



THE FALKLAND ISLANDS GAZETTE

PUBLISHED BY AUTHORITY

Vol. CXIII

30th January 2004

No. 1

Appointments

Kathrine Bryan, Travelling Teacher, Camp Education, Education Department, 01.01.04.
 Clare Frances Crowie, Dental Nurse, Health Services Department, 01.01.04.
 Raymond Felstead, Travelling Teacher, Camp Education, Education Department, 01.01.04.
 Wayne Gilham, Teacher, Education Department, 01.01.04.
 Mark Lennon, Teacher, Education Department, 01.01.04.
 Phyllis Mary Rendell, Director of Minerals and Agriculture, Agriculture Department and Mineral Resources, 01.01.04.
 Neil Fraser Ford, Plant Operator/Handyman, Public Works Department, 05.01.04.
 John Summers Jaffray, Plant Operator/Handyman, Public Works Department, 05.01.04.
 Phillip Kelly, Staff Nurse, Health Services Department, 21.01.04.

Michael Austin, Teacher, Education Department, 26.01.04.

Tara Caswell, Data Clerk, Taxation Office, 26.01.04.

Completion of Contracts

Shirley Adams-Leach, Teacher, Education Department, 31.12.03.

Mark David Bridges, Teacher, Education Department, 31.12.03.

Helen Theresa Forbers, Teacher, Education Department, 31.12.03.

Anne Patricia Halmshaw, Teacher, Education Department, 31.12.03.

Katherine Mary Nelson, Teacher, Education Department, 31.12.03.

Peter Johnston, Director of Agriculture, Agriculture Department, 01.01.04.

Sam George Clarke, Temporary Fisheries Observer, Fisheries Department, 09.01.04.

Re-appointments

Shirley Adams-Leach, Teacher, Education Department, 01.01.04.

Mark David Bridges, Teacher, Education Department, 01.01.04.

Helen Theresa Forbers, Teacher, Education Department, 01.01.04.

Anne Patricia Halmshaw, Teacher, Education Department, 01.01.04.

Katherine Mary Nelson, Teacher, Education Department, 01.01.04.

Resignations

Kenneth Barry Stewart, Plant Operator/Handyman, Public Works Department, 31.12.03.

Denise Christine Schophaus, Staff Nurse, Health Services Department, 07.01.04.

Marvin Thomas Clarke, Water Supervisor (Designate), Public Works Department, 16.01.04.

NOTICES

No. 1 22nd December 2003

THE EAGLE TRADING COMPANY LIMITED Company Number: 10032

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 22nd day of December 2003.

J.C. ROWLAND,
Registrar of Companies.

No. 2 22nd December 2003

JBG FALKLANDS LIMITED Company Number: 8365

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 22nd day of December 2003.

J.C. ROWLAND,
Registrar of Companies.

No. 3

5th January 2004

FALKLAND JERKY LIMITED Company Number: 10737

NOTICE IS HEREBY GIVEN that the above named company was dissolved pursuant to section 353 of the Companies Act 1948 in its application to the Falkland Islands on the 25th day of December 2003.

Dated this 5th day of January 2004.

J.C. ROWLAND,
Registrar of Companies.

No. 4

5th January 2004

LIBRA LIMITED Company Number: 10738

NOTICE IS HEREBY GIVEN that the above named company was dissolved pursuant to section 353 of the Companies Act 1948 in its application to the Falkland Islands on the 25th day of December 2003.

Dated this 5th day of January 2004.

J.C. ROWLAND,
Registrar of Companies.

No. 5

9th January 2004

J&S ROBERTSON LIMITED Company Number: 12010

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 9th day of January 2004.

J.C. ROWLAND,
Registrar of Companies.

No. 6

15th January 2004

**BRISTOWHELICOPTERS
(SOUTHATLANTIC)LIMITED
Company Number: 11221**

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 15th day of January 2004.

J.C. ROWLAND,
Registrar of Companies.

No. 7

19th January 2004

**PORT HOWARD LODGE
HOLDING COMPANY LIMITED
Company Number: 11510**

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

Dated this 19th day of January 2004.

J.C. ROWLAND,
Registrar of Companies.

No. 8

26th January 2004

INDEX OF RETAIL PRICES

The calculation of the Index for the quarter ended 31 December 2003 has now been completed.

A summary of the Index for the last four quarters is shown below:-

Date	Index	Annual % Increase	Quarter % Increase
31.03.03	108.43	2.033	1.091
30.06.03	108.13	0.111	(0.277)
30.09.03	109.04	0.581	0.842
31.12.03	109.50	2.088	0.442

D. HOWATT,
Financial Secretary.

No. 9

29th January 2004

APPLICATIONS FOR PERMANENT RESIDENCE

Notice is hereby given that the below named individuals have applied through the Principal Immigration Officer to be granted a Permanent Residence Permit by the Governor.

Any person who knows of any reason why this permit should not be granted to any applicant, should send a written and signed statement of the facts, giving grounds for their objection, to the Immigration Officer, Customs & Immigration Department, Stanley by 22 February 2004:

Anne Louise TAYLOR
Cherie Yvonne CLIFFORD (Nee JOHNSON)
Kenneth NEWTON
Miriam Ann NEWTON (Nee PILBEAM)

D. HOY,
Immigration Officer.

No. 10

29th January 2004

FALKLAND ISLANDS STATUS APPLICATIONS

Notice is hereby given that the below named individuals have applied through the Principal Immigration Officer for Falkland Islands Status to be granted to them by the Governor.

Any person who knows of any reason why such status should not be granted to any applicant, should send a written and signed statement of the facts, giving grounds for their objection, to the Immigration Officer, Customs & Immigration Department, Stanley by 22 February 2004:

Robin Eric BENJAMIN
Wendy Edith BENJAMIN (Nee THOMAS)
Heather Thelma NORMAN
Myra May PITT

D. HOY,
Immigration Officer.

Appointment of Temporary Customs Officer

Customs Ordinance 1943

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

I hereby appoint:

Cpl Samantha Jane POLLARD - A8242164

to be a temporary Customs Officer from 05 December 2003 to 05 April 2004.

R. J. KING,
Collector of Customs.



THE FALKLAND ISLANDS GAZETTE

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Vol. CXIII

27th February 2004

No. 2

Appointments

Michael William Austin, Teacher, Education Department, 28.01.04.

Jane Marie Felle, Staff Nurse, Health Services Department, 30.01.04.

Gwenyth Ann Thomson, Senior Architectural Engineer/CAD Technician, Public Works Department, 30.01.04.

Reuben Hernan Roa, Stock Assessment Scientist, Fisheries Department, 31.01.04.

Margaret Ann Hewitt, Auxiliary Nurse, Health Services Department, 01.02.04.

Shona Marguerite Strange, Customs/Immigration Officer, Customs and Immigration Department, 01.02.04.

Oliver Yates, Fisheries Observer, Fisheries Department, 01.02.04.

Henry James Elliot, Training Advice and Placement Officer, Training and Employment Centre, 03.02.04.

Paul Schroeder, Fisheries Observer, Fisheries Department, 04.02.04.

Completion of Contract

Sylvia Cole, Director of Education, Education Department, 31.01.04.

Re-appointment

Sylvia Cole, Director of Education, Education Department, 01.02.04.

Promotion

Kenneth Charles Gardner, from Maintenance Inspector/Surveyor, Public Works Department, to Works Manager, Public Works Department, 09.02.04.

Resignations

Kristiane Annagret Helena Thorsen, Staff Nurse, Health Services Department, 31.01.04.
 Steven Geoffrey Miller, Apprentice Mechanic, Public Works Department, 13.02.04.
 Miranda McKee, Licensing Administrative Officer, Royal Falkland Islands Police, 17.02.04.
 Barbara June Besley-Clark, Steward/Chauffeur, Government House, 27.02.04.

Retirement

Yvonne Malvina Jones, Kitchen Assistant, Health Services Department, 01.01.04.

Transfers

Gerard Alan Jaffray, from Customs/Immigration Officer, Customs and Immigration Department, to Fire Fighter, Fire and Rescue Service, 01.02.04.
 Wanda Rose Greenough, from Auxiliary Nurse, Health Services Department, to Licensing Clerk, Royal Falkland Islands Police, 16.02.04.

NOTICES

No. 11 27th January 2004

SOUTHERN COMMERCE LIMITED
Company Number: 8747

NOTICE IS HEREBY GIVEN that the above named company was dissolved pursuant to section 353 of the Companies Act 1948 in its application to the Falkland Islands on the 26th day of January 2004.

Dated this 27th day of January 2004.

J.C. ROWLAND,
Registrar of Companies.

No. 12 2nd February 2004

**APPOINTMENT OF TRUSTEES OF THE
 MEDIA TRUST**

Notice is hereby given that His Excellency the Governor has appointed the following persons to be Trustees of the Media Trust for a period of three years with effect from 2nd February 2004 -

Chris Harris
 Hulda Stewart

Dated this 2nd day of February 2004.

No. 13

3rd February 2004

EDUCATION ORDINANCE
section 57

SCHOOL TERMS FOR ACADEMIC YEAR 2004-2005*Stanley Schools*

First Term: Begins: Wednesday 1 September 2004
 Ends: Friday 3 December 2004
 Half Term from Wednesday 13 to Monday 18 October 2004 (inclusive)

Second Term: Begins: Tuesday 11 January 2005
 Ends: Friday 8 April 2005
 Half Term from Monday 28 February to Monday 7 March 2005 (inclusive)

Third Term: Begins: Tuesday 26 April 2005
 Ends: Friday 5 August 2005
 Half Term from Monday 13 to Monday 20 June 2005 (inclusive)

Recognised Camp Schools

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

Public Holidays

Peat Cutting Monday	Monday 4 October 2004
Battle Day	Wednesday 8 December 2004
Good Friday	Friday 25 March 2005
Queen's Birthday	Tuesday 21 April 2005
Liberation Day	Tuesday 14 June 2005

Travelling Teachers

Tuition takes place throughout the school year except for Public Holidays, Camp Sports Week and three additional days to be taken by arrangement with the Camp Education Supervisor.

S. COLE,
Director of Education.

3 February 2004

No. 14

3rd February 2004

FALKLANDER LIMITED
Company Number: 10453

NOTICE IS HEREBY GIVEN that the above named company was dissolved pursuant to section 353 of the Companies Act 1948 in its application to the Falkland Islands on the 3rd day of February 2004.

Dated this 3rd day of February 2004.

J.C. ROWLAND,
Registrar of Companies.

No. 15 12th February 2004

FALKLAND ISLANDS STATUS APPLICATION

Notice is hereby given that Susan Maureen Evans (Nec Higgin) has applied through the Principal Immigration Officer for Falkland Islands Status to be granted to her by the Governor.

Any person who knows of any reason why such status should not be granted, should send a written and signed statement of the facts, giving grounds for their objection, to the Immigration Officer, Customs & Immigration Department, Stanley by 22 March 2004.

D. HOY,
Immigration Officer.

No. 16 23rd February 2004

APPLICATION FOR NATURALISATION

Notice is hereby given that Ximena Ida Levican De Minto (Mrs. Minto) is applying to His Excellency the Governor for naturalisation. Any person who knows of any reason why naturalisation should not be granted is invited to send a written and signed statement of the facts to the Immigration Officer, Customs & Immigration Department, Stanley within 21 days of the date of this notice.

D. HOY,
Immigration Officer.

No. 17 23rd February 2004

FALKLAND ISLANDS STATUS APPLICATION

Notice is hereby given that Bruce Allan Wilks has applied through the Principal Immigration Officer for Falkland Islands Status to be granted to him by the Governor.

Any person who knows of any reason why such status should not be granted, should send a written and signed statement of

the facts, giving grounds for their objection, to the Immigration Officer, Customs & Immigration Department, Stanley by 19 March 2004.

D. HOY,
Immigration Officer.

No. 18 23rd February 2004

FALKLAND ISLANDS STATUS APPLICATION

Notice is hereby given that Susan Jean Wilks (Nee Luxford) has applied through the Principal Immigration Officer for Falkland Islands Status to be granted to her by the Governor.

Any person who knows of any reason why such status should not be granted, should send a written and signed statement of the facts, giving grounds for their objection, to the Immigration Officer, Customs & Immigration Department, Stanley by 19 March 2004.

D. HOY,
Immigration Officer.

No. 19 24th February 2004

STANLEY DECORATING & BUILDING SERVICES LIMITED

Company Number: 10583

NOTICE IS HEREBY GIVEN that the above named company was dissolved pursuant to section 353 of the Companies Act 1948 in its application to the Falkland Islands on the 24th day of February 2004.

Dated this 24th day of February 2004.

J.C. ROWLAND,
Registrar of Companies.



THE FALKLAND ISLANDS GAZETTE

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31st March 2004

No. 3

Appointments

Lydia Cuthbertson, Fisheries Observer, Fisheries Department, 12.03.04.
Alec Bryan McIntyre Moore, Fisheries Observer, Fisheries Department, 12.03.04.
William Edward Bowles, Handyman/Crossing Warden, Education Department, 22.03.04.
Lawrence Gilbertson, Clerk of Works, Public Works Department, 22.03.04.

Completion of Contracts

Sandra Lydia Cordes, Fisheries Observer, Fisheries Department, 31.03.04.
Andrew James Heathcock, Assistant Design Engineer, Public Works Department, 31.03.04.

Promotions

Elizabeth Rose Elliott, from Assistant Programme Controller, to Programme Controller, 01.01.04.
George William Burroughs, from Clerk of Works, to Maintenance Manager, Public Work Department, 01.03.04.

Resignations

Joanne Marie Ellick, Legal Secretary, Attorney Generals Chambers, 23.02.04.
Michael Charles Bingham, Power Station Operator, Public Works Department, 04.03.04.
Elizabeth Margaret Sutherland, Cleaner, Education Department, 19.03.04.
William Sutherland, Handyman/Crossing Warden, Education Department, 19.03.04.
Valerie Mary Tristram, Clerk, Public Service, 31.03.04.

Retirement

Margaret Claxton, Senior Draughtsperson, Public Works Department, 02.03.04.

NOTICES

No. 20 9th March 2004

CO-OPERATIVE SOCIETIES ORDINANCE

Closure of Liquidation

of

FALKLAND CO-OPERATIVE HOME INDUSTRIES LIMITED

Registered No: CO-OP3

(registration cancelled by Order dated 12 August 2003)

Take notice that the liquidation of the above-named Society has been closed.

Dated 9th March 2004.

G. J. Cripps,
Registrar of Co-operative Societies.

No. 21 22nd March 2004

THE EAGLE TRADING COMPANY LIMITED

Company Number: 10032

NOTICE IS HEREBY GIVEN that the above named company was dissolved pursuant to section 353 of the Companies Act 1948 in its application to the Falkland Islands on the 22nd day of March 2004.

Dated this 22nd day of March 2004.

J. C. ROWLAND,
Registrar of Companies.

No. 22 22nd March 2004

JBG FALKLANDS LIMITED

Company Number: 8365

NOTICE IS HEREBY GIVEN that the above named company was dissolved pursuant to section 353 of the Companies Act 1948 in its application to the Falkland Islands on the 22nd day of March 2004.

Dated this 22nd day of March 2004.

J. C. ROWLAND,
Registrar of Companies.

No. 23 22nd March 2004

FALKLAND ISLANDS STATUS APPLICATION

Notice is hereby given that Graeme John Hemming has applied through the Principal Immigration Officer for Falkland Islands

Status to be granted to him by the Governor.

Any person who knows of any reason why such status should not be granted, should send a written and signed statement of the facts, giving grounds for their objection, to the Immigration Officer, Customs & Immigration Department, Stanley by 22 April 2004.

D. HOY,
Immigration Officer.

No. 24 24th March 2004

APPLICATION FOR NATURALISATION

Notice is hereby given that James Fred Parke is applying to his Excellency the Governor for naturalisation. Any person who knows of any reason why naturalisation should not be granted is invited to send a written and signed statement of the facts to the Immigration Officer, Customs & Immigration Department, Stanley within 21 days of the date of publication of this notice.

D. HOY,
Immigration Officer.

No. 25 24th March 2004

APPLICATION FOR NATURALISATION

Notice is hereby given that Janet Margaret Parke (Nee Brownlee) is applying to his Excellency the Governor for naturalisation. Any person who knows of any reason why naturalisation should not be granted is invited to send a written and signed statement of the facts to the Immigration Officer, Customs & Immigration Department, Stanley within 21 days of the date of publication of this notice.

D. HOY,
Immigration Officer.

Customs Ordinance 1943

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

CPL A. HART - L8290065

to be a temporary Customs Officer from 23rd February 2004 to 23rd June 2004.

R. J. KING,
Collector of Customs.

Customs Ordinance 1943

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

SGT M. G. R. QUIRES - C8214821

to be a temporary Customs Officer from 11th March 2004 to 11th July 2004.

R. J. KING,
Collector of Customs.



**THE
FALKLAND ISLANDS GAZETTE
Extraordinary**

PUBLISHED BY AUTHORITY

Vol. CXIII

15th April 2004

No. 4

The following are published in this Gazette -

Register of Electors - Preliminary List 2004.

REGISTER OF ELECTORS - PRELIMINARY LIST

The Registration Officer has prepared the preliminary list of all persons who, on the qualifying date 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 (Registry, 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

Blake Lyndsay Rae
Hardcastle Brook

Deceased Electors - Stanley

Anderson Helen
Gould Arthur William
Morrison Eric George
Porter Elizabeth
Stewart David William
Vidal Eileen Nora

Electors who have changed Constituency - Camp to Stanley

Blake Anthony Thomas
Kilmartin Dinah May
Luxton Jennifer
Thorsen Carol Margaret
Thorsen David Moller

Electors who have changed Constituency - Stanley to Camp

Alazia Hazel
Jaffray Tanya Fiona
Livermore Darren

Electors who are no longer resident - Camp

Keeley John Gabriel

Electors who are no longer resident - Stanley

Davis Sharon Sandra Evelyn
Hewitt Brian
Hewitt Neil George
Hirtle Zane
Luxton Anna
Maciello Susan Ovedia Franz De
Marsh James Justin
Moffatt Kelly
Morrison Valerie Ann
McKay Melvyn Andrew
Short Matias Ricardo
Watts Amara Theresa

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

Smith Crystal Rose

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

Bowles Sarah
Finlayson Marilyn Christine
McLaren Kevin Derek Charles

Electors entitled to vote for the first time - Camp

Butler Charmaine Sarah
 Evans Tracy
 McKay Roy Derek
 Nightingale Karl Richard
 Pole-Evans Louise Suzan
 Poole Toby Raymond
 Smith John Derek

Electors entitled to vote for the first time - Stanley

Ampuero Ross Claudio Javier
 Barkman Kirsty Michelle
 Bonner Ewen Shane
 Bates James William
 Cant Philip Martin
 Ferguson Hugh
 Ford Donna Marie
 Hawksworth Ryan
 Heathcock Andrew James
 Inham Rebecca Justine
 MacDonald Andrew James
 McKee Richard Buick
 McLeod Crawford Russell
 Ross Kerri-Ann
 Sytchova Natalia Mikhaylovna
 Sytchov Vladimir
 Triggs Donna Louise
 Wilks Bruce Allan
 Wilks Susan Jean

Electors and potential electors are advised that providing a person satisfies the residential requirements of the Electoral Ordinance 1988 he or she is entitled to appear on the Electoral Register if they are a Commonwealth Citizen who has attained the age of 18 years and either: -

- (a) enjoys Falkland Islands Status; or
- (b) his/her name appeared on the register of electors for a constituency in force on 1st September 1997

A resident is defined within section 3 of the Electoral Ordinance 1988 and resident for the qualifying period is defined in section 4 (1) of the Electoral Ordinance 1988.

The Registrar General is available to give guidance of the effect of these provisions of the law.

000001	Adams	John Harvey	21 Ross Road East
000002	Adams	Marjorie Rose	21 Ross Road East
000003	Adeoye	Anneliese Rose	25 Shackleton Drive
000004	Alazia	Andrew	66 Davis Street
000005	Alazia	Anita Jayne	Government House
000006	Alazia	Freda	22 Fitzroy Road
000007	Alazia	Freda Evelyn	17 Jersey Road
000008	Alazia	James Andrew	22 Fitzroy Road
000009	Alazia	Jason Neville	Lookout Lodge
000010	Alazia	Maggie Ann	6 John Street
000011	Alazia	Sandra Marie	66 Davis Street
000012	Alazia	Stuart John	31 Fitzroy Road
000013	Alazia	Yvonne	Flat4 1A Moody Sreet
000014	Alazia-McLaughlin	Colleen	11 Fitzroy Road East
000015	Aldridge	Caroline Mary	2 H Jones Road
000016	Aldridge	Kenneth John	2 H Jones Road
000017	Aldridge	Stephen John	2 H Jones Road
000018	Allan	John	39 Ross Road
000019	Allan	Joyce Ena	39 Ross Road
000020	Allan	Michael Charles	3 Philomel Place
000021	Allan	Sarah Louise	3 Philomel Place
000022	Almonacid	Orlando	1 Villiers Sreet
000023	Anderson	Carol Anne	22 Endurance Avenue
000024	Anderson	Claudette	1 Goss Road
000025	Anderson	Eddie	22 Endurance Avenue
000026	Anderson	Elizabeth Nellie	42 Davis Street
000027	Anderson	Falkland John	Y.M.C.A
000028	Anderson	Jamie Falkland	18 Murray Heights
000029	Anderson	Margaret Kathleen	21 John Street
000030	Anderson	Mildred Nessie	8 St Marys Walk
000031	Anderson	Paul James	9 Fieldhouse Close
000032	Anderson	Reginald Stanford	18 Murray Heights
000033	Anderson	Richard Louis	88 Davis Street
000034	Anderson	Tony James	Y.M.C.A
000035	Anthony	Enid Elizabeth	6 Dairy Paddock Road
000036	Anthony	Geraldine Sylvia	FIGO
000037	Anthony	Malcolm James	9 Biggs Road
000038	Baker	Alison Margaret	Hebe Place
000039	Barkman	Kirsty Michelle	16 Fieldhouse Close
000040	Barnes	Marlene Estela	2 Watson Way
000041	Barnes	Paul	2 Watson Way
000042	Barton	Alison Mary	6 Villiers Street
000043	Barton	Arthur John	6 Villiers Street
000044	Bates	Barbara	8 Watson Way
000045	Bates	James William	8 Watson Way
000046	Battersby	Jon Alan	16 Fieldhouse Close
000047	Battersby	Margaret Mary	16 Fieldhouse Close
000048	Beckett	Vivien Delia	2 Discovery Close

000049	Benjamin	Wendy Ann	19 Callaghan Road
000050	Bermtsen	Cecilia Del Rosario	14 St Marys Walk
000051	Bermtsen	Christian Olaf Alexander	15a James Street
000052	Bermtsen	Falkland	10 Fitzroy Road
000053	Bermtsen	Gene Stanley	YMCA Stanley
000054	Bermtsen	Iain Kenneth	2 Dean Street
000055	Bermtsen	John Alexander	Felton Stream
000056	Bermtsen	Kenneth Frederick	20 Ross Road West
000057	Bermtsen	Matthew John	Lookout Lodge
000058	Bermtsen	Olaf Christian Alexander	35 Eliza Crescent
000059	Bermtsen	Patrick	10 A James Street
000060	Bermtsen	Rachel Ena	15a James Street
000061	Bermtsen	Valdamar Lars	14 St. Marys Walk
000062	Bermtsen	Valorie Marcela	30 Endurance Avenue
000063	Bertrand	Catherine Gladys	11 Ross Road East
000064	Besley-Clark	Barbara June	53 Callaghan Road
000065	Besley-Clark	Craig Norman Leigh	53 Callaghan Road
000066	Besley-Clark	Norman	53 Callaghan Road
000067	Betts	Arlette	Lafone House Ross Road East
000068	Betts	Donald William	7 Jeremy Moore Avenue
000069	Betts	Ellen Alma	21 Fitzroy Road
000070	Betts	George Winston Charles	35 Ross Road West
000071	Betts	Ian	1 Villiers Street
000072	Betts	Lucia Elizabeth	35 Ross Road West
000073	Betts	Owen	14 Fieldhouse Close
000074	Betts	Peter James	Racecourse Road Flats
000075	Betts	Priscilla Violet Morrison	14 Fieldhouse Close
000076	Betts	Severine	3 Allardyce Street
000077	Betts	Shirley Rose	7 Jeremy Moore Avenue
000078	Betts	Simon Keith	Reflections Flat Dean Street
000079	Betts	Stephen	7 Jeremy Moore Avenue
000080	Betts	Tyrone Trevor	7 Short Street
000081	Biggs	Ailie Christine	16 Endurance Avenue
000082	Biggs	Alastair Gordon	Trehayle 50 John Street
000083	Biggs	Althea Maria	3 Dairy Paddock Road
000084	Biggs	Betty Josephine	9 Moody Street
000085	Biggs	Christopher David	5 James Street
000086	Biggs	Daniel Craig	16 Endurance Avenue
000087	Biggs	Edith Joan	Trehayle 50 John Street
000088	Biggs	Frances	16 Endurance Avenue
000089	Biggs	Leslie Frederick	3 Dairy Paddock Road
000090	Biggs	Marian June	16 Jersey Road
000091	Biggs	Michael Elfed	21 Fitzroy Road
000092	Biggs	Peter Julian Basil	16 Endurance Avenue
000093	Biggs	Richard John	16 Jersey Road
000094	Binnie	Juliet Ann	33 Eliza Crescent
000095	Binnie	Linda Rose	6 Fieldhouse Close
000096	Binnie	Ronald Eric	6 Fieldhouse Close

000097	Binnie	Susan	3 Brandon Road
000098	Birmingham	John	4 Drury Street
000099	Blackley	Candy Joy	4 Barrack Street
000100	Blackley	Maurice	The Lodge Market Garden
000101	Blackley	Shane David	4 Barrack Street
000102	Blake	Alexander Charles	1 Ross Road
000103	Blake	Anthony Thomas	14 Watson Way
000104	Blake	Lionel Geoffrey	1 Ross Road
000105	Blake	Sally Gwynfa	1 Ross Road
000106	Blake	Thomas Patrick	90 Davis Street
000107	Blizard	Malvina Mary	51 Fitzroy Road
000108	Blyth	Agnes Ruth	2 Brandon Road
000109	Blyth	Paz Neri	5 St Marys Walk
000110	Bolt	Dennis John	4 Watson Way
000111	Bonner	Alan Paul	8 Pioneer Row
000112	Bonner	Angela Jane	5a Ross Road East
000113	Bonner	Avril Margaret Rose	14 Jersey Road
000114	Bonner	Ewan Shane	4 Felton Court
000115	Bonner	Hayley Trina	41 Ross Road West
000116	Bonner	Keith James	14 Jersey Road
000117	Bonner	Linda Jane	4A Ross Road West
000118	Bonner	Lindsay Jane	12 Scoresby Close
000119	Bonner	Nicholas	4A Ross Road West
000120	Bonner	Odette Ellen May	Madecosie 15 Jersey Estate
000121	Bonner	Paul Roderick	5 John Street
000122	Bonner	Richard James	14 Jersey Road
000123	Bonner	Stevie Coppell	Dolphin Cottage
000124	Bonner	Terence Leslie	Madecosie 15 Jersey Estate
000125	Bonner	Timothy	41 Ross Road West
000126	Bonner	Vera Ann	5 John Street
000127	Bonner	Vera Joan	Chaffeurs Cottage
000128	Bonner	Violet	40 Ross Road
000129	Booth	Jessie	Racecourse Cottage
000130	Booth	Myriam Margaret Lucia	7 Philomel Street
000131	Booth	Stuart Alfred	Racecourse Cottage
000132	Bound	Joan	Barrack Street
000133	Bowles	Norma Evangeline	1A Villiers Street
000134	Bowles	Sarah	9 Drury Street
000135	Bowles	William Edward	1A Villiers Street
000136	Bowles	William George Troyd	9 Drury Street
000137	Bragger	Edward Laurence	14 Jeremy Moore Avenue
000138	Bragger	Stacey John	14 Jeremy Moore Avenue
000139	Brock	Juanita Lois	Flat5 1 Jeremy Moore Ave East
000140	Brooks	Cheryl Rose	25 Callaghan Road
000141	Brooks	Peter William	25 Callaghan Road
000142	Browning	Amanda Marie	3 Dairy Paddock Road
000143	Browning	Colin George	1 Moody Street
000144	Browning	Edwina	Davis Street

000145	Browning	Henry Stanbury	Brandon Road
000146	Browning	Joan Lucy Ann	5 Villiers Street
000147	Browning	Nathan David	3 Dairy Paddock Road
000148	Browning	Rex	35 Davis Street
000149	Browning	Richard William	33 Davis Street
000150	Browning	Trevor Osneht	5 Villiers Street
000151	Brownlee	Andrew Samuel	19 Ross Road East
000152	Brownlee	Lynn Frances	19 Ross Road East
000153	Buckett	Ronald Peter	49 Fitzroy Road
000154	Buckett	Roy Peter	Jersey Road
000155	Buckett	Susan Vera	49 Fitzroy Road
000156	Buckland	Colin Michael	Lookout Lodge
000157	Buckland	Darlene Joanna	5 James Street
000158	Buckland	Peter John	9 Callaghan Road
000159	Buckley-Whitney	Helena Jane	2 Pioneer Row
000160	Budd	Dennis Raymond	5 Ian Campbell Drive
000161	Budd	Pamela Joan	5 Ian Campbell Drive
000162	Bundes	Robert John Christian	17 Fitzroy Road
000163	Burns	Mary Anne	34 Davis Street
000164	Burstón	Catherine	91 Davis Street
000165	Burston	Stephen Leslie	91 Davis Street
000166	Bury	Ian Thomas	63 Davis Street
000167	Butcher	Michael George	3A Dairy Paddock Road
000168	Butcher	Trudi	3A Dairy Paddock Road
000169	Butler	Elsie Maud	10 Thatcher Drive
000170	Butler	Frederick Lowther Edward	10 Thatcher Drive
000171	Butler	George Joseph	1A Moody Street
000172	Butler	Jonathan Jeffers	3 Jeremy Moore Avenue
000173	Butler	Laurence Jonathan	2 Davis Street East
000174	Butler	Margaret Orlanda	5 Short Street
000175	Butler	Orlanda Betty	2 Davis Street East
000176	Buxton	Nicole Gabrielle	9 Campbell Drive
000177	Cameron	Jane Diana Mary Keith	Old Bakery Fitzroy Road
000178	Cant	Carol Rosine	24 Goss Road
000179	Cant	Martin Ronald	24 Goss Road
000180	Cant	Phillip Martin	24 Goss Road
000181	Cantlie	Derek William	27 Callaghan Road
000182	Carey	Anthony Michael	19 Ross Road West
000183	Carey	Gladys	19 Ross Road West
000184	Carey	Martin Rex	21 Eliza Cove Crescent
000185	Carey	Mary Ann Margaret	18 Ross Road West
000186	Carey	Terence James	18 Ross Road West
000187	Cartwright	Stephen	39 Ross Road West
000188	Castle	David Peter	26 John Street
000189	Castle	Isobel	26 John Street
000190	Ceballos	Eulogio Gabriel	28 Endurance Avenue
000191	Chaloner	Sheila Catherine	2 Racecourse Road
000192	Chandler	Ann Beatrice	6 Biggs Road

000193	Chandler	Edward	6 Biggs Road
000194	Chapman	Helen	6 Fitzroy Road East
000195	Chapman	Paul	29 Fitzroy Road
000196	Chater	Thomas Frederick	33 Fitzroy Road
000197	Chater	William John	7 Biggs Road
000198	Cheek	Gerald Winston	9 Biggs Road
000199	Cheek	Janet Lynda	25 Ross Road West
000200	Cheek	Marie	9 Biggs Road
000201	Cheek	Rosalind Catriona	32 Goss Road East
000202	Cheeseman	Kaye Melanie	1a Capricorn Drive
000203	Cheeseman	Stanley John	Lookout Lodge
000204	Clapp	Kevin Christopher	1 Murray Heights
000205	Clark	Douglas James	53 Callaghan Road
000206	Clark	Hector	27 Eliza Crescent
000207	Clark	Jonathan Andrew	Flat 10 Jersey Road
000208	Clark	Joyce Kathleen	27 Eliza Crescent
000209	Clarke	Angela Sindy	1B Capricorn Road
000210	Clarke	Angeline Gloria	17 Scoresby Close
000211	Clarke	Camilla Marie	8 Drury Street
000212	Clarke	Christopher	5 Discovery Close
000213	Clarke	David James	17 Ross Road West
000214	Clarke	Derek Simon	23 Jeremy Moore Avenue
000215	Clarke	Doreen	17 Ross Road West
000216	Clarke	Eva Lynn	19 Jersey Road
000217	Clarke	Felicity Marie	7 Fitzroy Road
000218	Clarke	Gwynne Edwina	17 Jeremy Moore Avenue
000219	Clarke	Ian	Lookout Lodge Stanley
000220	Clarke	Isabel Joan	12 Fieldhouse Close
000221	Clarke	James Martin	3 McKay Close
000222	Clarke	Jeremy Ian Thomas	7 Fitzroy Road
000223	Clarke	Joan Patricia Marion	Flant 6, 6 Jersey Road
000224	Clarke	Jonathan Terence	17 Jeremy Moore Avenue
000225	Clarke	Joseph Gwyn	Lookout Lodge
000226	Clarke	Julie Ann	Globe Tavern
000227	Clarke	Luke Anthony	Lookout Lodge
000228	Clarke	Margaret Ann	3 H Jones Road
000229	Clarke	Marvin Thomas	7 Fitzroy Road
000230	Clarke	Ronald John	17 Ross Road West
000231	Clarke	Rudy Thomas	8 Drury Street
000232	Clarke	Suzanna	3 Ross Road West
000233	Clarke	Terence John	17 Jeremy Moore Avenue
000234	Clarke	Tracey Clare	23 Jeremy Moore Avenue
000235	Clarke	Trudi Ann	7 Fitzroy Road
000236	Clasen	Wayne Ian Summers James	17 Davis Street
000237	Clausen	Andrea Patricia	3 St Marys Walk
000238	Clausen	Denzil George Gustavius	3 St Marys Walk
000239	Clausen	Melanie	24 Murray Heights
000240	Clausen	Sophie Marina	37 Davis Street

000241	Claxton	Margaret	28 Ross Road East
000242	Clayton	Brian	Dorada
000243	Clement	Gary	9 Snake Street
000244	Clement	Jane	9 Snake Street
000245	Clement	Lee	9 Snake Street
000246	Clement	Sara Jane	10 Snake Street
000247	Clement	Wayne	10 Snake Street
000248	Cletheroe	Kenneth Stanley	45 Fitzroy Road
000249	Clifton	Darwin Lewis	53 Davis Street
000250	Clifton	Marie	6 Discovery Close
000251	Clifton	Melvyn	12 Callaghan Road
000252	Clifton	Neil	20 Davis Street
000253	Clifton	Stephen Peter	61 Fitzroy Road
000254	Clifton	Terence Charles	3 Ross Road West
000255	Clifton	Teresa Ann	12 Callaghan Road
000256	Clifton	Valerie Ann	61 Fitzroy Road
000257	Cockwell	Jennifer Marie	90 Davis Street
000258	Cockwell	John Richard	14 Ross Road West
000259	Cockwell	Maurice Adam	90 Davis Street
000260	Cockwell	Samuel George	14 Ross Road West
000261	Cofre	Anya Evelyn	1 Brandon Road West
000262	Cofre	Elvio Miguel	1 Brandon Road West
000263	Collins	Shiralee	14 Jersey Road
000264	Connolly	Kevin Barry	1 King Street
000265	Coombe	Robert Dean	12 Ross Road West.
000266	Cotter	Caroline Jane	9 Jeremy Moore Avenue
000267	Cotter	Jacqueline Ann	9 Jeremy Moore Avenue
000268	Cotter	Mary Jane	9 Jeremy Moore Avenue
000269	Cotter	Timothy Stewart	9 Jeremy Moore Avenue
000270	Courtney	Anthony Clive	30 Goss Road
000271	Courtney	Julie	30 Goss Road
000272	Coutts	Charles	12 Endurance Avenue
000273	Coutts	Charles Lindsay	33 Ross Road
000274	Coutts	Elsbeth Alice	12 Endurance Avenue
000275	Coutts	John	36 Ross Road West
000276	Coutts	Olga	33 Ross Road
000277	Coutts	Peter	13 Campbell Drive
000278	Crabb	Elizabeth Ann	34a Davis Street
000279	Crawford	May Doreen	3 Goss Road
000280	Crawford	Russell McLeod	3 Goss Road
000281	Cross	Doreen Helen	2a Racecourse Road
000282	Crowie	Alan John	72 Davis Street
000283	Crowie	Ana Bonita	72 Davis Street
000284	Crowie	Clare Frances	35 Callaghan Road
000285	Crowie	David Martin	Lookout Lodge
000286	Crowie	David Sean	51 Callaghan Road
000287	Crowie	Michelle	1 Discovery Close
000288	Crowie	Nicola Jane	35 Callaghan Road

000289	Crowie	Peter James	35 Callaghan Road
000290	Crowie	Robert John	35 Callaghan Road
000291	Crowie	Roxanne	72 Davis Street
000292	Curtis	Alfred William Hamilton	6 Brandon Road West
000293	Curtis	Barbara Annette Hamilton	37 Ross Road East
000294	Curtis	Barbara Joan	6 Brandon Road West
000295	Curtis	Bonnie Elizabeth Hamilton	6 Brandon Road West
000296	Curtis	James William Hamilton	6 Ross Road
000297	Davies	Anthony Warren	7 Callaghan Road
000298	Davies	Christine Susan	8 Fitzroy Road East
000299	Davies	Colin George	15 Ross Road West
000300	Davies	Eileen Wynne	15 Ross Road West
000301	Davies	Jacqueline Nancy	7 Callaghan Road
000302	Davies	Sian Karen	7 Callaghan Road
000303	Davies	William	8 Fitzroy Road East
000304	Davis	Ellen Rose	39 Davis Street
000305	Davis	Maurice	39 Davis Street
000306	Davis	Roy George Victor	6 Narrows View
000307	Davis	Yona	37 Davis Street
000308	Davy	Patrick Alex Field	Flat3 3 Jeremy Moore Ave East
000309	Dent	Janice Vanessa	16 Scoresby Close
000310	Dent	Stephen John	16 Scoresby Close
000311	Desborough	Gladys Malvina	14 Allardyce Street
000312	Dickson	Caroline Christine Bird	108 Davis Street
000313	Dickson	Michael Keith	Davis Street
000314	Dickson	Steven Charles	14 Endurance Avenue
000315	Didlick	Fiona Margaret	13 Jeremy Moore Avenue
000316	Didlick	Graham John	13 Jeremy Moore Avenue
000317	Didlick	Imogen Fiona	13 Jeremy Moore Avenue
000318	Didlick-Smith	Rhiannon Elinore	13 Jeremy Moore Avenue
000319	Diggle	Jean Katherine	12 Jersey Road
000320	Diggle	Roger John	12 Jersey Road
000321	Dobbynys	Kathleen Gay	60 Davis Street
000322	Dodd	Alison	1 Pioneer Row
000323	Dodd	Nigel Keith	1 Pioneer Row
000324	Doherty	Ian	2 Brisbane Road
000325	Donnelly	Derek	38 Ross Road East
000326	Drysdale	Karen Margaret	1 Watson Way
000327	Duncan	Delsha Vanessa Jane	Flat 3 30 Jersey Road
000328	Duncan	Doreen	Tenacres
000329	Duncan	Peter Ree Howard	K.E.M.H
000330	Duvall	Kenneth William	51 Callaghan Road
000331	Eagle	Sonia Ellen	12 St Mary's Walk
000332	Earnshaw	Jacqueline Elizabeth	37 Ross Road West
000333	East	Justin Clive Richard	1 Fieldhouse Close
000334	East	Michelle Jane	1 Fieldhouse Close
000335	Eccles	Bernard Leslie	18 Jeremy Moore Avenue
000336	Eccles	Moira Cameron	18 Jeremy Moore Avenue

000337	Edwards	Emma Jane	41 Ross Road East.
000338	Ellick	Joanne Marie	11 McKay Close
000339	Ellick	Nicholas Charles	11 McKay Close
000340	Elliot	Elizabeth Rose	15 Callaghan Road
000341	Elliot	Henry James	15 Callaghan Road
000342	Ellis	Cyril	24 Ross Road East
000343	Ellis	Lucy	11 James Street
000344	Ellis	Paul	43 John Street
000345	Ellis	Sally Jean	43 John Street
000346	Ellis	Valerie	24 Ross Road East
000347	Elsby	Barry	Moody Brook House
000348	Eriksen	Fiona Alison	5 Racecourse Road
000349	Evans	Gladys Alberta	6 Barrack Street
000350	Evans	Michelle Paula	Murray Heights
000351	Evans	Russell	6 Barrack Street
000352	Evans	Susan Maureen	45 Ross Road East
000353	Ewing	Gordon	4 Jeremy Moore Avenue
000354	Ewing	Irene	4 Jeremy Moore Avenue
000355	Eynon	Carol	8 Villiers Street
000356	Eynon	David John	8 Villiers Street
000357	Faria	Mary Ann	6A Jeremy Moore Avenue
000358	Faria	Paul	3a Brisbane Road
000359	Faria	Susana Caroline Bermtsen	3a Brisbane Road
000360	Felton	Violet Regina Margaret	German Camp Callaghan Road
000361	Felton	Walter Arthur	Sheltered Housing
000362	Ferguson	Ellen Rose	51 Callaghan Road
000363	Ferguson	Finlay James	51 Callaghan Road
000364	Ferguson	Hugh	3 Racecourse Road
000365	Ferguson	John William	47 Ross Road East
000366	Ferguson	Marie Anne	2 Davis Street
000367	Ferguson	Robert John	4 Capricorn Road
000368	Ferguson	Rose	Flat7 1 Jeremy Moore Ave East
000369	Ferguson	Sian	47 Ross Road East
000370	Ferguson	Stephanie Janet	47 Ross Road East
000371	Ferguson	Thelma	4 Capricorn Road
000372	Fiddes	Douglas Graham	Moody Brook
000373	Fiddes	Gardner Walker	3 Watson Way
000374	Fiddes	Julia Bertrand	Moody Brook
000375	Fiddes	Mary McKinnon Livingstone	4 Moody Street
000376	Fiddes	Melody Christine	3 Watson Way
000377	Fiddes	Robert	4 Moody Street
000378	Finlayson	Barry Donald	3 Capricorn Road
000379	Finlayson	Iris Heather	3 Capricorn Road
000380	Finlayson	Marc Ian	Y.M.C.A
000381	Finlayson	Marilyn Christine	24 James Street
000382	Finlayson	Peter	24 James Street
000383	Finlayson	Phyllis	6 Brandon Road
000384	Finn	Natalie Anne	9 Eliza Cresent

000385	Fisher-Smith	Julie Anne	8 Fieldhouse Close
000386	Floyd	Amanda Susan	4b Ross Road West
000387	Floyd	Michael	7 Pitaluga Place
000388	Floyd	Michael Anthony	7 Pitaluga Place
000389	Floyd	Steven Paul	7 Pitaluga Place
000390	Fogerty	Richard Edwin John	Stone Cottage
000391	Ford	Alison Jane Marie	5 Jersey Road
000392	Ford	Arthur Henry	6 Drury Street
000393	Ford	Cara Michelle	5 Philomel Place
000394	Ford	Christopher James	12 Davis Street
000395	Ford	Colin Stewart	15 Kent Road
000396	Ford	Colleen Mary	Lady Hunt House John Street
000397	Ford	Darrel	1 James Street
000398	Ford	David	1 Davis Street
000399	Ford	Deborah	26 Shackleton Drive
000400	Ford	Donna Marie	24 James Street
000401	Ford	Frederick James	Lady Hunt House John Street
000402	Ford	Gerard Allan	Flat 1 3 Jeremy Moore Avenue
000403	Ford	Jonathan	3 Pitaluga Place.
000404	Ford	Julie Ann	3 Pitaluga Place.
000405	Ford	Leann Caroline	15 Kent Road
000406	Ford	Leonard	5 Jersey Road
000407	Ford	Marvyn Neil	Lookout Lodge
000408	Ford	Michael	82 Davis Street
000409	Ford	Paul Edward	2 Philomel Place
000410	Ford	Robert	1 Davis Street
000411	Ford	Simon	1 James Street
000412	Ford	Tanya Louise	24 James Street
000413	Forrest	Jennifer Carol	16 Kent Road
000414	Forrest	Michael John	16 Kent Road
000415	Forster	Amanda	9 Fieldhouse Close
000416	Forster	Lynne	5 Discovery Close
000417	Fowler	Daniel Martin	2 Glasgow Road
000418	Fowler	John Andrew Thomas	9 Philomel Street
000419	Fowler	Veronica May	2 Glasgow Road
000420	France	Graham Brian	7 Snake Street
000421	France	Ian Peter	7 Snake Street
000422	France	Jane Aileen Marie	7 Snake Street
000423	Freeman	Carl Francis	10 James Street
000424	Freeman	Dianne May	10 James Street
000425	Freeman	Rachael	12 James Street
000426	Freeman	Tracy	10 James Street
000427	Freer	Pamela Jane	56 John Street
000428	Freer	Stephen Paul James	56 John Street
000429	Fullerton	Mary Ellen	Government House
000430	George	Kevin Charles	26 Ross Road East
000431	Gilbert	Christopher Paul	11 Campbell Drive
000432	Gilbert	Judith Elizabeth	22 Jeremy Moore Avenue

