be liable if he were convicted of the offence by the court.

(7) Where the Director of Fisheries imposes a penalty on a person under this Section in respect of an offence the Director of Fisheries shall cause a notice in writing in the prescribed form of the particulars of the penalty to be served on that person.

(8) A person on whom a penalty is imposed under this Section shall pay the amount of the penalty to the Crown within thirty days after the notice of the penalty is served on him in accordance with subsection (7).

(9) Without prejudice to the requirement of subsection (8), a penalty imposed under this Section shall be recoverable by the Crown from the person on whom it has been imposed in the same manner as a fine is recoverable on conviction of an offence.

(10) Notwithstanding any other provisions of this Ordinance or any other enactment, where an offence has been admitted or is considered to have been admitted under this section no information or charge may be laid in respect of the offence against any person by whom it has been admitted or considered to have been admitted.

(11) Nothing in this Section shall apply:-

- (a) in respect of any offence or alleged offence under Section 4; or
- (b) to any offence or alleged offence in respect of which any information or charge has already been laid.

22.(1) If any fine or amount of costs is adjudged to be due by the owner, master or charterer of any fishing vessel in respect of a contravention of any provisions of this Ordinance the court may, if no security or it considers that insufficient security has been given to the Crown, order that in default of payment forthwith the defendant shall give security for the payment of the amount due and if such security, to the satisfaction of the court, is not given the court may order the detention of the fishing vessel concerned with such contravention and such fishing vessel may accordingly be detained in the Falkland Islands until the amount due is paid or sufficient security shall be given to the satisfaction of the court.

*Detention of
forfeiture of
fishing vessel on
failure to pay or
secure fine.*

(2) If a fine is not paid or security is not given within thirty days of the order of the Court or such longer period as the court may determine, the court may order that in the case of any offence against Section 4 any vessel and its equipment used in the commission of the offence shall be forfeited to the Crown and if so forfeited shall be disposed of in such manner as the Director of Fishers acting in his discretion shall direct.

PART VIII

REGULATIONS

23.(1) The Governor may make regulations for the better carrying into effect of the purposes of this Ordinance.

Regulations.

(2) In particular and without prejudice to the generality of subsection (1) such regulations may provide for:-

- (a) anything which is to be or may be prescribed under this Ordinance;
- (b) the payment of fees on applications for licences and on the issue of licences;
- (c) the conditions and procedures of applications for licences and their forms;
- (d) the placing of observers on fishing vessels;
- (e) the provision by applicants for licences and licensees of bonds or other forms of security for securing their compliance with the obligations under and the terms and conditions of their licences;
- (f) reports to be made for the purposes of this Ordinance;

(g) notification of international conservation and management measures recognised by the Falkland Islands;

(h) activities that shall be considered to be activities that undermine the effectiveness of international conservation and management measures.

The Supplementary Appropriation (1995-1996) Bill 1995

(No: of 1995)

ARRANGEMENT OF PROVISIONS

Clause

1. Short title.
2. Appropriation of further sums.

First Schedule

Second Schedule

A Bill

for

An Ordinance

to appropriate and authorise the withdrawal from the Consolidation Fund of additional sums totalling £1,430,710 for the service of the financial year ending 30 June 1996.

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

Short title

1. This Ordinance may be cited as the Supplementary Appropriation (1995-1996) Ordinance 1995.

Appropriation of further sums

2. The Financial Secretary may cause to be issued out of the Consolidation Fund and applied to the service of the year commencing on 1 July 1995 and ending on 30 June 1996 ("the financial year").

(a) the sum of FOUR HUNDRED AND SEVENTY THOUSAND SEVEN HUNDRED AND TEN POUNDS which sum is granted and shall be appropriated for replenishing the Contingencies Fund in respect of advances authorised to be issued therefrom for the purposes of the Heads of Service mentioned in the First Schedule hereto and which will come into course of payment during the Financial Year; and

(b) the further sum of NINE HUNDRED AND SIXTY THOUSAND POUNDS which sum is granted and shall be appropriated for the purposes of the Head of Service mentioned in the Second Schedule hereto and which will come in course of payment during the Financial Year.

FIRST SCHEDULE

Number	Head of Service	£
PART I OPERATING BUDGET		
320	Fisheries	34,300
350	Public Works	31,700
550	Police, Fire and Rescue Service	20,000
600	Secretariat, Treasury etc	61,520
750	The Governor	6,040
800	Legislature	9,150
		<hr/>
TOTAL OPERATING EXPENDITURE		162,710
PART II CAPITAL BUDGET		
950	Capital Expenditure	308,000
		<hr/>
TOTAL SUPPLEMENTARY EXPENDITURE		470,710
		=====

SECOND SCHEDULE

Number	Head of Service	£
PART I OPERATING BUDGET		
320	Fisheries	100,000
350	Public Works	20,000
		<hr/>
TOTAL OPERATING EXPENDITURE		120,000
PART II CAPITAL BUDGET		
950	Capital Expenditure	840,000
		<hr/>
TOTAL SUPPLEMENTARY EXPENDITURE		960,000
		=====

OBJECTS AND REASONS

Pursuant to the provisions of section 26 of the Finance and Audit Ordinance 1988, Clause 2(a) and the First Schedule to the Bill provide for estimated supplementary expenditure authorised in the first instance to be advanced out of the Contingencies Fund by the issue of the following 1994/95 Contingencies Warrants:

Warrant No 1	£46,400
Warrant No 2	£16,000
Warrant No 3	£356,460
Warrant No 4	£51,850
	<hr/>
TOTAL	£470,710
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Pursuant to the provisions of Section 8 of the Finance and Audit Ordinance 1988, Clause 2(b) and the Second Schedule to the Bill provide for the other estimated supplementary expenditure approved by the Standing Finance Committee as follows:

Meeting held on 28 July 1995	£870,000
Meeting held on 31 August 1995	£90,000
	<hr/>
TOTAL	£960,000
	<hr/>



THE FALKLAND ISLANDS GAZETTE Supplement

PUBLISHED BY AUTHORITY

Vol. 6

19th OCTOBER 1995

No. 27

The following is published in this Supplement -

The Antarctic Act 1994 (Overseas Territories) Order 1995;
The Antarctic Regulations 1995;
The South Africa (United Nations Arms Embargo) (Prohibited Transactions)
Revocations Order 1994.

STATUTORY INSTRUMENTS

1995 No. 1030

ANTARCTICA

The Antarctic Act 1994 (Overseas Territories) Order 1995

<i>Made - - - -</i>	<i>11th April 1995</i>
<i>Laid before Parliament</i>	<i>25th April 1995</i>
<i>Coming into force</i>	<i>15th May 1995</i>
<i>subject to the provisions of Article 1(2)</i>	

At the Court at Windsor Castle, the 11th day of April 1995
Present,
The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred on Her by the Foreign Jurisdiction Act 1890(a), the British Settlements Acts 1887 and 1945(b), and section 34(2) and (3) of the Antarctic Act 1994(c), and all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Citation and commencement

1.—(1) This Order may be cited as the Antarctic Act 1994 (Overseas Territories) Order 1995 and, subject to the provisions of paragraph (2), shall come into force on 15th May 1995.

(2) Schedule 1 to this Order shall come into force in respect of each territory to which this Order extends on such day as the Governor of the territory may by order, published in the official gazette of the territory, appoint; and different days may be appointed for different provisions and different purposes.

Extent and construction

2.—(1) Subject to the provisions of paragraph (2), the Antarctic Act 1994, modified as in Schedule 1 to this Order, shall extend to the territories listed in Schedule 2 to this Order.

(2) In its extension to the British Antarctic Territory the Antarctic Act 1994, as so modified, shall be subject to the further modifications set out in Schedule 3 to this Order.

(3) Unless otherwise provided, any reference in this Order to “the Antarctic Act 1994” means that Act as it applies in the United Kingdom; and “the Act” or “this Act” means the Antarctic Act 1994 as extended by this Order.

Revocation

3. Article 4 of the Antarctic Treaty Order in Council, 1962(d) is revoked.

N. H. Nicholls
Clerk of the Privy Council

(a) 1890 c.37 (53 & 54 Vict.).

(b) 1887 c.54 and 1945 c.7 (9 & 10 Geo. 6).

(c) 1994 c.15.

(d) S.I. 1962/401.

SCHEDULE 1

Article 2(1)

PROVISIONS OF THE ANTARCTIC ACT 1994 AS MODIFIED AND
EXTENDED TO THE TERRITORIES LISTED IN SCHEDULE 2

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

Article

1. Meaning of "Antarctica".
2. The Antarctic Treaty, the Protocol and the Convention.

PART II

ENVIRONMENTAL PROTECTION

Permits for entering and remaining in Antarctica

3. Permits required for British expeditions to Antarctica.
4. Permits required for British stations in Antarctica.
5. Permits required for British vessels and aircraft entering Antarctica.

Mineral resources

6. Mineral resource activities.

Fauna and flora

7. Conservation of Antarctic fauna and flora.
8. Permits required for introducing non-native animals and plants into Antarctica.

Special areas

9. Areas restricted under the Protocol.
10. Historic Sites and Monuments.
11. Places protected under the Convention.

Permits under Part II: further provisions

12. Grant of permits for activities prohibited by sections 7, 8 and 9.
13. Conditions attached to permits under Part II.
14. Permits: applications, production, revocation and suspension.
15. Duty to have regard to the Protocol and to measures implementing the Protocol.
16. (omitted).

Offences under Part II

17. Proceedings for offences under Part II.
18. Defences.
19. Offences committed by bodies corporate.
20. Penalties.

PART III

APPLICATION OF CRIMINAL LAW TO UNITED KINGDOM NATIONALS

21. United Kingdom nationals in the unclaimed sector of Antarctica.
22. United Kingdom nationals working under the Antarctic Treaty.
23. United Kingdom nationals working under the Convention.
24. Proceedings for offences under Part III.

PART IV

MISCELLANEOUS AND SUPPLEMENTARY

International rights, obligations and arrangements

25. Power to make further provision in connection with the Antarctic Treaty, the Protocol and the Convention.

Offences under this Act: further provisions

26. (omitted).

27. Meaning of "offence under this Act".

28. Institution of proceedings.

29. Power of arrest etc.

30. Evidence.

Interpretation

31. Interpretation.

Supplementary

32. Regulations.

PART I

PRELIMINARY

Meaning of "Antarctica"

1.—(1) In this Act "Antarctica" means—

- (a) the continent of Antarctica (including all its ice-shelves),
- (b) all islands south of 60° South latitude (including all their ice-shelves),
- (c) all areas of continental shelf which are adjacent to that continent or those islands and which are south of 60° South latitude, and
- (d) all sea and airspace south of 60° South latitude.

and for this purpose "continental shelf" shall be construed in accordance with the rules of international law.

The Antarctic Treaty, the Protocol and the Convention

2.—(1) "the Antarctic Treaty" means the Antarctic Treaty signed at Washington on 1st December 1959,

"the Convention" means the Convention on the Conservation of Antarctic Marine Living Resources drawn up at Canberra on 20th May 1980(a), and

"the Protocol" means the Protocol on Environmental Protection to the Antarctic Treaty done at Madrid on 4th October 1991(b).

(2) In this Act "another Contracting Party" means any State other than the United Kingdom that is a party to the Protocol.

PART II

ENVIRONMENTAL PROTECTION

*Permits for entering and remaining in Antarctica***Permits required for British expeditions to Antarctica**

3.—(1) No person who is on a British expedition may enter or remain in Antarctica except in accordance with a permit granted under this section.

(2) Subsection (1) does not apply—

- (a) to a person travelling through, on or above the high seas to an immediate destination outside Antarctica, or
- (b) to a person entering or remaining in Antarctica for the sole purpose of fishing for profit.

(a) Treaty Series No. 48 (1982) Cmnd. 8714.

(b) Cm 1960.

(3) Subject to subsection (4), for the purposes of this section an expedition is a British expedition if—

- (a) it was organised in the United Kingdom or the Territory or
- (b) the place of final departure for Antarctica of the persons on the expedition was in the United Kingdom or the Territory.

(4) An expedition organised in and authorised in writing by another Contracting Party shall not be regarded as a British expedition.

(5) Any person who contravenes subsection (1) shall be guilty of an offence.

(6) If subsection (1) is contravened by a person who—

- (a) is on an expedition in respect of which a permit has been granted under this section to another person, and
- (b) is specified or of a description specified in that permit,

that other person shall be guilty of an offence.

(7) If a person whose place of final departure for Antarctica was in the United Kingdom or the Territory enters Antarctica in contravention of subsection (1)—

- (a) the operator of the vessel or aircraft on which he enters Antarctica, and
- (b) the master of that vessel or the commander of that aircraft, shall each be guilty of an offence.

(8) The Governor, with the consent of the Secretary of State, may on the application of any person grant to him a permit authorising any person specified or of a description specified in the permit to enter and remain in Antarctica on a British expedition.

(9) In this section references to the Territory shall be construed as including a reference to any other territory to which this Act has been extended.

Permits required for British stations in Antarctica

4.—(1) No person may remain on a British station in Antarctica except in accordance with a permit granted under this section.

(2) For the purposes of this section a station is a British station if it is maintained by or on behalf of a United Kingdom national.

(3) Any person who contravenes subsection (1) shall be guilty of an offence.

(4) If subsection (1) is contravened by a person who—

- (a) is on a station in respect of which a permit has been granted under this section to another person, and
- (b) is specified or of a description specified in that permit,

that other person shall be guilty of an offence.

(5) The Governor, with the consent of the Secretary of State, may on the application of any person grant to him a permit authorising any person specified or of a description specified in the permit to remain on any British station in Antarctica specified in the permit or of a description specified in the permit.

Permits required for British vessels and aircraft entering Antarctica

5.—(1) No British vessel or British aircraft may enter Antarctica except in accordance with a permit granted under this section or under the written authorisation of another Contracting Party.

(2) Subsection (1) does not apply—

- (a) to a vessel or aircraft travelling to an immediate destination outside Antarctica, or
- (b) to a vessel entering Antarctica for the sole purpose of fishing for profit.

(3) In this section—

“British vessel” means a ship which—

- (a) is registered in the United Kingdom or the Territory; or
- (b) is not registered under the law of any country but is wholly owned by persons each of whom is either a United Kingdom national or a body corporate which is established under the law of a part of the United Kingdom or in the Territory and has its principal place of business in a part of the United Kingdom or in the Territory;

“British aircraft” means an aircraft -

- (a) which is for the time being registered in the United Kingdom or the Territory; or
- (b) which is not for the time being registered in any country but in the case of which either the operator of the aircraft or each person entitled as owner to any legal or beneficial interest in it satisfies the following requirements, namely—
 - (i) that he is a person qualified to be the owner of a legal or beneficial interest in an aircraft registered in the United Kingdom or the Territory; and
 - (ii) that he resides or has his principal place of business in the United Kingdom or the Territory; or
- (c) which being for the time being registered in some other country, is for the time being chartered by demise to a person who, or to persons each of whom, satisfies the requirements aforesaid.
- (4) If subsection (1) is contravened—
 - (a) the operator of the vessel or aircraft, and
 - (b) the master of the vessel or the commander of the aircraft,

shall each be guilty of an offence.

(5) The Governor, with the consent of the Secretary of State, may on the application of any person grant to him a permit authorising any British vessel or aircraft of which he is the operator and which is specified or of a description specified in the permit to enter Antarctica on occasions or in circumstances specified in the permit.

(6) In this section references to the Territory shall be construed as including a reference to any other territory to which this Act has been extended.

Mineral Resources

Mineral resource activities

6.—(1) No United Kingdom national may in Antarctica—

- (a) drill, dredge or excavate for mineral resources,
- (b) collect any samples of mineral resources, or
- (c) do anything for the purpose of identifying specific mineral resource occurrences or deposits, or areas where such occurrences or deposits may be found,

except in accordance with a permit granted under this section.

(2) Any person who contravenes subsection (1) shall be guilty of an offence.

(3) The Governor, with the consent of the Secretary of State, may on the application of any person grant to him a permit authorising any United Kingdom national who is specified or of a description specified in the permit to do anything so specified or of a description so specified that would otherwise constitute a contravention of subsection (1).

(4) The Secretary of State shall not consent to the grant of a permit under this section unless he is satisfied that the activities authorised by the permit will be carried on—

- (a) only for the purposes of scientific research, or
- (b) only for purposes connected with the construction, maintenance or repair in Antarctica of a British station within the meaning of section 4 or of any other structure, road, runway or jetty maintained by or on behalf of a United Kingdom national.

(5) In this section “mineral resource” means any natural resource that is neither living nor renewable.

Fauna and flora

Conservation of Antarctic fauna and flora

7.—(1) No United Kingdom national may in Antarctica—

- (a) intentionally kill, injure, capture, handle or molest any native mammal or native bird,
- (b) while on foot intentionally disturb a breeding or moulting native bird, or a concentration of native mammals or native birds,
- (c) use a vehicle, vessel or aircraft in a manner that disturbs a concentration of native mammals or native birds,
- (d) use explosives or firearms in such a manner,
- (e) remove or damage such quantities of any native plant that its local distribution or abundance will be significantly affected,

(f) significantly damage a concentration of native plants, or
 (g) do anything that is likely to cause significant damage to the habitat of any native mammal, bird, plant or invertebrate,
 except in accordance with a permit granted under section 12 or under the written authorisation of another Contracting Party.

(2) Any person who contravenes subsection (1) shall be guilty of an offence.

Permits required for introducing non-native animals and plants into Antarctica

8.—(1) No United Kingdom national may introduce into any part of Antarctica any animal of a species that is not indigenous to Antarctica, or any plant that is not a native plant, except in accordance with a permit granted under section 12 or under the written authorisation of another Contracting Party.

(2) The keeping of an animal or plant on board a vessel in Antarctica shall not be regarded as a contravention of subsection (1).

(3) Any person who contravenes subsection (1) shall be guilty of an offence.

Special areas

Areas restricted under the Protocol

9.—(1) No United Kingdom national may enter or remain in an area in Antarctica designated by regulations as an area restricted under the Protocol except in accordance with a permit granted under section 12 or under the written authorisation of another Contracting Party.

(2) Any person who contravenes subsection (1) shall be guilty of an offence.

Historic Sites and Monuments

10.—(1) No United Kingdom national may damage, destroy or remove any part of a site or monument designated by regulations as an Antarctic Historic Site or Monument.

(2) Any person who contravenes subsection (1) shall be guilty of an offence.

Placed protected under the Convention

11.—(1) No United Kingdom national may enter or remain in a place that is in the area south of the Antarctic Convergence and that has been designated by regulations as a place protected under the Convention (in this section referred to as a "protected place") except in accordance with a permit granted under this section.

(2) Any person who contravenes subsection (1) shall be guilty of an offence.

(3) The Governor, with the consent of the Secretary of State, may on the application of any person grant to him a permit authorising any United Kingdom national specified or of a description specified in the permit to enter and remain in any protected place specified in the permit.

Permits under Part II: further provisions

Grant of permits for activities prohibited by sections 7, 8 and 9

12. The Governor, with the consent of the Secretary of State, may on the application of any person grant to him a permit authorising any United Kingdom national who is specified or of a description specified in the permit to do anything specified or of a description specified in the permit that would otherwise constitute a contravention of section 7(1), 8(1) or 9(1).

Conditions attached to permits under Part II

13.—(1) The Governor, with the consent of the Secretary of State, may on granting a permit under this Part attach to it such conditions as he thinks fit, including—

- (a) conditions to be complied with by persons doing anything authorised by the permit,
- (b) in the case of a permit granted under section 5, conditions to be complied with by the master and crew of any vessel to which the permit relates or by the commander and crew of any aircraft to which the permit relates, and
- (c) conditions requiring the person to whom the permit is granted to provide information to the Governor or the Secretary of State.

(2) If any person contravenes a condition attached to a permit under subsection (1)—

- (a) he shall be guilty of an offence, and
- (b) if the permit was granted to another person, that other person shall be guilty of an offence.

Permits: applications, production, revocation and suspension

14.—(1) Regulations may make provision—

- (a) as to the procedure for making applications for permits under this Part,
- (b) as to the circumstances in which, the persons to whom, and the persons by whom, permits may be required to be produced,
- (c) as to the circumstances in which permits are liable to be revoked or suspended by the Governor,
- (d) as to the notice to be given before permits are revoked or suspended, and as to the other procedure to be followed in relation to the revocation or suspension of permits, and
- (e) for appeals against the revocation or suspension of permits, and as to the procedure to be followed in relation to such appeals (including provision in accordance with which such procedure is to be determined).

(2) Any person who without reasonable excuse fails to produce a permit in compliance with a requirement made in accordance with regulations under subsection (1)(b) shall be guilty of an offence.

Duty to have regard to the Protocol and to measures implementing the Protocol

15. The Secretary of State shall have regard to the provisions of the Protocol and to any measures for the implementation of the Protocol that have become effective by virtue of paragraph 4 of Article IX of the Antarctic Treaty in considering in any case whether to give his consent to the grant of a permit under section 3, 4, 5 or 12 or to conditions to be attached thereto under section 13(1).

16. (omitted).

Offences under Part II

Proceedings for offences under Part II

17. Proceedings for an offence under this Part may be taken and the offence may for incidental purposes be treated as having been committed in the Territory.

Defences

18.—(1) Where a person is charged with an offence under section 3(5), (6) or (7), 4(3) or (4), 5(4) or 13(2), it shall be a defence to prove that the contravention in question occurred by reason of matters outside his control and that he took all reasonable precautions to avoid such a contravention.

(2) Subject to subsection (3), where a person is charged with an offence under this Part it shall be a defence to prove that the contravention in question occurred in a case of emergency relating to—

- (a) the safety of human life, vessels or aircraft,
- (b) the safety of equipment and facilities of high value, or
- (c) the protection of the environment.

(3) Subsection (2) does not apply where the contravention in question is a contravention of section 6(1) or of a condition attached to a permit granted under section 6(3).

(4) Where a person is charged with an offence under section 7(2) in respect of a contravention of section 7(1)(a), it shall be a defence to prove that the act in question was done for the relief of the suffering of the mammal or bird in question.

Offences committed by bodies corporate

19.—(1) Where an offence under this Part has been committed by a body corporate and the contravention in question is proved to have occurred with the consent or connivance of, or to be attributable to any neglect on the part of—

- (a) a director, manager, secretary or other similar officer of the body corporate, or
- (b) any person who was purporting to act in any such capacity,

he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(2) In subsection (1) “director”, in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

Penalties

20. Any person who is guilty of an offence under this Part shall be liable on conviction on indictment to imprisonment for a term not exceeding two years, to a fine or to both, and on summary conviction to a fine not exceeding £5,000 or its equivalent.

PART III

APPLICATION OF CRIMINAL LAW TO UNITED KINGDOM NATIONALS

United Kingdom nationals in the unclaimed sector of Antarctica

21. Where a United Kingdom national does or omits to do anything on any land lying south of 60° South latitude and between 150° West longitude and 90° West longitude and that act or omission would have constituted an offence under the law of the Territory if it had occurred in the Territory, he shall be guilty of the like offence as if the act or omission had taken place in the Territory, and shall be liable to be proceeded against and punished accordingly.

United Kingdom nationals working under the Antarctic Treaty

22.—(1) Where a United Kingdom national who—

- (a) is an Antarctic Treaty official, and
- (b) is in any part of Antarctica, other than the area mentioned in section 21, for the purpose of exercising his functions as an Antarctic Treaty official,

does or omits to do anything, and that act or omission would have constituted an offence under the law of the Territory if it had taken place in the Territory, he shall be guilty of the like offence as if the act or omission had taken place in the Territory, and shall be liable to be proceeded against and punished accordingly.

(2) In subsection (1) "Antarctic Treaty official" means a person who—

- (a) has been designated as an observer by, or on behalf of Her Majesty's Government in the United Kingdom in accordance with Article VII of the Antarctic Treaty,
- (b) is a scientist who has been exchanged in accordance with Article III (1)(b) of the Antarctic Treaty, or
- (c) is a member of the staff accompanying a person such as is mentioned in paragraph (a) or (b).

United Kingdom nationals working under the Convention

23.—(1) Where a United Kingdom national—

- (a) who is a Convention official, and
- (b) who is on a vessel in any part of the area south of the Antarctic Convergence for the purpose of exercising his functions as a Convention official,

does or omits to do anything, and that act or omission would have constituted an offence under the law of the Territory if it had taken place in the Territory, he shall be guilty of the like offence as if the act or omission had taken place in the Territory, and shall be liable to be proceeded against and punished accordingly.

(2) In subsection (1) "Convention official" means any person designated as an inspector or observer by a Member of the Commission for the Conservation of Antarctic Marine Living Resources under Article XXIV of the Convention.

Proceedings for offences under Part III

24. Where by virtue of section 21, 22 or 23 a person is liable to be proceeded against for an offence in the Territory, the proceedings may be taken, and the offence may for incidental purposes be treated as having been committed, in the Territory.

PART IV

MISCELLANEOUS AND SUPPLEMENTARY

International rights, obligations and arrangements

Power to make further provision in connection with the Antarctic Treaty, the Protocol and the Convention

25.—(1) Regulations may make provision for the purpose of implementing any right or obligation of the United Kingdom created or arising by or under any of the Agreements.

(2) In subsection (1) "the Agreements" means—

- (a) the Antarctic Treaty, the Protocol and the Convention (as they have effect on 5th July 1994 or subsequently), and
- (b) any annex or protocol to the Antarctic Treaty, the Protocol or the Convention (as any such annex or protocol has effect on 5th July 1994 or, if later, the date on which it is made, or subsequently).

(3) Regulations may make provision for the purpose of giving effect to any recommendations made in accordance with Article IX(1) of the Antarctic Treaty (recommendations to the governments of the parties to the Antarctic Treaty of measures in furtherance of its principles and objectives).

(4) Regulations under subsection (1) or (3) may not create any new criminal offence punishable with a penalty greater than that provided for in section 20 in respect of offences under Part II.

26. (omitted).

Offences under this Act: further provisions

Meaning of "offence under this Act".

27. In the following provisions of this Act "offence under this Act" includes any offence committed by virtue of section 21, 22 or 23 and any offence (wherever committed) or incitement to commit an offence under Part II, conspiracy to commit an offence under Part II or attempting to commit an offence under Part II.

Institution of proceedings

28. Proceedings for an offence under this Act shall not be instituted in the Territory except by or with the consent of the principal public officer of the Territory having responsibility for criminal prosecutions:

Provided that this section shall not prevent the arrest, or the issue or execution of a warrant for the arrest, of any person in respect of such an offence, or the remand in custody or on bail of any person charged with such an offence, notwithstanding that the necessary consent to the institution of proceedings for the offence has not been obtained.

Power of arrest etc.

29.—(1) Regulations may make provision for the arrest—

- (a) in any part of the area south of the Antarctic Convergence of any person suspected of committing an offence under section 11(2), under section 13(2) in relation to a condition attached to a permit granted under section 11, or by virtue of section 23, and
- (b) in any part of Antarctica of any person suspected of committing any other offence under this Act.

(2) Regulations may make provision for—

- (a) the conveyance in custody of any person arrested under regulations made by virtue of subsection (1) to any place where he can be tried for the offence in question,
- (b) the seizure and detention of any article which may be evidence of an offence under this Act and its conveyance to any place where a person charged with that offence can be tried, and
- (c) securing the attendance, before any court by which a person can be tried for an offence under this Act, of any person required to give evidence or produce documents in proceedings relating to that offence.

30.—(1) For the purposes of any proceedings for an offence under this Act a certificate signed by or on behalf of the Secretary of State or the Governor and stating that at the time specified in the certificate—

- (a) a State was or was not a party to the Protocol,
- (b) a person was or was not an Antarctic Treaty official as defined in section 22, or
- (c) a person was or was not a Convention official as defined in section 23,

shall be conclusive evidence of the facts stated in it.

(2) A document purporting to be a certificate such as is mentioned in subsection (1) shall be deemed to be such a certificate unless the contrary is proved.

(3) A document purporting to be a written authorisation such as is mentioned in section 3(4), 5(1), 7(1), 8(1) or 9(1) shall be deemed to be such an authorisation unless the contrary is proved.

Interpretation

Interpretation

31.—(1) In this Act—

"commander", in relation to an aircraft, means the member of the flight crew designated as commander by the operator of the aircraft, or if there is no such person, the person who is for the time being the pilot in command of the aircraft;

"contravenes" includes fails to comply with (and "contravention" has a corresponding meaning);

“expedition” includes any tour or other journey, whatever its purpose, made by one or more persons;

“Governor” means the Governor or other officer administering the government of the Territory;

“land” includes any ice-shelf;

“master”, in relation to a vessel, includes any person for the time being in charge of the vessel (other than a pilot);

“native bird” means a bird of a species indigenous to Antarctica or occurring there seasonally through natural migrations (and includes an egg of such a bird);

“native invertebrate” means a terrestrial or freshwater invertebrate indigenous to Antarctica (at any stage of its life cycle);

“native mammal” means a mammal of any species indigenous to Antarctica or occurring there seasonally through natural migrations;

“native plant” means any terrestrial or freshwater vegetation, including bryophytes, lichens, fungi and algae, indigenous to Antarctica, and includes such vegetation at any stage of its life cycle (including seeds and other propagules of such vegetation);

“operator”, in relation to a vessel or aircraft, means the person for the time being having the management of that vessel or aircraft;

“regulations” means regulations made by the Governor;

“station” includes any building or group of buildings;

“United Kingdom national” means—

- (a) a British citizen, a British Dependent Territories citizen, a British National (Overseas) or a British Overseas citizen;
- (b) a British subject under the British Nationality Act 1981(a);
- (c) a British protected person within the meaning of that Act;
- (d) a Scottish partnership;
- (e) a body incorporated under the law of any part of the United Kingdom or of the Territory;

“vessel” includes a hovercraft.

(2) For the purposes of this Act the Antarctic Convergence shall be taken to be a line running along parallels of latitude and meridians of longitude that joins the following points—

- 50° South latitude 0°;
- 50° South latitude 30° East longitude;
- 45° South latitude 30° East longitude;
- 45° South latitude 80° East longitude;
- 55° South latitude 80° East longitude;
- 55° South latitude 150° East longitude;
- 60° South latitude 150° East longitude;
- 60° South latitude 50° West longitude;
- 50° South latitude 50° West longitude; and
- 50° South latitude 0°.

(3) Except as otherwise provided, in the application of this Act to any of the territories to which it is extended the expression “the Territory” means that territory.

(4) The reference in sections 3(1), 4(1), 5(1), 6(1) and 11(1) to “a permit granted under this section” and the reference in sections 7(1), 8(1), 9(1) to “a permit granted under section 12” shall include a permit granted under the corresponding section of the Antarctic Act 1994 or of this Act as it applies in any other territory to which it has been extended.

Supplementary

Regulations

32. Regulations under this Act may make—

- (a) different provisions for different cases or circumstances, and
- (b) incidental and supplementary provision.

SCHEDULE 2

Article 2(1)

TERRITORIES TO WHICH THIS ORDER EXTENDS

Anguilla
Bermuda
British Antarctic Territory
Cayman Islands
Falkland Islands
Montserrat
St Helena and Dependencies
South Georgia and the South Sandwich Islands
Turks and Caicos Islands
Virgin Islands

SCHEDULE 3

Article 2(2)

**MODIFICATIONS TO THE ACT IN RESPECT OF THE BRITISH
ANTARCTIC TERRITORY**

The following provisions shall not extend to the British Antarctic Territory

section 3

section 4

section 5

section 13(1)(b).

In the application of sections 15 and 18(1) in the British Antarctic Territory, the references therein to sections 3, 4 and 5 shall be omitted.

In section 22(1)(b), "Antarctica" does not include the British Antarctic Territory.

In section 23(1)(b) "the area south of the Antarctic Convergence" does not include the British Antarctic Territory.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, made under the Antarctic Act 1994, extends provisions of the Act, with modifications, to the territories specified in Schedule 2.

STATUTORY INSTRUMENTS

1995 No. 490

ANTARCTICA

The Antarctic Regulations 1995

Made - - - - - 20th February 1995

Laid before Parliament 1st March 1995

Coming into force in accordance with regulation 1

ARRANGEMENT OF REGULATIONS

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SCHEDULE 1

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Protected Places

The Secretary of State for Foreign and Commonwealth Affairs, in exercise of his powers under sections 9(1), 10(1), 11(1), 14(1), 15(c), 25(1) and (3), 29 and 32 of the Antarctic Act 1994(a), and of all other powers enabling him in that behalf, hereby makes the following Regulations:

PART 1

GENERAL

Citation and commencement

1. These Regulations may be cited as the Antarctic Regulations 1995 and shall come into force on such day as the Secretary of State may by order appoint and different days may be appointed for different provisions and different purposes.

Interpretation

2.—(1) In these Regulations “the Act” means the Antarctic Act 1994, and expressions used in these Regulations have, unless the contrary intention appears, the meaning which they bear in the Act.

(2) Any reference in these Regulations to a communication “in writing” shall include a reference to a communication by telex, facsimile or other similar instantaneous means which produces a document containing a text of the communication.

(3) Any reference in these Regulations to the Secretary of State with respect to the application, grant, production, revocation or suspension of a permit for the purposes of section 11 or 12 of the Act shall include a reference to any person exercising the powers

(a) 1994 c.15.

of the Secretary of State for those purposes in accordance with a delegation given under section 16 of the Act.

(4) Any reference in these Regulations to a numbered regulation shall be construed as a reference to the regulation bearing that number in these Regulations.

(5) Any period of time specified in these Regulations by reference to days, working days or months—

(a) where such period is expressed to begin after a particular date, shall begin on the first day after that date, and shall be inclusive of the last day unless that day falls on a Saturday, Sunday, Christmas Day, Good Friday or any other day appointed by law to be a bank holiday in any part of the United Kingdom, in which case the period shall run to the immediately following working day; and

(b) where such period is expressed to run or to expire before a particular date or event, the period shall be calculated to expire on the last working day before the particular date or the date of that event.

(6) In computing any period of time specified in these Regulations by reference to working days there shall be disregarded the whole of any Saturday, Sunday, Christmas Day, Good Friday or any other day appointed by law to be a bank holiday in any part of the United Kingdom.

Service of documents

3.—(1) Anything required to be served on any person under these Regulations or the Act shall be set out in a notice in writing which may be served either—

(a) by delivering it to that person;

(b) by leaving it at his proper address;

(c) by sending it by post to that address; or

(d) by sending it to him at that address by telex, facsimile or other similar instantaneous means which produces a document containing a text of the communication, in which event the document shall be regarded as served when it is transmitted,

and where the person is a body corporate the document may be served, by any of these means, upon the Secretary of that body.

(2) When a document is sent by post it shall be deemed to have been received 3 working days after despatch if posted to an address within the United Kingdom and 7 working days if posted to an address elsewhere.

(3) For the purposes of this regulation the proper address of any person shall in the case of a body corporate be the registered or principal office of that body and in any other case shall be the last known address of the person.

PART 2

PERMITS

Applications for permits under sections 3, 4, 5 and 6 of the Act

4.—(1) An application for a permit under section 3, 4, 5 or 6 of the Act shall be made to the Secretary of State in such form, and accompanied by such number of copies, as he may require.

(2) No later than 7 days after making the application, the applicant shall cause notice of the application to be published in the London Gazette in such form and containing such information as the Secretary of State may require.

(3) The applicant shall during the period the application is pending—

(a) make available a copy of the application for inspection during normal office hours by any person who may so request; and

(b) provide copies of the application to any person on receipt of a request in writing,

subject to payment of reasonable charges for supplying the copies, including postage.

Initial Environmental Evaluation

5.—(1) If the Secretary of State considers that the activity for which an application has been made under regulation 4 is likely to have more than a negligible impact on the environment of Antarctica, he shall, unless he has required the applicant to submit a draft Comprehensive Environmental Evaluation in accordance with regulation 6(1), require the applicant to submit to him an Initial Environmental Evaluation.

(2) An Initial Environmental Evaluation shall be in such form, and accompanied by such number of copies, as the Secretary of State may require and shall contain sufficient information for the Secretary of State to be able to assess—

- (a) the scale of the impact which the proposed activity may have on the environment of Antarctica;
 - (b) whether, in the light of existing and known planned activities, it may have a cumulative impact; and
 - (c) whether there may be alternative ways of carrying out the proposed activity which might lessen the environmental impact or possible cumulative impact.
- (3) The applicant shall during the period the application is pending—
- (a) make available a copy of the Initial Environmental Evaluation for inspection during normal office hours by any person who may so request; and
 - (b) provide copies of the Initial Environmental Evaluation to any person on receipt of a request in writing, subject to payment of reasonable charges for supplying the copies, including postage.

(4) The Secretary of State shall cause to be published annually a list of the Initial Environmental Evaluations submitted to him in accordance with this regulation during the preceding 12 months.

Comprehensive Environmental Evaluation

6.—(1) If the Secretary of State at any time after the making of an application considers that the activity which is the subject of the application is likely to have more than a minor or transitory impact on the environment of Antarctica, he shall require the applicant to submit to him a draft Comprehensive Environmental Evaluation.

(2) Such draft Comprehensive Environmental Evaluation shall be in such form, and accompanied by such number of copies, as the Secretary of State may require and shall contain sufficient information for the Secretary of State to be able to consider or determine—

- (a) possible alternatives to the proposed activity, including the alternative of not proceeding with it;
- (b) the initial environmental reference state with which predicted changes are to be compared, and the likely future environmental state in the absence of the proposed activity;
- (c) whether the methods and data used to forecast the impacts of the proposed activity are satisfactory for that purpose;
- (d) the nature, extent, duration and intensity of the likely direct impacts of the proposed activity;
- (e) possible indirect or second order impacts of the proposed activity;
- (f) any cumulative impacts of the proposed activity in the light of existing activities and other known planned activities;
- (g) the measures which could be taken to minimize or mitigate impacts of the proposed activity, and whether a monitoring programme to verify foreseen impacts or detect unforeseen impacts, and provide early warning of any adverse effects of the activity, should be provided for;
- (h) the measures which could be taken to deal promptly and effectively with accidents;
- (i) whether there may be any unavoidable impacts of the proposed activity;
- (j) the effects of the proposed activity on the conduct of scientific research and on other existing uses and values; and

- (k) whether there are gaps in knowledge or uncertainties with regard to the possible impact of the proposed activity.
- (3)(a) When so required by the Secretary of State, the applicant shall submit to him a final Comprehensive Environmental Evaluation in such form, and accompanied by such number of copies, as the Secretary of State may require.
- (b) When making such a requirement the Secretary of State shall provide the applicant with
 - (i) any comments in writing on the draft Comprehensive Environmental Evaluation which have been received by the Secretary of State from any person in accordance with paragraph (5);
 - (ii) any comments on such Evaluation from another Contracting Party;
 - (iii) any advice in respect of such Evaluation from the Committee for Environmental Protection established under the Protocol; and
 - (iv) an account of the consideration by the Antarctic Treaty Consultative Meeting of such Evaluation in the light of such advice,

and the applicant shall, in preparing the final Comprehensive Environmental Evaluation, take into account such comments, advice and account and include or summarize them in the final Comprehensive Environmental Evaluation.

(4) The Secretary of State shall, while an application is pending and for one year thereafter, make available the draft and the final Comprehensive Environmental Evaluation for inspection during normal office hours by any person who may so request in writing, and shall provide any person with copies on request in writing subject to payment of reasonable charges for supplying the copies, including postage.

(5) The Secretary of State shall, by a notice published in the London Gazette, notify receipt by him of each draft Comprehensive Environmental Evaluation and each final Comprehensive Environmental Evaluation, draw attention to the provisions of paragraph (4), and invite comments in writing, in the case of a draft Comprehensive Environmental Evaluation, within 90 days of publication of the notice and, in the case of a final Comprehensive Environmental Evaluation, within 30 days of the publication of the notice.

(6) The Secretary of State in taking his decision whether to grant a permit shall take into account any comments in writing submitted to him by any person in accordance with paragraph (5), if the comments are received within the relevant period specified in that paragraph.

Refusal of Permits under sections 3, 4, 5 and 6 of the Act

7. If the Secretary of State decides not to grant a permit under section 3, 4, 5 or 6 of the Act he shall so inform the applicant in writing giving his reasons.

Applications for and refusals of permits under sections 11 and 12 of the Act

8.—(1) An application for a permit under section 11 or 12 of the Act shall be made to the Secretary of State in such form, and accompanied by such number of copies, as he may require.

(2) If the Secretary of State decides not to grant such a permit he shall so inform the applicant in writing giving his reasons.

Production of permits

9.—(1) Subject to the provisions of this regulation, when there is reason to believe that a person has carried out (or is carrying out or may be about to carry out) an activity for which a permit is required by section 3(1), 4(1), 5(1), 6(1), 7(1), 8(1), 9(1) or 11(1) of the Act, an authorised person may require that person to produce, or cause to be produced, within 5 days after the request has been made, a permit granted under the Act authorising that activity.

(2) Where a permit has been granted to a person in respect of another specified person or of persons of a specified description, the requirement in paragraph (1) to produce the permit shall apply also to such person or persons.

(3) The requirements of the preceding paragraphs may be satisfied by the production of a true photocopy of the permit.

(4) An authorised person shall have the power to inspect and copy any permit which he has the power pursuant to this regulation to require to be produced to him.

(5) For the purpose of this regulation—

“authorised person” means the Secretary of State and

(a) in the United Kingdom

- (i) a justice of the peace or a sheriff;
- (ii) a constable;
- (iii) a harbour master;
- (iv) an aerodrome manager;
- (v) a customs or immigration officer; or
- (vi) any other person authorised by the Secretary of State in writing for the purpose of this regulation either generally or in a particular case,

and for the purposes of sub-paragraph (iv) “aerodrome manager” means the aviation authority, local authority or any other person by whom the aerodrome is managed;

(b) anywhere in Antarctica

- (i) a station manager (that is to say any person who is for the time being running a station in Antarctica on behalf of the Director of the British Antarctic Survey);
- (ii) any person authorised by the Secretary of State in writing for the purpose of this regulation either generally or in a particular case; or
- (iii) in respect of permits granted under section 12 of the Act, any person designated as an observer by a party to the Antarctic Treaty in accordance with Article VII thereof;

(c) only in the British Antarctic Territory

- (i) a magistrate of the British Antarctic Territory; or
- (ii) a public officer of the British Antarctic Territory;

(d) south of the Antarctic Convergence: in respect of permits granted under section 11 of the Act, any person designated as an inspector by a Member of the Commission for the Conservation of Antarctic Marine Living Resources under Article XXIV of the Convention;

(e) in respect of a British vessel in the seas south of 60° South latitude

- (i) a British naval officer; or
- (ii) the master of a vessel operated by or on behalf of the British Antarctic Survey.