000433	Gilbert	Mark Ian	22 Jeremy Moore Avenue
000434	Gilbert	Neil Robert	22 Jeremy Moore Avenue
000435	Gilbert	Robert Ernest	22 Jeremy Moore Avenue
000436	Gilson-Clarke	Dustin James	Flat 1 30 Jersey Road
000437	Gleadell	Ian Keith	Stanley
000438	Goodwin	Bonita Colleen	Flat 1 30 Jersey Road
000439	Goodwin	Christopher Sturdee	Lookout Lodge
000440	Goodwin	Colin Valentine	86 Davis Street
000441	Goodwin	Derek Samuel	Flat 1 30 Jersey Road
000442	Goodwin	Emily Rose	7 Brisbane Road
000443	Goodwin	Gareth Kevin	86 Davis Street
000444	Goodwin	Hazel Rose	3 Police Cottages 7 Ross Road
000445	Goodwin	June Elizabeth	86 Davis Street
000446	Goodwin	Kathleen Edith Marguerite	6 Thatcher Drive
000447	Goodwin	Mandy Hazel	45 Callaghan Road
000448	Goodwin	Robin	45 Callaghan Road
000449	Goodwin	Robin Christopher	27 Callaghan Road
000450	Goodwin	Simon James	Lookout Lodge
000451	Goodwin	Una	27 Callaghan Road
000452	Goodwin	William John Maurice	7 Brisbane Road
000453	Gordon	Robert James Alexander	4 Goss Road
000454	Goss	Annagret	16 Jeremy Moore Avenue
000455	Goss	Corina Rose	20 Murray Heights
000456	Goss	Dorothy Ellen	4 Discovery Close
000457	Goss	Eric Miller	2 Fitzroy Road East
000458	Goss	Ian Ernest Earle	98 Davis Street
000459	Goss	Morgan Edmund	16 Jeremy Moore Avenue
000460	Goss	Roy Shepherd	4 Discovery Close
000461	Goss	Sandra Kathleen	11 Kent Road
000462	Goss	Shirley Ann	2 Fitzroy Road East
000463	Goss	Simon Peter Miller	11 Kent Road
000464	Goss	Susan Diann	98 Davis Street
000465	Goss	William Henry (jnr)	7 Brandon Road
000466	Gough	Ivan	John Street
000467	Gough	Phyllis Candy	John Street
000468	Grant	Milly	3 Moody Street
000469	Gray	David Edward	22 Ross Road West
000470	Gray	Patricia May	22 Ross Road West
000471	Green	David William	Lois Cottage John Street
000472	Greenland	James Andrew William	9 Beaver Road
000473	Greenough	Geoffrey	50 Davis Street
000474	Greenough	Wanda Rose	50 Davis Street
000475	Grimmer	Edward	15 Pioneer Row
000476	Grimmer	Keith	15 Pioneer Row
000477	Grimmer	Marilyn	15 Pioneer Row
000478	Hadden	Alexander Burnett	27 Fitzroy Road
000479	Hadden	Sheila Peggy	27 Fitzroy Road
000480	Halford	Rodney John	Tenacres

000481	Halford	Sara Jayne	Tenacres
000482	Halford	Sharon	Tenacres
000483	Halliday	Cathy Anne	5 Drury Street
000484	Halliday	Gerald	Flat 1 6 Racecourse Road
000485	Halliday	Jeffrey James	8 Murray Heights
000486	Halliday	Raynor	9 Brisbane Road
000487	Hancox	Rachel Mary	9 Ross Road West
000488	Hancox	Robert James	4 James Street
000489	Hansen	Douglas John	6 Fitzroy Road
000490	Hansen	Keva Elizabeth	1 Dairy Paddock Road
000491	Hansen	Terence Joseph	1 Dairy Paddock Road
000492	Hardcastle	Kim Elizabeth	5 Pioneer Row
000493	Hardcastle	Simon Brook	5 Pioneer Row
000494	Harris	Christopher James	8 Pioneer Row
000495	Harris	Dennis Sefton	19 Callaghan Road
000496	Harris	Heather	3 Ross Road East
000497	Harris	Jill Yolanda Miller	19 Fitzroy Road
000498	Harris	Karl Henry	5a Ross Road East
000499	Harris	Leeann Watson	10 Dairy Paddock Road
000500	Harris	Leslie Sidney	19 Fitzroy Road
000501	Harris	Michael Ronald	3 Ross Road East
000502	Harris	Ralph Aaron	10 Dairy Paddock Road
000503	Harvey	Muriel Elizabeth Elsie	2 King Street
000504	Harvey	Sheila	41 Ross Road
000505	Harvey	William	21 Fitzroy Road
000506	Hawksworth	Jeanette	Flat 4 30 Jersey Road
000507	Hawksworth	Mary Catherine	5A Brisbane Road
000508	Hawksworth	Pauline May	29 Fitzroy Road
000509	Hawksworth	Ryan	29 Fitzroy Road
000510	Hawksworth	Terence	5A Brisbane Road
000511	Hayward	Marjorie	30 Eliza Cove Road
000512	Hayward	Neville	41 Ross Road
000513	Hayward	Peter Dennis	30 Eliza Cove Road
000514	Hazell	Lee Felton	7 Rowlands Rise
000515	Heathcock	Andrew James	17 Goss Road
000516	Heathman	Malcolm Keith	15 Eliza Cove Road
000517	Heathman	Mandy Gail	15 Eliza Cove Road
000518	Heathman	Nyree	12 Scoresby Close
000519	Heathman	Tara	9 Snake Hill
000520	Henry	Alan Richard	8 Beaver Road
000521	Henry	Patricia Denise	8 Beaver Road
000522	Hernandez Manterola	Miguel Angel	3 Murray Heights
000523	Hernandez Trello	Maria Elena	3 Murray Heights
000524	Hewitt	Clare Ann	1c Capricorn Road
000525	Hewitt	Frances Agnes	Flat 2 1 Jeremy Moore Avenue
000526	Hewitt	Gary George	3 Hebe Place
000527	Hewitt	Margaret Ann	3 Hebe Place
000528	Hewitt	Rachel Catherine Orissa	4 St. Marys Walk

000529	Hewitt	Robert John David	3 Thatcher Drive
000530	Hewitt	Sara Marie	102 Davis Street
000531	Hills	Heather Margaret	5 Davis Street
000532	Hills	Richard William	5 Davis Street
000533	Hirtle	Christine	5 Capricorn Road
000534	Hirtle	Debbie Ann	2b Capricorn Road
000535	Hirtle	Leonard John	2 Ian Campbell Drive
000536	Hirtle	Leonard Lloyd	2 Ian Campbell Drive
000537	Hirtle	Michael Barry	2 Ian Campbell Drive
000538	Hirtle	Rose Ann Shirley	4 Villiers Street
000539	Hirtle	Shirley	2 Ian Campbell Drive
000540	Hobman	Anilda Marilu	34 Ross Road West
000541	Hobman	Luis Alfonso	34 Ross Road West
000542	Hoggarth	Agnes Christina	2 James Street
000543	Howatt	Derek Frank	4 Racecourse Road
000544	Howatt	Suzanna Margaret	4 Racecourse Road
000545	Howe	Alison Delia	36 Davis Street
000546	Howe	Paul Anthony	36 Davis Street
000547	Howells	Anne Stephanie	112 Davis Street
000548	Howells	Roger	112 Davis Street
000549	Hoy	Dawn	2 Dean Street
000550	Humphreys	Hannah Elaine	7 Dean Street
000551	Humphreys	Margaret Anne	Endurance Avenue
000552	Hutton	Elizabeth Isabella	3 John Street
000553	Hutton	Philip	3 John Street
000554	Igao	Alejandro Neri	13 Scoresby Close
000555	Igao	Noel Neri	10 Goss Road
000556	Igao	Pauline Lynx	10 Goss Road
000557	Ingham	Rebecca Justine	3 Racecourse Road
000558	Inglis	Alison Anne MacKenzie	9 Short Street
000559	Jackson	Kathleen	23 Fitzroy Road
000560	Jackson	Malcolm	23 Fitzroy Road
000561	Jackson	Mark Malcolm	5 Drury Street
000562	Jacobsen	Alistair	1A Philomel Street
000563	Jacobsen	Catherine Joan	1A Philomel Street
000564	Jacobsen	Tanzi	1a Philomel Street
000565	Jaffray	Elaine Michele	8 Discovery Close
000566	Jaffray	Estelle Anita	Snake Street
000567	Jaffray	Frank Alexander	8 Discovery Close
000568	Jaffray	Gerard Alan	19 Jersey Road
000569	Jaffray	Helen Rose	84 Davis Street
000570	Jaffray	Jacqueline Ann	17 Watson Way
000571	Jaffray	Janet	3 Fitzroy Road East
000572	Jaffray	John	3 Fitzroy Road East
000573	Jaffray	John Summers	84A Davis Street
000574	Jaffray	John Willie	21 Watson Way
000575	Jaffray	June Elizabeth	17 Ross Road East
000576	Jaffray	Kenneth Ian	7 Jersey Road

000577	Jaffray	Lisa Jane	3 Biggs Road
000578	Jaffray	Phyllis	21 Watson Way
000579	Jaffray	Stephen James	11 James Street
000580	Jaffray	Terence Roy	2 Rowlands Rise
000581	Jaffray	Terri-Ann	24 Endurance Avenue
000582	Jaffray	Tony	84 Davis Street
000583	Jaffray	Tracy	3 Fitzroy Road East
000584	Jennings	Neil	8 Moody Street
000585	Jennings	Stephen	5 Fitzroy Road
000586	Johnson	Lily Ann	5 Hebe Street
000587	Johnson	Michael Neil	5 Kent Road
000588	Jones	Alan Smith	26 Ross Road West
000589	Jones	David Richard	6 Allardyce Street
000590	Jones	Doreen Evelyn Margaret	6 Allardyce Street
000591	Jones	Evan Glynn	35 Ross Road East
000592	Jones	Jennifer	26 Ross Road West
000593	Jones	John Hugh	35 Ross Road East
000594	Jones	Kevin Richard	2 Discovery Close
000595	Jones	Mark Henry	10 Ian Campbell Drive
000596	Jones	Michelle	35 Ross Road East
000597	Jones	Yvonne Malvina	3 Discovery Close
000598	Jonson	Amy Elizabeth	3 Davis Street
000599	Jordan	Cara Jane	12 Goss Road
000600	Jordan	Ian	12 Goss Road
000601	Joshua	Josephine Mary	14a Brandon Road
000602	Joshua	Larry Arthur	14a Brandon Road
000603	Keane	Alva Rose Marie	18 Davis Street
000604	Keane	Olaf James	18 Davis Street
000605	Keane	Thomas James	18 Davis Street
000606	Keenleyside	Charles Desmond	3 Pioneer Row
000607	Keenleyside	Dorothy Maud	3 Pioneer Row
000608	Keenleyside	Manfred Michael Ian	2 Snake Street
000609	Keenleyside	Nanette Barbara	2 Snake Street
000610	Kenny	Erling	20 James Street
000611	Kidd	John Nathan	1 Hebe Street
000612	Kidd	Lillian Rose Orissa	1 Hebe Street
000613	Kiddle	Robert Karl	Flat3 6 Racecourse Road
000614	Kilmartin	Dinah May	Sir Rex Hunt House
000615	King	Anna Constance Eve	Villiers Street
000616	King	Desmond George Buckley	38 Davis Street
000617	King	Glynis Margaret	13 Ross Road East
000618	King	Michelle Beverley	4 Biggs Road
000619	King	Peter Thomas	10 Jeremy Moore Avenue
000620	King	Robert John	22/24 Davis Street
000621	King	Rosemarie	10 Jeremy Moore Avenue
000622	King	Vernon Thomas	39 Fitzroy Road
000623	Kirkham	Campbell Joseph	5 Capricorn Road
000624	Kultschar	John William	4 Davis Street East

000625	Kultschar	Yvonne Rosina	4 Davis Street East
000626	Ladron De Guevara Vilches	Carmen Benilda	22/24 Davis Street
000627	Laffi	Atilio Segundo	3 Brisbane Road
000628	Laffi	Kathleen Mary	3 Brisbane Road
000629	Lang	David Geoffrey	28 Goss Road
000630	Lang	James Patrick	Flat2 3 Jeremy Moore Ave East
000631	Lang	Marie-Bernard Therese	28 Goss Road
000632	Lang	Patrick Andrew	8a Moody Street
000633	Lang	Phillippa Josephine	28 Goss Road
000634	Lang	Sandra Shirleen	2 Allardyce Street
000635	Lang	Tamara Colette	4 Barrack Street
000636	Lang	Theresa Margaret	28 Goss Road
000637	Lang	Velma Emily	8a Moody Street
000638	Lang	William Frank	3 James Street
000639	Larsen	Ellen	74 Davis Street
000640	Lazo	Javier Waldemar Sanchez	80 Davis Street
000641	Lazo	Joanna Rose	80 Davis Street
000642	Lee	Alfred Leslie	11 Drury Street
000643	Lee	Beverley Christina	5 Villiers Street
000644	Lee	Gladys	11 Drury Street
000645	Lee	Joanne Hazel Rose	Pioneer Row
000646	Lee	Leslie James	10 Allardyce Street
000647	Lee	Mandy John	15 James Street
000648	Lee	Myles	Davis Street
000649	Lee	Owen Henry	4 Pioneer Row
000650	Lee	Tanya	15 Campbell Drive
000651	Lee	Trudi Dale	10 Allardyce Street
000652	Lee	Victoria Jane	Y.M.C.A
000653	Legg	Priscilla Alison	12a Brandon Road
000654	Legg	Robert Keith	12a Brandon Road
000655	Lennie	Gordon Carnie	9 Narrows View
000656	Lewis	David James	3 Campbell Drive
000657	Lewis	James	2 St. Marys Walk
000658	Lewis	Jason	9 Short Street
000659	Lewis	Jean	2 St. Marys Walk
000660	Lewis	Pamela Irene	3 Campbell Drive
000661	Lewis	Sharon	11 Campbell Drive
000662	Leyland	Frank	10 Brandon Road
000663	Leyland	Vera	10 Brandon Road
000664	Liddle	Alison Catherine	7 Fitzroy Road East
000665	Liddle	Gordon Malcolm	7 Fitzroy Road East
000666	Livermore	Anton	33 Callaghan Road
000667	Livermore	Isla Karen	33 Callaghan Road
000668	Llamosa	Theresa Kathleen	25 Shackleton Drive
000669	Loftus	Geoffrey	11 Firzroy Road
000670	Loveridge	Daniel Nolan	1 Ross Road West
000671	Loveridge	Marie Pearl	1 Ross Road West
000672	Lowe	Anthony Trevor	54 Davis Street

000673	Luxton	Jennifer Mary	4 Hebe Place
000674	Luxton	Michael	1A Pioneer Row
000675	Luxton	Nicola	1A Pioneer Row
000676	Luxton	Robin	1 Jersey Road
000677	Luxton	Stephen Charles	7 Narrows View
000678	Luxton	Sybil Grace	38 John Street
000679	Luxton	Wendy Jennifer	1 Jersey Road
000680	Luxton	Winifred Ellen	15 Fitzroy Road
000681	Lyse	Ethel Malvina	65 Fitzroy Road
000682	Lyse	Linda Margaret	65 Fitzroy Road
000683	Macaskill	Angus Lindsay	8 Jeremy Moore Avenue
000684	Macaskill	Jeanette May	8 Jeremy Moore Avenue
000685	Macaskill	John	34 Ross Road West
000686	MacBeth	Phyllis Elizabeth Grace	17 Brandon Road
000687	MacDonald	Andrew James	YMCA
000688	MacDonald	Colin George	26 Endurance Avenue
000689	MacDonald	Derek George	112 Davis Street
000690	MacDonald	Irene	26 Endurance Avenue
000691	Maddocks	Robert Charles	11 Murray Heights
000692	Malcolm	Velma	7 Allardyce Street
000693	Marsh	Arlette Sharon	7 Jersey Road
000694	May	Angela Jane	11 Jersey Road
000695	May	Brian Roy	21 Jeremy Moore Avenue
000696	May	Bruce Raymond	9 Kent Road
000697	May	Christopher Raymond	9 Callaghan Road
000698	May	Connie	9 Kent Road
000699	May	Donna Monica	YMCA
000700	May	Heather	1 Glasgow Road
000701	May	Jonathan Roy	12 Jeremy Moore Avenue
000702	May	Lindsey Olga	9 Callaghan Road
000703	May	Lucinda Vikki	12 Jeremy Moore Avenue
000704	May	Monica	21 Jeremy Moore Avenue
000705	May	Roger	11 Jersey Road
000706	May	William Albert	1 Glasgow Road
000707	McCallum	Bettina Kay	14 Drury Street
000708	McCallum	Christopher John	8A Jeremy Moore Avenue
000709	McCallum	Tanya	Room 4 21 Shackleton Drive
000710	McCallum	Timothy Andrew	14A Drury Street
000711	McCormick	Dale Ronald	29 Callaghan Road
000712	McCormick	Pauline Margaret Ruth	29 Callaghan Road
000713	McCormick	Richard Paul	29 Callaghan Road
000714	McCormick	Wayne Stanley James	2 Hebe Place
000715	McGill	Cara Jane	21 John Street
000716	McGill	Coral Elizabeth	3 Allardyce Street
000717	McGill	Darrel Ian	20 Jeremy Moore Avenue
000718	McGill	David William	17 James Street
000719	McGill	Derek Gary	12 Scoresby Close
000720	McGill	Diane Beverley	2 James Street

000721	McGill	Doris Mary	32 Davis Street
000722	McGill	Gary	15 Brandon Road
000723	McGill	Glenda	1c Capricorn Road
000724	McGill	Ian Peter	1c Capricorn Road
000725	McGill	Len Stanford	2 James Street
000726	McGill	Lorraine Iris	10 Ross Road East
000727	McGill	Teresa Rose	26 Ross Road East
000728	McGinness	Janice	10 Beaver Road
000729	McKay	Clara Mary	20 Ross Road West
000730	McKay	Heather Valerie	16 Eliza Crescent
000731	McKay	Jeannie Paullina	64 Davis Street
000732	McKay	Jennifer Coral	29 Callaghan Road
000733	McKay	Mandy Rose	51 Callaghan Road
000734	McKay	Michael John	64 Davis Street
000735	McKay	Neil	62 Davis Street
000736	McKay	Paul Anthony	3 Nutt Cartmel Drive
000737	McKay	Peter John	21 Ross Road West
000738	McKay	Rex	16 Eliza Crescent
000739	McKay	Shelley Jane	7 Villiers Street
000740	McKay	Trudi Ann	10 Ian Campbell Drive
000741	McKay	William Robert	20 Ross Road West
000742	McKee	Miranda	12 Watson Way
000743	McKee	Richard Buick	12 Watson Way
000744	McKenzie	Alice Maude	Moody Brook Homestead
000745	McKenzie	Charles Alexander Albert John	Moody Brook Homestead
000746	McLaren	Caroline Mary	12 Allardyce Street
000747	McLaren	Kevin Derek Charles	51 Callaghan Road
000748	McLaren	Tony Eugene Terence	12 Allardyce Street
000749	McLeod	David	49 Callaghan Road
000750	McLeod	Henry Donald Alexander	36 Eliza Crescent
000751	McLeod	Ian	9 Fitzroy Road
000752	McLeod	Ian James	30 Endurance Avenue
000753	McLeod	Jane Elizabeth Diana	36 Eliza Crescent
000754	McLeod	Janet Wensley	75 Davis Street
000755	McLeod	Janice	2 Ross Road West
000756	McLeod	Joan May	Stanley
000757	McLeod	John (1)	1 Campbell Drive
000758	McLeod	John (2)	23 Murray Heights
000759	McLeod	Louise	1 Campbell Drive
000760	McLeod	Madeline Jean	1 Campbell Drive
000761	McLeod	Mally	9 Fitzroy Road
000762	McLeod	Margaret Ann	Fitzroy Road East
000763	McLeod	Michael William	5 Short Street
000764	McLeod	Pearl Mary Ann	3 Brisbane Road
000765	McLeod	Robert	75 Davis Street
000766	McLeod	Robert John	2 Ross Road West
000767	McMullen	June	8 Brandon Road
000768	McMullen	Lucille Anne	6a John Street

000769	McMullen	Mathew John	8 Brandon Road
000770	McMullen	Tony	8 Brandon Road
000771	McNally	Patricia Jayne	18 Ross Road East
000772	McPhee	Denise	4 Brandon Road West
000773	McPhee	Iris Blanche	31 Ross Road East
000774	McPhee	Justin Owen	4 Brandon Road West
000775	McPhee	Marjorie May	14 John Street
000776	McPhee	Owen Horace	14 John Street
000777	McPhee	Patrick	31 Ross Road East
000778	McPhee	Sara	1 Hebe Place
000779	McRae	David Michael	2 H Jones Road
000780	McRae	Elvis Richard	Shackleton Drive
000781	McRae	Gloria Linda	2 H Jones Road
000782	McRae	Kerry Jane	8 Goss Road
000783	McRae	Mandy	James Street
000784	McRae	Michael	8 Goss Road
000785	McRae	Richard Winston	Flat 2 6 Racecourse Road
000786	Middleton	Brian	13 McKay Close
000787	Middleton	Caroline Ann	7 James Street
000788	Middleton	Dennis Michael	Dolphin Cottage
000789	Middleton	Graham Cyril	50 Davis Street
000790	Middleton	Joan Eliza	8 James Street
000791	Middleton	Kerry Ann	Dolphin Cottage
000792	Middleton	Leonard	67 Fitzroy Road
000793	Middleton	Phillip John	5 St Marys Walk
000794	Middleton	Sharon Elizabeth	Dolphin Cottage
000795	Middleton	Stephanie Anne	13 McKay Close
000796	Middleton	Yvonne Allison	50 Davis Street
000797	Miller	Andrew Nigel	12 James Street
000798	Miller	Betty Lois	6 St Marys Walk
000799	Miller	Bruce Graham	10 Pioneer Row
000800	Miller	Carol	Moody Brook
000801	Miller	Florence Roberta	5 Moody Street
000802	Miller	Gail Marie	2 Police Cottages 8 Ross Road
000803	Miller	Janet Mary	Market Garden Airport Road
000804	Miller	Jayne Elizabeth	27 Davis Street
000805	Miller	Jeanette	10 Pioneer Row
000806	Miller	Simon Roy	Moody Brook
000807	Miller	Steven Geoffrey	Lookout Lodge
000808	Miller	Timothy John Durose	Market Garden Airport Road
000809	Mills	Terence Kenneth	43 Callaghan Road
000810	Minnell	Adrian James	Flat 4 30 Jersey Road
000811	Minnell	Michelle Rose	41 Eliza Crescent
000812	Minto	Alistair Daen	Lookout Lodge
000813	Minto	Barbra Pennisi	9 Fitzroy Road
000814	Minto	Dilys Rose	18 Endurance Avenue
000815	Minto	Graham Stewart	12 Brisbane Road
000816	Minto	Isabel	12 Brisbane Road

000817	Minto	Patrick Andrew	3b Jersey Road
000818	Minto	Timothy Ian	18 Enurance Avenue
000819	Miranda	Augusto	31 Davis Street
000820	Miranda	Carmen	20 Davis Street
000821	Miranda	Ramon	3 Drury Street
000822	Miranda	Winifred Dorothy	3 Drury Street
000823	Mitchell	Cherilyn Julie	32 Ross Road East
000824	Mitchell	Lee Robertson	32 Ross Road East
000825	Mitchell	Leon John	6 Discovery Close
000826	Moffatt	Angela	20 Ross Road East
000827	Moffatt	James	20 Ross Road East
000828	Moffatt	Jay	20 Ross Road East
000829	Molkenbuhr	Lee Charles	19 Sullivan Street
000830	Morris	Alana Marie	4 Callaghan Road
000831	Morris	David	4 Callaghan Road
000832	Morris	Jason Paul	59 Fitzroy Road
000833	Morris	Michelle Jane	6 McKay Close
000834	Morris	Trevor Alan	6 McKay Close
000835	Morrison	Doreen	82 Davis Street
000836	Morrison	Edgar Ewen	4 Capricorn Road
000837	Morrison	Fayan	54 John Street
000838	Morrison	Graham Stewart	34a Davis Street
000839	Morrison	Jacqueline Denise Anita	13 Ian Campbell Drive
000840	Morrison	Joan Margaret	3 Felton Court
000841	Morrison	Joanne Elizabeth	3 Racecourse Road East
000842	Morrison	Joleen Coleen	Flat 6 1 Jeremy Moore Avenue
000843	Morrison	Kenneth	13 Ian Campbell Drive
000844	Morrison	Lewis Ronald	12 Callaghan Road
000845	Morrison	Marcus Lewis	82 Davis Street
000846	Morrison	Michael John	10 Fitzroy Road East
000847	Morrison	Muriel Eliza Ivy	40 Eliza Crescent
000848	Morrison	Nanette Rose	46 Davis Street
000849	Morrison	Nigel Peter	7 James Street
000850	Morrison	Patrick	1 Brandon Road West
000851	Morrison	Paul Roderick	3 Racecourse Road East
000852	Morrison	Ronald Terence	5 Racecourse Road
000853	Morrison	Russell John Allan	6A Jeremy Moore Avenue
000854	Morrison	Stewart	46 Davis Street
000855	Morrison	Susan Margaret	10 Fitzroy Road East
000856	Morrison	Tamara	13 Ian Campbell Drive
000857	Morrison	Timothy	YMCA
000858	Morrison	Violet Sarah	5 Racecourse Road
000859	Morrison	William Roderick Halliday	54 John Street
000860	Munro	Grant Mackintosh	69 Fitzroy Road
000861	Murphy	Andrew	2 King Street
000862	Murphy	Ann Susan	2 King Street
000863	Murphy	Bessie	68 Davis Street
000864	Neilson	Barry Marwood	23 Ross Road

000865	Neilson	Edward Sydney	23 Ross Road
000866	Neilson	Harold Ian	66 Davis Street
000867	Neilson	Margaret	23 Ross Road
000868	Newell	Joseph Orr	3 Villiers Street
000869	Newell	Paula Michelle	11 Brandon Road
000870	Newell	Trudi Malvina	3 Villiers Street
000871	Newman	Andrew Raymond	4 Biggs Road
000872	Newman	Marlene	11 Jeremy Moore Avenue
000873	Newman	Raymond Winston	11 Jeremy Moore Avenue
000874	Newman	Tansy Fiona	5 Jersey Road
000875	Newman	Terence	24 Endurance Avenue
000876	Nutter	Arthur Albert	9 Brandon Road
000877	Nutter	Josephine Lesley	9 Brandon Road
000878	O'Dean	Barry Charles	Davis Street
000879	Olmedo	Alex	6 Watson Way
000880	Ormond	Christina Helen	6 Goss Road
000881	Ormond	Kevin Michael Patrick Joseph	6 Goss Road
000882	Ormond	Terrienne Helen	6 Goss Road
000883	Parrin	Norman George	108 Davis Street
000884	Patterson-Smith	Ian Colin	15 Watson Way
000885	Pauloni	Hilary Maud	63 Fitzroy Road
000886	Pauloni	Romolo Vittorio	63 Fitzroy Road
000887	Paver	Bernadette Marguerite	Moody Brook House
000888	Payne	Dilys Agnes	2 Racecourse Road East
000889	Payne	Joanne Francis	2 Racecourse Road East
000890	Payne	Samantha Jane	2 Racecourse Road East
000891	Payne	St. John Peter	2 Racecourse Road East
000892	Peake	Arthur	19 James Street
000893	Peck	Burnerd Brian	22 James Street
000894	Peck	Carol Margaret	2 Discovery Close
000895	Peck	Christine	21 Jersey Road
000896	Peck	David John	15 Villiers Street
000897	Peck	Eleanor Margaret	10 Davis Street
000898	Peck	Gordon Pedro James	34 Eliza Crescent
000899	Peck	Harwood John Charles	26 Eliza Crescent
000900	Peck	James	2 Barrack Street
000901	Peck	Maureen Heather	78 Davis Street
000902	Peck	Patrick William	78 Davis Street
000903	Peck	Shirley	2 Barrack Street
000904	Peck	Terence John	10 Davis Street
000905	PED		6 Beaver Road
000906	Pennisi	Gladys Elisabeth	5 Villiers Street
000907	Perkins	Vivienne Esther Mary	33 John Street
000908	Perry	Hilda Blanche	6 St Marys Walk
000909	Perry	Thora Virginia	17 Fitzroy Road
000910	Peters	Shirley Vyona	1 Short Street
000911	Pettersson	Derek Richard	21 Eliza Crescent
000912	Pettersson	Tony	30 Davis Street

000913	Pettersson	Trudi Ann	21 Eliza Crescent
000914	Phillips	Albert James	16 Brandon Road
000915	Phillips	David Dawson	35 Fitzroy Road
000916	Phillips	Elisa	35 Fitzroy Road
000917	Phillips	Linda	16 Brandon Road
000918	Phillips	Paul David	Waterfront Ross Road
000919	Phillips	Shula Louise	Waterfront Ross Road
000920	Platt	Claire	5 Villiers Street
000921	Pole-Evans	Amy Rose	4 Harbour View
000922	Pole-Evans	John	16 Ross Road East
000923	Pole-Evans	Lisa	66 Davis Street
000924	Pole-Evans	Martin	YMCA
000925	Pole-Evans	Michael Anthony	4 Harbour View
000926	Pole-Evans	Paula	5 Biggs Road
000927	Pollard	Andrew Keith	4 Hebe Place
000928	Pollard	Elizabeth Eve	23 Ross Road East
000929	Pollard	John	23 Ross Road East
000930	Pollard	Mark John	23 Ross Road East
000931	Pompert	Joost Herman Willem	11 Ross Road West
000932	Poncet	Lars Nigel	2 Brandon Road West
000933	Poncet	Sally Elizabeth	2 Brandon Road
000934	Poole	Andrea Joan	52 John Street
000935	Poole	Christopher William	John Street
000936	Poole	Evelyn May	31 Fitzroy Road
000937	Poole	Nancy Margaret	52 John Street
000938	Poole	Raymond John	52 John Street
000939	Poole	Ross William	52 John Street
000940	Poole	William John	31 Fitzroy Road
000941	Porter	Charles	11 Fitzroy Road
000942	Porter	Jean Lavinia	11 Fitzroy Road
000943	Porter	Tracy	5 Jeremy Moore Avenue
000944	Pratlett	Patricia Carol Ann	10 A James Street
000945	Prindle-Middleton	Stella Margaret	5 St Mary's Walk
000946	Pring	Bernadette June Spencer	5a Ross Road West
000947	Pring	Geoffrey Alan	5a Ross Road West
000948	Purvis	Alan	3 Narrows View
000949	Purvis	Marion Louise	3 Narrows View
000950	Reddick	Keith John	By-Pass Road
000951	Reeves	Carolyn Wendy	2 Moody Street
000952	Reeves	Jill Edith	3 Jeremy Moore Avenue
000953	Reeves	Michael	2 Moody Street
000954	Reid	Ann	Lois Cottage John Street
000955	Reid	Beverley Rose	9 Fitzroy Road East
000956	Reid	Colleen Rose	9 Fitzroy Road East
000957	Reid	Emily Margaret	14 Endurance Avenue
000958	Reid	John Alexander	41 Fitzroy Road
000959	Reid	Reynold Gus	9 Fitzroy Road East
000960	Reid De Davino	Pamela Ruth	7 John Street

000961	Reive	Roma Endora Mary	8a St Marys Walk
000962	Rendell	Michael	8 Ross Road West
000963	Rendell	Nicholas Simon Oliver	8 Ross Road West
000964	Rendell	Phyllis Mary	8 Ross Road West
000965	Richards	Shirley	8 James Street
000966	Riddell	Lisa Marie	33 Davis Street
000967	Roberts	Cheryl Ann Spencer	49 Ross Road East
000968	Roberts	David Anthony	1 Mountain View
000969	Roberts	Jill Christine	10 Watson Way
000970	Roberts	Laura May	7 Kent Road
000971	Roberts	Lynn	6 Rowlands Rise
000972	Roberts	Peter James	49 Ross Road East
000973	Roberts	Simon Theodore Nathaniel	10 Watson Way
000974	Robertson Pompert	Janet	11 Ross Road West
000975	Robson	Alison Emily	15 Villiers Street
000976	Robson	Cherry Rose	1 James Street
000977	Robson	Debbi Louisa	6 Felton Court
000978	Robson	Gerard Michael	1 Philomel Place
000979	Robson	Miranda Gay	6 Brisbane Road
000980	Robson	Phyllis Ann	1 Philomel Place
000981	Robson	Raymond Nigel	6 Brisbane Road
000982	Robson	William Charles	18 Ross Road East
000983	Rodriguez Reid	Elizabeth Jayne	33 Ross Road West
000984	Ross	Andrea Joanna Ampuero	4 Rowlands Rise
000985	Ross	Claudio Javier Ampeuro	49 Fitzroy Road
000986	Ross	Glenn Stephen	23 Watson's Way
000987	Ross	Janet	23 Watson's Way
000988	Ross	Kerri-Ann	23 Watson Way
000989	Ross	Kevin John	21 John Street
000990	Ross	Lachlan Neil	7 Discovery Close
000991	Ross	Marie	3 Drury Street
000992	Ross	Roy	47 Callaghan Road
000993	Ross	Sheena Margaret	2 Mountain View
000994	Rowland	Charlene Rose	19 Jeremy Moore Avenue
000995	Rowland	John Christopher	19 Jeremy Moore Avenue
000996	Rowland	Sarah Anne	19 Jeremy Moore Avenue
000997	Rowlands	Catherine Annie	3 Hebe Street
000998	Rowlands	Daisy Malvina	39 John Street
000999	Rowlands	Dorinda Roberta	3a Hebe Street
001000	Rowlands	Harold Theodore	8 Ross Road East
001001	Rowlands	Neil	3A Hebe Street
001002	Rowlands	Robert John	13 Callaghan Road
001003	Rozee	Betty Ellen	16 Davis Street
001004	Rozee	Bryn	Davis Street
001005	Rozee	Derek Robert Thomas	16 Davis Street
001006	Rozee	Karen Michella	16 Davis Steet
001007	Rozee	Shona Mary	5 Pitaluga Place
001008	Sackett	Albert John	25 Ross Road East

001009	Sackett	Michael John Carlos	30 Eliza Cove Road
001010	Sackett	Pauline	25 Ross Road East
001011	Sawle	Judith Margaret	Seaview Cottage Ross Road
001012	Sawle	Richard	Seaview Cottage Ross Road
001013	Seron	Jose Segundo	M/V Tamar C/o Byron Marine
001014	Shepherd	Ramsey	Discovery Close
001015	Short	Alison	9 Pioneer Row
001016	Short	Brenda	Barrack Street
001017	Short	Celia Soledad	1 Racecourse Road
001018	Short	Christina Ethel	12 Brandon Road
001019	Short	Derek Patrick	Ross Road West
001020	Short	Dilys Margaret Ann	6A Pioneer Row
001021	Short	Emily Christina	1 Fitzroy Road East
001022	Short	Gavin Phillip	Flat 7 6 Jersey Road
001023	Short	Marc Peter	1 Racecourse Road
001024	Short	Marlene Cindy	9 Pitaluga Place
001025	Short	Montana Tyrone	4 Dairy Paddock Road
001026	Short	Nabil George	4 Dairy Paddock Road
001027	Short	Peter Robert	1 Fitzroy Road East
001028	Short	Richard Edward	9 Pitaluga Place
001029	Short	Riley Ethroe	Barrack Street
001030	Short	Robert Charles	12A Brandon Road
001031	Short	Vilma Alicia	4 Dairy Paddock Road
001032	Simpson	Bertha Veronica	8 Rowlands Rise
001033	Simpson	James Alexander Bruce	7 Racecourse Road
001034	Simpson	James Garry	7 Racecourse Road
001035	Simpson	John Frederick	8 Rowlands Rise
001036	Simpson	Mirabel Hermione	7 Racecourse Road
001037	Sinclair	Veronica Joyce	21 Ross Road West
001038	Skene	Greta Winnora Miller	22 Ross Road East
001039	Smallwood	Akira Ali	105 Davis Street
001040	Smallwood	Margo Amee	105 Davis Street
001041	Smallwood	Michael Anthony	105 Davis Street
001042	Smith	Anthony David	10 Fieldhouse Close
001043	Smith	Caroline	5 Brandon Road
001044	Smith	Colin David	6 James Street
001045	Smith	Derek	8 Eliza Crescent
001046	Smith	Elenore Olive	3 Brisbane Road
001047	Smith	Eric	Flat 1 1 Moody Street
001048	Smith	George Patterson	15 Watson Way
001049	Smith	Gerard Alexander	8 Barrack Street
001050	Smith	Gina Ruth Mary	28 Jersey Road
001051	Smith	Heather	19 Watson Way
001052	Smith	Ian Lars	5 Brandon Road
001053	Smith	Ileen Rose	28 Ross Road West
001054	Smith	James Terence	3 Fitzroy Road West
001055	Smith	Jennifer Ethel	6 Watson Way
001056	Smith	Jenny Lorraine	15 Watson Way

001057	Smith	John	28 Ross Road West
001058	Smith	Julia Trinidad	8 Eliza Crescent
001059	Smith	Lisa Margaret	Flat 8 2 Eliza Place
001060	Smith	Martyn James	6A Ross Road West
001061	Smith	Michael Edmund	15 Watson Way Stanley
001062	Smith	Natalie Marianne	6 James Street
001063	Smith	Nora Kathleen	5 Fitzroy Road East
001064	Smith	Osmund Raymond	3 Brisbane Road
001065	Smith	Paul	2 Ross Road West
001066	Smith	Paulette Rose	KEMH
001067	Smith	Rhona	8 Fitzroy Road
001068	Smith	Robin Charles	19 Watson Way
001069	Smith	Roy Alan	37 Ross Road East
001070	Smith	Russell James	8 Fieldhouse Close
001071	Smith	Tyssen John Richard	28 Jersey Road
001072	Socodo	Pheobe Esther	19 Murray Heights
001073	Sollis	Sarah Emma Maude	20 Drury Street
001074	Spicer	Mark Anthony	16 St Mary's Walk
001075	Spicer	Susan	16 St. Marys Walk
001076	Spink	Roger Kenneth	43 Ross Road East
001077	Spinks	Malvina Ellen	Flat6 7 Jeremy Moore Ave East
001078	Spruce	Helena Joan	29 Ross Road West
001079	Spruce	Mark Felton	29 Ross Road West
001080	Spruce	Terence George	29 Ross Road West
001081	Steen	Barbara Ingrid	39 Ross Road West
001082	Steen	Karen Lucetta	32 Fitzroy Road
001083	Steen	Kimberley Joanna	7 St Marys Walk
001084	Stenning	Anna Russalka	5B Ross Road West
001085	Stenning	Timothy Charles	5B Ross Road West
001086	Stephenson	James	Moody Valley
001087	Stephenson	Joan Margaret	Moody Valley
001088	Stephenson	Katrina	4 Davis Street
001089	Stephenson	Zachary	4 Davis Street
001090	Stevens	Paul Theodore	6 Dairy Paddock Road
001091	Stevens	Valerie Ann	6 Dairy Paddock Road
001092	Stewart	Aarron Stephen	6 Pioneer Row
001093	Stewart	Celia Joyce	12 St Marys Walk
001094	Stewart	Hulda Fraser	24 Ross Road West
001095	Stewart	Ian Bremner	34 Ross Road East
001096	Stewart	Irene Anne	Racecourse Road
001097	Stewart	Kenneth Barry	3 Discovery Close
001098	Stewart	Pam Ellen	18 Endurance Avenue
001099	Stewart	Robert	12 St Marys Walk
001100	Stewart	Robert William	Flats Racecourse Road
001101	Stewart	Sheila Olga	34 Ross Road East
001102	Stewart	Sylvia Rose	7 Ross Road West
001103	Stewart-Reid	Carol Ellen Eva	41 Fitzroy Road
001104	Strange	Georgina	The Dolphins Snake Street

001105	Strange	Maria Marta	The Dolphins Snake Street
001106	Strange	Shona Marguerite	6b Ross Road West
001107	Summers	Alastair Peter	1 Ross Road East
001108	Summers	Brian	1 Ross Road East
001109	Summers	Deborah	14 Pioneer Row
001110	Summers	Dorothy Constance	42 Eliza Crescent
001111	Summers	Edith Catherine	5 Dean Street
001112	Summers	Irvin Gerard	Sir Rex Hunt House
001113	Summers	Jacqueline	11 Pioneer Row
001114	Summers	Jonathan Derek	5 Allardyce Street
001115	Summers	Judith Orissa	1 Ross Road East
001116	Summers	Lynn Jane	20 Jeremy Moore Avenue
001117	Summers	Michael Kenneth	6A Brisbane Road
001118	Summers	Michael Victor	11 Pioneer Row
001119	Summers	Naomi Christine	9 Eliza Crescent
001120	Summers	Nichola Jane	4 Capricorn Road
001121	Summers	Owen William	5 Brandon Road
001122	Summers	Rowena Elsie	5 Allardyce Street
001123	Summers	Roy	9 Murray Heights
001124	Summers	Sheila	Sir Rex Hunt House
001125	Summers	Sybella Catherine Ann	1 Ross Road West
001126	Summers	Sylvia Jean	8 Racecourse Road
001127	Summers	Terence	1 Ross Road West
001128	Summers	Tony	8 Racecourse Road
001129	Summers	Veronica	5 Brandon Road
001130	Summers Dobie	Donna	8 Racecourse Road
001131	Sutcliffe	Lindsey Claire	
001132	Sutherland	Elizabeth Margaret	13/14 Eliza Cove Road
001133	Sutherland	John Gall	3B Jersey Estate
001134	Sutherland	William John Munro	13/14 Eliza Cove Road
001135	Sytchov	Vladimir	1 Felton Court
001136	Sytchova	Natalia Mikhaylovna	1 Felton Court
001137	Teale	Colin Edwin	8 Brisbane Road
001138	Teale	Jeannette	8 Brisbane Road
001139	Tellez	Jose Hector	2 Hodson Villa West
001140	Thain	John	8 Davis Street
001141	Thain	Stephanie Ann	8 Davis Street
001142	Thom	David Anderson	47 Fitzroy Road
001143	Thom	Dorothy Irene	47 Fitzroy Road
001144	Thom	John Currie	25 Ross Road East
001145	Thom	Norma Ann	92 Davis Street
001146	Thompson	William John	Flat2 1 Moody Street
001147	Thorsen	Carol Margaret	17 Scoresby Close
001148	Thorsen	David Moller	17 Scoresby Close
001149	Tomlinson	Anita Helen	6 Police Cottages
001150	Triggs	David William	3 Fieldhouse Close
001151	Triggs	Diane	3 Fieldhouse Close
001152	Triggs	Donna Louise	3 Fieldhouse Close

001153	Triggs	Michael David	3 Fieldhouse Close
001154	Tuckwood	John Rodney	1 Drury Street
001155	Tuckwood	Phyllis Majorie	1 Drury Street
001156	Turner	Diana Jane	Murray Heights
001157	Turner	Melvyn George	36 John Street
001158	Turner	Ronald	KEMH
001159	Tyrrell	Garry Bernard	1 Beaver Road
001160	Tyrrell	Gina Michelle	1 Beaver Road
001161	Valler	Glyndwr Huw	Flat4 8 Jersey Road
001162	Vidal Roberts	Leona Lucila	1 Mountain View
001163	Villalon	Elizabeth Alice	7 McKay Close
001164	Villalon	Hector Ricardo	7 McKay Close
001165	Villegas	Caroline	7 Fieldhouse Close
001166	Vincent	Janette Mary	10 Endurance Avenue
001167	Vincent	Stephen Lawrence	10 Endurance Avenue
001168	Wade	Donald Harold	17 Murray Heights
001169	Wade	June Rose Elizabeth	17 Murray Heights
001170	Wallace	Fiona Alice	21 Murray Heights
001171	Wallace	Fraser Barrett	10 John Street
001172	Wallace	Helen Jean	10 John Street
001173	Wallace	James Barrett	38 Ross Road West
001174	Wallace	Maria Lilian	38 Ross Road West
001175	Wallace	Michael Ian	23 Callaghan Road
001176	Wallace	Stuart Barrett	38 Ross Road West
001177	Wallace	Una	23 Callaghan Road
001178	Ward	Alison Denise	19 Scoresby Close
001179	Ward	Dennis James	19 Scoresby Close
001180	Watson	Ben	7 Moody Street
001181	Watson	Paul	20 Endurance Avenue
001182	Watson	Ruth Jane	20 Endurance Avenue
001183	Watt	Stephen Robert	11 Narrows View
001184	Watt	Sylvia Ann	11 Narrows View
001185	Watts	Patrick James	13 Brisbane Road
001186	Webb	Gary Colin	58 Davis Street
001187	Webb	Loretta Isobel	58 Davis Street
001188	White	Judy Marie	Flat 1 3 Jeremy Moore Avenue
001189	White	Kathleen Elizabeth	9 Thatcher Drive
001190	Whitney	Frederick William	1 Police Cottages 9 Ross Road
001191	Whitney	Henry Leslie	3 St Marys Walk
001192	Whitney	Jason	15 Ross Road East
001193	Whitney	Kurt Ian	2 Pioneer Row
001194	Whitney	Lana Rose	22 Eliza Crescent
001195	Whitney	Susan Joan	1 Police Cottages 9 Ross Road
001196	Wilkinson	Alistair Graham	5 Felton Court
001197	Wilkinson	Johan	5 Felton Court
001198	Wilkinson	Robert John	2a Brisbane Road
001199	Wilks	Bruce Allan	11 Foeldhouse Close
001200	Wilks	Susan Jean	11 Fieldhouse Close

001201	Williams	Gene	23 Ross Road West
001202	Williams	Gillian Carol	Flat4 1 Jeremy Moore Avenue
001203	Williams	Glen	33 Ross Road East
001204	Williams	Margaret Elizabeth	33 Ross Road East
001205	Williams	Marlene Rose	23 Ross Road West
001206	Winter	Teresa Irene	4A Jeremy Moore Avenue East
001207	Wylie	Julian Richard	1 McKay Close
001208	Zuvic-Bulic	Kuzma Mario	Holdfast Road
001209	Zuvic-Bulic	Sharon Marie	Holdfast Road

000001	Alazia	George Robert	Hope Cottage,East Falkland
000002	Alazia	Hazel	Blue Beach East Falkland
000003	Alazia	Keith	Goose Green, East Falkland
000004	Alazia	Mandy Gwyneth	Port Edgar Farm,West Falkland
000005	Alazia	Michael Robert	Port Edgar Farm,West Falkland
000006	Alazia	Thora Lilian	North Arm,East Falkland
000007	Aldridge	Brian George	Goose Green East Falkland
000008	Aldridge	Diana Mary	Goose Green East Falkland
000009	Aldridge	Olive Elizabeth	Hill Cove, West Falkland
000010	Aldridge	Terence William	Hill Cove, West Falkland
000011	Anderson	Jenny	Smylies Farm, East Falkland
000012	Anderson	Lynda June	New House,East Falkland
000013	Anderson	Tony James	Smylies Farm, East Falkland
000014	Anderson	William John Stanley	New House,East Falkland
000015	Armstrong Ford	Karen Jane	North Arm,East Falkland
000016	Ashworth	Glennis	Riverside Farm,East Falkland
000017	Ashworth	Iain	Riverside Farm,East Falkland
000018	Ashworth	Malcolm	Riverside Farm,East Falkland
000019	Bagley	Darren Clive	Riverview Farm,East Falkland
000020	Bagley	Jacqueline Elizabeth	Riverview Farm, East Falkland
000021	Barnes	Dierdre	Dunbar Farm, West Falkland
000022	Barnes	Marshall	Dunbar Farm, West Falkland
000023	Barrientos	Jose Sixto Ruiz	Walker Creek,East Falkland
000024	Beattie	Ian Robert Ewen	North Arm, East Falkland
000025	Berntsen	Arina Janis	Pebble Island, West Falkland
000026	Berntsen	Benjamin John	Elephant Beach,East Falkland
000027	Berntsen	Leon	Albermarle Stn,West Falkland
000028	Berntsen	Pamela Margaret	Albermarle Stn,West Falkland
000029	Betts	Bernard Keith	Boundary Farm, West Falkland
000030	Betts	Diane Joan	Boundary Farm, West Falkland
000031	Betts	Irene Marion	Boundary Farm, West Falkland
000032	Binnie	Horace James	Fox Bay Village, West Falkland
000033	Bober	John	Turners, MPA, East Falkland
000034	Bonner	Donald William	Sound House,North Arm E.F.I
000035	Bonner	Simon	Port Howard, West Falkland
000036	Bonner	Susan Anne	Port Howard, West Falkland
000037	Browning	Gavin	Fitzroy Farm East Falkland
000038	Butler	Charmaine Sarah	Fitzroy East Falkland
000039	Butler	James Donald	Goose Green,East Falkland
000040	Chater	Anthony Richard	New Island,West Falkland
000041	Clark	Frederick Thomas	Hawkbit,Fitzroy East Falkland
000042	Clarke	Alan Neil	Port Howard,West Falkland
000043	Clarke	Anika Doreen	Goose Green East Falkland
000044	Clarke	Jan Michael	Kings Ridge Farm, E.F.I
000045	Clarke	Jeanette	West Point Island
000046	Clarke	Michael Jan	Kings Ridge Farm, E.F.I
000047	Clarke	Shane Adrian	Douglas East Falkland
000048	Clarke	Violet Rose	Elephant Beach, East Falkland

000049	Clausen	Denzil	Berkeley Sound Farm EFI
000050	Clausen	Henry Edward	Port Louis, East Falkland
000051	Clifton	Leonard	Walker Creek, East Falkland
000052	Clifton	Thora Janeene	Walker Creek, East Falkland
000053	Cockwell	Benjamin William	Fox Bay Village, West Falkland
000054	Cockwell	Clare Marie	Fox Bay Village, West Falkland
000055	Cockwell	Grizelda Susan	Fox Bay Village, West Falkland
000056	Collins	Bernard	Turners, MPA, East Falkland
000057	Davis	Aase	Evelyn Station, East Falkland
000058	Davis	Doreen Susan	Stanley Dairy East Falkland
000059	Davis	Ian John	Evelyn Station, East Falkland
000060	Davis	Nicholas	Stanley Dairy East Falkland
000061	Davis	Reginald John	Evelyn Station, East Falkland
000062	Davis	William James	Goose Green, East Falkland
000063	Decroliere	Carrie Madeline Helen	Fox Bay Village, West Falkland
000064	Decroliere	Eric Ernest Albert	Fox Bay Village, West Falkland
000065	Dickson	Charles George	Brookfield, East Falkland
000066	Dickson	Doreen	Wreck Point, East Falkland
000067	Dickson	Gerald William	Wreck Point, East Falkland
000068	Dickson	Iris	Bleaker Island, East Falkland
000069	Dickson	Ronald Edward	Bleaker Island, East Falkland
000070	Donnelly	Daniel	Crooked Inlet, West Falkland
000071	Donnelly	Joyce Elizabeth	Crooked Inlet, West Falkland
000072	Dunford	David Philip	The Saddle, West Falkland
000073	Eagle	Alan William	Fitzroy Farm East Falkland
000074	Edwards	Norma	Lake Sullivan, West Falkland
000075	Edwards	Roger Anthony	Lake Sullivan, West Falkland
000076	Evans	Donna Newell	South Harbour, West Falkland
000077	Evans	Michael David	South Harbour, West Falkland
000078	Evans	Raymond	Pebble Island, West Falkland
000079	Evans	Richard Gregory	Coach House, MPA Road E.F.1
000080	Evans	Tracy	Saunders Island WFI
000081	Fairley	John	Port Stephens, West Falkland
000082	Faria	Basil Harry	North Arm East Falkland
000083	Faria	Maria Anne	North Arm East Falkland
000084	Findlay	Andrew John	East Bay, West Falkland
000085	Finlayson	Neil Roderick	North Arm, East Falkland
000086	Ford	Neil Fraser	Fox Bay West, West Falkland
000087	Ford	Paul Edward	North Arm East Falkland
000088	Forster	Gwyneth May	Bold Cove, West Falkland
000089	Forster	James	Bold Cove, West Falkland
000090	Gilding	Melanie Carol	Port Louis, East Falkland
000091	Gilding	Peter Bernard	Port Louis, East Falkland
000092	Gill	Alicia Michelle	Fitzroy Farm, East Falkland
000093	Gleadell	Marklin John	North Arm, East Falkland
000094	Goodwin	Margo Jane	Berkeley Sound Farm EFI
000095	Goodwin	Neil Alexander William	Berkeley Sound Farm EFI
000096	Goss	Margaret Rose	Horseshoe Bay, East Falkland

000097	Goss	Michael Peter	Horseshoe Bay East Falkland
000098	Goss	Peter	Horseshoe Bay, East Falkland
000099	Greenland	Bonita Doreen	Darwin House, East Falkland
000100	Greenland	Kenneth David	Darwin House, East Falkland
000101	Grierson	Hew McInnes	Blue Beach San Carlos EFI
000102	Halliday	Joyce Isabella Patience	Fox Bay Village, West Falkland
000103	Halliday	Kenneth William	Fox Bay Village, West Falkland
000104	Hansen	Ian	Main Point, West Falkland
000105	Hansen	Lionel Raymond	Hill Cove, West Falkland
000106	Hansen	Rose Idina	Hill Cove, West Falkland
000107	Hansen	Susan Ann	Main Point, West Falkland
000108	Hardcastle	Eileen Beryl	Darwin, East Falkland
000109	Harvey	Jen	Hill Cove, West Falkland
000110	Harvey	Valerie Ann	Hill Cove, West Falkland
000111	Hawksworth	David	Plot 8 MPA Road East Falkland
000112	Heathman	Ailsa	Estancia, East Falkland
000113	Heathman	Ewart Tony	Estancia, East Falkland
000114	Hill	Jennifer Eileen	Stoney Ridge, West Falkland
000115	Hirtle	Anthony	Peaks Farm, West Falkland
000116	Hirtle	Doris Linda	Port Howard, West Falkland
000117	Hirtle	Odette Susan	Port Howard, West Falkland
000118	Hirtle	Samantha	Peaks Farm, West Falkland
000119	Hirtle	Susan Mary	Peaks Farm, West Falkland
000120	Hobman	David Gonsalo	Chartres, West Falkland
000121	Hobman	John Malcolm	Saladero, East Falkland
000122	Hobman	Juan Jose Eleuterio	Chartres, West Falkland
000123	Hobman	Vivien	Saladero, East Falkland
000124	Hooper	Peter Bernard	Mount Alice, West Falkland
000125	Jaffray	Alexander	Lively Island, East Falkland
000126	Jaffray	Derek Charles	Goose Green East Falkland
000127	Jaffray	Eileen	North Arm, East Falkland
000128	Jaffray	Elliott Jessie	Lively Island, East Falkland
000129	Jaffray	Ian	North Arm, East Falkland
000130	Jaffray	Tanya Fiona	Fitzroy East Falkland
000131	Jennings	Jacqueline	Pebble Island West Falkland
000132	Jones	Michael David	Head Of Bay, East Falkland
000133	Jones	Sheila Janice	Head Of Bay, East Falkland
000134	Jonson	Carl	Bombilla, East Falkland
000135	Jonson	Rita Elizabeth	Bombilla, East Falkland
000136	Kilmartin	Claire Elfreda	Bluff Cove East Falkland
000137	Kilmartin	Kevin Seaton	Bluff Cove, East Falkland
000138	Knight	Justin Robert Campbell	Coast Ridge, West Falkland
000139	Knight	Keith Andrew	Coast Ridge, West Falkland
000140	Knight	Nigel Arthur	Coast Ridge, West Falkland
000141	Knight	Shirley Louvain Patricia	Coast Ridge, West Falkland
000142	Larsen	Ronald Ivan	Speedwell Island, East Falkland
000143	Larsen	Yvonne	Speedwell Island, East Falkland
000144	Lee	Carole	Port Howard, West Falkland

000145	Lee	Christopher	Hill Cove, West Falkland
000146	Lee	Elizabeth	Goose Green, East Falkland
000147	Lee	John Alfred	Goose Green, East Falkland
000148	Lee	Mervyn Richard	Goose Green East Falkland
000149	Lee	Rodney William	Port Howard, West Falkland
000150	Leo	Brenda May	NAAFI, MPA, East Falkland
000151	Livermore	Darren	Fitzroy East Falkland
000152	Lowe	Adrian Stewart	Murrel Farm, East Falkland
000153	Lowe	Lisa Helen	Murrel Farm, East Falkland
000154	Luxton	William Robert	Chartres, West Falkland
000155	MacBeth	Martyn Raymond	Narrows Farm, East Falkland
000156	MacBeth	Raymond John	Narrows Farm, West Falkland
000157	Marsh	Alastair Roy	Shallow Harbour, WFI
000158	Marsh	Anna Dierdre	Fox Bay Village, West Falkland
000159	Marsh	Gavin Nicholas	Fox Bay Village, West Falkland
000160	Marsh	Jodie Kim	Port North, West Falkland
000161	Marsh	June Helen	Rincon Ridge, West Falkland
000162	Marsh	Karen Diana	Port Howard, West Falkland
000163	Marsh	Kevin Roy	Shallow Harbour, WFI
000164	Marsh	Leon Peter	Rincon Ridge, West Falkland
000165	Marsh	Marlane Rose	Shallow Harbour, WFI
000166	Marsh	Patricia Ann	Lakelands, West Falkland
000167	Marsh	Robin Frank	Lakelands, West Falkland
000168	Marsh	Samantha Ann	Rincon Ridge Farm West FI
000169	Marsh	Tanya Elaine	Shallow Harbour Farm, West FI
000170	McBain	Arthur	Douglas Station, East Falkland
000171	McBain	Rhoda Margaret	Douglas Station, East Falkland
000172	McGhie	James	Stoney Ridge, West Falkland
000173	McGhie	Roy	Port North, West Falkland
000174	McGhie	Thomas Forsyth	Saunders Island, West Falkland
000175	McGill	Robin Perry	Carcass Island, West Falkland
000176	McKay	Christine	Fox Bay West, West Falkland
000177	McKay	Frazer Roderick	Teal River, West Falkland
000178	McKay	Isabella Alice	Westley, West Falkland
000179	McKay	Josephine Ann	Sheffield Farm, West Falkland
000180	McKay	Kenneth Andrew	Sheffield Farm, West Falkland
000181	McKay	Penelope Rose	Goring Station, West Falkland
000182	McKay	Roy Derek	Sheffield Farm WFI
000183	McLeod	Albert John	Goose Green, East Falkland
000184	McLeod	Dawn	K D CABIN M.P.A. Road E.F.I
000185	McLeod	Isabella Frances Diana	Fitzroy East Falkland
000186	McLeod	Kenneth Benjamin John	K D CABIN M.P.A. Road E.F.I
000187	McLeod	Sarah Rose	Goose Green, East Falkland
000188	McPhee	June Iris	Brookfield, East Falkland
000189	McPhee	Kenneth John	Brookfield, East Falkland
000190	McPhee	Mark	Brookfield, East Falkland
000191	McPhee	Sheila Margaret	Kingsford Valley, East Falkland
000192	McPhee	Terence Owen	Kingsford Valley, East Falkland

000193	McPhee	Trudi Lynette	Brookfield, East Falkland
000194	Miller	Betty	Walker Creek, East Falkland
000195	Miller	Catherine McLeod	Fox Bay Village, West Falkland
000196	Miller	James Albert	Fox Bay Village, West Falkland
000197	Miller	Phillip Charles	Cape Dolphin, East Falkland
000198	Miller	Sheena Melanie	Cape Dolphin, East Falkland
000199	Minnell	Donna Marie	Moss Side, East Falkland
000200	Minnell	Hazel Eileen	Port San Carlos East Falkland
000201	Minnell	Michael Robert	Moss Side, East Falkland
000202	Morrison	Gerald	Goose Green, East Falkland
000203	Morrison	John	Port Howard, West Falkland
000204	Morrison	Kathleen Iris	Goose Green, East Falkland
000205	Morrison	Lena	Port Howard, West Falkland
000206	Morrison	Leslie Theodore Norman	Port Howard, West Falkland
000207	Murphy	Roy David	Port Howard, West Falkland
000208	Napier	Lily	West Point, West Falkland
000209	Napier	Roderick Bertrand	West Point, West Falkland
000210	Newman	Glynnis Karen	Goose Green East Falkland
000211	Nightingale	Charlene	West Lagoons, West Falkland
000212	Nightingale	Karl Richard	West Lagoons Farm WFI
000213	Nightingale	Peter Richard	West Lagoons, West Falkland
000214	Parkinson	Allen	Turners, MPA, East Falkland
000215	Peck	Davina Margaret	Shallow Bay, West Falkland
000216	Peck	Farrah Louise	Shallow Bay, West Falkland
000217	Peck	Paul	Shallow Bay, West Falkland
000218	Phillips	Carol Joan	Hope Cottage, East Falkland
000219	Phillips	Terence	Hope Cottage, East Falkland
000220	Pitaluga	Antoinette Margaretha Mary	Salvador, East Falkland
000221	Pitaluga	Jene Ellen	Salvador, East Falkland
000222	Pitaluga	Nicholas Alexander R.	Salvador, East Falkland
000223	Pitaluga	Robin Andreas McIntosh	Salvador, East Falkland
000224	Pitt	Myra May	Goose Green, East Falkland
000225	Pole-Evans	Anthony Reginald	Saunders Island, West Falkland
000226	Pole-Evans	David Llewellyn	Saunders Island, West Falkland
000227	Pole-Evans	Louise Suzan	Saunders Island, West Falkland
000228	Pole-Evans	Shirley Helen	Manybranch, West Falkland
000229	Pole-Evans	Suzan	Saunders Island, West Falkland
000230	Pole-Evans	William Reginald	Manybranch, West Falkland
000231	Poncet	Dion Michael	Beaver Island, West Falkland
000232	Poncet	Jerome Pierre	Beaver Island, West Falkland
000233	Poncet	Leiv	Beaver Island, West Falkland
000234	Poole	Ella Josephine	Race Point, East Falkland
000235	Poole	Juliet Hazel	Race Point Farm East Falkland
000236	Poole	Steven Charles	Race Point, East Falkland
000237	Poole	Toby Raymond	Race Point Farm East Falkland
000238	Porter	Joan	Shallow Harbour, WFI
000239	Porter	William Kenneth	Fox Bay Village, West Falkland
000240	Reeves	Ronald James	Port Howard, West Falkland

000241	Robertson	Ann	Port Stephens, West Falkland
000242	Robertson	Paul Jonathan	Port Stephens, West Falkland
000243	Robertson	Peter Charles	Port Stephens, West Falkland
000244	Ross	William Henry	Fitzroy, East Falkland
000245	Rozee	Fiona	Spring Point, West Falkland
000246	Rozee	Ronald David	Spring Point, West Falkland
000247	Saunders	Felicity Joan Carlie	Hawkbit, Fitzroy East Falkland
000248	Short	Andrez Peter	Swan Inlet East Falkland
000249	Short	George Godfrey Ivan	Great Britain Hotel E.F.I
000250	Short	Isobel Rose	Mullet Creek East Falkland
000251	Short	Lindsay Marie	Wineglass Stn, East Falkland
000252	Short	Patrick Warburton	Mullet Creek East Falkland
000253	Short	Robert George	Wineglass Stn, East Falkland
000254	Sinclair	Simon Keith	Goose Green, East Falkland
000255	Smith	Andrew John	Port San Carlos, East Falkland
000256	Smith	Crystal Rose	Fitzroy East Falkland
000257	Smith	Georgina Carol Anderson	Port San Carlos, East Falkland
000258	Smith	John Derek	Fitzroy East Falkland
000259	Smith	Robert William	Goose Green, East Falkland
000260	Smith	Susan	Blue Beach, East Falkland
000261	Smith	Terence George	North Arm, East Falkland
000262	Steen	Gail	Paragon House Lafone East Fl
000263	Steen	Vernon Robert	Paragon House Lafone East Fl
000264	Stevens	Richard James	Port Sussex, East Falkland
000265	Stevens	Toni Donna	Port Sussex, East Falkland
000266	Strange	Ian John	New Island South West F.I
000267	Taylor	Christopher John	Goose Green East Falkland
000268	Tellez	Arturo	North Arm, East Falkland
000269	Tellez	Charlotte Melize	North Arm, East Falkland
000270	Tellez	Rodolfo	Walker Creek, East Falkland
000271	Thorsen	Gloria Penelope	Teal Inlet, East Falkland
000272	Towersey	Diane	Port Stephens, West Falkland
000273	Turner	Arthur Leonard Pitaluga	Rincon Grande, East Falkland
000274	Turner	Elaine Ellen	Rincon Grande, East Falkland
000275	Tuson	Olwyn Carol	Saunders Island, West Falkland
000276	Velasquez	Arleen	North Arm, East Falkland
000277	Velasquez	Oscar Hernan	North Arm, East Falkland
000278	Watson	Glenda Joyce	Long Island, East Falkland
000279	Watson	Neil	Long Island, East Falkland
000280	Whitney	Daneila Grace	Mount Kent, East Falkland
000281	Whitney	Dennis	Fitzroy, East Falkland
000282	Whitney	Keith	Home Farm, East Falkland
000283	Whitney	Leona Ann	Home Farm, East Falkland
000284	Whitney	Patrick George	Mount Kent, East Falkland
000285	Whitney	Tyrone	Home Farm, East Falkland
000286	Wilkinson	David Clive Walter	Dunnose Head, West Falkland
000287	Wilkinson	Rosemary	Dunnose Head, West Falkland
000288	Yon	Gillian Rose	KIS, MPA, East Falkland



THE FALKLAND ISLANDS GAZETTE

PUBLISHED BY AUTHORITY

Vol. CXIII

30th April 2004

No. 5

Appointments

Colin Browning, Labourer, Public Works Department, 01.04.04.
 Geoffrey Arnold Stevens, Chauffeur/Steward, Government House, 01.04.04.
 Janet Austin, Legal Secretary, Attorney Generals Chambers, 05.04.04.
 Craig Arthur Paice, Water Supervisor, Public Works Department, 05.04.04.
 John Coutts, Power Station Operator, Public Works Department, 12.04.04.
 David Michael McRae, Power Station Operator, Public Works Department, 12.04.04.

Promotion

Manfred Keenleyside, from Deputy Director of Public Works, to Director of Public Works, 22.03.04.

Completion of Contracts

Bower Harold Tristram, Clerk of Works, Public Works Department, 08.04.04.
 Niilo Risto Gobius, Animal Nutritionist Officer, Agriculture Department, 09.04.04.

Extension of Contract

Oliver Yates, Fisheries Observer, Fisheries Department, 22.03.04.

Resignation

Hayley Louise John, Clerk, Civil Aviation Department, 30.04.04.

Transfers

Julie Ann Fisher-Smith, from Administrative Officer, Customs and Harbour Department, to Administrative Officer, (Sales and Marketing), Post Office, 01.04.04.
 Rachel Freeman, from Part Time Receptionist, Leisure Centre, to Full Time Receptionist, Leisure Centre, 23.04.04.
 Julie Doris Courtney, from Learning Support Assistant, Education Department, to Senior Houseparent, Education Department, 26.04.04.

Retirement

Lorraine Iris McGill, Head of Hostel, Education Department, 27.04.04.

NOTICES

No.26

1st April 2004

PLANNING AND BUILDING COMMITTEE: LAY MEMBERS

Notice is hereby given that His Excellency the Governor has appointed the following persons to be members of the Planning and Building Committee for the period of three years with effect from 27th June 2002 -

Paul David Phillips

Leslie Sidney Harris

and with effect from 24th April 2003 -

Michael William McLeod

and with effect from 19th June 2003 -

Michael Ronald Harris

and with effect from 26th February 2004 -

Gerald Winston Cheek

Dated this 1st day of April 2004.

No. 27 9th April 2004

J&S ROBERTSON LIMITED
Company Number: 12010

NOTICE IS HEREBY GIVEN that the above named company was dissolved pursuant to section 353 of the Companies Act 1948 in its application to the Falkland Islands on the 9th day of April 2004.

Dated this 9th day of April 2004.

J. C. ROWLAND,
Registrar of Companies.

No. 28 12th April 2004

REVISED EDITION OF THE LAWS ORDINANCE 1991
LAW REVISION ORDER NO 1 OF 2002
ARTICLE I(1)
COMMENCEMENT NOTICE

IN EXERCISE of my powers under section 4(4) of the Revised Edition of the Laws Ordinance 1991 and of all other powers enabling me in that behalf, I hereby notify that Law Revision Order No. 1 of 2002 shall come into force upon publication of this Notice in the Gazette.

Dated this 12th day of April 2004.

H. J. S. Pearce C.V.O.,
Governor.

No. 29 13th April 2004

APPOINTMENT OF TRUSTEES OF THE
MEDIA TRUST

Notice is hereby given that His Excellency the Governor has appointed the following person to be a Trustee of the Media Trust for a period of three years with effect from 12th April 2004 -

Jason Lewis

Dated this 13th day of April 2004.

No. 30 15th April 2004

BRISTOW HELICOPTERS (SOUTH ATLANTIC)
LIMITED
Company Number: 11221

NOTICE IS HEREBY GIVEN that the above named company was dissolved pursuant to section 353 of the Companies Act 1948 in its application to the Falkland Islands on the 15th day of April 2004.

Dated this 15th day of April 2004.

J. C. ROWLAND,
Registrar of Companies.

No. 31 19th April 2004

THE BANKING ORDINANCE (TITLE 10.1)
THE BANKING (AMENDMENT) ORDINANCE 1996

NOTICE IS HEREBY GIVEN pursuant to section 19(1) of the Banking Ordinance (Title 10.1), as amended, that the audited accounts of Standard Chartered Bank for the year ended 31st December 2003 are available for inspection at the bank branch office, Ross Road, Stanley, or a copy will be supplied on application to the Manager.

N. P. Hutton.
Manager,
Standard Chartered Bank,
P. O. Box 597, Stanley, Falkland Islands

No. 32 19th April 2004

PORT HOWARD LODGE HOLDING COMPANY
LIMITED
Company Number: 11510

NOTICE IS HEREBY GIVEN that the above named company was dissolved pursuant to section 353 of the Companies Act 1948 in its application to the Falkland Islands on the 19th day of April 2004.

Dated this 19th day of April 2004.

J. C. ROWLAND,
Registrar of Companies.

No. 33 27th April 2004

APPLICATIONS FOR PERMANENT RESIDENCE

Notice is hereby given that the following persons have applied through the Principal Immigration Officer to be granted permanent residence permits by the Governor:

Richard Lowry MORRISON
Mark David BRIDGES

Any person who knows of any reason why these permits should not be granted, should send a written and signed statement of the facts, giving grounds for their objection, to the Immigration Officer, Customs & Immigration Department, Stanley by 21st May 2004.

D. Hoy,
Immigration Officer.

No. 34 27th April 2004

FALKLAND ISLANDS STATUS APPLICATIONS

Notice is hereby given that the following persons have applied through the Principal Immigration Officer for Falkland Islands Status to be granted to them by the Governor:

Martin Neil PLATO
Richard Andrew DAVIES
Robin Anthony FRYATT

Any person who knows of any reason why such status should not be granted to any of the above, should send a written and signed statement of the facts, giving grounds for their objection, to the Immigration Officer, Customs & Immigration Department, Stanley by 21st May 2004.

D. HOY,
Immigration Officer.



THE FALKLAND ISLANDS GAZETTE

PUBLISHED BY AUTHORITY

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31st May 2004

No. 6

Appointments

Sarah Lam, Clerk, Public Service, 01.05.04.
 Martin Neal Fisher, Pharmacist, Health Services Department, 12.05.04.
 Alison Jane Marie Ford, Learning Support Assistant, Falkland Islands Community School, 17.05.04.
 Pamela Freer, Staff Nurse, Health Services Department, 24.05.04.
 Carolyn Wendy Reeves, Administrative Officer, Customs and Immigration Department, 24.05.04.

Promotions

Gina Ruth Smith, from Clerk, Treasury Department, to Internal Audit Assistant, Treasury Department, 01.05.04.
 Vladimir Laptikhovsky, from Fisheries Observer, Fisheries Department, to Data Analyst, Fisheries Department, 03.05.04.

Completion of Contracts

Douglas James Martin, Beef Advisor, Agriculture Department, 30.04.04.
 Sally Owen, Dental Surgeon, Health Services Department, 03.05.04.
 John Robert Longstreeth, Official Veterinary Surgeon, Agriculture Department, 07.05.04.
 Graham James Cripps, Principal Crown Counsel, Attorney Generals Chambers, 21.05.04.
 Emma Louise Jones, Fisheries Protection Officer, Fisheries Department, 21.05.04.
 Matthew Kelly, Meat Hygiene Inspector, Agriculture Department, 31.05.04.

Renewal of Contracts

Douglas James Martin, Agricultural Advisor (Livestock Husbandry and Grazing Management), Agriculture Department, 01.05.04.
 Sally Owen, Dental Surgeon, Health Services Department, 23.05.04.

Transfer

Ian Wallace, from Sports Attendant, Leisure Centre, to Customs and Immigration Officer, Customs and Immigration Department, 24.05.04.

Resignations

Sara Louise Cole, Senior Staff Nurse, Health Services Department, 04.05.04.
 Kathryn Gilby, Assistant Taxation Officer, Taxation Department, 12.05.04.
 Doreen Evelyn Margaret Jones, Cook and Cleaner, Health Services Department, 31.05.04.

NOTICES

No. 35

30th April 2004

INDEX OF RETAIL PRICES

The calculation of the Index for the quarter ended 31 March 2004 has now been completed. A summary of the Index for the last four quarters is shown below:-

Date	Index	Annual % Increase	Quarter % Increase
30.06.03	108.13	0.111	(0.277)
30.09.03	109.04	0.581	0.842
31.12.03	109.50	2.088	0.422
31.03.04	109.42	0.913	(0.073)

Financial Secretary.

No. 36

3rd May 2004

THE BANKING ORDINANCE (TITLE 10.1)**Part VII: General****Section 25. Fee payable by licensed financial institution**

Notice is hereby given under subsection 5 that the Standard Chartered Bank has paid annually the prescribed licence fee from the date of issue of the licence (subsection 1) up to the fee in respect of the year 2004 (subsection 2). The £1,000 fee for 2004 was paid on 10 December 2003. The Standard Chartered Bank is the only licensed financial institution in the Falkland Islands.

Financial Secretary
Treasury
Stanley
3 May 2004

No. 37

21st May 2004

APPLICATION FOR PERMANENT RESIDENCE

Notice is hereby given that Ricardo Esteban Leyton Calderon has applied through the Principal Immigration Officer to be granted a Permanent Residence Permit by the Governor.

Any person who knows of any reason why this permit should not be granted, should send a written and signed statement of the facts, giving grounds for their objection, to the Immigration Officer, Customs & Immigration Department, Stanley by 22nd June 2004.

D. HOY,
Immigration Officer

No. 38

21st May 2004

APPLICATION FOR PERMANENT RESIDENCE

Notice is hereby given that Emilio Enrique Zelada Reyes has applied through the Principal Immigration Officer to be granted a Permanent Residence Permit by the Governor.

Any person who knows of any reason why this permit should not be granted, should send a written and signed statement of the facts, giving grounds for their objection, to the Immigration Officer, Customs & Immigration Department, Stanley by 22nd June 2004.

D. HOY,
Immigration Officer

No. 39

24th May 2004

FALKLAND ISLANDS STATUS APPLICATIONS

Notice is hereby given that the following persons have applied through the Principal Immigration Officer for Falkland Islands Status to be granted to them by the Governor.

Justin Paul THOMAS
Jacqueline Joyce THOMAS (Nee HAYES, BAGLEY)
Keith Robert BILES
Colin Warren PLATO

Any person who knows of any reason why such status should not be granted to any of the above, should send a written and signed statement of the facts, giving grounds for their objection,

to the Immigration Officer, Customs & Immigration Department, Stanley by 22nd of June 2004.

D. HOY,
Immigration Officer.

No. 40

25th May 2004

APPLICATION FOR NATURALISATION

Notice is hereby given that Michael Floyd is applying to His Excellency the Governor for naturalisation.

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

D. HOY,
Immigration Officer.

No. 41

25th May 2004

APPLICATIONS FOR PERMANENT RESIDENCE

Notice is hereby given that the following persons have applied through the Principal Immigration Officer for Falkland Islands Status to be granted to them by the Governor.

Lee Robertson MITCHELL
Felipe Andres MERY BAHAMONDEZ

Any person who knows of any reason why such status should not be granted to any of the above, should send a written and signed statement of the facts, giving grounds for their objection, to the Immigration Officer, Customs & Immigration Department, Stanley by 22nd of June 2004.

D. HOY,
Immigration Officer.

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

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

I hereby appoint:

CPL M Longworth - H8414690

to be a temporary Customs Officer from 31st March 2004 to 30th July 2004.

R J King
Collector of Customs.

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

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

I hereby appoint:

CPL C Cook - F8284614

to be a temporary Customs Officer from 3rd March 2004 to 3rd July 2004.

R J King
Collector of Customs.



**THE
FALKLAND ISLANDS GAZETTE
Extraordinary**

PUBLISHED BY AUTHORITY

Vol. CXIII

1st June 2004

No. 7

No. 42

28th May 2004

WEARING OF SEAT BELTS (AMENDMENT) REGULATIONS 2004

ARTICLE 1

NOTICE OF APPROVAL BY LEGISLATIVE COUNCIL

Pursuant to section 36(9) of the Road Traffic Ordinance and in accordance with article 1 of the Wearing of Seat Belts (Amendment) Regulations 2004 it is hereby notified that Legislative Council on 25th May 2004 approved the making of those Regulations, which will come into force 14 days from the publication of this Notice.

C. Anderson M.B.E.,
Clerk of Councils

28 May 2004

LEGISLATIVE COUNCIL OF THE FALKLAND ISLANDS

**Customs Ordinance (Title 26)
(section 5)**

CUSTOMS RESOLUTION OF THE LEGISLATIVE COUNCIL

No: 1 of 2004

RESOLVED by the Legislative Council, under section 5 of the Customs Ordinance (Title 26), on the 26th day of May 2004, as follows —

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

“2. The following import duties of customs shall be payable —

Item	Article	Rate of Duty
1.	Beer per litre	£0.23
2.	Wines per litre	£0.60
3.	Fortified Wines per litre	£0.71
4.	Spirituous Beverages per litre	£4.84
5.	Spirits per litre	£8.83
6.	Tobacco per kilo:	
	(a) Cigars	£182.75
	(b) Cigarettes	£132.20
	(c) Tobacco	£120.12”

2. This resolution may be cited as the Customs (Amendment of Import Duties) Resolution 2004 and comes into force on the 27th day of May 2004.

C. ANDERSON M.B.E.,
Clerk of Councils



**THE
FALKLAND ISLANDS GAZETTE
Extraordinary**

PUBLISHED BY AUTHORITY

Vol. CXIII

15th June 2004

No. 8

The following is published in this Gazette-

Register of Electors 15th June 2004.

000001	Adams	John Harvey	21 Ross Road East
000002	Adams	Marjorie Rose	21 Ross Road East
000003	Adeoye	Anneliese Rose	25 Shackleton Drive
000004	Alazia	Andrew	66 Davis Street
000005	Alazia	Anita Jayne	Government House
000006	Alazia	Freda	22 Fitzroy Road
000007	Alazia	Freda Evelyn	17 Jersey Road
000008	Alazia	James Andrew	22 Fitzroy Road
000009	Alazia	Jason Neville	Lookout Lodge
000010	Alazia	Maggie Ann	6 John Street
000011	Alazia	Sandra Marie	66 Davis Street
000012	Alazia	Yvonne	Flat4 1A Moody Sreet
000013	Alazia-McLaughlin	Colleen	11 Fitzroy Road East
000014	Aldridge	Caroline Mary	2 H Jones Road
000015	Aldridge	Kenneth John	2 H Jones Road
000016	Aldridge	Stephen John	2 H Jones Road
000017	Allan	John	39 Ross Road
000018	Allan	Joyce Ena	39 Ross Road
000019	Allan	Michael Charles	3 Philomel Place
000020	Allan	Sarah Louise	3 Philomel Place
000021	Almonacid	Orlando	1 Villiers Sreet
000022	Anderson	Carol Anne	22 Endurance Avenue
000023	Anderson	Claudette	1 Goss Road
000024	Anderson	Eddie	22 Endurance Avenue
000025	Anderson	Elizabeth Nellie	42 Davis Street
000026	Anderson	Falkland John	Y.M.C.A
000027	Anderson	Jamie Falkland	18 Murray Heights
000028	Anderson	Jenny	8 Goss Road
000029	Anderson	Margaret Kathleen	18 Murray Heights
000030	Anderson	Mildred Nessie	8 St Marys Walk
000031	Anderson	Paul James	9 Fieldhouse Close
000032	Anderson	Reginald Stanford	18 Murray Heights
000033	Anderson	Richard Louis	88 Davis Street
000034	Anderson	Tony James	8 Goss Road
000035	Anderson	Tony James	Y.M.C.A
000036	Anthony	Enid Elizabeth	6 Dairy Paddock Road
000037	Anthony	Geraldine Sylvia	FIGO
000038	Arkhipkin	Alexander Ivanovich	27 Goss Road
000039	Armstrong Ford	Karen Jane	22 Jersey Road
000040	Baker	Alison Margaret	12 Endurance Avenue
000041	Barkman	Kirsty Michelle	16 Fieldhouse Close
000042	Barnes	Marlene Estela	2 Watson Way
000043	Barnes	Paul	2 Watson Way
000044	Barton	Alison Mary	6 Villiers Street
000045	Barton	Arthur John	6 Villiers Street
000046	Bates	Barbara	8 Watson Way
000047	Bates	James William	8 Watson Way
000048	Battersby	Jon Alan	16 Fieldhouse Close

000049	Battersby	Margaret Mary	16 Fieldhouse Close
000050	Beckett	Vivien Delia	2 Discovery Close
000051	Benjamin	Wendy Ann	19 Callaghan Road
000052	Berntsen	Cecilia Del Rosario	14 St Marys Walk
000053	Berntsen	Christian Olaf Alexander	15a James Street
000054	Berntsen	Falkland	10 Fitzroy Road
000055	Berntsen	Gene Stanley	YMCA Stanley
000056	Berntsen	Iain Kenneth	2 Dean Street
000057	Berntsen	John Alexander	Felton Stream
000058	Berntsen	Kenneth Frederick	20 Ross Road West
000059	Berntsen	Matthew John	Lookout Lodge
000060	Berntsen	Olaf Christian Alexander	35 Eliza Crescent
000061	Berntsen	Patrick	10 A James Street
000062	Berntsen	Rachel Ena	15a James Street
000063	Berntsen	Valdamar Lars	14 St. Marys Walk
000064	Berntsen	Valorie Marcela	30 Endurance Avenue
000065	Bertrand	Catherine Gladys	11 Ross Road East
000066	Besley-Clark	Barbara June	53 Callaghan Road
000067	Besley-Clark	Craig Norman Leigh	53 Callaghan Road
000068	Besley-Clark	Norman	53 Callaghan Road
000069	Betts	Arlette	Lafone House Ross Road East
000070	Betts	Donald William	7 Jeremy Moore Avenue
000071	Betts	Ellen Alma	21 Fitzroy Road
000072	Betts	George Winston Charles	35 Ross Road West
000073	Betts	Ian	1 Villiers Street
000074	Betts	Lucia Elizabeth	35 Ross Road West
000075	Betts	Owen	14 Fieldhouse Close
000076	Betts	Peter James	Racecourse Road Flats
000077	Betts	Priscilla Violet Morrison	14 Fieldhouse Close
000078	Betts	Severine	3 Allardyce Street
000079	Betts	Shirley Rose	7 Jeremy Moore Avenue
000080	Betts	Simon Keith	Reflections Flat Dean Street
000081	Betts	Stephen	7 Jeremy Moore Avenue
000082	Betts	Tyrone Trevor	7 Short Street
000083	Biggs	Ailie Christine	16 Endurance Avenue
000084	Biggs	Alastair Gordon	Trehayle 50 John Street
000085	Biggs	Althea Maria	3 Dairy Paddock Road
000086	Biggs	Betty Josephine	9 Moody Street
000087	Biggs	Christopher David	5 James Street
000088	Biggs	Coleen Margot	9 Moody Street
000089	Biggs	Daniel Craig	16 Endurance Avenue
000090	Biggs	Edith Joan	Trehayle 50 John Street
000091	Biggs	Frances	16 Endurance Avenue
000092	Biggs	Leslie Frederick	3 Dairy Paddock Road
000093	Biggs	Marian June	16 Jersey Road
000094	Biggs	Michael Elfed	21 Fitzroy Road
000095	Biggs	Peter Julian Basil	16 Endurance Avenue
000096	Biggs	Richard John	16 Jersey Road

000097	Binnie	Juliet Ann	33 Eliza Crescent
000098	Binnie	Linda Rose	6 Fieldhouse Close
000099	Binnie	Ronald Eric	6 Fieldhouse Close
000100	Binnie	Susan	3 Brandon Road
000101	Birmingham	John	4 Drury Street
000102	Blackley	Candy Joy	4 Barrack Street
000103	Blacklèy	Maurice	The Lodge Market Garden
000104	Blackley	Shane David	4 Barrack Street
000105	Blake	Alexander Charles	1 Ross Road
000106	Blake	Anthony Thomas	14 Watson Way
000107	Blake	Lionel Geoffrey	1 Ross Road
000108	Blake	Sally Gwynfa	1 Ross Road
000109	Blake	Thomas Patrick	12 Ross Road West
000110	Blizard	Malvina Mary	51 Fitzroy Road
000111	Blyth	Agnes Ruth	2 Brandon Road
000112	Blyth	Paz Neri	5 St Marys Walk
000113	Bolt	Dennis John	4 Watson Way
000114	Bonner	Alan Paul	8 Pioneer Row
000115	Bonner	Angela Jane	5a Ross Road East
000116	Bonner	Avril Margaret Rose	14 Jersey Road
000117	Bonner	Ewan Shane	4 Felton Court
000118	Bonner	Hayley Trina	41 Ross Road West
000119	Bonner	Keith James	14 Jersey Road
000120	Bonner	Linda Jane	4A Ross Road West
000121	Bonner	Lindsay Jane	12 Scoresby Close
000122	Bonner	Nicholas	4A Ross Road West
000123	Bonner	Odette Ellen May	Madecosie 15 Jersey Estate
000124	Bonner	Paul Roderick	5 John Street
000125	Bonner	Richard James	14 Jersey Road
000126	Bonner	Stevie Coppell	Dolphin Cottage
000127	Bonner	Terence Leslie	Madecosie 15 Jersey Estate
000128	Bonner	Timothy	41 Ross Road West
000129	Bonner	Vera Ann	5 John Street
000130	Bonner	Vera Joan	Chaffeurs Cottage
000131	Bonner	Violet	40 Ross Road
000132	Booth	Jessie	Racecourse Cottage
000133	Booth	Myriam Margaret Lucia	7 Philomel Street
000134	Booth	Stuart Alfred	Racecourse Cottage
000135	Bound	Joan	10 Barrack Street
000136	Bowles	Norma Evangeline	1A Villiers Street
000137	Bowles	Sarah	9 Drury Street
000138	Bowles	William Edward	1A Villiers Street
000139	Bowles	William George Troyd	9 Drury Street
000140	Bragger	Edward Laurence	14 Jeremy Moore Avenue
000141	Bragger	Stacey John	14 Jeremy Moore Avenue
000142	Brock	Juanita Lois	Flat5 1 Jeremy Moore Ave East
000143	Brooks	Cheryl Rose	25 Callaghan Road
000144	Brooks	Peter William	25 Callaghan Road

000145	Browning	Amanda Marie	3 Dairy Paddock Road
000146	Browning	Colin George	1 Moody Street
000147	Browning	Edwina	96 Davis Street
000148	Browning	Henry Stanbury	Lookout Lodge
000149	Browning	Joan Lucy Ann	5 Villiers Street
000150	Browning	Nathan David	3 Dairy Paddock Road
000151	Browning	Rex	35 Davis Street
000152	Browning	Richard William	33 Davis Street
000153	Browning	Trevor Osneth	5 Villiers Street
000154	Brownlee	Andrew Samuel	19 Ross Road East
000155	Brownlee	Lynn Frances	19 Ross Road East
000156	Buckett	Ronald Peter	49 Fitzroy Road
000157	Buckett	Roy Peter	Lookout Lodge
000158	Buckett	Susan Vera	49 Fitzroy Road
000159	Buckland	Darlene Joanna	5 James Street
000160	Buckland	Peter John	9 Callaghan Road
000161	Buckley-Whitney	Helena Jane	2 Pioneer Row
000162	Budd	Dennis Raymond	5 Ian Campbell Drive
000163	Budd	Pamela Joan	5 Ian Campbell Drive
000164	Bundes	Robert John Christian	17 Fitzroy Road
000165	Burnett	Robert Southern	2 Glasgow Road
000166	Burns	Mary Anne	34 Davis Street
000167	Burston	Catherine	91 Davis Street
000168	Burston	Stephen Leslie	91 Davis Street
000169	Bury	Ian Thomas	63 Davis Street
000170	Butcher	Michael George	3A Dairy Paddock Road
000171	Butcher	Trudi	3A Dairy Paddock Road
000172	Butler	Elsie Maud	10 Thatcher Drive
000173	Butler	Frederick Lowther Edward	10 Thatcher Drive
000174	Butler	George Joseph	1A Moody Street
000175	Butler	Jonathan Jeffers	3 Jeremy Moore Avenue
000176	Butler	Laurence Jonathan	2 Davis Street East
000177	Butler	Margaret Orlanda	5 Short Street
000178	Butler	Orlanda Betty	2 Davis Street East
000179	Buxton	Nicole Gabrielle	9 Campbell Drive
000180	Cameron	Jane Diana Mary Keith	Old Bakery Fitzroy Road
000181	Cant	Carol Rosine	24 Goss Road
000182	Cant	Martin Ronald	24 Goss Road
000183	Cant	Phillip Martin	24 Goss Road
000184	Cantlie	Derek William	27 Callaghan Road
000185	Carey	Anthony Michael	19 Ross Road West
000186	Carey	Gladys	19 Ross Road West
000187	Carey	Martin Rex	21 Eliza Cove Crescent
000188	Carey	Mary Ann Margaret	18 Ross Road West
000189	Carey	Terence James	18 Ross Road West
000190	Cartwright	Stephen	39 Ross Road West
000191	Castle	David Peter	26 John Street
000192	Castle	Isobel	26 John Street