Revocation and suspension of permits

10.—(1) Subject to the provisions of this regulation, the Secretary of State may revoke or suspend wholly or in part any permit granted under the Act; and where a permit has been granted in respect of more than one specified person (or vessel or aircraft), or in respect of persons (or vessels or aircraft) of a description specified in the permit, the revocation or suspension may be limited to such persons (or such vessels or aircraft), or to persons (or vessels or aircraft) of such description, as may be specified by the Secretary of State in the notice of revocation or suspension.

(2) Save as provided in paragraph (3), the Secretary of State may exercise his powers under paragraph (1) only after giving 28 days notice to the permit-holder of his intention to do so and after due consideration of any representations made in writing by or on behalf of the permit-holder (or any person specified or of a description specified in the permit).

(3) If, by reason of the urgency of the matter, it appears to the Secretary of State to be necessary for him to do so he may provisionally suspend a permit without complying with the requirements of paragraph (2), but he shall in any such case comply with those requirements as soon thereafter as is reasonably practicable, and shall then either—

(a) revoke the provisional suspension of the permit; or

- (b) substitute therefor a definitive revocation or suspension which, if a definitive suspension, may be for the same or a different period as the provisional suspension (if any).
- (4) The powers vested in the Secretary of State by paragraph (1) and paragraph (3) may be exercised by him if it appears to him that—
 - (a) the permit was procured by fraud or misrepresentation;
 - (b) the application for the permit contained a material error or omission;
 - (c) the holder of the permit, or a person or persons specified in it, or of a description specified in it, are not fit and proper persons to carry out an activity authorised by the permit;
 - (d) there has been a material change in the circumstances under which an activity authorised by the permit would be or is being carried out (including receipt by the Secretary of State of information as to the environmental impact of the activity which was not previously available) such that the continuation of the activity would have an unacceptable impact on the Antarctic environment;
 - (e) the carrying out or continuation of an activity authorised by the permit would be undesirable because of an emergency which has arisen subsequent to the grant of the permit;
 - (f) the person to whom the permit was granted (or any person or persons specified in it or of a description specified in it) will not be able to comply with a material condition of the permit;
 - (g) there has been a breach of a condition of the permit;
 - (h) the holder of the permit has purported to transfer, or has given possession of, the permit (or a copy of it) to a person who is not entitled to hold it; or
 - (i) the permit (or a copy of it) has been altered or defaced.
- (5) The permit-holder or any person having possession or custody of any permit which has been revoked or suspended under this regulation shall surrender it and any copies of it to the Secretary of State within a reasonable time of being required by him to do so.
- (6) References in this regulation to the "permit-holder" are references to the person to whom any permit to which this Part applies has been granted.

PART 3

THE TRIBUNAL

Antarctic Act Tribunal: establishment and jurisdiction

11.—(1) For the purpose of performing the functions conferred by this regulation there shall be a tribunal to be called the Antarctic Act Tribunal (hereinafter referred to as "the Tribunal").

(2) If a permit granted under section 3, 4, 5 or 6 of the Act has been revoked or suspended in accordance with regulation 10, the person to whom the permit was granted or any person specified in the permit may appeal to the Tribunal.

(3) The Tribunal shall consider—

- (a) whether the Secretary of State had grounds under regulation 10 for his decision; and
- (b) if the Tribunal is satisfied that he did have such grounds, whether, taking into account all the circumstances, the decision was reasonable.

(4) The Tribunal may dismiss the appeal or order the Secretary of State to reinstate the permit with such variations (if any) as the Tribunal may decide.

Constitution of the Tribunal

12.—(1) The Tribunal shall consist of a Chairman and two other members.

(2) The Chairman shall be appointed by the Secretary of State after consultation with the Lord Chancellor.

(3) The other two members shall be appointed by the Secretary of State, who in so doing shall take account of the nature of the activity which is the subject of the permit and the reasons given by him for revoking or suspending the permit if they are related to the nature of the activity.

(4) No member of the Tribunal shall be an officer of the Crown.

(5) The Secretary of the Tribunal (hereinafter referred to as "the Secretary") shall be such person as may be appointed for this purpose from time to time by the Secretary of State.

Procedure

13.—(1) An appeal shall be entertained by the Tribunal if the appellant, within 28 days of receipt by him of the notification of the revocation or suspension, lodges with the Secretary copies of the notice of revocation or suspension, of any representations concerning it made by him to the Secretary of State, and his grounds of appeal:

Provided that the Tribunal may waive the time limit for lodging the appeal if it is satisfied that in the circumstances the appellant could not reasonably be expected to lodge (or to have lodged) his appeal within the period prescribed.

(2) The Secretary, on being informed of the appeal, shall without delay fix a convenient date and place for the hearing of it and shall duly inform the appellant and the Secretary of State not later than 14 days before the date of the hearing, or such shorter time as the parties and the Tribunal may agree.

(3) The Tribunal shall conduct the hearing in such manner as it considers most suitable to the clarification of the issues before it and generally to the just handling of the proceedings; and it shall so far as appears to it appropriate seek to avoid formality in its proceedings.

(4) The parties shall be heard in such order as the Tribunal shall determine; they shall be entitled to give evidence, to call witnesses, to question any witnesses and to address the Tribunal both on the evidence and generally on the subject matter of the appeal.

(5) The Tribunal may determine the appeal without an oral hearing unless either party requests one.

(6) The oral hearings of the Tribunal shall be in public, unless the Tribunal decides otherwise with regard to a particular hearing or part of a hearing at which evidence to be presented would disclose intimate personal or financial circumstances, commercially sensitive information, information communicated or obtained in confidence or matters concerning national security or diplomatic relations, and the interests of justice do not require such evidence to be heard in public.

(7)(a) The appellant shall have the right to be represented in person or by counsel, solicitor or advocate or, with the permission of the Tribunal, by any other representative as he may select.

(b) The Secretary of State may be represented by any person instructed in that behalf.

(8) The Tribunal may require any witness to give evidence on oath or affirmation and for that purpose there may be administered an oath or affirmation in due form.

(9) In the event of a difference of opinion amongst the members of the Tribunal, the decision of the majority shall become the finding of the Tribunal.

(10) The decision of the Tribunal shall be notified to the parties in writing by the Secretary and shall include the reasons for the finding.

(11) The Tribunal shall not have any power to order the payment of any costs or expenses.

(12) When the Tribunal is not sitting the Chairman may, if he considers it necessary or expedient, exercise the powers of the Tribunal on behalf of the other members, other than the decision of an appeal (not being a decision on an unopposed appeal).

(13) A member of the Council on Tribunals or of the Scottish Committee of the Council

on Tribunals may attend any oral hearing, including any held in private, and may be present during the deliberations of the Tribunal, but shall take no part in those deliberations.

(14) Subject to the provisions of this Part, the Tribunal shall have power to regulate its own procedure.

PART 4 SPECIAL AREAS

Restricted Areas

14. For the purposes of section 9(1) of the Act, the areas listed and described in Schedule 1 to these Regulations are hereby designated as areas restricted under the Protocol.

Antarctic Historic Sites and Monuments

15. For the purposes of section 10(1) of the Act, the sites and monuments listed in Schedule 2 to these Regulations are hereby designated as Antarctic Historic Sites and Monuments.

Protected Places

16. For the purposes of section 11(1) of the Act, the places listed in Schedule 3 to these Regulations are hereby designated as places protected under the Convention.

PART 5 OFFENCES UNDER THE ACT

Application of Part 5

17. This Part applies when the Secretary of State has reasonable grounds for believing that a United Kingdom national (hereinafter referred to as "the suspect") has committed an offence under the Act (hereinafter referred to as "the offence") and is in any part of Antarctica or, in respect of those offences referred to in section 29(1)(a), is in any part of the area south of the Antarctic Convergence.

Arrest and conveyance in custody

18.—(1) A court in any part of the United Kingdom having jurisdiction in respect of the offence may, on the application of a person entitled under section 28 of the Act to institute proceedings in that court in respect of the offence, issue a warrant for the arrest of the suspect and his conveyance in custody to any place where he can be tried for the offence in that part of the United Kingdom.

(2) Once arrested the person the subject of the warrant (hereinafter referred to as "the accused") shall be deemed to be in legal custody at any time when, being in the British Antarctic Territory (or any other part of Antarctica), or other British territory, or on board a British ship or British aircraft, he is being taken under the warrant to or from any place or being kept in custody under the warrant.

(3) A person authorised by the warrant to take the accused to or from any place or to keep him in custody (hereinafter referred to as "the authorised person") shall have all the powers, authority, protection and privileges

- (a) when he is outside the United Kingdom, of a constable in the part of the United Kingdom to which the accused is to be taken under the warrant; or
- (b) of a constable in the part of the United Kingdom in which the authorised person is for the time being.

(4) If the accused escapes he may be arrested without warrant by a constable and taken to any place to which he may be taken under the warrant.

(5) In paragraph (2)–

“British aircraft” means a British-controlled aircraft within the meaning of section 92 of the Civil Aviation Act 1982(a) (application of criminal law to aircraft) or one of Her Majesty’s aircraft;

“British hovercraft” means a British-controlled hovercraft within the meaning of that section as applied in relation to hovercraft by virtue of provisions made under the Hovercraft Act 1968(b) or one of Her Majesty’s hovercraft; and

“British ship” means a British ship for the purpose of the Merchant Shipping Acts 1894 to 1988 or one of Her Majesty’s ships;

and in this paragraph references to Her Majesty’s aircraft, hovercraft or ships are references to aircraft, hovercraft or, as the case may be, ships belonging to or exclusively employed in the service of Her Majesty in right of the Government of the United Kingdom.

(6) In paragraph (4) “constable” means

(a) in relation to any part of the United Kingdom, any person who is a constable in that or any other part of the United Kingdom or any person who at the place in question has under any enactment, including paragraph (3), the powers of a constable in that or any other part of the United Kingdom; or

(b) in relation to a British territory outside the United Kingdom, any person who is a police officer in that territory or any person who in that territory has the powers of a police officer.

Physical evidence

19.—(1) The authorised person may seize and detain any article which may be evidence connected with the offence and convey it to any place in the United Kingdom where the accused can be tried.

(2) Where it is necessary for any article to be accompanied by any certificate, affidavit or other verifying document the authorised person shall also furnish for transmission such document of that nature as may be specified in any direction given by the Secretary of State.

(3) Where the article consists of a document, the original or a copy may be transmitted, and where it consists of any other article the article itself or a description, photograph or other representation of it may be transmitted.

Attendance of witnesses

20.—(1) This regulation applies where the Secretary of State is notified by the court in the place in the United Kingdom where the accused is being tried or is to be tried that a United Kingdom national who has been called to give evidence (hereinafter referred to as “the witness”) has failed to comply with the order of the court, or is believed by the court to be unlikely to comply, and is in Antarctica or in the area south of the Antarctic Convergence, as the case may be.

(2) If the Secretary of State receives a notification in accordance with paragraph (1) he may issue a warrant for the arrest of the witness.

(3) The provisions of paragraphs (2) to (6) of regulation 18 shall apply to the arrest and conveyance in custody of the witness as they apply to the accused.

(4) Once in the United Kingdom the witness shall be delivered by the authorised person to the court which made the notification under paragraph (1).

20th February 1995

Douglas Hurd
Secretary of State for
Foreign and Commonwealth Affairs

(a) 1982 c.16.

(b) 1968 c.59.

SCHEDULE 1

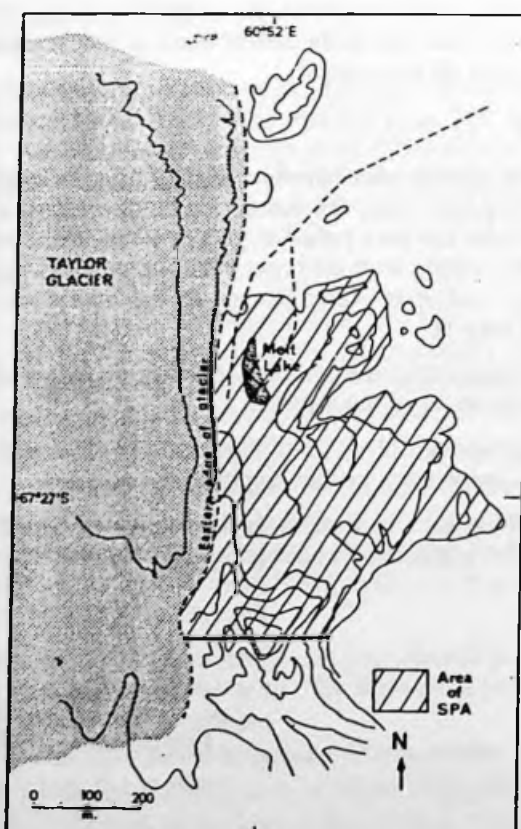
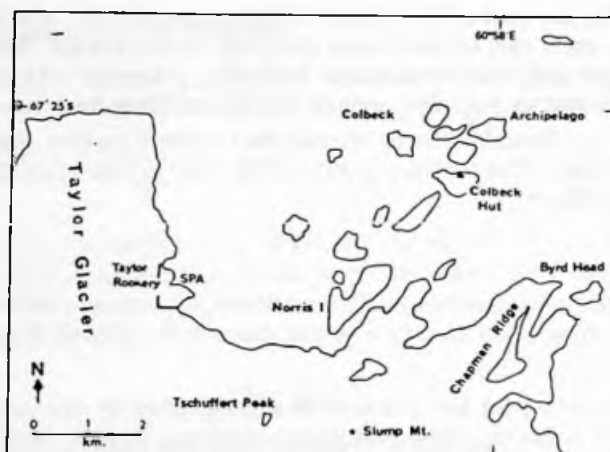
Regulation 14

RESTRICTED AREAS

Specially Protected Area No. 1
Taylor Rookery, MacRobertson Land
Lat. 67°26'S; Long. 60°50'E

The Area consists of the whole of the northernmost rock exposure on the east side of Taylor Glacier, MacRobertson Land (Lat. 67°26'S; Long. 60°50'E). The rookery is located on a low lying rock outcrop in the south-west corner of a bay formed by Taylor Glacier to the west, the polar ice cap to the south and the islands of Colbeck Archipelago to the east. The Area is surrounded by sea ice to the north and east. The Area is some 90 km west of Mawson station. There is ice-free terrain adjacent to the glacier on the western boundary and to the south the rock rises steeply to meet the ice of the plateau.

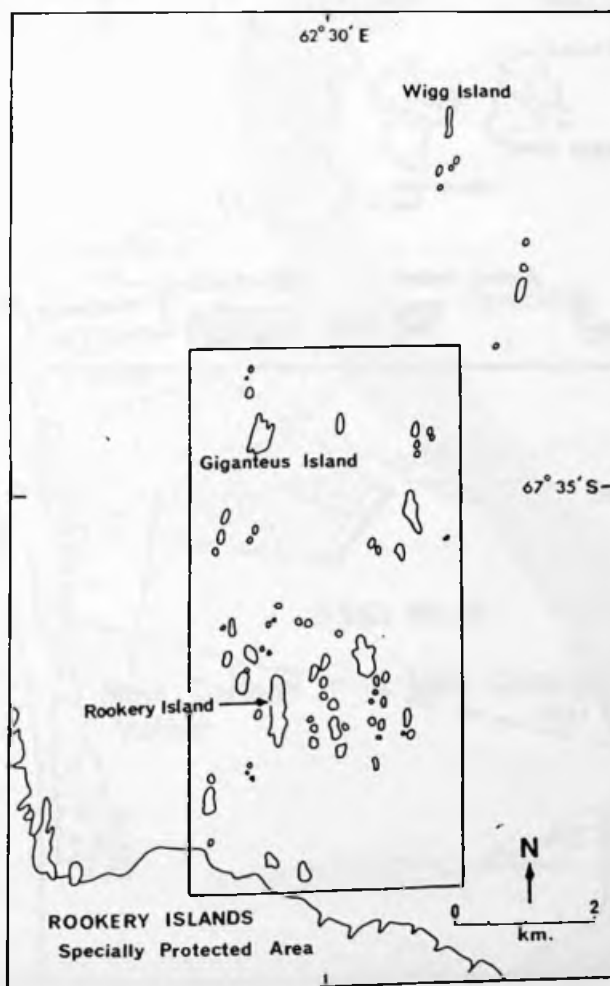
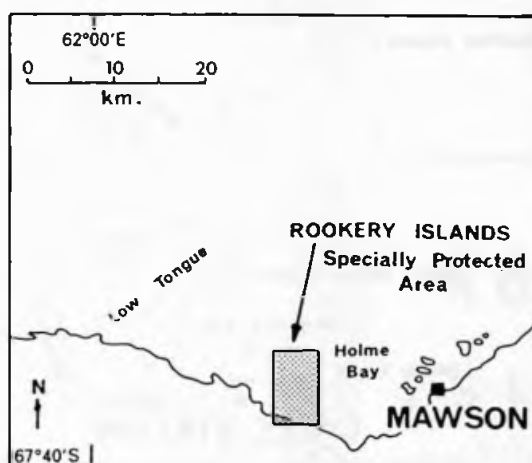
There are no boundary markers since the Area is easily defined by its natural features.



Specially Protected Area No. 2
Rookery Islands, Holme Bay, MacRobertson Land
Lat. 67°37'S; Long. 62°33'E

The Rookery Islands are a group of small islands and rocks in the south-western part of Holme Bay, MacRobertson Land, approximately 10 km to the west of Mawson station. The Area comprises the islands and rocks lying within the rectangular area shown on the maps below, the general location of which is latitude 67°37'S, longitude 62°33'E. There are no boundary markers delimiting the site.

There are approximately 75 small islands. They range in size from small rocks which barely remain above water at high tide to the largest islands of the group which are Giganteus Island (approximately 400 m long, 400 m wide and 30 m high) and Rookery Island which is of similar size but slightly more elongated. Rookery Island is the highest of the group reaching an altitude of 62 m.



Specially Protected Area No. 3
Ardery Island and Odbert Island, Budd Coast
Lat. 66°22'S; Long. 110°33'E

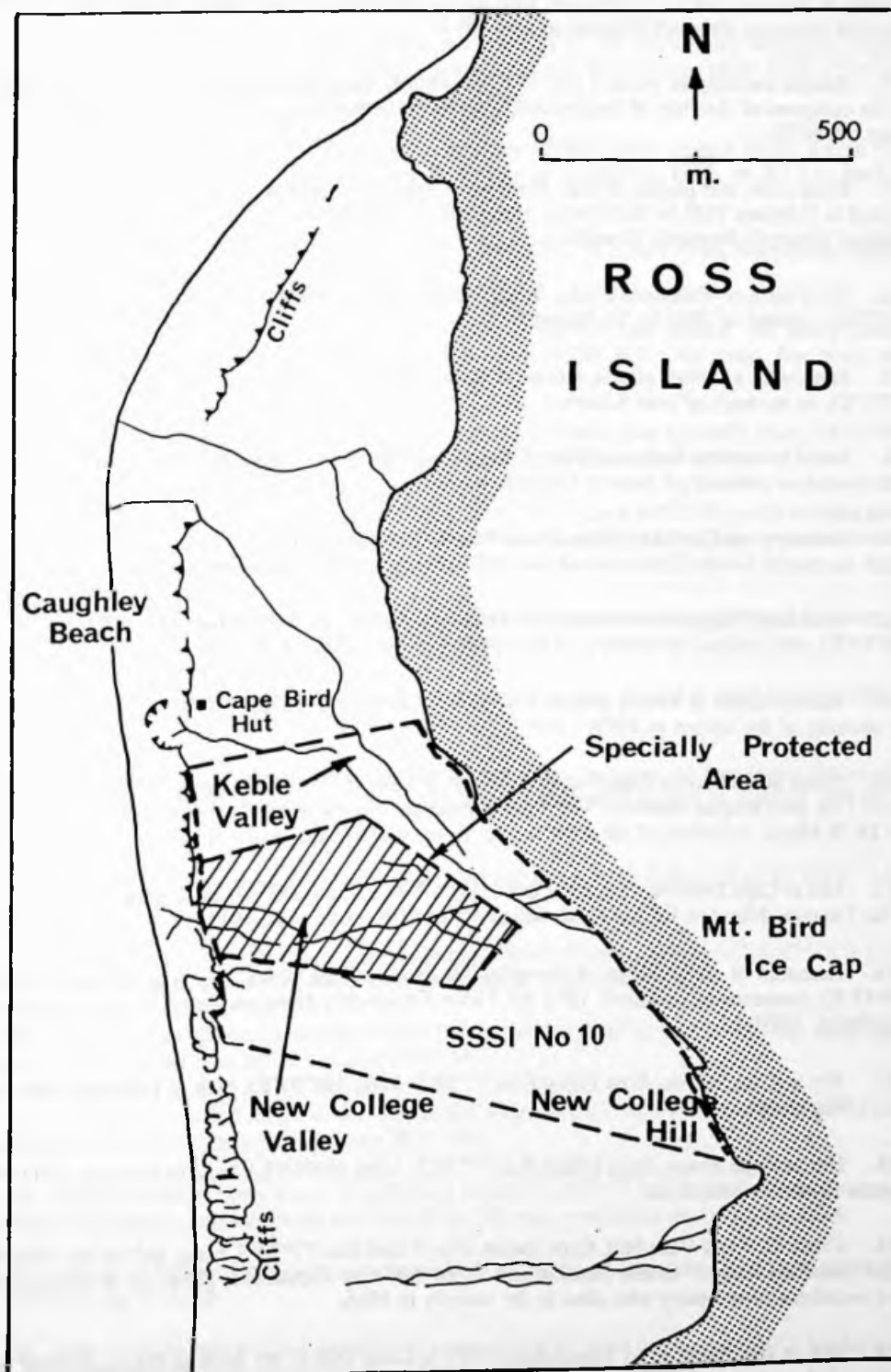
Ardery Island (Lat. 66°22'S, Long. 110°28'E) and Odbert Island (Lat. 66°22'S, Long. 110°33'E) form part of the Windmill Islands group lying in the eastern end of Vincennes Bay off the Budd Coast. They are located 5 km and 0.6 km respectively to the west of Robinson Ridge, south of Casey Station. Odbert Island is approximately 2.5 km long and 0.5 km wide. In some years the island remains joined to Robinson Ridge on the mainland by sea ice. Ardery Island is a steep ice-free island approximately 1 km long and 0.5 km wide, with an east-west orientation.



Specially Protected Area No. 20
"New College Valley", Caughley Beach, Cape Bird, Ross Island
 Lat. 77°14'S; Long. 166°23'E

The Area is in latitude 77°14'S, longitude 166°23'E, in the northern part of the Cape Bird ice-free area. It lies between Northern Rookery and Middle Rookery and is about 250 m south of the summer research station, Cape Bird Hut.

The Area consists of the generally west-facing ice-free slopes lying between the cliff top above Caughley Beach and a line parallel to and about 100 m west of the edge of the Mount Bird Ice Cap, and between a line south of the main stream bed of "Keble Valley" and the south ridge of "New College Valley". Its total area is about 10 hectares.



SCHEDULE 2

Regulation 15

ANTARCTIC HISTORIC SITES AND MONUMENTS

1. Flag mast erected in December 1965 at the South Geographical Pole by the First Argentine Overland Polar Expedition.
2. Rock cairn erected in January 1961 and plaques at Syowa Station (Lat 69°00'S, Long 39°35'E) in memory of Shin Fukushima.
3. Rock cairn and plaque on Proclamation Island, Enderby Land (Lat 65°51'S, Long 53°41'E), erected in January 1930 by Sir Douglas Mawson to commemorate the British, Australian and New Zealand Antarctic Research Expedition of 1929-31.
4. Station building to which a bust of V. I. Lenin is fixed, together with a plaque in memory of the conquest of the Pole of Inaccessibility by Soviet Antarctic explorers in 1958 (Lat 83°26'S, Long 54°58'E).
5. Rock cairn and plaque at Cape Bruce, MacRobertson Land (Lat 67°25'S, Long 60°47'E), erected in February 1931 by Sir Douglas Mawson to commemorate the British, Australian and New Zealand Antarctic Research Expedition.
6. Rock cairn at Walkabout Rocks, Vestfold Hills, Princess Elizabeth Land (Lat 68°22'S, Long 78°33'E), erected in 1939 by Sir Hubert Wilkins.
7. Stone with inscribed plaque, erected at Mirny Observatory, Mabus Point (Lat 66°33'S, Long 93°01'E), in memory of Ivan Kharna.
8. Metal monument-sledge at Mirny Observatory, Mabus Point (Lat 66°33'S, Long 93°01'E), with plaque in memory of Anatoly Shcheglov.
9. Cemetery on Buromskiy Island, near Mirny Observatory (Lat 66°32'S, Long 93°01'E), in which are buried Soviet, Czechoslovak and GDR citizens, members of Soviet Antarctic Expeditions.
10. Building (Magnetic observatory) at Dobrowolsky Station, Bunger Hills (Lat 66°16'S, Long 100°45'E), with plaque in memory of the opening of Oasis Station in 1956.
11. Heavy tractor at Vostok Station (Lat 78°28'S, Long 106°48'E), with plaque in memory of the opening of the station in 1957.
12. Cross and plaque at Cape Denison, George V Land (Lat 67°00'S, Long 142°42'E), erected in 1913 by Sir Douglas Mawson. The cross and plaque commemorate Lieutenant B. E. S. Ninnis and Dr X Mertz, members of the Australasian Antarctic Expedition of 1911-14.
13. Hut at Cape Denison, George V Land (Lat 67°00'S, Long 142°42'E), built in January 1912 by Sir Douglas Mawson for the Australasian Antarctic Expedition of 1911-14.
14. Remains of rock shelter at Inexpressible Island, Terra Nova Bay (Lat 74°54'S, Long 163°43'E), constructed in March 1912 by Victor Campbell's Northern Party, British Antarctic Expedition, 1910-13.
15. Hut at Cape Royds, Ross Island (Lat 77°38'S, Long 166°07'E), built in February 1908 by Ernest Shackleton.
16. Hut at Cape Evans, Ross Island (Lat 77°38'S, Long 166°24'E), built in February 1911 by Captain Robert Falcon Scott.
17. Cross on Wind Vane Hill, Cape Evans, Ross Island (Lat 77°38'S, Long 166°24'E), erected by the Ross Sea Party of Ernest Shackleton's Trans-Antarctic Expedition, 1914-16, in memory of three members of the party who died in the vicinity in 1916.
18. Hut at Hut Point, Ross Island (Lat 77°51'S, Long 166°37'E), built in February 1902 by Captain Robert Falcon Scott.

19. Cross at Hut Point, Ross Island (Lat 77°51'S, Long 166°37'E) erected in February 1904 by the British Antarctic Expedition, 1901–04, in memory of T. Vince.
20. Cross on Observation Hill, Ross Island (Lat 77°51'S, Long 166°40'E), erected in January 1913 by the British Antarctic Expedition 1910–13, in memory of Captain Robert Falcon Scott's party which perished on the return journey from the South Pole, March 1912.
21. Stone hut at Cape Crozier, Ross Island (Lat 77°32'S, Long 169°18'E), constructed in July 1911 by Edward Wilson's party (British Antarctic Expedition 1910–13).
22. Hut at Cape Adare (Lat 71°17'S, Long 170°15'E), built in February 1899 during the Southern Cross Expedition led by C. E. Borchgrevink.
23. Grave at Cape Adare (Lat 71°17'S, Long 170°15'E), of Norwegian biologist, Nicolai Hanson, a member of C. E. Borchgrevink's 'Southern Cross' Expedition, 1899–1900. (The first known grave in the Antarctic.)
24. Rock cairn, known as 'Amundsen's Cairn', on Mount Betty, Queen Maud Range (Lat 85°11'S, Long 163°45'W) erected by Roald Amundsen on 6 January, 1912, on his way back to 'Framheim' from the South Pole.
25. Hut and plaque on Peter I Øy (Lat 68°47'S, Long 90°42'W), built by the Norwegian Captain Nils Larsen in February 1929 at Framnaesodden.
26. Abandoned installations of Argentine Station 'General San Martin' on Barry Island, Debenham Islands, Marguerite Bay (Lat 68°08'S, Long 67°08'W), with cross, flag mast, and monolith built in 1951.
27. Cairn with plaque on Megalestris Hill, Petermann Island (Lat 65°10'S, Long 64°10'W), erected in 1908 by the second French expedition led by J-B. Charcot.
28. Rock cairn at Port Charcot, Booth Island (Lat 65°03'S, Long 64°01'W), with wooden pillar and plaque inscribed with the names of the first French expedition led by J-B. Charcot which wintered here in 1904 aboard *Le Francais*.
29. Lighthouse named 'Primero de Mayo' erected on Lambda Island, Melchior Islands (Lat 64°18'S, Long 62°59'W).
30. Shelter at Paradise Harbour (Lat 64°49'S, Long 62°51'W), erected in 1950 near the Chilean Base 'Gabriel Gonzales Videla' to honour Gabriel Gonzales Videla.
31. Memorial plaque marking the position of a former cemetery on Deception Island (Lat 62°59'S, Long 60°34'W) where some 40 Norwegian whalers were buried in the first half of the twentieth century.
32. Concrete monolith, near Arturo Prat Base on Greenwich Island (Lat 62°29'S, Long 59°40'W), erected in 1947.
33. Shelter and cross with plaque near Arturo Prat Base, Greenwich Island (Lat 62°30'S, Long 59°41'W), erected in memory of Lieutenant-Commander Gonzalez Pacheco.
34. Bust of the Chilean naval hero Arturo Prat erected in 1947 at the base of the same name on Greenwich Island (Lat 62°30'S, Long 59°41'W).
35. Wooden cross and statue of the Virgin of Carmen erected in 1947 near Arturo Prat Base on Greenwich Island (Lat 62°30'S, Long 59°41'W).
36. Metal plaque at Potter Cove, King George Island (Lat 62°13'S, Long 58°42'W), erected by Eduard Dallmann to commemorate the visit of his German expedition on 1 March, 1874.
37. Statue of Bernard O'Higgins, erected in 1948, in front of the station of the same name (Lat 63°19'S, Long 57°54'W).
38. Hut on Snow Hill Island (Lat 64°24'S, Long 57°00'W) built in February 1902 by the main party of the Swedish South Polar Expedition, led by Otto Nordenskjöld.

39. Stone hut at Hope Bay (Lat 63°24'S, Long 56°59'W), built in January 1903 by a party of the Swedish South Polar Expedition.
40. Bust of General San Martin, grotto with a statue of the Virgin of Lujan, and a flag mast at Base 'Esperanza', Hope Bay (Lat 63°24'S, Long 56°59'W), erected in 1955 together with a graveyard with stele in memory of members of Argentine expeditions who died in the area.
41. Stone hut on Paulet Island (Lat 63°35'S, Long 55°47'W), built in February 1903 by the Norwegian C. A. Larsen, of the Swedish South Polar Expedition led by Otto Nordenskjold, together with the grave of a member of that expedition.
42. Area at Scotia Bay, Laurie Island, South Orkney Island (Lat 60°46'S, Long 44°40'W), in which are found: stone hut built in 1903 by the Scottish Expedition led by W. S. Bruce; the Argentine Meteorological and Magnetic Observatory, built in 1903; and a graveyard with seven tombs dating from 1903.
43. Cross erected in 1955, at a distance of 1,300 metres north-east of the Argentine Base 'General Belgrano' at Piedrabuena Bay, Filchner Ice Shelf (Lat 77°49'S, Long 38°02'W).
44. Plaque erected at the temporary Indian station 'Dakshin Gangotri', Princess Astrid Kyst, Dronning Maud Land (Lat 70°45'S, Long 11°38'E), listing the names of the members of the First Indian Antarctic Expedition which landed nearby on 9 January 1982.
45. Plaque on Brabant Island, on Metchnikoff Point, (Lat 64°02'S, Long 62°34'W), erected by de Gerlache to commemorate the first landing on Brabant Island by the Belgian Antarctic expedition 1897-99.
46. The buildings and installations of Port Martin base, Terre Adelie (Lat 66°49'S, Long 141°24'E) constructed in 1950 by the 3rd French expedition and partly destroyed by fire during the night of 23 to 24 January 1952.
47. Wooden building called 'Base Marret' on the Ile des Petrels, Terre Adelie (Lat 66°40'S, Long 140°01'E).
48. Cross erected on the North-East headland of the Ile des Petrels, Terre Adelie (Lat 66°40'S, Long 140°01'E) in memory of Andre Prudhomme.
49. The concrete pillar erected in January 1959 by the First Polish Antarctic Expedition at Dobrolowski Station on the Bunger Hill (Lat 66°16.3'S, Long 100°45'E, h = 35.4m) to measure acceleration due to gravity.
50. A commemorative plaque mounted on a sea cliff on the Fildes Peninsula, King George Island, Maxwell Bay (Lat 62°12'S, Long 58°54'W), south-west of the Chilean and Soviet stations in memory of Professor Siedlecki Tazar.
51. The grave of Wlodzimierz Puchalski, surmounted by an iron cross, on a hill to the south of Arctowski Station on King George Island (Lat 62°09'S, Long 58°28'W).
52. Monolith erected to commemorate the establishment in February 1985 of the 'Great Wall Station' on Fildes Peninsula, King George Island (Lat 62°13'S, Long 58°58'W), in the South Shetland Islands.
53. Monoliths and commemorative plaques and bronze busts of Luis Pardo Villalon on Elephant Island (Lat 61°03'S., Long 54°50'W.) and their replicas on the Chilean bases 'Arturo Prat' (Lat 62°30'S., Long 59°49'W.) and 'Rodolfo Marsh' (Lat 62°12'S., Long 62°12'W.), celebrating the rescue of survivors of the British ship "Endurance" by the Chilean Navy cutter "Yelcho".
54. Richard E. Byrd Historic Monument, McMurdo Station, Antarctica (Lat 77°51'S, Long 166°40'E) with inscriptions describing the polar achievements of Richard Evelyn Byrd.
55. East Base, Antarctica, Stonington Island (Lat 68°11'S, Long 67°00'W). Buildings and artefacts used during the Antarctic Service Expedition (1940-41) and the Ronne Antarctic Research Expedition (1947-48).
56. Waterboat Point, Danco Coast, Antarctic Peninsula (Lat 64°49'S, Long 62°52'W). The remains and immediate environs of the Waterboat Point hut, situated close to the unoccupied Chilean station, 'President Gabriel Gonzalez Videla'.

57. Commemorative plaque at Yankee Bay, MacFarland Strait, Greenwich Island, South Shetland Islands, near the Chilean refuge located at Lat 62°32'S, Long 59°45'W, to the memory of Captain Robert MacFarlane.

58. Cairn with memorial plaque erected at Whalers' Bay, Deception Island, South Shetland Islands, in the vicinity of the whalers' cemetery (Lat 62°59'S, Long 60°34'W) to honour Captain Adolfus Amadus Andresen.

59. A cairn on Half Moon beach, Cape Shirreff, Livingston Island, South Shetland Islands (Lat 62°29'S, Long 60°47'W), commemorating the officers, soldiers and seamen on board the San Telmo, which sank in September 1819.

60. Wooden plaque and rock cairn located at Penguins bay, southern coast of Seymour Island (Marambio), James Ross Archipelago (Lat 64°16'00"S, Long 56°39'10"W) in memory of the 1903 Swedish Expedition led by Dr Otto Nordenskjöld.



SCHEDULE 3

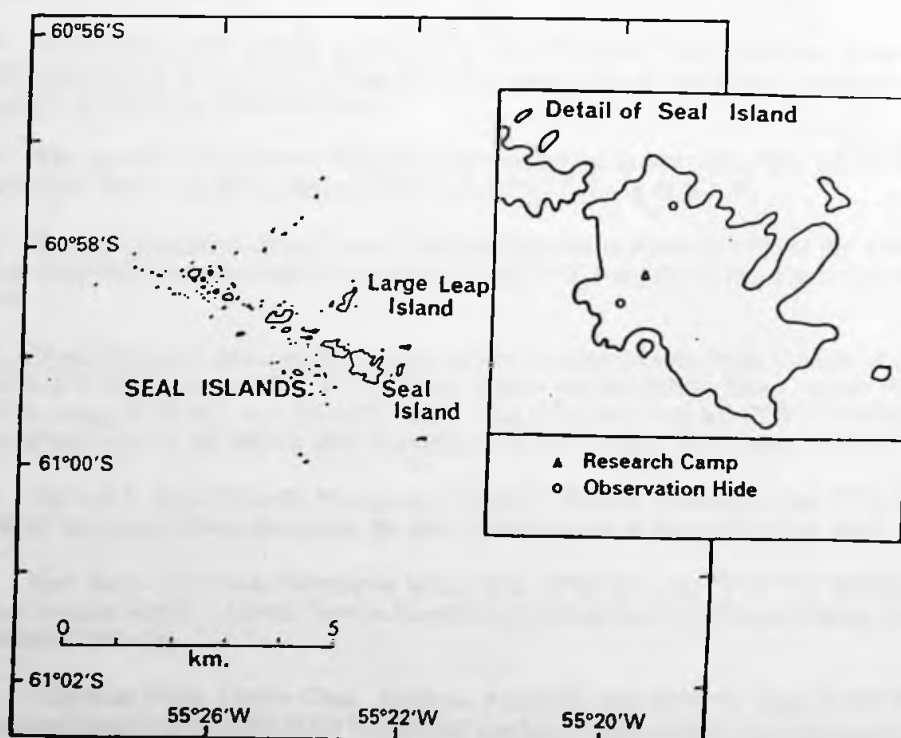
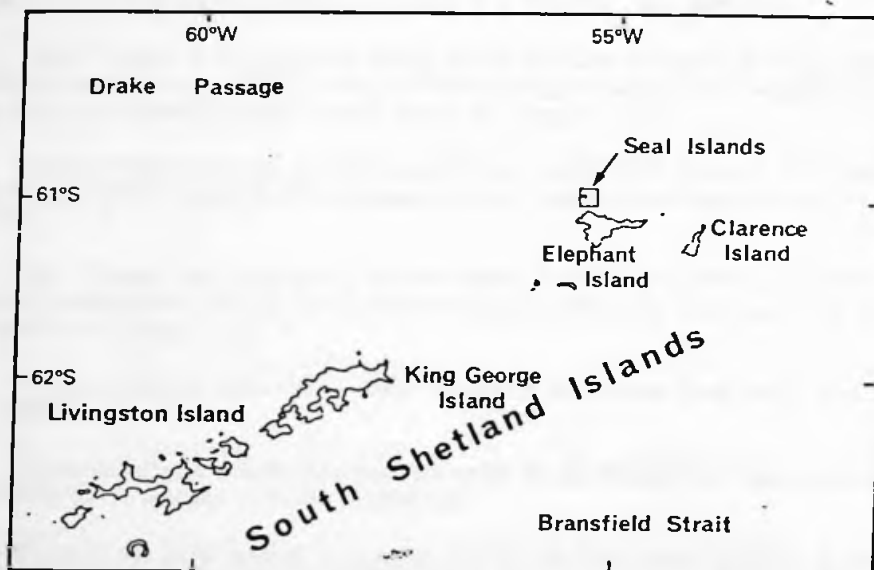
Regulation 16

PROTECTED PLACES

No. 1
 Seal Islands, South Shetland Islands
 Lat. 60°59'S; Long. 55°23'W

The Seal Islands are composed of small islands and skerries located approximately 7 km north of the northwest corner of Elephant Island, South Shetland Islands. The Seal Islands Protected Place includes the entire Seal Islands group, which is defined as Seal Island plus any land or rocks exposed at mean low tide within a distance of 5.5 km of the point of highest elevation on Seal Island. Seal Island is the largest island of the group, and is situated at Lat. 60°59'S, Long. 55°23'W.

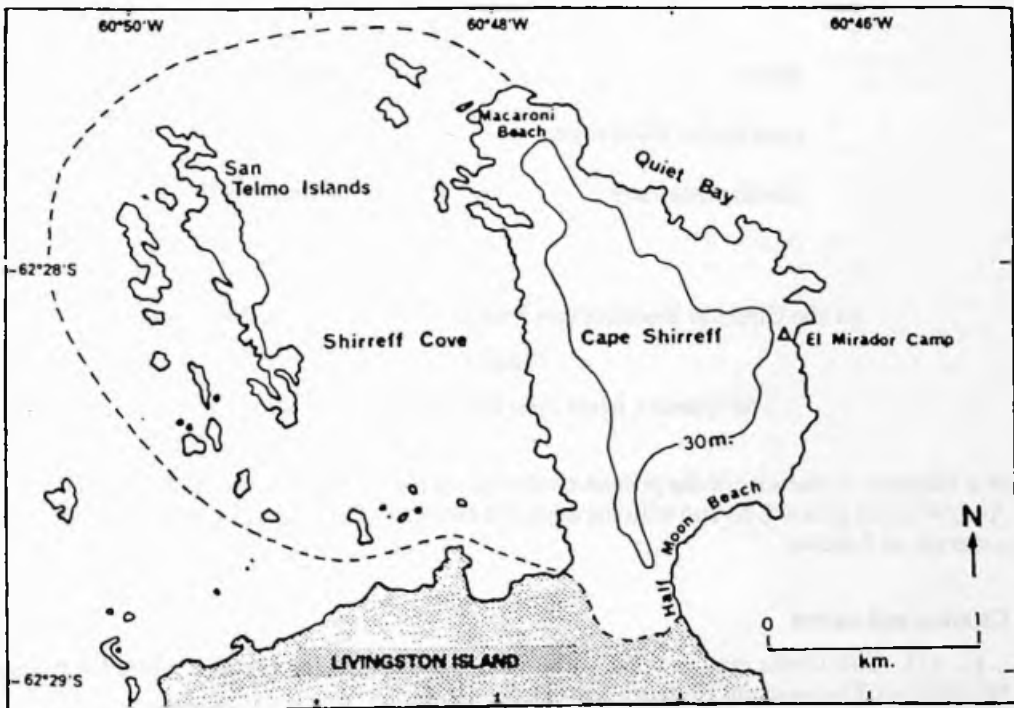
The Seal Islands cover an area approximately 5.7 km from east to west and 5 km from north to south. Seal Island is joined to the adjacent island to the west by a narrow sand bar that is approximately 50 m long.



No. 2
Cape Shirreff and the San Telmo Islands,
South Shetland Islands
Lat. 62°27'S; Long. 60°47'W

Cape Shirreff is a low, ice-free peninsula towards the western end of the north coast of Livingston Island, South Shetland Islands, situated at Lat. 62°27'S, Long. 60°47'W, between Barclay Bay and Hero Bay. San Telmo Island is the largest of a small group of ice-free rock islets, approximately 2 km west of Cape Shirreff. Cape Shirreff is approximately 3 km from north to south and 0.5 to 1.2 km from east to west.

No man-made markers indicate the limits of the Protected Place, the boundaries being defined by natural features (i.e. coastlines or glacial margins). Its southern boundary is bordered by a permanent glacial ice barrier, which is located at the narrowest part of the Cape. The eastern side of the base of the Cape has two beaches with a total length of about 600 m. Above this the extremity of the Cape has a rocky barrier about 150 m long. The western side is formed by almost continuous cliffs 10 to 15 m high. Near the southern base of the Cape on the western side is a small sandy beach approximately 50 m long.



STATUTORY INSTRUMENTS

1994 No. 1636

UNITED NATIONS

The South Africa (United Nations Arms Embargo)
(Prohibited Transactions) Revocations Order 1994

<i>Made - - - -</i>	<i>22nd June 1994</i>
<i>Laid before Parliament</i>	<i>23rd June 1994</i>
<i>Coming into force</i>	<i>22nd June 1994</i>

At the Court at Buckingham Palace, the 22nd day of June 1994

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred on Her by section 1 of the United Nations Act 1946(a) is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

Citation and extent

1.—(1) This Order may be cited as the South Africa (United Nations Arms Embargo) (Prohibited Transactions) Revocations Order 1994.

(2) This Order shall, to the extent that it makes provision in relation to any Order of Her Majesty in Council in force in each of the Channel Islands, in the Isle of Man or in any territory specified in Schedule 1 to this Order, have effect as part of the law of that one of the Channel Islands, of the Isle of Man or that territory.

Revocations

2. The Orders specified in Schedule 2 to this Order are revoked.

N. H. Nicholls
Clerk of the Privy Council

TERRITORIES IN WHICH THIS ORDER HAS EFFECT

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

SCHEDULE 2

Article 2

ORDERS REVOKED BY THIS ORDER

- The South Africa (United Nations Arms Embargo) (Prohibited Transactions) Order 1978(a)
- The South Africa (United Nations Arms Embargo) (Prohibited Transactions) (Amendment) Order 1978(b)
- The South Africa (United Nations Arms Embargo) (Prohibited Transactions) (Amendment No. 2) Order 1978(c)
- The South Africa (United Nations Arms Embargo) (Prohibited Transactions) (Guernsey) Order 1978(d)
- The South Africa (United Nations Arms Embargo) (Prohibited Transactions) (Jersey) Order 1978(e)
- The South Africa (United Nations Arms Embargo) (Prohibited Transactions) (Isle of Man) Order 1978(f)
- The South Africa (Prohibited Exports and Transactions) (Overseas Territories) Order 1978(g)
- The South Africa (United Nations Arms Embargo) (Prohibited Transactions) (Guernsey) (Amendment) Order 1978(h)
- The South Africa (United Nations Arms Embargo) (Prohibited Transactions) (Jersey) (Amendment) Order 1978(i)
- The South Africa (United Nations Arms Embargo) (Prohibited Transactions) (Isle of Man) (Amendment) Order 1978(j)
- The South Africa (United Nations Arms Embargo) (Prohibited Transactions) (Amendment) Order 1981(k)
- The South Africa (United Nations Arms Embargo) (Prohibited Transactions) (Guernsey) (Amendment) Order 1982(l)
- The South Africa (United Nations Arms Embargo) (Prohibited Transactions) (Jersey) (Amendment) Order 1982(m)
- The South Africa (United Nations Arms Embargo) (Prohibited Transactions) (Isle of Man) (Amendment) Order 1982(n)

(a) S.I. 1978/277.
 (d) S.I. 1978/1052.
 (g) S.I. 1978/1624.
 (j) S.I. 1978/1897.
 (m) S.I. 1982/154.

(b) S.I. 1978/1034.
 (e) S.I. 1978/1054.
 (h) S.I. 1978/1896.
 (k) S.I. 1981/1671.
 (n) S.I. 1982/153.

(c) S.I. 1978/1895.
 (f) S.I. 1978/1053.
 (i) S.I. 1978/1898.
 (l) S.I. 1982/1531.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order revokes fourteen Orders made to give effect to United Nations sanctions on South Africa. The Order implements the decision of the Security Council of the United Nations, in a resolution adopted on 25th May 1994, to end the sanctions.



THE
FALKLAND ISLANDS GAZETTE
Supplement

PUBLISHED BY AUTHORITY

Vol.6

3rd November 1995

No. 28

The following is published in this Supplement-

The Pedestrian Crossings Regulations Order 1995, (S. R. & O. No.19 of 1995).

SUBSIDIARY LEGISLATION

ROAD TRAFFIC

The Pedestrian Crossings Regulations Order 1995

(S. R. & O. No. 19 of 1995)

Made: 25 October 1995

Coming into force: 3 November 1995

Published: 3 November 1995

IN EXERCISE of my powers under section 16K of the Road Traffic Ordinance (a) and all other powers enabling me, I make the following Order -

1. This Order may be cited as the Pedestrian Crossings Regulations Order 1995 and shall come into force on the date on which it is first published in the *Gazette*. *Citation and commencement.*

2. In these Regulations - *Interpretation.*

"crossing" means a crossing for pedestrians established by the Governor pursuant to Section 16K of the Road Traffic Ordinance;

"give-way line" has the meaning assigned to it by paragraph 2 of Part I of Schedule 2;

"uncontrolled pedestrian crossing" means a pedestrian crossing at which traffic is not for the time being controlled by a police constable in uniform;

"vehicle" means a motor vehicle cart or carriage all as defined in section 2 of the Road Traffic Ordinance;

"pedestrian controlled area" means in relation to a pedestrian crossing, the area of the road in the vicinity of the crossing and lying on both sides of the crossing or only on one side of the crossing, being an area the presence and limits of which are indicated in accordance with Schedule 2; and

"pedestrian crossing" means a crossing the presence and limits of which are indicated in accordance with the provisions of Schedule 1.

3.(1) The provisions of Part I of Schedule 1 shall have effect for regulating the manner in which the presence and limits of a crossing are to be indicated by marks on the road for the purpose of constituting it a pedestrian crossing. *Pedestrian crossings.*

(2) The provisions of Part II of Schedule 1 shall have effect as respects the size, colour and type of the traffic signs which may be placed at or near a crossing for the purpose of constituting it a pedestrian crossing.

4.(1) The provisions of Schedule 2 shall have effect as respects the size, colour and type of traffic signs which shall be placed in the vicinity of the pedestrian crossing for the purpose of constituting a pedestrian controlled area in relation to that crossing and of indicating the presence and limits of that area.

Pedestrian controlled areas and give-way lines.

(2) A give-way line (included among the said signs) shall, where provided, also convey to vehicular traffic proceeding towards the pedestrian crossing the position at or before which a driver of a vehicle should stop for the purpose of complying with Regulation 6.

5. Any variations in a dimension specified in the diagram in Schedule 2 or otherwise specified in that Schedule shall be treated as permitted by these Regulations if the variation, where the actual dimension exceeds the dimension so specified, does not exceed thirty percent of the dimension so specified and where the actual dimension is less than the dimension so specified, does not exceed ten percent of the dimension so specified.

Variation in dimensions.

6. Every pedestrian on the road within the limits of an uncontrolled pedestrian crossing shall have precedence within those limits over any vehicle and the driver of the vehicle shall accord such precedence to the pedestrian, if the pedestrian is on the road within those limits before the vehicle or any part thereof has come onto the road within those limits.

Precedence of pedestrians over vehicles.

7.(1) The driver of a vehicle shall not cause the vehicle or any part thereof to stop within the limits of a pedestrian crossing unless he is required by law to stop; obliged to do so in order to prevent an accident; or prevent from proceeding by circumstances beyond his control.

Prohibition against waiting.

(2) No pedestrian shall remain on the road within the limits of a pedestrian crossing longer than is necessary for the purpose of passing over the crossing with reasonable despatch.

8. The driver of a vehicle while it or any part of it is in a pedestrian controlled area and it is proceeding towards the limits of a pedestrian crossing in relation to which that area is indicated (which vehicle is in the next succeeding regulation referred to as "the approaching vehicle") shall not cause the vehicle or any part of it -

Prohibition against overtaking at pedestrian crossings.

(a) to pass ahead of the foremost part of another moving vehicle, being a vehicle proceeding in the same direction wholly or partly within the area; or

(b) subject to the next succeeding regulation, to pass ahead of the foremost part of a stationary vehicle on the same side of the crossing as the approaching vehicle, which stationary vehicle is stopped for the purpose of complying with regulation 6.

For the purposes of this Regulation -

(i) the reference to another moving vehicle is, in a case where only one other vehicle is proceeding in the same direction in a pedestrian controlled area, a reference to that vehicle, and, in the case where more than one vehicle is so proceeding, a reference to such one of those vehicles as is nearest to the limits of the crossing;

(ii) the reference to a stationary vehicle is, in a case where only one other vehicle is stopped for the purpose of complying with regulation 6, a reference to that vehicle and, in a case where more than one other vehicle is stopped for the purpose of complying with that regulation, a reference to such one of those vehicles as is nearest to the limits of the crossing.

9.(1) For the purposes of this Regulation and the two following Regulations the expression "vehicle" shall not include a pedal cycle not having a side car attached thereto, whether additional means of propulsion by mechanical power are attached to the bicycle or not.

Prohibition on stopping in areas adjacent to pedestrian crossings.

(2) Save as provided in Regulations 10 and 11, the driver of a vehicle shall not cause the vehicle or any part thereof to stop in a pedestrian controlled area.

10. A vehicle shall not by Regulation 9 be prevented from stopping in any length of road on any side thereof -

Permitted stopping.

(a) if the driver has stopped for the purpose of complying with Regulation 6 or Regulation 8(b);

(b) if the driver is required by law to stop; obliged to do so in order to avoid an accident or prevented from proceeding by circumstances beyond his control;

(c) for so long as may be necessary to enable the vehicle, if it cannot be used for such purpose without stopping in that length of road, to be used for fire brigade, ambulance or police purposes or in connection with any building operation, demolition or excavation, reconstruction of that length of road, or the laying, erection, alteration, repair or cleaning in or near to that length of any main, pipe or apparatus for the supply of gas, water or electricity for the supply of gas, water or electricity, or of any telegraph or telephone wires, cables, posts or supports; or

(d) for so long as may be necessary to enable the vehicle, if it cannot conveniently be used for such purpose without stopping in that length of road, to be used in connection with the carriage dropping off and picking up of participants in and guests at a ceremony of marriage or funeral service being held or conducted at Christ Church Cathedral, Saint Mary's Catholic Church or the Nonconformist Tabernacle.

11. A vehicle shall not by Regulation 9 be prevented from stopping in a pedestrian controlled area if the vehicle is stopped for the purpose of making a left or right turn.

Turning.

12.(1) The driver of a vehicle who fails to comply with any of the provisions of Regulations 6, 7(1), 8 or 9 commits an offence and shall be liable on conviction to a fine not exceeding the maximum of level 3 on the standard scale.

Offences and penalties.

(2) A pedestrian who fails to comply with the provisions of Regulation 7(2) commits an offence and shall be liable on conviction to a fine not exceeding the maximum of level 3 on the standard scale.

SCHEDULE 1

Manner of Indicating Presence and Limits of Pedestrian Crossings

Part I Road Marks

1.(1) Every crossing and its limits shall be indicated by two white lines painted or otherwise marked across the road in accordance with the following provisions of this paragraph.

(2) Each line shall be so separated from the other line so that no point on one line shall be less than 2.4 metres not more than 5 metres or such greater distance as the Chief Police Officer may authorise in writing in the case of any particular crossing from the nearest point on the other line: Provided that the preceding provisions of this sub-paragraph shall be regarded as having been complied with in the case of any crossing which for the most part complies with those provisions notwithstanding that those provisions may not be so complied with as respects the distance from one or more points on one line to the nearest point on the other line, so long as the general indication of the lines is not thereby materially impaired.

(3) Lines shall be -

(a) white in colour or of a general whitish appearance;

(b) of a width of not less than 300mm nor more than 600mm:

Provided that in respect of each particular crossing, the lines demarking that crossing shall, insofar as is reasonably practicable, be identical as to their colouration, dimensions and other features.

2. A crossing or its limits shall not be deemed to have ceased to be indicated in accordance with the preceding provisions of this Part of this Schedule by reason only of the discolouration or temporary removal or obliteration of any or part of any line so long as the general indication of the line is not thereby materially impaired.

3. Without derogation from the provisions of the preceding paragraphs of this Part of this Schedule, every crossing shall be further indicated in accordance with the following provisions of this Part and may be further indicated in accordance with the provisions of Part II of this Schedule.

4.(1) The road shall be marked within the limits of every such crossing with a pattern of alternate black and white stripes:

Provided that where the colour of the surface of the road provides a reasonable contrast with the colour of white that surface may itself be utilised for providing stripes which would otherwise be required to be black.

(2) Every stripe shall -

(a) extend along the road from the inside edges of one line to the inside edges of the other line; and

(b) be of a width of not less than 500mm or of such smaller width not being less than 380mm as in the case of any particular crossing the Chief Police Officer may consider necessary having regard to the layout of the road and, in the case of the first stripe at each end of the crossing, not more than 1.3 metres, or in the case of any other stripe not more than 750mm or of such greater width not being more than 840mm as in the case of any particular crossing the Chief Police Officer may consider necessary having regard to the layout of the road.

3. The preceding provisions of this paragraph shall be regarded as having been complied with in the case of any crossing which for the most part complies with those provisions notwithstanding that those provisions may not be complied with as respects one or more stripes and a crossing shall not be deemed to have ceased to be indicated in accordance with those provisions by reason only of the imperfection, discolouration or partial displacement of one or more of the stripes, so long as the general appearance of the pattern of stripes is not materially impaired.

Part II Traffic Signs

The traffic signs which may be placed at or near a crossing for the purpose of constituting it and indicating it as a pedestrian crossing may consist of yellow globes, the positioning, height, colour, diameter, illumination and other specifications of which may be determined by the Chief Police Officer or such other alternative or additional traffic signs as may be determined from time to time by the Chief Police Officer.

SCHEDULE 2

Manner of Indicating Pedestrian Controlled Area and Provision as to Placing of Give Way Line

Part I Traffic Signs

1. The traffic signs which are to be placed on a road in the vicinity of a pedestrian crossing for the purpose of constituting a Pedestrian controlled area lying on both sides of the limits of the crossing or on only one side of such limits and indicating the presence and limits of such an area shall consist of a pattern of lines of the size and type shown in the diagram in Part II of this Schedule and so placed as hereinafter provided.

2. A pattern of lines shall, subject as hereinafter provided, consist of -

(a) a transverse white broken line (hereinafter referred to as a "give-way line") placed on the road 1 metre from and parallel to the near line indicating the limits of the crossing and shall extend across the road in the manner indicated in the said diagram;

(b) two or more longitudinal yellow broken lines (hereinafter referred to as "yellow broken lines") placed on the road, each yellow broken line containing not less than 8 nor more than 18 marks and extending away from the crossing at a point 150mm from the nearest part of the give-way line on the same side of the crossing to a point 150mm from the nearest part of a terminal line of the size and type shown in the said diagram (hereinafter referred to as a "terminal line").

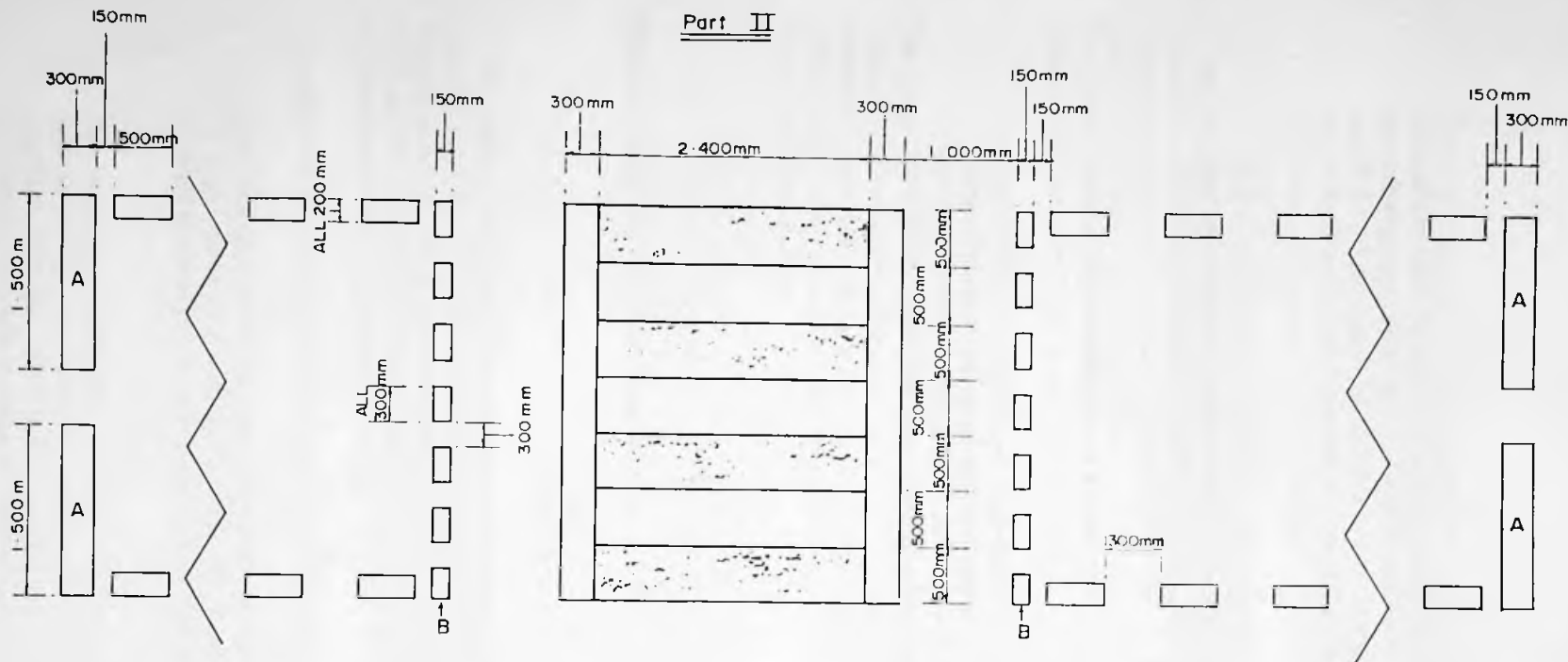
3. Where the Chief Police Office is satisfied in relation to a particular area of road in the vicinity of a pedestrian crossing by reason of the layout of, or character of, the roads in the vicinity of the crossing it would be impracticable to lay the pattern of lines as shown in the diagram in Part II of this Schedule and in accordance with the preceding paragraph the number of marks contained in each yellow broken line may be reduced from 8 to not less than 2.

4. The angle of the give-way line (if any) in relation to and its distance from the nearer line indicating the limits of the crossing may be varied, if the Chief Police Officer is satisfied that such variation is necessary having regard to the angle of the crossing in relation to the edge of the road at the place where the crossing is situated.

5. Each mark contained in a give-way line or in a yellow broken line and each terminal line may be illuminated by the use of reflecting material.

6. A pedestrian controlled area or its limits shall not be deemed to have ceased to be indicated in accordance with the provisions of this Schedule by reason only of the imperfection, discolouration or partial displacement of either a terminal line or one or more of the marks comprised in a give-way line or a yellow broken line, so long as the general indication of any such line is not thereby materially impaired.

Part II



1. TERMINAL LINES ARE INDICATED BY THE LETTERS 'A' IN THE DIAGRAM ABOVE AND ARE TO BE 1.5 m IN LENGTH AND OF A WIDTH OF 300 mm
2. YELLOW BROKEN LINES ARE REPRESENTED BY THE HORIZONTAL BROKEN LINES IN THE DIAGRAM ABOVE AND ARE TO BE 500 mm IN LENGTH AND OF A WIDTH OF 200 mm SUBJECT TO THE PROVISIONS OF PARAGRAPH 3 OF PART I OF THIS SCHEDULE
3. GIVE WAY LINE ARE REPRESENTED BY THE SMALLER BROKEN LINES AND ARE INDICATED BY THE LETTERS 'B' IN THE DIAGRAM ABOVE AND ARE TO BE 300 mm IN LENGTH AND OF A WIDTH NOT EXCEEDING 150 mm

Scale 1:50 Date 8-9-95 Drawn MC

Made this 25th day of October 1995.

D. E. TATHAM
(Governor)



THE FALKLAND ISLANDS GAZETTE Supplement

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The following are published in this Supplement -

The International Organisations Bill 1995;
The Prison (Amendment) Bill 1995.

The International Organisations Bill 1995

(No. of 1995)

ARRANGEMENT OF PROVISIONS

Clause

1. Short title
2. Interpretation
3. Organisations of which the United Kingdom is a member
4. Other organisations of which the United Kingdom is not a member
5. International commodity organisations
6. International judicial and other proceedings
7. Orders under ss 1 and 4 extending to Falkland Islands conferences
8. Representatives at international conferences in the Falkland Islands
9. Priority of telecommunications
10. Evidence
11. Consequential amendments, repeals and transitional provisions

Schedule

THE INTERNATIONAL ORGANISATIONS BILL 1995

(No. of 1995)

A Bill

for

An Ordinance

To make new provision (in substitution for the Diplomatic Privileges (Extension) Ordinance) as to the privileges, immunities and facilities to be accorded in respect of certain international organisations and in respect of persons connected with such organisations and other persons, and for purposes connected with the matters aforesaid.

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

Short title

1. This Ordinance may be cited as the International Organisations Ordinance 1995.

Interpretation

2. (1) In this Ordinance-

(a) "the 1961 Convention Articles" mean the Articles (being certain Articles of the Vienna Convention on Diplomatic Relations signed in 1961) which are set out in Schedule 1 to the Diplomatic Privileges Act 1964 of the United Kingdom;

(b) "the International Court of Justice" means the court set up by that name under the Charter of the United Nations.

(c) "the 1964 Act" means the Diplomatic Privileges Act 1964 of the United Kingdom; and

(d) "the 1968 Act" means the International Organisations Act 1968 of the United Kingdom.

(2) Expressions used in this Ordinance to which a meaning is assigned by Article 1 of the 1961 Convention Articles, shall, except in so far as the context otherwise requires, be construed as having the same meaning in this Ordinance as in those Articles.

(3) For the purposes of giving effect to any arrangement made in that behalf between Her Majesty's Government in the United Kingdom and any organisation, premises which are not premises of the organisation but which are recognised by that Government as being temporarily occupied by the organisation for its official purposes shall, in respect of such period as may be determined in accordance with the arrangements, be treated for the purposes of this Ordinance as if they were premises of the organisation.

(4) Except in so far as the context otherwise requires, any reference in this Ordinance to an enactment is a reference as amended or extended by or under any other enactment.

Organisations of which the United Kingdom is a member

3.(1) This section shall apply to any organisation declared by the Governor by Order in Council to be an organisation of which -

(a) the United Kingdom, or Her Majesty's Government in the United Kingdom, and

(b) any other sovereign Power or the Government of any other sovereign Power,

are members.

(2) Subject to subsection (6) of this section, the Governor may by Order made under this subsection specify an organisation to which this section applies and make any one or more of the following provisions in respect of the organisation so specified (in the following provisions of this section referred to as "the organisation"), that is to say -

(a) confer to the organisation the legal capacities of a body corporate;

(b) provide that the organisation shall, to such extent as may be specified in the Order, have the privileges and immunities set out in Part I of the Schedule to this Ordinance;

(c) confer the privileges and immunities set out in Part II of the Schedule to this Ordinance, to such extent as may be specified in the Order, on persons of any such class as is mentioned in the next following subsection;

(d) confer the privileges and immunities set out in Part III of the Schedule to this Ordinance, to such extent as may be specified in the Order, on such classes of officers and servants of the organisation (not being classes mentioned in the next following subsection) as may be so specified.

(3) The classes of persons referred to in subsection (2) (c) of this section are -

(a) persons who (whether they represent Governments or not) are representatives to the organisation or representatives on, or members of, any organ, committee or other subordinate body of the organisation (including any sub-committee or other subordinate body of a subordinate body of the organisation);

(b) such number of officers of the organisation as may be specified in the Order, being the holders (whether permanent, temporary or acting) of such high offices in the organisation as may be specified; and

(c) persons employed by or serving under the organisation as experts or as persons engaged on missions for the organisation.

(4) Where an Order is made under subsection (2) of this section, the provisions of Part IV of the Schedule to this Ordinance shall have effect by virtue of that Order (in those provision, as they so have effect, referred to as "the relevant Order"), except insofar as that Order otherwise provides.

(5) Where an Order is made under subsection(2) of this section, then for the purpose of giving effect to any agreement made in that behalf between the United Kingdom or Her Majesty's Government in the United Kingdom and the organisation, the Governor may by the same or any subsequent Order -

(a) confer the exemptions set out in paragraph 13 of the Schedule of this Ordinance, to such extent as may be specified in the Order, in respect of officers and servants of the organisation of any class specified in the Order in accordance with subsection (2)(d) of this section and in respect of members of the family of any such officer or servant who form part of his household;

(6) Any order made under subsection (2) or subsection (5) of this section shall be so framed as to secure -

(a) that the privileges and immunities conferred by the Order are not greater in extent than those which, at the time when the Order takes effect, are required to be conferred in accordance with any agreement to which the United Kingdom or Her Majesty's Government in the United Kingdom is then a party (whether made with any other sovereign Power of Government or made with one or more organisations such as are mentioned in subsection (1) of this section), and

(b) that no privilege or immunity is conferred on any person as the representative of the United Kingdom, or of Her Majesty's Government in the United Kingdom, or in the Falkland Islands or as a member of the staff of such a representative.

Other organisations of which the United Kingdom is not a member

4. Where an organisation of which two or more sovereign Powers, or the Governments of two or more such Powers, are members but of which neither the United Kingdom nor Her Majesty's Government in the United Kingdom is a member, maintains or proposes to maintain an establishment in the Falkland Islands then for the purpose of giving effect to any agreement made in that behalf between the United Kingdom or Her Majesty's Government in the United Kingdom and that organisation, the Governor may by Order specifying the organisation make either or both of the following provisions in respect of the organisation, that is to say -

- (a) confer on the organisation the legal capacities of a body corporate, and
- (b) provide that the organisation shall, to such extent as may be specified in the Order, be entitled to the like exemption or relief from taxes on income and capital gains as is accorded to a foreign sovereign Power.

International commodity organisations

5.(1) In this section, "international commodity organisation" means any such organisation as is mentioned in section 4 of this Ordinance (international organisations of which the United Kingdom is not a member) in respect of which an Order in Council has been made by Her Majesty pursuant to the provisions of section 4 of the 1968 Act and in respect of which the Governor acting in his discretion is satisfied is an international commodity organisation within the meaning of section 4A(1) of that Act.

(2) Subject to the following provisions of this section, an Order made under section 4 of this Ordinance with respect to an international commodity organisation may, for the purpose there mentioned and to such extent as may be specified in the Order -

- (a) provide that the organisation shall have the privileges and immunities set out in paragraphs 2,3,4,6 and 7 of the Schedule to this Ordinance;
- (b) confer on persons of any such class as is mentioned in subsection (3) of this section the privileges and immunities set out in paragraphs 11 and 14 of that Schedule;
- (c) provide that the official papers of such persons shall be inviolable; and
- (d) confer on officers and servants of the organisation of any such class as may be specified in the Order the privileges and immunities set out in paragraph 13, 15 and 16 of that Schedule.

(3) The classes of persons referred to in subsection (2)(b) of this section are -

(a) persons who (whether they represent Governments or not) are representatives to the organisation or representatives on, or members of, any organ, committee or other subordinate body of the organisation (including any sub-committee or other subordinate body of a subordinate body of the organisation);

(b) persons who are members of the staff of any such representative and who are recognised by Her Majesty's Government in the United Kingdom as holding a rank equivalent to that of a diplomatic agent.

(4) An Order made under section 4 of this Ordinance shall not confer on any person of such class as is mentioned in subsection (3) of this section any immunity in respect of a civil action arising out of an accident caused by a motor vehicle or other means of transport belonging to or driven by such a person, or in respect of a traffic offence involving such a vehicle and committed by such a person.

(5) In this section "commodity" means any produce of agriculture, forestry and fisheries or any mineral, either in its natural state or having undergone only such processes as are necessary or customary to prepare the produce or mineral for the international market.

International judicial and other proceedings

6.(1) The Governor may by Order confer on any class of persons to whom this section applies such privileges, immunities and facilities as in the opinion of the Governor are or will be required for giving effect -

(a) to any agreement to which, at the time when the Order takes effect, the United Kingdom or Her Majesty's Government in the United Kingdom is or will be a party, or

(b) to any resolution of the General Assembly of the United Nations.

(2) This section applies to any persons who are for the time being -

(a) judges or members of any international tribunal, or persons exercising or performing, or appointed (whether permanently or temporarily) to exercise or perform, any jurisdiction or functions of such a tribunal;

(b) registrars or other officers of any international tribunal;

(c) parties to any proceedings before any international tribunal;

(d) agents, advisers or advocates (by whatever name called) for any such parties;

(e) witnesses in, or assessors for the purposes of, any proceedings before any international tribunal.

(3) for the purposes of this section any petition, complaint or other communication which, with a view to action to be taken by or before an international tribunal, -

(a) is made to the tribunal, or

(b) is made to a person through whom, in accordance with the constitution, rules or practice of the tribunal, such a communication can be received by the tribunal,

shall be deemed to be proceedings before the tribunal, and the person making any such communication shall be deemed to be a party to such proceedings.

(4) Without prejudice to subsection (3) of this section, any reference in this section to a party to proceedings before an international tribunal shall be construed as including a reference to -

(a) any person who, for the purposes of any such proceedings, acts as next friend, guardian or other representative (by whatever name called) of a party to the proceedings, and

(b) any person who (not being a person to whom this section applies apart from this paragraph) is entitled or permitted, in accordance with the constitution rules or practice of an international tribunal, to participate in proceedings before the tribunal by way of advising or assisting the tribunal in the proceedings.

(5) In this section "international tribunal" means any court (including the International Court of Justice), tribunal, commission or other body which, in pursuance of any such agreement or resolution as is mentioned in subsection (1) of this section, -

(a) exercises, or is appointed (whether permanently or temporarily) for the purpose of exercising, any jurisdiction, or

(b) performs, or is appointed (whether permanently or temporarily) for the purpose of performing, any functions of a judicial nature or by way of arbitration, conciliation or inquiry,

and includes any individual who, in pursuance of any agreement or resolution, exercises or performs, or is appointed (whether permanently or temporarily) for the purpose of exercising or performing, any jurisdiction or any such functions.

Orders under ss 1 and 4 extending to Falkland Islands conferences

7(1). An Order made under section 3 of this Ordinance in respect of any organisation, or section 4 of this Ordinance in respect of an international commodity organisation, may to such extent as may be specified in the Order, and subject to the following provisions of this section, -

(a) confer on persons of any such class as may be specified in the Order, being persons who are or are to be representatives (whether of Governments or not) as any conference which the organisation may convene in the United Kingdom -

(i) in the case of an Order under section 3, the privileges and immunities set out in Part II of the Schedule to this Ordinance;

(ii) in the case of an Order under section 4, the privileges and immunities set out in paragraphs 11 and 14 of the Schedule; and

(b) in the case of an Order under section 4, provide that the official papers of such persons shall be inviolable.

(2) Where in the exercise of the power conferred by subsection (1)(a) of this section an Order confers privileges and immunities on persons of any such class as is mentioned in that paragraph, the provisions of paragraphs 19 to 22 of the Schedule to this Ordinance shall have effect in relation to the members of the official staffs of such persons as if in paragraph 19 of that Schedule "representative" were defined as a person of such a class.

(3) The powers exercisable by virtue of this section may be exercised notwithstanding the provision of any such agreement as is mentioned in section 3(6)(a) of this Ordinance, but no privilege or immunity may thereby be conferred on any such representative, or member of his staff, as is mentioned in section 3(6)(b) of this Ordinance.

(4) In this section "international commodity organisation" has the meaning given by section 5(1) of this Ordinance.

(5) This section is without prejudice to section 7 of this Ordinance.

Representatives at international conferences in the Falkland Islands

8.(1) This section applies to any conference which is, or is to be, held in the Falkland Islands and is, or is to be, attended by representatives -

(a) of the United Kingdom, or of Her Majesty's Government in the United Kingdom, and

(b) of any other sovereign Power or the Government of any other sovereign Power.

(2) The Governor may by order in Council specify one or more classes of personal who are, or are to be, representatives of a sovereign power (other than the United Kingdom), or of the Government of such a Power, at a conference to which this section applies, and confer on persons of the class or classes in question, to such extent as may be specified in the Order, the privileges and immunities set out in Part II of the Schedule to this Ordinance.

(3) Where an Order is made under subsection (2) of this section in relation to a particular conference, then, except insofar as that Order otherwise provides, the provisions of paragraphs 19 to 22 of the Schedule to this Ordinance shall have effect in relation to members of the official staffs of persons of a class specified in the Order in accordance with that subsection as if in paragraph 19 of that Schedule "representative" were defined as a person of a class so specified in the Order.

Priority of telecommunications

9. So far as may be necessary for the purpose of giving effect to the International Telecommunications Convention done at Montreux on 12th November 1965 or any subsequent treaty or agreement whereby that Convention is amended or superseded, priority shall, wherever practicable, be given to messages from, and to replies to messages from, any of the following, that is to say -

- (a) the Secretary of the United Nations;
- (b) the heads of principal organs of the United Nations; and
- (c) the International Court of Justice.

Evidence

10. If in any proceedings a question arises whether a person is or is not entitled to any privilege or immunity by virtue of this Ordinance or any Order made thereunder, a certificate issued by or under the authority of the Governor stating any fact relating to that question shall be conclusive evidence of that fact.

Consequential amendments, repeals and transitional provisions

11. (1) References in any enactment to the powers conferred by the Diplomatic Privileges (Extension) Ordinance shall be construed as including references to the powers conferred by this Ordinance.

(2) The Diplomatic Privileges (Extension) Ordinance is repealed.

(3) Any Order or Order in Council which has been made, or has effect as if made, under the Diplomatic Privileges (Extension) Ordinance, which is in force immediately before the commencement of this Ordinance shall continue to have effect notwithstanding the repeal of that Ordinance and, while any such Order in Council continues to have effect in relation to an organisation -

- (a) the Ordinance in question shall continue to have effect in relation to that organisation as if that Ordinance had not been repealed, and
- (b) section 11 of this Ordinance shall have effect as if in that section any reference to this Ordinance or an Order made thereunder included a reference to that Ordinance or that Order.

(4) Any such Order as is mentioned in subsection (2) of this section if made, or having effect as if made under the Diplomatic Privileges (Extension) Ordinance may be revoked or varied as if it had been made under section 3 of this Ordinance.

SCHEDULE

PART I

PRIVILEGES AND IMMUNITIES

1. Immunity from suit and legal process.
2. The like inviolability of official archives and premises of the organisation as, in accordance with the 1961 Convention Articles, is accorded in respect of the official archives and premises of a diplomatic mission.
3. (1) Exemption or relief from taxes, other than duties (whether customs or excise) and taxes on the importation of goods.

(2) The like relief from rates as in accordance with Article 23 of the 1961 Convention Articles is accorded in respect of the premises of a diplomatic mission.
4. Exemption from duties (whether customs or excise) and taxes on the importation of goods imported by or on behalf of the organisation for its official use in the Falkland Islands on the importation of any publications of the organisations imported by it or on its behalf, such exemption to be subject to compliance with such conditions as the Financial Secretary may prescribe for the protection of the Revenue.
5. Exemption from prohibitions and restrictions on importation or exportation the case of goods imported or exported by the organisation for its official use and in the case of any publications of the organisation imported or exported by it.
6. Relief, under arrangements made either by the Governor or by the Financial Secretary, by way of refund of duty (whether by customs or excise) paid on imported hydrocarbon oil (within the meaning of the Hydrocarbon Oil Duties Act 1979 of the United Kingdom) or value added tax paid on the importation of such oil which is bought in the Falkland Islands and used for the official purposes of the organisation, such relief to be subject to compliance with such conditions as may be imposed in accordance with the arrangements.
7. Relief, under arrangements made by the Governor, by way of refund of tax paid on any purchase of any vehicle and tax paid on the supply of any goods or service which are used for the official purposes of the organisation, such relief to be subject to compliance with such conditions as may be imposed in accordance with the arrangements.

PART II

PRIVILEGES AND IMMUNITIES OF REPRESENTATIVES, MEMBERS OF SUBORDINATE BODIES, HIGH OFFICERS, EXPERTS, AND PERSONS ON MISSIONS

8. For the purpose of conferring on any person any such exemption, privilege or relief as is mentioned in any of the following paragraphs of this Part of this Schedule, any reference in that paragraph to the representative or officer shall be construed as a reference to that person.

9. The like immunity from suit and legal process, the like inviolability of residence, and the like exemption or relief from taxes and rates, other than duties (whether of customs or excise) and taxes on the importation of goods, as are accorded to or in respect of the head of a diplomatic mission and the like inviolability of official premises as is accorded in respect of the premises of a diplomatic mission.

10. The like exemption from duties (whether of customs or excise) and taxes on the importation of articles imported for the personal use of the representative or officer or of members of his family forming part of his household, including articles intended for his establishment [and the like privilege as to the importation of such articles], as in accordance with paragraph 1 of Article 36 of the 1961 Convention Articles is accorded to a diplomatic agent.

11. The like exemption and privileges in respect of the personal baggage of the representative or officer as in accordance with paragraph 2 of Article 36 of those Articles are accorded to a diplomatic agent, as if in that paragraph the reference to paragraph 1 of that Article were a reference to paragraph 10 of this Schedule.

12. Relief, under arrangements made either by the Secretary of State or by the Commissioners of Customs and Excise, by way of refund of duty (whether of customs or excise) paid on imported hydrocarbon oil (with the meaning of the said Hydrocarbon Oil Duties Act 1979) or value added tax paid on the importation of such oil which is bought in the Falkland Islands or on behalf of the representative or officer, such relief to be subject to compliance with such conditions as may be imposed in accordance with the arrangements.

13. Exemptions whereby, for the purposes of the enactments relating to social security-

(a) services rendered for the organisation by the representative or officer shall be deemed to be excepted from any class of employment in respect of which contributions or premiums under those enactments are payable, but

(b) no person shall be rendered liable to pay any contribution or premium which he would not be required to pay if those services were not deemed to be so excepted.

PART III

PRIVILEGES AND IMMUNITIES OF OTHER OFFICERS OR SERVANTS

14. Immunity from suit and legal process in respect of things done or omitted to be done in the course of the performance of official duties

15. Exemption from income tax in respect of emoluments received as an officer or servant of the organisation.

16. The like exemption from duties (whether of customs or excise) and taxes on the importation of articles which -

(a) at or about the time when an officer or servant of the organisation first enters the Falkland Islands as such an officer or servant are imported for his personal use or that of members of his family forming part of his household, including articles intended for his establishment, and

(b) are articles which were in his ownership or possession or that of such a member of his family, or which he or such a member of this family was under contract to purchase, immediately before he so entered the Falkland Islands,

and the like privilege as to the importation of such articles as in accordance with paragraph 1 of Article 36 of the Convention Articles is accorded to a diplomatic agent.

17. Exemption from duties (whether of customs or excise) and taxes on the importation of any motor vehicle imported by way of replacement of a motor vehicle in respect of which the conditions specified in sub-paragraphs (a) and (b) of paragraph 16 of this Schedule were fulfilled, such exemption to be subject to compliance with such conditions as the Financial Secretary may prescribe for the protection of the Revenue.

18. The like exemption and privileges in respect of the personal baggage of an officer or servant of the organisation as in accordance with paragraph 2 of Article 36 of the 1961 Convention Articles are accorded to a diplomatic agent, as if in that paragraph the reference to paragraph 1 of that Article were a reference to paragraph 16 of this Schedule.

PART IV

PRIVILEGES AND IMMUNITIES OF OFFICIAL STAFFS AND OF FAMILIES OF REPRESENTATIVES, HIGH OFFICERS AND OFFICIAL STAFFS

19. In this Part of this Schedule -

(a) "representative" means a person who is such a representative to the organisation specified in the relevant Order or such a representative on, or member of, an organ, committee or other subordinate body of that organisation as is mentioned in section 3(3)(a) of this Ordinance;

(b) "member of the official staff" means a person who accompanies a representative as part of his official staff in his capacity as a representative.

20. A member of the official staff who is recognised by Her Majesty's Government in the United Kingdom as holding a rank equivalent to that of a diplomatic agent shall be entitled to the privileges and immunities set out in Part II of this Schedule to the like extent as, by virtue of the relevant Order, the representative who he accompanies is entitled to them.

21.(1) Subject to sub-paragraph (2) of this paragraph, a member of the official staff who is not so recognised, and who is employed in the administrative or technical service of the representative who he accompanies, shall be entitled to the privileges and immunities set out in paragraphs 9 and 13 of this Schedule to the like extent, by virtue of the relevant Order, that representative is entitled to them.

(2) Such a member of the official staff shall not by virtue of the preceding sub-paragraph be entitled to immunity from any civil proceedings in respect of any cause of action arising otherwise than in the course of his official duties.

(3) Such a member of the official staff shall also be entitled to the exemption set out in paragraph 16 of this Schedule as if he were an officer of the organisation specified in the relevant Order.

22. A member of the official staff who is employed in the domestic service of the representative who he accompanies shall be entitled to the following privileges and immunities, that is to say -

(a) immunity from suit and legal process in respect of things done or omitted to be done in the course of the performance of official duties, and

(b) the exemptions set out in paragraph 13 of this Schedule,

to the like extent as, by virtue of the relevant Order, that representative is entitled to them, and shall be entitled to exemption from taxes on his emoluments in respect of that employment to the like extent as, by virtue of the relevant Order, that representative is entitled to exemption from taxes on his emoluments as a representative.

23. (1) Persons who are members of the family of a representative and form part of his household shall be entitled to the privileges and immunities set out in Part II of this Schedule to the like extent as, by virtue of the relevant Order, that representative is entitled to them.

(2) Persons who are members of the family and form part of the household of an officer of the organisation specified in the relevant Order, where that officer is the holder (whether permanent, temporary or acting) of an office specified in that Order in accordance with section 1(3)(b) of this Ordinance, shall be entitled to the privileges and immunities set out in Part II of this Schedule to the like extent as, by virtue of the relevant Order, that officer is entitled to them.