000193	Ceballos	Eulogio Gabriel	28 Endurance Avenue
000194	Ceballos	Isabel	12 Brisbane Road
000195	Ceballos-Anderson	Alastair Jaime	1 Goss Road
000196	Chaloner	Sheila Catherine	2 Racecourse Road
000197	Chandler	Ann Beatrice	6 Biggs Road
000198	Chandler	Edward	6 Biggs Road
000199	Chapman	Elsie Mary	7 Drury Street
000200	Chapman	Helen	6 Fitzroy Road East
000201	Chapman	Paul	29 Fitzroy Road
000202	Chater	Thomas Frederick	33 Fitzroy Road
000203	Chater	William John	7 Biggs Road
000204	Cheek	Gerald Winston	9 Biggs Road
000205	Cheek	Janet Lynda	25 Ross Road West
000206	Cheek	Marie	9 Biggs Road
000207	Cheek	Rosalind Catriona	32 Goss Road East
000208	Cheeseman	Kaye Melanie	1a Capricorn Drive
000209	Cheeseman	Stanley John	Lookout Lodge
000210	Clapp	Kevin Christopher	1 Murray Heights
000211	Clark	Douglas James	53 Callaghan Road
000212	Clark	Hector	27 Eliza Crescent
000213	Clark	Jonathan Andrew	Flat 10 Jersey Road
000214	Clark	Joyce Kathleen	27 Eliza Crescent
000215	Clarke	Angela Sindy	1B Capricorn Road
000216	Clarke	Angeline Gloria	17 Scoresby Close
000217	Clarke	Camilla Marie	8 Drury Street
000218	Clarke	Christopher	5 Discovery Close
000219	Clarke	David James	17 Ross Road West
000220	Clarke	Derek Simon	23 Jeremy Moore Avenue
000221	Clarke	Doreen	17 Ross Road West
000222	Clarke	Eva Lynn	19 Jersey Road
000223	Clarke	Felicity Marie	7 Fitzroy Road
000224	Clarke	Gwynne Edwina	17 Jeremy Moore Avenue
000225	Clarke	Ian	Lookout Lodge Stanley
000226	Clarke	Isabel Joan	12 Fieldhouse Close
000227	Clarke	James Martin	3 McKay Close
000228	Clarke	Jeremy Ian Thomas	7 Fitzroy Road
000229	Clarke	Joan Patricia Marion	Flant 6, 6 Jersey Road
000230	Clarke	Jonathan Terence	17 Jeremy Moore Avenue
000231	Clarke	Joseph Gwyn	Lookout Lodge
000232	Clarke	Julie Ann	Globe Tavern
000233	Clarke	Luke Anthony	Lookout Lodge
000234	Clarke	Margaret Ann	3 H Jones Road
000235	Clarke	Marvin Thomas	7 Fitzroy Road
000236	Clarke	Ronald John	17 Ross Road West
000237	Clarke	Rudy Thomas	8 Drury Street
000238	Clarke	Suzanna	3 Ross Road West
000239	Clarke	Terence John	17 Jeremy Moore Avenue
000240	Clarke	Tracey Clare	23 Jeremy Moore Avenue

000241	Clarke	Trudi Ann	7 Fitzroy Road
000242	Clasen	Wayne Ian Summers James	17 Davis Street
000243	Clausen	Andrea Patricia	3 St Marys Walk
000244	Clausen	Denzil George Gustavius	3 St Marys Walk
000245	Clausen	Melanie	54 Davis Steet
000246	Clausen	Sophie Marina	37 Davis Street
000247	Claxton	Margaret	28 Ross Road East
000248	Clayton	Brian	Dorada
000249	Clement	Gary	9 Snake Street
000250	Clement	Jane	9 Snake Street
000251	Clement	Lee	9 Snake Street
000252	Clement	Sara Jane	10 Snake Street
000253	Clement	Wayne	10 Snake Street
000254	Cletheroe	Kenneth Stanley	45 Fitzroy Road
000255	Clifton	Darwin Lewis	53 Davis Street
000256	Clifton	Marie	6 Discovery Close
000257	Clifton	Melvyn	12 Callaghan Road
000258	Clifton	Neil	20 Davis Street
000259	Clifton	Stephen Peter	61 Fitzroy Road
000260	Clifton	Terence Charles	3 Ross Road West
000261	Clifton	Teresa Ann	12 Callaghan Road
000262	Clifton	Valerie Ann	61 Fitzroy Road
000263	Cockwell	Jennifer Marie	90 Davis Street
000264	Cockwell	John Richard	14 Ross Road West
000265	Cockwell	Maurice Adam	90 Davis Street
000266	Cockwell	Samuel George	14 Ross Road West
000267	Cofre	Anya Evelyn	1 Brandon Road West
000268	Cofre	Elvio Miguel	1 Brandon Road West
000269	Collins	Shiralee	14 Jersey Road
000270	Connolly	Kevin Barry	1 King Street
000271	Coombe	Robert Dean	12 Ross Road West.
000272	Cotter	Caroline Jane	9 Jeremy Moore Avenue
000273	Cotter	Jacqueline Ann	9 Jeremy Moore Avenue
000274	Cotter	Mary Jane	9 Jeremy Moore Avenue
000275	Cotter	Timothy Stewart	9 Jeremy Moore Avenue
000276	Courtney	Anthony Clive	30 Goss Road
000277	Courtney	Julie	30 Goss Road
000278	Coutts	Charles	12 Endurance Avenue
000279	Coutts	Charles Lindsay	33 Ross Road
000280	Coutts	Elsbeth Alice	12 Endurance Avenue
000281	Coutts	John	36 Ross Road West
000282	Coutts	Olga	33 Ross Road
000283	Crabb	Elizabeth Ann	34a Davis Street
000284	Crawford	May Doreen	3 Goss Road
000285	Crawford	Russell McLeod	3 Goss Road
000286	Cross	Doreen Helen	2a Racecourse Road
000287	Crowie	Alan John	72 Davis Street
000288	Crowie	Ana Bonita	72 Davis Street

000289	Crowie	Clare Frances	35 Callaghan Road
000290	Crowie	David Martin	Lookout Lodge
000291	Crowie	David Sean	51 Callaghan Road
000292	Crowie	Michelle	1 Discovery Close
000293	Crowie	Nicola Jane	35 Callaghan Road
000294	Crowie	Peter James	35 Callaghan Road
000295	Crowie	Robert John	35 Callaghan Road
000296	Crowie	Roxanne	72 Davis Street
000297	Curtis	Alfred William Hamilton	6 Brandon Road West
000298	Curtis	Barbara Annette Hamilton	37 Ross Road East
000299	Curtis	Barbara Joan	6 Brandon Road West
000300	Curtis	Bonnie Elizabeth Hamilton	6 Brandon Road West
000301	Curtis	James William Hamilton	6 Ross Road
000302	Davies	Anthony Warren	7 Callaghan Road
000303	Davies	Christine Susan	8 Fitzroy Road East
000304	Davies	Colin George	15 Ross Road West
000305	Davies	Eileen Wynne	15 Ross Road West
000306	Davies	Jacqueline Nancy	7 Callaghan Road
000307	Davies	Sian Karen	7 Callaghan Road
000308	Davies	William	8 Fitzroy Road East
000309	Davis	Ellen Rose	39 Davis Street
000310	Davis	Maurice	39 Davis Street
000311	Davis	Roy George Victor	6 Narrows View
000312	Davis	Yona	37 Davis Street
000313	Davy	Patrick Alex Field	Flat3 3 Jeremy Moore Ave East
000314	Dent	Janice Vanessa	16 Scoresby Close
000315	Dent	Stephen John	16 Scoresby Close
000316	Desborough	Gladys Malvina	14 Allardyce Street
000317	Dickson	Caroline Christine Bird	108 Davis Street
000318	Dickson	Iris	2 Dairy Paddock Road
000319	Dickson	Michael Keith	Davis Street
000320	Dickson	Ronald Edward	2 Dairy Paddock Road
000321	Dickson	Steven Charles	14 Endurance Avenue
000322	Didlick	Fiona Margaret	13 Jeremy Moore Avenue
000323	Didlick	Graham John	13 Jeremy Moore Avenue
000324	Didlick	Imogen Fiona	13 Jeremy Moore Avenue
000325	Didlick-Smith	Rhiannon Elinore	13 Jeremy Moore Avenue
000326	Diggle	Jean Katherine	12 Jersey Road
000327	Diggle	Roger John	12 Jersey Road
000328	Dobbynys	Kathleen Gay	60 Davis Street
000329	Dodd	Alison	1 Pioneer Row
000330	Dodd	Nigel Keith	1 Pioneer Row
000331	Doherty	Ian	2 Brisbane Road
000332	Donnelly	Derek	38 Ross Road East
000333	Drysdale	Karen Margaret	1 Watson Way
000334	Duncan	Delsha Vanessa Jane	Flat 3 30 Jersey Road
000335	Duncan	Doreen	Tenacres
000336	Duncan	Peter Ree Howard	K.E.M.H

000337	Eagle	Sonia Ellen	12 St Mary's Walk
000338	Earnshaw	Jacqueline Elizabeth	37 Ross Road West
000339	East	Justin Clive Richard	1 Fieldhouse Close
000340	East	Michelle Jane	1 Fieldhouse Close
000341	Eccles	Bernard Leslie	18 Jeremy Moore Avenue
000342	Eccles	Moira Cameron	18 Jeremy Moore Avenue
000343	Edwards	Emma Jane	41 Ross Road East.
000344	Ellick	Joanne Marie	11 McKay Close
000345	Ellick	Nicholas Charles	11 McKay Close
000346	Elliot	Elizabeth Rose	15 Callaghan Road
000347	Elliot	Henry James	15 Callaghan Road
000348	Ellis	Cyril	24 Ross Road East
000349	Ellis	Lucy	11 James Street
000350	Ellis	Paul	43 John Street
000351	Ellis	Sally Jean	43 John Street
000352	Ellis	Valerie	24 Ross Road East
000353	Elsby	Barry	Moody Brook House
000354	Eriksen	Fiona Alison	5 Racecourse Road
000355	Evans	Gladys Alberta	6 Barrack Street
000356	Evans	Michelle Paula	Murray Heights
000357	Evans	Russell	6 Barrack Street
000358	Evans	Susan Maureen	45 Ross Road East
000359	Ewing	Gordon	4 Jeremy Moore Avenue
000360	Ewing	Irene	4 Jeremy Moore Avenue
000361	Eynon	Carol	8 Villiers Street
000362	Eynon	David John	8 Villiers Street
000363	Faria	Mary Ann	6A Jeremy Moore Avenue
000364	Faria	Paul	22 Hansen Hill
000365	Faria	Susana Caroline Berntsen	22 Hansen Hill
000366	Felton	Violet Regina Margaret	German Camp Callaghan Road
000367	Felton	Walter Arthur	Sheltered Housing
000368	Ferguson	Ellen Rose	51 Callaghan Road
000369	Ferguson	Finlay James	51 Callaghan Road
000370	Ferguson	Hugh	3 Racecourse Road
000371	Ferguson	John William	47 Ross Road East
000372	Ferguson	Marie Anne	2 Davis Street
000373	Ferguson	Robert John	4 Capricorn Road
000374	Ferguson	Rose	Flat7 1 Jeremy Moore Ave East
000375	Ferguson	Sian Yvonne	21 Shackleton Drive
000376	Ferguson	Stephanie Janet	47 Ross Road East
000377	Ferguson	Thelma	4 Capricorn Road
000378	Fiddes	Douglas Graham	The Brook, Moody Brook
000379	Fiddes	Gardner Walker	3 Watson Way
000380	Fiddes	Mary McKinnon Livingstone	4 Moody Street
000381	Fiddes	Melody Christine	3 Watson Way
000382	Fiddes	Robert	4 Moody Street
000383	Finlayson	Barry Donald	3 Capricorn Road
000384	Finlayson	Iris Heather	3 Capricorn Road

000385	Finlayson	Marc Ian	Y.M.C.A
000386	Finlayson	Marilyn Christine	24 James Street
000387	Finlayson	Peter	24 James Street
000388	Finlayson	Phyllis	6 Brandon Road
000389	Finn	Natalie Anne	9 Eliza Crescent
000390	Fisher-Smith	Julie Anne	8 Fieldhouse Close
000391	Floyd	Amanda Susan	4b Ross Road West
000392	Floyd	Michael	7 Pitaluga Place
000393	Floyd	Michael Anthony	7 Pitaluga Place
000394	Floyd	Steven Paul	7 Pitaluga Place
000395	Fogerty	Richard Edwin John	Stone Cottage
000396	Ford	Alison Jane Marie	5 Jersey Road
000397	Ford	Arthur Henry	6 Drury Street
000398	Ford	Cara Michelle	5 Philomel Street
000399	Ford	Christopher James	12 Davis Street
000400	Ford	Colin Stewart	15 Kent Road
000401	Ford	Colleen Mary	Lady Hunt House John Street
000402	Ford	Darrel	54 Davis Street
000403	Ford	David	1 Davis Street
000404	Ford	Donna Marie	24 James Street
000405	Ford	Frederick James	Lady Hunt House John Street
000406	Ford	Gerard Allan	Flat 1 3 Jeremy Moore Avenue
000407	Ford	Jonathan	3 Pitaluga Place.
000408	Ford	Julie Ann	3 Pitaluga Place.
000409	Ford	Leann Caroline	15 Kent Road
000410	Ford	Leonard	5 Jersey Road
000411	Ford	Marvyn Neil	Lookout Lodge
000412	Ford	Michael	82 Davis Street
000413	Ford	Neil Fraser	6 Drury Street
000414	Ford	Robert	1 Davis Street
000415	Ford	Simon	1 James Street
000416	Ford	Tanya Louise	24 James Street
000417	Forrest	Jennifer Carol	16 Kent Road
000418	Forrest	Michael John	16 Kent Road
000419	Forster	Amanda	9 Fieldhouse Close
000420	Forster	Lynne	5 Discovery Close
000421	Fowler	Daniel Martin	2 Glasgow Road
000422	Fowler	John Andrew Thomas	9 Philomel Street
000423	Fowler	Veronica May	2 Glasgow Road
000424	France	Graham Brian	7 Snake Street
000425	France	Ian Peter	7 Snake Street
000426	France	Jane Aileen Marie	7 Snake Street
000427	Freeman	Carl Francis	10 James Street
000428	Freeman	Dianne May	10 James Street
000429	Freeman	Rachael	10 James Street
000430	Freeman	Tracy	10 James Street
000431	Freer	Pamela Jane	56 John Street
000432	Freer	Stephen Paul James	56 John Street

000433	Fullerton	Mary Ellen	Government House
000434	George	Kevin Charles	26 Ross Road East
000435	Gilbert	Christopher Paul	11 Campbell Drive
000436	Gilbert	Judith Elizabeth	22 Jeremy Moore Avenue
000437	Gilbert	Mark Ian	22 Jeremy Moore Avenue
000438	Gilbert	Neil Robert	22 Jeremy Moore Avenue
000439	Gilbert	Robert Ernest	22 Jeremy Moore Avenue
000440	Gilson-Clarke	Dustin James	Flat 1 30 Jersey Road
000441	Gleadell	Ian Keith	4 Philomel Place
000442	Goodwin	Bonita Colleen	Flat 1 30 Jersey Road
000443	Goodwin	Christopher Sturdee	Lookout Lodge
000444	Goodwin	Colin Valentine	86 Davis Street
000445	Goodwin	Derek Samuel	Flat 1 30 Jersey Road
000446	Goodwin	Emily Rose	7 Brisbane Road
000447	Goodwin	Gareth Kevin	86 Davis Street
000448	Goodwin	Hazel Rose	3 Police Cottages 7 Ross Road
000449	Goodwin	June Elizabeth	86 Davis Street
000450	Goodwin	Kathleen Edith Marguerite	6 Thatcher Drive
000451	Goodwin	Mandy Hazel	45 Callaghan Road
000452	Goodwin	Robin	45 Callaghan Road
000453	Goodwin	Robin Christopher	27 Callaghan Road
000454	Goodwin	Simon James	Lookout Lodge
000455	Goodwin	Una	27 Callaghan Road
000456	Goodwin	William John Maurice	7 Brisbane Road
000457	Gordon	Robert James Alexander	4 Goss Road
000458	Goss	Annagret	16 Jeremy Moore Avenue
000459	Goss	Corina Rose	20 Murray Heights
000460	Goss	Dorothy Ellen	4 Discovery Close
000461	Goss	Eric Miller	2 Fitzroy Road East
000462	Goss	Ian Ernest Earle	98 Davis Street
000463	Goss	Morgan Edmund	16 Jeremy Moore Avenue
000464	Goss	Roy Shepherd	4 Discovery Close
000465	Goss	Sandra Kathleen	11 Kent Road
000466	Goss	Shirley Ann	2 Fitzroy Road East
000467	Goss	Simon Peter Miller	11 Kent Road
000468	Goss	Susan Diann	98 Davis Street
000469	Goss	William Henry (jnr)	7 Brandon Road
000470	Gough	Ivan	8 John Street
000471	Gough	Phyllis Candy	8 John Street
000472	Grant	Milly	3 Moody Street
000473	Gray	David Edward	22 Ross Road West
000474	Gray	Patricia May	22 Ross Road West
000475	Green	David William	Lois Cottage John Street
000476	Greenland	James Andrew William	9 Beaver Road
000477	Greenough	Geoffrey	50 Davis Street
000478	Greenough	Wanda Rose	50 Davis Street
000479	Grimmer	Edward	21 Hansen Hill
000480	Grimmer	Keith	15 Pioneer Row

000481	Grimmer	Marilyn	15 Pioneer Row
000482	Hadden	Alexander Burnett	27 Fitzroy Road
000483	Hadden	Sheila Peggy	27 Fitzroy Road
000484	Halford	Rodney John	Tenacres
000485	Halford	Sara Jayne	Tenacres
000486	Halford	Sharon	Tenacres
000487	Halliday	Cathy Anne	5 Drury Street
000488	Halliday	Gerald	Flat 1 6 Racecourse Road
000489	Halliday	Jeffrey James	8 Murray Heights
000490	Halliday	Priscilla Alison	12a Brandon Road
000491	Halliday	Raynor	9 Brisbane Road
000492	Hancox	Rachel Mary	9 Ross Road West
000493	Hancox	Robert James	4 James Street
000494	Hansen	Douglas John	6 Fitzroy Road
000495	Hansen	Keva Elizabeth	1 Dairy Paddock Road
000496	Hansen	Terence Joseph	1 Dairy Paddock Road
000497	Hardcastle	Kim Elizabeth	5 Pioneer Row
000498	Hardcastle	Simon Brook	5 Pioneer Row
000499	Harris	Christopher James	8 Pioneer Row
000500	Harris	Dennis Sefton	19 Callaghan Road
000501	Harris	Heather	3 Ross Road East
000502	Harris	Jill Yolanda Miller	19 Fitzroy Road
000503	Harris	Karl Henry	5a Ross Road East
000504	Harris	Leeann Watson	10 Dairy Paddock Road
000505	Harris	Leslie Sidney	19 Fitzroy Road
000506	Harris	Michael Ronald	3 Ross Road East
000507	Harris	Ralph Aaron	10 Dairy Paddock Road
000508	Harvey	Muriel Elizabeth Elsie	2 King Street
000509	Harvey	Sheila	41 Ross Road
000510	Harvey	William	21 Fitzroy Road
000511	Hawksworth	Jeanette	Flat 4 30 Jersey Road
000512	Hawksworth	Mary Catherine	5A Brisbane Road
000513	Hawksworth	Pauline May	29 Fitzroy Road
000514	Hawksworth	Ryan	29 Fitzroy Road
000515	Hawksworth	Terence	5A Brisbane Road
000516	Hayward	Marjorie	30 Eliza Cove Road
000517	Hayward	Neville	41 Ross Road
000518	Hayward	Peter Dennis	30 Eliza Cove Road
000519	Hazell	Lee Felton	7 Rowlands Rise
000520	Heathcock	Andrew James	17 Goss Road
000521	Heathman	Malcolm Keith	15 Eliza Cove Road
000522	Heathman	Mandy Gail	15 Eliza Cove Road
000523	Heathman	Nyree	12 Scoresby Close
000524	Heathman	Tara	9 Snake Hill
000525	Henry	Alan Richard	8 Beaver Road
000526	Henry	Patricia Denise	8 Beaver Road
000527	Hernandez Manterola	Miguel Angel	3 Murray Heights
000528	Hernandez Trevello	Maria Elena	3 Murray Heights

000529	Hewitt	Frances Agnes	Flat 2 1 Jeremy Moore Avenue
000530	Hewitt	Gary George	3 Hebe Place
000531	Hewitt	Margaret Ann	3 Hebe Place
000532	Hewitt	Rachel Catherine Orissa	4 St. Marys Walk
000533	Hewitt	Robert John David	3 Thatcher Drive
000534	Hills	Heather Margaret	5 Davis Street
000535	Hills	Richard William	5 Davis Street
000536	Hirtle	Christine	5 Capricorn Road
000537	Hirtle	Debbie Ann	2b Capricorn Road
000538	Hirtle	Leonard John	2 Ian Campbell Drive
000539	Hirtle	Leonard Lloyd	2 Ian Campbell Drive
000540	Hirtle	Michael Barry	2 Ian Campbell Drive
000541	Hirtle	Rose Ann Shirley	4 Villiers Street
000542	Hirtle	Shirley	2 Ian Campbell Drive
000543	Hobman	Anilda Marilu	34 Ross Road West
000544	Hobman	Luis Alfonzo	34 Ross Road West
000545	Hoggarth	Agnes Christina	2 James Street
000546	Howatt	Derek Frank	4 Racecourse Road
000547	Howatt	Suzanna Margaret	4 Racecourse Road
000548	Howe	Alison Delia	36 Davis Street
000549	Howe	Paul Anthony	36 Davis Street
000550	Howells	Anne Stephanie	112 Davis Street
000551	Howells	Roger	112 Davis Street
000552	Hoy	Dawn	2 Dean Street
000553	Humphreys	Hannah Elaine	7 Dean Street
000554	Humphreys	Margaret Anne	Flat 5, 6 Jersey Road
000555	Hutton	Elizabeth Isabella	3 John Street
000556	Hutton	Philip	3 John Street
000557	Igao	Alejandro Neri	13 Scoresby Close
000558	Igao	Noel Neri	10 Goss Road
000559	Igao	Pauline Lynx	10 Goss Road
000560	Ingham	Rebecca Justine	3 Racecourse Road
000561	Inglis	Alison Anne MacKenzie	9 Short Street
000562	Irvine	Andrew Grant McKenzie	9 McKay Close
000563	Jackson	Kathleen	23 Fitzroy Road
000564	Jackson	Malcolm	23 Fitzroy Road
000565	Jackson	Mark Malcolm	5 Drury Street
000566	Jacobsen	Alistair	1A Philomel Street
000567	Jacobsen	Catherine Joan	1A Philomel Street
000568	Jacobsen	Tanzi	1a Philomel Street
000569	Jaffray	Elaine Michele	8 Discovery Close
000570	Jaffray	Estelle Anita	11 Snake Street
000571	Jaffray	Frank Alexander	8 Discovery Close
000572	Jaffray	Gerard Alan	19 Jersey Road
000573	Jaffray	Helen Rose	84 Davis Street
000574	Jaffray	Jacqueline Ann	17 Watson Way
000575	Jaffray	Janet	3 Fitzroy Road East
000576	Jaffray	John	3 Fitzroy Road East

000577	Jaffray	John Summers	84A Davis Street
000578	Jaffray	John Willie	21 Watson Way
000579	Jaffray	June Elizabeth	17 Ross Road East
000580	Jaffray	Kenneth Ian	7 Jersey Road
000581	Jaffray	Lisa Jane	3 Biggs Road
000582	Jaffray	Phyllis	21 Watson Way
000583	Jaffray	Stephen James	11 James Street
000584	Jaffray	Terence Roy	24 Hansen Hill
000585	Jaffray	Terri-Ann	24 Endurance Avenue
000586	Jaffray	Tony	84 Davis Street
000587	Jaffray	Tracy	3 Fitzroy Road East
000588	Jennings	Neil	8 Moody Street
000589	Jennings	Stephen	5 Fitzroy Road
000590	Johnson	Lily Ann	5 Hebe Street
000591	Johnson	Michael Neil	5 Kent Road
000592	Jones	Alan Smith	26 Ross Road West
000593	Jones	David Richard	6 Allardyce Street
000594	Jones	Doreen Evelyn Margaret	6 Allardyce Street
000595	Jones	Evan Glynn	35 Ross Road East
000596	Jones	Jennifer	26 Ross Road West
000597	Jones	John Hugh	35 Ross Road East
000598	Jones	Kevin Richard	2 Discovery Close
000599	Jones	Michelle	35 Ross Road East
000600	Jones	Yvonne Malvina	3 Discovery Close
000601	Jonson	Amy Elizabeth	3 Davis Street
000602	Jordan	Cara Jane	12 Goss Road
000603	Jordan	Ian	12 Goss Road
000604	Joshua	Josephine Mary	14a Brandon Road
000605	Joshua	Larry Arthur	14a Brandon Road
000606	Keane	Alva Rose Marie	18 Davis Street
000607	Keane	Olaf James	18 Davis Street
000608	Keane	Thomas James	18 Davis Street
000609	Keenleyside	Charles Desmond	3 Pioneer Row
000610	Keenleyside	Dorothy Maud	3 Pioneer Row
000611	Keenleyside	Manfred Michael Ian	2 Snake Street
000612	Keenleyside	Nanette Barbara	2 Snake Street
000613	Kenny	Erling	20 James Street
000614	Kidd	John Nathan	1 Hebe Street
000615	Kidd	Lillian Rose Orissa	1 Hebe Street
000616	Kiddle	Robert Karl	Flat 2 1 Moody Street
000617	Kilmartin	Dinah May	Sir Rex Hunt House
000618	King	Anna Constance Eve	34 Ross Road
000619	King	Desmond George Buckley	38 Davis Street
000620	King	Glynis Margaret	13 Ross Road East
000621	King	Michelle Beverley	4 Biggs Road
000622	King	Peter Thomas	10 Jeremy Moore Avenue
000623	King	Robert John	22/24 Davis Street
000624	King	Rosemarie	10 Jeremy Moore Avenue

000625	King	Vernon Thomas	39 Fitzroy Road
000626	Kirkham	Campbell Joseph	5 Capricorn Road
000627	Kultschar	John William	4 Davis Street East
000628	Kultschar	Yvonne Rosina	4 Davis Street East
000629	Ladron De Guevara Vilches	Carmen Benilda	22/24 Davis Street
000630	Laffi	Atilio Segundo	3 Brisbane Road
000631	Laffi	Kathleen Mary	3 Brisbane Road
000632	Lang	Alexander Peter	28 Goss Road
000633	Lang	David Geoffrey	28 Goss Road
000634	Lang	James Patrick	Flat2 3 Jeremy Moore Ave East
000635	Lang	Marie-Bernard Therese	13 Murray Heights
000636	Lang	Patrick Andrew	8a Moody Street
000637	Lang	Phillippa Josephine	28 Goss Road
000638	Lang	Sandra Shirleen	2 Allardyce Street
000639	Lang	Tamara Colette	4 Barrack Street
000640	Lang	Theresa Margaret	28 Goss Road
000641	Lang	Velma Emily	8a Moody Street
000642	Lang	William Frank	3 James Street
000643	Larsen	Ellen	74 Davis Street
000644	Lazo	Javier Waldemar Sanchez	80 Davis Street
000645	Lazo	Joanna Rose	80 Davis Street
000646	Lee	Alfred Leslie	11 Drury Street
000647	Lee	Beverley Christina	10 Allardyce Street
000648	Lee	Gladys	11 Drury Street
000649	Lee	Joanne Hazel Rose	4 Pioneer Row
000650	Lee	Leslie James	10 Allardyce Street
000651	Lee	Mandy John	15 James Street
000652	Lee	Myles	14 Davis Street
000653	Lee	Owen Henry	4 Pioneer Row
000654	Lee	Tanya	15 Campbell Drive
000655	Lee	Trudi Dale	10 Allardyce Street
000656	Lee	Victoria Jane	Y.M.C.A
000657	Legg	Robert Keith	Lookout Lodge
000658	Lennie	Gordon Carnie	9 Narrows View
000659	Lewis	David James	3 Campbell Drive
000660	Lewis	James	2 St. Marys Walk
000661	Lewis	Jason	9 Short Street
000662	Lewis	Jean	2 St. Marys Walk
000663	Lewis	Pamela Irene	3 Campbell Drive
000664	Lewis	Sharon	11 Campbell Drive
000665	Leyland	Frank	10 Brandon Road
000666	Leyland	Vera	10 Brandon Road
000667	Liddle	Alison Catherine	7 Fitzroy Road East
000668	Liddle	Gordon Malcolm	7 Fitzroy Road East
000669	Livermore	Anton	33 Callaghan Road
000670	Livermore	Isla Karen	33 Callaghan Road
000671	Llamosa	Theresa Kathleen	25 Shackleton Drive
000672	Loftus	Geoffrey	11 Firzroy Road

000673	Loveridge	Daniel Nolan	1 Ross Road West
000674	Loveridge	Marie Pearl	1 Ross Road West
000675	Lowe	Anthony Trevor	54 Davis Street
000676	Luxton	Jennifer Mary	4 Hebe Place
000677	Luxton	Michael	1A Pioneer Row
000678	Luxton	Nicola	1A Pioneer Row
000679	Luxton	Robin	1 Jersey Road
000680	Luxton	Stephen Charles	7 Narrows View
000681	Luxton	Sybil Grace	38 John Street
000682	Luxton	Wendy Jennifer	1 Jersey Road
000683	Luxton	Winifred Ellen	15 Fitzroy Road
000684	Lyse	Ethel Malvina	65 Fitzroy Road
000685	Lyse	Linda Margaret	65 Fitzroy Road
000686	Macaskill	Angus Lindsay	8 Jeremy Moore Avenue
000687	Macaskill	Jeanette May	8 Jeremy Moore Avenue
000688	Macaskill	John	34 Ross Road West
000689	MacBeth	Phyllis Elizabeth Grace	17 Brandon Road
000690	MacDonald	Andrew James	YMCA
000691	MacDonald	Colin George	Flat 2 6 Jersey Road
000692	MacDonald	Derek George	112 Davis Street
000693	MacDonald	Irene	Flat 2 6 Jersey Road
000694	Maddocks	Robert Charles	11 Murray Heights
000695	Malcolm	Velma	7 Allardyce Street
000696	Marsh	Arlette Sharon	7 Jersey Road
000697	Marsh	Kevin Roy	36 Ross Road East
000698	May	Angela Jane	11 Jersey Road
000699	May	Brian Roy	21 Jeremy Moore Avenue
000700	May	Bruce Raymond	9 Kent Road
000701	May	Christopher Raymond	9 Callaghan Road
000702	May	Connie	9 Kent Road
000703	May	Donna Monica	YMCA
000704	May	Heather	1 Glasgow Road
000705	May	Jonathan Roy	12 Jeremy Moore Avenue
000706	May	Lindsey Olga	9 Callaghan Road
000707	May	Lucinda Vikki	12 Jeremy Moore Avenue
000708	May	Monica	21 Jeremy Moore Avenue
000709	May	Roger	11 Jersey Road
000710	May	William Albert	1 Glasgow Road
000711	McCallum	Bettina Kay	14 Drury Street
000712	McCallum	Christopher John	8A Jeremy Moore Avenue
000713	McCallum	Tanya	Room 4 21 Shackleton Drive
000714	McCallum	Timothy Andrew	14A Drury Street
000715	McCormick	Dale Ronald	29 Callaghan Road
000716	McCormick	Pauline Margaret Ruth	29 Callaghan Road
000717	McCormick	Richard Paul	29 Callaghan Road
000718	McCormick	Wayne Stanley James	12 Endurance Avenue
000719	McGill	Cara Jane	21 John Street
000720	McGill	Coral Elizabeth	3 Allardyce Street

000721	McGill	Darrel Ian	20 Jeremy Moore Avenue
000722	McGill	David William	17 James Street
000723	McGill	Derek Gary	12 Scoresby Close
000724	McGill	Diane Beverley	2 James Street
000725	McGill	Doris Mary	32 Davis Street
000726	McGill	Gary	15 Brandon Road
000727	McGill	Glenda	1c Capricorn Road
000728	McGill	Ian Peter	1c Capricorn Road
000729	McGill	Len Stanford	2 James Street
000730	McGill	Lorraine Iris	10 Ross Road East
000731	McGill	Teresa Rose	26 Ross Road East
000732	McGinness	Janice	10 Beaver Road
000733	McKay	Christine	6 Drury Street
000734	McKay	Clara Mary	20 Ross Road West
000735	McKay	Heather Valerie	16 Eliza Crescent
000736	McKay	Jeannie Paullina	64 Davis Street
000737	Mckay	Jennifer Coral	29 Callaghan Road
000738	McKay	Mandy Rose	51 Callaghan Road
000739	McKay	Michael John	64 Davis Street
000740	McKay	Neil	62 Davis Street
000741	McKay	Paul Anthony	3 Nutt Cartmel Drive
000742	McKay	Peter John	21 Ross Road West
000743	McKay	Rex	16 Eliza Crescent
000744	McKay	Shelley Jane	7 Villiers Street
000745	McKay	Trudi Ann	10 Ian Campbell Drive
000746	McKay	William Robert	20 Ross Road West
000747	McKee	Miranda	12 Watson Way
000748	McKee	Richard Buick	12 Watson Way
000749	McKenzie	Alice Maude	Moody Brook Homestead
000750	McKenzie	Charles Alexander Albert John	Moody Brook Homestead
000751	McLaren	Caroline Mary	12 Allardyce Street
000752	McLaren	Kevin Derek Charles	51 Callaghan Road
000753	McLaren	Tony Eugene Terence	12 Allardyce Street
000754	McLeod	David	49 Callaghan Road
000755	McLeod	Dawn	12 James Street
000756	McLeod	Henry Donald Alexander	36 Eliza Crescent
000757	McLeod	Ian	9 Fitzroy Road
000758	McLeod	Ian James	30 Endurance Avenue
000759	McLeod	Jane Elizabeth Diana	36 Eliza Crescent
000760	McLeod	Janet Wensley	75 Davis Street
000761	McLeod	Janice	2 Ross Road West
000762	McLeod	Joan May	36 Eliza Cresent
000763	McLeod	John (1)	1 Campbell Drive
000764	McLeod	John (2)	23 Murray Heights
000765	McLeod	Kenneth Benjamin John	12 James Street
000766	McLeod	Louise	1 Campbell Drive
000767	McLeod	Madeline Jean	1 Campbell Drive
000768	McLeod	Mally	9 Fitzroy Road

000769	McLeod	Margaret Ann	13 Fitzroy Road East
000770	McLeod	Michael William	5 Short Street
000771	McLeod	Pearl Mary Ann	3 Brisbane Road
000772	McLeod	Robert	75 Davis Street
000773	McLeod	Robert John	2 Ross Road West
000774	McMullen	June	8 Brandon Road
000775	McMullen	Lucille Anne	6a John Street
000776	McMullen	Mathew John	5 Fieldhouse Close
000777	McMullen	Tony	8 Brandon Road
000778	McNally	Patricia Jayne	18 Ross Road East
000779	McPhee	Denise	4 Brandon Road West
000780	McPhee	Iris Blanche	31 Ross Road East
000781	McPhee	Justin Owen	4 Brandon Road West
000782	McPhee	Marjorie May	14 John Street
000783	McPhee	Owen Horace	14 John Street
000784	McPhee	Patrick	31 Ross Road East
000785	McPhee	Sara	1 Hebe Place
000786	McRae	David Michael	2 H Jones Road
000787	McRae	Elvis Richard	Lookout Lodge
000788	McRae	Gloria Linda	2 H Jones Road
000789	McRae	Kerry Jane	10 Watson Way
000790	McRae	Mandy	1 James Street
000791	McRae	Michael	10 Watson Way
000792	McRae	Richard Winston	Flat2 6 Racecourse Road
000793	Middleton	Brian	13 McKay Close
000794	Middleton	Caroline Ann	7 James Street
000795	Middleton	Dennis Michael	Dolphin Cottage
000796	Middleton	Graham Cyril	50 Davis Street
000797	Middleton	Joan Eliza	8 James Street
000798	Middleton	Kerry Ann	Dolphin Cottage
000799	Middleton	Leonard	67 Fitzroy Road
000800	Middleton	Phillip John	5 St Marys Walk
000801	Middleton	Sharon Elizabeth	Dolphin Cottage
000802	Middleton	Stephanie Anne	13 McKay Close
000803	Middleton	Yvonne Allison	50 Davis Street
000804	Miller	Andrew Nigel	6A Jeremy Moore Ave
000805	Miller	Betty Lois	6 St Marys Walk
000806	Miller	Bruce Graham	10 Pioneer Row
000807	Miller	Carol	Marine Cottage, Moody Brook
000808	Miller	Gail Marie	2 Police Cottages 8 Ross Road
000809	Miller	Janet Mary	Market Garden Airport Road
000810	Miller	Jayne Elizabeth	27 Davis Street
000811	Miller	Jeanette	10 Pioneer Row
000812	Miller	Simon Roy	Marine Cottage, Moody Brook
000813	Miller	Steven Geoffrey	Lookout Lodge
000814	Miller	Timothy John Durose	Market Garden Airport Road
000815	Mills	Terence Kenneth	43 Callaghan Road
000816	Minnell	Adrian James	Flat 4 30 Jersey Road

000817	Minnell	Michelle Rose	41 Eliza Crescent
000818	Minto	Alistair Daen	Lookout Lodge
000819	Minto	Barbra Pennisi	9 Fitzroy Road
000820	Minto	Dilys Rose	18 Endurance Avenue
000821	Minto	Graham Stewart	12 Brisbane Road
000822	Minto	Patrick Andrew	3b Jersey Road
000823	Minto	Timothy Ian	18 Enurance Avenue
000824	Miranda	Augusto	31 Davis Street
000825	Miranda	Carmen	20 Davis Street
000826	Miranda	Ramon	3 Drury Street
000827	Miranda	Winifred Dorothy	3 Drury Street
000828	Mitchell	Cherilyn Julie	32 Ross Road East
000829	Mitchell	Lee Robertson	32 Ross Road East
000830	Mitchell	Leon John	6 Discovery Close
000831	Moffatt	Angela	20 Ross Road East
000832	Moffatt	James	20 Ross Road East
000833	Moffatt	Jay	20 Ross Road East
000834	Molkenbuhr	Lee Charles	19 Sullivan Street
000835	Morris	Alana Marie	4 Callaghan Road
000836	Morris	David	4 Callaghan Road
000837	Morris	Jason Paul	59 Fitzroy Road
000838	Morris	Michelle Jane	6 McKay Close
000839	Morris	Trevor Alan	6 McKay Close
000840	Morrison	Doreen	82 Davis Street
000841	Morrison	Edgar Ewen	4 Capricorn Road
000842	Morrison	Fayan	54 John Street
000843	Morrison	Graham Stewart	34a Davis Street
000844	Morrison	Jacqueline Denise Anita	13 Ian Campbell Drive
000845	Morrison	Joan Margaret	3 Felton Court
000846	Morrison	Joanne Elizabeth	3 Racecourse Road East
000847	Morrison	Joleen Coleen	Flat 6 1 Jeremy Moore Avenue
000848	Morrison	Kenneth	13 Ian Campbell Drive
000849	Morrison	Lewis Ronald	12 Callaghan Road
000850	Morrison	Marcus Lewis	82 Davis Street
000851	Morrison	Michael John	10 Fitzroy Road East
000852	Morrison	Muriel Eliza Ivy	40 Eliza Crescent
000853	Morrison	Nanette Rose	46 Davis Street
000854	Morrison	Nigel Peter	7 James Street
000855	Morrison	Patrick	1 Brandon Road West
000856	Morrison	Paul Roderick	3 Racecourse Road East
000857	Morrison	Ronald Terence	5 Racecourse Road
000858	Morrison	Russell John Allan	6A Jeremy Moore Avenue
000859	Morrison	Stewart	46 Davis Street
000860	Morrison	Susan Margaret	10 Fitzroy Road East
000861	Morrison	Tamara	21 Hansen Hill
000862	Morrison	Timothy	YMCA
000863	Morrison	Violet Sarah	5 Racecourse Road
000864	Morrison	William Roderick Halliday	54 John Street

000865	Munro	Grant Mackintosh	69 Fitzroy Road
000866	Murphy	Andrew	2 King Street
000867	Murphy	Ann Susan	2 King Street
000868	Murphy	Bessie	68 Davis Street
000869	Neilson	Barry Marwood	23 Ross Road
000870	Neilson	Edward Sydney	23 Ross Road
000871	Neilson	Harold Ian	6a Moody Street
000872	Neilson	Margaret	23 Ross Road
000873	Newell	Joseph Orr	3 Villiers Street
000874	Newell	Paula Michelle	11 Brandon Road
000875	Newell	Trudi Malvina	3 Villiers Street
000876	Newman	Andrew Raymond	4 Biggs Road
000877	Newman	Marlene	11 Jeremy Moore Avenue
000878	Newman	Raymond Winston	11 Jeremy Moore Avenue
000879	Newman	Tansy Fiona	5 Jersey Road
000880	Newman	Terence	24 Endurance Avenue
000881	Nutter	Arthur Albert	9 Brandon Road
000882	Nutter	Josephine Lesley	9 Brandon Road
000883	O'Dean	Barry Charles	Lookout Lodge
000884	Olmedo	Alex	6 Watson Way
000885	Ormond	Christina Helen	6 Goss Road
000886	Ormond	Kevin Michael Patrick Joseph	6 Goss Road
000887	Ormond	Terrienne Helen	6 Goss Road
000888	Parrin	Norman George	108 Davis Street
000889	Patterson-Smith	Ian Colin	15 Watson Way
000890	Pauloni	Hilary Maud	63 Fitzroy Road
000891	Pauloni	Romolo Vittorio	63 Fitzroy Road
000892	Paver	Bernadette Marguerite	Moody Brook House
000893	Payne	Dilys Agnes	2 Racecourse Road East
000894	Payne	Joanne Francis	2 Racecourse Road East
000895	Payne	Samantha Jane	2 Racecourse Road East
000896	Payne	St. John Peter	2 Racecourse Road East
000897	Peake	Arthur	19 James Street
000898	Peck	Burnerd Brian	22 James Street
000899	Peck	Carol Margaret	2 Discovery Close
000900	Peck	Christine	21 Jersey Road
000901	Peck	David John	15 Villiers Street
000902	Peck	Eleanor Margaret	10 Davis Street
000903	Peck	Gordon Pedro James	34 Eliza Crescent
000904	Peck	Harwood John Charles	26 Eliza Crescent
000905	Peck	James	2 Barrack Street
000906	Peck	Maureen Heather	78 Davis Street
000907	Peck	Patrick William	78 Davis Street
000908	Peck	Shirley	2 Barrack Street
000909	Peck	Terence John	10 Davis Street
000910	PED		6 Beaver Road
000911	Pennisi	Gladys Elisabeth	5 Villiers Street
000912	Perkins	Vivienne Esther Mary	33 John Street

000913	Perry	Hilda Blanche	6 St Marys Walk
000914	Perry	Thora Virginia	17 Fitzroy Road
000915	Peters	Shirley Vyona	1 Short Street
000916	Pettersson	Derek Richard	21 Eliza Crescent
000917	Pettersson	Tony	30 Davis Street
000918	Pettersson	Trudi Ann	21 Eliza Crescent
000919	Phillips	Albert James	16 Brandon Road
000920	Phillips	David Dawson	35 Fitzroy Road
000921	Phillips	Elisa	35 Fitzroy Road
000922	Phillips	Linda	16 Brandon Road
000923	Phillips	Paul David	Waterfront Ross Road
000924	Phillips	Shula Louise	Waterfront Ross Road
000925	Platt	Claire	5 Villiers Street
000926	Pole-Evans	Amy Rose	4 Harbour View
000927	Pole-Evans	John	16 Ross Road East
000928	Pole-Evans	Lisa	6a Moody Street
000929	Pole-Evans	Martin	YMCA
000930	Pole-Evans	Michael Anthony	4 Harbour View
000931	Pole-Evans	Paula	5 Biggs Road
000932	Pollard	Andrew Keith	4 Hebe Place
000933	Pollard	Elizabeth Eve	23 Ross Road East
000934	Pollard	John	23 Ross Road East
000935	Pollard	Mark John	23 Ross Road East
000936	Pompert	Joost Herman Willem	11 Ross Road West
000937	Poncet	Lars Nigel	2 Brandon Road West
000938	Poncet	Sally Elizabeth	2 Brandon Road
000939	Poole	Andrea Joan	52 John Street
000940	Poole	Christopher William	52 John Street
000941	Poole	Evelyn May	31 Fitzroy Road
000942	Poole	Nancy Margaret	52 John Street
000943	Poole	Raymond John	52 John Street
000944	Poole	Ross William	52 John Street
000945	Poole	William John	31 Fitzroy Road
000946	Porter	Charles	11 Fitzroy Road
000947	Porter	Jean Lavinia	11 Fitzroy Road
000948	Porter	Tracy	5 Jeremy Moore Avenue
000949	Pratlett	Patricia Carol Ann	10 A James Street
000950	Prindle-Middleton	Stella Margaret	5 St Mary's Walk
000951	Pring	Bernadette June Spencer	5a Ross Road West
000952	Pring	Geoffrey Alan	5a Ross Road West
000953	Purvis	Alan	3 Narrows View
000954	Purvis	Marion Louise	3 Narrows View
000955	Reddick	Keith John	By-Pass Road
000956	Reeves	Carolyn Wendy	2 Moody Street
000957	Reeves	Jill Edith	3 Jeremy Moore Avenue
000958	Reeves	Michael	2 Moody Street
000959	Reid	Ann	Lois Cottage John Street
000960	Reid	Beverley Rose	9 Fitzroy Road East

000961	Reid	Colleen Rose	9 Fitzroy Road East
000962	Reid	Emily Margaret	14 Endurance Avenue
000963	Reid	John Alexander	41 Fitzroy Road
000964	Reid	Reynold Gus	9 Fitzroy Road East
000965	Reid De Davino	Pamela Ruth	7 John Street
000966	Reive	Roma Endora Mary	8a St Marys Walk
000967	Rendell	Michael	8 Ross Road West
000968	Rendell	Nicholas Simon Oliver	8 Ross Road West
000969	Rendell	Phyllis Mary	8 Ross Road West
000970	Richards	Shirley	8 James Street
000971	Riddell	Lisa Marie	33 Davis Street
000972	Roberts	Cheryl Ann Spencer	49 Ross Road East
000973	Roberts	David Anthony	1 Mountain View
000974	Roberts	Jill Christine	10 Watson Way
000975	Roberts	Laura May	7 Kent Road
000976	Roberts	Lynn	6 Rowlands Rise
000977	Roberts	Peter James	49 Ross Road East
000978	Roberts	Simon Theodore Nathaniel	10 Watson Way
000979	Robertson Pompert	Janet	11 Ross Road West
000980	Robson	Alison Emily	15 Villiers Street
000981	Robson	Cherry Rose	5 Philomel Street
000982	Robson	Debbi Louisa	6 Felton Court
000983	Robson	Gerard Michael	1 Philomel Place
000984	Robson	Miranda Gay	6 Brisbane Road
000985	Robson	Phyllis Ann	1 Philomel Place
000986	Robson	Raymond Nigel	6 Brisbane Road
000987	Robson	William Charles	18 Ross Road East
000988	Rodriguez Reid	Elizabeth Jayne	33 Ross Road West
000989	Ross	Andrea Joanna Ampuero	4 Rowlands Rise
000990	Ross	Claudio Javier Ampeuro	49 Fitzroy Road
000991	Ross	Glenn Stephen	23 Watson's Way
000992	Ross	Janet	23 Watson's Way
000993	Ross	Kerri-Anne	23 Watson Way
000994	Ross	Kevin John	21 John Street
000995	Ross	Lachlan Neil	7 Discovery Close
000996	Ross	Marie	3 Drury Street
000997	Ross	Roy	47 Callaghan Road
000998	Ross	Sheena Margaret	2 Mountain View
000999	Rowland	Charlene Rose	19 Jeremy Moore Avenue
001000	Rowland	John Christopher	19 Jeremy Moore Avenue
001001	Rowland	Sarah Anne	19 Jeremy Moore Avenue
001002	Rowlands	Catherine Annie	3 Hebe Street
001003	Rowlands	Daisy Malvina	39 John Street
001004	Rowlands	Dorinda Roberta	3a Hebe Street
001005	Rowlands	Neil	3A Hebe Street
001006	Rowlands	Robert John	13 Callaghan Road
001007	Rozee	Betty Ellen	16 Davis Street
001008	Rozee	Bryn	Davis Street

001009	Rozee	Derek Robert Thomas	16 Davis Street
001010	Rozee	Karen Michella	16 Davis Steet
001011	Rozee	Shona Mary	5 Pitaluga Place
001012	Sackett	Albert John	25 Ross Road East
001013	Sackett	Michael John Carlos	30 Eliza Cove Road
001014	Sackett	Pauline	25 Ross Road East
001015	Sawle	Judith Margaret	Seaview Cottage Ross Road
001016	Sawle	Richard	Seaview Cottage Ross Road
001017	Seron	Jose Segundo	M/V Tamar C/o Byron Marine
001018	Shcherbich	Zhanna Nikolaevna	27 Goss Road
001019	Shepherd	Ramsey	4 Discovery Close
001020	Short	Alison	9 Pioneer Row
001021	Short	Brenda	11 Barrack Street
001022	Short	Celia Soledad	1 Racecourse Road
001023	Short	Christina Ethel	12 Brandon Road
001024	Short	Derek Patrick	Ross Road West
001025	Short	Dilys Margaret Ann	6A Pioneer Row
001026	Short	Emily Christina	1 Fitzroy Road East
001027	Short	Gavin Phillip	Flat 7 6 Jersey Road
001028	Short	Marc Peter	1 Racecourse Road
001029	Short	Marlene Cindy	9 Pitaluga Place
001030	Short	Montana Tyrone	4 Dairy Paddock Road
001031	Short	Nabil George	4 Dairy Paddock Road
001032	Short	Peter Robert	1 Fitzroy Road East
001033	Short	Richard Edward	9 Pitaluga Place
001034	Short	Riley Ethroe	11 Barrack Street
001035	Short	Vilma Alicia	4 Dairy Paddock Road
001036	Simpson	Bertha Veronica	8 Rowlands Rise
001037	Simpson	James Alexander Bruce	7 Racecourse Road
001038	Simpson	James Garry	7 Racecourse Road
001039	Simpson	John Frederick	8 Rowlands Rise
001040	Simpson	Mirabel Hermione	7 Racecourse Road
001041	Sinclair	Veronica Joyce	21 Ross Road West
001042	Skene	Greta Winnora Miller	22 Ross Road East
001043	Smallwood	Akira Ali	105 Davis Street
001044	Smallwood	Margo Ameer	105 Davis Street
001045	Smallwood	Michael Anthony	105 Davis Street
001046	Smith	Anthony David	10 Fieldhouse Close
001047	Smith	Caroline	5 Brandon Road
001048	Smith	Colin David	6 James Street
001049	Smith	Derek	8 Eliza Crescent
001050	Smith	Elenore Olive	3 Brisbane Road
001051	Smith	Eric	Flat 2 1 Moody Street
001052	Smith	George Patterson	15 Watson Way
001053	Smith	Gerard Alexander	8 Barrack Street
001054	Smith	Gina Ruth Mary	28 Jersey Road
001055	Smith	Heather	19 Watson Way
001056	Smith	Ian Lars	5 Brandon Road

001057	Smith	Ileen Rose	28 Ross Road West
001058	Smith	James Terence	3 Fitzroy Road West
001059	Smith	Jennifer Ethel	6 Watson Way
001060	Smith	Jenny Lorraine	15 Watson Way
001061	Smith	John	28 Ross Road West
001062	Smith	Julia Trinidad	8 Eliza Crescent
001063	Smith	Lisa Margaret	Flat 8 2 Eliza Place
001064	Smith	Martyn James	6A Ross Road West
001065	Smith	Michael Edmund	15 Watson Way Stanley
001066	Smith	Natalie Marianne	6 James Street
001067	Smith	Nora Kathleen	5 Fitzroy Road East
001068	Smith	Osmund Raymond	3 Brisbane Road
001069	Smith	Paul	2 Ross Road West
001070	Smith	Paulette Rose	KEMH
001071	Smith	Rhona	8 Fitzroy Road
001072	Smith	Robin Charles	19 Watson Way
001073	Smith	Roy Alan	37 Ross Road East
001074	Smith	Russell James	8 Fieldhouse Close
001075	Smith	Tyssen John Richard	28 Jersey Road
001076	Socodo	Pheobe Esther	19 Murray Heights
001077	Sollis	Sarah Emma Maude	20 Drury Street
001078	Spicer	Mark Anthony	16 St Mary's Walk
001079	Spicer	Susan	16 St. Marys Walk
001080	Spink	Roger Kenneth	43 Ross Road East
001081	Spinks	Malvina Ellen	Flat6 7 Jeremy Moore Ave East
001082	Spruce	Helena Joan	29 Ross Road West
001083	Spruce	Mark Felton	29 Ross Road West
001084	Spruce	Terence George	29 Ross Road West
001085	Steen	Barbara Ingrid	39 Ross Road West
001086	Steen	Karen Lucetta	32 Fitzroy Road
001087	Steen	Kimberley Joanna	21 St Marys Walk
001088	Steen-MacDonald	Stacey Louise	3 Ian Campbell Drive
001089	Stenning	Anna Russalka	5B Ross Road West
001090	Stenning	Timothy Charles	5B Ross Road West
001091	Stephenson	Joan Margaret	Moody Valley
001092	Stephenson	Katrina	4 Davis Street
001093	Stephenson	Zachary	4 Davis Street
001094	Stevens	Paul Theodore	6 Dairy Paddock Road
001095	Stevens	Valerie Ann	6 Dairy Paddock Road
001096	Stewart	Aarron Stephen	6 Pioneer Row
001097	Stewart	Celia Joyce	12 St Marys Walk
001098	Stewart	Hulda Fraser	24 Ross Road West
001099	Stewart	Ian Bremner	34 Ross Road East
001100	Stewart	Irene Anne	Flat 3 6 Jersey Road
001101	Stewart	Kenneth Barry	3 Discovery Close
001102	Stewart	Pam Ellen	18 Endurance Avenue
001103	Stewart	Robert	12 St Marys Walk
001104	Stewart	Robert William	Flat 3 6 Jersey Road

001105	Stewart	Sheila Olga	34 Ross Road East
001106	Stewart	Sylvia Rose	7 Ross Road West
001107	Stewart-Reid	Carol Ellen Eva	41 Fitzroy Road
001108	Strange	Georgina	The Dolphins Snake Street
001109	Strange	Maria Marta	The Dolphins Snake Street
001110	Strange	Shona Marguerite	6b Ross Road West
001111	Summers	Alastair Peter	1 Ross Road East
001112	Summers	Brian	1 Ross Road East
001113	Summers	Deborah	14 Pioneer Row
001114	Summers	Dorothy Constance	42 Eliza Crescent
001115	Summers	Edith Catherine	5 Dean Street
001116	Summers	Irvin Gerard	Sir Rex Hunt House
001117	Summers	Jacqueline	11 Pioneer Row
001118	Summers	Jonathan Derek	5 Allardyce Street
001119	Summers	Judith Orissa	1 Ross Road East
001120	Summers	Lynn Jane	20 Jeremy Moore Avenue
001121	Summers	Michael Kenneth	6A Brisbane Road
001122	Summers	Michael Victor	11 Pioneer Row
001123	Summers	Naomi Christine	9 Eliza Crescent
001124	Summers	Nichola Jane	4 Capricorn Road
001125	Summers	Owen William	5 Brandon Road
001126	Summers	Rowena Elsie	5 Allardyce Street
001127	Summers	Roy	32 Eliza Crescent
001128	Summers	Sheila	Sir Rex Hunt House
001129	Summers	Sybella Catherine Ann	1 Ross Road West
001130	Summers	Sylvia Jean	8 Racecourse Road
001131	Summers	Terence	1 Ross Road West
001132	Summers	Tony	8 Racecourse Road
001133	Summers	Veronica	5 Brandon Road
001134	Summers Dobie	Donna	8 Racecourse Road
001135	Sutcliffe	Lindsey Claire	3A Allardyce Street
001136	Sutherland	Elizabeth Margaret	13/14 Eliza Cove Road
001137	Sutherland	John Gall	3 Mountain View
001138	Sutherland	William John Munro	13/14 Eliza Cove Road
001139	Sytchov	Vladimir	1 Felton Court
001140	Sytchova	Natalia Mikhaylovna	1 Felton Court
001141	Teale	Colin Edwin	8 Brisbane Road
001142	Teale	Jeannette	8 Brisbane Road
001143	Tellez	Arturo	7 John Street
001144	Tellez	Charlotte Melize	28 Jersey Road
001145	Tellez	Jose Hector	2 Hodson Villa West
001146	Thain	John	8 Davis Street
001147	Thain	Stephanie Ann	8 Davis Street
001148	Thom	David Anderson	47 Fitzroy Road
001149	Thom	Dorothy Irene	47 Fitzroy Road
001150	Thom	John Currie	25 Ross Road East
001151	Thom	Norma Ann	92 Davis Street
001152	Thompson	William John	Flat2 1 Moody Street

001153	Thorsen	Carol Margaret	17 Scoresby Close
001154	Thorsen	David Moller	17 Scoresby Close
001155	Tomlinson	Anita Helen	6 Police Cottages
001156	Triggs	David William	3 Fieldhouse Close
001157	Triggs	Diane	3 Fieldhouse Close
001158	Triggs	Donna Louise	3 Fieldhouse Close
001159	Triggs	Michael David	3 Fieldhouse Close
001160	Tuckwood	John Rodney	1 Drury Street
001161	Tuckwood	Phyllis Majorie	1 Drury Street
001162	Turner	Diana Jane	Murray Heights
001163	Turner	Melvyn George	36 John Street
001164	Turner	Ronald	KEMH
001165	Tyrrell	Garry Bernard	1 Beaver Road
001166	Tyrrell	Gina Michelle	1 Beaver Road
001167	Valler	Glyndwr Huw	Flat 4 8 Jersey Road
001168	Vidal Roberts	Leona Lucila	1 Mountain View
001169	Villalon	Elizabeth Alice	7 McKay Close
001170	Villalon	Hector Ricardo	7 McKay Close
001171	Villegas	Caroline	7 Fieldhouse Close
001172	Vincent	Janette Mary	10 Endurance Avenue
001173	Vincent	Stephen Lawrence	10 Endurance Avenue
001174	Wade	Donald Harold	17 Murray Heights
001175	Wade	June Rose Elizabeth	17 Murray Heights
001176	Wallace	Fiona Alice	21 Murray Heights
001177	Wallace	Fraser Barrett	10 John Street
001178	Wallace	Helen Jean	10 John Street
001179	Wallace	Ian	23 Callaghan Road
001180	Wallace	James Barrett	38 Ross Road West
001181	Wallace	Maria Lilian	38 Ross Road West
001182	Wallace	Michael Ian	23 Callaghan Road
001183	Wallace	Stuart Barrett	38 Ross Road West
001184	Wallace	Una	23 Callaghan Road
001185	Ward	Alison Denise	19 Scoresby Close
001186	Ward	Dennis James	19 Scoresby Close
001187	Watson	Ben	7 Moody Street
001188	Watson	Paul	20 Endurance Avenue
001189	Watson	Ruth Jane	20 Endurance Avenue
001190	Watt	Stephen Robert	11 Narrows View
001191	Watt	Sylvia Ann	11 Narrows View
001192	Watts	Patrick James	13 Brisbane Road
001193	Webb	Gary Colin	58 Davis Street
001194	Webb	Loretta Isobel	58 Davis Street
001195	White	Judy Marie	Flat 1 3 Jeremy Moore Avenue
001196	White	Kathleen Elizabeth	9 Thatcher Drive
001197	Whitney	Frederick William	1 Police Cottages 9 Ross Road
001198	Whitney	Henry Leslie	3 St Marys Walk
001199	Whitney	Jason	15 Ross Road East
001200	Whitney	Kurt Ian	2 Pioneer Row

001201	Whitney	Lana Rose	22 Eliza Crescent
001202	Whitney	Susan Joan	1 Police Cottages 9 Ross Road
001203	Wilkinson	Alistair Graham	5 Felton Court
001204	Wilkinson	Johan	5 Felton Court
001205	Wilkinson	Robert John	2a Brisbane Road
001206	Williams	Gene	23 Ross Road West
001207	Williams	Gillian Carol	Flat4 1 Jeremy Moore Avenue
001208	Williams	Glen	33 Ross Road East
001209	Williams	Margaret Elizabeth	33 Ross Road East
001210	Williams	Marlene Rose	23 Ross Road West
001211	Winter	Teresa Irene	4A Jeremy Moore Avenue East
001212	Wylie	Julian Richard	1 McKay Close
001213	Zuvic-Bulic	Kuzma Mario	Holdfast House, Holdfast Road
001214	Zuvic-Bulic	Sharon Marie	Holdfast House, Holdfast Road

000001	Alazia	George Robert	Hope Cottage, East Falkland
000002	Alazia	Hazel	Blue Beach East Falkland
000003	Alazia	Keith	Goose Green, East Falkland
000004	Alazia	Mandy Gwyneth	Port Edgar Farm, West Falkland
000005	Alazia	Michael Robert	Port Edgar Farm, West Falkland
000006	Alazia	Thora Lilian	North Arm, East Falkland
000007	Aldridge	Brian George	Goose Green East Falkland
000008	Aldridge	Diana Mary	Goose Green East Falkland
000009	Aldridge	Olive Elizabeth	Hill Cove, West Falkland
000010	Aldridge	Terence William	Hill Cove, West Falkland
000011	Anderson	Lynda June	New House, East Falkland
000012	Anderson	William John Stanley	New House, East Falkland
000013	Ashworth	Glennis	Riverside Farm, East Falkland
000014	Ashworth	Iain	Riverside Farm, East Falkland
000015	Ashworth	Malcolm	Riverside Farm, East Falkland
000016	Bagley	Darren Clive	Riverview Farm, East Falkland
000017	Bagley	Jacqueline Elizabeth	Riverview Farm, East Falkland
000018	Barnes	Dierdre	Dunbar Farm, West Falkland
000019	Barnes	Marshall	Dunbar Farm, West Falkland
000020	Barrientos	Jose Sixto Ruiz	Walker Creek, East Falkland
000021	Beattie	Ian Robert Ewen	North Arm, East Falkland
000022	Berntsen	Arina Janis	Pebble Island, West Falkland
000023	Berntsen	Benjamin John	Elephant Beach, East Falkland
000024	Berntsen	Leon	Albermarle Stn, West Falkland
000025	Berntsen	Pamela Margaret	Albermarle Stn, West Falkland
000026	Betts	Bernard Keith	Boundary Farm, West Falkland
000027	Betts	Diane Joan	Boundary Farm, West Falkland
000028	Betts	Irene Marion	Boundary Farm, West Falkland
000029	Binnie	Horace James	Fox Bay Village, West Falkland
000030	Bober	John	Turners, MPA, East Falkland
000031	Bonner	Donald William	Sound House, North Arm E.F.I
000032	Bonner	Simon	Port Howard, West Falkland
000033	Bonner	Susan Anne	Port Howard, West Falkland
000034	Browning	Gavin	Fitzroy Farm East Falkland
000035	Butler	Charmaine Sarah	Fitzroy East Falkland
000036	Butler	James Donald	Goose Green, East Falkland
000037	Chater	Anthony Richard	New Island, West Falkland
000038	Clark	Frederick Thomas	Hawkbit, Fitzroy East Falkland
000039	Clarke	Alan Neil	Port Howard, West Falkland
000040	Clarke	Anika Doreen	Goose Green East Falkland
000041	Clarke	Jan Michael	Kings Ridge Farm, E.F.I
000042	Clarke	Jeanette	West Point Island
000043	Clarke	Michael Jan	Kings Ridge Farm, E.F.I
000044	Clarke	Shane Adrian	Bleaker Island
000045	Clarke	Violet Rose	Elephant Beach, East Falkland
000046	Clausen	Denzil	Berkeley Sound Farm EFI
000047	Clausen	Henry Edward	Port Louis, East Falkland
000048	Clifton	Leonard	Walker Creek, East Falkland

000049	Clifton	Thora Janeene	Walker Creek, East Falkland
000050	Cockwell	Benjamin William	Fox Bay Village, West Falkland
000051	Cockwell	Clare Marie	Fox Bay Village, West Falkland
000052	Cockwell	Grizelda Susan	Fox Bay Village, West Falkland
000053	Collins	Bernard	Turners, MPA, East Falkland
000054	Davis	Aase	Evelyn Station, East Falkland
000055	Davis	Doreen Susan	Stanley Dairy East Falkland
000056	Davis	Ian John	Evelyn Station, East Falkland
000057	Davis	Nicholas	Stanley Dairy East Falkland
000058	Davis	Reginald John	Evelyn Station, East Falkland
000059	Davis	William James	Goose Green, East Falkland
000060	Decroliere	Carrie Madeline Helen	Fox Bay Village, West Falkland
000061	Decroliere	Eric Ernest Albert	Fox Bay Village, West Falkland
000062	Dickson	Charles George	Brookfield, East Falkland
000063	Dickson	Doreen	Wreck Point, East Falkland
000064	Dickson	Gerald William	Wreck Point, East Falkland
000065	Donnelly	Daniel	Crooked Inlet, West Falkland
000066	Donnelly	Joyce Elizabeth	Crooked Inlet, West Falkland
000067	Dunford	David Philip	The Saddle, West Falkland
000068	Eagle	Alan William	Fitzroy Farm East Falkland
000069	Edwards	Norma	Lake Sullivan, West Falkland
000070	Edwards	Roger Anthony	Lake Sullivan, West Falkland
000071	Evans	Donna Newell	South Harbour, West Falkland
000072	Evans	Michael David	South Harbour, West Falkland
000073	Evans	Raymond	Pebble Island, West Falkland
000074	Evans	Richard Gregory	Coach House, MPA Road E.F.I
000075	Evans	Tracy	Saunders Island WFI
000076	Fairley	John	Port Stephens, West Falkland
000077	Faria	Basil Harry	North Arm East Falkland
000078	Faria	Maria Anne	North Arm East Falkland
000079	Fiddes	Julia Bertrand	Bleaker Island
000080	Findlay	Andrew John	East Bay, West Falkland
000081	Finlayson	Neil Roderick	North Arm, East Falkland
000082	Ford	Paul Edward	North Arm East Falkland
000083	Forster	Gwyneth May	Bold Cove, West Falkland
000084	Forster	James	Bold Cove, West Falkland
000085	Gilding	Melanie Carol	Port Louis, East Falkland
000086	Gilding	Peter Bernard	Port Louis, East Falkland
000087	Gill	Alicia Michelle	Fitzroy Farm, East Falkland
000088	Gleadell	Marklin John	North Arm, East Falkland
000089	Goodwin	Margo Jane	Johnsons Harbour East FI
000090	Goodwin	Neil Alexander William	Johnsons Harbour East FI
000091	Goss	Margaret Rose	Horseshoe Bay, East Falkland
000092	Goss	Michael Peter	Horseshoe Bay East Falkland
000093	Goss	Peter	Horseshoe Bay, East Falkland
000094	Greenland	Bonita Doreen	Darwin House, East Falkland
000095	Greenland	Kenneth David	Darwin House, East Falkland
000096	Grierson	Hew McInnes	Blue Beach San Carlos EFI

000097	Halliday	Joyce Isabella Patience	Fox Bay Village, West Falkland
000098	Halliday	Kenneth William	Fox Bay Village, West Falkland
000099	Hansen	Ian	Main Point, West Falkland
000100	Hansen	Lionel Raymond	Hill Cove, West Falkland
000101	Hansen	Rose Idina	Hill Cove, West Falkland
000102	Hansen	Susan Ann	Main Point, West Falkland
000103	Hardcastle	Eileen Beryl	Darwin, East Falkland
000104	Harvey	Jen	Hill Cove, West Falkland
000105	Harvey	Valerie Ann	Hill Cove, West Falkland
000106	Hawksworth	David	Plot 8 MPA Road East Falkland
000107	Heathman	Ailsa	Estancia, East Falkland
000108	Heathman	Ewart Tony	Estancia, East Falkland
000109	Hewitt	Sara Marie	Home Farm Douglas Station EF
000110	Hill	Jennifer Eileen	Stoney Ridge, West Falkland
000111	Hirtle	Anthony	Peaks Farm, West Falkland
000112	Hirtle	Doris Linda	Port Howard, West Falkland
000113	Hirtle	Odette Susan	Port Howard, West Falkland
000114	Hirtle	Samantha	Peaks Farm, West Falkland
000115	Hirtle	Susan Mary	Peaks Farm, West Falkland
000116	Hobman	David Gonsalo	Chartres, West Falkland
000117	Hobman	John Malcolm	Saladero, East Falkland
000118	Hobman	Juan Jose Eleuterio	Chartres, West Falkland
000119	Hobman	Vivien	Saladero, East Falkland
000120	Hooper	Peter Bernard	Mount Alice, West Falkland
000121	Jaffray	Alexander	Lively Island, East Falkland
000122	Jaffray	Derek Charles	Goose Green East Falkland
000123	Jaffray	Eileen	North Arm, East Falkland
000124	Jaffray	Elliott Jessie	Lively Island, East Falkland
000125	Jaffray	Ian	North Arm, East Falkland
000126	Jaffray	Tanya Fiona	Fitzroy East Falkland
000127	Jennings	Jacqueline	Pebble Island West Falkland
000128	Jones	Mark Henry	Fox Bay West Falkland
000129	Jones	Michael David	Head Of Bay, East Falkland
000130	Jones	Sheila Janice	Head Of Bay, East Falkland
000131	Jonson	Carl	Bombilla, East Falkland
000132	Jonson	Rita Elizabeth	Bombilla, East Falkland
000133	Kilmartin	Claire Elfreda	Bluff Cove East Falkland
000134	Kilmartin	Kevin Seaton	Bluff Cove, East Falkland
000135	Knight	Justin Robert Campbell	Coast Ridge, West Falkland
000136	Knight	Keith Andrew	Coast Ridge, West Falkland
000137	Knight	Nigel Arthur	Coast Ridge, West Falkland
000138	Knight	Shirley Louvain Patricia	Coast Ridge, West Falkland
000139	Larsen	Ronald Ivan	Speedwell Island, East Falkland
000140	Larsen	Yvonne	Speedwell Island, East Falkland
000141	Lee	Carole	Port Howard, West Falkland
000142	Lee	Christopher	Hill Cove, West Falkland
000143	Lee	Elizabeth	Goose Green, East Falkland
000144	Lee	John Alfred	Goose Green, East Falkland

000145	Lee	Mervyn Richard	Goose Green East Falkland
000146	Lee	Rodney William	Port Howard, West Falkland
000147	Leo	Brenda May	NAAFI, MPA, East Falkland
000148	Livermore	Darren	Fitzroy East Falkland
000149	Lowe	Adrian Stewart	Murrel Farm, East Falkland
000150	Lowe	Lisa Helen	Murrel Farm, East Falkland
000151	Luxton	William Robert	Chartres, West Falkland
000152	MacBeth	Martyn Raymond	Narrows Farm, East Falkland
000153	MacBeth	Raymond John	Narrows Farm, West Falkland
000154	Marsh	Alastair Roy	Shallow Harbour, WFI
000155	Marsh	Anna Dierdre	Fox Bay Village, West Falkland
000156	Marsh	Gavin Nicholas	Fox Bay Village, West Falkland
000157	Marsh	Jodie Kim	Port North, West Falkland
000158	Marsh	June Helen	Rincon Ridge, West Falkland
000159	Marsh	Karen Diana	Fox Bay West Falkland
000160	Marsh	Leon Peter	Rincon Ridge, West Falkland
000161	Marsh	Marlane Rose	Shallow Harbour, WFI
000162	Marsh	Patricia Ann	Lakelands, West Falkland
000163	Marsh	Robin Frank	Lakelands, West Falkland
000164	Marsh	Samantha Ann	Rincon Ridge Farm West FI
000165	Marsh	Tanya Elaine	Shallow Harbour Farm, West FI
000166	McBain	Arthur	Douglas Station, East Falkland
000167	McBain	Rhoda Margaret	Douglas Station, East Falkland
000168	McGhie	James	Stoney Ridge, West Falkland
000169	McGhie	Roy	Port North, West Falkland
000170	McGhie	Thomas Forsyth	Saunders Island, West Falkland
000171	McGill	Robin Perry	Carcass Island, West Falkland
000172	McKay	Frazer Roderick	Teal River, West Falkland
000173	McKay	Isabella Alice	Westley, West Falkland
000174	McKay	Josephine Ann	Sheffield Farm, West Falkland
000175	McKay	Kenneth Andrew	Sheffield Farm, West Falkland
000176	McKay	Penelope Rose	Goring Station, West Falkland
000177	McKay	Roy Derek	Sheffield Farm WFI
000178	McLeod	Albert John	Goose Green, East Falkland
000179	McLeod	Isabella Frances Diana	Fitzroy East Falkland
000180	McLeod	Sarah Rose	Goose Green, East Falkland
000181	McPhee	June Iris	Brookfield, East Falkland
000182	McPhee	Kenneth John	Brookfield, East Falkland
000183	McPhee	Mark	Brookfield, East Falkland
000184	McPhee	Sheila Margaret	Kingsford Valley, East Falkland
000185	McPhee	Terence Owen	Kingsford Valley, East Falkland
000186	McPhee	Trudi Lynette	Brookfield, East Falkland
000187	Miller	Betty	Walker Creek, East Falkland
000188	Miller	Catherine McLeod	Fox Bay Village, West Falkland
000189	Miller	James Albert	Fox Bay Village, West Falkland
000190	Miller	Phillip Charles	Cape Dolphin, East Falkland
000191	Miller	Sheena Melanie	Cape Dolphin, East Falkland
000192	Minnell	Donna Marie	Moss Side, East Falkland

000193	Minnell	Hazel Eileen	Port San Carlos East Falkland
000194	Minnell	Michael Robert	Moss Side, East Falkland
000195	Morrison	Gerald	Goose Green, East Falkland
000196	Morrison	John	Port Howard, West Falkland
000197	Morrison	Kathleen Iris	Goose Green, East Falkland
000198	Morrison	Lena	Port Howard, West Falkland
000199	Morrison	Leslie Theodore Norman	Port Howard, West Falkland
000200	Murphy	Roy David	Port Howard, West Falkland
000201	Napier	Lily	West Point, West Falkland
000202	Napier	Roderick Bertrand	West Point, West Falkland
000203	Newman	Glynnis Karen	Goose Green East Falkland
000204	Nightingale	Charlene	West Lagoons, West Falkland
000205	Nightingale	Karl Richard	West Lagoons Farm WFI
000206	Nightingale	Peter Richard	West Lagoons, West Falkland
000207	Parkinson	Allen	Turners, MPA, East Falkland
000208	Peck	Davina Margaret	Shallow Bay, West Falkland
000209	Peck	Farrah Louise	Shallow Bay, West Falkland
000210	Peck	Paul	Shallow Bay, West Falkland
000211	Phillips	Carol Joan	Hope Cottage, East Falkland
000212	Phillips	Terence	Hope Cottage, East Falkland
000213	Pitaluga	Antoinette Margaretha Mary	Salvador, East Falkland
000214	Pitaluga	Jene Ellen	Salvador, East Falkland
000215	Pitaluga	Nicholas Alexander Robinson	Salvador, East Falkland
000216	Pitaluga	Robin Andreas McIntosh	Salvador, East Falkland
000217	Pitt	Myra	Goose Green East Falkland
000218	Pole-Evans	Anthony Reginald	Saunders Island, West Falkland
000219	Pole-Evans	David Llewellyn	Saunders Island, West Falkland
000220	Pole-Evans	Louise Suzan	Saunders Island, West Falkland
000221	Pole-Evans	Shirley Helen	Manybranch, West Falkland
000222	Pole-Evans	Suzan	Saunders Island, West Falkland
000223	Pole-Evans	William Reginald	Manybranch, West Falkland
000224	Poncet	Dion Michael	Beaver Island, West Falkland
000225	Poncet	Jerome Pierre	Beaver Island, West Falkland
000226	Poncet	Leiv	Beaver Island, West Falkland
000227	Poole	Ella Josephine	Race Point, East Falkland
000228	Poole	Juliet Hazel	Race Point Farm East Falkland
000229	Poole	Steven Charles	Race Point, East Falkland
000230	Poole	Toby Raymond	Race Point Farm East Falkland
000231	Porter	Joan	Shallow Harbour, WFI
000232	Porter	William Kenneth	Fox Bay Village, West Falkland
000233	Reeves	Ronald James	Port Howard, West Falkland
000234	Robertson	Ann	Port Stephens, West Falkland
000235	Robertson	Paul Jonathan	Port Stephens, West Falkland
000236	Robertson	Peter Charles	Port Stephens, West Falkland
000237	Ross	William Henry	Fitzroy, East Falkland
000238	Rozee	Fiona	Spring Point, West Falkland
000239	Rozee	Ronald David	Spring Point, West Falkland
000240	Saunders	Felicity Joan Carlie	Hawkbit, Fitzroy East Falkland

000241	Short	Andrez Peter	Swan Inlet East Falkland
000242	Short	Elaine Elizabeth	Johnsons Harbour East Falkland
000243	Short	George Godfrey Ivan	Great Britain Hotel E.F.I
000244	Short	Isobel Rose	Mullet Creek East Falkland
000245	Short	Lindsay Marie	Wineglass Stn, East Falkland
000246	Short	Patrick Warburton	Mullet Creek East Falkland
000247	Short	Robert Charles	Johnsons Harbour East FI
000248	Short	Robert George	Wineglass Stn, East Falkland
000249	Sinclair	Simon Keith	Goose Green, East Falkland
000250	Smith	Andrew John	Port San Carlos, East Falkland
000251	Smith	Crystal Rose	Fitzroy East Falkland
000252	Smith	Georgina Carol Anderson	Port San Carlos, East Falkland
000253	Smith	John Derek	Fitzroy East Falkland
000254	Smith	Robert William	Goose Green, East Falkland
000255	Smith	Susan	Blue Beach, East Falkland
000256	Smith	Terence George	North Arm, East Falkland
000257	Steen	Gail	Paragon House Lafonia East FI
000258	Steen	Vernon Robert	Paragon House Lafonia East FI
000259	Stevens	Richard James	Port Sussex, East Falkland
000260	Stevens	Toni Donna	Port Sussex, East Falkland
000261	Strange	Ian John	New Island South West F.I
000262	Taylor	Christopher John	Goose Green East Falkland
000263	Tellez	Rodolfo	Walker Creek, East Falkland
000264	Thorsen	Gloria Penelope	Teal Inlet, East Falkland
000265	Towersey	Diane	Port Stephens, West Falkland
000266	Turner	Arthur Leonard Pitaluga	Rincon Grande, East Falkland
000267	Turner	Elaine Ellen	Rincon Grande, East Falkland
000268	Tuson	Olwyn Carol	Saunders Island, West Falkland
000269	Velasquez	Arleen	North Arm, East Falkland
000270	Velasquez	Oscar Hernan	North Arm, East Falkland
000271	Watson	Glenda Joyce	Long Island, East Falkland
000272	Watson	Neil	Long Island, East Falkland
000273	Whitney	Daneila Grace	Mount Kent, East Falkland
000274	Whitney	Dennis	Fitzroy, East Falkland
000275	Whitney	Keith	Home Farm, East Falkland
000276	Whitney	Leona Ann	Home Farm, East Falkland
000277	Whitney	Patrick George	Mount Kent, East Falkland
000278	Whitney	Tyrone	Home Farm, East Falkland
000279	Wilkinson	David Clive Walter	Dunnose Head, West Falkland
000280	Wilkinson	Rosemary	Dunnose Head, West Falkland
000281	Yon	Gillian Rose	KIS, MPA, East Falkland



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No. 9

Appointments

Damien Bartholomew O'Sullivan, Agricultural Advisor (Wool Production and Livestock Reproduction), Department of Agriculture, 12.06.04.

Georgina Rose McKay, Receptionist, Education Department, 14.06.04.

Corina Rose Goss, Clerk, Public Service, 16.06.04.

Coleen Margot Biggs, Assistant Librarian, Education Department, 19.06.04.

Alastair Jaime Ceballos-Anderson, Sports Attendant, Education Department, 28.06.04.

Transfer

Christine Hirtle, from Customs and Immigration Officer, Customs and Immigration Department, to Assistant Taxation Officer, Taxation Department, 01.06.04.

Promotions

Trudi Ann Clarke, from Clerk/Junior Technician, Computer Section, to Computer Technician, Computer Section, 01.05.04.

Simon Ford, from Fire Fighter/Handyman, Fire and Rescue Service, to Station Commander (Airport Section), Fire and Rescue Service, 01.06.04.

Karen Michaela Rozee, from Sports Attendant, Education Department, to Senior Sports Attendant, Education Department, 28.06.04.

Completion of Contract

Adrian Andrew Scollard, Design Engineer, Public Works Department, 25.06.04.

Resignations

Jill Christine Roberts, Police Constable, Royal Falkland Islands Police, 15.06.04.

Simon Theodore Roberts, Foreman, Public Works Department, 18.06.04.

Bryn Thomas Rozee, Fire Fighter/Handyman, Fire and Rescue Service, 30.06.04.

NOTICES

No. 44

19th May 2004

THE FALKLAND MILL LIMITED Company Number: 11356

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

Dated this 19th day of May 2004.

J. C. ROWLAND,
Registrar of Companies.

No. 45

28th May 2004

**The Electricity Supply Regulations (Title 31.1.1)
(Regulation 10)**

Notice is hereby given in accordance with regulation 10 of the Electricity Supply Regulations that the price of electricity will be increased from 13p to 13.5p per unit with effect from the first meter reading or pre-payment meter calibration on or after 1 July 2004.

*The Treasury,
Stanley.
28 May 2004*

No. 46

28th May 2004

**Falkland Islands Pensions Scheme Ordinance 1997
as amended by the Falkland Islands Pensions
Scheme (Amendment) Ordinance 2004 ("the
Ordinance")**

Waiver of section 5 criteria in certain cases

1. Notice is hereby given that, in accordance with the provisions of section 5A of the Ordinance, the Governor, on the advice of the Executive Council, has waived the conditions for the appointment of:
 - (a) Mr Andrew Irvine as Chairman of the Pensions Board under section 5(2)(a) of the Ordinance from 1 April 2001 to 31 December 2006; and
 - (b) Miss Karen Ballantyne as a member of the Pensions Board under section 5(2)(d) of the Ordinance from 1 April 2001 to 31 December 2005.
2. The waiver in respect of (a) above is required as Mr Irvine has an interest in the assets of the Scheme otherwise than as a member of the Pensions Board and therefore would be disqualified from appointment as Chairman under section 5(5) of the Ordinance.
3. The waiver in respect of (b) above is required as Miss Ballantyne is an auditor of employers whose employees are or are eligible to be members of the Scheme and therefore would be disqualified from appointment as a member of the Pensions Board under section 5(4)(a) of the Ordinance.

*The Pensions Board
The Treasury
Stanley
28 May 2004*

No. 47

28th May 2004

**Falkland Islands Pensions Scheme Ordinance 1997 as
amended by the Falkland Islands Pensions Scheme
(Amendment) Ordinance 2004 ("the Ordinance")**

**Circumstances in which Scheme benefits provided
otherwise than under FIPS in accordance with the
provisions of section 27A of the Ordinance**

Notice is hereby given under subsection (7) of section 27A of the Ordinance that:

- (a) Subsection (2) of section 27A applies as it appears to the Pensions Board that, after taking all reasonable steps, it is not possible to obtain a qualifying annuity contract for Scheme members from an approved pension provider on the UK market.
- (b) The rights of Scheme members to benefits under the Ordinance, are protected by the section 27A provisions. As annuities for Scheme members are currently unable to be purchased from approved pension providers on the UK market the Falkland Islands Government (FIG) will pay pensions to members based on the best annuity rate obtained from a selection of UK providers. At the request of a Scheme member, the Pensions Board will pay the accrued value of the member's individual account to FIG to finance the payment of the pension. This amount will be credited by FIG to the Pensions (Old Scheme) Fund and the payment of the pension will be met from that Fund on the same terms as set out in section 31 of the Ordinance. Notwithstanding the application of the section 27A provisions, Scheme members who have not yet transferred the accrued value of their account to FIG to finance the payment of a pension continue to have the right to enter into a qualifying annuity contract with an approved pension provider in the event annuities for members become available on the UK market.
- (c) Further information on the arrangements set out above can be obtained by contacting the Secretary to the Pensions Board at the Treasury, telephone 27143, fax 27144 or email: ndodd@sec.gov.fk.

*The Pensions Board
The Treasury
Stanley
28 May 2004*

No. 48

28th May 2004

The Stanley Rates Ordinance (Title 66.1)

Notice is hereby given of prices and charges imposed under the provisions of sections 30 and 31 of the Stanley Rates Ordinance as follows:

1. Water charge with effect from 1 July 2001 to 30 June 2004 -
 - 1.1 Domestic Premises £175.00 per annum
 - 1.2 Reduced charge for Domestic premises occupied by persons of retirement pension age or over ^(a) £ 87.50 per annum
2. Measured water supply with effect from 1 July 2001 until further notice -
 - 2.1 Falkland Islands Government premises including FIPASS £2.90 per tonne

- 2.2 Ministry of Defence premises £3.90 per tonne
- 2.3 Other non-domestic premises £1.50 per tonne
3. Minimum annual water charge of £20.00 in respect of premises at 2.1, 2.2 and 2.3 above with effect from 1 July 2004 until further notice.
4. Service charge^(a) with effect from 1 July 2004 until further notice -
- 4.1 Domestic premises £250.00 per annum
- 4.2 Reduced charge for domestic premises occupied by persons of retirement pension age or over £125.00 per annum
5. Refuse collection charge in respect of non-domestic premises with effect from 1 July 2004 until further notice -
- 5.1 For each small bin supplied £90.00 per annum
- 5.2 For each large bin supplied £270.00 per annum

The Treasury
Stanley
28 May 2004

- (a) Age 64 or over or age 60 or over if a widow or widower
- (b) (i) The service charge amalgamates the former water charge at 1.1 and 1.2 above and a new refuse charge.
- (ii) Unlike the former water charge, the service charge is also chargeable to tenants of Government housing (including sheltered accommodation).
- (iii) The service charge is payable by 30 September each year but payment may be made by up to 12 equal monthly instalments of £21.00 with effect from 31 July each year (£10.50 per month for persons of retirement age or over).
- (iv) The payment by instalment method is applicable to tenants of government housing by an addition to the monthly rent.
- (v) To relieve tenants of government housing on low income the service charge will be treated in the same manner as rent under the government housing rent rebate scheme.
- (vi) To relieve other householders on low income the rebate scheme for the former water charge continues to be available for the service charge.

No. 49 31st May 2004

APPOINTMENT OF BUILDING CONTROL SURVEYOR

Building Regulations 1999
(regulation 4(1))

IN EXERCISE of my powers under regulation 4(1) of the Building Regulations 1999 and of all other powers enabling me I **Howard John Stredder Pearce C.V.O.**, Governor of the Falkland Islands hereby appoint Graham Brian France to be Building Control Surveyor for the Falkland Islands with effect from 21st May 2004.

Given under my hand this 31st day of May 2004.

H. J. S. PEARCE C.V.O.,
Governor.

No. 50 17th June 2004

SUPREME COURT OF THE FALKLAND ISLANDS

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

TAKE NOTICE THAT James Stephenson, deceased of Stanley, Falkland Islands died on the 13th day of May 2004 intestate.

WHEREAS Joan Margaret Stephenson has applied for Letters of Administration to administer the estate of the said deceased in the Falkland Islands.

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

C. J. MITCHELL,
Registrar, Supreme Court.

Stanley
Falkland Islands
17th day of June 2004
Ref: PRO/4/04

No. 51 19th June 2004

MONARCHEXPLORATION (FALKLANDS) LIMITED
Company Number: 9342

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

Dated this 19th day of June 2004.

J. C. ROWLAND,
Registrar of Companies.

No. 52 23rd June 2004

APPLICATIONS FOR PERMANENT RESIDENCE

Notice is hereby given that the following persons have applied through the Principal Immigration Officer to be granted a Permanent Residence Permit by the Governor:

Alberto QUINTO CAMACITA
Luis Alberto QUINTO SALLUCA
Stephen Bruce SHILLITOE
Helena De Fatima SHILLITOE (Nee DE SOUZA)

Any person who knows of any reason why a permit should not be granted, should send a written and signed statement of the facts, giving grounds for their objection, to the Immigration Officer, Customs & Immigration Department, Stanley by 22nd of July 2004.

D. HOY,
Immigration Officer.

No. 53

23rd June 2004

FALKLAND ISLANDS STATUS APPLICATION

Notice is hereby given that the following persons have applied through the Principal Immigration Officer for Falkland Islands Status to be granted to them by the Governor:

Brian John WILLIAMS
Helene Virginia WILLIAMS (Nee LEGG)
Dominic Patrick Alexander HENRY-ROBERTS

Any person who knows of any reason why such status should not be granted, should send a written and signed statement of the facts, giving grounds for their objection, to the Immigration Officer, Customs & Immigration Department, Stanley by 22nd of July 2004.

D. HOY,
Immigration Officer.

No. 54

24th June 2004

**THE FALKLAND ISLANDS CONSTITUTION
ORDER 1985****SCHEDULE 1 (SECTION 80(1))****APPOINTMENT OF ACTING JUDGE**

WHEREAS it appears to me that the state of business in the Supreme Court during such time or times as the Chief Justice is absent from the Falkland Islands or the post of Chief Justice is vacant so requires;

AND WHEREAS I am satisfied that **ROSALIND CATRIONA CHEEK** possesses such legal qualifications and experience as are appropriate for her to be so appointed;

Now **I HOWARD JOHN STREDDER PEARCE**, Commander of the Royal Victorian Order, Governor of the Falkland Islands;

IN EXERCISE of my powers under section 80(1) of Schedule 1 to the Falkland Islands Constitution Order 1985, and after consultation with the Chief Justice **DO APPOINT** the said **ROSALIND CATRIONA CHEEK** to be an Acting Judge of the Supreme Court during such time or times as the Chief Justice is absent from the Falkland Islands or the post of Chief Justice is vacant and until I shall appoint a person holding the post of Senior Magistrate to be Acting Judge of the Supreme Court or earlier revoke this appointment;

PROVIDED ALWAYS THAT THIS APPOINTMENT shall have effect only in relation to such causes matters proceedings or things as are hereinafter specified, and only enable her to discharge the functions in the Falkland Islands of the Chief Justice in relation to such causes matters and proceedings insofar as may be reasonably necessary **AND PROVIDED FURTHER THAT** nothing in these presents shall operate so as to prevent the Chief Justice himself adjudicating in any such cause matter or proceeding or from exercising any of his functions in relation to them;

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

(a) any matter in connection with undefended divorces and undefended proceedings for judicial separation (including the granting of decrees nisi and the making of decrees absolute) and any matter ancillary to any of the following matters;

(b) the making by consent (but not otherwise) of such orders as may be required for the residence or custody of any child or of the contact with or access by that child to any party to the proceedings above referred to; and

(c) non-contentious probate matters.