(3) Persons who are members of the family and form part of the household of such a member of the official staff as is mentioned in paragraph 20 of this Schedule shall be entitled to the privileges and immunities set out in Part II of this Schedule to the like extent as, by virtue of that paragraph, that member of the official staff is entitled to them.

(4) Persons who are members of the family and form part of the household of such a member of the official staff as is mentioned in paragraph 21 of this Schedule shall be entitled to the privileges and immunities set out in paragraphs 9 and 13 of this Schedule to the like extent as, by virtue of paragraph 21 of this Schedule, that member of the official staff is entitled to them.

The Prison (Amendment) Bill 1995

(No. of 1995)

ARRANGEMENT OF PROVISIONS**Clause**

1. Short title.
2. Interpretation.
3. Amendment of section 2 of the principal Ordinance.
4. Amendment of section 3 of the principal Ordinance.
5. Replacement of section 7 of the principal Ordinance.
6. Replacement of section 9 of the principal Ordinance.
7. Repeal and replacement of section 18 of the principal Ordinance.
8. Replacement of section 20.
9. Repeal of section 30.
10. Repeal and replacement of section 33.
11. Repeal of section 38.
12. New sections 43A and 43B.
13. Minor amendments of the principal Ordinance.

Schedule

The Prison (Amendment) Bill 1995

(No. of 1995)

A Bill

for

An Ordinance

To amend the Prison Ordinance 1966.

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

Short title

1. This Ordinance may be cited as the Prison (Amendment) Ordinance 1995 and shall come into operation on 1st January 1996.

Interpretation

2. In this Ordinance, the principal Ordinance means the Prison Ordinance 1966.

Amendment of section 2 of the principal Ordinance

3.(1) Section 2(1) of the principal Ordinance is amended-

(a) by replacing the definition of "medical officer" appearing therein with the following definition-

""medical officer" means the Chief Medical Officer and such other Government Medical Officer as pursuant to section 20 is assigned to perform the duties of the medical officer in relation to the matter in question; "

(b) by inserting in the definition of "Officer in Charge" appearing therein the words "or deemed to have been appointed" immediately after the word "appointed";

(c) by replacing the definition of "prison" appearing therein with the following definition-

"prison" means any place which the Governor may by order under subsection (2) of this section declare to be-

(a) a prison or young offender institution; or

(b) a part of any prison or young offender institution.";

(d) by inserting the following definition immediately after the definition of "prison officer"-

"prisoner" means a person confined in a prison;

(e) by inserting at the end of the subsection the following definition-

"young offender institution" has the same meaning as it has for the purposes of the Criminal Justice Ordinance 1989.

(2) Section 2(2) and (3) of the principal Ordinance are replaced by the following provisions-

"(2) The Governor may by order published in the *Gazette* declare any place to be a prison or part of a prison or to be young offender institution or part of a young offender institution for the purposes of this Ordinance and may from time to time revoke, amend or replace any such order or make an order of the kind referred to in subsection (3).

(3) The prison adjoining the police station Stanley shall be deemed to have declared to be a prison pursuant to an order made under subsection (2) and the two rooms therein occasionally used as a young offender institution shall be deemed to have been declared to be a young offender institution until, in either case, an order is made under subsection (2) to the contrary effect."

Amendment of section 3 of the principal Ordinance

4. Section 3 of the principal Ordinance is amended by adding at the end of the section the words "but until and unless another person for the time being holds appointment under this section as the Officer in Charge of the prison, the Chief Police Officer shall be deemed to have been appointed to be the Officer in Charge of the prison and he shall not be required to take the oath referred to in section 4."

Replacement of section 7 of the principal Ordinance

5. Section 7 of the principal Ordinance is repealed and is replaced by the following section-

"7. (1) There shall be a Board of Visitors in respect of all prisons in the Falkland Islands and the Senior Magistrate shall be the chairman of that board.

(2) The Governor shall appoint at least two and not more than four other persons to be members of the board each of whom shall, unless his appointment is earlier revoked or comes to an end under subsection (4), hold office for such period, not exceeding three years, as shall be specified in the instrument appointing him. Every appointment under this subsection, and the period for which, subject as aforesaid, it is to have effect shall be notified in the *Gazette*

(3) A member of the Legislative Council, a police officer, a prison officer and any person who is or who is concerned in a contractor for supplies to a prison is not eligible for appointment under subsection (2).

(4) A person appointed as a member of the board under subsection (2) ceases to hold office as such-

(a) upon tendering his resignation in writing to the Governor;

(b) on taking his seat as a member of the Legislative Council;

(c) upon being sentenced by any court of the Falkland Islands to a period of imprisonment; or

(d) on becoming a police officer or prison officer or a person who is or is concerned in any contract for supplies to a prison.

(5) The board shall visit every prison at intervals not greater than three months, but otherwise on such dates and at such times as the board shall decide and on the occasion of each visit by the board, every prisoner or other person detained in the prison shall be interviewed by at least one of the members of the board and any complaint made by him shall be recorded.

(6) After each visit the board shall make or cause to be made a report in writing thereon to the Governor, which report shall include a record of any complaint made to any member of the board during the visit by any prisoner or other detained."

Replacement of section 9 of the principal Ordinance

6. Section 9 of the principal Ordinance is replaced by the following section-

" 9. (1) A member of the board appointed under section 7(2) shall forthwith tender his resignation in writing to the Governor-

(a) if he becomes a contractor for supplies to a prison; or

(b) to his knowledge he becomes concerned in a contractor for supplies to a prison.

(2) A person who wilfully contravenes subsection (1) commits an offence and is liable on conviction of that offence to a fine not exceeding the maximum of level 4 on the standard scale."

Repeal and replacement of section 18 of the principal Ordinance

7. Section 18 of the principal Ordinance is repealed and is replaced by the following section-

"Work by prisoners

18. (1) All prisoners may, subject to this section, and unless certified by the medical officer to be unfit for the work in question, be required to carry out such work as is reasonably necessary in the interests of hygiene or for the maintenance of the prison at which he is detained.

(2) A prisoner shall not be required contrary to his wishes to carry out any work on a day or during any part of a day if it would be contrary to the tenets of any religion or denomination to which he bona fide belongs for him to be required to carry out that work on that day or during that part of the day.

(3) Subject to section 19, the Officer in Charge may permit any prisoner to perform work of a kind other than that mentioned in subsection (1) of this section and, if the Officer in Charge considers that this may be done without danger to the public, may permit a prisoner or detainee to perform that work outside the walls of the prison."

Replacement of section 20

8. Section 20 of the principal Ordinance is repealed and is replaced by the following section-

"Performance of functions of medical officer

20. (1) The Chief Medical Officer shall be responsible for the due and proper performance of the functions of the medical officer, but may from time to time assign the performance of the whole or any part of those functions to any other Government Medical Officer.

(2) Any Government Medical Officer to whom any of the functions of the medical officer may have been for the time being assigned may, in the name and on behalf of the Chief Medical Officer, perform and carry out that function or those functions."

Repeal of section 30

9. Section 30 (the subject matter of which is now provided for by the Criminal Justice Ordinance 1989) is repealed.

Repeal and replacement of section 33

10. Section 33 of the Ordinance is repealed and is replaced by the following section-

“Religious services

33. (1) Any minister of any religion may, with the consent of the Officer in Charge, which shall not unreasonably be withheld, hold services within the prison, at which any prisoner who wishes to do so may attend, on such days and at such times as the Officer in Charge of the prison may approve.

(2) The Officer in Charge may, if he considers that the same may be permitted without danger to the public, permit any prisoner of good behaviour to attend a religious service at any church or other place of worship in Stanley, subject to such conditions as the Officer in Charge may think fit and, for the purposes of section 44 and 45, during his absence from prison for the purpose of attending such a service, the prisoner shall be deemed to be in prison and to be in lawful custody.”

Repeal of section 38

11. Section 38 of the principal Ordinance (the subject matter of which is now provided for under the Administration of Justice Ordinance) is repealed.

New sections 43A and 43B

12. The following sections are inserted in the principal Ordinance immediately after section 43-

“Testing prisoners for drugs

43A (1) The Officer in Charge may require any prisoner to provide a sample of urine for the purpose of ascertaining whether he has any drug in his body.

(2) The Officer in Charge of the prison may, instead of or additionally to requiring a prisoner to supply him with a sample of urine, require the prisoner to supply a sample of any other description, not being an intimate sample.

(3) In this section-

“drug” means a drug which is a controlled drug for the purposes of the Misuse of Drugs Ordinance 1987; and

“intimate sample” has the same meaning as it has under section 111 of the Criminal Justice Ordinance 1989.

Powers of search by prison officers

43B. (1) A prison officer may search any prisoner to ascertain whether he has any unauthorised property on his person.

(2) A prison officer searching a prisoner by virtue of this section-

(a) shall not require a prisoner to remove any of his clothing other than an outer coat, jacket, headgear, gloves and footwear;

(b) may use reasonable force where necessary; and

(c) may seize and detain any unauthorised property found on the prisoner in the course of the search.

(3) In this section "unauthorised property" in relation to a prisoner, means property-

(a) intoxicating liquor of any kind, tobacco, any controlled drug within the meaning of the Misuse of Drugs Ordinance 1987 and any other thing of any kind which the prisoner is not authorised by prison rules or the Officer in Charge to have in his possession or, as the case may be, to have in his possession in a particular part of the prison."

Minor amendments of the principal Ordinance

13. The Schedule to this Ordinance (minor amendments to the principal Ordinance) shall have effect.

THE SCHEDULE

1. In this Schedule a reference to a section is a reference to that section of the principal Ordinance.

2. Section 23 is amended by replacing the words "of not more than once in each fortnight" with the words "at intervals not greater than three months".

3. Section 27 is amended by inserting the words "and to the Coroner" immediately after the words "to the Governor" and by replacing the words "within twenty-four hours" with the words "as soon as conveniently may be".

4. Section 41(1) is amended by replacing the words "declaration and a duplicate of the inquisition" with the words "and declaration".

5. Section 43 is amended by deleting the words "on indictment".

6. Section 46 is amended by replacing the words "twenty pounds" with the words "not exceeding the maximum of level 5 on the standard scale".

7. Section 47 is amended by replacing the words "ten pounds" with the words "not exceeding the maximum of level 4 on the standard scale".

8. Section 50 is amended by inserting the words "as may be permitted under any preceding provision of this Ordinance, under the provisions of any regulations made under this Ordinance or" after the word "save".

1. The Government of the Falkland Islands is pleased to announce that the following measures have been agreed by the Falkland Islands Council and the Government of the Falkland Islands.

2. The measures are as follows:

3. The Government of the Falkland Islands will provide a grant of £10,000 to the Falkland Islands Council for the purpose of carrying out the following work:

4. The Falkland Islands Council will carry out the following work:

5. The Government of the Falkland Islands will provide a grant of £5,000 to the Falkland Islands Council for the purpose of carrying out the following work:

6. The Falkland Islands Council will carry out the following work:

7. The Government of the Falkland Islands will provide a grant of £5,000 to the Falkland Islands Council for the purpose of carrying out the following work:

8. The Falkland Islands Council will carry out the following work:

9. The Government of the Falkland Islands will provide a grant of £5,000 to the Falkland Islands Council for the purpose of carrying out the following work:

10. The Falkland Islands Council will carry out the following work:

11. The Government of the Falkland Islands will provide a grant of £5,000 to the Falkland Islands Council for the purpose of carrying out the following work:

12. The Falkland Islands Council will carry out the following work:

13. The Government of the Falkland Islands will provide a grant of £5,000 to the Falkland Islands Council for the purpose of carrying out the following work:

14. The Falkland Islands Council will carry out the following work:

15. The Government of the Falkland Islands will provide a grant of £5,000 to the Falkland Islands Council for the purpose of carrying out the following work:

16. The Falkland Islands Council will carry out the following work:

17. The Government of the Falkland Islands will provide a grant of £5,000 to the Falkland Islands Council for the purpose of carrying out the following work:

18. The Falkland Islands Council will carry out the following work:

19. The Government of the Falkland Islands will provide a grant of £5,000 to the Falkland Islands Council for the purpose of carrying out the following work:

20. The Falkland Islands Council will carry out the following work:



**THE
FALKLAND ISLANDS GAZETTE
Supplement**

PUBLISHED BY AUTHORITY

Vol. 6

10th NOVEMBER 1995

No. 30

The following are published in this Supplement -

**The Lotteries (Amendment) Bill 1995;
The Eliza Crescent One-Way Traffic Regulations Order 1995.**

The Lotteries (Amendment) Bill 1995

(No. 1995)

ARRANGEMENT OF PROVISIONS

Clause

1. Short title
2. Amendment of Lotteries Ordinance (Cap. 41)

Schedule

Amendment of the Lotteries Ordinance

A Bill
for
An Ordinance
to Amend the Lotteries Ordinance (Cap. 41)

Short title

1. This Ordinance may be cited as the Lotteries (Amendment) Ordinance 1995.

Amendment of Lotteries Ordinance (Cap. 41)

2. The Lotteries Ordinance (a) ('the Principal Ordinance') is amended in the manner specified in Schedule to this Ordinance.

SCHEDULE (section 2)

AMENDMENT OF THE LOTTERIES ORDINANCE

1. Section 2 of the Principal Ordinance is amended -

(a) by adding the words "and a scratch card promotion" at the end of the definition of "Lottery" and;

(b) by including the following definition immediately after the definition of "Money"-

""Scratch Card Promotion" means the distribution of prizes by means of cards or tickets which have concealed upon them details of the prizes to which the purchaser or holder of a card or ticket is entitled and which may be revealed immediately following purchase, by scratching, rubbing or tearing or otherwise, from the card or ticket"

2. Section 4 of the Principal Order is amended -

(a) by deleting the word and figure "subsection (2)" appearing in subsection (1) of that section and replacing them with the words and figures "subsections (2) and (3)"

(b) by adding the following subsection -

"(3) Subsection (1) does not apply to a scratch card promotion, but any person who intends to conduct a scratch card promotion shall -

(a) apply in writing to the Financial Secretary for a licence so to do;

(b) state in that application -

(i) the full names and addresses of all promoters;

(ii) the number and cash value of all prizes it is proposed to award;

(iii) the number of cards or tickets to be issued;

(iv) the name of the printer who will print the cards or tickets;

(v) the purchase price of each card or ticket;

(vi) the places at which it is intended to sell the cards or tickets and the full names and addresses of the individuals or persons who will be selling the cards or tickets."

3. Section 6 of the Principal Order is amended by the addition of the following subsection -

"(7) In relation to scratch card promotions the foregoing provisions of the section shall be modified -

(a) in subsection (1) by replacing the words "on the day preceeding the draw" with the words "within seven days of the close of the scratch card promotion"; and

(b) by ommitting subsection (2)."

4. Section 7 of the Principal Ordinance is amended by inserting at the end of subsection (2) of that section the words "or a scratch card promotion".

EXPLANATORY NOTE
(not forming part of the above Bill)

The purpose of this Bill is to amend the law relating to lotteries so as to permit promoters to be licensed by the Financial Secretary so as to distribute and sell 'scratch cards' for the purpose of raising money.

SUBSIDIARY LEGISLATION

ROAD TRAFFIC

THE ELIZA CRESCENT ONE-WAY TRAFFIC REGULATIONS ORDER 1995

(S. R. & O. No. 20 of 1995)

Made: 6 November 1995

Published: 10 November 1995

Coming into force: 1st December 1995

IN EXERCISE of my powers under Section 18(1)(j) of the Road Traffic Ordinance (a), I make the following Order -

Citation and commencement

1. This Order may be cited as the Eliza Crescent One-way Traffic Regulations Order 1995 and shall come into force on 1st December 1995.

Application of this Order

2.(1) This Order applies to Eliza Crescent Stanley

Prohibition of anti-clockwise bound traffic

3.(1) It is unlawful for any traffic to proceed in an anti-clockwise direction along Eliza Crescent, Stanley.

(2) Any person who causes any traffic to proceed in an anti-clockwise direction along Eliza Crescent commits an offence and is liable on conviction of that offence to a fine not exceeding £200.

(3) For the sake of avoidance of doubt it is hereby declared that the prohibition imposed by paragraph (1) extends to the pushing or towing of traffic in the carriageway of Eliza Crescent, but does not extend to the pushing of a bicycle or perambulator along a footpath in Eliza Crescent.

(4) For the purposes of this paragraph-

(a) traffic proceeds in an anti-clockwise direction if it proceeds along Eliza Crescent towards the northern junction of Eliza Crescent with Eliza Cove Road

(b) "traffic" means carts, carriages, horses, bicycles and motor vehicles of every kind (including invalid carriages).

Made this sixth day of November 1995.

D.E. TATHAM
Governor.

EXPLANATORY NOTE
(not forming part of the above Order)

This Order makes Eliza Crescent a "one-way street" in which traffic will only be permitted to travel in a clockwise direction.



**THE
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Vol. 6

13th November 1995

No. 31

The following is published in this Supplement-

A revised version of The High Seas Fishing Bill 1995 is published to replace that published in the issue of the Gazette dated 12th October 1995 which represented an earlier draft of the bill which was published in error.

The High Seas Fishing Bill 1995

(No: of 1995)

ARRANGEMENT OF PROVISIONS

Clause

PART I

PRELIMINARY

1. Short title and commencement.
2. Interpretation.

PART II

ADMINISTRATION

3. The Director of Fisheries and authorised officers.

PART III

LICENSING OF FISHING ON THE HIGH SEAS

4. Prohibition of fishing on the high seas without a licence.
5. Vessels eligible for high seas fishing licences.
6. Applications and fees.
7. Grant of high seas fishing licences and conditions relating to licences.
8. Period of validity of high seas fishing licences.

PART IV

INTERNATIONAL COOPERATION

9. High seas fishing information.
10. Exchange of information with other States.

PART V

ENFORCEMENT

11. General powers at sea of authorised officers.
12. Security for release of a fishing vessel.
13. Disposal of seized fish and other perishables.
14. Disposal of persons arrested, vessels and other things detained or seized.

PART VI

PROHIBITIONS AND OFFENCES

15. Prohibition of activities that undermine the effectiveness of international conservation and management measures.
16. Obstruction of authorised officers, false information and alteration of licences.
17. Other offences penalties and proceedings.

PART VII

COURT PROCEEDINGS, PENALTIES AND COMPOUNDING OF OFFENCES

18. Jurisdiction of the Court.
19. Forfeiture of licence and disqualification.
20. Administrative penalty.
21. Detention or forfeiture of fishing vessel on failure to pay or secure fine.

PART VIII

REGULATIONS

22. Regulations.

A Bill
for
An Ordinance

To make provision for the implementation of the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas adopted by the Conference of the Food and Agricultural Organisation of the United Nations on the twenty fourth day of November 1993 and the Agreement for the implementation of the provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation of Straddling Fish Stocks and Highly Migratory Fish Stocks.

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

PART I
PRELIMINARY

Short title and commencement

1. This Ordinance may be cited as the High Seas Fishing Ordinance 1995 and shall come into force on such day as the Governor may appoint by Notice in the *Gazette*.

Interpretation

2. In this Ordinance unless the context otherwise requires:-

"Agreements" means the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas adopted by the Conference of the FAO on the twenty fourth day of November 1993 and the Agreement for the implementation of the provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation of Straddling Fish Stocks and Highly Migratory Fish Stocks;

"authorised officer" means the Director of Fisheries and any of the authorised officers provided for under section 3 or any person authorised by or acting under the orders of an authorised officer;

"Director of Fisheries" means the public officer for the time being holding or acting in the office of Director of Fisheries or any person to whom he may delegate functions under section 3(2);

"fish" includes any living marine resource;

"fishing" means:-

- (a) the catching or taking of fish;
- (b) any other activity which can reasonably be expected to result in the catching or taking of fish; or
- (c) any other activity directly related to fishing including the operation of mother ships;

"fishing vessel" means any vessel used or intended for use for the purposes of the commercial exploitation of fish, including mother ships and any other vessels directly engaged in fishing operations;

"Falkland Islands fishing vessel" means a fishing vessel that is registered under the Merchant Shipping Act 1894 in a port of registry in the Falkland Islands;

"Falkland Islands fishing waters" means the internal waters, the territorial sea, the Falkland Islands Interim Conservation and Management Zone, the Falklands Outer Conservation Zone and any other marine waters to which the Fisheries (Conservation and Management) Ordinance 1986 for the time being applies;

"overseas fishing vessel" means a fishing vessel other than a Falkland Islands fishing vessels;

"Governor" means the Governor acting in his discretion;

"high seas" means the marine waters beyond the territorial sea, archipelagic waters, fisheries zone or exclusive economic zone of any state;

"high seas fishing licence" means a fishing licence granted pursuant to section 7 and the other provisions of this Act;

"international conservation and management measures" means measures to conserve or manage one or more species of living marine resources that are adopted and applied in accordance with the relevant rules of international law as reflected in the 1982 United Nations Convention on the Law of the Sea either by global, regional or subregional fisheries organisations, subject to the rights and obligations of their members, or by treaties or other international agreements;

"licensed fishing vessel" means a fishing vessel in respect of which a licence has been granted pursuant to section 7; and

"master" includes, in relation to a fishing vessel, the person for the time being in command or in charge of the fishing operations on board the vessel.

PART II

ADMINISTRATION

The Director of Fisheries and authorised officers

3.(1) This Ordinance shall be administered by the Director of Fisheries who shall be responsible for:-

- (a) maintaining a record of all fishing vessels in respect of which high seas fishing licences have been issued under this Ordinance, which record shall include all information provided by an applicant under section 6;
- (b) the collection of statistics concerning fish stocks and fishing on the high seas;
- (c) the monitoring, control and surveillance of the operations of Falkland Islands fishing vessels on the high seas;
- (d) the issue, variation, suspension and revocation of licences for fishing on the high seas;
- (e) the collection of fees in respect of licences of fishing vessels;
- (f) the taking of appropriate measures in cooperation with other states for the implementation of the Agreement;
- (g) the making of such reports to the Governor as the latter may require or the Director of Fisheries shall consider appropriate;
- (h) the taking of all such other measures as the Governor may direct or the Director of Fisheries may consider appropriate for the implementation of the Agreement and this Ordinance.

(2) The Governor may give or may authorise the Director of Fisheries to give such information as and make such reports as may be necessary to enable the Falkland Islands to comply with their obligations under the Agreements or either of them.

(3) Subject to subsection (3), the Director of Fisheries may, and if directed by the Governor shall, in writing authorise any public officer to exercise any or all of the powers of the Director of Fisheries either concurrently with him or in his absence subject to such conditions, including territorial restrictions, as may be stipulated in the authorisation.

(4) The Director of Fisheries shall personally exercise the powers provided for under section 21, but may not exercise those powers in any case without the consent of the Attorney General.

(5) This Ordinance shall be enforced by authorised officers acting subject to the direction of the Director of Fisheries and for that purpose authorised officers shall have the powers set out in section 12 and 13.

(6) The following persons shall be authorised officers:-

- (a) fisheries officers appointed pursuant to the Fisheries (Conservation and Management) Ordinance 1986;
- (b) all members of the Royal Falkland Islands Police Force;
- (c) persons in command or in charge of any vessel, aircraft or hovercraft of Her Majesty's Armed Services or of the Government of the Falkland Islands, and
- (d) such other public officers as may be prescribed.

PART III

LICENSING OF FISHING ON THE HIGH SEAS

Prohibition of fishing on the high seas without a licence

4.(1) No Falkland Islands fishing vessel shall be used for fishing on the high seas except under the authority of a high seas fishing licence.

(2) Where a fishing vessel is used in contravention of subsection (1) the master, the owner and the charterer shall each commit an offence and be liable to a fine not exceeding the maximum of level 12 on the standard scale.

Vessels eligible for high seas fishing licences

5.(1) Subject to subsection (2) any Falkland Islands fishing vessel shall be eligible for a high seas fishing licence except where the vessel has been authorised to be used for fishing on the high seas by another state and that state has either:-

- (a) suspended such authorisation and such suspension has not expired; or
- (b) withdrawn such authorisation within the three years preceding the application;

because the fishing vessel has undermined the effectiveness of international conservation and management measures.

(2) The exceptions contained in subsection (1) shall not apply to a vessel where:-

- (a) ownership of that vessel has changed since such suspension or withdrawal of authorisation and the new owner has provided evidence, to the satisfaction of the Director of Fisheries that the previous owner, charterer or operator has no further legal, beneficial or financial interest in, or control of, the vessel; or
- (b) the Director of Fisheries has decided, after taking into account all relevant facts, that the grant of a fishing licence in respect of the vessel will not undermine the object and purpose of the Agreement.

Applications and fees

6.(1) An application for the grant of a high seas fishing licence shall be:-

- (a) made in the prescribed manner;

(b) accompanied by the information required under subsection (2) and such other information and documents as may be prescribed; and

(c) accompanied by the prescribed application fee.

(2) An application for a high seas fishing licence shall relate to a specific vessel and shall be accompanied by the following information in relation to the vessel:-

(a) -

(i) name of fishing vessel;

(ii) registration number (if any);

(iii) previous names (if known);

(iv) port of registry;

(b) previous flag (if any);

(c) international radio call sign (if any);

(d) names and addresses of owners and operator (manager) (if any);

(e) where and when built;

(f) type of vessel;

(g) length;

(h) type of fishing method or methods;

(i) moulded depth;

(j) beam;

(k) gross register tonnage where available;

(l) power of main engine or engines.

Grant of high seas fishing licences and conditions relating to licences

7.(1) A high seas fishing licence shall be granted by the Director of Fisheries to the master, owner or charterer in respect of a specified fishing vessel.

(2) Subject to any directions given to him by the Governor, the issue of each high seas fishing licence shall be in the discretion of the Director of Fisheries.

(3) The Director of Fisheries shall not grant a high seas fishing licence in respect of a fishing vessel unless he is satisfied that the Falkland Islands will be able to exercise effectively its responsibilities under the Agreements in respect of that vessel.

(4) A high seas fishing licence may authorise a vessel to be used for fishing generally or may confer limited authority by reference in particular to:-

- (a) the area in which fishing is authorised;
- (b) the period, times or particular voyages during which fishing is authorised;
- (c) the descriptions, quantities, size and presentation of fish which may be taken, or
- (d) the method of fishing.

(5) A high seas fishing licence shall be subject to the following conditions:-

- (a) the licensed fishing vessel shall be marked in accordance with the FAO Standard Specifications for the Marking and Identification of Fishing Vessels.
- (b) such records of fishing operations shall be kept on board the licensed fishing vessel and such returns shall be submitted to the Director of Fisheries concerning areas of fishing, catches and landings of fish and such other matters as are stipulated in the licence or as shall be notified by the Director of Fisheries to the person to whom the licence is granted;
- (c) the licensed fishing vessel shall not engage in activities which undermine the effectiveness of international conservation and management measures and in particular such activities as may be prescribed.

(6) A high seas fishing licence shall authorise fishing subject to such further conditions as may appear to the Director of Fisheries to be necessary or expedient for the conservation or management of species of living marine resources in the high seas and as may be specified by him in writing.

(7) If a licence condition referred to in subsection (4) or (5) is broken, the master, the owner and the charterer of the fishing vessel concerned in such breach shall each commit an offence and be liable to a fine not exceeding the maximum of level 10 on the standard scale.

(8) A high seas fishing licence may be:-

- (a) varied from time to time; or
- (b) revoked or suspended,

if this appears to the Director of Fisheries to be necessary or expedient for the conservation or management of living marine resources in the high seas.

(9) If a high seas fishing licence is varied, revoked or suspended the Director of Fisheries may, if he considers it appropriate taking into account the circumstances of the case, refund the whole or any part of the fee charged for the licence.

Period of validity of high seas fishing licences

8.(1) Subject to subsection (2), the period of validity of a high seas fishing licence shall be one year or such other period as may be specified in the licence.

(2) A high seas fishing licence shall cease to be valid if the vessel in respect of which it was issued ceases to be entitled to fly the flag of the Falkland Islands.

PART IV

INTERNATIONAL COOPERATION

High seas fishing information

9. The Director of Fisheries may require any fisherman or person owning or working on a Falkland Islands fishing vessel that is used for fishing on the high seas, to provide him with information or make returns in such form and at such periods as he may decide concerning areas of fishing, catches and landings of fish and such other matters relating to fishing operations with which such person is connected as may be stated in any such requirement.

Exchange of information with other States

10.(1) The Director of Fisheries if so authorised by the Governor may make such arrangements as may be appropriate to enable him to exchange information, including evidentiary material, with other countries that are parties to the Agreements or either of them or to which the Agreements have or either of them has been applied to enable the Falkland Islands and such other countries better to implement the objects of the Agreements or either of them.

(2) Without derogating from the generality of arrangements made under subsection (1), the Director of Fisheries in particular may where he has reason to believe that a foreign fishing vessel has engaged in activities that undermine international conservation and management measures -

(a) provide to the appropriate authorities of the flag state of the overseas fishing vessel concerned such information, including evidentiary material, relating to those activities, as may be necessary to assist the flag state in identifying the vessel; and

(b) when such overseas fishing vessel is voluntarily in a port of the Falkland Islands promptly notify the appropriate authorities of the flag state of the vessel accordingly.

PART V

ENFORCEMENT

General powers at sea of authorised officers

11.(1) For the purpose of enforcing this Ordinance an authorised officer may exercise the following powers with respect to any Falkland Islands fishing vessel on the high seas and in the Falkland Islands fishing waters:-

(a) he may stop the vessel;

- (b) he may require the master to stop fishing and take the fishing gear of the vessel back on board;
- (c) he may require the master to facilitate the boarding of the vessel by all appropriate means;
- (d) he may go on board the vessel and take with him such other persons as he may require to assist him in the exercise of his powers;
- (e) he may require the master, the crew or any of them to produce and he may examine and take copies of any certificate of registry, licence, official log book, official paper, article of agreement, record of fish caught and any other document relating to the vessel and to the crew or any member thereof or to any person on board the vessel which is in their respective possession or control on board the vessel;
- (f) he may muster the crew of the vessel;
- (g) he may require the master to appear and give any explanation concerning the vessel and any crew or any person on board the vessel and any document mentioned in paragraph (e);
- (h) he may make any search, examination or enquiry which he shall consider necessary to find out whether any provision of this Act has been contravened;
- (i) he may take or require the master to take the vessel to any place, port or harbour in the Falkland Islands for the purpose of the carrying out of any search, examination or enquiry;
- (j) in the case of any person who appears to him to have committed any offence against this Ordinance he may without summons, warrant or other process, take the suspected offender and take or require the master of the vessel to take the vessel in respect of which it appeared to him that there has been an offence together with the crew thereof to a port or harbour in the Falkland Islands and bring him or them before a competent court and detain him and them and the vessel in the Falkland Islands until the alleged offence has been adjudicated upon;
- (k) he may, having regard to the safety of the vessel, take steps to immobilise any fishing vessel seized, taken or detained in accordance with this section for the purpose of preventing the vessel being taken by any person prior to the release of the vessel under section 12 or 13 or by the court;
- (l) in the case of any offence against section 4 he may seize any vessel together with its equipment, stores and cargo which he believes has been used in the commission of such offence or in respect of which he believes such offence has been committed;
- (m) he may seize any fishing gear, instruments or appliances which he believes have been used in the commission of such offence;

(n) he may seize any fish which he believes have been taken or fish products produced in the commission of such offence;

(o) he may seize or take copies of any documents which he believes are relevant to any such offence.

(2) In exercising the powers referred to in subsection (1) an authorised officer may use such force as may be reasonably necessary.

Security for release of a fishing vessel

12.(1) Where a fishing vessel is taken, seized or detained under this Ordinance and an information or charge is laid against the master, the owner or the charterer of the vessel in respect of the offence for which the vessel has been detained, the master, the owner or the charterer or the agent of the owner or of the charterer of the vessel may at any time before the determination of the information or charge apply to the court by which the information or charge is due to be determined for the release of the vessel on the provision of security in accordance with this section.

(2) On hearing the application the court shall either:-

(a) being satisfied that reasonable security has been given to the Crown in respect of the aggregate of the maximum penalty to which the defendant may be liable and the costs and expenses that the Crown may recover under section 19 order the release of the fishing vessel; or

(b) order the release of the fishing vessel on the execution by any suitable person or persons approved by the court for the purpose of a reasonable bond in favour of the Crown in the prescribed form and conditioned in accordance with subsection (4) in an amount not less than the aggregate of the maximum penalty to which the defendant may be liable and the costs and expenses that the Government may recover under section 19.

(3) Notwithstanding subsection (2) the court may, where it is satisfied that there are special circumstances to justify it doing so, order that the bond shall be in a specified amount that is less than the amount required by that subsection.

(4) The condition of the bond shall be that if:-

(a) the defendant is found not guilty of the information or charge; or

(b) the defendant, on being convicted of the information or charge, pays in full within fourteen days after he is convicted the amount of the fine imposed by the court and the amount of all costs and expenses due by him to the Crown under section 19 then the bond shall be of no effect but that otherwise the bond shall remain in full force and effect.

(5) The amount specified in the bond shall be recoverable in full in any court of competent jurisdiction as a debt due to the Crown jointly and severally by the person or persons by whom the bond is given unless the person or persons prove the due performance of the condition for which the bond was made.

(6) In this section "fishing vessel" includes all equipment on board or used by the vessel and also includes all fish that has been seized from the vessel under this Ordinance and is detained on board the vessel in the custody of the Crown.

Disposal of seized fish and other perishables

13.(1) Where any fish or other things of a perishable nature are seized under section 11 the Director of Fisheries may, notwithstanding any other provision of this Ordinance, either:-

(a) return the fish or other thing to the person from whom it was seized on receiving security that is, in the opinion of the Director of Fisheries adequate for the equivalent value of the fish or thing by way of bond or other stipulation conditioned for payment of such equivalent value in the event that such amounts shall be adjudged by the court to be forfeited to the Crown; or

(b) cause the sale of the fish or other thing at its reasonable market value and if court proceedings are instituted pay the proceeds of sale into court pending an order by the court in respect of the forfeiture or otherwise of the proceeds or if no proceedings are instituted, release the proceeds to the person from whom the fish or thing was seized in accordance with section 12.

(2) Where any live fish has been seized in accordance with section 11 it may be released or destroyed at the discretion of the seizing officer where he considers such act desirable in order to prevent undue suffering or for other good and sufficient reason.

Disposal of persons arrested, vessels and other things detained or seized

14.(1) Any person arrested and, subject to section 13, any vessel, article or thing arrested, detained or seized shall be brought before or under the jurisdiction of a court of competent jurisdiction without undue delay.

(2) Where any person arrested is released without charge or the prosecution of that person is not proceeded with within thirty days of the arrest any vessel, article or thing arrested detained or seized when in the possession of or under the control of that person or the proceeds of sale thereof shall subject to section 15(2) be returned to that person.

(3) Where the court holds any vessel, article or thing arrested, detained or seized under section 12 and a person who has been properly charged with an offence in relation thereto within ninety days of the arrest, detention or seizure fails to appear to answer the charge the Director of Fisheries may apply to the court for such vessel, article or thing to be forfeited to the Crown and the court shall make such order as it shall consider just.

(4) Where the court fails or refuses to make an order for forfeiture under subsection (3) the Director of Fisheries may appeal to the Supreme Court the decision of which shall be final.

(5) Subject to subsection (6) and section 14 where a vessel, article or thing is arrested, detained or seized under section 12 and no person is arrested the vessel, article or thing, shall be returned to the owner or the person having possession care or control of it at the time of arrest, detention or seizure.

(6) If the lawful owner of a vessel, article or thing, arrested, detained or seized under section 12 cannot be traced within thirty days of such seizure it shall be forfeit to the Crown and be disposed of as the Director of Fisheries in his discretion shall consider fit and any proceeds of sale thereof shall be paid into the Consolidated Fund.

(7) Where a vessel article or thing has been arrested, detained or seized under section 12 and the Court does not order the forfeiture of that vessel, article or thing it, or any proceeds realised from its disposal, shall be returned to the owner thereof or the person having the possession care or control of it at the time of arrest, detention or seizure.

(8) Where the owner of a vessel, article or thing or the person having the possession, care or control of it at the time of its arrest, detention or seizure is convicted of an offence under this Ordinance and a fine is imposed.

(a) the vessel, article or thing may be detained until the fine is paid;

(b) the vessel, article or thing may be sold in satisfaction of the fine; or

(c) any proceeds realised from its disposal under section 14 may be applied in payment of the fine.

(9) The Director of Fisheries may cause any fish, vessel or any fishing gear found or seized and at his disposal to be destroyed if he considers fit.

PART VI

PROHIBITIONS AND OFFENCES

Prohibition of activities that undermine the effectiveness of international conservation and management measures

15.(1) No fishing vessel entitled to fly the flag of the Falkland Islands, whether or not it is required to be licensed under this Ordinance, shall engage in any activity on the high seas that undermines the effectiveness of international conservation and management measures.

(2) The Governor may, by regulation, prescribe certain activities as being activities that under mine the effectiveness of international conservation and management measures.

(3) Where a vessel contravenes subsection (1) the master, the owner and the charterer shall each commit an offence and be liable on conviction to a fine not exceeding the maximum of level 12 on the standard scale.

Obstruction of authorised officers, false information and alteration of licences

16.(1) Any person who:-

- (a) assaults, resists or wilfully obstructs an authorised officer when acting in the exercise of his powers under this Ordinance;
- (b) refuses or neglects to comply with any order, requisition or direction lawfully made or given under this Ordinance;
- (c) without reasonable excuse fails to:-
 - (i) answer any question asked by an authorised officer; or
 - (ii) given any information or produce any thing required to be given or produced in pursuance of this Ordinance;
- (d) fails to allow a search or inspection under this Ordinance; or
- (e) prevents or attempts to prevent another person from complying with such orders, requisitions or directions or from answering such questions, producing any thing or allowing a search or inspection;

commits an offence and shall be liable on conviction to a fine not exceeding the maximum of level 8 on the standard scale.

(2) Any person who:-

- (a) for the purpose of obtaining a licence; or
- (b) for purported compliance with an requirement to furnish any information under this Ordinance,

knowingly or recklessly provides information which is false in a material particular commits an offence and shall be liable on conviction to a fine not exceeding the maximum of level 8 on the standard scale.

(3) Any person who without lawful authority alters a licence granted under this Ordinance commits an offence and on conviction shall be liable to a fine not exceeding the maximum of level 10 on the standard scale.

Other offences, penalties and proceedings

17.(1) Any person who contravenes any provision of this Ordinance where no offence is specifically provided commits an offence.

(2) Any person who commits an offence against this Ordinance for which no penalty is specifically provided shall be liable on conviction to a fine not exceeding the maximum of level 6 on the standard scale.

(3) Where any person is convicted of an offence against this Ordinance the court may in addition to any other penalty that it may impose order that any fishing gear, instruments or appliances used in the commission of such offence and any fish on board a fishing vessel or the proceeds of sale thereof, if already sold, shall be forfeited to the Crown and if so forfeited shall be disposed of in such manner as the Director of Fisheries, acting in his discretion, may direct.

(4) For the purposes of any proceedings under this Ordinance any fish found on board a fishing vessel shall be presumed to have been caught:-

(a) on the high seas; and

(b) within the vicinity of the vessel at the time the fish is so found where the licence to fish specifying the vessel restricts fishing to a particular area of the high seas;

unless the contrary is proved.

(5) An attempt to commit an offence under this Ordinance shall itself constitute an offence and may be dealt with in like manner as if the attempted offence had been committed.

(6) Any master or other person who transships, receives on board a fishing vessel, transports, sells, offers for sale, processes or in any other manner deals with fish caught in contravention of this Ordinance commits an offence.

(7) Any person who aids, abets, counsels or procures an offence under this Ordinance conspires to commit such offence commits the offence so aided, abetted, counselled or procured or conspired to be committed.

(8) When a person is convicted on a second or further occasion of an offence against this Ordinance he shall be liable to double the normal penalty for that offence.

(9) A certificate purporting to be signed by the Director of Fisheries or any officer authorised by him for that purpose to the effect that on a date specified in the certificate:-

(a) a fishing vessel specified in that certificate was not licensed under this Ordinance;

(b) the accused person or any other named person was not the holder of a licence under this Ordinance; or

(c) a person was the holder of a licence or permit under this Ordinance,

shall, in the absence of proof to the contrary, be sufficient evidence of the matter stated in the certificate.

PART VII

COURT PROCEEDINGS, PENALTIES AND COMPOUNDING OF OFFENCES

Jurisdiction of the Court

18. All penalties, offences and proceedings under this Ordinance may be recovered, prosecuted and taken before the Magistrate's Court or the Summary Court and each of those courts shall have power to impose any time provided for by this Ordinance.

Forfeiture of licence and disqualifications

19. Where a person is convicted of an offence against this Ordinance the court may in addition to any other penalty order that any licence granted under this Ordinance to the convicted person be forfeited and also any fees paid for such licence and that such person be disqualified from the day of conviction from holding a licence for a period not exceeding three years.

Administrative penalty

20.(1) Where the Director of Fisheries has reasonable cause to believe that:-

- (a) an offence against this Ordinance has been committed by any person;
- (b) the offence is of a minor nature; or
- (c) having regard to the previous conduct of the person concerned and of the vessel if a vessel is involved, it would be appropriate to impose a penalty under this section,

he may cause a notice in writing in accordance with subsection (2) in the prescribed form to be served on that person.

(2) A notice under subsection (1) shall specify:-

- (a) the date and nature of the offence;
- (b) a summary of the facts upon which the allegation that an offence has been committed is based (being sufficient summary fully and fairly to inform the person of the allegation against him); and
- (c) any other matters (not being previous convictions) that the Director of Fisheries considers relevant to the imposition of a penalty;

and shall be endorsed with a statement setting out the previous of this Section.

(3) Any person on whom a notice under Subsection (1) is served may within thirty days after such service by notice in writing in the prescribed form served on the Director of Fisheries require that proceedings in respect of the alleged offence shall be dealt with by the court, in which case the following shall apply:-

(a) no further proceedings shall be taken under this section by the Director of Fisheries; and

(b) nothing in this section shall be construed to prevent the subsequent laying of any information or charge in respect of the alleged offence or the conviction of the person of the offence by the Court or the imposition of any penalty or forfeiture under this Act upon such conviction.

(4) Any person on whom a notice under subsection (1) is served who does not require that proceedings in respect of the alleged offence shall be dealt with by the court may by notice in writing served on the Director of Fisheries:-

(a) admit the offence; and

(b) make submissions to the Director of Fisheries as to the matters he wishes him to take into account in imposing any penalty under this Section.