Given under my hand and the Public Seal this 21st day of June 2004.

H. J. S. PEARCE C.V.O.,
Governor.

No. 55

30th June 2004

CUSTOMS ORDINANCE 2003**SECTION 1****COMMENCEMENT NOTICE**

IN EXERCISE of my powers under section 1 of the Customs Ordinance 2003, I hereby notify that the Ordinance shall come into force on 1st July 2004.

Dates this 30th day of June 2004.

H. Hall,
Acting Governor.

Errata**Falkland Islands Gazette - Volume CXIII**

Gazette No. 6 published on 31st May 2004, Notice number 41 "Applications for Permanent Residence" (Applications by Lee Roberson MITCHELL and Felipe Andres MERY BAHAMONDEZ) in error referred in the text of that Notice to applications for Falkland Islands Status by them



THE FALKLAND ISLANDS GAZETTE

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No. 10

Appointments

Anya Harris, Part-time Clerk, Public Service, 01.07.04.
Michelle Crowie, General Assistant, Health Services Department, 07.07.04.
Sandra Lydia Cordes, Fisheries Observer, Fisheries Department, 12.07.04.
Terrienne Helen Ormond, Clerk, Public Service, 20.07.04.
Denise Lillian Simpkins, Finance Clerk, Education Department, 26.07.04.

Completion of contracts

Stephen William Pointing, Senior Veterinary Officer, Department of Agriculture, 30.06.04.
Helmuth Matthias Weinig, Medical Officer, Health Services Department, 02.07.04.

Renewal of contract

Stephen William Pointing, Senior Veterinary Officer, Department of Agriculture, 01.07.04.

Resignations

Kerry Middleton, Check-in Clerk, Falkland Islands Government Air Service, 30.06.04.
Simon Peter Miller Goss, Assistant Secretary (A), Secretariat, 01.07.04.
Lydia Cuthbertson, Fisheries Observer, Fisheries Department, 02.07.04.
Geoffrey Loftus, Senior Sports Attendant, Education Department, 07.06.04.
Ailie Biggs, Record Librarian/Part-time Receptionist, Broadcasting Station, 16.07.04.
Frances Wilson, Learning Support Assistant, Education Department, 16.07.04.
Elane Maria Lennie, Clerk, Public Service, 23.07.04.

Retirement

John Rodney Tuckwood, Water Supervisor, Public Works Department, 12.07.04.

NOTICES

No. 56

2nd July 2004

TAXES ORDINANCE 1997

Section 57B(2)

Addition to Approved List of Charities

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

Falklands Veterans Foundation

Dated this 2nd day of July 2004.

D. G. Lang QC,
Attorney General.

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

No. 57 19th July 2004

TAXES ORDINANCE 1997**Section 57B(2)****Correction to Approved List of Charities**

1. The Shackleton Fund was included in the original list of charities approved for tax deduction purposes by the Governor on 21 December 1998, the list being published at page 2 of Gazette 15 of 1998.
2. It now transpires that the Shackleton Fund is not a charity in itself, but a charitable fund operated by the United Kingdom Falkland Islands Trust which is a charity registered as such in England and Wales with charity number 282786.
3. The Governor has agreed to approve for tax deduction purposes the United Kingdom Falkland Islands Trust as a charity in place of the Shackleton Fund (but so as to embrace the activities of the Shackleton Fund) with effect from 22 December 1998.
4. The inclusion of the Shackleton Fund in the approved list of charities for tax deduction purposes is cancelled with effect from the date of this notice but without prejudice to the treatment for the purposes of the Taxes Ordinance 1997 of charitable donations made to the Shackleton Fund up to the date of this notice which are to be treated as charitable donations made to the United Kingdom Falkland Islands Trust by virtue of its retrospective approval for tax deduction purposes.

Dated this 19th day of July 2004.

D. G. Lang QC,
Attorney General.

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

No. 58 23rd July 2004

INDEX OF RETAIL PRICES

The calculation of the Index for the quarter ended 30 June 2004 has now been completed.

A summary of the Index for the last four quarters is shown below:-

Date	Index	Annual % Increase	Quarter % Increase
30.09.03	109.04	0.581	0.842

31.12.03	109.50	2.088	0.422
31.03.04	109.57	1.051	0.064 amended
30.06.04	111.53	3.144	1.789

D. HOWATT,
Financial Secretary.

No. 59 26th July 2004

APPLICATIONS FOR PERMANENT RESIDENCE

Notice is hereby given that the below individuals have applied through the Principal Immigration Officer to be granted Permanent Residence Permits by the Governor:

Kim Anthony BONE
Brenda Joyce BONE (Nee THOMAS)

Any person who knows of any reason why these permits should not be granted, should send a written and signed statement of the facts, giving grounds for their objection, to the Immigration Officer, Customs and Immigration Department, Stanley by 22nd of August 2004.

D. HOY,
Immigration Officer.

No. 60 26th July 2004

FALKLAND ISLANDS STATUS APPLICATIONS

Notice is hereby given that the following persons have applied through the Principal Immigration Officer for Falkland Islands Status to be granted to them by the Governor:

Anthony Ross CHALONER
Simon Andrew BENJAMIN

Any person who knows of any reason why such status should not be granted to either applicant, should send a written and signed statement of the facts, giving grounds for their objection, to the Immigration Officer, Customs & Immigration Department, Stanley by 21st August 2003

D. HOY,
Immigration Officer.

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

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

I hereby appoint:

CPL Mark Christopher STEVENS - J8287597

to be a temporary Customs Officer from 19 June 2004 to 20 October 2004.

R. J. KING,
Collector of Customs.



THE FALKLAND ISLANDS GAZETTE

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31st August 2004

No. 11

Appointments

Craig Copik, Fisheries Protection Officer, Fisheries Department, 29.07.04.
 Sarah Kathryn Crofts, Fisheries Observer, Fisheries Department, 30.07.04.
 Michael John Hattersley, Fisheries Observer, Fisheries Department, 30.07.04.
 Peter Granville Holland, Chief Internal Auditor, Treasury Department, 30.07.04.
 Lianos Triantafillos, Stock Assessment Scientist, Fisheries Department, 31.07.04.
 Donna Marie Ford, Check-in Clerk, Falkland Islands Government Air Service, 06.08.04.
 Christine Peck, Receptionist/Administration Officer, Broadcasting Station, 06.08.04.
 Duncan Ferguson Brake, Fisheries Observer, Fisheries Department, 09.08.04.
 Jorge Torrens, Fisheries Observer, Fisheries Department, 09.08.04.
 Victoria Jane Butler, Team Leader, Social Work Department, 13.08.04.
 Sian Yvonne Ferguson, Junior News Editor, Broadcasting Station, 23.08.04.
 Donna Triggs, Clerk, Public Services, 23.08.04.

Promotion

Peter Finlayson, from Refueller/Handyman, Falkland Islands Government Air Service, to Foreman, Public Works Department, 30.08.04.

Determination of Appointment

Oswaldo Marcelo D'Avino, Plant Operator/Handyman, Public Works Department, 19.08.04.

Completion of Contracts

Stephen Tyldsley, Maintenance Estates Officer, Health Services Department, 30.07.04.
 Siobhan Rachael Fahy, Teacher, Education Department, 06.08.04.
 Helen Therese Forbes, Teacher, Education Department, 06.08.04.
 Antony Nicholas Lancaster, Environmental Planning Officer, Secretariat, 06.08.04.
 Charlotte Vaile, Teacher, Education Department, 06.08.04.

Resignations

Elizabeth Merrion-Lancaster, Teacher, Education Department, 06.08.04.
 David Graham Clarke, Teacher, Education Department, 31.08.04.
 Ferne Patricia Clarke, Learning Support Assistant, Education Department, 31.08.04.
 May Doreen Crawford, Cleaner, Education Department, 31.08.04.
 May Doreen Crawford, General Assistant, Health Services Department, 31.08.04.
 Denise McPhee, Houseparent, Education Department, 31.08.04.

NOTICES

No. 61

9th August 2004

FALKLAND ISLANDS**APPOINTMENT OF REGISTRAR**

I HOWARD JOHN STREDDER PEARCE CVO Governor of the Falkland Islands **IN EXERCISE** of my powers under section 25(1) of the Marriage Ordinance 1996 and all other powers enabling me **HEREBY APPOINT**

RODNEY WILLIAM LEE

TO BE Registrar for the purpose of solemnising marriages on West Falkland.

Given under my hand at Stanley this ninth day of August 2004.

H. J. S. PEARCE C.V.O.,
Governor.

No. 62

11th August 2004

PARDELHAS FISHING COMPANY LIMITED
Company Number: 10493

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

Dated this 11th day of August 2004.

J. C. ROWLAND,
Registrar of Companies.

No. 63

17th August 2004

DELEGATION OF POWERS**Conservation of Wildlife and Nature Ordinance 1999**

IN EXERCISE of my powers under section 9(3) of the Conservation of Wildlife and Nature Ordinance 1999 and all other powers enabling me **I HARRIET HALL** Acting Governor of the Falkland Islands **HEREBY** delegate my power to grant licences under section 9 of the Conservation of Wildlife and Nature Ordinance 1999 to the officer for the time being exercising the duties of the post of Conservation Strategy Officer for the purposes of and subject to the conditions set out in the delegation dated 18 May 2000 hereby annexed, such delegation only to have effect during such times as there is no Environmental Planning Officer or officer acting in that post

Dated this 17th day of August 2004.

H. HALL,
Acting Governor.

No. 64

17th August 2004

DELEGATION OF POWERS**Conservation of Wildlife and Nature Ordinance 1999**

IN EXERCISE of my powers under section 9(3) of the Conservation of Wildlife and Nature Ordinance 1999 and all other powers enabling me **I DONALD ALEXANDER LAMONT** Governor of the Falkland Islands **HEREBY** delegate my power to grant licences under section 9 of the Conservation of Wildlife and Nature Ordinance 1999 to the officer for the time being exercising the duties of the post of Environmental Planning Officer for the following purposes and subject to the following conditions -

1. For scientific or educational purposes provided that the licence specifies the purpose for which it is granted and includes a condition that a detailed report on any relevant research work will be made available to the Environmental Planning Officer within a specified period of time,
2. For the purposes of authorising a person resident in the Falkland Islands to collect the eggs of any birds specified in the licence for human consumption in the Falkland Islands provided that the licence includes a condition that a written return is made to the Environmental Planning Officer within a specified period of time indicating the number and species of eggs collected, the location from which they are collected and the dates on which they are collected, and
3. For the purpose of preventing serious damage to livestock by any wild bird provided that any licence is issued after consultation with the Director of Agriculture for the time being, that the authorised method of killing is by way of shooting and that a written return is made to the Environmental Planning Officer within a specified period of time indicating the species, date, location and reason for the killing of the wild bird and, where reasonable, the age of the bird involved.

Given under my hand this eighteenth day of May 2000.

D. A. LAMONT,
Governor.

No. 65

19th August 2004

THE FALKLAND MILL LIMITED
Company Number: 7675

NOTICE IS HEREBY GIVEN that the above named company was dissolved pursuant to section 353 of the Companies Act 1948 in its application to the Falkland Islands on the 19th day of August 2004.

Dated this 19th day of August 2004.

J. C. ROWLAND,
Registrar of Companies.

No. 66

18th August 2004

APPLICATIONS FOR NATURALISATION

Notice is hereby given that the below named individuals are applying to His Excellency the Governor for naturalisation:

Andrew Samuel BROWNLEE
Lynn Frances BROWNLEE (Nee LEYLAND, SIMCOCK)

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

D. HOY,
Immigration Officer.

No. 67

19th August 2004

APPLICATIONS FOR PERMANENT RESIDENCE

Notice is hereby given that the below named individuals have applied through the Principal Immigration Officer to be granted a Permanent Residence Permit by the Governor:

Keith PADGETT
Valerie Janet PADGETT (Nee WHITE, WHITWORTH)
Christine Lillian SCIPIO-O'DEAN (Nee SCIPIO)
Belfred Theodore O'DEAN

Any person who knows of any reason why a permit should not be granted, should send a written and signed statement of the facts, giving grounds for their objection, to the Immigration Officer, Customs and Immigration Department, Stanley by 22nd of September 2004.

D. HOY,
Immigration Officer.

Appointment of Temporary Customs Officer**Customs Ordinance 2003**

In exercise of the powers conferred by Section 7(3) of the Customs Ordinance 2003,

I hereby appoint:

CPL David Alexander Robert HOWE - K8411873

to be a temporary Customs Officer from 02 July 2004 to 02 November 2004.

M. FLOYD,
Deputy Collector of Customs.

Appointment of Temporary Customs Officer**Customs Ordinance 2003**

In exercise of the powers conferred by Section 7(3) of the Customs Ordinance 2003,

I hereby appoint:

SGT Michael Charles RUSSELL - P8137738

to be a temporary Customs Officer from 16 July 2004 to 16 November 2004.

M. FLOYD,
Deputy Collector of Customs.



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30th September 2004

No. 12

Appointments

Kirsty Michelle Barkman, Carer, Education Department, 01.09.04.
Michaela Jane Gilham, Primary Teacher, Education Department, 01.09.04.
Andrew John Hepworth, Teacher, Education Department, 01.09.04.
Donna Monica May, Junior Assistant Printer, Printing Office, 01.09.04.
Sandra Elizabeth McCreedy, Teacher, Education Department, 01.09.04.
Denise McPhee, Learning Support Assistant, Education Department, 01.09.04.
Sandra Leigh Picone, Travelling Teacher, Education Department, 01.09.04.
Wendy Patricia Reynolds, Travelling Teacher, Education Department, 01.09.04.
Angela Mary Warner, Teacher, Education Department, 01.09.04.
Matthew Damian Balding, Refueller/Handyman, Falkland Islands Government Air Service, 06.09.04.
Jill Maryon Milsome, Teacher, Education Department, 06.09.04.
Graham John Didlick, House Parent, Education Department, 16.09.04.
Clare Faulds, Senior Magistrate, Justice Department (Courts), 20.09.04.
Joanne Lise Lane-Sansome, Staff Nurse, Health Services Department, 20.09.04.

Transfers

Barbara Annette Hamilton Curtis, from Auxiliary Nurse, Health Services Department, to Learning Support Assistant, Education Department, 01.09.04.
Gerard Allan Ford, from Plant Operator/Handyman, Public Works Department, to Mechanic, Public Works Department, 13.09.04.

Completion of Contracts

Raymond John Felstead, Travelling Teacher, Education Department, 31.08.04.
Anne Patricia Halmshaw, Teacher, Education Department, 31.08.04.
Anne Louise Taylor, Teacher, Education Department, 31.08.04.
Steven Waugh, Fisheries Protection Officer, Fisheries Department, 31.08.04.
Susan Elizabeth Gyford, News Editor, Falkland Islands Broadcasting Station, 24.09.04.
Edgar John Peter Sutton, Materials Manager, Public Works Department, 30.09.04.

Re-appointment/Renewal of Contracts

Raymond John Felstead, Teacher, Education Department, 01.09.04.
Anne Patricia Halmshaw, Teacher, Education Department, 01.09.04.
Anne Louise Taylor, Teacher, Education Department, 01.09.04.
Steven Waugh, Fisheries Protection Officer, Fisheries Department, 01.09.04.

Resignations

John Stuart Henry, Plant Operator/Handyman, Public Works Department, 24.09.04.
Lee Felton Hazell, News Editor, Falkland Islands Broadcasting Station, 30.09.04.

Retirement

John Macaskill, Evening Security Officer, Health Services Department, 30.09.04.

NOTICES

No. 68

11th August 2004

MURTOSA FISHING COMPANY LIMITED
Company Number: 10494

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

Dated this 11th day of August 2004.

J. C. ROWLAND,
Registrar of Companies.

No. 69

11th August 2004

SAO RAFAEL FISHING COMPANY LIMITED
Company Number: 9416

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

Dated this 11th day of August 2004.

J. C. ROWLAND,
Registrar of Companies.

No. 70

1st September 2004

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

TAKE NOTICE THAT Florence Maud Mary Miller, deceased of Stanley, Falkland Islands died on the 1st day of June 2004 intestate.

WHEREAS Pauline Margaret Ruth McCormick has applied for Letters of Administration to administer the estate of the said deceased in the Falkland Islands.

NOTICE IS HEREBY GIVEN pursuant to Section 4 of the Administration of Estates Ordinance to all persons resident in the Falkland Islands who may have prior claim to such grant that the prayer of the Petitioner will be granted provided no

caveat be entered in the Supreme Court within 21 days of the publication hereof.

C. J. MITCHELL,
Registrar, Supreme Court.

Stanley
Falkland Islands
1st September 2004.

No. 71

20th September 2004

MONARCHEXPLORATION(FALKLANDS)LIMITED
Company Number: 9342

NOTICE IS HEREBY GIVEN that the above named company was dissolved pursuant to section 353 of the Companies Act 1948 in its application to the Falkland Islands on the 19th day of September 2004.

Dated this 19th day of September 2004.

J. C. ROWLAND,
Registrar of Companies.

No. 72

21st September 2004

MURRELL FARM ROAD REGULATIONS 2004**ARTICLE 1****NOTICE OF APPROVAL BY LEGISLATIVE COUNCIL**

Pursuant to section 36(9) of the Road Traffic Ordinance and in accordance with article 1 of the Murrell Farm Road Regulations 2004 it is hereby notified that Legislative Council on 30th July 2004 approved the making of those regulations.

C. ANDERSON M.B.E.,
Clerk of Councils.

21 September 2004.

No. 73

21st September 2004

APPOINTMENT OF SENIOR MAGISTRATE

In accordance with section 26 of the Administration of Justice Ordinance (Title 22.1), I, **HARRIET HALL**, Acting Governor of the Falkland Islands -

Hereby Appoint -

CLARE FAULDS, Senior Magistrate with effect from this 21st day of September 2004.

Given under my hand and the Public Seal at Stanley this 21st day of September 2004.

H. HALL,
Acting Governor.

No. 74

21st September 2004

**THE FALKLAND ISLANDS CONSTITUTION
ORDER 1985**

SCHEDULE 1 (SECTION 80(1))

APPOINTMENT OF ACTING JUDGE

WHEREAS it appears to me that the state of business in the Supreme Court during such time or times as the Chief Justice is absent from the Falkland Islands or the post of Chief Justice is vacant so requires;

AND WHEREAS I am satisfied that **CLARE FAULDS** possesses such legal qualifications and experience as are appropriate for her to be so appointed;

Now I **HARRIET HALL, ACTING 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 **CLARE FAULDS** to sit as an Acting Judge of the Supreme Court during such time or times as the Chief Justice is absent from the Falkland Islands or the post of Chief Justice is vacant, but in relation only to such causes matters proceedings or things as are hereinafter specified, **AND FURTHER** appoint the said **CLARE FAULDS** to discharge the functions in the Falkland Islands of the Chief Justice but only in relation to such causes matters and proceedings and only insofar 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 cause 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 and proceedings below described as in relation to which the Chief Justice has not indicated to the said **CLARE FAULDS** that he wishes himself to exercise his powers and are also of one or other or more of the following descriptions -

- (a) undefended causes matters or proceedings falling within the ambit or purview of Part II of the Matrimonial Causes Ordinance 1979;
- (b) matters (defended or not) falling within the ambit or purview of Parts III, IV or V of the Matrimonial Causes Ordinance 1979;
- (c) applications for a minor to be made a Ward of Court;

- (d) applications by way of interlocutory relief for any injunction or other order (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);
- (e) 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 (d) above;
- (f) 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;
- (g) 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, district judge or registrar of the High Court;

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 21st day of September 2004.

H. HALL,
Acting Governor.

No. 75

21st September 2004

APPOINTMENT OF NOTARY PUBLIC

In accordance with section 47 of the Administration of Justice Ordinance (Title 22.1), I, **HARRIET HALL**, Acting Governor of the Falkland Islands -

Hereby Appoint -

CLARE FAULDS

to be a Notary Public.

Given under my hand and the Public Seal at Stanley this 21st day of September 2004.

H. HALL,
Acting Governor.

No. 76

21st September 2004

WORKMEN'S COMPENSATION ORDINANCE**APPOINTMENT OF COMMISSIONER**

IN EXERCISE of my powers under section 22(1) of the Workmen's Compensation Ordinance 1960 (Title 32.6), I, **HARRIETHALL**, Acting Governor of the Falkland Islands-

Hereby Appoint -

CLARE FAULDS

to be a Commissioner for Workmen's Compensation.

Given under my hand and the Public Seal at Stanley this 21st day of September 2004.

H. HALL,
Acting Governor.

No. 77

23rd September 2004

APPLICATIONS FOR PERMANENT RESIDENCE

Notice is hereby given that the below named individuals have applied through the Principal Immigration Officer to be granted a Permanent Residence Permit by the Governor:

Richard RODGERS
Gail RODGERS (Nee HALL, HARRISON)
Belfred Theodore O'DEAN
Christine Lilian SCIPIO-O'DEAN (Nee SCIPIO)

Any person who knows of any reason why a permit should not be granted, should send a written and signed statement of the facts, giving grounds for their objection, to the Immigration Officer, Customs and Immigration Department, Stanley by 22nd of October 2004.

D. HOY,
Immigration Officer.

No. 78

23rd September 2004

FALKLAND ISLANDS STATUS APPLICATIONS

Notice is hereby given that the following persons have applied through the Principal Immigration Officer for Falkland Islands Status to be granted to them by the Governor:

Larry Arthur JOSHUA
Daphne Margaret ARTHUR-ALMOND (Nee ARTHUR)

Any person who knows of any reason why such status should not be granted, should send a written and signed statement of the facts, giving grounds for their objection, to the Immigration Officer, Customs & Immigration Department, Stanley by 22nd October 2004.

D. HOY,
Immigration Officer.

No. 79

27th September 2004

FALKLAND ISLANDS**APPOINTMENT OF REGISTRAR**

I HOWARD JOHN STREDDER PEARCE CVO Governor of the Falkland Islands **IN EXERCISE** of my powers under section 25(1) of the Marriage Ordinance 1996 and all other powers enabling me **HEREBY APPOINT**

ROSALIND CATRIONA CHEEK

TO BE Registrar for the purpose of the marriage of **THOMAS FREDERICK CHATER** and **JANE MCGILL** on New Island, West Falkland Islands on Friday 29th October 2004 at 11.00am.

Given under my hand and the Public Seal at Stanley this 27th day of September 2004.

H. J. S. PEARCE CVO,
Governor.



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29th October 2004

No. 13

Appointments

Nicholas Stuart Francis, Building Maintenance Co-ordinator, Public Works Department, 05.10.04.

Melanie Louise Best Chilton, Principal Crown Counsel, Attorney General's Chambers, 11.10.04.

John O'Gara, Building Advisor, Environmental Planning Office, 13.10.04.

Michele Tonner, Chief Accountant, Treasury, 18.10.04.

Christopher Clarke, Evening Security Officer/Ambulance Driver, Health Services Department, 21.10.04.

Dominique Anne Guidicelli, Environmental Planning Officer, Environmental Planning Office, 27.10.04.

Kenneth Barry Stewart, Evening Security Officer/Ambulance Driver, Health Services Department, 28.10.04.

Transfers

Ulrik Bjorn Erikson, from Assistant Foreman, Highways Section, Public Works Department, to Plant Operator/Handyman, Highways Section, Public Works Department, 18.10.04.

Terrence Newman, from Assistant Foreman, Highways Section, Public Works Department, to Plant Operator/Handyman, Highways Section, Public Works Department, 18.10.04.

Completion of Contracts

David McGregor Fyfe, Senior Dental Officer, Health Services Department, 30.09.04.

David Eric Snape, Physiotherapist, Health Services Department, 01.10.04.

Renewal of Contract

David McGregor Fyfe, Senior Dental Officer, Health Services Department, 01.10.04.

Resignation

Jeromy Peter Cairns-Wicks, Constable, Royal Falkland Islands Police, 12.10.04.

Retirements

Valdamar Lars Berntsen, Evening Security Officer, Health Services Department, 12.10.04.

Tony Pettersson, Head Printer, Printing Office, 27.10.04.

NOTICES

No. 80

12th October 2004

**APPOINTMENT OF COMMISSIONER
FOR OATHS**

In accordance with section 2(2) of the Commissioners for Oaths Ordinance 1969 (Title 22.3), **MELANIE LOUISE BEST CHILTON** is appointed a Commissioner for Oaths.

Dated this twelfth day of October 2004.

H. J. S. PEARCE CVO,
Governor.

No. 81

12th October 2004

APPOINTMENT OF NOTARY PUBLIC

In accordance with section 47 of the Administration of Justice Ordinance (Title 22.1), I, **Howard John Stredder Pearce C.V.O.**, Governor of the Falkland Islands -

Hereby Appoint -

Melanie Louise Best Chilton

to be a Notary Public.

Dated this twelfth day of October 2004.

H. J. S. PEARCE CVO,
Governor.

No. 82

26th October 2004

**PRISON ORDINANCE 1966
(No. 5 of 1966)****APPOINTMENT OF PRISON VISITORS**

IN EXERCISE of my powers under section 7(2) of the Prison Ordinance 1966, I, Howard John Stredder Pearce, Commander of the Royal Victorian Order, Governor of the Falkland Islands, appoint the following persons to be members of the Board of Visitors for the period of three years beginning on 1st January 2004 and ending on 31st December 2006 -

Terence George Spruce JP
Cheryl Ann Spencer Roberts
Elizabeth Eve Pollard JP

Dated this 26th day of October 2004.

H. J. S. PEARCE CVO,
Governor.

No. 83

26th October 2004

APPLICATIONS FOR NATURALISATION

Notice is hereby given that the below named individuals are applying to His Excellency the Governor for naturalisation:

James MOFFATT
Angela MOFFATT (Nee BROWNLEE)

Any person who knows of any reason why naturalisation should not be granted to either individual is invited to send a written and signed statement of the facts to the Immigration Officer, Customs and Immigration Department, Stanley within 21 days of the date of publication of this notice.

D. HOY,
Immigration Officer.



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30th November 2004

No. 14

Appointments

Corina Rose Goss, News Editor, Falkland Islands Broadcasting Station, 01.11.04.

Richard Lowry Morrison, Podiatrist, Health Services Department, 01.11.04.

Lucinda Yon, Part-time Social Work Assistant, Health Services Department, 09.11.04.

Julie Christine Fowler, Postal Clerk, MPA, Posts and Telecommunications Department, 15.11.04.

Completion of Contract

Janna Chtcherbich, Fisheries Scientist, Fisheries Department, 26.11.04.

Determination of Appointment

John O'Gara, Building Advisor, Environmental Planning Office, 18.11.04.

Promotion

Darrel Michael Ford, from Plant Operator/Handyman, Public Works Department to Assistant Foreman, Public Works Department, 15.11.04.

Resignations

Henry Donald Alexander McLeod, Shotfirer, Public Works Department, 05.11.04.

Marie Pearl Loveridge, Cashier, Treasury, 16.11.04.

Veronica Summers, Administrative Officer, Posts and Telecommunications Department, 18.11.04.

Daphne Arthur-Almond, Primary Teacher, Education Department, 19.11.04.

Derek Donnelly, Plant Operator/Handyman, Public Works Department, 26.11.04.

Delsha Vanessa Jane Duncan, Machine Operator, Printing Office, 26.11.04.

Marie-Bernard Therese Lang, Accountant, Treasury, 26.11.04.

Anne Rollason Johnston, Support Worker, Health Services Department, 27.11.04.

NOTICESNo. 84 27th October 2004**INDEX OF RETAIL PRICES**

The calculation of the Index for the quarter ended 30th September 2004 has now been completed. A summary of the Index for the last four quarters is shown below:-

Date	Index	Annual % Increase	Quarter % Increase
31.12.03	109.50	2.088	0.422
30.03.04	109.67	1.051	0.064
30.06.04	111.63	3.237	1.880 <i>amended</i>
30.09.04	113.00	3.632	1.227

D. F. HOWATT,
Financial Secretary.

No. 85 8th November 2004**ENVIRONMENTAL RESEARCH UNIT LIMITED
Company Number: 1114**

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 8th day of November 2004.

J. C. ROWLAND,
Registrar of Companies.

No. 86 11th November 2004**MURTOSA FISHING COMPANY LIMITED
Company Number: 10494**

NOTICE IS HEREBY GIVEN that the above named company was dissolved pursuant to section 353 of the Companies Act 1948 in its application to the Falkland Islands on the 11th day of November 2004.

Dated this 11th day of November 2004.

J. C. ROWLAND,
Registrar of Companies.

No. 87

11th November 2004**PARDELHAS FISHING COMPANY LIMITED
Company Number: 10493**

NOTICE IS HEREBY GIVEN that the above named company was dissolved pursuant to section 353 of the Companies Act 1948 in its application to the Falkland Islands on the 11th day of November 2004.

Dated this 11th day of November 2004.

J. C. ROWLAND,
Registrar of Companies.

No. 88

11th November 2004**SAO RAFAEL FISHING COMPANY LIMITED
Company Number: 9416**

NOTICE IS HEREBY GIVEN that the above named company was dissolved pursuant to section 353 of the Companies Act 1948 in its application to the Falkland Islands on the 11th day of November 2004.

Dated this 11th day of November 2004.

J. C. ROWLAND,
Registrar of Companies.

No. 89

19th November 2004**SUPREME COURT OF THE FALKLAND ISLANDS****Notice under the Administration of Estates Ordinance
(Cap. 1)**

TAKE NOTICE THAT Leonard John Hirtle deceased of Stanley, Falkland Islands died on the 9th day of November 2004 intestate.

WHEREAS Shirley Hirtle has applied for Letters of Administration to administer the estate of the said deceased in the Falkland Islands.

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

C. J. MITCHELL,
Registrar, Supreme Court.

Stanley
Falkland Islands
19th November 2004

No. 90

23rd November 2004

JK MARUOSA LIMITED
Company Number: 11146

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 23rd day of November 2004.

J. C. ROWLAND,
Registrar of Companies.

No. 91

25th November 2004

APPLICATIONS FOR PERMANENT RESIDENCE

Notice is hereby given that the below named individuals have applied through the Principal Immigration Officer to be granted a Permanent Residence Permit by the Governor:

Julie Ann BELLHOUSE
Jessica Beatriz EREBITIS MARILICAN
Marcelo Rodrigo OLMEDO APABLAZA
David Graham CLARKE
Ferné Patricia CLARKE (Nee BOYES)

Any person who knows of any reason why a permit should not be granted should send a written and signed statement of the facts, giving grounds for their objection, to the Immigration Officer, Customs and Immigration Department, Stanley by 22 December 2004.

D. HOY,
Immigration Officer.

No. 92

26th November 2004

EDUCATION ORDINANCE
section 57

SCHOOL TERMS FOR ACADEMIC YEAR 2005-2006

Stanley Schools

- First Term:** Begins: Thursday 1 September 2005
Ends: Friday 16 December 2005
Half Term from Wednesday 19 to Monday 24 October 2005 (inclusive)
- Second Term:** Begins: Thursday 26 January 2006
Ends: Wednesday 12 April 2006
Half Term from Monday 27 February to Friday 3 March 2006 (inclusive)
- Third Term:** Begins: Tuesday 2 May 2006
Ends: Friday 11 August 2006
Half Term from Wednesday 21 to Monday 26 June 2006 (inclusive)

Recognised Camp Schools

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

Public Holidays

Peat Cutting Monday (closed)	Monday 3 October 2005
Battle Day (closed)	Thursday 8 December 2005
Good Friday	Friday 14 April 2006
Queen's Birthday	Friday 21 April 2006
Liberation Day (closed)	Wednesday 14 June 2006

Travelling Teachers

Tuition takes place throughout the school year except for Public Holidays, Camp Sports Week and three additional days to be taken by arrangement with the Camp Education Supervisor.

S. COLE,
Director of Education.

No. 93

26th November 2004

MERCHANT SHIPPING (REGISTRATION OF SHIPS) REGULATIONS 2001

**to all owners of ships registered on
the Stanley Register of Ships**

Owners and operators of ships registered on the Stanley Register of Ships, whose certificates of registry were issued prior to 15 September 2003 under the Merchant Shipping Act 1894, are hereby notified that in accordance with regulations 112, 113 and 116 of the Merchant Shipping (Registration of Ships) Regulations 2001 as amended, all vessels in respect of which the owners have not made an application for renewal of registration by 31 March 2005, will be removed from the Register.

The attention of owners is also drawn to the relevant Regulations relating to the qualification and entitlement to register criteria which has to be met in relation to different classes of vessels as follows:

Merchant vessels on Part I or IV of the Register: regulations 7 to 9.

Fishing vessels on Part II or IV of the Register: regulations 12 to 15.

Any person requiring further information or advice regarding the above should contact:

R. J. KING,
Registrar of Ships.

Customs and Immigration Department,
Stanley.

Appointment of Temporary Customs Officer

Customs Ordinance 2003

In exercise of the powers conferred by section 7(3) of the Customs Ordinance 2003,

I hereby appoint:

CPL James William ORAM - J8410098

to be a temporary Customs Officer from 26 July 2004 to 26 November 2004.

R. J. KING,
Collector of Customs.

Appointment of Temporary Customs Officer

Customs Ordinance 2003

In exercise of the powers conferred by section 7(3) of the Customs Ordinance 2003,

I hereby appoint:

CPL Russ DONAGHY - Q8400088

to be a temporary Customs Officer from 29 September 2004 to 29 January 2005.

R. J. KING,
Collector of Customs

Appointment of Temporary Customs Officer

Customs Ordinance 2003

In exercise of the powers conferred by section 7(3) of the Customs Ordinance 2003,

I hereby appoint:

CPL Dean BOVINGTON - R8288537

to be a temporary Customs Officer from 1 November 2004 to 01 March 2005.

R. J. KING,
Collector of Customs

Appointment of Temporary Customs Officer

Customs Ordinance 2003

In exercise of the powers conferred by section 7(3) of the Customs Ordinance 2003,

I hereby appoint:

SGT David Jonathan ALLMAN - D8254417

to be a temporary Customs Officer from 13 November 2004 to 13 March 2005.

R. J. KING,
Collector of Customs



THE FALKLAND ISLANDS GAZETTE

PUBLISHED BY AUTHORITY

Vol. CXIII

24th December 2004

No. 15

Appointments

Imogen Fiona Didlick, Junior Assistant Printer, Printing Office, 01.12.04.

Caroline McLaren, Clerk, Public Service, 01.12.04.

Karin Daelemans, Physiotherapist, Health and Social Services Department, 08.12.04.

Completion of Contract

Suzanne Halfacre, Senior Laboratory Technician, Department of Agriculture, 30.11.04.

Beryl Wheeler, Nursing Sister/Midwife, Health and Social Services Department, 31.12.04.

Renewal of Contract

Suzanne Halfacre, Senior Biomedical Scientist, Department of Agriculture, 01.12.04.

Promotion

Susana Caroline Berntsen Faria, from Clerk, Public Service to Cashier, Treasury, 01.12.04.

Resignations

Odette Bonner, Clerk, Posts and Telecommunications Department, 24.12.04.

Eric Decroliere, Plant Operator/Handyman, Public Works Department, 24.12.04.

Karen Barnes, Senior House Keeper, Government House, 31.12.04.

Transfers

Joan Clarke, from Learning Support Assistant, Infant and Junior School to Social Work Assistant, Health and Social Services Department, 06.12.04.

Jill Edith Reeves, from Police Constable, Royal Falkland Islands Police to Administrative Officer, Posts and Telecommunications Department, 13.12.04.

NOTICES

No. 94

17th November 2004

APPLICATIONS FOR PERMANENT RESIDENCE

Notice is hereby given that the below named individuals have applied through the Principal Immigration Officer to be granted a Permanent Residence Permit by the Governor:

Chedwin Norman KNIPE

Susan Jane Helena KNIPE (Nee YON, FRANCIS)

Sally OWEN

Any person who knows of any reason why a permit should not be granted should send a written and signed statement of the facts, giving grounds for their objection, to the Immigration Officer, Customs and Immigration Department, Stanley by 15 January 2005.

D. HOY,
Immigration Officer.

Appointment of Temporary Customs Officer

Customs Ordinance 2003

In exercise of the powers conferred by section 7(3) of the Customs Ordinance 2003,

I hereby appoint:

CPL Paul Martin BASSENGER - H8409203

to be a temporary Customs Officer from 25 November 2004 to 25 March 2005.

R. J. KING,
Collector of Customs.

Appointment of Temporary Customs Officer

Customs Ordinance 2003

In exercise of the powers conferred by section 7(3) of the Customs Ordinance 2003,

I hereby appoint:

WO2 Michael George LARKMAN - S8117469

to be a temporary Customs Officer from 10 November 2004 to 10 March 2005.

R. J. KING,
Collector of Customs



**THE
FALKLAND ISLANDS GAZETTE
Supplement**

PUBLISHED BY AUTHORITY

Vol. 15

22nd January 2004

No. 1

The following are published in this Supplement -

Infectious Diseases Ordinance 2003, (No: 24 of 2003);

S. I. 2003 No. 1516, United Nations, The Iraq (United Nations Sanctions) (Overseas Territories) Order 2003;

S. I. 2003 No. 1868, United Nations, The Angola (United Nations Sanctions) (Revocation) Order 2003;

S. I. 2003 No. 1876, United Nations, The Liberia (United Nations Sanctions) (Overseas Territories) (Amendment) Order 2003;

S. I. 2003 No. 2627, Overseas Territories, The Democratic Republic of the Congo (Restrictive Measures) (Overseas Territories) Order 2003.

ELIZABETH II



FALKLAND ISLANDS

HOWARD JOHN STREDDER PEARCE C.V.O.,
Governor.

Infectious Diseases Ordinance 2003

(No: 24 of 2003)

ARRANGEMENT OF PROVISIONS

Section

1. Short title
2. Interpretation
3. Notifiable disease
4. Cases of notifiable disease and food poisoning to be reported

Infectious persons

5. Medical examination
6. Medical examination of group of persons believed to comprise carrier of notifiable disease
7. Removal to hospital of person with notifiable disease
8. Detention in hospital of person with notifiable disease

Death of person suffering from disease

9. Person dying in hospital with notifiable disease
10. Isolation of body of person dying with notifiable disease
11. Restriction of wakes

Conduct by persons suffering from disease etc

12. Exposure of persons and articles liable to convey notifiable disease
13. Information to be supplied by occupier
14. Trading etc. by person with disease
15. Stopping of work to prevent spread of disease

School

16. Exclusion from school of child liable to convey disease
17. Exclusion of children from places of entertainment or assembly

Infected articles

18. Infected articles not to be taken or sent to be washed or cleaned
19. Library books

Infected premises

20. Prohibition of certain work on premises where disease exists
21. Sale or letting of house or room after recent case of disease
22. Duty on ceasing to occupy house after recent case of disease
23. Disinfection of premises
24. Removal of person from infected house

Public conveyances

25. Use of public conveyance by person with disease
26. Duty of owner, driver or conductor of public conveyance

Miscellaneous

27. Regulation for control of certain diseases
28. Repeal and revocation
29. Delegation by Chief Medical Officer
30. Ordinance to bind the Crown.

ELIZABETH II



FALKLAND ISLANDS

HOWARD JOHN STREDDER PEARCE C.V.O.,
Governor.

INFECTIOUS DISEASES ORDINANCE 2003

(No: 24 of 2003)

(assented to: 19 December 2003)

(commencement: upon publication)

(published: 22 January 2004)

AN ORDINANCE

To make new provision in relation to infectious diseases and their control.

ENACTED by the Legislature of the Falkland Islands as follows —

Short title

1. This Ordinance may be cited as the Infectious Diseases Ordinance 2003.

Interpretation

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

“Government Medical Officer” includes the Chief Medical Officer and the Deputy Chief Medical Officer;

“hospital” includes any premises for the reception of the sick;

“house” means a dwelling-house, whether a private dwelling-house or not;

“notifiable disease” has the meaning given by section 3;

“ophthalmia neonatorum” means a purulent discharge from the eyes of an infant, commencing within 21 days of the birth;

“owner” means the person for the time being receiving the rack rent of the premises in connection with which the word is used, whether on his own account or as agent or trustee for any other person, or who would so receive the rack rent if those premises were let at a rack rent;

“school” includes a Sunday school; and

“viral haemorrhagic fever” means Argentine haemorrhagic fever (Junin), Bolivian haemorrhagic fever (Machupo), Chikungunya haemorrhagic fever, Congo/Crimean haemorrhagic fever, Dengue fever, Ebola virus disease, haemorrhagic fever with renal syndrome (Hantaan) Marburg disease, Omsk haemorrhagic fever and Rift Valley disease.

Notifiable disease

3. In this Ordinance “notifiable disease” means any of the following diseases —

- cholera (including cholera due the eltor vibrio);
- plague;
- relapsing fever;
- small pox (including variola minor (alastrim)); and
- typhus.

Cases of notifiable disease and food poisoning to be reported

4.—(1) If a Government Medical Officer becomes aware, or suspects, that a patient he is attending is suffering from a disease to which this section applies or from food poisoning, he shall, unless he believes, and has reasonable grounds for believing, that some other Government Medical Officer has complied with this subsection, inform the Chief Medical Officer of, and if the Chief Medical Officer so requires, in writing, of —

(a) the name age and sex of the patient and the premises where the patient is;

(b) the disease or, as the case may be, particulars of the poisoning from which the patient is, or is suspected to be suffering and the date, or approximate date of its onset, and, if the patient is in hospital whether or not, in the opinion of the Government Medical Officer, the disease or poisoning from which the patient is or suspected to be, suffering was contracted in hospital.

(2) This section applies to the following diseases —

(a) a notifiable disease;

(b) any of the following diseases —

acute encephalitis;
acute poliomyelitis;
meningitis;
meningococcal septicaemia (without meningitis);
anthrax;
diphtheria;
dysentery (amoebic or bacillary);
paratyphoid fever;
typhoid fever;
viral hepatitis;
leprosy;
leptospirosis;
measles;
mumps;
rubella;
whooping cough;
malaria;
tetanus;
yellow fever;
ophthalmia neonatorum;
scarlet fever;
rabies; and
viral haemorrhagic fever;
severe acute respiratory syndrome (SARS); and

(c) tuberculosis where in the opinion of a Government Medical Officer that a person is suffering from tuberculosis is formed from evidence not derived solely from tuberculosis tests.

Infectious diseases

Medical examination

5.—(1) If a justice of the peace (acting, if he deems it necessary, *ex parte*) is satisfied, on a written certificate issued by a Government Medical Officer —

(a) that there is reason to believe that he or some other person with whom he may have been in contact —

(i) is or has been suffering from a disease to which this section applies;

(ii) although not suffering from such a disease, is carrying an organism that is capable of causing it, and

(b) that in his own interest, or in the interest of his family or in the public interest, it is expedient that he should be medically examined, and

(c) that he is not under the treatment of a Government Medical Officer,

the justice may order him to be medically examined by a Government Medical Officer.

(2) In this section references to a person's being medically examined shall be construed as including references to his being submitted to bacteriological and radiological tests and similar investigations.

(3) This section applies to —

(a) notifiable diseases; and

(b) the following diseases —

(i) diphtheria;
dysentery (amoebic or bacillary);
ophthalmia neonatorum;
paratyphoid fever;
severe acute respiratory syndrome (SARS);
typhoid fever;
viral hepatitis;
rabies; and
viral haemorrhagic fever.

(ii) acquired immune deficiency syndrome (AIDS);
acute encephalitis;
acute poliomyelitis;
meningitis;
meningococcal septicaemia (without meningitis);
anthrax;
leprosy;
leptospirosis;
measles;
mumps;
rubella;
scarlet fever;
whooping cough;
malaria;
tetanus;
yellow fever; and
tuberculosis.

(4) In relation to the diseases mentioned in subsection (4)(b) subsection (1)(a) shall have effect as if paragraph (ii) of that provision were omitted.

Medical examination of group of persons believed to comprise carrier of notifiable disease

6.—(1) If a justice of the peace (acting, if he deems it necessary, *ex parte*) is satisfied, on a written certificate issued by a Government Medical Officer —

(a) that there is reason to believe that one of a group of persons, though not suffering from a disease to which this section applies, is carrying an organism that is capable of causing it, and

(b) that in the interest of those persons or their families, or in the public interest, it is expedient that those persons should be medically examined,

the justice may order them to be medically examined by a Government Medical Officer.

(2) Subsections (2) to (4) of section 5 apply in relation to subsection (1) as they apply in relation to subsection (1) (or, in the case of subsection (3), subsection (1)(a)) of that section.

Removal to hospital of person with notifiable disease

7.—(1) Where a justice of the peace (acting, if he deems it necessary, *ex parte*) is satisfied on the application of a Government Medical Officer that a person is suffering from a disease to which this section applies and —

(a) that his circumstances are such that proper precautions to prevent the spread of infection cannot be taken, or that such precautions are not being taken, and

(b) serious risk of infection is thereby caused to other persons; and

(c) that accommodation for him is available at the King Edward VII Memorial Hospital or another suitable hospital or place approved by the Governor for the treatment or accommodation of persons suffering from infectious diseases,

the justice may order him to be removed to it.

(2) An order under this section may be addressed to such public office or officers as the justice may deem expedient and any such officer may do all acts necessary for giving effect to the order.

(3) This section applies —

(a) to notifiable diseases; and

(b) to —

acquired immune deficiency syndrome (AIDS);
acute encephalitis;
acute poliomyelitis;
meningitis;
meningococcal septicaemia (without meningitis);

anthrax;
diphtheria;
dysentery (amoebic or bacillary);
paratyphoid fever;
typhoid fever;
viral hepatitis;
leprosy;
leptospirosis;
measles;
mumps;
rubella;
whooping cough;
rabies;
scarlet fever;
viral haemorrhagic fever;
severe acute respiratory syndrome (SARS); and

(c) to tuberculosis of the respiratory tract in an infectious state.

Detention in hospital of person with notifiable disease

8.—(1) Where a justice of the peace (acting, if he deems it necessary, *ex parte*) in and for the place in which a hospital for infectious diseases is situated is satisfied, on the application of a Government Medical Officer that an inmate of the hospital who is suffering from a disease to which this section applies would not on leaving the hospital or other place of a kind referred to in section 7(1)(c) be provided with lodging or accommodation in which proper precautions could be taken to prevent the spread of the disease by him, the justice may order him to be detained in the hospital or such other place.

(2) An order made under subsection (1) above may direct detention for a period specified in the order, but any justice of the peace may extend a period so specified as often as it appears to him to be necessary to do so.

(3) Any person who leaves a hospital or other place contrary to an order made under this section for his detention there shall be liable on conviction to a fine not exceeding level 1 on the standard scale, and the court may order him to be taken back to the hospital.

(4) An order under this section may be addressed —

(a) in the case of an order for a person's detention, to such public officer, and

(b) in the case of an order made under subsection (3) above, to such Government Medical Officer

as the justice may think expedient, and that officer and any such officer may do all acts necessary for giving effect to the order.

(5) This section applies —

(a) to notifiable diseases; and

(b) to the diseases mentioned in paragraph (b) of subsection (3) of section 7 but in its application to acquired immune deficiency syndrome (AIDS) subsection (1) shall apply so that a justice of the peace (acting if he deems it necessary *ex parte*) may on the application of the Chief Medical Officer make an order for the detention in hospital of an inmate of that hospital suffering from acquired immune deficiency syndrome, in addition to the circumstances specified in that subsection, if the justice is satisfied that on his leaving the hospital proper precautions to prevent the spread of that disease would not be taken by him—

(i) in his lodging or accommodation; or

(ii) in other places to which he may be expected to go if not detained in the hospital.

(6) In addition to the circumstances in which a justice of the peace may make an order under subsection (1) he may on the application of a Government Medical Officer make such an order in respect of an inmate of a hospital or other place of a kind referred to in section 7(1)(c) who is suffering from acquired immune deficiency syndrome (AIDS) if the justice is satisfied that on his leaving hospital or such other place proper precautions to prevent the spread of that disease would not be taken by him —

(a) in his lodging or accommodation; or

(b) in other places to which he may be expected to go if not detained in the hospital or other such place.

Death of person suffering from disease

Person dying in hospital with notifiable disease

9.—(1) If —

(a) a person dies in hospital or other place of a kind referred to in section 7(1)(c) while suffering from a disease to which this section applies, and

(b) a Government Medical Officer certifies that in his opinion it is desirable, in order to prevent the spread of infection, that the body should not be removed from the hospital or such other place except for the purpose of being taken direct to a mortuary or being forthwith buried,

it shall not be lawful for any person to remove the body from the hospital or such other place except for such a purpose.

(2) In any such case, when the body is removed for the purpose of burial or cremation from the hospital or any mortuary to which it has been taken, it shall forthwith be taken direct to some place of burial and there buried.

(3) This section applies —

(a) to notifiable diseases; and

(b) to —

acquired immune deficiency syndrome (AIDS);
anthrax;
viral haemorrhagic fever; and
severe acute respiratory syndrome (SARS).

Isolation of body of person dying with notifiable disease

10.—(1) Every person having the charge or control of premises in which is lying the body of a person who has died while suffering from a disease to which this section applies shall take such steps as may be reasonably practicable to prevent persons coming unnecessarily into contact with, or proximity to, the body, and if he fails to do so he shall be liable on conviction to a fine not exceeding level 1 on the standard scale.

(2) This section applies to —

(a) notifiable diseases;

(b) diseases to which paragraph (b) of subsection (3) of section 7 applies; and

(c) tuberculosis.

Restriction of wakes

11.—(1) It is unlawful to hold a wake over the body of a person who has died while suffering from a disease to which this section applies.

(2) The occupier of any premises who permits or suffers any such wake to take place upon them, and every person who takes part in the wake, commits an offence and is liable on conviction to a fine not exceeding the maximum of level 1 on the standard scale.

(3) This section applies to the diseases to which section 10 applies.

Conduct by persons suffering from disease etc.

Exposure of persons and articles liable to convey notifiable disease

12.—(1) A person who —

(a) knowing that he is suffering from a disease to which this section applies, exposes other people to the risk of infection by his presence or conduct in any street, public place, place of entertainment or assembly, club, hotel, public house or shop;

(b) having the care of a person whom he knows to be suffering from a notifiable disease, causes or permits that person to expose other persons to the risk of infection by his presence or conduct in any place to which paragraph (a) of this section applies; or

(c) gives, lends, sells, transmits or exposes, without proper disinfection, any clothing, bedding or rags which he knows to have been exposed and which is liable to carry such infection,

commits an offence and is liable on conviction to a fine not exceeding the maximum of level 1 on the standard scale.

(2) A person does not commit an offence under subsection (1) if, with the consent of a Government Medical Officer, he transmits with proper precautions any article for the purpose of having it disinfected.

(3) This section applies to the diseases to which section 10 applies.

Information to be supplied by occupier

13.—(1) On the application of the Chief Medical Officer, the occupier of any premises in which there is or has been any person suffering from a disease to which this section applies or from food poisoning shall furnish such information within his knowledge as the Chief Medical Officer may reasonably require for the purpose of enabling measures to be taken to prevent the spread of the disease or, as the case may be, to trace the source of food poisoning.

(2) If any person required to furnish information under this section fails to furnish it, or knowingly furnishes false information, he commits an offence and is liable on conviction to a fine not exceeding the maximum of level 1 on the standard scale.

(3) In this section, “occupier”, in relation to any premises, includes —

(a) a person having the charge, management or control of the premises, or of a building of which the premises form part, and

(b) in the case of premises consisting of a building the whole of which is ordinarily let out in separate tenements, or of a lodging house the whole of which is ordinarily let to lodgers, the person receiving the rent payable by the tenants or by the lodgers, as the case may be, either on his own account or as the agent of another person.

(4) This section applies to the diseases to which section 10 applies.

Trading etc. by person with disease

14.—(1) A person who, knowing that he is suffering from a disease to which this section applies, engages or carries on any trade, business or occupation which he cannot engage in or carry on without risk of spreading the disease commits an offence and is liable on conviction to a fine not exceeding the maximum of level 1 on the standard scale.

(2) This section applies to the diseases to which section 10 applies.

Stopping of work to prevent spread of disease

15.—(1) With a view to prevent the spread of —

(a) a notifiable disease, or

(b) a disease to which subsection (2) applies,

the Chief Medical Officer may by notice in writing require any person to discontinue his work until such time as he is notified by a Government Medical Officer that he is no longer liable to infect any other person.

(2) The diseases to which this subsection applies are —

(a) enteric fever (including typhoid and paratyphoid fever);

(b) dysentery;

(c) diphtheria;

(d) scarlet fever;

(e) acute inflammation of the throat;

(f) gastro-enteritis; and

(g) undulant fever.

(3) A person who fails to comply with a request to which subsection (1) relates commits an offence and is liable on conviction to a fine not exceeding the maximum of level 1 on the standard scale.

(4) The Crown shall compensate a person who has suffered any loss in complying with a request under subsection 1 and any dispute as to the amount of the compensation payable by virtue of this subsection shall be determined by, and any compensation awarded may be recovered before, the Magistrate's Court.

Children

Exclusion from school of child liable to convey disease

16.—(1) A person having the care of a child who —

- (a) is or has been suffering from a disease to which this section applies, or
 - (b) has been exposed to infection of such a disease,
 - (c) shall not, after receiving notice from the Chief Medical Officer that the child is not to be sent to school, permit the child to attend school until he has been informed by a Government Medical Officer that in his opinion the child may attend school without undue risk of communicating the disease to others.
- (2) A person who contravenes the provisions of this section shall be liable on conviction to a fine not exceeding the maximum of level 1 on the standard scale.
- (3) This section applies to the diseases to which section 10 applies.

Exclusion of children from places of entertainment or assembly

17.—(1) This section applies —

- (a) to any theatre, including a cinematograph theatre, and any building used as a public hall, public concert-room or lecture room, public dance room or public gymnasium or indoor swimming baths, and
 - (b) to any sports ground, outdoor swimming baths, outdoor swimming pool, bowling alley, skating or roller skating rink, to which the public are admitted, either on payment of a charge for admission or not, and
 - (c) to any circus, show, fair, fete, amusement arcade or other public place of entertainment which is not a building.
- (2) With a view to preventing the spread of a disease to which this section relates, the Chief Medical Officer may, by notice published in such manner as he thinks best for bringing it to the notice of persons concerned, prohibit or restrict the admission of persons under the prescribed age to any place to which this section applies for a time specified in the notice.
- (3) A notice under this section may contain exemptions from the prohibitions or restrictions to which it imposes, and any such exemption may be made subject to compliance with such conditions as may be specified in this notice.
- (4) A notice under this section may be expressed to apply to particular premises, or parts of premises, designated in the notice, or to part only of the Falkland Islands, but, except as otherwise prescribed in the notice, the notice shall apply throughout the Falkland Islands.

(5) If the person responsible for the management of a place to which this section applies, having been served by the Chief Medical Officer with a copy of a notice published under this section, admits any person under the prescribed age to that place in contravention of the notice, or fails to comply with any conditions specified in the notice, he commits an offence and is liable on conviction to a fine not exceeding the maximum of level 1 on the standard scale.

(6) In any proceedings for an offence under subsection (5), it is a defence to prove that there were reasonable grounds for believing that the person admitted had attained the prescribed age.

(7) In this section, "prescribed age", in relation to a notice, means such age, not exceeding sixteen, as may be prescribed by the notice.

(8) This section applies to the diseases to which section 10 applies.

Infected articles

Infected articles not to be taken or sent to be washed or cleaned

18.—(1) A person shall not send or take to any laundry or public wash-house for the purpose of being washed, or to any place for the purpose of being cleaned, any article which he knows to have been exposed to infection from a disease to which this section applies, unless that article —

(a) has been disinfected by or to the satisfaction of a Government Medical Officer; or

(b) is sent with proper precautions to a laundry for the purpose of disinfection, with notice that it has been exposed to infection.

(2) The occupier of any building in which a person is suffering from a disease to which this section applies shall, if required by the Chief Medical Officer, furnish to him the address of any laundry, wash-house or other place to which articles from the house have been or will be sent during the continuance of the disease for the purpose of being washed or cleaned.

(3) A person who contravenes or fails to comply with any provision of this section commits an offence and is liable on conviction to a fine not exceeding the maximum of level 1 on the standard scale.

(4) This section applies to the diseases to which section 10 applies.

Library books

19.—(1) A person who knows that he is suffering from a disease to which this section applies shall not take any book, or cause any book to be taken for his use, or use any book taken, from any public or circulating library.

(2) A person shall not permit any book which has been taken from a public or circulating library, and is under his control, to be used by any person whom he knows to be suffering from a notifiable disease.

(3) A person shall not return to any public or circulating library a book which he knows to have been exposed to infection from a notifiable disease, or permit any such book which is under his control to be so returned, but shall give notice to the person in charge of that library or the owner of that library that the book has been so exposed to infection.

(4) The person in charge of the library or, as the case may be, the owner of the library on receiving such a notice shall cause the book to be disinfected and returned to the library, or shall cause it to be destroyed.

(5) This section applies to diseases to which section 10 applies.

(6) A person who contravenes any of the provisions of subsections (1) to (3) commits an offence and is liable on conviction to a fine not exceeding the maximum of level 1 on the standard scale.

Infected premises

Prohibition of certain work on premises where disease exists

20.—(1) If a case of a disease to which this section applies occurs on any premises, then, whether the person suffering from the disease has been removed from the premises or not, the Chief Medical Officer may make an order forbidding any work to which this section applies to be given out to any person living or working on those premises, or on such part of them as may be specified in the order; and any order so made may be served on the occupier of any factory or other place from work which work is given out, or on any contractor employed by any such occupier.

(2) An order under this section may be expressed —

(a) to operate for a specified time or until the premises or any part of them specified in the Order have been disinfected to the satisfaction of the Chief Medical Officer, or

(b) to be inoperative so long as any other reasonable precautions specified in the order are taken.

(3) If any occupier or contractor on whom an order under this section has been served contravenes the provisions of the order, he commits an offence and is liable on conviction to a fine not exceeding the maximum of level 1 on the standard scale.

(4) This section applies —

(a) to the diseases to which section 10 applies; and

(b) to the making, or cleaning, washing, altering, ornamenting, finishing or repairing of wearing apparel and any incidental work and to such other classes of work as may be specified by an order made by the Governor.

Sale or letting of house or room after recent case of disease

21.—(1) If a person who —

(a) is concerned in the sale or letting of a house or part of a house, or in showing a house or part of a house with a view to its being sold or let, or

(b) has recently ceased to occupy a house or part of a house,

is questioned by any person negotiating for the purchase or hire of the house or any part of the house as to whether there is, or has been within the preceding six weeks, in any part of the house a person suffering from a disease to which this section applies, and knowingly makes a false answer to that question, he commits an offence and is liable on conviction to a fine not exceeding the maximum of level 2 on the standard scale and to imprisonment for a term not exceeding one month.

(2) A person who sells or lets any house or part of a house in which a person has to his knowledge been suffering from a disease to which this section applies without having the house, or the part of the house, and all articles in it liable to retain infection, properly disinfected commits an offence and is liable on conviction to a fine not exceeding the maximum of level 2 on the standard scale.

(3) The keeper of an hotel, inn or lodge who allows a room in it in which a person has to his knowledge been suffering from a disease to which this section applies to be occupied by any other person before the room and all articles in it liable to retain infection have been properly disinfected commits an offence and is liable on conviction to a fine not exceeding the maximum of level 2 on the standard scale.

(4) In this section and in section 22, “properly disinfected” means disinfected to the satisfaction of the Chief Medical Officer.

(5) This section applies to the disease to which section 10 applies.

Duty on ceasing to occupy house after recent case of disease

22.—(1) If a person ceases to occupy a house or part of a house in which to his knowledge a person has within six weeks previously been suffering from a disease to which this section applies and either —

(a) he fails to have the house, or the part of the house, and all articles in it liable to retain infection, properly disinfected, or

(b) he fails to give to the owner of the house, or the part of the house, notice of the previous existence of disease, or

(c) on being questioned by the owner as to whether within the preceding six weeks there has been in it any person suffering from any notifiable disease, he makes a false answer,

he commits an offence and is liable on conviction —

(i) in the case of an offence under paragraph (a) or (b) of this subsection, to a fine not exceeding the maximum of level 2 on the standard scale, or

(ii) in the case of an offence under paragraph (c) of this subsection, to a fine not exceeding the maximum of level 2 on the standard scale and to imprisonment for a term not exceeding one month.

(2) The Chief Medical Officer shall cause notice to be given of the provision of this section to the occupier and also to the owner of any house in which he is aware that there is a person suffering from a notifiable disease.

(3) This section applies to the diseases to which section 10 applies.

Disinfection of premises

23.—(1) If the Chief Medical Officer is satisfied that the cleansing and disinfection of any premises, and the disinfection or destruction of any article there likely to retain infection, would tend to prevent the spread of any infectious disease, he may give notice to the occupier of the premises requiring the occupier at his own cost —

(a) to cleanse and disinfect the premises, and

(b) to disinfect or, as the case may require, destroy any such articles, and

(c) to inform the Chief Medical Officer within 24 hours after the receipt of the notice as to whether the occupier will comply with the notice within such time as is specified in the notice and, if no time is so specified, within seven days.

(2) If —

(a) within 24 hours after the receipt of the notice the person to whom it is addressed does not so inform the Chief Medical Officer,

(b) having so informed the Chief Medical Officer, fails to take the specified steps to the satisfaction of Chief Medical Officer within the time fixed by the notice, or if no time has been so fixed, within seven days,

the Crown may cause the premises to be cleansed and disinfected and the articles to be disinfected or destroyed, as the case may require, and may recover from the occupier the expenses reasonably incurred by the Crown in doing so; and any expenses may be so recovered as a simple contract debt in any court of competent jurisdiction.

(3) Where the occupier of any premises is in the opinion of the Chief Medical Officer unable effectually to take such steps as he considers necessary, the Crown may, without giving such notice but with the occupier's consent, take the necessary steps at its own cost.

(4) For the purposes of this section, the owner of unoccupied premises shall be deemed to be in occupation of them.

Removal of person from infected house

24.—(1) Where any infectious disease incurs in a house, or the Chief Medical Officer believes it to be necessary for the house to be disinfected, the Chief Medical Officer may —

(a) cause any person who is not himself sick and who consents to leave the house, or whose parent or guardian, where the person is a child, consents to his leaving the house, to be removed to any temporary shelter or house accommodation provided by the Crown, or

(b) cause any such person to be so removed without any consent, if a justice of the peace (acting, if he deems it necessary, *ex parte*) is satisfied, on the application of the Chief Medical Officer, of the necessity for the removal and makes an order for the removal, subject to such conditions, if any as may be specified in the order.

(2) In every case to which this section applies the removal shall be affected, and the conditions of any order shall be satisfied, without charge to the person removed, or to the parent or guardian of that person.

Public conveyances

Use of public conveyances by person with disease

25.—(1) A person who knows that he is suffering from a disease to which this section applies shall not —

(a) enter any public conveyance used for the conveyance of persons at separate fares, or

(b) enter any other public conveyance without previously notifying the owner or driver that he is so suffering.

(2) A person having the care of a person who he knows to be suffering from a disease to which this section applies shall not permit that person to be carried —

(a) in any public conveyance used for the conveyance of persons at separate fares, or

(b) in any other public conveyance without previously informing the owner or driver that that person is so suffering.

(3) A person who contravenes any provision of this section —

(a) is liable on conviction to a fine not exceeding the maximum of level 1 on the standard scale, and

(b) in addition to any fine imposed, shall be ordered by the court convicting him to pay any person concerned with the conveyance as owner, driver or conductor a sum sufficient to cover any loss and expense incurred by him in connection with the disinfection of the conveyance in accordance with section 26.

(4) This section applies to the diseases to which section 10 applies.

Duty of owner, driver or conductor of public conveyance

26.—(1) The owner, driver or conductor of a public conveyance used for the conveyance of passengers at separate fares shall not convey in it a person whom he knows to be suffering from a disease to which this section applies.

(2) The owner or driver of any other public conveyance may refuse to convey in it any person suffering from a disease to which this section applies until he has been paid a sum sufficient to cover any loss and expense which will be incurred by reason of the provisions of subsection (3).

(3) If a person suffering from a disease to which this section applies is conveyed in a public conveyance, the person in charge of the conveyance shall —

(a) as soon as practicable give notice to the Chief Medical Officer of that fact; and

(b) before permitting any other person to enter the conveyance, cause it to be disinfected,

and any person concerned with the conveyance as its owner, driver or conductor may recover as a civil debt from the person so conveyed, or from the person causing that person to be so conveyed, a sufficient sum to cover any loss or expense incurred by him.

(4) This section applies to diseases to which section 10 applies.

(5) A person who contravenes any of the foregoing provisions of this section commits an offence and is liable on summary conviction of that offence to a fine not exceeding the maximum of level 1 on the standard scale.

Miscellaneous

Regulation for control of certain diseases

27.—(1) The Governor may, as respects the whole or any part of the Falkland Islands, including coastal waters, make regulations —

(a) with a view to the treatment of persons affected with any epidemic, endemic or infectious disease and for preventing the spread of such diseases,

(b) for preventing danger to public health from vessels or aircraft arriving at any place, and

(c) for preventing the spread of infection by means of any vessel or aircraft leaving any place, so far as may be necessary or expedient for the purpose of carrying out any treaty, convention, arrangement or engagement with any country.

(d) requiring the signals to be displayed by vessels or aircraft having on board any case of epidemic, endemic or infectious disease,

(e) which provide for the questions to be answered by masters, pilots and other persons on board any vessel or aircraft as to cases of such disease on board during the voyage or on arrival,

(f) requiring persons alighting from aircraft to answer questions pertaining to their state of health or their contact with infection,

(g) authorising the detention of vessels or aircraft and of persons on board them,

(h) prescribing the duties to be performed in cases of such diseases by masters, pilots and other persons on board vessels or aircraft; and

(i) authorise the making of charges and provide for the recovery of such charges and of any expenses incurred in disinfection.

(2) The powers of the Governor under subsection (1) shall have effect in addition to any powers to make regulations under the Public Health Ordinance.

(3) Without prejudice to the generality of subsection (1) the Governor may by any such regulations apply, with or without modifications, to any disease to which the regulations relate any enactment (including any enactment in this Ordinance) relating to the notification of disease or to notifiable diseases.

(4) Regulations made under this section shall specify the persons and authorities by whom they are to be enforced and executed.

(5) The following persons, that is to say —

(a) such public officers as are specified by the regulations, and

(b) in respect of any vessel or aircraft or any building or premises within any aerodrome or port, officers of customs and excise,

shall have power to enter any premises, vessel or aircraft for the purpose of executing, or superintending the execution of, regulations under this section.

Repeal and revocation

28.—(1) The definition of “contagious or infectious diseases” in section 2 of the Public Health Ordinance (Title 61.1) and section 19(1)(e) of that Ordinance are repealed.

(2) By-Laws 55 to 64 of the Board of Health By-Laws are revoked.

Delegation by Chief Medical Officer

29. The Chief Medical Officer may by writing delegate any of his powers or functions under this Ordinance, either generally or in any particular case, to any Government Medical Officer or any other public officer employed by the Crown in the Department of Health and Medical Services.

Ordinance to bind the Crown

30. This Ordinance binds the Crown.

2003 No. 1516

UNITED NATIONS

The Iraq (United Nations Sanctions) (Overseas Territories)
Order 2003

Made - - - - - 12th June 2003

Laid before Parliament 13th June 2003

Coming into force 14th June 2003

At the Court at Buckingham Palace, the 12th day of June 2003

Present,

The Queen's Most Excellent Majesty in Council

Whereas under Article 41 of the Charter of the United Nations the Security Council of the United Nations has, by a resolution adopted on 22nd May 2003, 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 Iraq:

Now, therefore, Her Majesty, in exercise of the powers conferred on Her by section 1 of the United Nations Act 1946(a), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

Citation, commencement, operation and extent

1.—(1) This Order may be cited as the Iraq (United Nations Sanctions) (Overseas Territories) Order 2003 and shall come into force on 14th June 2003.

(2) If the Security Council of the United Nations takes any decision which has the effect of cancelling or suspending the operation of the resolution adopted by it on 22nd May 2003, in whole or in part, this Order shall cease to have effect or its operation shall be suspended, in whole or in part, 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 office gazette of the Territory.

(3)

(a) This Order shall extend to the territories listed in Schedule 1.

(b) Article 19 of this Order shall apply to the Sovereign Base Areas of Akrotiri and Dhekelia as set out in Schedule 2.

(c) In the application of this Order to any of the said territories the expression "the Territory" in this Order means that territory.

(4) Articles 5, 6 and 8 shall apply to any person within the Territory and to any person elsewhere who is—

(a) 1946 c.45.

- (a) a British citizen, a British overseas territories citizen, a British Overseas citizen, a British subject, a British National (Overseas) or a British protected person and is ordinarily resident in the Territory; or
- (b) a body incorporated or constituted under the law of any part of the Territory.

Revocation

2. The Iraq and Kuwait (United Nations Sanctions) (Dependent Territories) Order 1990(a), the Iraq and Kuwait (United Nations Sanctions) (Dependent Territories) (No. 2) Order 1990(b) and the Iraq (United Nations) (Sequestration of Assets) (Dependent Territories) Order 1993(c) are hereby revoked.

Amendment

3. The Iraq (United Nations Sanctions) (Overseas Territories) Order 2000(d) continues in effect and is amended as set out in Schedule 3 with effect from the date on which the committee referred to in paragraph 19 of resolution 1483 adopted by the Security Council of the United Nations on 22nd May 2003 identifies any person as an individual or entity falling within paragraph 23 of that resolution, which date shall be notified by the Governor in the official gazette of the Territory.

Interpretation

4. 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 designated as commander of the aircraft by the operator thereof, or, failing such a person, the person who is for the time being the pilot in command of the aircraft;

“Development Fund for Iraq” means the Development Fund for Iraq referred to in resolution 1483 of the Security Council of the United Nations adopted on 22nd May 2003;

“document” includes information recorded in any form, and in relation to information recorded otherwise than in legible form, references to its production include references to producing a copy of the information in legible form;

“export” includes shipment as stores;

“exportation” in relation to any ship, submersible vehicle or aircraft, includes the taking out of the Territory of the ship, 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;

“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”, in relation to a ship, where the owner of a ship is not the operator, means the operator and any person to whom it is chartered;

“restricted goods” means the goods specified in Part III of Schedule 1 to the Export of Goods (Control) Order 1994(e) made under the Import, Export and Customs Powers (Defence) Act 1939(f);

(a) S.I. 1990/1652, as amended by S.I. 1990/1770 and S.I. 1997/1175.

(b) S.I. 1990/1988.

(c) S.I. 1993/1245.

(d) S.I. 2000/3242, as amended by S.I. 2001/395 and S.I. 2001/3649.

(e) S.I. 1994/1191. The relevant amending Orders are S.I. 1994/2711, which amended Schedule III and entry ML4; S.I. 1996/2663, which amended Schedule 1, Part III; S.I. 1997/323, which amended Schedule 3; S.I. 1997/2758, which amended Schedule 3 and Group 3, Part I, Schedule I and entries ML8 and ML10; S.I. 1999/63, which amended Schedule 1, Part III; S.I. 1999/1777, which amended Group 3, Part I, Schedule I and entry ML8; S.I. 1999/335, which amended Schedule 3; S.I. 1999/3411, which amended Group 3, Part I, Schedule 1; S.I. 2000/1239, which amended Schedule 1, Part III and entries PL5021, ML3, ML4, ML7, ML8, ML13, ML17, PL5033 and ML21; S.I. 2000/2264, which amended Schedule 1, Part III and entries PL5031 and PL5001; S.I. 2001/729, which amended entry ML4; and S.I. 2002/2059, which amended Schedule 1, Part III and certain definitions and entries ML4, ML8 and ML10.

(f) 1939 c.69.

“ship” includes every description of a vessel used in navigation;

“shipment” includes loading into an aircraft;

“stores” means goods for use in a ship or aircraft and includes fuel and spare parts and other articles of equipment, whether or not for immediate fitting, but excludes any goods for use in a ship or aircraft as merchandise for sale by retail to persons carried therein;

“vehicle” means a land transport vehicle.

RESTRICTED GOODS

Supply of restricted goods

5.—(1) Any person who, except under the authority of a licence granted by the Governor under this article or article 6—

- (a) supplies or delivers;
- (b) agrees to supply or deliver; or
- (c) does any act calculated to promote the supply or delivery of,

restricted goods to any person in Iraq 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 goods in question were to be supplied or delivered to a person in Iraq.

(2) Nothing in paragraph (1)(b) or (c) 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 restricted goods to Iraq

6. Any person who, except under the authority of a licence granted by the Governor under this article, knowingly exports any restricted goods from the Territory to any destination in Iraq or to any destination for the purpose of delivery, directly or indirectly, to or to the order of any person in Iraq, shall be guilty of an offence under this Order.

Use of ships, aircraft and vehicles: restricted goods

7.—(1) Without prejudice to the generality of article 5, and except under the authority of a licence granted by the Governor under this article, no ship or aircraft to which this article applies, and no vehicle within the Territory, shall be used for the carriage of restricted goods if the carriage is, or forms part of, carriage from any place outside Iraq to any destination therein.

(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 overseas territories citizen, a British Overseas citizen, a British subject, a British National (Overseas) 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) 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 paragraph (2)(a) or (b), 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 Iraq to any destination therein.

(4) Nothing in paragraph (1) shall apply where the supply or delivery or exportation from the Territory of the goods concerned to Iraq was authorised by a licence granted by the Governor under article 5 or 6.

(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.

ILLEGALLY REMOVED IRAQI CULTURAL PROPERTY

Illegally removed Iraqi cultural property

8.—(1) The importation into or exportation from the Territory of any item of illegally removed Iraqi cultural property is prohibited.

(2) Any person who holds or controls any item of illegally removed Iraqi cultural property must cause the transfer of that item to a police officer or constable. Any person who fails to do so 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 item in question was illegally removed Iraqi cultural property.

(3) Any person who deals in any item of illegally removed Iraqi cultural property 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 item in question was illegally removed Iraqi cultural property.

(4) “Illegally removed Iraqi cultural property” means Iraqi cultural property and any other item of archaeological, historical, cultural, rare scientific or religious importance illegally removed from any location in Iraq since 6th August 1990. It is immaterial whether the removal was illegal under the law of a part of the Territory or of any other country or territory.

(5) A person deals in an item if (and only if) he—

- (a) acquires, disposes of, imports or exports it,
- (b) agrees with another to do an act mentioned in paragraph (a), or
- (c) makes arrangements under which another person does such an act or under which another person agrees with a third person to do such an act.

(6) In this article—

- (a) “acquires” means buys, hires, borrows or accepts,
- (b) “disposes of” means sells, lets on hire, lends or gives,
- (c) in relation to agreeing or arranging to do an act, it is immaterial whether the act is agreed or arranged to take place in the Territory or elsewhere.

PRIVILEGES AND IMMUNITIES

Development Fund for Iraq

9.—(1) Except as provided in paragraph (2), the Development Fund for Iraq, its property and assets wherever located and by whomsoever held (including any rights or obligations owed by or to the Development Fund for Iraq), shall have the like privileges and immunities as the United Nations under Part II of the United Nations and International Court of Justice (Privileges and Immunities) Order 1974(a).

(2) The Development Fund for Iraq shall not have immunity from suit and legal process concerning liability for damages in connection with an ecological accident, including an oil spill, which occurs after 22nd May 2003.

Petroleum, petroleum products and natural gas

10. All petroleum, petroleum products and natural gas originating in Iraq shall have immunity from suit and legal process. Such immunity shall cease once title has passed to a purchaser.

GENERAL

Customs powers to demand evidence of destination which goods reach

11. Any exporter or any shipper of restricted goods which have been exported from the Territory shall, if so required by the Governor, furnish within such time as the Governor may allow proof to the Governor’s satisfaction that the goods have reached either—

(a) S.I. 1974/1261, as amended by S.I. 2002/1828.

(a) a destination to which they were authorised to be exported by a licence granted under this Order; or

(b) 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.

12.—(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 conditions 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

13.—(1) Any person who is about to leave the Territory shall, if he is required to do so by the Governor—

(a) declare whether or not he has with him any restricted goods which are destined for Iraq or for delivery, directly or indirectly, to or to the order of any person in Iraq; and

(b) produce such goods as aforesaid which he has with him.

Any such officer, and any person acting under his direction, 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, or 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.

Investigation, etc. of suspected ships

14.—(1) Where any authorised officer has reason to suspect that any ship to which article 7 applies has been or is being or is about to be used in contravention of paragraph (1) of that article—

(a) 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;

(b) 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

(c) in the case of a ship that is reasonably suspected of being or of being about to be used in contravention of paragraph (1) of article 7, any authorised officer (either there and then or upon consideration of any information furnished or document or cargo produced in pursuance of a request made under sub-paragraph (b)), with a view to preventing the commission (or the continued commission) of any such contravention, or in order that enquiries into the matter may be pursued, may take the further action specified in paragraph (2).

(2) The further action referred to in paragraph (1)(c) is either—

- (a) to direct the master of the ship to refrain, except with the consent of any authorised officer, from landing at any port specified by the officer any part of the ship's cargo that is so specified; or
- (b) to request the master of the ship to take any one or more of the following steps:
 - (i) 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 an authorised officer that the ship may so proceed;
 - (ii) if the ship is then in port in the Territory, to cause her to remain there until the master is notified by an authorised officer that the ship may depart;
 - (iii) 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 (ii); and
 - (iv) to take her to any other destination that may be specified by the officer in agreement with the master.

(3) Without prejudice to the provisions of article 17(3), where—

- (a) a master refuses or fails to comply with a request made under paragraph (2)(b); or
- (b) 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.

(4) In this article "authorised officer" means—

- (a) any commissioned naval or military officer;
- (b) any British consular officer;

any person authorised by the Governor for the purpose of this article either generally or in a particular case.

Investigation, etc. of suspected aircraft

15.—(1) Where any authorised person has reason to suspect that any aircraft to which article 7 applies has been or is being or is about to be used in contravention of paragraph (1) of that article—

- (a) he 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;
- (b) he 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
- (c) if the aircraft is then in the Territory, any authorised person may (either there and then or upon consideration of any information furnished or document or cargo produced in pursuance of a request made under sub-paragraph (b)) further request the charterer, operator and the commander or any of them to cause the aircraft and any of its cargo to remain in the Territory until notified that the aircraft and its cargo may depart.

(2) Without prejudice to the provisions of article 17(3), where an authorised person has reason to suspect that any request that has been made under paragraph (1)(c) may not be complied with, he may take such steps as appear to him to be necessary to secure compliance with that request and, without prejudice to the generality of the foregoing, may for that purpose—

- (a) enter, or authorise entry, upon any land and upon that aircraft;
- (b) detain, or authorise the detention of, that aircraft and any of its cargo; and
- (c) use, or authorise the use of, reasonable force.

(3) Before or on exercising any power conferred by this article, an authorised person shall, if requested to do so, produce evidence of his authority.

(4) In this article—

“authorised person” means any person authorised by the Governor for the purpose of this article either generally or in a particular case.

Investigation, etc. of suspected vehicles

16.—(1) Where any authorised person has reason to suspect that any vehicle in the Territory has been or is being or is about to be used in contravention of article 7—

- (a) he may (either alone or accompanied and assisted by persons under his authority) enter the vehicle and search it and, for that purpose, may use or authorise the use of reasonable force;
- (b) he may request the operator and the 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
- (c) any authorised person may (either there and then or upon consideration of any information furnished or document or goods produced in pursuance of a request made under sub-paragraph (b)) further request the operator or the driver to cause the vehicle and any goods contained in it to remain in the Territory until notified that the vehicle may depart.

(2) Without prejudice to the provisions of article 17(3), where any authorised person has reason to suspect that any request that has been made under paragraph (1)(c) may not be complied with, he may take such steps as appear to him to be necessary to secure compliance with that request and, without prejudice to the generality of the foregoing, may for that purpose—

- (a) enter, or authorise entry, upon any land and enter, or authorise entry of, that vehicle;
- (b) detain, or authorise the detention of, that vehicle and any goods contained in it; and
- (c) use, or authorise the use of, reasonable force.

(3) Before or on exercising any power conferred by this article, an authorised person shall, if requested to do so, produce evidence of his authority.

(4) In this article—

“authorised person” means any person authorised by the Governor for the purpose of this article either generally or in a particular case.

Provisions supplementary to articles 14 to 16

17.—(1) No information furnished or document produced by any person in pursuance of a request made under article 14, 15 or 16 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 article 14, 15 or 16 to request that it be furnished or produced or to any person holding or acting in any office under or in the service of:
 - (i) the Crown in respect of the Government of the United Kingdom;
 - (ii) the Government of the Isle of Man;
 - (iii) the States of Guernsey or Alderney or the Chief Pleas of Sark;
 - (iv) the States of Jersey; or
 - (v) the Government of any territory to which this Order extends;
- (c) on the authority of the Governor, to any organ of the United Nations or to any person in the service of the United Nations or of the Government of any other country for the purpose of assisting the United Nations or that Government in securing compliance with or detecting evasion of measures in relation to Iraq 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—
 - (i) in the Territory, for an offence under this Order or, with respect to any of the matters regulated by this Order, for an offence relating to customs; or
 - (ii) for any offence under any law making provision with respect to such matters that is in force in the United Kingdom, any of the Channel Islands, the Isle of Man or any territory to which this Order extends.

(2) Any power conferred by article 14, 15 or 16 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.

(3) 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 article 14(2)(a);
- (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 article 14, 15 or 16 by any person empowered to make it, or
 - (ii) furnishes any document or information which to his knowledge is false in a material particular, or recklessly furnishes any document or information which is false in a material particular 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 article 14, 15 or 16.

(4) Nothing in articles 14 to 17 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

18. The provisions of Schedule 4 shall have effect in order to facilitate the obtaining, by or on behalf of the Governor—

- (a) of evidence and information for the purpose of securing compliance with or detecting evasion of—
 - (i) this Order in the Territory; or
 - (ii) any law making provision with respect to any of the matters regulated by this Order that is in force in the United Kingdom, any of the Channel Islands or the Isle of Man or any territory to which this Order extends; and

(b) of evidence of the commission of—

- (i) in the Territory, an offence under this Order or, with respect to any of the matters regulated by this Order, an offence relating to customs; or
- (ii) with respect to any of those matters, an offence under the law of the United Kingdom, any of the Channel Islands or the Isle of Man or any territory to which this Order extends.

Penalties and proceedings

19.—(1) Any person guilty of an offence under article 5, 6, 7(3), 8(2) or 8(3) 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 17(3)(b)(ii) or paragraph 5(b) or (d) of Schedule 4 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 12(1) or (2) or article 13(3) 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 17(3)(a), (b)(i) or (c), or paragraph 5(a) or (c) of Schedule 4, shall be liable in summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding £5,000 or its equivalent or to both.

(5) Any person guilty of an offence under article 11 or 13(2) 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 commenced at any time not later than 12 months from the date on which the person charged first enters the Territory after committing the offence.

(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 the powers of the Governor

20.—(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 4 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 shall be in writing and 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

21.—(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 nay 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) 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.

A.K. Galloway
Clerk of the Privy Council

SCHEDULE 1

Article 1(3)(a)

TERRITORIES TO WHICH THIS ORDER EXTENDS

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

SCHEDULE 2

Article 1(3)(b)

APPLICATION OF ARTICLE 19 TO THE SOVEREIGN BASE AREAS OF AKROTIRI AND DHEKELIA IN THE ISLAND OF CYPRUS

- 1.—(1) Any person who commits an offence under article 5, 6, 7(3), 8(2) or 8(3), or paragraph 5(b) of (d) of Schedule 4, shall be liable on conviction—
 - (a) if tried on Information before the Senior Judge's Court, to imprisonment for a term not exceeding seven years, or to a fine, or to both;
 - (b) if tried before the Judge's Court, 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 who commits an offence under article 12(1) or (2), 13(3), or 17(3)(b)(ii), is guilty of a misdemeanour and shall be liable on conviction to imprisonment for a term not exceeding two years, or to a fine, or to both.
3. Any person who commits an offence under article 17(3)(a), (b)(i) or (c), or paragraph (5)(a) or (c) of Schedule 4, is guilty of a misdemeanour and shall be liable on conviction to imprisonment for a term not exceeding six months, or to a fine not exceeding £5,000 or its equivalent or to both.
4. Any person who commits an offence under article 11 or 13(2) is guilty of a misdemeanour and shall be liable on conviction to a fine not exceeding £5,000 or its equivalent.
5. Where a body corporate is guilty of an offence under this Order, and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.
6. Proceedings for a misdemeanour 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.

7. Proceedings against any person for an offence under this Order may be taken before the appropriate court in the Territory having jurisdiction in the place where that person is for the time being.

8. No proceedings for an offence under 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.

SCHEDULE 3

Article 3

AMENDMENT OF THE IRAQ (UNITED NATIONS SANCTIONS) (OVERSEAS TERRITORIES) ORDER 2000

Interpretation

1.—(1) In article 2(1) of the Iraq (United Nations Sanctions) (Overseas Territories) Order 2000(a) (“the order”)—

(a) before the definition of “document”, insert—

““the 2003 resolution” means resolution 1483 (2003) adopted by the Security Council of the United Nations on 22nd May 2003;

“designated funds” means funds subject to a direction under article 4(1) applies;

“designated person” means a person whose funds (including those held for him or on his behalf) are subject to a direction given by the Governor under article 4(1);

“Development Fund for Iraq” means the Development Fund for Iraq referred to in the 2003 resolution;”;

(b) after the definition of “funds”, insert—

““immediate family member” means a parent, son, daughter, spouse or sibling of the whole or half blood;”;

(c) after the definition of “relevant institution”, insert—

““Sanctions Committee” means the committee referred to in paragraph 19 of the 2003 resolution;

“senior official” means any individual who, immediately before 20th March 2003—

(a) was a member of the Iraqi Ba’ath Party of a rank equivalent to any person identified as mentioned in article 4(1)(a) by the Sanctions Committee; or

(b) was entitled to exercise powers or functions equivalent to those of a person falling within paragraph (a); or

(c) exercised such powers or functions for the purposes of the government of the Republic of Iraq.”.

(2) After article 2(3) of the Order, add—

“(3) For the purposes of this Order, a body (“B”) is controlled by a person or government (“P”) if—

(a) P, by virtue of his or its voting power in B or otherwise, is entitled to exercise determining influence over the management of B; or

(b) B carries on activities predominantly for the purposes of P, or subject to P’s direction or approval.”.

(a) S.I. 2000/3242, as amended by S.I. 2001/395 and S.I. 2001/3649.

Making funds available to designated persons

2. For article 3 of the Order, substitute—

“3.—(1) Any person who, except under the authority of a licence granted by the Governor under article 5, makes any funds available to a designated person is guilty of an offence.

(2) In proceedings for an offence under this article, it is a defence for the accused to show that he took all reasonable precautions and exercised all due diligence to avoid committing the offence.”.

Freezing funds

3. For article 4 of the Order, substitute—

“4.—(1) Where—

(a) a person is identified by the Sanctions Committee in accordance with paragraph 19 of the 2003 resolution as an individual or entity falling within paragraph 23 of that resolution; or

(b) the Governor has reasonable grounds for suspecting that a person (other than a person referred to in paragraph (1)(a)) is or may be—

(i) a senior official;

(ii) an immediate family member of a senior official; or

(iii) an entity (whether incorporated or constituted) that—

(aa) immediately before 20th March 2003 was owned or controlled by the government of the Republic of Iraq; or

(bb) is owned or controlled by a person referred to in paragraph (1)(a) or (1)(b)(i) or (ii),

the Governor may by notice direct that funds held by, for, or on behalf of that person are not to be made available to any person.

(2) A notice under paragraph (1) must specify either—

(a) the period for which the direction is to have effect; or

(b) that the direction is to have effect until it is revoked by notice under paragraph (3).

(3) The Governor may by notice revoke a direction given under paragraph (1) at any time.

(4) The Governor must publish a notice issued under paragraph (1) or (3) in the way appearing to him to be best calculated to bring it to the attention of the public.”.

Licences

4. In article 5(4), for “3(a) or (b)”, substitute “3(1)”.

Transfer of designated funds

5. After article 5 of the Order, insert—

“Transfer of designated funds

5A.—(1) Within 28 days of the publication of a notice under article 4(1), any person who holds funds to which the notice applies—

(a) must cause the transfer of those funds to the account of the Development Fund for Iraq held at the Federal Reserve Bank of New York; and

(b) notify the Governor in writing of—

(i) the identity of the person by, for, or on whose behalf he held the funds;

(ii) the amount transferred; and

(iii) the date the transfer took place.

(2) A person who holds funds to which a notice under article 4(1) applies after the expiry of the period referred to in paragraph (1) must, as soon as possible after he becomes aware that he holds such funds—

- (a) cause the transfer of those funds to the account of the Development Fund for Iraq held at the Federal Reserve Bank of New York; and
- (b) notify the Governor in writing of—
 - (i) the identity of the person by, for, or on whose behalf he held the funds;
 - (ii) the amount transferred; and
 - (iii) the date the transfer took place.
- (3) Neither paragraph (1) nor (2) applies in respect of any funds that—
 - (a) are required to be dealt with otherwise than in accordance with that paragraph by—
 - (i) an order or judgment of a court or a final and binding arbitral award made on or before the day on which the amendments to this Order made by the Iraq (United Nations Sanctions) (Overseas Territories) Order 2003(a) came into force; or
 - (ii) a binding determination made on or before that date by a public authority or under an enactment; or
 - (b) on or before that date were subject to a lien, charge or other like interest created or imposed as a means of enforcing an order or judgment of a court, a final and binding arbitral award or a binding determination made by a public authority or under an enactment;
 - (c) are authorised by a licence granted by the Governor under article 5 to be paid to a designated individual.
- (4) An obligation to transfer funds under paragraph (1) or (2) applies notwithstanding any right, obligation, restriction or immunity, whether imposed or conferred by statute or otherwise, in relation to those funds.
- (5) No person may be held liable in respect of any action taken for the purpose of complying with an obligation to transfer funds under paragraph (1) or (2).
- (6) Funds in respect of which paragraph (1) or (2) applies are immune from any legal process (including any measure of restraint, attachment, execution or detention) requiring them to be dealt with otherwise than in accordance with this Order.
- (7) Any person who fails to comply with paragraph (1) or (2) is guilty of an offence.
- (8) In proceedings for an offence under this article, it is a defence for the accused to show that he took all reasonable precautions and exercised all due diligence to avoid committing the offence.”.