(5) Where a person on whom a notice under subsection (1) is served does not within thirty days after the notice is served on him:-

(a) require that proceedings in respect of the alleged offence shall be dealt with by the court; or

(b) admit the offence;

he shall on the expiration of that period be considered to have admitted the offence.

(6) Where under this section a person admits or is considered to have admitted an offence the Director of Fisheries after taking into account any submissions by that person under subsection (4), may impose a monetary penalty on that person in respect of the offence not exceeding one third of the maximum penalty to which the person would be liable if he were convicted of the offence by the court.

(7) Where the Director of Fisheries imposes a penalty on a person under this section in respect of an offence the Director of Fisheries shall cause a notice in writing in the prescribed form of the particulars of the penalty to be served on that person.

(8) A person on whom a penalty is imposed under this Section shall pay the amount of the penalty to the Crown within thirty days after the notice of the penalty is served on him in accordance with subsection (7).

(9) Without prejudice to the requirement of subsection (8), a penalty imposed under this section shall be recoverable by the Crown from the person on whom it has been imposed in the same manner as a fine is recoverable on conviction of an offence.

(10) Notwithstanding any other provisions of this Ordinance of any other enactment, where an offence has been admitted or is considered to have been admitted under this section no information or charge may be laid in respect of the offence against any person by whom it has been admitted or considered to have been admitted.

(11) Nothing in this Section shall apply:-

- (a) in respect of any offence or alleged offence under Section 4; or
- (b) to any offence or alleged offence in respect of which any information or charge has already been laid.

Detention of forfeiture of fishing vessel on failure to pay or secure fine

21.(1) If any fine or amount of costs is adjudged to be due by the owner, master or charterer of any fishing vessel in respect of a contravention of any provisions of this Ordinance the court may, if no security or it considers that insufficient security has been given to the Crown, order that in default of payment forthwith the defendant shall give security for the payment of the amount due and if such security, to the satisfaction of the court, is not given the court may order the detention of the fishing vessel concerned with such contravention and such fishing vessel may accordingly be detained in the Falkland Islands until the amount due is paid or sufficient security shall be given to the satisfaction of the court.

(2) If a fine is not paid or security is not given within thirty days of the order of the Court or such longer period as the court may determine, the court may order that in the case of any offence against Section 4 any vessel and its equipment used in the commission of the offence shall be forfeited to the Crown and if so forfeited shall be disposed of in such manner as the Director of Fisheries acting in his discretion shall direct.

PART VIII

REGULATIONS

Regulations

22.(1) The Governor may make regulations for the better carrying into effect of the purposes of this Ordinance.

(2) In particular and without prejudice to the generality of subsection (1) such regulations may provide for:-

- (a) anything which is to be or may be prescribed under this Ordinance;
- (b) the payment of fees on applications for licences and on the issue of licences;
- (c) the conditions and procedures of applications for licences and their forms;
- (d) the placing of observers on fishing vessels;
- (e) the provision by applicants for licences and licensees of bonds or other forms of security for securing their compliance with the obligations under and the terms and conditions of their licences;
- (f) reports to be made for the purposes of this Ordinance;

(g) notification of international conservation and management measures recognised by the Falkland Islands;

(h) activities that shall be considered to be activities that undermine the effectiveness of international conservation and management measures.



**THE
FALKLAND ISLANDS GAZETTE
Supplement**

PUBLISHED BY AUTHORITY

Vol. 6

20th NOVEMBER 1995

No. 32

The following is published in this Supplement -

The Pony's Pass Quarry Bypass (Designation) Order 1995, (S. R. & O. No. 21 of 1995).

SUBSIDIARY LEGISLATION

ROAD TRAFFIC

The Pony's Pass Quarry Bypass (Designation) Order 1995

(S. R. & O. No. 21 of 1995)

Made 17 November 1995

Published 20 November 1995

Coming into force on publication

IN EXERCISE of my powers under sections 2 and 9N of the Road Traffic Ordinance
(a) I make the following Order -

Citation and commencement

1. This Order may be cited as the Pony's Pass Quarry Bypass (Designation) Order 1995 and shall come into force upon its publication in the *Gazette*.

Interpretation

2. In this Order, "Pony's Pass Quarry Bypass" means the length of road constructed to pass to the north of Pony's Pass Quarry and to form part of the Stanley to Darwin Road.

Application of Stanley-Darwin Road (Designation and Speed Limits) Order 1989

3.(1) The Pony's Pass Quarry Bypass shall be deemed for all purposes to be a part of the Stanley - Darwin Road and the Stanley - Darwin Road (Designation and Speed Limits) Order 1989 (b) ("the 1989 Order") accordingly shall apply to it.

(2) This Order shall be read as one with the 1989 Order.

Made this seventeenth day of November 1995.

D. E. TATHAM,
Governor

(a) Cap. 60 of the Laws of the Falkland Islands (1950 Edition)
(b) S. R. & O. No. 18 of 1989

EXPLANATORY NOTE *(not forming part of the above Order)*

The Pony's Pass Bypass, which was constructed during 1994 and 1995 so as to divert the Stanley to Darwin Road so that it no longer passes through Pony's Pass Quarry, has recently been opened for public use. The effect of this Order is to make it clear that it is part of the Stanley to Darwin Road, to which the provisions of the Road Traffic Ordinance accordingly apply.



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The following is published in this Supplement -

The Matrimonial Causes Rules (Corrections) Order 1995, (S.R. & O. No. 22 of 1995).

SUBSIDIARY LEGISLATION

COURTS

The Matrimonial Causes Rules (Corrections) Order 1995

(S. R. & O. No. 22 of 1995)

Made 28th November 1995

Published 30th November 1995

Coming into force on publication

IN EXERCISE of my powers under section 101(1) of the Interpretation and General Clauses Ordinance 1977(a) I make the following Order -

Citation

1. This Order may be cited as the Matrimonial Causes Rules (Corrections) Order 1995.

Partial revocation of Court Rules (Corrections) Order 1992

2. Insofar as it relates to the Matrimonial Causes (Contents of Petitions) Rules 1992 (b) ("the Rules"), the Court Rules (Corrections) Order 1992 (c) is revoked.

Correction of clerical errors

3. The clerical errors in the Rules are corrected in the manner set out in the Schedule hereto.

(a) No. 14 of 1977

(b) S. R. & O. No. 16 of 1992

(c) S. R. & O. No. 27 of 1992

SCHEDULE

Errors

In the Schedule there are two sub-paragraphs (d) of paragraph 1, the wording of the second sub-paragraph (d) is garbled in sub-sub-paragraph (ii) and wording intended to refer to both sub-sub-paragraphs (i) and (ii) has been run on as part of sub-sub-paragraph (ii), so that it does not operate also in relation to sub-sub-paragraph (i).

Corrections

Both sub-paragraphs (d) of paragraph 1 are replaced by the following sub-paragraph -

“Where it is alleged that the court has jurisdiction based on habitual residence -

(i) the country in which the petitioner has been habitually resident throughout the period of one year ending with the date of the presentation of the petition; or

(ii) if the petitioner has not been habitually resident in the Falkland Islands during that period, the country in which the respondent has been habitually resident during that period,

with details in either case, including the addresses of the places of residence and the length of residence at each place.”

Dated this 28th day of November 1995.

D G Lang
Attorney General



**THE
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21st DECEMBER 1995

No. 34

The following are published in this Supplement -

**The International Organisations Ordinance 1995;
The Prison (Amendment) Ordinance 1995;
The Access to Personal Files Ordinance 1995;
The Data Protection Ordinance 1995.**

ELIZABETH II



Colony of the Falkland Islands

DAVID EVERARD TATHAM, C.M.G.,
Governor.

The International Organisations Ordinance 1995

(No. 10 of 1995)

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ELIZABETH II



Colony of the Falkland Islands

DAVID EVERARD TATHAM, C.M.G.,
Governor.

The International Organisations Ordinance 1995

(No. 10 of 1995)

An Ordinance

(assented to: 12 December 1995)
(commencement: on publication)
(published: 21 December 1995)

To make new provision (in substitution for the Diplomatic Privileges (Extension) Ordinance) as to the privileges, immunities and facilities to be accorded in respect of certain international organisations and in respect of persons connected with such organisations and other persons, and for purposes connected with the matters aforesaid.

ENACTED by the Legislature of the Falkland Islands as follows-

Short title

1. This Ordinance may be cited as the International Organisations Ordinance 1995.

Interpretation

2. (1) In this Ordinance-

(a) "the 1961 Convention Articles" mean the Articles (being certain Articles of the Vienna Convention on Diplomatic Relations signed in 1961) which are set out in Schedule 1 to the Diplomatic Privileges Act 1964 of the United Kingdom;

(b) "the International Court of Justice" means the court set up by that name under the Charter of the United Nations.

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(c) "the 1964 Act" means the Diplomatic Privileges Act 1964 of the United Kingdom; and

(d) "the 1968 Act" means the International Organisations Act 1968 of the United Kingdom.

(2) Expressions used in this Ordinance to which a meaning is assigned by Article 1 of the 1961 Convention Articles, shall, except in so far as the context otherwise requires, be construed as having the same meaning in this Ordinance as in those Articles.

(3) For the purposes of giving effect to any arrangement made in that behalf between Her Majesty's Government in the United Kingdom and any organisation, premises which are not premises of the organisation but which are recognised by that Government as being temporarily occupied by the organisation for its official purposes shall, in respect of such period as may be determined in accordance with the arrangements, be treated for the purposes of this Ordinance as if they were premises of the organisation.

(4) Except in so far as the context otherwise requires, any reference in this Ordinance to an enactment is a reference as amended or extended by or under any other enactment.

Organisations of which the United Kingdom is a member

3.(1) This section shall apply to any organisation declared by the Governor by Order in Council to be an organisation of which -

(a) the United Kingdom, or Her Majesty's Government in the United Kingdom, and

(b) any other sovereign Power or the Government of any other sovereign Power,

are members.

(2) Subject to subsection (6) of this section, the Governor may by Order made under this subsection specify an organisation to which this section applies and make any one or more of the following provisions in respect of the organisation so specified (in the following provisions of this section referred to as "the organisation"), that is to say -

(a) confer to the organisation the legal capacities of a body corporate;

(b) provide that the organisation shall, to such extent as may be specified in the Order, have the privileges and immunities set out in Part I of the Schedule to this Ordinance;

(c) confer the privileges and immunities set out in Part II of the Schedule to this Ordinance, to such extent as may be specified in the Order, on persons of any such class as is mentioned in the next following subsection;

(d) confer the privileges and immunities set out in Part III of the Schedule to this Ordinance, to such extent as may be specified in the Order, on such classes of officers and servants of the organisation (not being classes mentioned in the next following subsection) as may be so specified.

(3) The classes of persons referred to in subsection (2) (c) of this section are -

(a) persons who (whether they represent Governments or not) are representatives to the organisation or representatives on, or members of, any organ, committee or other subordinate body of the organisation (including any sub-committee or other subordinate body of a subordinate body of the organisation);

(b) such number of officers of the organisation as may be specified in the Order, being the holders (whether permanent, temporary or acting) of such high offices in the organisation as may be specified; and

(c) persons employed by or serving under the organisation as experts or as persons engaged on missions for the organisation.

(4) Where an Order is made under subsection (2) of this section, the provisions of Part IV of the Schedule to this Ordinance shall have effect by virtue of that Order (in those provisions, as they so have effect, referred to as "the relevant Order"), except insofar as that Order otherwise provides.

(5) Where an Order is made under subsection (2) of this section, then for the purpose of giving effect to any agreement made in that behalf between the United Kingdom or Her Majesty's Government in the United Kingdom and the organisation, the Governor may by the same or any subsequent Order -

(a) confer the exemptions set out in paragraph 13 of the Schedule of this Ordinance, to such extent as may be specified in the Order, in respect of officers and servants of the organisation of any class specified in the Order in accordance with subsection (2)(d) of this section and in respect of members of the family of any such officer or servant who form part of his household;

(b) confer the exemptions set out in Part V of that Schedule in respect of -

(i) members of the staff of the organisations recognised by Her Majesty's Government in the United Kingdom as holding a rank equivalent to that of a diplomatic agent; and

(ii) members of the family of any such member of the staff of the organisation who form part of his household.

(6) Any Order made under subsection (2) or subsection (5) of this section shall be so framed as to secure -

(a) that the privileges and immunities conferred by the Order are not greater in extent than those which, at the time when the Order takes effect, are required to be conferred in accordance with any agreement to which the United Kingdom or Her Majesty's Government in the United Kingdom is then a party (whether made with any other sovereign Power of Government or made with one or more organisations such as are mentioned in subsection (1) of this section), and

(b) that no privilege or immunity is conferred on any person as the representative of the United Kingdom, or of Her Majesty's Government in the United Kingdom, or in the Falkland Islands or as a member of the staff of such a representative.

Other organisations of which the United Kingdom is not a member

4. Where an organisation of which two or more sovereign Powers, or the Governments of two or more such Powers, are members but of which neither the United Kingdom nor Her Majesty's Government in the United Kingdom is a member, maintains or proposes to maintain an establishment in the Falkland Islands then for the purpose of giving effect to any agreement made in that behalf between the United Kingdom or Her Majesty's Government in the United Kingdom and that organisation, the Governor may by Order specifying the organisation make either or both of the following provisions in respect of the organisation, that is to say -

(a) confer on the organisation the legal capacities of a body corporate, and

(b) provide that the organisation shall, to such extent as may be specified in the Order, be entitled to the like exemption or relief from taxes on income and capital gains as is accorded to a foreign sovereign Power.

International commodity organisations

5.(1) In this section, "international commodity organisation" means any such organisation as is mentioned in section 4 of this Ordinance (international organisations of which the United Kingdom is not a member) in respect of which an Order in Council has been made by Her Majesty pursuant to the provisions of section 4 of the 1968 Act and in respect of which the Governor acting in his discretion is satisfied is an international commodity organisation within the meaning of section 4A(1) of that Act.

(2) Subject to the following provisions of this section, an Order made under section 4 of this Ordinance with respect to an international commodity organisation may, for the purpose there mentioned and to such extent as may be specified in the Order -

(a) provide that the organisation shall have the privileges and immunities set out in paragraphs 2,3,4,6 and 7 of the Schedule to this Ordinance;

(b) confer on persons of any such class as is mentioned in subsection (3) of this section the privileges and immunities set out in paragraphs 11 and 14 of that Schedule;

(c) provide that the official papers of such persons shall be inviolable; and

(d) confer on officers and servants of the organisation of any such class as may be specified in the Order the privileges and immunities set out in paragraph 13, 15 and 16 of that Schedule.

(3) The classes of persons referred to in subsection (2)(b) of this section are -

(a) persons who (whether they represent Governments or not) are representatives to the organisation or representatives on, or members of, any organ, committee or other subordinate body of the organisation (including any sub-committee or other subordinate body of a subordinate body of the organisation);

(b) persons who are members of the staff of any such representative and who are recognised by Her Majesty's Government in the United Kingdom as holding a rank equivalent to that of a diplomatic agent.

(4) An Order made under section 4 of this Ordinance shall not confer on any person of such class as is mentioned in subsection (3) of this section any immunity in respect of a civil action arising out of an accident caused by a motor vehicle or other means of transport belonging to or driven by such a person, or in respect of a traffic offence involving such a vehicle and committed by such a person.

(5) In this section "commodity" means any produce of agriculture, forestry and fisheries or any mineral, either in its natural state or having undergone only such processes as are necessary or customary to prepare the produce or mineral for the international market.

International judicial and other proceedings

6.(1) The Governor may by Order confer on any class of persons to whom this section applies such privileges, immunities and facilities as in the opinion of the Governor are or will be required for giving effect -

(a) to any agreement to which, at the time when the Order takes effect, the United Kingdom or Her Majesty's Government in the United Kingdom is or will be a party, or

(b) to any resolution of the General Assembly of the United Nations.

(2) This section applies to any persons who are for the time being -

(a) judges or members of any international tribunal, or persons exercising or performing, or appointed (whether permanently or temporarily) to exercise or perform, any jurisdiction or functions of such a tribunal;

(b) registrars or other officers of any international tribunal;

(c) parties to any proceedings before any international tribunal;

(d) agents, advisers or advocates (by whatever name called) for any such parties;

(e) witnesses in, or assessors for the purposes of, any proceedings before any international tribunal.

(3) for the purposes of this section any petition, complaint or other communication which, with a view to action to be taken by or before an international tribunal, -

(a) is made to the tribunal, or

(b) is made to a person through whom, in accordance with the constitution, rules or practice of the tribunal, such a communication can be received by the tribunal,

shall be deemed to be proceedings before the tribunal, and the person making any such communication shall be deemed to be a party to such proceedings.

(4) Without prejudice to subsection (3) of this section, any reference in this section to a party to proceedings before an international tribunal shall be construed as including a reference to -

(a) any person who, for the purposes of any such proceedings, acts as next friend, guardian or other representative (by whatever name called) of a party to the proceedings, and

(b) any person who (not being a person to whom this section applies apart from this paragraph) is entitled or permitted, in accordance with the constitution rules or practice of an international tribunal, to participate in proceedings before the tribunal by way of advising or assisting the tribunal in the proceedings.

(5) In this section "international tribunal" means any court (including the International Court of Justice), tribunal, commission or other body which, in pursuance of any such agreement or resolution as is mentioned in subsection (1) of this section, -

(a) exercises, or is appointed (whether permanently or temporarily) for the purpose of exercising, any jurisdiction, or

(b) performs, or is appointed (whether permanently or temporarily) for the purpose of performing, any functions of a judicial nature or by way of arbitration, conciliation or inquiry,

and includes any individual who, in pursuance of any agreement or resolution, exercises or performs, or is appointed (whether permanently or temporarily) for the purpose of exercising or performing, any jurisdiction or any such functions.

Orders under ss 1 and 4 extending to Falkland Islands conferences

7(1). An Order made under section 3 of this Ordinance in respect of any organisation, or section 4 of this Ordinance in respect of an international commodity organisation, may to such extent as may be specified in the Order, and subject to the following provisions of this section, -

(a) confer on persons of any such class as may be specified in the Order, being persons who are or are to be representatives (whether of Governments or not) as any conference which the organisation may convene in the United Kingdom -

(i) in the case of an Order under section 3, the privileges and immunities set out in Part II of the Schedule to this Ordinance;

(ii) in the case of an Order under section 4, the privileges and immunities set out in paragraphs 11 and 14 of the Schedule; and

(b) in the case of an Order under section 4, provide that the official papers of such persons shall be inviolable.

(2) Where in the exercise of the power conferred by subsection (1)(a) of this section an Order confers privileges and immunities on persons of any such class as is mentioned in that paragraph, the provisions of paragraphs 19 to 22 of the Schedule to this Ordinance shall have effect in relation to the members of the official staffs of such persons as if in paragraph 19 of that Schedule "representative" were defined as a person of such a class.

(3) The powers exercisable by virtue of this section may be exercised notwithstanding the provision of any such agreement as is mentioned in section 3(6)(a) of this Ordinance, but no privilege or immunity may thereby be conferred on any such representative, or member of his staff, as is mentioned in section 3(6)(b) of this Ordinance.

(4) In this section "international commodity organisation" has the meaning given by section 5(1) of this Ordinance.

(5) This section is without prejudice to section 7 of this Ordinance.

Representatives at international conferences in the Falkland Islands

8.(1) This section applies to any conference which is, or is to be, held in the Falkland Islands and is, or is to be, attended by representatives -

(a) of the United Kingdom, or of Her Majesty's Government in the United Kingdom, and

(b) of any other sovereign Power or the Government of any other sovereign Power.

(2) The Governor may by Order in Council specify one or more classes of persons who are, or are to be, representatives of a sovereign power (other than the United Kingdom), or of the Government of such a Power, at a conference to which this section applies, and confer on persons of the class or classes in question, to such extent as may be specified in the Order, the privileges and immunities set out in Part II of the Schedule to this Ordinance.

(3) Where an Order is made under subsection (2) of this section in relation to a particular conference, then, except insofar as that Order otherwise provides, the provisions of paragraphs 19 to 22 of the Schedule to this Ordinance shall have effect in relation to members of the official staffs of persons of a class specified in the Order in accordance with that subsection as if in paragraph 19 of that Schedule "representative" were defined as a person of a class so specified in the Order.

Priority of telecommunications

9. So far as may be necessary for the purpose of giving effect to the International Telecommunications Convention done at Montreux on 12th November 1965 or any subsequent treaty or agreement whereby that Convention is amended or superseded, priority shall, wherever practicable, be given to messages from, and to replies to messages from, any of the following, that is to say -

- (a) the Secretary of the United Nations;
- (b) the heads of principal organs of the United Nations; and
- (c) the International Court of Justice.

Evidence

10. If in any proceedings a question arises whether a person is or is not entitled to any privilege or immunity by virtue of this Ordinance or any Order made thereunder, a certificate issued by or under the authority of the Governor stating any fact relating to that question shall be conclusive evidence of that fact.

Consequential amendments, repeals and transitional provisions

11. (1) References in any enactment to the powers conferred by the Diplomatic Privileges (Extension) Ordinance shall be construed as including references to the powers conferred by this Ordinance.

(2) The Diplomatic Privileges (Extension) Ordinance is repealed.

(3) Any Order or Order in Council which has been made, or has effect as if made, under the Diplomatic Privileges (Extension) Ordinance, which is in force immediately before the commencement of this Ordinance shall continue to have effect notwithstanding the repeal of that Ordinance and, while any such Order in Council continues to have effect in relation to an organisation -

(a) the Ordinance in question shall continue to have effect in relation to that organisation as if that Ordinance had not been repealed, and

(b) section 11 of this Ordinance shall have effect as if in that section any reference to this Ordinance or an Order made thereunder included a reference to that Ordinance or that Order.

(4) Any such Order as is mentioned in subsection (3) of this section if made, or having effect as if made under the Diplomatic Privileges (Extension) Ordinance may be revoked or varied as if it had been made under section 3 of this Ordinance.

SCHEDULE

PART I

PRIVILEGES AND IMMUNITIES

1. Immunity from suit and legal process.
2. The like inviolability of official archives and premises of the organisation as, in accordance with the 1961 Convention Articles, is accorded in respect of the official archives and premises of a diplomatic mission.
3. (1) Exemption or relief from taxes, other than duties (whether customs or excise) and taxes on the importation of goods.

(2) The like relief from rates as in accordance with Article 23 of the 1961 Convention Articles is accorded in respect of the premises of a diplomatic mission.
4. Exemption from duties (whether customs or excise) and taxes on the importation of goods imported by or on behalf of the organisation for its official use in the Falkland Islands on the importation of any publications of the organisations imported by it or on its behalf, such exemption to be subject to compliance with such conditions as the Financial Secretary may prescribe for the protection of the Revenue.
5. Exemption from prohibitions and restrictions on importation or exportation in the case of goods imported or exported by the organisation for its official use and in the case of any publications of the organisation imported or exported by it.
6. Relief, under arrangements made either by the Governor or by the Financial Secretary, by way of refund of duty (whether by customs or excise) paid on imported hydrocarbon oil (within the meaning of the Hydrocarbon Oil Duties Act 1979 of the United Kingdom) or value added tax paid on the importation of such oil which is bought in the Falkland Islands and used for the official purposes of the organisation, such relief to be subject to compliance with such conditions as may be imposed in accordance with the arrangements.

7. Relief, under arrangements made by the Governor, by way of refund of tax paid on any purchase of any vehicle and tax paid on the supply of any goods or services which are used for the official purposes of the organisation, such relief to be subject to compliance with such conditions as may be imposed in accordance with the arrangements.

PART II

PRIVILEGES AND IMMUNITIES OF REPRESENTATIVES, MEMBERS OF SUBORDINATE BODIES, HIGH OFFICERS, EXPERTS, AND PERSONS ON MISSIONS

8. For the purpose of conferring on any person any such exemption, privilege or relief as is mentioned in any of the following paragraphs of this Part of this Schedule, any reference in that paragraph to the representative or officer shall be construed as a reference to that person.

9. The like immunity from suit and legal process, the like inviolability of residence, and the like exemption or relief from taxes and rates, other than duties (whether of customs or excise) and taxes on the importation of goods, as are accorded to or in respect of the head of a diplomatic mission and the like inviolability of official premises as is accorded in respect of the premises of a diplomatic mission.

10. The like exemption from duties (whether of customs or excise) and taxes on the importation of articles imported for the personal use of the representative or officer or of members of his family forming part of his household, including articles intended for his establishment [and the like privilege as to the importation of such articles], as in accordance with paragraph 1 of Article 36 of the 1961 Convention Articles is accorded to a diplomatic agent.

11. The like exemption and privileges in respect of the personal baggage of the representative or officer as in accordance with paragraph 2 of Article 36 of those Articles are accorded to a diplomatic agent, as if in that paragraph the reference to paragraph 1 of that Article were a reference to paragraph 10 of this Schedule.

12. Relief, under arrangements made either by the Governor or by the Financial Secretary, by way of refund of duty (whether of customs or excise) paid on imported hydrocarbon oil (within the meaning of the said Hydrocarbon Oil Duties Act 1979) or value added tax paid on the importation of such oil which is bought in the Falkland Islands or on behalf of the representative or officer, such relief to be subject to compliance with such conditions as may be imposed in accordance with the arrangements.

13. Exemptions whereby, for the purposes of the enactments relating to social security-

(a) services rendered for the organisation by the representative or officer shall be deemed to be excepted from any class of employment in respect of which contributions or premiums under those enactments are payable, but

(b) no person shall be rendered liable to pay any contribution or premium which he would not be required to pay if those services were not deemed to be so excepted.

PART III

PRIVILEGES AND IMMUNITIES OF OTHER OFFICERS OR SERVANTS

14. Immunity from suit and legal process in respect of things done or omitted to be done in the course of the performance of official duties

15. Exemption from income tax in respect of emoluments received as an officer or servant of the organisation.

16. The like exemption from duties (whether of customs or excise) and taxes on the importation of articles which -

(a) at or about the time when an officer or servant of the organisation first enters the Falkland Islands as such an officer or servant are imported for his personal use or that of members of his family forming part of his household, including articles intended for his establishment, and

(b) are articles which were in his ownership or possession or that of such a member of his family, or which he or such a member of his family was under contract to purchase, immediately before he so entered the Falkland Islands,

and the like privilege as to the importation of such articles as in accordance with paragraph 1 of Article 36 of the Convention Articles is accorded to a diplomatic agent.

17. Exemption from duties (whether of customs or excise) and taxes on the importation of any motor vehicle imported by way of replacement of a motor vehicle in respect of which the conditions specified in sub-paragraphs (a) and (b) of paragraph 16 of this Schedule were fulfilled, such exemption to be subject to compliance with such conditions as the Financial Secretary may prescribe for the protection of the Revenue.

18. The like exemption and privileges in respect of the personal baggage of an officer or servant of the organisation as in accordance with paragraph 2 of Article 36 of the 1961 Convention Articles are accorded to a diplomatic agent, as if in that paragraph the reference to paragraph 1 of that Article were a reference to paragraph 16 of this Schedule.

PART IV

PRIVILEGES AND IMMUNITIES OF OFFICIAL STAFFS AND OF FAMILIES OF REPRESENTATIVES, HIGH OFFICERS AND OFFICIAL STAFFS

19. In this Part of this Schedule -

(a) "representative" means a person who is such a representative to the organisation specified in the relevant Order or such a representative on, or member of, an organ, committee or other subordinate body of that organisation as is mentioned in section 3(3)(a) of this Ordinance;

(b) "member of the official staff" means a person who accompanies a representative as part of his official staff in his capacity as a representative.

20. A member of the official staff who is recognised by Her Majesty's Government in the United Kingdom as holding a rank equivalent to that of a diplomatic agent shall be entitled to the privileges and immunities set out in Part II of this Schedule to the like extent as, by virtue of the relevant Order, the representative who he accompanies is entitled to them.

21.(1) Subject to sub-paragraph (2) of this paragraph, a member of the official staff who is not so recognised, and who is employed in the administrative or technical service of the representative who he accompanies, shall be entitled to the privileges and immunities set out in paragraphs 9 and 13 of this Schedule to the like extent, by virtue of the relevant Order, that representative is entitled to them.

(2) Such a member of the official staff shall not by virtue of the preceding sub-paragraph be entitled to immunity from any civil proceedings in respect of any cause of action arising otherwise than in the course of his official duties.

(3) Such a member of the official staff shall also be entitled to the exemption set out in paragraph 16 of this Schedule as if he were an officer of the organisation specified in the relevant Order.

22. A member of the official staff who is employed in the domestic service of the representative who he accompanies shall be entitled to the following privileges and immunities, that is to say -

(a) immunity from suit and legal process in respect of things done or omitted to be done in the course of the performance of official duties, and

(b) the exemptions set out in paragraph 13 of this Schedule,

to the like extent as, by virtue of the relevant Order, that representative is entitled to them, and shall be entitled to exemption from taxes on his emoluments in respect of that employment to the like extent as, by virtue of the relevant Order, that

representative is entitled to exemption from taxes on his emoluments as a representative.

23. (1) Persons who are members of the family of a representative and form part of his household shall be entitled to the privileges and immunities set out in Part II of this Schedule to the like extent as, by virtue of the relevant Order, that representative is entitled to them.

(2) Persons who are members of the family and form part of the household of an officer of the organisation specified in the relevant Order, where that officer is the holder (whether permanent, temporary or acting) of an office specified in that Order in accordance with section 1(3)(b) of this Ordinance, shall be entitled to the privileges and immunities set out in Part II of this Schedule to the like extent as, by virtue of the relevant Order, that officer is entitled to them.

(3) Persons who are members of the family and form part of the household of such a member of the official staff as is mentioned in paragraph 20 of this Schedule shall be entitled to the privileges and immunities set out in Part II of this Schedule to the like extent as, by virtue of that paragraph, that member of the official staff is entitled to them.

(4) Persons who are members of the family and form part of the household of such a member of the official staff as is mentioned in paragraph 21 of this Schedule shall be entitled to the privileges and immunities set out in paragraphs 9 and 13 of this Schedule to the like extent as, by virtue of paragraph 21 of this Schedule, that member of the official staff is entitled to them.

Passed by the Legislature of the Falkland Islands this 24th day of November 1995.

C. de CEBALLOS,
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. de CEBALLOS,
Clerk of Councils.

ELIZABETH II



Colony of the Falkland Islands

DAVID EVERARD TATHAM, C.M.G.,
Governor.

The Prison (Amendment) Ordinance 1995

(No. 11 of 1995)

ARRANGEMENT OF PROVISIONS

Section

1. Short title.
2. Interpretation.
3. Amendment of section 2 of the principal Ordinance.
4. Amendment of section 3 of the principal Ordinance.
5. Replacement of section 7 of the principal Ordinance.
6. Replacement of section 9 of the principal Ordinance.
7. Amendment of section 17 of the principal Ordinance.
8. Repeal and replacement of section 18 of the principal Ordinance.
9. Replacement of section 20.
10. Repeal and replacement of section 33.
11. Repeal of section 38.
12. New sections 43A and 43B.
13. Minor amendments of the principal Ordinance.

Schedule

ELIZABETH II



Colony of the Falkland Islands

DAVID EVERARD TATHAM, C.M.G.,
Governor.

The Prison (Amendment) Ordinance 1995

(No. 11 of 1995)

An Ordinance

(assented to: 11 December 1995)
(commencement: 1st January 1996)
(published: 21 December 1995)

To amend the Prison Ordinance 1966.

ENACTED by the Legislature of the Falkland Islands as follows-

Short title

1. This Ordinance may be cited as the Prison (Amendment) Ordinance 1995 and shall come into operation on 1st January 1996.

Interpretation

2. In this Ordinance, the principal Ordinance means the Prison Ordinance 1966.

Amendment of section 2 of the principal Ordinance

3.(1) Section 2(1) of the principal Ordinance is amended-

(a) by replacing the definition of "medical officer" appearing therein with the following definition-

"“medical officer” means the Chief Medical Officer and such other Government Medical Officer as pursuant to section 20 is assigned to perform the duties of the medical officer in relation to the matter in question; “

(b) by inserting in the definition of "Officer in Charge" appearing therein the words "or deemed to have been appointed" immediately after the word "appointed";

(c) by replacing the definition of "prison" appearing therein with the following definition-

""prison" means any place which the Governor may by order under subsection (2) of this section declare to be-

(a) a prison or young offender institution; or

(b) a part of any prison or young offender institution.";

(d) by inserting the following definition immediately after the definition of "prison officer"-

""prisoner" means a person confined in a prison";

(e) by inserting at the end of the subsection the following definition-

""young offender institution" has the same meaning as it has for the purposes of the Criminal Justice Ordinance 1989".

(2) Section 2(2) and (3) of the principal Ordinance are replaced by the following provisions-

"(2) The Governor may by order published in the *Gazette* declare any place to be a prison or part of a prison or to be a young offender institution or part of a young offender institution for the purposes of this Ordinance and may from time to time revoke, amend or replace any such order or make an order of the kind referred to in subsection (3).

(3) The prison adjoining the police station Stanley shall be deemed to have been declared to be a prison pursuant to an Order made under subsection (2) and rooms therein occasionally used as a young offender institution shall be deemed to have been declared to be a young offender institution until, in either case, an Order is made under subsection (2) to the contrary effect."

Amendment of section 3 of the principal Ordinance

4. Section 3 of the principal Ordinance is amended by adding at the end of the section the words "but until and unless another person for the time being holds appointment under this section as the Officer in Charge of the prison, the Chief Police Officer shall be deemed to have been appointed to be the Officer in Charge of the prison and he shall not be required to take the oath referred to in section 4."

Replacement of section 7 of the principal Ordinance

5. Section 7 of the principal Ordinance is repealed and is replaced by the following section-

“7. (1) There shall be a Board of Visitors in respect of all prisons in the Falkland Islands and the Senior Magistrate shall be the chairman of that board.

(2) The Governor acting in his discretion shall appoint at least two and not more than four other persons to be members of the board each of whom shall, unless his appointment is earlier revoked or comes to an end under subsection (4), hold office for such period, not exceeding three years, as shall be specified in the instrument appointing him. Every appointment under this subsection, and the period for which, subject as aforesaid, it is to have effect shall be notified in the *Gazette*

(3) A member of the Legislative Council, a police officer, a prison officer and any person who is or who is concerned in a contractor for supplies to a prison is not eligible for appointment under subsection (2).

(4) A person appointed as a member of the board under subsection (2) ceases to hold office as such-

(a) upon tendering his resignation in writing to the Governor;

(b) on taking his seat as a member of the Legislative Council;

(c) upon being sentenced by any court of the Falkland Islands to a period of imprisonment; or

(d) on becoming a police officer or prison officer or a person who is or is concerned in any contract for supplies to a prison.

(5) The board shall visit every prison at intervals not greater than three months, but otherwise on such dates and at such times as the board shall decide and on the occasion of each visit by the board, every prisoner or other person detained in the prison shall be interviewed by at least one of the members of the board and any complaint made by him shall be recorded.

(6) After each visit the board shall make or cause to be made a report in writing thereon to the Governor, which report shall include a record of any complaint made to any member of the board during the visit by any prisoner.”

Replacement of section 9 of the principal Ordinance

6. Section 9 of the principal Ordinance is replaced by the following section-

“ 9. (1) A member of the board appointed under section 7(2) shall forthwith tender his resignation in writing to the Governor-

(a) if he becomes a contractor for supplies to a prison; or

(b) to his knowledge he becomes concerned in a contractor for supplies to a prison.

(2) A person who wilfully contravenes subsection (1) commits an offence and is liable on conviction of that offence to a fine not exceeding the maximum of level 4 on the standard scale."

Amendment of section 17 of the principal Ordinance

7. Section 17 of the principal Ordinance is amended by adding the following words to the proviso to that section -

"and provided further that in no circumstances shall such a child be retained in prison contrary to any Order made by a court in the exercise of its jurisdiction in relation to the welfare of children under the Children Ordinance 1994 or any other applicable law."

Repeal and replacement of section 18 of the principal Ordinance

8. Section 18 of the principal Ordinance is repealed and is replaced by the following section-

"Work by prisoners

18. (1) All prisoners may, subject to this section, and unless certified by the medical officer to be unfit for the work in question, be required to carry out such work as is reasonably necessary in the interests of hygiene or for the maintenance of the prison at which he is detained.

(2) A prisoner shall not be required contrary to his wishes to carry out any work on a day or during any part of a day if it would be contrary to the tenets of any religion or denomination to which he bona fide belongs for him to be required to carry out that work on that day or during that part of the day.

(3) Subject to section 19, the Officer in Charge may permit any prisoner to perform work of a kind other than that mentioned in subsection (1) of this section and, if the Officer in Charge considers that this may be done without danger to the public, may permit a prisoner or detainee to perform that work outside the walls of the prison."

Replacement of section 20

9. Section 20 of the principal Ordinance is repealed and is replaced by the following section-

“Performance of functions of medical officer

20. (1) The Chief Medical Officer shall be responsible for the due and proper performance of the functions of the medical officer, but may from time to time assign the performance of the whole or any part of those functions to any other Government Medical Officer.

(2) Any Government Medical Officer to whom any of the functions of the medical officer may have been for the time being assigned may, in the name and on behalf of the Chief Medical Officer, perform and carry out that function or those functions.”

Repeal and replacement of section 33

10. Section 33 of the Ordinance is repealed and is replaced by the following section-

“Religious services

33. (1) Any minister of any religion may, with the consent of the Officer in Charge, which shall not unreasonably be withheld, hold services within the prison, at which any prisoner who wishes to do so may attend, on such days and at such times as the Officer in Charge of the prison may approve.

(2) The Officer in Charge may, if he considers that the same may be permitted without danger to the public, permit any prisoner of good behaviour to attend a religious service at any church or other place of worship in Stanley, subject to such conditions as the Officer in Charge may think fit and, for the purposes of section 44 and 45, during his absence from prison for the purpose of attending such a service, the prisoner shall be deemed to be in prison and to be in lawful custody.”

Repeal of section 38

11. Section 38 of the principal Ordinance (the subject matter of which is now provided for under the Administration of Justice Ordinance) is repealed.

New sections 43A and 43B

12. The following sections are inserted in the principal Ordinance immediately after section 43-

“Testing prisoners for drugs

43A (1) The Officer in Charge may require any prisoner to provide a sample of urine for the purpose of ascertaining whether he has any drug in his body.

(2) The Officer in Charge of the prison may, instead of or additionally to requiring a prisoner to supply him with a sample of urine, require the prisoner to supply a sample of any other description, not being an intimate sample.

(3) In this section-

“drug” means a drug which is a controlled drug for the purposes of the Misuse of Drugs Ordinance 1987; and

“intimate sample” has the same meaning as it has under section 111 of the Criminal Justice Ordinance 1989.

Powers of search by prison officers

43B. (1) A prison officer may search any prisoner to ascertain whether he has any unauthorised property on his person.

(2) A prison officer searching a prisoner by virtue of this section-

(a) shall not require a prisoner to remove any of his clothing other than an outer coat, jacket, headgear, gloves and footwear;

(b) may use reasonable force where necessary; and

(c) may seize and detain any unauthorised property found on the prisoner in the course of the search.

(3) In this section “unauthorised property” in relation to a prisoner, means intoxicating liquor of any kind, tobacco, any controlled drug within the meaning of the Misuse of Drugs Ordinance 1987 and any other thing of any kind which the prisoner is not authorised by prison rules or the Officer in Charge to have in his possession or, as the case may be, to have in his possession in a particular part of the prison.”

Minor amendments of the principal Ordinance

13. The Schedule to this Ordinance (minor amendments to the principal Ordinance) shall have effect.

THE SCHEDULE

1. In this Schedule a reference to a section is a reference to that section of the principal Ordinance.

2. Section 23 is amended by replacing the words “of not more than once in each fortnight” with the words “at intervals not greater than three months”.

3. Section 27 is amended by inserting the words “and to the Coroner” immediately after the words “to the Governor” and by omitting all words appearing after the word “prisoner” where it first appears in the section.

4. Section 41(1) is amended by replacing the words “declaration and a duplicate of the inquisition” with the words “and declaration”.

5. Section 43 is amended by deleting the words "on indictment".
6. Section 46 is amended by replacing the words "twenty pounds" with the words "not exceeding the maximum of level 5 on the standard scale".
7. Section 47 is amended by replacing the words "ten pounds" with the words "not exceeding the maximum of level 4 on the standard scale".
8. Section 50 is amended by inserting the words "as may be permitted under any preceding provision of this Ordinance, under the provisions of any regulations made under this Ordinance or" after the word "save".

Passed by the Legislature of the Falkland Islands this 24th day of November 1995.

C. de CEBALLOS,
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. de CEBALLOS,
Clerk of Councils.

ELIZABETH II



Colony of the Falkland Islands

DAVID EVERARD TATHAM, C.M.G.,
Governor.

The Access to Personal Files Ordinance 1995

(No. 12 of 1995)

ARRANGEMENT OF PROVISIONS

Section

1. Short title and commencement.
2. Interpretation.
3. Obligation to give access etc.
4. Access regulations.
5. Regulations.

Schedule

ELIZABETH II



Colony of the Falkland Islands

DAVID EVERARD TATHAM, C.M.G.,

Governor.

The Access to Personal Files Ordinance 1995

(No: 12 of 1995)

An Ordinance

(assented to: 11 December 1995)

(commencement: in accordance with section 1.)

(published: 21 December 1995)

To provide access for individuals to certain information relating to themselves maintained by the Crown, the Falkland Islands Development Corporation or by any other authority specified for the purposes of this Ordinance and to allow individuals to obtain copies of, and require amendment of, such information.

ENACTED by the Legislature of the Falkland Islands as follows -

Short title and commencement

1. This Ordinance may be cited as the Access to Personal Files Ordinance 1995 and shall come into force on such date as may be appointed by the Governor by notice published in the *Gazette*.

Interpretation

2.(1) For the purposes of this Ordinance -

"authority" means the Crown, the Falkland Islands Development Corporation and any authority specified in regulations made under section 5, but does not include Her Majesty in her private capacity;

"the Crown" means Her Majesty in right of Her Government of the Falkland Islands (and does not include Her Majesty in right of Her Government of the United Kingdom or Her Majesty's armed forces); and

"personal information" means information which relates to a living individual who can be identified from that information (or from that and other information in the possession of the authority keeping the record) including any expression of opinion about the individual but not any indication of the intentions of the authority with respect to the individual.

(2) Subject to subsection (3), for the purposes of this Ordinance -

(a) information is "accessible personal information" if it is held by an authority and is information of a description specified in the Schedule to this Ordinance; and

(b) any obligation to give access to information is an obligation to give access to the individual who is the subject of it or is by virtue of paragraph 2 of the Schedule to this Ordinance to be treated as if he were the subject of the information.

(3) Notwithstanding paragraph (a) of subsection (2), information is not accessible personal information if it was recorded before the commencement of this Ordinance except to the extent that access to it is required to render intelligible any information recorded after that date.

(4) In relation to information which by virtue of regulations made under section (regulations amending the Schedule to this Ordinance so as to extend the descriptions of information specified in that Schedule) becomes after the commencement of this Ordinance accessible personal information the words "recorded before the commencement of this Ordinance" in subsection (3) shall have effect as if they read "recorded before the date of commencement of the regulations amending the Schedule to this Ordinance so that the information in question became accessible personal information".

Obligation to give access etc

3.(1) Subject to the provisions of this Ordinance and regulations under section 4, any authority keeping records containing personal information which is accessible personal information for the purposes of this Ordinance shall have such obligations as regards access to, and the accuracy of, that information as are imposed by the regulations.

(2) Where an individual is, or would but for any exemption be, entitled under section 11 of the Data Protection Ordinance 1995 to be supplied with information constituting personal data of which he is the subject no obligation arises under this Ordinance to give him access to that information.

(3) The obligation to give access to information under this Ordinance applies subject to any exemptions or restrictions prescribed in regulations under section 4, notwithstanding any enactment or rule of law prohibiting or restricting the disclosure, or authorising the withholding, of information.

Access regulations

4.(1) The Governor may by regulations under this section make such provision as, after consultation with the Executive Council, he considers appropriate for securing access by individuals to accessible personal information of which they are (or are treated as) the subjects and the rectification or erasure of inaccurate records containing such information.

(2) Regulations under this section may, in particular, for those purposes -

(a) impose obligations on the authorities keeping records containing such

information to give access to the information in the manner prescribed by the regulations;

(b) impose obligations on the authorities keeping records containing such information to rectify or make erasures in records containing inaccurate information;

(c) provide for exemptions from or impose restrictions on access to information or the rectification or erasure of inaccurate records;

(d) regulate the procedure for obtaining access to information or the rectification or erasure of inaccurate records;

(e) provide for decisions taken by authorities to be reconsidered or reviewed;

(f) authorise authorities to charge fees not exceeding the prescribed maximum; and

(g) make incidental and supplementary provision.

(3) Regulations under this section may make different provision for different descriptions of information, different authorities or other different circumstances.

Regulations

5.(1) The Governor may by regulations under this section -

(a) amend the definition of "authority" contained in section 2(1), so as to extend it to include any statutory corporation or company wholly-owned by the Crown specified in the amendment;

(b) amend the Schedule to this Ordinance so as to extend the categories of personal information which are accessible personal information for the purpose of this Ordinance.

(2) Regulations under this section may make such provision incidental to or consequential upon the matters mentioned in subsection (1) as the Governor considers it necessary or expedient to make.

SCHEDULE

ACCESSIBLE PERSONAL INFORMATION

1. For the purposes of this Ordinance the following information is accessible personal information -

(a) personal information held for any purpose of the authority's tenancies;

(b) personal information held for any purpose related to the making by the authority of any grant of money or loan or the granting of financial assistance of any kind; and

(c) personal information held for any of the authority's social services functions;

(d) personal information relating to the presence or absence of the individual in or from the Falkland Islands.

2. Personal information is "held for the purpose of the authority's tenancies" if it is held for any purpose of the relationship of landlord and tenant of a dwelling which subsists, has subsisted or may subsist between the authority and any individual who is, has been or, as the case may be, has applied to be, a tenant of a dwelling belonging to the authority; and information about any member of the individual's family held for any purpose of that relationship or potential relationship shall be treated as information of which he is the subject and accessible by him accordingly.

3. Personal information is "held for any purpose related to the making by the authority of any grant of money or loan or the granting of financial assistance of any kind" if it is or might be relevant to a decision whether or not to make it, except that it does not include any expression of opinion by any person as to whether or not the individual will be able to repay the same.

4. Personal information is "held for any purpose of the authority's social services functions" if it is held for the purpose of any past, current or proposed exercise of the authority's functions in relation to -

(a) protection of children and young persons in relation to criminal and summary proceedings;

(b) the making, discharge or continuance of any order of a court in relation to a child or young person under the provisions of the Children Ordinance 1994;

(c) provision of residential accommodation for the aged, infirm, disabled or needy;

(d) welfare of persons who are blind, deaf, dumb or otherwise handicapped or are suffering from mental disorder;

(e) supervision of nurseries and child-minders;

(f) provision of facilities for enabling disabled persons to be employed or work under special conditions;

(g) welfare and accommodation and guardianship of mentally disordered persons;

(h) promotion of the welfare of old people; and

(i) care of mothers and young children.

5. Personal information is personal information relating to the presence or absence of the individual in or from the Falkland Islands if it is personal information held or maintained by or on behalf of the Principal Immigration Officer recording the individual's arrivals in and departures from the Falkland Islands.

Passed by the Legislature of the Falkland Islands this 24th November 1995.

C. de CEBALLOS,
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. de CEBALLOS,
Clerk of Councils.

ELIZABETH II



Colony of the Falkland Islands

DAVID EVERARD TATHAM, C.M.G.,
Governor.

The Data Protection Ordinance 1995

(No. 13 of 1995)

ARRANGEMENT OF PROVISIONS

Section

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1. Short title, commencement and application (*1984 c.35 s.42 & 43*)
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- 32. Prosecutions and penalties (1984 c.35 s.19)
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ELIZABETH II



Colony of the Falkland Islands

DAVID EVERARD TATHAM, C.M.G.,
Governor.

The Data Protection Ordinance 1995

(No. 13 of 1995)

An Ordinance

(assented to: 12 December 1995)

(commencement: on publication)

(published: 21 December 1995)

To regulate the use of automatically processed information relating to individuals and the provision of services in respect of such information and to confer rights upon individuals in relation to data concerning them which has been recorded in a form in which it can be automatically processed.

ENACTED by the Legislature of the Falkland Islands as follows -

PART I PRELIMINARY

Short title, commencement and application (1984 c.35 s. 42 & 43)

1.(1) This Ordinance may be cited as the Data Protection Ordinance 1995 and subject to this section shall come into force on such date as the Governor, by notice published in the *Gazette* appoint, but different dates may be so appointed by one or more such notices in respect of different provisions of this Ordinance.

(2) No application for registration shall be made until such day as the Governor may by Order appoint, and sections 18 and 28 of this Ordinance shall not apply until the end of six months beginning with that day.

(3) Until the end of the period of two years beginning with the day appointed under subsection (2) of this section the Registrar shall not have power -

(a) to refuse an application made in accordance with section 19 except on the ground mentioned in section 20(2)(a); or

(b) to serve an enforcement notice imposing obligations to be complied with, a de-registration notice expiring, or a transfer prohibition notice imposing a prohibition taking effect, before the end of that period.

(4) Where the Attorney General proposes to direct the Registrar to serve any person with an enforcement notice before the end of the period mentioned in subsection (3) of this section he shall, in determining the time by which the requirements of the notice are to be complied with, have regard to the probable cost to that person of complying with those requirements.

(5) Section 11 of this Ordinance and paragraph 1(b) of Schedule 3 to this Ordinance do not apply until the end of the period mentioned in subsection (3) of this section.

(6) Section 12 does not apply to damage suffered before the end of the period mentioned in subsection (2) of this section and in deciding whether to refuse an application or serve a notice under Part IV of this Ordinance the Registrar and the Attorney General, or whichever of them is appropriate in the circumstances of the case, shall treat the provision about accuracy in the fifth data protection principle as inapplicable until the end of that period and as in applicable thereafter to data shown to have been held by the data user in question since before the end of that period.

(7) Sections 13 and 14(3) do not apply to damage suffered before the end of the period of two months beginning with the date of first publication of this Ordinance in the *Gazette*.

(8) Section 14(1) and (2) shall not apply before the end of the period mentioned in subsection (2) of this section.

(9) None of the subsequent provisions of this Ordinance shall apply in respect of any data, file, record or document of any nature in the Falkland Islands which was or is prepared, kept, recorded or maintained for on behalf of or for the purposes of Her Majesty's Government in the United Kingdom or in the Falkland Islands by Her Majesty's regular armed forces.

Interpretation (1984 c.35 ss.1, 26(2) & (3) & 41)

2.(1) For the purposes of this Ordinance -

"business" includes any trade or profession;

"data" means information recorded in a form in which it can be processed by equipment operating automatically in response to instructions given for that purpose;

"data equipment" means equipment for the automatic processing of data or for recording information so that it can be automatically processed;

"data material" means any document or other material used in connection with data equipment;

"data protection principles" has the meaning given by section 3(1);

"data subject" means an individual who is the subject of personal data;

"data user" means a person who holds data, and a person "holds" data if -

- (a) the data forms part of a collection of data processed or intended to be processed by or on behalf of that person as mentioned in the definition in this subsection of "data"; and
- (b) that person (either alone or jointly or in common with other persons) controls the contents and use of the data comprised in the collection; and
- (c) the data are in the form in which they have been or are intended to be processed as mentioned in paragraph (a) above or (although not for the time being in that form) in a form into which they have been converted after being so processed and with a view to being further so processed on a subsequent occasion;

"de-registration notice" has the meaning given in section 24;

"disclosing", in relation to data, includes disclosing information extracted from the data; and where the identification of the individual who is the subject of personal data depends partly on the information constituting the data and partly on other information in the possession of the data user, the data shall not be regarded as disclosed or transferred unless the other information is also disclosed or transferred;

"enforcement notice" has the meaning given in section 23;

"government department" includes the Royal Falkland Islands Police Force, the Falkland Islands Defence Force, the Falkland Islands Development Corporation and any other body or authority exercising functions on behalf of Her Majesty in right of Her Government of the Falkland Islands but does not include any person, body or authority exercising functions on behalf of Her Majesty in right of Her Government of the United Kingdom;

"non-disclosure provisions" means section 18(2)(d) and 28 and any provision of Part IV conferring a power on the Attorney General or Registrar to the extent which it is exercisable by reference to any data protection principle inconsistent with the disclosure in question;

"personal data", subject to subsection (4), means a data consisting of information which relates to a living individual who can be identified from that information (or from that and other information in the possession of the data user), including any expression of opinion about the individual but not any indication of the intentions of the data user in respect of that individual;

"prescribed" means prescribed by regulations made under this Ordinance by the Governor;

"prescribed hours", in relation to the inspection of the register, means the hours 9 a.m. to 11.30 a.m. and 1.30 p.m. to 4.00 p.m. on Mondays to Fridays except public holidays;

"processing", in relation to data, means amending augmenting, deleting or re-arranging the data and, in the case of personal data, means performing any of those operations by reference to the data subject, except that any operation performed only for the purpose of preparing the text of documents shall not, for the purposes of this Ordinance, be construed as being processing in relation to data;

"the Registrar" means the Data Protection Registrar;

"subject access provisions" means section 11 and any provision of this Ordinance conferring a power on the Registrar to the extent which it is exercisable by reference to paragraph (a) of the seventh data protection principle;

"transfer prohibition notice" has the meaning given in section 25(1)'

(2) For the purposes of this Ordinance, a person belongs to the Falkland Islands if by virtue of the provisions of section 17(5) of the Constitution he belongs to the Falkland Islands for the purposes of Chapter 1 of the constitution.

(3) For the purposes of this Ordinance a person carries on a "computer bureau" if he provides other persons with services in respect of data, and a person provides such services if -

(a) as agent for other persons he causes data held by them to be processed as mentioned in the definition of "data" in subsection (1) of this section; or

(b) he allows other persons the use of the equipment in his possession for the processing as mentioned in that definition of data held by them.

(4) References in any provisions ("the first-mentioned provisions") in sections 11 to 14 or in Part IV of this Ordinance to personal data do not include data which by virtue of any provision of sections 4 to 9 of this Ordinance are exempt from the first-mentioned provision.

PART II

INTRODUCTORY PROVISIONS IN RELATION TO DATA PROTECTION

Data protection principles

The data protection principles (1984 c.35 s.2)

3.(1) Subject to subsection (3), references in this Ordinance to the data protection principles are to the principles set out in Part I of Schedule 1 to this Ordinance, and those principles shall be interpreted in accordance with Part II of that Schedule.

(2) The first seven principles apply to personal data held by data users and the eighth applies both to such data and to personal data in respect of which services are provided by persons carrying on computer bureaux.

(3) The Governor may by Order modify or supplement those principles for the purpose of providing additional safeguards in relation to personal data consisting of information as to -

(a) the racial origin of the data subject;

- (b) his political opinions or religious beliefs;
- (c) his physical or mental health or his sexual life; or
- (d) his criminal convictions;

and references in this Ordinance to the data protection principles include, except where the context otherwise requires, references to any modified or additional principles having effect by virtue of an Order under this subsection.

(4) An Order under subsection (3) may modify a principle either by modifying the principle itself or by modifying its interpretation; and where an Order under that subsection modifies a principle or provides for an additional principle it may contain provisions for the interpretation of the modified or additional principle and may make different provision in relation to data consisting of information of different descriptions.

Exemptions from requirements

Data held for domestic or other limited purposes (1984 c.35 s.33)

4.(1) Personal data held by an individual and concerned only with the management of his personal, family or household affairs or held by him only for recreational purposes are exempt from the provisions of Part IV of this Ordinance (Licensing of Data Users and Computer Bureaux) and from the provisions of sections 11 to 14 and Part IV of this Ordinance.

(2) Subject to subsections (3) and (4) -

(a) personal data held by an unincorporated members' club and relating only to members of the club; and

(b) personal data held by a data user only for the purpose of distributing, or recording the distribution of, articles or information to data subjects and consisting only of their names, addresses or other particulars necessary for effecting the distribution are exempt from the provisions of sections 11 to 14 and Part IV of this Ordinance.

(3) Neither paragraph (a) nor paragraph (b) of subsection (2) applies to any personal data relating to any data subject unless he has been asked by the club or data user whether he objects to the data relating to him being held as mentioned in that paragraph and has not objected.

(4) It is a condition of the exemption of any data under paragraph (b) of subsection (2) that the data are not used for any purpose other than that for which they are held and of the exemption of any data under either paragraph of that subsection that the data are not disclosed except as permitted by subsection (5); but the first exemption shall not be lost by any use, and neither exemption shall be lost by any disclosure, in breach of that condition if the data user shows that he had taken such care to prevent it as in all the circumstances was reasonably required.

(5) Data to which subsection (4) applies may be disclosed -

(a) if the data subject (or a person acting on his behalf) has requested or consented to the disclosure of the data either generally or in the circumstances in which the disclosure in question is made;

(b) if the person making the disclosure has reasonable grounds for believing that the disclosure falls within paragraph (a) of this subsection; or

(c) in any case in which the disclosure would be permitted by any other provision of this Part if subsection (4) of this section were included among the non-disclosure provisions.

(6) Personal data held only for -

(a) preparing statistics; or

(b) carrying out research.

are exempt from the subject access provisions; but it shall be a condition of that exemption that the data are not used or disclosed for any other purpose and that the resulting statistics or the results of the research are not made available in a form that identifies the data subjects or any of them.

Crime and taxation (1984 c.35 s.28)

5.(1) Personal data held for any of the following purposes -

(a) the prevention or detection of crime;

(b) the apprehension or prosecution of offenders;

(c) the implementation of the law of the Falkland Islands in relation to immigration of persons who do not belong to the Falkland Islands; or

(d) the assessment or collection of any tax or duty,

are exempt from the subject access provisions in any case where the application of those provisions to the data would be likely to prejudice any of the matters mentioned in this subsection.

(2) Personal data which -

(a) are held for the purpose of discharging statutory functions; and

(b) consist of information obtained for such a purpose from a person who had it in his possession for any of the purposes mentioned in subsection (1),

are exempt from the subject access provisions to the same extent as personal data held for any of the purposes mentioned in that subsection.

(3) Personal data are exempt from the non-disclosure provisions in any case in which -

(a) the disclosure is for any of the purposes mentioned in subsection (1) ;and

(b) the application of those provisions in relation to the disclosure would be likely to prejudice any of the matters mentioned in that subsection,

and in proceedings against any person for contravening section 18(2)(d) or 28 it shall be a defence to prove that he had reasonable grounds for believing that failure to make the disclosure in question would have been likely to prejudice any of those matters.

(4) Personal data are exempt from the provisions of Part IV conferring powers on the Registrar, to the extent that they are exercisable by reference to the first data protection principle, in any case in which the application of those provisions to the data would be likely to prejudice any of the matters mentioned in subsection (1) of this section.

Public appointments and legal professional privilege (1984 c.35 s.31)

6.(1) Personal data held by or on behalf of the Crown are exempt from the subject access provisions if the data consist of information which has been received from a third party and is held as information relevant to the making of any appointment to any public office (including any judicial appointment).

(2) Personal data are exempt from the subject access provisions if the data consist of information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

Payrolls and accounts (1984 c.35 s.32)

7.(1) Subject to subsection (2), personal data held by a data user only for one or more of the following purposes -

(a) calculating amounts payable by way of remuneration or pensions in respect of service in any employment or office or making payments of, or sums deducted from, such remuneration or pensions; or

(b) keeping accounts relating to any business or other activity carried on by the data user or keeping records of purchases, sales or other transactions for the purpose of ensuring that the requisite payments are made by or to him in respect of those transactions for the purpose of making financial or management forecasts to assist him in the conduct of any such business or activity,

are exempt from the provisions of Part IV of this Ordinance and of sections 11 to 14(3) -

(2) It is a condition of the exemption of any data under this section that the data are not used for any purpose other than the purpose or purposes for which they are held and are not disclosed except as permitted by subsections (3) and (4); but the exemption shall not be lost by any use or disclosure in breach of that condition if the data user shows that he had taken such care to prevent it as in all the circumstances was reasonably required.

(3) Data only held for one or more of the purposes mentioned in subsection (1)(a) above may be disclosed -

(a) to any person, other than the data user, by whom the remuneration or pensions

in question are payable;

(b) for the purpose of obtaining actuarial advice;

(c) for the purpose of giving information as to the person in any employment or office for use in medical research into the health of, or injuries suffered by, persons engaged in particular occupations or working in particular places or areas;

(d) if the data subject (or a person acting on his behalf) has requested or consented to the disclosure of the data either generally or in the circumstances in which the disclosure in question is made; or

(e) if the person making the disclosure has reasonable grounds for believing that the disclosure falls within paragraph (d) of this subsection.

(4) Data held for any of the purposes mentioned in subsection (1) may be disclosed -

(a) for the purpose of audit or where the disclosure is for the purpose only of giving information about the data user's financial affairs; or

(b) in any case where disclosure would be permitted by any other provision of this Part if subsection (2) of this section were included among the non-disclosure provisions.

(5) In this section "remuneration" includes remuneration in kind and pensions includes gratuities or similar benefits.

National security (1984 c.35 s.27)

8.(1) Personal data are exempt from the provisions of sections 11 to 14 and Part IV of this Ordinance if the exemption is required for the purpose of safeguarding national security.

(2) Any question whether the exemption mentioned in subsection (1) is or at any time required for the purpose there mentioned in respect of any personal data shall be determined by the Governor acting in his discretion; and a certificate signed by the Governor certifying that the exemption is or was at any time so required shall be conclusive evidence of that fact.

(3) Personal data which are not exempt under subsection (1) of this section are exempt from the non-disclosure provisions in any case in which the disclosure of the data is for the purpose of safeguarding national security.

(4) For the purpose of subsection (3) a certificate signed by the Governor certifying that the personal data are or have been disclosed for the purpose mentioned in that subsection shall be conclusive evidence of that fact.

(5) A document purporting to be such a certificate as is mentioned in this section shall be received in evidence and shall be deemed to be such a certificate unless the contrary is proved.

Other exemptions (1984 c.35 s.34)

9.(1) Personal data held by any person are exempt from the provisions of section 11 to 14 and Part IV of this Ordinance if the data consist of information which that person is required by or under any enactment to make available to the public, whether by publishing it, making it available for inspection or otherwise and whether gratuitously or on payment of a fee.

(2) The Governor may by order exempt from the subject access provisions personal data consisting of information the disclosure of which is prohibited or restricted by or under any enactment if he considers that the prohibition or restriction ought to prevail over those provisions in the interests of the data subject or of any other individual.

(3) Personal data are exempt from the subject access provisions if the data are kept only for the purpose of replacing other data in the event of the latter being lost, destroyed or impaired.

(4) Personal data are exempt from the non-disclosure provisions in any case in which the disclosure is -

(a) required by or under any enactment, by any rule of law or by order of a court; or

(b) made for the purpose of obtaining legal advice or for the purpose of, or in the course of legal proceedings in which the person making the disclosure is a party or witness.

(5) Personal data are exempt from the non-disclosure provisions in any case in which -

(a) the disclosure is to the data subject or a person acting on his behalf; or

(b) the data subject or any such person has requested or consented to the particular disclosure in question; or

(c) the disclosure is by a data user or a person carrying on a computer bureau to his servant or agent for the purpose of enabling the servant or agent to perform his functions as such; or

(d) the person making the disclosure has reasonable grounds for believing that the disclosure falls within any of the foregoing paragraph of this subsection.

(6) Section 17(3)(d) does not apply to any disclosure falling within paragraph (a), (b) or (c) of subsection (5) of this section; and subsection (5) shall apply to the restriction on disclosure in section 4(6) as it applies to the non-disclosure provisions.

(7) Personal data are exempt from the non-disclosure provisions in any case in which the disclosure is urgently required for preventing injury or other damage to the health of any person or persons; and in proceedings against any person for contravening a provision mentioned in paragraph (a) of the definition of section 2(1) of "non-disclosure provisions" it is a defence to prove that he had reasonable grounds for believing that the disclosure in question was urgently required for that purpose.

(8) A person need not comply with a notice, request or order under the subject access provisions if compliance would expose him to proceedings for any offence other than an offence under this Ordinance; and information disclosed by any person in compliance with such a notice, request or order shall not be admissible against him for an offence under this Ordinance.

Application to the Crown in right of the Falkland Islands (1984 c.35 s.38)

10.(1) Subject to this section, Her Majesty in right of Her Government of the Falkland Islands shall be subject to the same obligations and liabilities under this Ordinance as a private person; and for the purposes of this Ordinance each Government department shall be treated as a person separate from any other Government department and a person in the public service of the Crown shall be treated as a servant of the Government department to which his responsibilities or duties relate.

(2) A Government department shall not be liable to prosecution under this Ordinance but -

(a) sections 18(3) and 28(2) (and so far as relating to those provisions sections 18(5) and 28(3)) shall apply to any person who by virtue of this section falls to be treated as a servant of the Government department in question; and

(b) section 19(6) and paragraph 12 of Schedule 3 to this Ordinance shall apply to a person in the public service of the Crown as they apply to any other person.

**PART III
RIGHTS OF DATA SUBJECTS**

Rights of access to personal data (1984 c.35 s.21)

11.(1) Subject to the provisions of this section, an individual is entitled -

(a) to be informed by any data user whether the data held by him include personal data of which that individual is the data subject; and

(b) to be supplied by any data user with a copy of the information constituting any such personal data held by him,

and where any of the information referred to in paragraph (b) is expressed in terms which are not intelligible without explanation the information shall be accompanied by an explanation of those terms.

(2) A data user shall not be obliged to supply any information under subsection (1) except in response to a request in writing and on payment of such fee (not exceeding the prescribed maximum) as he may require; but a request for information under both paragraphs of that subsection shall be treated as a single request and a request for information under paragraph (a) shall, in the absence of any information to the contrary, be treated as extending also to information under paragraph (b).

(3) In the case of a data user having separate entries in the register in respect of data held for different purposes a separate request must be made and a separate fee paid under this section in respect of the data to which each entry relates.

(4) A data user shall not be obliged to comply with a request under this section -

(a) unless he is supplied with such information as he may reasonably require in order to satisfy himself as to the identity of the person making the request and to locate the information he seeks; and

(b) if he cannot comply with the request without disclosing information relating to another individual who can be identified from that information, unless he is satisfied that the other individual has consented to the disclosure of the information to the person making the request.

(5) In paragraph (b) of subsection (4) the reference to information relating to another individual includes a reference to information identifying that individual as the source of the information sought by the request; and that paragraph shall not be construed as excusing a data user from supplying so much of the information sought by the request as can be supplied without disclosing the identity of the other individual concerned, whether by the omission of names of other identifying particulars or otherwise.

(6) A data user shall comply with a request under this section within forty days of receiving the request or, if later, receiving the information referred to in paragraph (a) of subsection (4) and, in a case where it is required, the consent referred to in paragraph (b) of that subsection.

(7) The information to be supplied pursuant to a request under this section shall be supplied by reference to the data in question at the time when the request is received except that it may take account of any amendment or deletion made between that time and the time when the information is supplied, being an amendment or deletion that would have been made regardless of the receipt of the request.

(8) If the Magistrate's Court is satisfied on the application of any person who has made a request under the foregoing provisions of this section that the data user in question has failed to comply with the request in contravention of those provisions, the court may order him to comply with the request; but the Magistrate's Court shall not make an order under this section if it considers that it would in all the circumstances be unreasonable to do so, whether because of the frequency with which the applicant has made requests to the data user under those provisions or for any other reason.

(9) The Magistrate's Court may, on such terms and subject to such conditions as it sees fit, permit such person as it sees fit to make an application on behalf of an individual who appears to the Magistrate's Court to be incapable by reason of mental disorder of managing his own affairs.

(10) For the purpose of determining any question whether an applicant under subsection (8) is entitled to information which he seeks (including any question whether any relevant data are exempt from that section by virtue of any provision of this Ordinance) the Magistrate's Court may require the information constituting any data held by the data user to be made available for its own inspection but shall not, pending the determination of that question in the applicant's favour, require the information sought by the applicant to be disclosed to him or his representatives by discovery or otherwise.

(11) Except as provided in the subject access provisions shall apply notwithstanding any enactment or rule of law prohibiting or restricting the disclosure, or authorising the withholding, of information.

Compensation for inaccuracy (1984 c.35 s.22)

12.(1) An individual who is the subject of personal data held by a data user and who suffers damage by reason of the inaccuracy of the data is entitled to compensation from the data user for that damage and for any distress which the individual has suffered by reason of its inaccuracy.

(2) In the case of data which accurately record information received or obtained by the data user from the data subject or a third part, subsection (1) does not apply if the following requirements have been complied with -

(a) the data indicate that the information was obtained or received as aforesaid or the information has not been extracted from the data except in a form which includes an indication to that effect; and

(b) if the data subject has notified the data user that he regards the information as incorrect or misleading, an indication to that effect has been included in the data or the information has not been extracted from the data except in a form which includes an indication to that effect.

(3) In proceedings brought against any person by virtue of this section it shall be a defence to prove that he had taken such care as in all the circumstances was reasonably required to ensure the accuracy of the data at the material time.

Compensation for loss or unauthorised disclosure (1984 c.35 s.23)

13.(1) An individual who is the subject of personal data held by a data user or in respect of which services are provided by a person carrying on a computer bureau and who suffers damage by reason of -

(a) the loss of the data;

(b) the destruction of the data without the authority of the data user or, as the case may be, of the person carrying on the bureau; or

(c) subject to subsection (2), the disclosure of the data, or access having been obtained to the data, without such authority,

is entitled to compensation from the data user, or as the case may be, the person carrying on the bureau, for that damage and for any distress which the individual has suffered by reason of the loss, destruction, disclosure or access.

(2) In the case of a registered data user, subsection (1)(c) of this section does not apply to disclosure to, or access by, any person falling within a description specified pursuant to section 17(3)(d) in an entry in the register relating to that data user.

(3) In proceedings brought against any person by virtue of this section it is a defence to prove that he had taken such care as in all the circumstances was reasonably required to prevent the loss, destruction, disclosure or access in question.

Rectification and erasure (1984 c.35 s.24)

14.(1) If the Magistrate's Court is satisfied on the application of a data subject that personal data held by a data user of which the applicant is the subject are inaccurate within the meaning of section 12, the court may order the rectification or erasure of the data and of any data held by the data user and containing an expression of opinion which appears to the court to be based on the inaccurate data.

(2) Subsection (1) applies whether or not the data accurately record information received or obtained by the data user from the data subject or a third party but where the data accurately record such information, then -

(a) if the requirements mentioned in section 12(2) above have been complied with, the court may, instead of making an order under subsection (1) of this section, make an order requiring the data to be supplemented by such statement of the true facts relating to the matter dealt with by the data as the court may approve; and

(b) if all or any of those requirements have not been complied with, the court may, instead of making an order under that subsection, make such order as it thinks fit for securing compliance with those requirements with or without a further order requiring the data to be supplemented by such a statement as is mentioned in paragraph (a) of this subsection.

(3) If the Magistrate's Court is satisfied on the application of a data subject -

(a) that he has suffered damage by reason of the disclosure of personal data, or of access having been obtained to personal data, in circumstances entitling him to compensation under section 13; and

(b) that there is a substantial risk of further disclosure of or access to the data without such authority as is mentioned in that section,

the court may order the erasure of the data; but, in the case of data in respect of which services were being provided by a person carrying on a computer bureau, the court shall not make such an order unless such steps as are reasonably practicable have been taken for notifying the person for whom those services were provided and giving him an opportunity to be heard.

(4) For the purpose of determining whether an applicant under section 11(8) is entitled to the information he seeks (including any question whether any relevant data are exempt from that section by virtue of sections 4 to 9 of this Ordinance) the Magistrate's Court may require the information constituting any information held by the data user to be made available for its own inspection but shall not, pending the determination of that question in the applicant's favour, require the information sought by the applicant to be disclosed to him or his representatives whether by discovery or otherwise.

Examination marks (1984 c.35 s.35)

15.(1) Section 11 shall have effect subject to the provisions of this section in the case of personal data consisting of marks or other information held by a data user -

(a) for the purpose of determining the results of any academic, professional or other examination or of enabling the results of any such examination to be determined;

(b) in consequence of the determination of any such results.

(2) Where the period mentioned in subsection (6) of section 11 begins before the results of the examination are announced that period shall be extended until -

(a) the end of five months from the beginning of that period;

(b) the end of forty days after the commencement,

whichever is the earlier.

(3) Where by virtue of subsection (2) a request is complied with more than forty days after the beginning of the period mentioned in subsection (6) of section 11, the information to be supplied pursuant to the request shall be supplied both by reference to the data in question at the time when the request is received and (if different) by reference to the data as from time to time held in the period beginning when the request is received and ending when it is complied with.

(4) For the purposes of this section the results of an examination shall be treated as announced when they are first published or (if not published) when they are first made available or communicated to the candidate in question.

(5) In this section "examination" includes any process for determining the knowledge, intelligence, skill or ability of a candidate by reference to his performance in any test, work or other activity.

PART IV REGISTRATION AND SUPERVISION OF DATA USERS AND COMPUTER BUREAUX *Registration*

Register

16.(1) For the purposes of this Ordinance there shall be an officer known as the Data Protection Registrar (in this Ordinance referred to as "the Registrar"), who, subject to this section, shall be appointed by the Governor by instrument under his hand and who shall be a public officer.

(2) Unless any other person for the time being holds office as the Registrar by virtue of appointment under subsection (1), the Registrar General shall be the Registrar.

(3) The Registrar shall have such functions as are conferred upon the Registrar by this Ordinance.

Registration of data users and computer bureaux (1984 c.35 s.4)

17.(1) The Registrar shall maintain a register of data users who hold, and of persons carrying on computer bureaux who provide services in respect of, personal data and shall make an entry in the register in respect of each application for registration accepted by the Registrar under this Part.

(2) Each entry shall state whether it is in respect of a data user, of a person carrying on a computer bureau or of a data user who also carries on such a bureau.

(3) Subject to the provisions of this section, an entry in respect of a data user shall consist of the following particulars -

(a) the name and address of the data user;

(b) a description of the personal data held by him and of the purpose or purposes of which the data are to be held or used;

(c) a description of the source or sources from which he intends or may wish to obtain the data or the information to be contained in the data;

(d) a description of any person or persons to whom he intends or may wish to disclose the data;

(e) the names or descriptions of any countries or territories outside the Falkland Islands to which he intends or may wish directly or indirectly to transfer the data; and

(f) one or more addresses for the receipt of requests from data subjects for access to the data.

(4) Subject to the provisions of this section, an entry in respect of a person carrying on a computer bureau shall consist of that persons's name and address.

(5) Subject to this section, an entry in respect of a data user who also carries on a computer bureau shall consist of his name and address and, as respects the personal data to be held by him, the particulars specified in subsection (3)(b) to (f).

(6) In the case of a registered company, the address referred to in subsections (3)(a), (4) and (5) is that of its registered office.

(7) In the case of a person (other than a registered company) carrying on a business the address referred to in subsections (3)(a), (4) and (5) is that of his principal place of business.

(8) The Governor may by Order vary the particulars to be included in entries made in the register.

Prohibition of unregistered holding etc of personal data (1984 c.35 s.5)

18.(1) A person shall not hold personal data unless an entry in respect of that person as a data user, or as a data user who also carries on a computer bureau, is for the time being contained in the register.

(2) A person in respect of whom such an entry is contained in the register shall not -

(a) hold personal data of any description other than that specified in the entry;

(b) hold any such data, or use any data held by him, for any purpose other than the purpose or purposes described in the entry;

(c) obtain such data, or information to be contained in such data, to be held by him from any source which is not described in the entry;

(d) disclose such data held by him to any person who is not described in the entry;
or

(e) directly or indirectly transfer such data held by him to any country or territory outside the Falkland Islands other than one named or described in the entry.

(3) A servant or agent of a person to whom subsection (2) applies shall, as respects personal data held by that person, be subject to the same restrictions on the use, disclosure or transfer of the data as those to which that person is subject under paragraphs (b), (d) and (e) of that subsection and, as respects personal data to be held by that person, to the same restrictions as those to which he is subject under paragraph (c) of that subsection.

(4) A person shall not, in carrying on a computer bureau, provide services in respect of personal data unless an entry in respect of that person as a person carrying on such a bureau, or as a data user who also carries on such a bureau, is for the time being contained in the register.

(5) Any person commits an offence who contravenes subsection (1) of this section or knowingly or recklessly contravenes any of the other provisions of this section.

Applications for registration and for amendment of registered particulars (1984 c.35 s.6)

19.(1) A person applying for registration shall state whether he wishes to be registered as a data user, as a person carrying on a computer bureau or as a data user who also carries on such a bureau, and shall furnish the Registrar, in such form as he shall require, with the particulars required to be included in the entry to be made in pursuance of the application.

(2) Where a person intends to hold personal data for two or more purposes he may make separate applications for registration in respect of any of those purposes.

(3) A registered person may at any time apply to the Registrar for the alteration of any particulars included in the entry or entries relating to that person.

(4) Where the alteration would consist of the addition of a purpose for which personal data are to be held, the person may, instead of making an application under subsection (3), make a fresh application in respect of the additional purpose.

(5) A registered person shall make an application under subsection (3) whenever necessary for ensuring that the entry or entries relating to that person contain his current address; and any person who fails to comply with this subsection commits an offence.

(6) A person commits an offence who, in connection with an application for registration or for the alteration of registered particulars, knowingly or recklessly furnishes the Registrar with information which is false or misleading in a material respect.

(7) Every application for registration shall be accompanied by the prescribed fee, and every application for the alteration of registered particulars shall be accompanied by such fee, if any, as may be prescribed.

(8) Any application for registration or for the alteration of registered particulars may be withdrawn by notice in writing to the Registrar at any time before the applicant receives a notification in respect of the application under section 20(1).

Acceptance and refusal of applications (1984 c.35 s.7)

20.(1) Subject to the provisions of this section, the Registrar shall as soon as practicable and in any case within the period of six months after receiving an application for registration or for the alteration of registered particulars notify the applicant in writing whether his application has been accepted or refused; and where the Registrar notifies an applicant that his application has been accepted the notification shall contain a statement of -

(a) the particulars entered in the register, or the alteration made, in pursuance of the application;

(b) the date on which the particulars were entered or the alteration was made.

(2) The Registrar shall not refuse an application made in accordance with section 19 unless -

(a) the Registrar considers that the particulars proposed for registration or, as the case may be, the particulars that would result from the proposed alteration, will not give sufficient information as to the matters to which they relate; or

(b) the Registrar is satisfied that the applicant is likely to contravene any of the data protection principles; or

(c) the Registrar considers that the information available to the Registrar is insufficient to satisfy the Registrar that the application is unlikely to contravene any of those principles.

(3) Subsection (2)(a) shall not be construed as precluding the acceptance by the Registrar of particulars expressed in general terms in cases where that is appropriate, and the Registrar shall accept particulars expressed in such terms in any case in which the Registrar is satisfied that more specific particulars would be likely to prejudice the purpose or purposes for which the data are to be held.

(4) Where the Registrar refuses an application under this section the Registrar shall give reasons for such refusal and inform the applicant of the rights of appeal conferred by section.

(5) If in any case it appears to the Registrar that an application needs more consideration than can be given to it in the period mentioned in subsection (1), the Registrar shall as soon as practicable and in any case before the end of that period notify the applicant in writing to that effect; and in that event no notification need be given under that subsection until after the end of that period.

(6) Subject to subsection (8), a person who has made an application in accordance with section 19 shall -

(a) until he receives a notification in respect of it under subsection (1) of this section or the application is withdrawn; and

(b) if he receives a notification under that subsection of the refusal of his application, until the end of the period within which an appeal can be brought against the refusal and, if an appeal is brought, until the determination or withdrawal of the appeal,

be treated for the purposes of section 18 as if his application has been accepted and the particulars contained in it had been entered in the register or, as the case may be, the alteration requested in the application had been made on the date on which the application was made.

(7) If by reason of special circumstances the Registrar considers that a refusal notified by the Registrar to an applicant under subsection (1) of this section should take effect as a matter of urgency he may include a statement to that effect in the notification of the refusal; and in that event subsection (6)(b) of this section shall have effect as if for the words from "the period" onwards there were substituted the words "the period of seven days beginning with the date on which the application is received".

(8) Subsection (6) of this section shall not apply to an application made by any person if in the previous two years. -

(a) an application by the person has been refused under this section; or

(b) all or any of the particulars constituting an entry contained in the register in respect of that person have been removed in pursuance of a de-registration notice,

but in the case of any such application subsection (1) of this section shall apply as if for the reference to six months there were substituted a reference to two months and, where the Registrar gives a notification under subsection (5) of this section in respect of any such application, subsection (6) of this section shall apply to it as if for the reference to the date on which the application was made there were substituted a reference to the date on which the notification is received.

(9) For the purposes of subsection (6) of this section an application shall be treated as made or withdrawn -

(a) if the application or notice of withdrawal is sent by registered post, on the date on which it is received for dispatch by the Post Office;

(b) in any other case, on the date on which it is received by the Registrar;

and for the purposes of subsection (8)(a) of this section an application shall not be treated as having been refused so long as an appeal against the refusal can be brought, while such an appeal is pending or if such an appeal has been allowed.

Duration and renewal of registration (1984 c.35 s.8)

21.(1) No entry shall be retained in the register after the expiration of the initial period of registration except in pursuance of a renewal application made to the Registrar in accordance with this section.

(2) Subject to subsection (3) of this section, the initial period of registration and the period for which an entry is to be retained in pursuance of a renewal application ("the renewal period") shall be a period of five years beginning with the date on which the entry in question was made or, as the case may be, the date on which the entry would fall to be removed if the renewal application had not been made.

(3) The person making the application for registration or a renewal application may in his application specify as the initial period of registration or, as the case may be, as the renewal period, a period shorter than five years, being a period consisting of one or more complete years.

(4) Where the Registrar notifies an applicant for registration that his application has been accepted the notification shall include a statement of the date on which the initial period of registration will expire.

(5) Every renewal application shall be accompanied by the prescribed fee, and no such application shall be made except in the period of six months ending with -

(a) the initial period of registration; or

(b) if there have been one or more previous renewal applications, the current renewal period.

(6) A renewal application may be sent by post, and the Registrar shall acknowledge its receipt and notify the applicant in writing of the date until which the entry in question will be retained in the register in pursuance of the application.

(7) Without prejudice to the foregoing provisions of this section, the Registrar may at any time remove an entry from the register at the request of the person to whom the entry relates.

Inspection etc of registered particulars (1984 c.35 s.9)

22.(1) The Registrar shall make the information contained in the register available for inspection in visible and legible form by members of the public during the prescribed hours.

(2) The Registrar shall, on payment of such fee, if any, as may be prescribed, supply any member of the public with a duly certified copy in writing of the particulars contained in the entry made in the register in pursuance of any application for registration.

Supervision

Enforcement notices (1984 c.35 s.10)

23.(1) If the Registrar believes that a registered person has contravened or is contravening any of the data protection principles he shall report the matter to the Attorney General who may serve the registered person with a notice ("an enforcement notice") requiring the registered person to take, within such time as is specified in the notice, such steps as are so specified for complying with the principle or principles in question.

(2) In deciding whether to serve an enforcement notice the Attorney General shall consider whether the contravention has caused or is likely to cause any person damage or distress.

(3) An enforcement notice in respect of a contravention of the fifth data protection principle may require the data user -

(a) to rectify or erase the data and any other data held by him and containing an expression of opinion which appears to the Attorney General to be based on inaccurate data; or

(b) in the case of such data as are mentioned in section 12(2), either to take the steps mentioned in paragraph (a) of this subsection or to take such steps as are specified in the notice for securing compliance with the requirements specified in section 12(2) and, if the Attorney General thinks fit, for supplementing the data with such statement of the true facts relating to the matters dealt with by the data as the Attorney General may approve.

(4) The Attorney General shall not serve an enforcement notice requiring the person served with the notice to take steps for complying with paragraph (a) of the seventh data principle in respect of any data subject unless satisfied that the person has contravened section 11 by failing to supply information to which the data subject is entitled and which has been duly requested in accordance with that section.

(5) An enforcement notice shall contain -

(a) a statement of the principle or principles which the Attorney General is satisfied have been or are being contravened and his reasons for reaching that conclusion; and

(b) particulars of the rights of appeal conferred by section 26.

(6) Subject to subsection (7) of this section, the time specified in an enforcement notice for taking the steps which it requires shall not expire before the end of the period within which an appeal can be brought against the notice and, if such an appeal is brought, those steps need not be taken pending the determination or withdrawal of the appeal.

(7) If by reason of special circumstances the Attorney General considers that the steps required by an enforcement notice should be taken as a matter of urgency he may include a statement to that effect in the notice; and in that event subsection (6) shall not apply but the notice shall not require the steps to be taken before the end of the period of seven days beginning with the date on which the notice is served.

(8) The Attorney General may direct the Registrar to cancel an enforcement notice by written notification to the person on whom it was served.

(9) A person who fails to comply with an enforcement notice commits an offence; but it is a defence for a person charged with an offence under this subsection to prove that he exercised all due diligence to comply with the notice in question.

De-registration notices (1984 c.35 s.11)

24.(1) If the Attorney General is satisfied that a registered person has contravened or is contravening any of the data protection principles he may -

(a) direct the Registrar to serve him with a notice ("a de-registration notice") stating that the Registrar proposes, at the expiration of such period as is specified in the notice, to remove from the register all or any of the particulars constituting the entry or any of the entries contained in the register in respect of that person; and

(b) subject to the provisions of this section, direct the Registrar to remove those particulars from the register at the expiration of that period.

(2) In deciding whether to direct the Registrar to serve a de-registration notice the Attorney General shall consider whether the contravention has caused or is likely to cause any person damage or distress, and the Attorney General shall not give such a direction unless he is satisfied that the compliance with the principle or principles in question cannot be adequately secured by the service of an enforcement notice.

(3) A de-registration notice shall contain -

(a) a statement of the principle or principles which the Attorney General is satisfied have been or are being contravened and his reasons for reaching that conclusion and deciding that compliance cannot be adequately secured by the service of an enforcement notice; and

(b) particulars of the right of appeal conferred by section 26.

(4) Subject to subsection (5), the period specified in a de-registration notice pursuant to subsection (1)(a) of this section shall not expire before the end of the period within which an appeal can be brought against the notice and, if such an appeal is brought, the particulars shall not be removed pending the determination or withdrawal of the appeal.

(5) If by reason of special circumstances the Attorney General considers that any particulars should be removed from the register as a matter of urgency he may direct the Registrar to include a statement to that effect in the de-registration notice; and in that event subsection (4) of this section shall not apply but the particulars shall not be removed before the end of the period of seven days beginning with the date on which the notice is served.

(6) The Attorney General may direct the Registrar to cancel a de-registration notice by written notification to the person on whom it was served.

(7) References in this section to removing any particulars include references to restricting any description which forms part of any particulars.

Transfer prohibition notices (1984 c.35 s.12)

25.(1) If it appears to the Attorney General that -

(a) a person registered as a data user or as a data user who also carries on a computer bureau; or

(b) a person treated as so registered by virtue of section 20(6) of this Ordinance,

proposes to transfer personal data held by him to a place outside the Falkland Islands, the Attorney General may, if satisfied as to the matters mentioned in subsection (2) or (3) below, direct the Registrar to serve that person with a notice ("a transfer prohibition notice") prohibiting him from transferring the data either absolutely or until he has taken such steps as are specified in the notice for protecting the interests of the data subjects in question.

(2) The Attorney General may not give a direction of the kind mentioned in subsection (1) unless he is satisfied that the transfer is likely to contravene, or lead to a contravention of, any of the data protection principles.

(3) In deciding whether to give a direction under subsection (1) the Attorney General shall consider whether the notice is required for preventing damage or distress to any person and shall have regard to the general desirability of facilitating the free transfer of data between the Falkland Islands and overseas countries and territories.

(4) A transfer prohibition notice shall specify the time when it is to take effect and contain -

(a) a statement of the principle or principles which the Attorney General is satisfied are likely to be contravened and his reason for reaching that conclusion; and

(b) particulars of the rights of appeal conferred by section 26.

(5) Subject to subsection (6) of this section, the time specified in a transfer prohibition notice pursuant to subsection (4) shall not be before the end of the period within which an appeal can be brought against the notice and, if such an appeal is brought, the notice shall not take effect pending the determination or withdrawal of the appeal.

(6) If by reason of special circumstances the Attorney General considers that the prohibition should take effect as a matter of urgency he may direct the Registrar to include a statement to that effect in the transfer prohibition notice; and in that event subsection (5) of this section shall not apply but the notice shall not take effect before the end of the period of seven days beginning with the date on which the notice is served.

(7) The Attorney General may direct the Registrar to cancel a transfer prohibition notice by written notification to the person on whom it was served.

(8) No transfer prohibition notice shall prohibit the transfer of data where the transfer of the information constituting the data is required or authorised by or under any enactment or is required by any convention or other instrument imposing an international obligation on the Falkland Islands.

(9) A person who contravenes a transfer prohibition notice commits an offence; but it shall be a defence for a person charged with an offence under this subsection to prove that he exercised all due diligence to avoid a contravention of the notice in question.

Appeals

Rights of appeal (1984 c.35 s.13)

26.(1) A person may appeal to the Supreme Court against -

(a) any refusal by the Registrar of an application by that person for registration or for the alteration of registered particulars;

(b) any enforcement notice, de-registration notice or transfer prohibition notice with which that person has been served.

(2) Where a notification that an application has been refused contains a statement by the Registrar in accordance with section 20(7) above, then, whether or not the applicant appeals under subsection (1)(a) above, he may appeal against the Registrar's decision to include that statement in the notification.

(3) Where any such notice as is mentioned in subsection (1)(b) contains a statement by the Registrar at the direction of the Attorney General in accordance with section 23(7), 24(5) or 25(6) of this Ordinance, then, whether or not the person served with the notice appeals under that paragraph, he may appeal against the Attorney General's decision to direct the Registrar to include that statement in the notice or against the effect of the inclusion of the statement as respects any part of the notice.

(3) Schedule 2 to this Ordinance shall have effect in relation to appeals under this section and to the proceedings of the Supreme Court in respect of any such appeal.

Determination of appeals (1984 c.35 s.14)

27.(1) If on an appeal the Supreme Court considers -

- (a) that the refusal or notice against which the appeal is brought is not in accordance with the law;
- (b) to the extent that the refusal or notice involved an exercise of discretion by the Registrar or by the Attorney General, that he ought to have exercised his discretion differently,

the Supreme Court shall allow the appeal or substitute such other decision or notice as could have been made or served by the Registrar or, as the case may be, the Attorney General and in any other case the Supreme Court shall dismiss the appeal.

(2) The Supreme Court may review any determination of fact on which the refusal or notice in question was based.

(3) On an appeal under section 26(2) the Supreme Court may direct that the notice in question shall have effect as if it did not contain any such statement as is mentioned in that subsection.

(4) On an appeal under section 26(3) the Supreme Court may direct that the notice in question shall have effect as if it did not contain any such statement as is mentioned in that subsection or that the inclusion of the statement shall not have effect in relation to any part of the notice and may make such modifications in the notice as may be required for giving effect to the direction.

(5) Any party to an appeal to the Supreme Court may appeal from the decision of the Supreme Court on a point of law to the Court of Appeal.

Miscellaneous and supplementary

Unauthorised disclosure by a computer bureau (1984 c.35 s.15)

28.(1) Personal data in respect of which services are provided by a person carrying on a computer bureau shall not be disclosed by him without the prior authority of the person for whom those services are provided.

(2) Subsection (1) applies also to any servant or agent of a person carrying on a computer business.

(3) A person commits an offence who knowingly or recklessly contravenes this section.

Powers of entry and inspection (1984 c.35 s.16)

29.(1) Schedule 3 to this Ordinance shall have effect for the detection of offences under this Ordinance and contravention of the data protection principles.

Disclosure of information (1984 c.35 s.17(1))

30.(1) Subject to subsection (2), no enactment or rule of law prohibiting or restricting the disclosure of information shall preclude a person from furnishing the Registrar, the Attorney General or the Supreme Court with any information necessary for the discharge of their functions under this Ordinance.

(2) Nothing in subsection (1) authorises any person to disclose any information in breach of legal professional privilege.

Service of notices (1984 c.35 s.18)

31.(1) Any notices or notification authorised or required by this Ordinance to be served or given to any person by the Registrar -

(a) if that person is an individual, be served on him -

(i) by delivering it to him;

(ii) by sending it to him by post addressed to him at his usual or last-known place of address or business; or

(iii) by leaving it for him at that place;

(b) if that person is a body corporate or unincorporated, be served on that body -

(i) by sending it by post to the proper officer of the body at its principal office;

(ii) by addressing it to the proper officer of the body and leaving it at that office.

(2) In subsection (1) of this section "principal office", in relation to a registered company means its registered office and "proper officer", in relation to any body, means the secretary or other executive officer charged with the conduct of its general affairs.

(3) This section has effect without prejudice to any other lawful method of serving or giving a notice or notification.

**PART V
GENERAL**

Prosecutions and penalties (1984 c.35 s.19)

32.(1) Prosecutions for an offence under this Ordinance may only be instituted by or with the consent of the Attorney General.

(2) A person convicted of an offence under this Ordinance is liable to a fine -

(a) in the case of an offence under section 19 or paragraph 12 of Schedule 3 not exceeding the maximum of level 5 on the standard scale;

(b) in the case of any offence other than one to which paragraph (a) relates, not exceeding the maximum of level 10 on the standard scale.

(3) Subject to subsection (4) of this section, the court by which a person is convicted of an offence under section 18, 23, 25 or 28 may order any data material appearing to the court to be connected with the commission of the offence to be forfeited, destroyed or erased.

(4) The court shall not make an order under subsection (3) in relation to any material where a person (other than the offender) claiming to be the owner or otherwise interested in it applies to be heard by the court unless an opportunity is given to him to show cause why the order should not be made.

Liability of directors etc (1984 c.35 s.20)

33.(1) Where an offence under this Ordinance has been committed by a body corporate and is proved to have been committed with the consent or connivance or to be attributable to any neglect on the part of any director, manager, secretary or similar officer of the body corporate or any person who was purporting to act in any such capacity, he as well as the body corporate has committed that offence and may be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members subsection (1) above shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

General duties of Attorney General (1984 c.35 s.36)

34.(1) It is the duty of the Attorney General and the Registrar so to perform their duties under this Ordinance as to promote the observance of data protection principles by data users and persons carrying on computer bureaux.

(2) The Attorney General may consider any complaint that any of the data protection principles or any provision of this Ordinance has been or is being contravened and shall do so if the complaint appears to him to raise a matter of substance and to have been made without undue delay by a person directly affected; and where the Attorney General considers any such complaint he shall notify the complainant of the result of his consideration and of any action he proposes to take.

(3) The Attorney General may arrange for the dissemination in such manner as he considers appropriate of such information as it may appear to him expedient to give to the public about the operation of this Ordinance and other matters within the scope of his functions under this Ordinance and may give advice to any person as to any of those matters.

Data held, and services provided, outside the Falkland Islands (1984 c.35 s.39)

35.(1) Subject to the following provisions of this section, this Ordinance does not apply to a data user in respect of data held, or to a person carrying on a computer bureau in respect of services provided, outside the Falkland Islands.

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

(a) data shall be treated as held where the data user exercises in relation to the data the control referred to in paragraph (b) of the definition in section 2(1) of "data user";

(b) services shall be treated as provided where the person carrying on the computer bureau does any of the things mentioned in paragraph (a) or (b) of section 2(3).

(3) Where a person who is not resident in the Falkland Islands -

(a) exercises the control mentioned in paragraph (a) of subsection (2) of this section; or

(b) does any of the things mentioned in paragraph (b) of that subsection,

through a servant or agent in the Falkland Islands, this Ordinance shall apply as if that control were exercised or, as the case may be, those things were done in the Falkland Islands by the servant or agent acting on his own account and not on behalf of the person whose servant or agent he is.

(4) Where by virtue of subsection (3) of this section a servant or agent is treated as a data user or as a person carrying on a computer bureau he may be described for the purposes of registration by the position or office which he holds; and any such description in an entry on the register shall be treated as applying to the person for the time being holding the position or office in question.

(5) This Ordinance does not apply to data processed wholly outside the Falkland Islands unless the data are used or intended to be used in the Falkland Islands.

(6) Sections 17(3)(e), 18(2)(e) and 25(1) do not apply to the transfer of data which are already outside the Falkland Islands; but references in section 25 to a contravention of the data protection principles include references to anything that would constitute such contravention if it occurred in relation to that data when held in the Falkland Islands.

SCHEDULE 1

THE DATA PROTECTION PRINCIPLES

PART I

THE PRINCIPLES

Personal data held by data users

1. The information to be contained in personal data shall be obtained, and personal data shall be processed, fairly and lawfully.
2. Personal data shall be held only for one or more specified and lawful purposes.
3. Personal data held for any purpose or purposes shall not be used or disclosed in any manner incompatible with that purpose or those purposes.
4. Personal data held for any purpose or purposes shall be adequate, relevant and not excessive in relation to that purpose or those purposes.

5. Personal data shall be accurate and, where necessary, kept up to date.
6. Personal data held for any purpose or purposes shall not be kept for longer than is necessary for that purpose or for those purposes.
7. An individual shall be entitled -
 - (a) at reasonable intervals and without undue delay or expense -
 - (i) to be informed by any data user whether he holds personal data of which that individual is the subject; and
 - (ii) to access to any such data held by a data user; and
 - (b) where appropriate, to have such data corrected or erased.

Personal data held by data users or in respect of which services are provided by persons carrying on computer bureaux

8. Appropriate security measures shall be taken against unauthorised access to, or alteration disclosure or destruction of, personal data and against accidental loss or destruction of personal data.

PART II INTERPRETATION

The first principle

1.(1) Subject to sub-paragraph (2), in determining whether information was obtained fairly, regard shall be had to the method by which it was obtained, including in particular whether any person from whom it was obtained was deceived or misled as to the purpose or purposes for which it is to be held, used or disclosed.

(2) Information shall in any event be treated as obtained fairly if it is obtained from a person who -

- (a) is authorised by or under any enactment to supply it; or
- (b) is required to supply it by or under any enactment or by any convention or other instrument imposing an international obligation on the Falkland Islands;

and in determining whether information was obtained fairly there shall be disregarded any disclosure of the information which is authorised or required by or under any enactment or required by any such convention or instrument as aforesaid.

The second principle

2. Personal data shall not be treated as held for a specified purpose unless that purpose is described in particulars registered under this Ordinance in relation to the data.

The third principle

3. Personal data shall not be treated as used or disclosed in contravention of this principle unless -

- (a) used otherwise than for a purpose of a description registered under this Ordinance in relation to the data; or
- (b) disclosed otherwise than to a person of a description so registered.

The fifth principle

4. Any question whether or not personal data are accurate shall be determined as for the purposes of section 12 of this Ordinance but, in the case of such data as are mentioned in subsection (2) of that section, this principle shall not be regarded as having been contravened by reason of any inaccuracy in the information there mentioned if the requirements mentioned in that section have been complied with.

The seventh principle

5.(1) Paragraph (a) of this principle shall not be construed as conferring any right inconsistent with section 11 of this Ordinance.

(2) In determining whether access to personal data is sought at reasonable intervals regard shall be had to the nature of the data, the purpose for which the data are held and the frequency with which the data are altered.

(3) The correction or erasure of personal data is appropriate only where necessary for ensuring compliance with the other data protection principles.

The eighth principle

6. Regard shall be had -

(a) to the nature of the personal data and the harm which would result from such access, alteration, disclosure, loss or destruction as are mentioned in this principle; and

(b) to the place where the personal data are stored, to security measures programmed into the relevant equipment and to measures taken for ensuring the reliability of staff having access to the data.

7. Where personal data is held for historical, statistical or research purposes and not used in such a way that damage or distress is, or is likely to be, caused to any data subject -

(a) the information contained in the data shall not be regarded for the purposes of the first principle as obtained unfairly by reason only that its use for any such purpose was not disclosed when it was obtained; and

(b) the data may, notwithstanding the sixth principle, be kept indefinitely.

SCHEDULE 2

APPEAL PROCEEDINGS

Hearing of appeals

1. For the purpose of hearing and determining appeals or any matter preliminary or incidental to an appeal the Supreme Court shall sit at such times and at such places within the Falkland Islands as the Chief Justice may direct.

2.(1) The Governor may make rules for regulating the exercise of the rights of appeal conferred by section 26 of this Ordinance and the practice and procedure of the Supreme Court in and in connection with appeals under that section, but until and unless such rules are made, and thereafter to the extent that the same is not inconsistent with such rules and the following provisions of this Schedule, the practice and procedure of the Supreme Court in relation to appeals from decisions of the Magistrate's Court in civil proceedings shall apply.

(2) Without prejudice to the generality of sub-paragraph (1), rules under this paragraph may in particular make provision -

- (a) with respect to the period within which an appeal may be brought and the burden of proof on appeal;
- (b) for the summoning of witnesses and the administration of oaths;
- (c) for securing the production of documents and data material;
- (d) for the inspection, examination, operation and testing of data equipment and the testing of data material;
- (e) for the hearing of an appeal wholly or partly *in camera*;
- (f) for hearing an appeal in the absence of an appellant or for determining an appeal without a hearing; and
- (g) for the awarding of costs.

SCHEDULE 3

POWERS OF ENTRY AND INSPECTION

Issue of warrants

1. If the Chief Justice, an acting judge of the Supreme Court or the Senior Magistrate (all of whom are in subsequent paragraphs of this Schedule called "a judge") is satisfied by information on oath supplied by the Attorney General or the Registrar that there are reasonable grounds for suspecting -

- (a) that an offence under this Ordinance has been or is being committed;
- (b) that any of the data protection principles have been or are being contravened by a registered person;

and that evidence of the commission of the offence or of the contravention is to be found on any premises specified in the information, he may, subject to paragraph 2, grant a warrant authorising the Attorney General or the Registrar or any public officer acting with the Attorney General's or Registrar's authority at any time within seven days of the date of the warrant to enter those premises, to search them, to inspect, examine, operate and test any data equipment found there and to inspect and seize any documents or other material found there which may be such evidence as aforesaid.

2. A judge shall not issue a warrant under this Schedule unless he is satisfied -

(a) that the Attorney General or the Registrar has given seven days notice in writing to the occupier of the premises in question demanding access to the premises;

(b) that access was demanded at a reasonable hour and was unreasonably refused; and

(c) that the occupier has, after the refusal, been notified by the Attorney General or the Registrar of the application for the warrant and has had an opportunity of being heard by the judge on the question of whether or not it should be issued.

but the foregoing provisions of this paragraph shall not apply if the judge is satisfied that the case is one of urgency or that compliance with those provisions would defeat the object of the entry.

3. A judge who issues a warrant under this Schedule shall also issue two copies of it and certify them clearly as copies.

Execution of warrants

4. A person executing a warrant issued under this Schedule may use such reasonable force as may be necessary.

5. A warrant issued under this Schedule shall be executed at a reasonable hour unless it appears to the person executing it that there are grounds for suspecting that the evidence in question would not be found if it were so executed.

6. If the person who occupies the premises in respect of which a warrant is issued under this Schedule is present when the warrant is executed, he shall be shown the warrant and supplied with a copy of it; and if that person is not present a copy of the warrant shall be left in a prominent place on the premises.

7.(1) A person seizing anything in pursuance of a warrant under this Schedule shall give a receipt for it if asked to do so.

(2) Anything seized may be retained for so long as is necessary in all the circumstances but the person in occupation of the premises in question shall be given a copy of anything that is seized if he so requests and the person executing the warrant considers that it can be done without undue delay.

Matters exempt from inspection and seizure

8. The powers of inspection and seizure conferred by a warrant issued under this Schedule shall not be exercised in respect of personal data which are exempt from part IV of this Ordinance.

9.(1) Subject to the provisions of this paragraph, the powers of inspection and seizure conferred by a warrant issued under this Schedule shall not be exercisable in respect of -

(a) any communication between a professional legal adviser and his client in connection with the giving of legal advice to the client with respect to his obligation, liabilities or rights under this Ordinance;

(b) any communications between a professional legal adviser and his client, or between such an adviser or his client and any other person, made in connection with or in contemplation of proceedings under or arising out of this Ordinance and for the purpose of such proceedings.

(2) Sub-paragraph (1) of this paragraph applies also to -

(a) any copy or record of any such communication as is there mentioned;

(b) any document or article enclosed with or referred to in any such communication if made in connection with the giving of any advice or, as the case may be, in connection with or in contemplation of and for the purpose of such proceedings as are there mentioned.

(3) This paragraph does not apply to anything in the possession of any person other than the professional legal adviser or his client or to anything held with the intention of furthering a criminal purpose.

(4) In this paragraph references to a client of a professional legal adviser include references to any person representing such a client.

10. If the person in occupation of any premises in respect of which a warrant is issued under this Schedule objects to the inspection or seizure under the warrant of any material on the grounds that it consists partly of matters in respect of which those powers are not exercisable, he shall, if the person executing the warrant so requests, furnish that person with a copy of so much of the material as is not exempt from those powers.

Return of warrants

11. A warrant issued under this Schedule shall be returned to the court from which it was issued -

(a) after being executed; or

(b) if not executed within the time authorised for its execution;

and the person by whom any such warrant is executed shall make an endorsement on it stating what powers have been exercised by him under the warrant.

Offences

12. Any person who -

(a) intentionally obstructs a person in the execution of a warrant issued under this Schedule; or

(b) fails without reasonable excuse to give any person executing such a warrant such assistance as he may reasonably require for the execution of the warrant,

commits an offence.

Vessels, vehicles etc

13. In this Schedule "premises" includes any vessel, vehicle, aircraft or hovercraft, and references to the occupier of any premises include references to the person in charge of any vessel, vehicle, aircraft or hovercraft.

Passed by the Legislature of the Falkland Islands this 24th day of November 1995.

C. de CEBALLOS,
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. de CEBALLOS,
Clerk of Councils.



THE FALKLAND ISLANDS GAZETTE Supplement

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The following are published in this Supplement -

- The High Seas Fishing Ordinance 1995;**
- The Merchant Shipping (Registry) (Amendment) Ordinance 1995;**
- The Road Traffic (Amendment) Ordinance 1995;**
- The Firearms and Ammunition (Amendment) Ordinance 1995;**
- The Pensions (Amendment) Ordinance 1995;**
- The Access to Health Records Ordinance 1995;**
- The Public Health (Amendment) Ordinance 1995;**
- The Supplementary Appropriation (1995-96) (No. 2) Ordinance 1995;**
- The Lotteries (Amendment) Ordinance 1995.**

ELIZABETH II



Colony of the Falkland Islands

DAVID EVERARD TATHAM, C.M.G.,
Governor.

The High Seas Fishing Ordinance 1995

(No. 14 of 1995)

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ELIZABETH II



Colony of the Falkland Islands

DAVID EVERARD TATHAM, C.M.G.,
Governor.

The High Seas Fishing Ordinance 1995

(No. 14 of 1995)

An Ordinance

(assented to: 11 December 1995)
(commencement: in accordance with section 1.)
(published: 21 December 1995)

To make provision for the implementation of the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas adopted by the Conference of the Food and Agricultural Organisation of the United Nations on the twenty fourth day of November 1993 and the Agreement for the implementation of the provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation of Straddling Fish Stocks and Highly Migratory Fish Stocks.

ENACTED by the Legislature of the Falkland Islands as follows -

PART I

PRELIMINARY

Short title and commencement

1. This Ordinance may be cited as the High Seas Fishing Ordinance 1995 and shall come into force on such day as the Governor may appoint by Notice in the *Gazette*.

Interpretation

2. In this Ordinance unless the context otherwise requires:-

"Agreements" means the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas adopted by the Conference of the FAO on the twenty fourth day of November 1993 and the Agreement for the implementation of the provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation of Straddling Fish Stocks and Highly Migratory Fish Stocks;

"authorised officer" means the Director of Fisheries and any of the authorised officers provided for under section 3 or any person authorised by or acting under the orders of an authorised officer;

"Director of Fisheries" means the public officer for the time being holding or acting in the office of Director of Fisheries or any person to whom he may delegate functions under section 3(2);

"fish" includes any living marine resource;

"fishing" means:-

- (a) the catching or taking of fish;
- (b) any other activity which can reasonably be expected to result in the catching or taking of fish; or
- (c) any other activity directly related to fishing including the operation of mother ships;

"fishing vessel" means any vessel used or intended for use for the purposes of the commercial exploitation of fish, including mother ships and any other vessels directly engaged in fishing operations;

"Falkland Islands fishing vessel" means a fishing vessel that is registered under the Merchant Shipping Act 1894 in a port of registry in the Falkland Islands;

"Falkland Islands fishing waters" means the internal waters, the territorial sea, the Falkland Islands Interim Conservation and Management Zone, the Falklands Outer Conservation Zone and any other marine waters to which the Fisheries (Conservation and Management) Ordinance 1986 for the time being applies;

"overseas fishing vessel" means a fishing vessel other than a Falkland Islands fishing vessels;

"Governor" means the Governor acting in his discretion;

"high seas" means the marine waters beyond the territorial sea, archipelagic waters, fisheries zone or exclusive economic zone of any state;

"high seas fishing licence" means a fishing licence granted pursuant to section 7 and the other provisions of this Ordinance;

"international conservation and management measures" means measures to conserve or manage one or more species of living marine resources that are adopted and applied in accordance with the relevant rules of international law as reflected in the 1982 United Nations Convention on the Law of the Sea either by global, regional or subregional fisheries organisations, subject to the rights and obligations of their members, or by treaties or other international agreements;

"licensed fishing vessel" means a fishing vessel in respect of which a licence has been granted pursuant to section 7; and

"master" includes, in relation to a fishing vessel, the person for the time being in command or in charge of the fishing operations on board the vessel.

PART II

ADMINISTRATION

The Director of Fisheries and authorised officers

3.(1) This Ordinance shall be administered by the Director of Fisheries who shall be responsible for:-

- (a) maintaining a record of all fishing vessels in respect of which high seas fishing licences have been issued under this Ordinance, which record shall include all information provided by an applicant under section 6;
- (b) the collection of statistics concerning fish stocks and fishing on the high seas;
- (c) the monitoring, control and surveillance of the operations of Falkland Islands fishing vessels on the high seas;
- (d) the issue, variation, suspension and revocation of licences for fishing on the high seas;
- (e) the collection of fees in respect of licences of fishing vessels;
- (f) the taking of appropriate measures in cooperation with other states for the implementation of the Agreement;
- (g) the making of such reports to the Governor as the latter may require or the Director of Fisheries shall consider appropriate;
- (h) the taking of all such other measures as the Governor may direct or the Director of Fisheries may consider appropriate for the implementation of the Agreement and this Ordinance.

(2) The Governor may give or may authorise the Director of Fisheries to give such information and make such reports as may be necessary to enable the Falkland Islands to comply with their obligations under the Agreements or either of them.

(3) Subject to subsection (3), the Director of Fisheries may, and if directed by the Governor shall, in writing authorise any public officer to exercise any or all of the powers of the Director of Fisheries either concurrently with him or in his absence subject to such conditions, including territorial restrictions, as may be stipulated in the authorisation.

(4) The Director of Fisheries shall personally exercise the powers provided for under section 20, but may not exercise those powers in any case without the consent of the Attorney General.

(5) This Ordinance shall be enforced by authorised officers acting subject to the direction of the Director of Fisheries and for that purpose authorised officers shall have the powers set out in section 12 and 13.

(6) The following persons shall be authorised officers:-

(a) fisheries officers appointed pursuant to the Fisheries (Conservation and Management) Ordinance 1986;

(b) all members of the Royal Falkland Islands Police Force;

(c) persons in command or in charge of any vessel, aircraft or hovercraft of Her Majesty's Armed Services or of the Government of the Falkland Islands, and

(d) such other public officers as may be prescribed.

PART III

LICENSING OF FISHING ON THE HIGH SEAS

Prohibition of fishing on the high seas without a licence

4.(1) No Falkland Islands fishing vessel shall be used for fishing on the high seas except under the authority of a high seas fishing licence.

(2) Where a fishing vessel is used in contravention of subsection (1) the master, the owner and the charterer shall each commit an offence and be liable to a fine not exceeding the maximum of level 12 on the standard scale.

Vessels eligible for high seas fishing licences

5.(1) Subject to subsection (2) any Falkland Islands fishing vessel shall be eligible for a high seas fishing licence except where the vessel has been authorised to be used for fishing on the high seas by another state and that state has either:-

(a) suspended such authorisation and such suspension has not expired; or

(b) withdrawn such authorisation within the three years preceding the application;

because the fishing vessel has undermined the effectiveness of international conservation and management measures.

(2) The exceptions contained in subsection (1) shall not apply to a vessel where:-

(a) ownership of that vessel has changed since such suspension or withdrawal of authorisation and the new owner has provided evidence, to the satisfaction of the Director of Fisheries that the previous owner, charterer or operator has no further legal, beneficial or financial interest in, or control of, the vessel; or

(b) the Director of Fisheries has decided, after taking into account all relevant facts, that the grant of a fishing licence in respect of the vessel will not undermine the object and purpose of the Agreement.

Applications and fees

6.(1) An application for the grant of a high seas fishing licence shall be:-

(a) made in the prescribed manner;

(b) accompanied by the information required under subsection (2) and such other information and documents as may be prescribed; and

(c) accompanied by the prescribed application fee.

(2) An application for a high seas fishing licence shall relate to a specific vessel and shall be accompanied by the following information in relation to the vessel:-

(a) -

(i) name of fishing vessel;

(ii) registration number (if any);

(iii) previous names (if known);

(iv) port of registry;

(b) previous flag (if any);

(c) international radio call sign (if any);

(d) names and addresses of owners and operator (manager) (if any);

(e) where and when built;

(f) type of vessel;

(g) length;

(h) type of fishing method or methods;

(i) moulded depth;

(j) beam;

(k) gross register tonnage where available;

(l) power of main engine or engines.

Grant of high seas fishing licences and conditions relating to licences

7.(1) A high seas fishing licence shall be granted by the Director of Fisheries to the master, owner or charterer in respect of a specified fishing vessel.

(2) Subject to any directions given to him by the Governor, the issue of each high seas fishing licence shall be in the discretion of the Director of Fisheries.

(3) The Director of Fisheries shall not grant a high seas fishing licence in respect of a fishing vessel unless he is satisfied that the Falkland Islands will be able to exercise effectively its responsibilities under the Agreements in respect of that vessel.

(4) A high seas fishing licence may authorise a vessel to be used for fishing generally or may confer limited authority by reference in particular to:-

(a) the area in which fishing is authorised;

(b) the period, times or particular voyages during which fishing is authorised;

(c) the descriptions, quantities, size and presentation of fish which may be taken, or

(d) the method of fishing.

(5) A high seas fishing licence shall be subject to the following conditions:-

(a) the licensed fishing vessel shall be marked in accordance with the FAO Standard Specifications for the Marking and Identification of Fishing Vessels.

(b) such records of fishing operations shall be kept on board the licensed fishing vessel and such returns shall be submitted to the Director of Fisheries concerning areas of fishing, catches and landings of fish and such other matters as are stipulated in the licence or as shall be notified by the Director of Fisheries to the person to whom the licence is granted;

(c) the licensed fishing vessel shall not engage in activities which undermine the effectiveness of international conservation and management measures and in particular such activities as may be prescribed.

(6) A high seas fishing licence shall authorise fishing subject to such further conditions as may appear to the Director of Fisheries to be necessary or expedient for the conservation or management of species of living marine resources in the high seas and as may be specified by him in writing.

(7) If a licence condition referred to in subsection (4) or (5) is broken, the master, the owner and the charterer of the fishing vessel concerned in such breach shall each commit an offence and be liable to a fine not exceeding the maximum of level 10 on the standard scale.

(8) A high seas fishing licence may be:-

(a) varied from time to time; or

(b) revoked or suspended,

if this appears to the Director of Fisheries to be necessary or expedient for the conservation or management of living marine resources in the high seas.

(9) If a high seas fishing licence is varied, revoked or suspended the Director of Fisheries may, if he considers it appropriate taking into account the circumstances of the case, refund the whole or any part of the fee charged for the licence.

Period of validity of high seas fishing licences

8.(1) Subject to subsection (2), the period of validity of a high seas fishing licence shall be one year or such other period as may be specified in the licence.

(2) A high seas fishing licence shall cease to be valid if the vessel in respect of which it was issued ceases to be entitled to fly the flag of the Falkland Islands.

PART IV

INTERNATIONAL COOPERATION

High seas fishing information

9. The Director of Fisheries may require any fisherman or person owning or working on a Falkland Islands fishing vessel that is used for fishing on the high seas, to provide him with information or make returns in such form and at such periods as he may decide concerning areas of fishing, catches and landings of fish and such other matters relating to fishing operations with which such person is connected as may be stated in any such requirement.

Exchange of information with other States

10.(1) The Director of Fisheries if so authorised by the Governor may make such arrangements as may be appropriate to enable him to exchange information, including evidentiary material, with other countries that are parties to the Agreements or either of them or to which the Agreements have or either of them has been applied to enable the Falkland Islands and such other countries better to implement the objects of the Agreements or either of them.

(2) Without derogating from the generality of arrangements made under subsection (1), the Director of Fisheries in particular may where he has reason to believe that a foreign fishing vessel has engaged in activities that undermine international conservation and management measures -

(a) provide to the appropriate authorities of the flag state of the overseas fishing vessel concerned such information, including evidentiary material, relating to those activities, as may be necessary to assist the flag state in identifying the vessel; and

(b) when such overseas fishing vessel is voluntarily in a port of the Falkland Islands promptly notify the appropriate authorities of the flag state of the vessel accordingly.

PART V

ENFORCEMENT

General powers at sea of authorised officers

11.(1) For the purpose of enforcing this Ordinance an authorised officer may exercise the following powers with respect to any Falkland Islands fishing vessel on the high seas and in the Falkland Islands fishing waters:-

(a) he may stop the vessel;

(b) he may require the master to stop fishing and take the fishing gear of the vessel back on board;

(c) he may require the master to facilitate the boarding of the vessel by all appropriate means;

(d) he may go on board the vessel and take with him such other persons as he may require to assist him in the exercise of his powers;

(e) he may require the master, the crew or any of them to produce and he may examine and take copies of any certificate of registry, licence, official log book, official paper, article of agreement, record of fish caught and any other document relating to the vessel and to the crew or any member thereof or to any person on board the vessel which is in their respective possession or control on board the vessel;

(f) he may muster the crew of the vessel;

(g) he may require the master to appear and give any explanation concerning the vessel and any crew or any person on board the vessel and any document mentioned in paragraph (e);

(h) he may make any search, examination or enquiry which he shall consider necessary to find out whether any provision of this Ordinance has been contravened;

(i) he may take or require the master to take the vessel to any place, port or harbour in the Falkland Islands for the purpose of the carrying out of any search, examination or enquiry;

(j) in the case of any person who appears to him to have committed any offence against this Ordinance he may without summons, warrant or other process, take the suspected offender and take or require the master of the vessel to take the vessel in respect of which it appeared to him that there has been an offence together with the crew thereof to a port or harbour in the Falkland Islands and bring him or them before a competent court and detain him and them and the vessel in the Falkland Islands until the alleged offence has been adjudicated upon;

(k) he may, having regard to the safety of the vessel, take steps to immobilise any fishing vessel seized, taken or detained in accordance with this section for the purpose of preventing the vessel being taken by any person prior to the release of the vessel under section 12 or 13 or by the court;

(l) in the case of any offence against section 4 he may seize any vessel together with its equipment, stores and cargo which he believes has been used in the commission of such offence or in respect of which he believes such offence has been committed;

(m) he may seize any fishing gear, instruments or appliances which he believes have been used in the commission of such offence;

(n) he may seize any fish which he believes have been taken or fish products produced in the commission of such offence;

(o) he may seize or take copies of any documents which he believes are relevant to any such offence.

(2) In exercising the powers referred to in subsection (1) an authorised officer may use such force as may be reasonably necessary.

Security for release of a fishing vessel

12.(1) Where a fishing vessel is taken, seized or detained under this Ordinance and an information or charge is laid against the master, the owner or the charterer of the vessel in respect of the offence for which the vessel has been detained, the master, the owner or the charterer or the agent of the owner or of the charterer of the vessel may at any time before the determination of the information or charge apply to the court by which the information or charge is due to be determined for the release of the vessel on the provision of security in accordance with this section.

(2) On hearing the application the court shall either:-

(a) being satisfied that reasonable security has been given to the Crown in respect of the aggregate of the maximum penalty to which the defendant may be liable and the costs and expenses that the Crown may recover under section 19 order the release of the fishing vessel; or

(b) order the release of the fishing vessel on the execution by any suitable person or persons approved by the court for the purpose of a reasonable bond in favour of the Crown in the prescribed form and conditioned in accordance with subsection (4) in an amount not less than the aggregate of the maximum penalty to which the defendant may be liable and the costs and expenses that the Government may recover under section 19.

(3) Notwithstanding subsection (2) the court may, where it is satisfied that there are special circumstances to justify it doing so, order that the bond shall be in a specified amount that is less than the amount required by that subsection.

(4) The condition of the bond shall be that if:-

(a) the defendant is found not guilty of the information or charge; or

(b) the defendant, on being convicted of the information or charge, pays in full within fourteen days after he is convicted the amount of the fine imposed by the court and the amount of all costs and expenses due by him to the Crown under section 19 then the bond shall be of no effect but that otherwise the bond shall remain in full force and effect.

(5) The amount specified in the bond shall be recoverable in full in any court of competent jurisdiction as a debt due to the Crown jointly and severally by the person or persons by whom the bond is given unless the person or persons prove the due performance of the condition for which the bond was made.

(6) In this section "fishing vessel" includes all equipment on board or used by the vessel and also includes all fish that has been seized from the vessel under this Ordinance and is detained on board the vessel in the custody of the Crown.

Disposal of seized fish and other perishables

13.(1) Where any fish or other things of a perishable nature are seized under section 11 the Director of Fisheries may, notwithstanding any other provision of this Ordinance, either:-

(a) return the fish or other thing to the person from whom it was seized on receiving security that is, in the opinion of the Director of Fisheries adequate for the equivalent value of the fish or thing by way of bond or other stipulation conditioned for payment of such equivalent value in the event that such amounts shall be adjudged by the court to be forfeited to the Crown; or

(b) cause the sale of the fish or other thing at its reasonable market value and if court proceedings are instituted pay the proceeds of sale into court pending an order by the court in respect of the forfeiture or otherwise of the proceeds or if no proceedings are instituted, release the proceeds to the person from whom the fish or thing was seized in accordance with section 12.

(2) Where any live fish has been seized in accordance with section 11 it may be released or destroyed at the discretion of the seizing officer where he considers such act desirable in order to prevent undue suffering or for other good and sufficient reason.

Disposal of persons arrested, vessels and other things detained or seized

14.(1) Any person arrested and, subject to section 13, any vessel, article or thing arrested, detained or seized shall be brought before or under the jurisdiction of a court of competent jurisdiction without undue delay.

(2) Where any person arrested is released without charge or the prosecution of that person is not proceeded with within thirty days of the arrest any vessel, article or thing arrested detained or seized when in the possession of or under the control of that person or the proceeds of sale thereof shall subject to section 15(2) be returned to that person.

(3) Where the court holds any vessel, article or thing arrested, detained or seized under section 12 and a person who has been properly charged with an offence in relation thereto within ninety days of the arrest, detention or seizure fails to appear to answer the charge the Director of Fisheries may apply to the court for such vessel, article or thing to be forfeited to the Crown and the court shall make such order as it shall consider just.

(4) Where the court fails or refuses to make an order for forfeiture under subsection (3) the Director of Fisheries may appeal to the Supreme Court the decision of which shall be final.

(5) Subject to subsection (6) and section 14 where a vessel, article or thing is arrested, detained or seized under section 12 and no person is arrested the vessel, article or thing, shall be returned to the owner or the person having possession care or control of it at the time of arrest, detention or seizure.

(6) If the lawful owner of a vessel, article or thing, arrested, detained or seized under section 12 cannot be traced within thirty days of such seizure it shall be forfeit to the Crown and be disposed of as the Director of Fisheries in his discretion shall consider fit and any proceeds of sale thereof shall be paid into the Consolidated Fund.

(7) Where a vessel article or thing has been arrested, detained or seized under section 12 and the Court does not order the forfeiture of that vessel, article or thing it, or any proceeds realised from its disposal, shall be returned to the owner thereof or the person having the possession care or control of it at the time of arrest, detention or seizure.

(8) Where the owner of a vessel, article or thing or the person having the possession, care or control of it at the time of its arrest, detention or seizure is convicted of an offence under this Ordinance and a fine is imposed.

(a) the vessel, article or thing may be detained until the fine is paid;

(b) the vessel, article or thing may be sold in satisfaction of the fine; or

(c) any proceeds realised from its disposal under section 14 may be applied in payment of the fine.

(9) The Director of Fisheries may cause any fish, vessel or any fishing gear found or seized and at his disposal to be destroyed if he considers fit.

PART VI

PROHIBITIONS AND OFFENCES

Prohibition of activities that undermine the effectiveness of international conservation and management measures

15.(1) No fishing vessel entitled to fly the flag of the Falkland Islands, whether or not it is required to be licensed under this Ordinance, shall engage in any activity on the high seas that undermines the effectiveness of international conservation and management measures.

(2) The Governor may, by regulation, prescribe certain activities as being activities that under mine the effectiveness of international conservation and management measures.

(3) Where a vessel contravenes subsection (1) the master, the owner and the charterer shall each commit an offence and be liable on conviction to a fine not exceeding the maximum of level 12 on the standard scale.

Obstruction of authorised officers, false information and alteration of licences

16.(1) Any person who:-

(a) assaults, resists or wilfully obstructs an authorised officer when acting in the exercise of his powers under this Ordinance;

(b) refuses or neglects to comply with any order, requisition or direction lawfully made or given under this Ordinance;

(c) without reasonable excuse fails to:-

(i) answer any question asked by an authorised officer; or

(ii) given any information or produce any thing required to be given or produced in pursuance of this Ordinance;

(d) fails to allow a search or inspection under this Ordinance; or

(e) prevents or attempts to prevent another person from complying with such orders, requisitions or directions or from answering such questions, producing any thing or allowing a search or inspection;

commits an offence and shall be liable on conviction to a fine not exceeding the maximum of level 8 on the standard scale.

(2) Any person who:-

(a) for the purpose of obtaining a licence; or

(b) for purported compliance with an requirement to furnish any information under this Ordinance,

knowingly or recklessly provides information which is false in a material particular commits an offence and shall be liable on conviction to a fine not exceeding the maximum of level 8 on the standard scale.

(3) Any person who without lawful authority alters a licence granted under this Ordinance commits an offence and on conviction shall be liable to a fine not exceeding the maximum of level 10 on the standard scale.

Other offences, penalties and proceedings

17.(1) Any person who contravenes any provision of this Ordinance where no offence is specifically provided commits an offence.

(2) Any person who commits an offence against this Ordinance for which no penalty is specifically provided shall be liable on conviction to a fine not exceeding the maximum of level 6 on the standard scale.

(3) Where any person is convicted of an offence against this Ordinance the court may in addition to any other penalty that it may impose order that any fishing gear, instruments or appliances used in the commission of such offence and any fish on board a fishing vessel or the proceeds of sale thereof, if already sold, shall be forfeited to the Crown and if so forfeited shall be disposed of in such manner as the Director of Fisheries, acting in his discretion, may direct.

(4) For the purposes of any proceedings under this Ordinance any fish found on board a fishing vessel shall be presumed to have been caught:-

(a) on the high seas; and

(b) within the vicinity of the vessel at the time the fish is so found where the licence to fish specifying the vessel restricts fishing to a particular area of the high seas;

unless the contrary is proved.

(5) An attempt to commit an offence under this Ordinance shall itself constitute an offence and may be dealt with in like manner as if the attempted offence had been committed.

(6) Any master or other person who transships, receives on board a fishing vessel, transports, sells, offers for sale, processes or in any other manner deals with fish caught in contravention of this Ordinance commits an offence.

(7) Any person who aids, abets, counsels or procures an offence under this Ordinance conspires to commit such offence commits the offence so aided, abetted, counselled or procured or conspired to be committed.

(8) When a person is convicted on a second or further occasion of an offence against this Ordinance he shall be liable to double the normal penalty for that offence.

(9) A certificate purporting to be signed by the Director of Fisheries or any officer authorised by him for that purpose to the effect that on a date specified in the certificate:-

(a) a fishing vessel specified in that certificate was not licensed under this Ordinance;

(b) the accused person or any other named person was not the holder of a licence under this Ordinance; or

(c) a person was the holder of a licence or permit under this Ordinance,

shall, in the absence of proof to the contrary, be sufficient evidence of the matter stated in the certificate.

PART VII

COURT PROCEEDINGS, PENALTIES AND COMPOUNDING OF OFFENCES

Jurisdiction of the Court

18. All penalties, offences and proceedings under this Ordinance may be recovered, prosecuted and taken before the Magistrate's Court or the Summary Court and each of those courts shall have power to impose any time provided for by this Ordinance.

Forfeiture of licence and disqualifications

19. Where a person is convicted of an offence against this Ordinance the court may in addition to any other penalty order that any licence granted under this Ordinance to the convicted person be forfeited and also any fees paid for such licence and that such person be disqualified from the day of conviction from holding a licence for a period not exceeding three years.

Administrative penalty

20.(1) Where the Director of Fisheries has reasonable cause to believe that:-

(a) an offence against this Ordinance has been committed by any person;

(b) the offence is of a minor nature; or

(c) having regard to the previous conduct of the person concerned and of the vessel if a vessel is involved, it would be appropriate to impose a penalty under this section,

he may cause a notice in writing in accordance with subsection (2) in the prescribed form to be served on that person.

(2) A notice under subsection (1) shall specify:-

(a) the date and nature of the offence;

(b) a summary of the facts upon which the allegation that an offence has been committed is based (being sufficient summary fully and fairly to inform the person of the allegation against him); and

(c) any other matters (not being previous convictions) that the Director of Fisheries considers relevant to the imposition of a penalty;

and shall be endorsed with a statement setting out the provisions of this Section.

(3) Any person on whom a notice under subsection (1) is served may within thirty days after such service by notice in writing in the prescribed form served on the Director of Fisheries require that proceedings in respect of the alleged offence shall be dealt with by the court, in which case the following shall apply:-

(a) no further proceedings shall be taken under this section by the Director of Fisheries; and

(b) nothing in this section shall be construed to prevent the subsequent laying of any information or charge in respect of the alleged offence or the conviction of the person of the offence by the Court or the imposition of any penalty or forfeiture under this Ordinance upon such conviction.

(4) Any person on whom a notice under subsection (1) is served who does not require that proceedings in respect of the alleged offence shall be dealt with by the court may by notice in writing served on the Director of Fisheries:-

(a) admit the offence; and

(b) make submissions to the Director of Fisheries as to the matters he wishes him to take into account in imposing any penalty under this Section.

(5) Where a person on whom a notice under subsection (1) is served does not within thirty days after the notice is served on him:-

(a) require that proceedings in respect of the alleged offence shall be dealt with by the court; or

(b) admit the offence;

he shall on the expiration of that period be considered to have admitted the offence.

(6) Where under this section a person admits or is considered to have admitted an offence the Director of Fisheries after taking into account any submissions by that person under subsection (4), may impose a monetary penalty on that person in respect of the offence not exceeding one third of the maximum penalty to which the person would be liable if he were convicted of the offence by the court.

(7) Where the Director of Fisheries imposes a penalty on a person under this section in respect of an offence the Director of Fisheries shall cause a notice in writing in the prescribed form of the particulars of the penalty to be served on that person.

(8) A person on whom a penalty is imposed under this section shall pay the amount of the penalty to the Crown within thirty days after the notice of the penalty is served on him in accordance with subsection (7).

(9) Without prejudice to the requirement of subsection (8), a penalty imposed under this section shall be recoverable by the Crown from the person on whom it has been imposed in the same manner as a fine is recoverable on conviction of an offence.

(10) Notwithstanding any other provisions of this Ordinance or any other enactment, where an offence has been admitted or is considered to have been admitted under this section no information or charge may be laid in respect of the offence against any person by whom it has been admitted or considered to have been admitted.

(11) Nothing in this section shall apply:-

- (a) in respect of any offence or alleged offence under Section 4; or
- (b) to any offence or alleged offence in respect of which any information or charge has already been laid.

Detention or forfeiture of fishing vessel on failure to pay or secure fine

21.(1) If any fine or amount of costs is adjudged to be due by the owner, master or charterer of any fishing vessel in respect of a contravention of any provisions of this Ordinance the court may, if no security or it considers that insufficient security has been given to the Crown, order that in default of payment forthwith the defendant shall give security for the payment of the amount due and if such security, to the satisfaction of the court, is not given the court may order the detention of the fishing vessel concerned with such contravention and such fishing vessel may accordingly be detained in the Falkland Islands until the amount due is paid or sufficient security shall be given to the satisfaction of the court.

(2) If a fine is not paid or security is not given within thirty days of the order of the Court or such longer period as the court may determine, the court may order that in the case of any offence against section 4 any vessel and its equipment used in the commission of the offence shall be forfeited to the Crown and if so forfeited shall be disposed of in such manner as the Director of Fisheries acting in his discretion shall direct.

PART VIII

REGULATIONS

Regulations

22.(1) The Governor may make regulations for the better carrying into effect of the purposes of this Ordinance.

(2) In particular and without prejudice to the generality of subsection (1) such regulations may provide for:-

- (a) anything which is to be or may be prescribed under this Ordinance;
- (b) the payment of fees on applications for licences and on the issue of licences;
- (c) the conditions and procedures of applications for licences and their forms;

- (d) the placing of observers on fishing vessels;
- (e) the provision by applicants for licences and licensees of bonds or other forms of security for securing their compliance with the obligations under and the terms and conditions of their licences;
- (f) reports to be made for the purposes of this Ordinance;
- (g) notification of international conservation and management measures recognised by the Falkland Islands;
- (h) activities that shall be considered to be activities that undermine the effectiveness of international conservation and management measures.

Passed by the Legislature of the Falkland Islands this 24th November 1995.

C. de CEBALLOS,
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. de CEBALLOS
Clerk of Councils.

ELIZABETH II



Colony of the Falkland Islands

DAVID EVERARD TATHAM, C.M.G.,
Governor.

The Merchant Shipping (Registry) (Amendment) Ordinance 1995

(No: 15 of 1995)

ARRANGEMENT OF PROVISIONS

Section

1. Short title and commencement.
2. Amendment to section 3 of Merchant Shipping (Registry) Ordinance 1987.
3. New section 3A of Merchant Shipping (Registry) Ordinance 1987.

ELIZABETH II



Colony of the Falkland Islands

DAVID EVERARD TATHAM, C.M.G.,
Governor.

The Merchant Shipping (Registry) (Amendment) Ordinance 1995
(No: 15 of 1995)
An Ordinance

(assented to: 11 December 1995)
(commencement: in accordance with section 1.)
(published: 21 December 1995)

To amend the Merchant Shipping (Registry) Ordinance 1987

ENACTED by the Legislature of the Falkland Islands as follows:

1. This Ordinance may be cited as the Merchant Shipping (Registry) (Amendment) Ordinance 1995 and shall come into force on such date as is notified by the Governor in the *Gazette* (which date shall not be earlier than the date on which the approval of this Ordinance by Her Majesty in Council pursuant to section 735 of the Merchant Shipping Act 1894 has been proclaimed in the Falkland Islands). *Short title and commencement.*
2. Section 3 of the Merchant Shipping (Registry) Ordinance 1987 is amended by replacing all words from and including the words "the Governor may" up to the end of the section with the words "a ship shall not be registered in the Stanley register unless the Governor notifies the Registrar in writing that he considers that it would be in the interests of the Falkland Islands for it to be so registered." *Amendment of section 3 of Merchant Shipping (Registry) Ordinance 1987.*
3. The following section is inserted in the Merchant Shipping (Registry) Ordinance 1987, immediately after section 3 - *New section 3A of Merchant Shipping (Registry) Ordinance 1987.*
 - 3A.(1) The Registrar may, if regulations made under subsection (2) so provide, and, if such regulations so provide, shall if so directed by the Governor, suspend or terminate the registration of a ship on the Stanley register of ships. *Removal of ship from Stanley Register.*
 - (2) The Governor may make regulations for and in connection with the suspension or termination of the registration of ships from the Stanley register of ships in the circumstances referred to in subsection (3).

(3) The circumstances referred to in subsection (2) are the following circumstances -

(a) any circumstances which, if the regulations for the time being in force and made under section 3(2)(j) of the Merchant Shipping (Registration, etc) Act 1993 or the Merchant Shipping Act 1995 extended to the Stanley register of ships would enable the registration of a ship registered upon that register to be suspended or terminated; or

(b) The Governor having certified in writing his opinion that it is in the interests of the Falkland Islands, for a reason specified in that certificate, that the registration of the ship to which the certificate relates should be suspended, or as the case may be, terminated.

(4) Regulations made under subsection (2) may contain such consequential or incidental provisions as the Governor thinks fit."

Passed by the Legislature of the Falkland Islands this 24th November 1995.

C. de CEBALLOS,
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. de CEBALLOS
Clerk of Councils.

ELIZABETH II



Colony of the Falkland Islands

DAVID EVERARD TATHAM, C.M.G.,
Governor.

The Road Traffic (Amendment) Ordinance 1995

(No: 16 of 1995)

ARRANGEMENT OF PROVISIONS

Section

1. Short title and commencement.
2. Interpretation.
3. Amendment of section 12C of the principal Ordinance.

ELIZABETH II



Colony of the Falkland Islands

DAVID EVERARD TATHAM, C.M.G.,
Governor.

The Road Traffic (Amendment) Ordinance 1995

(No: 16 of 1995)

An Ordinance

(assented to: 12 December 1995)

(commencement: 1st January 1996)

(published: 21 December 1995)

To amend the Road Traffic Ordinance

ENACTED by the Legislature of the Falkland Islands as follows:

Short title and commencement

1. This Ordinance may be cited as the Road Traffic (Amendment) Ordinance 1995 and comes into force on 1st January 1996.

Interpretation

2. In this Ordinance, "the principal Ordinance" means the Road Traffic Ordinance.

Amendment of section 12C of the principal Ordinance

3.(1) Section 12C of the principal Ordinance is amended:

(a) by inserting, immediately after paragraph (a) of subsection (1), the following paragraph:

"(aa) may be expressed to have effect so as to limit the requirement to wear seat belts to persons driving or riding in motor-vehicles on roads specified in the regulations;"

(b) by inserting, immediately after subsection (5), the following subsection:

"(5A) Except as provided by regulations, where:

- (a) a child who is under the age of 12 years and less than 150 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 in relation to which the regulations relate;"

(c) by inserting in subsection (6), immediately after the words "subsection (5)", the words "or subsection (5A)";

(d) by inserting the following subsection immediately after subsection (7):

"(7A) Regulations made under

(a) subsection (7) :

(i) may make different provision in relation to different vehicles and different circumstances;

(ii) shall include an exemption for any child holding a valid certificate signed by a medical practitioner in the Falkland Islands or in an approved country to the effect that it is inadvisable on medical grounds for him to wear a seat belt; or

(iii) may be expressed to have effect so as to limit the requirement for children to wear seat belts to children riding in motor vehicles on roads specified in the regulations;

(b) subsection (2) or (7) may authorise the wearing of a seat belt approved under the law of any country outside the Falkland Islands";

(e) by inserting the following subsection immediately after subsection (8):

"(8A) In this section:

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

"maximum laden weight" in relation to a vehicle means the weight which the vehicle is designed or adapted not to exceed when in normal use and travelling on a road laden;

"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 design speed exceeding 25 kilometres per hour;
and
- (e) has a maximum laden weight not exceeding 3.5 tonnes".

Passed by Legislature of the Falkland Islands this 24th November 1995.

C. de Ceballos,
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. de Ceballos,
Clerk of Councils.

ELIZABETH II



Colony of the Falkland Islands

DAVID EVERARD TATHAM, C.M.G.,
Governor.

The Firearms and Ammunition (Amendment) Ordinance 1995

(No: 17 of 1995)

ARRANGEMENT OF PROVISIONS

Section

1. Short title
2. Amendment of the principal Ordinance

Schedule

ELIZABETH II



Colony of the Falkland Islands

DAVID EVERARD TATHAM, C.M.G.,
Governor.

The Firearms and Ammunition (Amendment) Ordinance 1995

(No: 17 of 1995)

An Ordinance

(assented to: 12 December 1995)

(commencement: on publication)

(published: 21 December 1995)

To amend the Firearms Ordinance 1987

ENACTED by the Legislature of the Falkland Islands as follows -

Short title

1. This Ordinance may be cited as the Firearms and Ammunition (Amendment) Ordinance 1995.

Amendment of the principal Ordinance

2.(1) In this Ordinance, "the principal Ordinance" means the Firearms and Ammunition Ordinance 1987.

(2) The principal Ordinance is amended in the manner specified in the Schedule to this Ordinance.

THE SCHEDULE

(section 2(2))

Amendment of the principal Ordinance

General

1. In the subsequent paragraphs of this Schedule, a reference to a section is a reference to the section of that number of the principal Ordinance.

Amendment of section 4

2. Section 4 is amended by the addition of the following subsection -

"(9) Nothing in the foregoing provisions of this section shall be deemed to require a licence to possess an airgun".

Amendment of section 12

3. Section 12 is amended by the addition of the following subsection -

"(5) Nothing in the foregoing provisions of this section applies to airguns".

Amendment of section 13

4. Section 13 is amended by the addition of the following subsection -

"(5) A licence under this section is not required for a person to hold an airgun or ammunition for an airgun, but such a licence is required for the manufacture of an airgun or of any ammunition for an airgun".

Amendment of section 14

5. Section 14 is amended by the insertion, immediately after the words "any firearm", of the words "other than an airgun".

Amendment of section 16

6. Section 16 is amended by the insertion, immediately after subsection (1), of the following subsection -

"(1A) Subsection (1) shall not apply in relation to the sale transfer or parting with possession of an airgun to a person of the age of 14 years or more, but shall otherwise have effect as if a firearm licence were required for a person to possess an airgun".

Amendment of section 17

7. Section 17 is amended by the addition of the following words at the end of the section-

"but, subject to sections 18 and 19, it shall be unlawful for any person to lend an airgun or supply any ammunition for an airgun to any person under the age of 14 years".

Amendment of section 18

8. Section 18(2) is repealed and is replaced by the following new subsection (2) -

"(2) It is unlawful for a person under the age of 14 years to possess or use an airgun or to possess or use any ammunition for an airgun except in the presence and under the actual supervision of his parent or guardian or some other person of the age of 21 years or more who is bona fide in charge of him".

Amendment of section 25

9. Section 25(1) is amended by the insertion after the word "discharge" of the words "or without reasonable excuse possess".

Passed by the Legislature of the Falkland Islands this 24th November 1995.

C. de CEBALLOS,
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. de CEBALLOS
Clerk of Councils.

ELIZABETH II



Colony of the Falkland Islands

DAVID EVERARD TATHAM, C.M.G.,
Governor.

The Pensions (Amendment) Ordinance 1995

(No: 18 of 1995)

ARRANGEMENT OF PROVISIONS

Section

1. Short title and commencement
2. Interpretation
3. Repeal of section 6(2) of the principal Ordinance
4. Amendment of the Pension Regulations

ELIZABETH II



Colony of the Falkland Islands

DAVID EVERARD TATHAM, C.M.G.,
Governor.

The Pensions (Amendment) Ordinance 1995

(No: 18 of 1995)

An Ordinance

(assented to: 12 December 1995)

(commencement: 1st January 1995)

(published: 21 December 1995)

To amend the Pensions Ordinance

ENACTED by the Legislature of the Falkland Islands as follows -

Short title and commencement

1. This Ordinance may be cited as the Pensions (Amendment) Ordinance and shall be deemed to have come into force on 1st January 1995.

Interpretation

2. In this Ordinance, "the principal Ordinance" means the Pensions Ordinance 1965.

Repeal of section 6(2) of the principal Ordinance

3. Section 6(2) of the principal Ordinance is repealed.

Amendment of the Pension Regulations

4. The Pension Regulations (which constitute the Schedule to the principal Ordinance) are amended by the addition of the following paragraph to regulation 15 (which makes provision for a break of a person's service as a public officer to be disregarded in certain circumstances) -

"(3) Where a person who is or was a pensionable officer ("the secondee") is, under the provisions of arrangements approved for the purposes of this paragraph by the mt1.50"

Governor in Council, with the consent of the seconded to the service of an employer in the Falkland Islands or elsewhere, and whether or not upon terms that the seconded's emoluments during such service on secondment will continue to be paid to the seconded by the Government of the Colony, the period of time spent by the seconded in such service on secondment shall, notwithstanding regulation 14(3) and unless the Governor in Council otherwise directs, be regarded as qualifying service and as pensionable service".

Passed by the Legislature of the Falkland Islands this 24th November 1995.

C. de CEBALLOS,
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. de CEBALLOS,
Clerk of Councils.

ELIZABETH II



Colony of the Falkland Islands

DAVID EVERARD TATHAM, C.M.G.,
Governor.

The Access to Health Records Ordinance 1995

(No: 19 of 1995)

ARRANGEMENT OF PROVISIONS

Section

1. Short title and commencement and application.
2. Interpretation.
3. Right of access to health records.
4. Cases where right of access may be wholly excluded.
5. Cases where right of access may be partially excluded.
6. Correction of inaccurate health records.
7. Applications to the court.
8. Avoidance of certain contractual terms.

ELIZABETH II



Colony of the Falkland Islands

DAVID EVERARD TATHAM, C.M.G.,
Governor.

The Access to Health Records Ordinance 1995

(No: 19 of 1995)

An Ordinance

(assented to: 12 December 1995)
(commencement: 1st January 1996)
(published: 21 December 1995)

To establish a right of access to health records by the individuals to whom they relate and other persons; to provide for the correction of inaccurate health records and for the avoidance of certain contractual obligations; and for connected purposes

ENACTED by the Legislature of the Falkland Islands as follows -

Preliminary

Short title and commencement and application (1990 c.23 ss.2(4) & 12)

1.(1) This Ordinance may be cited as the Access to Health Records Ordinance 1995 and comes into force on 1 January 1996.

(2) The provisions of this Ordinance apply in relation to health professionals in the public service of the Crown in right of its Government of the Falkland Islands as they apply in relation to other health professionals.

Interpretation (1990 c.23 ss.1, 2(1) and 11)

2.(1) In this Ordinance -

"application" means an application in writing and "apply" shall be construed accordingly;

"care" includes examination, investigation, diagnosis and treatment;

"child" means an individual who has not yet attained the age of sixteen years;

"health record" means a record which -

(a) consists of information relating to the physical or mental health of an individual who can be identified from that information, or from that and other information in the possession of the holder of the record; and

(b) has been made by or on behalf of a health professional in connection with the care of that individual,

but does not include any record which consists of information of which the individual is, or but for any exemption would be, entitled to be supplied with a copy under section 11 of the Data Protection Ordinance 1995;

"health professional" has the meaning given by subsection (2) of this section;

"holder" in relation to a health record, means -

(a) in the case of a record, not being one relating to dental health, made by a health professional employed by the Crown in right of its Government of the Falkland Islands or at the King Edward VII Memorial Hospital, the Chief Medical Officer;

(b) in the case of a record relating to dental health made by a health professional employed by the Crown in right of its Government of the Falkland Islands or at the King Edward VII Memorial Hospital, the Government Dental Officer, or if there be more than one officer so described, the more or most senior of such officers;

(c) in any other case, the health professional by or on whose behalf the record is held;

"information", in relation to a health record, includes any expression of opinion about the patient;

"make", in relation to such a record, includes compile;

"parental responsibility" has the same meaning as in the Children Ordinance 1994;

"patient", in relation to a health record, means the individual in connection with whose care the record has been made.

(2) In this Ordinance "health professional" means any of the following -

(a) a registered medical practitioner;

(b) a registered dentist;

(c) an optician, chiropodist, clinical psychologist, child psychotherapist, dietitian, occupational therapist, orthoptist, physiotherapist or speech therapist engaged by the Crown in right of its Government of the Falkland Islands under a contract of service or a contract for services;

(d) a registered midwife.

Main provisions

Right of access to health records (1990 c.23 2.3)

3.(1) An application for access to a health record, or to any part of a health record, may be made to the holder of the record by any of the following -

- (a) the patient;
- (b) a person authorised in writing to make application on the patient's behalf;
- (c) where the patient is incapable of managing his own affairs, any person appointed by a court to manage those affairs; and
- (d) where the patient has died, the patient's personal representative and any person who may have a claim arising out of the patient's death.

(2) Subject to section 4, where an application is made under subsection (1) of this section the holder shall, within the requisite period, give access to the record, or the part of the record, to which the application relates -

- (a) in the case of a record, by allowing the applicant to inspect the record or, where section 5 applies, an extract setting out so much of the record as is not excluded by that section;
- (b) in the case of part of a record, by allowing the applicant to inspect an extract setting out that part or, where that section applies, so much of that part as is not so excluded; or
- (c) in either case, if the applicant so required, by supplying him with a copy of the record or extract.

(3) Where any information is contained in a record or extract which is so allowed to be inspected, or a copy of which is so supplied, is expressed in terms which are not intelligible without explanation, an explanation of those terms shall be provided with the record or extract, or supplied with the copy.

(4) No fee shall be required for giving access under subsection (2) other than the following -

- (a) where access is given to a record, or part of a record, none of which was made after the period of 40 days immediately preceding the date of application, a fee not exceeding the maximum prescribed under section 11 of the Data Protection Ordinance 1995; and
- (b) where a copy of a record or extract is supplied to the applicant, a fee not exceeding the cost of making the copy and (where applicable) the cost of posting it to him.

(5) For the purposes of subsection (2) of this section the requisite period is -

(a) where the application relates to a record, or part of a record, none of which was made before the period of 40 days immediately preceding the date of the application, the period of 21 days beginning with that date;

(b) in any other case, the period of 40 days beginning with that date.

(6) Where -

(a) an application under subsection (1) of this section does not contain sufficient information to enable the holder of the record to identify the patient or, in the case of an application made otherwise than by the patient, to satisfy himself that the applicant is entitled to make the application; and

(b) within the period of 14 days beginning with the date of the application, the holder of the record requests the applicant to furnish him with such further information as he may reasonably require for that purpose,

subsection (5) shall have effect as if for any reference to that date there were substituted a reference to the date on which that further information is so furnished.

Cases where right of access may be wholly excluded (1990 c.23 s.4)

4.(1) Where an application is made under section 3(1)(a) or (b) and the patient is a child, access shall not be given under section 3(2) unless the holder of the record is satisfied that the patient is capable of understanding the nature of the application.

(2) Where an application is made under section 3(1)(c), access shall not be given under section 3(2) unless the holder of the record is satisfied either -

(a) that the patient has consented to the making of the application; or

(b) that the patient is incapable of understanding the nature of the application and the giving of access would be in his best interests.

(3) Where an application is made under section 3(1)(e), access shall not be given under section 3(2) of that section if the record includes a note, made at the patient's request, that he did not want access to be given on such an application.

Cases where right of access may be partially excluded (1990 c.23 s.5)

5.(1) Access shall not be given under section 3(2) to any part of a health record -

(a) which in the opinion of the holder of the record, would disclose -

(i) information likely to cause serious harm to the physical or mental health of the patient or any other individual; or

(ii) information relating to or provided by an individual, other than the patient, who could be identified by that information;

(b) which was made before the commencement of this Ordinance.

(2) Subsection (1)(a)(ii) shall not apply -

(a) where the individual concerned has consented to the application; or

(b) where that individual is a health professional who has been involved in the care of the patient;

and subsection (1)(b) shall not apply where and to the extent that, in the opinion of the holder of the record, the giving of access is necessary in order to make intelligible any part of the record to which access is required to be given under section 3(2) of this Ordinance.

(3) Where an application is made under section 3(1)(c) or (d), access shall not be given under section 3(2) to any part of the record which, in the opinion of the holder of the record, would disclose -

(a) any information provided by the patient in the expectation that it would not be disclosed to the applicant; or

(b) information obtained as a result of any examination or investigation to which the patient consented in the expectation that the information would not be so disclosed.

(4) Where an application is made under section 3(1)(d), access shall not be given under section 3(2) to any part of the record which, in the opinion of the holder of the record, would disclose information which is not relevant to any claims which may arise out of the patient's death.

(5) The Governor may by regulations provide, that, in such circumstances as may be prescribed by the regulations, access shall not be given under section 3(2) to any part of a health record which satisfies such conditions as may be so prescribed.

Correction of inaccurate health records (1990 c.23 s.6)

6.(1) Where a person considers that any information contained in a health record, or any part of a health record, to which he has been given access under section 3(2) of this Ordinance, is inaccurate he may apply to the holder for the necessary correction to be made.

(2) On an application under subsection (1), the holder of the record shall -

(a) if he is satisfied that the information is inaccurate, make the necessary correction;

(b) if he is not so satisfied, make in the part of the record in which the information is contained a note of the matters in respect of which the information is considered by the applicant to be inaccurate; and

(c) in either case, without requiring any fee, supply the applicant with a copy of the correction or note.

(3) In this section, "inaccurate" means incorrect, misleading or incomplete.

Supplemental

Applications to the court (1990 c.23 s.8)

7.(1) Subject to subsection (2) of this section, where a court is satisfied, on any application made by the person concerned within such period as may be prescribed by rules of the court, that the holder of a health record has failed to comply with any requirement of this Ordinance, the court may order the holder to comply with that requirement.

(2) The court shall not entertain an application under subsection (1) unless it is satisfied that the applicant has taken all such steps to secure compliance with the requirement as may be prescribed by regulations made by the Governor.

(3) For the purposes of subsection (2), the Governor may by regulations require the holders of health records to make such arrangements for dealing with complaints that they have failed to comply with requirements of this Ordinance as may be prescribed by the regulations.

(4) For the purpose of determining any question whether an applicant is entitled to be given access under section 3(2) of this Ordinance to any health record, or any part of a health record, the court -

(a) may require the record or part of it to be made available for its own inspection; but

(b) shall not, pending determination of that question in the applicant's favour require the record or part to be disclosed to him or his representatives whether by discovery or otherwise.

(5) The jurisdiction conferred by this section shall be exercisable by the Supreme Court or the Magistrate's Court.

Avoidance of certain contractual terms (1990 c.23 s.9)

8. Any term or condition of a contract is void in so far as it purports to require an individual to supply any other person with a copy of a health record, or of an extract of a health record, to which he has been given access under section 3(2) of this Ordinance.

Passed by the Legislature of the Falkland Islands this 24th November 1995.

C. de CEBALLOS,
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. de CEBALLOS,
Clerk of Councils.

ELIZABETH II



Colony of the Falkland Islands

DAVID EVERARD TATHAM, C.M.G.,
Governor.

The Public Health (Amendment) Ordinance 1995

(No: 20 of 1995)

ARRANGEMENT OF PROVISIONS

Section

1. Short title and commencement.
2. Amendment of Public Health Ordinance.
3. Transitional.

Schedule

ELIZABETH II



Colony of the Falkland Islands

DAVID EVERARD TATHAM, C.M.G.,
Governor.

The Public Health (Amendment) Ordinance 1995

(No: 20 of 1995)

An Ordinance

(assented to: 12 December 1995)

(commencement: 1 January 1996)

(published: 21 December 1995)

To amend the Public Health Ordinance.

ENACTED by the Legislature of the Falkland Islands as follows -

Short title and commencement

1. This Ordinance may be cited as the Public Health (Amendment) Ordinance 1995 and shall come into force on 1st January 1996 or such earlier date as may be notified by the Governor by notice published in the *Gazette*.

Amendment of Public Health Ordinance (*Cap.54 Laws of the Falkland Islands, 1950 Edition*)

2. The Schedule to this Ordinance shall have effect.

Transitional

3.(1) Any notice or order or other action given, made, taken or authorised by the Board of Health (which by virtue of the amendments to the Public Health Ordinance having effect by virtue of section 2 of this Ordinance is replaced by the Health and Medical Services Committee) shall continue to be as valid and effectual for all purposes as if this Ordinance had been in force at the relevant time and the notice, order or other action had been given, made, taken or authorised by the Health and Medical Services Committee.

(2) Any legal proceedings by or against the Board of Health or to which the Board of Health was party, and which were not finally concluded before the commencement of this Ordinance shall continue thereafter with the substitution of the Health and Medical Services Committee as a party in place of the Board of Health and all rights and obligations of the Board of Health against or towards any other person shall on the commencement of this Ordinance become the rights and obligations of the said Committee and be enforceable by or against the said Committee to the same extent as they would have been enforceable by or against the Board of Health.

(3) Any property vested in the Visiting Committee (which is abolished on the commencement of this Ordinance by paragraph 4 of the Schedule) shall on the commencement of this Ordinance continue to be held as trustees by the persons who then constituted the Visiting Committee subject to the same trusts rights and obligations (if any) as the Visiting Committee held the same immediately before the commencement of this Ordinance, with power for the Governor acting in his discretion, if the number of such trustees ordinarily resident in the Falkland Islands shall at any time fall below three by instrument under his hand to appoint as often as may be necessary a new trustee of the said property in place of any deceased trustee or person ceasing to be so resident or trustee who has resigned or relinquished his office as trustee. Save as provided in this subsection, the ordinary law of the Falkland Islands in relation to charitable trusts shall apply in relation to the trust.

THE SCHEDULE

Preliminary

1. In this Schedule, every reference to a section is a reference to a section of the Public Health Ordinance.

Establishment of Health and Medical Services Committee

2. Section 2 is repealed and is replaced by the following new section 2-

"The Health and Medical Services Committee

2(1) There shall be a Health and Medical Services Committee consisting of seven members of whom the Chief Medical Officer and Deputy Chief Medical Officer shall, *ex officio*, be members

(2) The Governor shall appoint five persons to be members of the Committee and of the members so appointed-

(a) two at least shall be elected members of the Legislative Council nominated by the elected members of that Council; and

(b) one of whom shall be a person nominated by the Commander British Forces.

Each of the appointed members shall, subject to this section, be a member of the Committee for such period as shall be specified in the instrument of his appointment, but nothing in this subsection shall be construed as preventing the re-appointment of a member of the Committee on the expiry of his period of appointment.

(3) The Governor shall appoint one of the members of the Committee who is an elected member of the Legislative Council to be the chairman of the Committee. In the absence of that member from any meeting of the Committee or any part of any such meeting, the chair shall be taken by the other member of the Committee who is an elected member of the Legislative Council, if present, and, if he is not present, by a public officer who is a member of the Committee.

(4) The Committee shall not transact any business, except to adjourn, if there are not present at least three members of the Committee.

(5) An appointed member of the Committee ceases to be a member of the Committee on the first to occur of the following events-

(a) in the case of a member of the Committee who is an elected member of the Legislative Council, subject to subsection (6), ceasing to be an elected member of the Legislative Council;

(b) the delivery to the Governor of the member's resignation in writing from that appointment;

(c) being imprisoned in respect of an offence of which he has been convicted in the Falkland Islands;

(d) being adjudicated bankrupt;

(e) being found by a court in the Falkland Islands to be of unsound mind;

(f) his appointment being revoked by the Governor; and

(g) without prejudice to re-appointment, on the expiry of the period for which he was appointed.

(6) Where a person who is an elected member of the Legislative Council would otherwise cease to be a member of the Committee only by reason of the dissolution of the Legislative Council, he shall continue to be a member of the Committee until the Legislative Council first meets after such dissolution or the occurrence, in relation to him, of one of the events mention in paragraphs (b) to (f) of subsection (4), whichever first occurs.

(7) In this section and, unless the context requires, in every subsequent provision of this Ordinance, "the Committee" means the Committee established by subsection (1) of this section.

(8) In this section, every reference to the Chief Medical Officer includes a reference to any person who is for the time being acting as Chief Medical Officer."

Functions, meetings and procedure etc. of Committee

3. Sections 3,4 and 5 are repealed and replaced by the following sections-

"Functions of the Committee

3. The Committee shall have the following functions-

(a) to discharge the functions conferred on it by this and any other Ordinance;

(b) to advise the Governor, the Chief Medical Officer and other public officers in relation to policy matters arising in relation to the administration and operation of the King Edward VII Memorial Hospital, Stanley, the medical and dental services provided by the Government of the Falkland Islands, the physical and mental health and of the people of the Falkland Islands, (including without prejudice to the generality of the foregoing, community health services and the health and welfare of children and the elderly) or environmental health matters;

(c) such other functions as it may be requested by the Governor to perform or discharge.

Meetings and procedure of Committee

4.(1) The Committee shall meet from time to time as may be determined by the Chairman to be necessary for the proper discharge of its functions.

(2) The Committee shall appoint a public officer to be Secretary to the Committee. It shall be the duty of the Secretary to attend meetings of the Committee, to take and prepare minutes of its proceedings and to have custody of the Committee's papers.

(3) A copy of the minutes of every meeting of the Committee shall be forwarded as soon as practicable after the meeting to the Governor and to the Chief Executive.

(4) Any person may, with the permission of the Committee, attend during the whole or part of any meeting of the Committee and may, with such permission, speak in relation to any matter at any such meeting, but he shall not vote in relation to any matter coming before the Committee.

(5) Except as otherwise provided by this or any other Ordinance, the Committee may determine its own procedure.

Sub-committees of the Committee

5. (1) The Committee may from time to time constitute, and may from time to time dissolve, sub-committees of the Committee and invite and appoint persons not members of the Committee to be members of any such sub-committee. The Chief Medical Officer or if the Chief Medical Officer so nominates in relation to any particular sub-committee, the Deputy Chief Medical Officer, shall *ex officio* be a member of every such sub-committee.

(2) The functions of any sub-committee of the Committee shall be such, not being beyond the limits of the functions of the Committee itself, as the Committee may determine and the number of members of each sub-committee, and its quorum, shall be such as the Committee shall determine.

(3) The Committee shall appoint at least one member of the Committee, in addition to the Chief Medical Officer or Deputy Chief Medical Officer, to be a member of any sub-committee constituted by the Committee.

Minutes, meetings etc. of sub-committees

5A.(1) Minutes of the meetings of a sub-committee constituted under section 5 shall be kept by a person appointed by the sub-committee and a copy of the minutes of the meeting of every sub-committee shall be forwarded to the Secretary of the Committee.

(2) Subject to any directions given by the Committee, a sub-committee shall meet as often as may be determined by the chairman of the sub-committee as being necessary for the proper discharge of the sub-committee's functions and, subject to the provisions of this and any other Ordinance and to any such directions, the procedure of a sub-committee shall be such as the sub-committee may determine.

(3) Section 4(4) applies, with the necessary adaptations, to sub-committees as it does to the Committee."

Repeal of sections 52,53 and 54

4. Sections 52, 53, and 54 are repealed.

General

5. In sections 6 to 51 the words "Board of Health" and "the Board" are replaced wherever they appear by the words "the Committee" and the words "the Senior Medical Officer" wherever they appear in those sections are replaced by the words "the Chief Medical Officer".

Passed by the Legislature of the Falkland Islands this 24th day of November 1995.

C. de CEBALLOS,
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. de CEBALLOS,
Clerk of Councils.

ELIZABETH II



Colony of the Falkland Islands

DAVID EVERARD TATHAM, C.M.G.,
Governor.

**The Supplementary Appropriation (1995-1996)
(No. 2) Ordinance 1995**

(No: 21 of 1995)

ARRANGEMENT OF PROVISIONS

Section

1. Short title.
2. Appropriation of further sums.

First Schedule

Second Schedule

ELIZABETH II



Colony of the Falkland Islands

DAVID EVERARD TATHAM, C.M.G.,
Governor.

The Supplementary Appropriation (1995-1996)(No 2) Ordinance 1995

(No: 21 of 1995)

An Ordinance

(assented to: 11 December 1995)
(commencement: on publication)
(published: 21 December 1995)

To appropriate and authorise the withdrawal from the Consolidated Fund of additional sums totalling £371,100 for the service of the financial year ending 30 June 1996.

ENACTED by the Legislature of the Falkland Islands as follows:

Short title

1. This Ordinance may be cited as the Supplementary Appropriation (1995-1996) (No. 2) Ordinance 1995.

Appropriation of further sums

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 1995 and ending on 30 June 1996 ("the financial year") -

(a) the sum of THIRTY SIX THOUSAND ONE HUNDRED POUNDS which sum is granted and shall be appropriated to replenish the Contingencies Fund in respect of advances authorised to be issued therefrom for the purposes of the Heads of Service mentioned in the first Schedule hereto and which will come into course of payment during the financial year; and

(b) the further sum of THREE HUNDRED AND THIRTY FIVE THOUSAND POUNDS which sum is granted and shall be appropriated for the purposes of the Heads of Service mentioned in the second Schedule hereto and which will come into course of payment during the financial year.

FIRST SCHEDULE

HEAD OF SERVICE	£
PART I OPERATING BUDGET	
0300 Customs and Immigration	650
0350 Public Works	10,250
0600 Secretariat, Treasury etc.	8,200
TOTAL OPERATING EXPENDITURE	<hr/> 19,100
PART II CAPITAL BUDGET	
0950 Capital Expenditure	17,000
TOTAL SUPPLEMENTARY EXPENDITURE	<hr/> <hr/> 36,100

SECOND SCHEDULE

HEAD OF SERVICE	£
PART I OPERATING BUDGET	
0250 Education and Training	15,000
0600 Secretariat, Treasury etc.	13,900
0800 Legislature	1,100
TOTAL OPERATING EXPENDITURE	<hr/> 30,000
PART II CAPITAL BUDGET	
0950 Capital Expenditure	305,000
TOTAL SUPPLEMENTARY EXPENDITURE	<hr/> <hr/> 335,000

Passed by the Legislature of the Falkland Islands this 24th day of November 1995.

C. de CEBALLOS,
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. de CEBALLOS,
Clerk of Councils.

ELIZABETH II



Colony of the Falkland Islands

DAVID EVERARD TATHAM, C.M.G.,
Governor.

The Lotteries (Amendment) Ordinance 1995

(No: 22 of 1995)

ARRANGEMENT OF PROVISIONS

Section

1. Short title
2. Amendment of Lotteries Ordinance (Cap. 41)

Schedule

Amendment of the Lotteries Ordinance

ELIZABETH II



Colony of the Falkland Islands

DAVID EVERARD TATHAM, C.M.G.,
Governor.

The Lotteries (Amendment) Ordinance 1995

(No: 22 of 1995)

An Ordinance

(assented to: 11 December 1995)
(commencement: on publication)
(published: 21 December 1995)

To Amend the Lotteries Ordinance (Cap. 41).

ENACTED by the Legislature of the Falkland Islands as follows:

Short title

1. This Ordinance may be cited as the Lotteries (Amendment) Ordinance 1995.

Amendment of Lotteries Ordinance (Cap. 41)

2. The Lotteries Ordinance ^(a) ('the Principal Ordinance') is amended in the manner specified in the Schedule to this Ordinance.

SCHEDULE (section 2)

AMENDMENT OF THE LOTTERIES ORDINANCE

1. Section 2 of the Principal Ordinance is amended -

(a) by adding the words "and a scratch card promotion" at the end of the definition of "Lottery" and;

(b) by including the following definition immediately after the definition of "Money"-

^(a) Cap. 41

““Scratch Card Promotion” means the distribution of prizes by means of cards or tickets which have concealed upon them details of the prizes to which the purchaser or holder of a card or ticket is entitled and which may be revealed immediately following purchase, by scratching, rubbing or tearing or otherwise, from the card or ticket”

2. Section 4 of the Principal Order is amended -

(a) by deleting the word and figure “subsection (2)” appearing in subsection (1) of that section and replacing them with the words and figures “subsections (2) and (3)”

(b) by adding the following subsection -

“(3) Subsection (1) does not apply to a scratch card promotion, but any person who intends to conduct a scratch card promotion shall -

(a) apply in writing to the Financial Secretary for a licence to do so;

(b) state in that application -

(i) the full names and addresses of all promoters;

(ii) the number and cash value of all prizes it is proposed to award;

(iii) the number of cards or tickets to be issued;

(iv) the name of the printer who will print the cards or tickets;

(v) the purchase price of each card or ticket;

(vi) the places at which it is intended to sell the cards or tickets and the full names and addresses of the individuals or persons who will be selling the cards or tickets.”

3. Section 6 of the Principal Order is amended by the addition of the following subsection -

“(7) In relation to scratch card promotions the foregoing provisions of the section shall be modified -

(a) in subsection (1) by replacing the words “on the day preceding the draw” with the words “within seven days of the close of the scratch card promotion”; and

(b) by omitting subsection (2).”

4. Section 7 of the Principal Ordinance is amended by inserting at the end of subsection (2) of that section the words “or a scratch card promotion”.

PART IV
INTERNATIONAL COOPERATION

9. High seas fishing information.
10. Exchange of information with other States.

Passed by the Legislature of the Falkland Islands this 24th day of November 1995.

C. de CEBALLOS,
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. de CEBALLOS,
Clerk of Councils.

[The body of the document contains several paragraphs of text that are extremely faint and illegible due to the quality of the scan. The text appears to be a formal report or document.]