Facilitation of offences under article 3

- 6. In article 6 of the Order, and the cross-heading before it, omit “or 4(8)”.

Failure to disclose knowledge or suspicion of sanctions offences

- 7.—(1) For article 8(1)(a) of the Order, substitute—
 - “(a) it knows or suspects that a person is a designated person, or has committed an offence under article 3, 5(4) or 5A;”.
- (2) In article 8(2)(a) of the Order, for “, 4(8) or 5(4)”, substitute “5A”.

Penalties and proceedings

- 8.—(1) In article 11(1) of the Order—
 - (a) in paragraph (1), omit “, 4(8)”;
 - (b) in paragraph (2), before “7”, insert “5A”;
 - (c) in paragraph (3), omit “4(9)”.

(a) S.I. 2003/....

EVIDENCE AND INFORMATION

1.—(1) Without prejudice to any other provision of this Order, or any provision of any other law, the Governor may request any person in or resident in the Territory to furnish to him any information in his possession or control, or to produce any document in his possession or control, which he 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 sub-paragraph (1) shall be taken to require any person who has acted as counsel or solicitor for any person to furnish or produce any privileged information or document in his possession 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.

(5) The furnishing of any information or the production of any document under this paragraph shall not be treated as a breach of any restriction imposed by statute or otherwise.

2.—(1) If any justice of the peace is satisfied by information on oath given by any police officer, 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 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 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 constable, together with any other persons named in the warrant and any other police officers or constables, 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) Any authorised person who has entered any premises or any vehicle, ship or aircraft in accordance with sub-paragraph (1) may do any or all of the following things—

- (a) inspect and search those premises or the vehicle, ship or aircraft for any material which he has reasonable grounds to believe may be evidence in relation to an offence referred to in this paragraph;
- (b) seize anything on the premises or on the vehicle, ship or aircraft which he has reasonable grounds for believing is evidence in relation to an offence referred to in this paragraph;
- (c) seize anything on the premises or on the vehicle, ship or aircraft which he has reasonable grounds to believe are required to be produced in accordance with paragraph 1; or
- (d) seize anything that is necessary to be seized in order to prevent it being concealed, lost, damaged, altered or destroyed.

(3) Any information required in accordance with sub-paragraph (2) which is contained in a computer and is accessible from the premises or from any vehicle, ship or aircraft must be produced in a form in which it can be taken away and in which it is visible and legible.

(4) A police officer or constable lawfully on the premises or on the vehicle, ship or aircraft by virtue of a warrant issued under sub-paragraph (1) may—

- (a) search any person whom he has reasonable grounds to believe may be in the act of committing an offence referred to in this paragraph; and
- (b) seize anything he finds in a search referred to in paragraph (a), if he has reasonable grounds for believing that it is evidence of an offence referred to in this paragraph:

Provided that no person shall be searched in pursuance of this sub-paragraph except by a person of the same sex.

(5) 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.

(6) Any documents or articles of which possession is taken under this paragraph may be retained for a period of three months or, if within that period there are commenced any proceedings for such an offence as aforesaid to which they are relevant, until the conclusion of those proceedings.

3. A person authorised by the Governor to exercise any power for the purposes of this Schedule shall, if requested to do so, produce evidence of his authority before exercising that power.

4. No information furnished or document produced (including any copy of an extract made of any document produced) by a person in pursuance of a request made under this Schedule and no document seized under paragraph 2(2) 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 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—

- (i) the Crown in respect of the Government of the United Kingdom;
- (ii) the Government of the Isle of Man;
- (iii) the States of Guernsey or Alderney or the Chief Pleas of Sark;
- (iv) the States of Jersey; or
- (v) the Government of any territory to which this Order extends;

- (c) on the authority of the Governor, to any organ of the United Nations or to any person in the service of the United Nations or of the Government of any other country for the purpose of assisting the United Nations or that Government in securing compliance with or detecting evasion of measures in relation to Iraq 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—

- (i) in the Territory, 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
- (ii) for any offence under any law making provision with respect to such matters that is in force in the United Kingdom, any of the Channel Islands, the Isle of Man or 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) furnishes any information or produces any document which to his knowledge is false in a material particular; or recklessly furnishes any document or information which is false in a material particular to such a person in response to such a request; 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 revokes three Orders made to give effect to certain aspects of United Nations sanctions against Iraq, amends the Iraq (United Nations Sanctions) (Overseas Territories) Order 2000, continues the prohibition of the sale or supply of arms and related materiel to Iraq, prohibits holding or dealing in any item of illegally removed Iraqi cultural property and grants privileges and immunities to the Development Fund for Iraq and petroleum, petroleum products and natural gas originating in Iraq and proceeds and obligations arising from sales thereof, pursuant to decisions of the Security Council of the United Nations in resolution 1483 of 22nd May 2003.

2003 No. 1868

UNITED NATIONS

The Angola (United Nations Sanctions) (Revocation) Order
2003

<i>Made</i> - - - - -	<i>17th July 2003</i>
<i>Laid before Parliament</i>	<i>29th July 2003</i>
<i>Coming into force</i> - - -	<i>30th July 2003</i>

At the Court at Buckingham Palace, the 17th day of July 2003

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon 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 Angola (United Nations Sanctions) (Revocation) Order 2003 and shall come into force on 30th July 2003.

(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, or as part of the law of the Isle of Man or of that territory.

Revocation

2. The Orders specified in Schedule 2 to this Order are hereby revoked.

A K Galloway
Clerk of the Privy Council

SCHEDULE 1

Article 1(2)

TERRITORIES TO WHICH THIS ORDER EXTENDS

Anguilla

Bermuda

British Antarctic Territory

British Indian Ocean Territory

Cayman Islands

Falkland Islands

Gibraltar

Montserrat

Pitcairn, Henderson, Ducie and Oeno Islands

St Helena and Dependencies

South Georgia and the South Sandwich Islands

The Sovereign Base Areas of Akrotiri and Dhekelia in the Island of Cyprus

Turks and Caicos Islands

Virgin Islands

SCHEDULE 2

Article 2

ORDERS REVOKED BY THIS ORDER

- The Angola (United Nations Sanctions) Order 1993(a)
- The Angola (United Nations Sanctions) (Dependent Territories) Order 1993(b)
- The Angola (United Nations Sanctions) (Channel Islands) Order 1993(c)
- The Angola (United Nations Sanctions) (Isle of Man) Order 1993(d)
- The Angola (United Nations Prohibition of Flights) (Dependent Territories) Order 1997(e)
- The Angola (United Nations Prohibition of Flights) Order 1997(f)
- The Angola (United Nations Sanctions) Order 1997(g)
- The Angola (United Nations Sanctions) (Dependent Territories) Order 1997(h)
- The Angola (United Nations Sanctions) (Channel Islands) Order 1997(i)
- The Angola (United Nations Sanctions) (Isle of Man) Order 1997(j)
- The Angola (United Nations Sanctions) Order 1998(k)
- The Angola (United Nations Sanctions) (Dependent Territories) Order 1998(l)
- The Angola (United Nations Sanctions) (Channel Islands) Order 1998(m)
- The Angola (United Nations Sanctions) (Isle of Man) Order 1998(n)
- The Angola (United Nations Sanctions) (Amendment) Order 2000(o)
- The Angola (United Nations Sanctions) (Overseas Territories) (Amendment) Order 2000(p)
- The Angola (United Nations Sanctions) (Isle of Man) (Amendment) Order 2000(q)
- The Angola (United Nations Sanctions) (Channel Islands) (Amendment) Order 2000(r)

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- (a) S.I. 1993/2355, as amended by S.I. 2000/1106.
 - (b) S.I. 1993/2356, as amended by S.I. 2000/1106.
 - (c) S.I. 1993/2357, as amended by S.I. 2000/1106.
 - (d) S.I. 1993/2358, as amended by S.I. 2000/1106.
 - (e) S.I. 1997/2570, as amended by S.I. 2000/1106.
 - (f) S.I. 1997/2571, as amended by S.I. 2000/1106.
 - (g) S.I. 1997/2572, as amended by S.I. 2000/1106.
 - (h) S.I. 1997/2573, as amended by S.I. 2000/1106.
 - (i) S.I. 1997/2594, as amended by S.I. 2000/1106.
 - (j) S.I. 1997/2595, as amended by S.I. 2000/1106.
 - (k) S.I. 1998/1752, as amended by S.I. 2000/1106 and S.I. 2001/3649.
 - (l) S.I. 1998/1753, as amended by S.I. 2000/1106.
 - (m) S.I. 1998/1756, as amended by S.I. 2000/1106 and S.I. 2001/3649.
 - (n) S.I. 1998/1757, as amended by S.I. 2000/1106 and S.I. 2001/3649.
 - (o) S.I. 2000/1818.
 - (p) S.I. 2000/1819.
 - (q) S.I. 2000/1836.
 - (r) S.I. 2000/1837.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order revokes eighteen Orders made to give effect to United Nations sanctions on Angola. In accordance with their terms, the operation of these Orders was suspended following the decision of the Security Council of the United Nations, in a resolution adopted on 9th December 2002, to end the sanctions.

2003 No. 1876

UNITED NATIONS

The Liberia (United Nations Sanctions) (Overseas Territories)
(Amendment) Order 2003

<i>Made</i> - - - -	<i>17th July 2003</i>
<i>Laid before Parliament</i>	<i>18th July 2003</i>
<i>Coming into force</i> - -	<i>19th July 2003</i>

At the Court at Buckingham Palace, the 17th day of July 2003

Present,

The Queen's Most Excellent Majesty in Council

Whereas under Article 41 of the Charter of the United Nations the Security Council of the United Nations has, by a resolution adopted on 6th May 2003, called upon Her Majesty's Government in the United Kingdom and all other States to apply certain measures to give effect to a decision of that Council in relation to Liberia:

Now, therefore, Her Majesty, in exercise of the powers conferred upon Her by section 1 of the United Nations Act 1946(a), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

Citation, commencement, operation and extent

1.—(1) This Order may be cited as the Liberia (United Nations Sanctions) (Overseas Territories) (Amendment) Order 2003 and shall come into force on 19th July 2003.

(2) In this Order, "the principal Order" means the Liberia (United Nations Sanctions) (Overseas Territories) (No. 2) Order 2001(b).

(3) This Order shall extend to the territories listed in Schedule 1 to the principal Order.

Amendment of the principal Order

2.—(1) After article 1(2) of the principal Order, the following shall be inserted—

(a) 1946 c. 45.
(b) S.I. 2001/1867.

“(3) Subject to paragraph (4), article 3A of this Order shall remain in force until 7th May 2004 unless, on or before that date, the Security Council of the United Nations decides to extend the measures provided for in paragraph 17 of the resolution adopted by it on 6th May 2003, in which case article 3A shall remain in force as specified in that decision.

(4) If the Security Council of the United Nations takes any decision which has the effect of cancelling or postponing or suspending the operation of the resolution adopted by it on 6th May 2003, in whole or in part, this Order shall cease to have effect or its operation shall be postponed or suspended, in whole or in part, as the case may be, in accordance with that decision.

(5) Particulars of the decisions referred to in paragraphs (3) and (4) shall be published by the Governor in a notice in the official Gazette of the Territory.”

(2) After article 3 of the principal Order, the following shall be inserted—

“Importation of round logs and timber products from Liberia

3A.—(1) Except under the authority of a licence granted by the Governor under this article, no person shall import directly or indirectly into the Territory any round logs or timber products exported from Liberia.

(2) Subject to the provisions of paragraph (3), any person who contravenes the provisions of paragraph (1) shall be guilty of an offence under this Order.

(3) In the case of proceedings for an offence in contravention of this article, it shall be a defence for the accused person to prove that he did not know and had no reason to suppose that the round logs or timber products in question had been exported from Liberia.”

(3) In article 4(1) of the principal Order, “3(1)” shall be replaced by “3(1) or 3A(1)”.

(4) In article 6(1) of the principal Order, “3(2)” shall be replaced by “3(2) or 3A(2)”.

(5) In Schedule 2, paragraph 1(1), to the principal Order, “3(2)” shall be replaced by “3(2) or 3A(2)”.

A K Galloway
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, made under the United Nations Act 1946, amends the Liberia (United Nations Sanctions) (Overseas Territories) (No. 2) Order 2001, to prohibit the import of round logs and timber products from Liberia, pursuant to a decision of the Security Council of the United Nations in its resolution 1478 of 6th May 2003.

2003 No. 2627

OVERSEAS TERRITORIES

**The Democratic Republic of the Congo (Restrictive Measures)
(Overseas Territories) Order 2003**

<i>Made</i> - - - - -	<i>8th October 2003</i>
<i>Laid before Parliament</i>	<i>9th October 2003</i>
<i>Coming into force</i> - - -	<i>10th October 2003</i>

At the Court at Buckingham Palace, the 8th day of October 2003

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the powers vested in Her by section 112 of the Saint Helena Act 1833(a), the British Settlements Acts 1887 and 1945(b), and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Citation, commencement, extent and application

1.—(1) This Order may be cited as the Democratic Republic of the Congo (Restrictive Measures) (Overseas Territories) Order 2003 and shall come into force on 10th October 2003.

(2)

- (a) This Order shall extend to the territories listed in Schedule 1.
- (b) Article 15 of this Order shall apply to the Sovereign Base Areas of Akrotiri and Dhekelia as set out in Schedule 2.
- (c) In the application of this Order to any of the said territories the expression “the Territory” in this Order means that territory.

(3) Articles 3, 4 and 5 shall apply to any person within the Territory and any person elsewhere who is —

- (a) a British citizen, a British overseas territories citizen, a British Overseas citizen, a British subject, a British National (Overseas) 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.

(a) 1833 c. 85.
(b) 1887 c. 54 and 1945 c. 7.

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 designated as commander of the aircraft by the operator thereof, or, failing such a person, the person who is for the time being the pilot in command of the aircraft;

“document” includes information recorded in any form, and in relation to information recorded otherwise than in legible form, references to its production include references to producing a copy of the information in legible form;

“export” includes shipment as stores;

“exportation” in relation to any ship, submersible vehicle or aircraft, includes the taking out of the Territory of the ship, 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;

“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”, in relation to a ship, where the owner of a ship is not the operator, means the operator and any person to whom it is chartered;

“restricted goods” means the goods specified in Part III of Schedule 1 to the Export of Goods (Control) Order 1994(a) made under the Import, Export and Customs Powers (Defence) Act 1939(b);

“ship” includes every description of vessel used in navigation;

“shipment” includes loading into an aircraft;

“stores” means goods for use in a vessel or aircraft and includes fuel and spare parts and other articles of equipment, whether or not for immediate fitting, but excludes any goods for use in a ship or aircraft as merchandise for sale by retail to persons carried therein;

“vehicle” means a land transport vehicle.

RESTRICTED GOODS, TECHNICAL ASSISTANCE AND TRAINING

Supply of restricted goods

3.—(1) Any person who, except under the authority of a licence granted by the Governor under this article or article 4 —

- (a) supplies or delivers;
- (b) agrees to supply or deliver; or
- (c) does any act calculated to promote the supply or delivery of,

(a) S.I. 1994/1191. The relevant amending Orders are S.I. 1994/2711, which amended Schedule III and entry ML4; S.I. 1996/2663, which amended Schedule I, Part III, S.I. 1997/323, which amended Schedule 3; S.I. 1997/2758, which amended Schedule 3 and Group 3, Part I, Schedule 1 and entries ML8 and ML10; S.I. 1999/63, which amended Schedule I, Part III; S.I. 1999/1777, which amended Group 3, Part I, Schedule I and entry ML8; 1999/335, which amended Schedule 3; S.I. 1999/3411, which amended Group 3, Part I, Schedule I; S.I. 2000/1239, which amended Schedule I, Part III and entries PL5021, ML3, ML4, ML7, ML8, ML13, ML17, PL5033 and ML21; S.I. 2000/2264, which amended Schedule I, Part III and entries PL5031 and PL5001; S.I. 2001/729, which amended entry ML4; and S.I. 2002/2059, which amended Schedule I, Part III and certain definitions and entries ML4, ML8 and ML10; and S.I. 2003/1938, which amended Schedule I, Part III.

(b) 1939 c. 69.

restricted goods to any person in the Democratic Republic of the Congo 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 goods in question were to be supplied or delivered to a person in the Democratic Republic of the Congo.

(2) Nothing in paragraph (1)(b) or (c) 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 restricted goods to the Democratic Republic of the Congo

4. Any person who, except under the authority of a licence granted by the Governor under this article, knowingly exports any restricted goods from the Territory to any destination in the Democratic Republic of the Congo or to any destination for the purpose of delivery, directly or indirectly, to or to the order of any person in the Democratic Republic of the Congo, shall be guilty of an offence under this Order.

Provision of assistance, advice or training related to military activities

5. Any person who, except under the authority of a licence granted by the Governor under this article, directly or indirectly provides to any person in the Democratic Republic of the Congo any:

- (a) assistance;
- (b) advice; or
- (c) training,

related to military activities 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 assistance, advice or training in question was to be provided to a person in the Democratic Republic of the Congo.

Use of ships, aircraft and vehicles: restricted goods

6.—(1) Without prejudice to the generality of article 3, and except under the authority of a licence granted by the Governor under this article, no ship or aircraft to which this article applies, and no vehicle within the Territory, shall be used for the carriage of restricted goods if the carriage is, or forms part of, carriage from any place outside the Democratic Republic of the Congo to any destination therein.

(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 overseas territories citizen, a British Overseas citizen, a British subject, a British National (Overseas), 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) 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 paragraph (2)(a) or (b), 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 the Democratic Republic of the Congo to any destination therein.

(4) Nothing in paragraph (1) shall apply where the supply or delivery or exportation from the Territory of the goods concerned to the Democratic Republic of the Congo was authorised by a licence granted by the Governor under article 3 or 4.

(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.

GENERAL

Customs powers to demand evidence of destination which goods reach

7. 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 the Governor may allow proof to the Governor's satisfaction that the goods have reached either —

- (a) a destination to which they were authorised to be exported by a licence granted under this Order; or
- (b) 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.

8.—(1) If for the purposes of obtaining any licence under this Order any person makes any statement, or furnishes any document or information which to his knowledge is false in a material particular, or recklessly makes any statement or furnishes any document or information which is false in a material particular, he shall be guilty of an offence under this Order.

(2) Any person who has done any act under the authority of a licence granted by the Governor under this Order and who fails to comply with any conditions 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

9.—(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 restricted goods which are destined for the Democratic Republic of the Congo or for delivery, directly or indirectly, to or to the order of any person in the Democratic Republic of the Congo; and
- (b) produce any such goods as aforesaid which he has with him.

(2) Any such officer, and any person acting under his direction, 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.

(3) Any person who without reasonable excuse refuses to make a declaration, or 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.

(4) 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.

Investigation, etc. of suspected ships

10.—(1) Where any authorised officer has reason to suspect that any ship to which article 6 applies has been or is being or is about to be used in contravention of paragraph (1) of that article—

- (a) 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;
- (b) 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
- (c) in the case of a ship that is reasonably suspected of being or of being about to be used in contravention of paragraph (1) of article 6, any authorised officer (either there and then or upon consideration of any information furnished or document or cargo produced in pursuance of a request made under sub-paragraph (b)), with a view to preventing the commission (or the continued commission) of any such contravention, or in order that enquiries into the matter may be pursued, may take the further action specified in paragraph (2).

(2) The further action referred to in paragraph (1)(c) is either—

- (a) to direct the master of the ship to refrain, except with the consent of any authorised officer, from landing at any port specified by the officer any part of the ship's cargo that is so specified; or
- (b) to request the master of the ship to take any one or more of the following steps—
 - (i) 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 an authorised officer that the ship may so proceed;
 - (ii) if the ship is then in port in the Territory, to cause her to remain there until the master is notified by an authorised officer that the ship may depart;
 - (iii) 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 (ii); and
 - (iv) to take her to any other destination that may be specified by the officer in agreement with the master.

(3) Without prejudice to the provisions of article 13(3), where —

- (a) a master refuses or fails to comply with a request made under paragraph 2(b); or
- (b) 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.

(4) Before or on exercising any power conferred by this article, an authorised officer shall, if requested to do so, produce evidence of his authority.

(5) In this article “authorised officer” means —

- (a) any commissioned naval or military officer;
- (b) any British consular officer;
- (c) any person authorised by the Governor for the purpose of this article either generally or in a particular case.

Investigation, etc. of suspected aircraft

11.—(1) Where any authorised person has reason to suspect that any aircraft to which article 6 applies has been or is being or is about to be used in contravention of paragraph (1) of that article—

- (a) he 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;
- (b) he 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
- (c) if the aircraft is then in the Territory, any authorised person may (either there and then or upon consideration of any information furnished or document or cargo produced in pursuance of a request made under sub-paragraph (b)) further request the charterer, the operator and the commander or any of them to cause the aircraft and any of its cargo to remain in the Territory until notified that the aircraft and its cargo may depart.

(2) Without prejudice to the provisions of article 13(3), where an authorised person has reason to suspect that any request that has been made under paragraph (1)(c) may not be complied with, he may take such steps as appear to him to be necessary to secure compliance with that request and, without prejudice to the generality of the foregoing, may for that purpose —

- (a) enter, or authorise entry, upon any land and upon that aircraft;
- (b) detain, or authorise the detention of, that aircraft and any of its cargo; and
- (c) use, or authorise the use of, reasonable force.

(3) Before or on exercising any power conferred by this article, an authorised person shall, if requested to do so, produce evidence of his authority.

(4) In this article —

“authorised person” means any person authorised by the Governor for the purpose of this article either generally or in a particular case.

Investigation, etc. of suspected vehicles

12.—(1) Where any authorised person has reason to suspect that any vehicle in the Territory has been or is being or is about to be used in contravention of article 6 —

- (a) he may (either alone or accompanied and assisted by persons under his authority) enter the vehicle and search it and, for that purpose, may use or authorise the use of reasonable force;
- (b) he may request the operator and the 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;
- (c) any authorised person may (either there and then or upon consideration of any information furnished or document or goods produced in pursuance of a request made under sub-paragraph (b)) further request the operator or the driver to cause the vehicle and any goods contained in it to remain in the Territory until notified that the vehicle may depart.

(2) Without prejudice to the provisions of article 13(3), where any authorised person has reason to suspect that any request that has been made under paragraph (1)(c) may not be complied with, he may take such steps as appear to him to be necessary to secure compliance with that request and, without prejudice to the generality of the foregoing, may for that purpose —

- (a) enter, or authorise entry, upon any land and enter, or authorise entry of, that vehicle;
- (b) detain, or authorise the detention of, that vehicle and any goods contained in it; and
- (c) use, or authorise the use of, reasonable force.

(3) Before or on exercising any power conferred by this article, an authorised person shall, if requested to do so, produce evidence of his authority.

(4) In this article —

“authorised person” means any person authorised by the Governor for the purpose of this article either generally or in a particular case.

Provisions supplementary to articles 10 to 12

13.—(1) No information furnished or document produced by any person in pursuance of a request made under article 10, 11 or 12 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 subparagraph 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 article 10, 11 or 12 to request that it be furnished or produced or to any person holding or acting in any office under or in the service of —

(i) the Crown in respect of the Government of the United Kingdom;

(ii) the Government of the Isle of Man;

(iii) the States of Guernsey or Alderney or the Chief Pleas of Sark;

(iv) the States of Jersey; or

(v) the Government of any British overseas territory;

(c) on the authority of the Governor, to any organ of the United Nations or to any person in the service of the United Nations or of the Government of any other country for the purpose of assisting the United Nations or that Government in securing compliance with or detecting evasion of measures in relation to the Democratic Republic of the Congo decided upon by the Security Council of the United Nations or the Council of the European Union; or

(d) with a view to the institution of, or otherwise for the purposes of, any proceedings —

(i) in the Territory, for an offence under this Order or, with respect to any of the matters regulated by this Order, for an offence relating to customs; or

(ii) for any offence under any law making provision with respect to such matters that is in force in the United Kingdom, any of the Channel Islands, the Isle of Man or any British overseas territory.

(2) Any power conferred by article 10, 11 or 12 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.

(3) 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 article 10(2)(a);

(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 article 10, 11 or 12 by any person empowered to make it, or

(ii) furnishes any document or information which to his knowledge is false in a material particular, or recklessly furnishes any document or information which is false in a material particular, 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 article 10, 11 or 12.

(4) Nothing in articles 10 to 13 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

14. The provisions of Schedule 3 shall have effect in order to facilitate the obtaining, by or on behalf of the Governor —

- (a) of evidence and information for the purpose of securing compliance with or detecting evasion of —
 - (i) this Order in the Territory; or
 - (ii) any law making provision with respect to any of the matters regulated by this Order that is in force in the United Kingdom, any of the Channel Islands or the Isle of Man or any British overseas territory; and
- (b) of evidence of the commission of —
 - (i) in the Territory, an offence under this Order or, with respect to any of the matters regulated by this Order, an offence relating to customs; or
 - (ii) with respect to any of those matters, an offence under the law of the United Kingdom, any of the Channel Islands or the Isle of Man or any British overseas territory.

Penalties and proceedings

15.—(1) Any person guilty of an offence under article 3, 4, 5 or 6(3) 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 13(3)(b)(ii) or paragraph 5(b) or (d) of Schedule 3 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 under article 8(1) or (2) or article 9(4) 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 13(3)(a), (b)(i) or (c), or paragraph 5(a) or (c) of Schedule 3 shall be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding £5,000 or its equivalent or to both.

(5) Any person guilty of an offence under article 7 or 9(3) 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 commenced at any time not later than 12 months from the date on which the person charged first enters the Territory after committing the offence.

(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

16.—(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 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 shall be in writing and 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

17.—(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) 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.

A.K. Galloway
Clerk of the Privy Council

SCHEDULE 1

Article 1(2)(a)

TERRITORIES TO WHICH THE ORDER EXTENDS

Anguilla
British Antarctic Territory
British Indian Ocean Territory
Cayman Islands
Falkland Islands
Montserrat
Pitcairn, Henderson, Ducie and Oeno Islands
St. Helena and Dependencies
South Georgia and South Sandwich Islands
The Sovereign Base Areas of Akrotiri and Dhekelia in the Island of Cyprus
Turks and Caicos Islands
Virgin Islands

SCHEDULE 2

Article 1(2)(b)

APPLICATION OF ARTICLE 15 TO THE SOVEREIGN BASE AREAS OF AKROTIRI AND DHEKELIA IN THE ISLAND OF CYPRUS

- 1.—(1) Any person who commits an offence under article 3, 4, 5 or 6(3), or paragraph 5(b) or (d) of Schedule 3, shall be liable on conviction —
 - (a) if tried on Information before the Senior Judge's Court, to imprisonment for a term not exceeding seven years, or to a fine, or to both;
 - (b) if tried before the Judge's Court, 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 who commits an offence under article 8(1) or (2), 9(4), or 13(3)(b)(ii) is guilty of a misdemeanour and shall be liable on conviction to imprisonment for a term not exceeding two years, or to a fine, or to both.
3. Any person who commits an offence under article 13(3)(a), (b)(i) or (c), or paragraph (5)(a) or (c) of Schedule 3, is guilty of a misdemeanour and shall be liable on conviction to imprisonment for a term not exceeding six months, or to a fine not exceeding £5,000 or its equivalent, or to both.
4. Any person who commits an offence under article 7 or 9(3) is guilty of a misdemeanour and shall be liable on conviction to a fine not exceeding £5,000 or its equivalent.
5. Where a body corporate is guilty of an offence under this Order, and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any

person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

6. Proceedings for a misdemeanour 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.

7. Proceedings against any person for an offence under this Order may be taken before the appropriate court in the Territory having jurisdiction in the place where that person is for the time being.

8. No proceedings for an offence under this Order shall be instituted in the Territory except by or with the consent of the principal public officer of the Territory having responsibility for criminal prosecutions:

Provided that this paragraph shall not prevent the arrest, or the issue or execution of a warrant for the arrest, of any person in respect of such an offence, or the remand in custody or on bail of any person charged with such an offence, notwithstanding that the necessary consent to the institution of proceedings for the offence has not been obtained.

SCHEDULE 3

Article 14

EVIDENCE AND INFORMATION

1.—(1) Without prejudice to any other provision of this Order, or any provision of any other law, the Governor may request any person in or resident in the Territory to furnish to him any information in his possession or control, or to produce to him any document in his possession or control, which he 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 sub-paragraph (1) shall be taken to require any person who has acted as counsel or solicitor for any person to furnish or produce any privileged information or document in his possession 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.

(5) The furnishing of any information or the production of any document under this paragraph shall not be treated as a breach of any restriction imposed by statute or otherwise.

2.—(1) If any justice of the peace is satisfied by information on oath given by any police officer, 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 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 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 constable, together with any other persons named in the warrant and any other police officers or constables, 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) Any authorised person who has entered any premises or any vehicle, ship or aircraft in accordance with sub-paragraph (1) may do any or all of the following things —

- (a) inspect and search those premises or the vehicle, ship or aircraft for any material which he has reasonable grounds to believe may be evidence in relation to an offence referred to in this paragraph;
- (b) seize anything on the premises or on the vehicle, ship or aircraft which he has reasonable grounds for believing is evidence in relation to an offence referred to in this paragraph;
- (c) seize anything on the premises or on the vehicle, ship or aircraft which he has reasonable grounds to believe are required to be produced in accordance with paragraph 1; or
- (d) seize anything that is necessary to be seized in order to prevent it being concealed, lost, damaged, altered or destroyed.

(3) Any information required in accordance with sub-paragraph (2) which is contained in a computer and is accessible from the premises or from any vehicle, ship or aircraft must be produced in a form in which it can be taken away and in which it is visible and legible.

(4) A police officer or constable lawfully on the premises or on the vehicle, ship or aircraft by virtue of a warrant issued under sub-paragraph (1) may:

- (a) search any person whom he has reasonable grounds to believe may be in the act of committing an offence referred to in this paragraph; and
- (b) seize anything he finds in a search referred to in paragraph (a) if he has reasonable grounds for believing that it is evidence of an offence referred to in this paragraph:

Provided that no person shall be searched in pursuance of this sub-paragraph except by a person of the same sex.

(5) 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.

(6) Any documents or articles of which possession is taken under this paragraph may be retained for a period of three months or, if within that period there are commenced any proceedings for such an offence as aforesaid to which they are relevant, until the conclusion of those proceedings.

3. A person authorised by the Governor to exercise any power for the purposes of this Schedule shall, if requested to do so, produce evidence of his authority before exercising that power.

4. No information furnished or document produced (including any copy of an 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) 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 —
 - (i) the Crown in respect of the Government of the United Kingdom;
 - (ii) the Government of the Isle of Man;
 - (iii) the States of Guernsey or Alderney or the Chief Pleas of Sark;

- (iv) the States of Jersey; or
- (v) the Government of any British overseas territory;
- (c) on the authority of the Governor, to any organ of the United Nations or to any person in the service of the United Nations or of the Government of any other country for the purpose of assisting the United Nations or that Government in securing compliance with or detecting evasion of measures in relation to the Democratic Republic of the Congo decided upon by the Security Council of the United Nations or the Council of the European Union; or
- (d) with a view to the institution of, or otherwise for the purposes of, any proceedings —
 - (i) in the Territory, for an offence under this Order or, with respect to any of the matters regulated by this Order, for an offence relating to customs; or
 - (ii) for any offence under the law making provision with respect to such matters that is in force in the United Kingdom, any of the Channel Islands, the Isle of Man or any British overseas 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) furnishes any information or produces any document which to his knowledge is false in a material particular, or recklessly furnishes any document or information which is false in a material particular, to such a person in response to such a request; 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 applies to each of the territories specified in Schedule 1. It gives effect to Resolution 1493, adopted by the Security Council of the United Nations on 28th July 2003, which prohibits the delivery or supply of arms and related matériel and the provision of assistance, advice and training related to military activities to the territory of North and South Kivu and Ituri in the Democratic Republic of the Congo and to groups in the Democratic Republic of the Congo who are not party to the Global and All Inclusive Agreement on the Transition in the Democratic Republic of the Congo (signed in Pretoria on 17 December 2002), and to a Common Position adopted by the Council of the European Union on 17th September 2003 which applies the measures in Resolution 1493 to the whole of the territory of the Democratic Republic of the Congo.



**THE
FALKLAND ISLANDS GAZETTE
Supplement**

PUBLISHED BY AUTHORITY

Vol. 15

12th February 2004

No. 2

The following are published in this Supplement -

Immigration (Amendment) Bill 2004;

Conservation of Wildlife and Nature (Amendment) Bill 2004.

Immigration (Amendment) Bill 2004

(No: of 2004)

ARRANGEMENT OF PROVISIONS

Clause

1. Short title
2. Amendment of the Immigration Ordinance 1999

IMMIGRATION (AMENDMENT) BILL 2004

(No: of 2004)

(assented to: 2004)

(commencement: 2004)

(published: 2004)

A BILL

for

AN ORDINANCE

To amend the Immigration Ordinance 1999.

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

Short title

1. This Ordinance may be cited as the Immigration (Amendment) Ordinance 2004.

Amendment of the Immigration Ordinance 1999

2. The Immigration Ordinance 1999 is amended by inserting the following section immediately after section 17 —

“Supplementary to section 17

17A.—(1) Where the services of a person (the “first person”) in the employment of a person carrying on an employment business (the “second person”) are provided by that business, to another person (the “third person”) to act for and under the control of the third person, the first person is for all purposes of section 17 to be treated as being employed by the third person for such period or times as he is under the third person’s control, notwithstanding that

he receives no remuneration from the third person and is remunerated (if at all) only by the second person and has a contract of service only with the second person.

(2) For all the purposes of section 17 a person who provides services of any kind without remuneration —

(a) to any charity; or

(b) to any other body approved by the Governor for the purposes of this subsection,

shall not be treated as being employed by that charity or other body unless his services are provided in circumstances to which subsection (1) of this section applies.

(3) For the purposes of this section —

(a) “employment business” means the business (whether or not carried on with a view to profit and whether or not carried on in conjunction with any other business) of supplying persons in the employment of the person carrying on that business to act for, and under the control of, other persons in any capacity; and

(b) so far as the context admits “person” includes a body corporate and the Crown.

(4) For the sake of avoidance of doubt, it is hereby declared that where an employee is required or requested by his employer to accept, without further remuneration, appointment as a director of a company in which the employer has a right or the power to appoint him to be a director, no need for a further work permit to be issued under section 17 is generated by him accepting such appointment.

(5) In this section “remuneration” does not include any sum received in respect of expenses bona fide incurred or to be incurred in or in connection with —

(a) the provision of the services of any kind to a charity or other body referred to in subsection (2); or

(b) in performing duties as a director of a company,

and not treated for the purposes of income tax as being part of the income of the recipient.”

OBJECTS AND REASONS

To clarify the law as to when work permits are required under section 17 of the principal Ordinance.

Conservation of Wildlife and Nature (Amendment) Bill 2004

(No: of 2004)

ARRANGEMENT OF PROVISIONS

Clause

1. Short title
2. Amendment of the Conservation of Wildlife and Nature Ordinance 1999

CONSERVATION OF WILDLIFE AND NATURE (AMENDMENT) BILL 2004

(No: of 2004)

(assented to: 2004)

(commencement: on publication)

(published:)

A BILL

for

AN ORDINANCE

To amend the Conservation of Wildlife and Nature Ordinance 1999

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

Short title

1. This Ordinance may be cited as the Conservation of Wildlife and Nature (Amendment) Ordinance 2004.

Amendment of the Conservation of Wildlife and Nature Ordinance 1999

2. The Conservation of Wildlife and Nature Ordinance 1999 is amended as follows —

(a) by replacing paragraph (d) of section 3(1) with —

“(d) except in relation to a bird mentioned in Schedule 1, to damage or destroy the breeding site, nest or nesting place of any wild bird; or”

(b) by inserting the words “Subject to subsection (2A) of this section,” at the beginning of section 9(1);

(c) by deleting all the words appearing after the word “Governor” in paragraph (b) of section 9(1);

(d) by inserting the following subsections in section 9 after subsection (2) —

“(2A) Nothing in subsection (1)(a) of this section authorises the grant under any other written law of a licence to do anything in relation to any albatross or petrel of any species or any egg of any such bird or the breeding site, nest or nesting place of any such bird, which cannot be authorised by a licence granted under this Ordinance and any such written law shall cease to have effect in so far as it might otherwise authorise the grant of any such licence.

(2B) Nothing in subsection (1)(b) or subsection (2)(h) of this section authorises the grant of a licence permitting the collection for the purposes of human consumption of any egg of any albatross or petrel of any species.”

(e) in section 9(5) by deleting the words “Black-browed Albatross (*Diomedea melanophris*).”

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**THE
FALKLAND ISLANDS GAZETTE
Supplement**

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Vol. 15

20th February 2004

No. 3

The following are published in this Supplement -

Payments on Account of Tax (Amendment) Regulations 2004, (S. R. & O. No: 1 of 2004);

Taxes (Benefits in Kind) (Amendment) Rules 2004, (S. R. & O. No: 2 of 2004);

Disapplication of Enactments No 1 Order 2000 (Amendment) Order 2004, (S. R. & O. No: 3 of 2004);

Road Traffic (Provisional) Regulations Order (Amendment) Order 2004, (S. R. & O. No: 4 of 2004);

Taxes, Extra Statutory Concessions.

SUBSIDIARY LEGISLATION

TAXES

Payments on Account of Tax (Amendment) Regulations 2004

S. R. & O. No: 1 of 2004

Made: 12 February 2004

Published: 20 February 2004

Coming into operation: 1 March 2004

IN EXERCISE OF my powers under section 91 of the Taxes Ordinance 1997(a) and of all other powers enabling me in that behalf, I make the following regulations —

Citation and commencement

1. These Regulations may be cited as the Payments on Account of Tax (Amendment) Regulations 2004 and shall come into force on 1st March 2004.

Amendment of regulation 12 of the POAT regulations

2.—(1) The Payments on Account of Tax (Employees' Deductions) Regulations 1997(b) shall have effect subject to the following amendments.

(2) In regulation 12 (accounting for deductions) the following is inserted after paragraph (1) —

“(1A) A person who carries on a business in the Falkland Islands (“the employer”) shall deliver a return to the Commissioner stating —

(a) whether or not any person is employed in the business;

(b) whether or not any deductions will be required to be made under these regulations or under Part IV of the Taxes Ordinance.

(1B) A return under paragraph (1A) shall be made on or before the 14th day of the calendar month following the month in which the business commences to be carried on or, if later, 14th April 2004, but (except as required by paragraph (1C)) a return need not be made if the employer has before 14th April 2004 made a return under paragraph (1) above.

(a) No 14 of 1997 section 91 is amended by section 9 of the Taxes (Amendment) Ordinance 2003

(b) SR&O No 23 of 1997

(1C) A return under paragraph (1A) shall also be made on or before the 14th day of the calendar month following the month in which any of the following events occurs —

- (a) the employer ceases to have any employees working in the business;
- (b) the employer begins to employ one or more employees in the business;
- (c) deductions cease to be required to be made under these regulations or Part IV of the Taxes Ordinance in respect of any such employees;
- (d) deductions begin to be required to be made under these regulations or Part IV of the Taxes Ordinance in respect of any such employees.”

(3) The following is inserted after regulation 12 —

“Failure to comply with regulation 12

12A. —(1) A person who fails to deliver to the Commissioner any return as required by regulation 12 shall be liable to a penalty of £50 in respect of each failure.

(2) The obligation to comply with regulation 12 continues notwithstanding the imposition of a penalty under paragraph (1).”

Made this twelfth day of February 2004

H. J. S. Pearce C.V.O.,
Governor

EXPLANATORY NOTE
(not forming part of the above Regulations)

These regulations introduce new requirements and penalties to the POAT regime.

Regulation 2 amends regulation 12 of the POAT Regulations so as to require any one carrying on a business in the Falkland Islands to notify the Commissioner of Taxation whether the business employs anyone and if so whether there will be any POAT deductions to be made in respect of that employee. This requirement does not apply if the employer has already made a POAT return as in that case the Commissioner will be aware of the facts.

A return under this provision must be made within 14 days of the end of the month in which the employer starts to carry on business, or where the business is started up before 1st March 2004, by 14th April 2004.

In addition, a return is required where circumstances change so that either the business begins or ceases to employ anyone, or POAT deductions begin or cease to be required to be made.

Regulation 2(3) adds a new regulation 12A to the POAT regulations which imposes a £50 civil penalty on anyone who fails to make any return required by regulation 12 of the POAT regulations. This will apply to the existing requirements to make monthly returns as well as to the new requirements added by regulation 2(2) of these Regulations.

SUBSIDIARY LEGISLATION

TAXES

Taxes (Benefits in Kind)(Amendment) Rules 2004

S. R. & O. No: 2 of 2004

Made:12 February 2004

Published: 20 February 2004

Coming into force: 1st January 2004

IN EXERCISE of my powers under sections 8(1)(c) and 204(1) of the Taxes Ordinance 1997(a) and all other powers in that behalf enabling me, I hereby make the following Rules —

Citation, commencement and interpretation

1.—(1) These Rules may be cited as the Taxes (Benefits in Kind)(Amendment) Rules 2004.

(2) These Rules shall be deemed to have come into force on 1st January 2004 and shall have effect for the computation of chargeable income for years of assessment beginning on or after 1st January 2005.

(3) In these Rules “the 2003 Rules” means the Taxes (Benefits in Kind) Rules 2003(b).

Amendment of rule 3 of the 2003 Rules

2. In rule 3 of the 2003 Rules (which prescribes benefits for the purpose of bringing them within the charge to tax under section 8(1)(c) of the Taxes Ordinance 1997) in rule 3(1)(d) for “heating and lighting” there is substituted “board, heating and electricity”.

Amendment of rule 4 of the 2003 Rules

3.—(1) In rule 4 of the 2003 Rules (which specifies the annual value for the prescribed benefits in kind) the following is substituted for paragraph 8 and Table B —

“(8) The annual value of —

(a) the use or occupation of any accommodation, other than a dwelling house, and

(b) any board, heating or electricity,

(a) No 14 of 1997; s.8 amended by s.3 of the Taxes (Amendment) Ordinance 2003 (No 23 of 2003)

(b) SR&O No 27 of 2003

shall be the corresponding value in the third column of Table B for each day the employee enjoys the benefit, but it shall not exceed the specified maximum.

(8A) The amount found under paragraph (8) shall be increased in accordance with paragraph (9) in cases where that paragraph applies,

TABLE B

Board and accommodation

Benefit	Annual Value
Board and accommodation, including heating or electricity (or both)	£12.50 subject to a maximum of £4,000
Board and accommodation, excluding heating or electricity (or both)	£9.50 subject to a maximum of £3,000
Accommodation only	£4.75 subject to a maximum of £1,500
Board only	£4.75 subject to a maximum of £1,500
Heating or electricity (or both)	£3.00 subject to a maximum of £1,000

Amendment of rule 6 of the 2003 Rules

4. In rule 6(1) of the 2003 Rules (which reduces the annual value of certain benefits where the benefit is not enjoyed by the employee for the whole year) for "Rule 4(6), (7), (8) or (9)" there is substituted "rule 4(6)and (7)".

Made this twelfth day of February 2004

H. J. S. Pearce C.V.O.,
Governor

EXPLANATORY NOTE

(not forming part of the Rules)

These Rules are made under section 8(1)(c) of the Taxes Ordinance 1997 which brings into the charge to tax benefits enjoyed by employees and members of their families by reason of the employees' employment where those benefits are prescribed by rules. The Taxes (Benefits in Kind) Rules 2003 (the "2003 Rules") came into force on 1st January 2004 and these Rules amend those 2003 Rules.

These amending Rules alter the annual values prescribed by the 2003 Rules in respect of accommodation, board, heating and lighting provided for the benefit of employees, and their families, by reason of their employment. The Rules give effect to recommendations of the meeting of Legislative Council of 19th December 2003 at which the 2003 Rules were discussed.

Rule 2 amends rule 3 of the 2003 Rules so that the prescribed benefits for the purposes of section 8(1)(c) of the Taxes Ordinance 1997 include the provision of accommodation, board, heating and electricity. The purpose is to change the reference to “lighting” in the 2003 Rules to “electricity” which is more accurate in describing the benefit being brought within the charge, and to clarify that the provision of board is included as a prescribed benefit.

Rule 3 substitutes new provisions for rule 4(8) and Table B as set out in the 2003 Rules. The amounts chargeable in respect of accommodation, board and heating and electricity are changed from an annual amount to a daily amount with a maximum for any one year, subject to any increase under rule 4(9). The Rules also ensure that the provisions of heating and electricity will be a prescribed charge irrespective of whether accommodation is also being provided. The new figures are shown in Table B. The special provision for domestic servants has been removed so that the charges apply to employees without distinction (except that those employed in agriculture or horticulture are exempt from any charge under these headings).

Rule 4 amends rule 6 of the 2003 Rules by removing the reference to the paragraph 8 values from rule 6(1). That provision reduces the annual value for any year where the beneficiary is not resident in the Falkland Islands for all that year. Once the annual value found under rule 4(8), (8A) and Table B of the 2003 Rules is based on a daily rate for each day the benefit is enjoyed by the employee or members of his or her immediate family, the need for such a reduction as is provided for in rule 6(1) no longer exists. Rule 6(1) is therefore limited to cases falling within rule 4(7) and Table A.

SUBSIDIARY LEGISLATION

PUBLIC HEALTH

Disapplication of Enactments No 1 Order 2000 (Amendment) Order 2004

S. R. & O. No: 3 of 2004

Made: 12 February 2004

Published: 20 February 2004

Coming into operation: 12 February 2004

IN EXERCISE of my powers under sections 44 and 79 of the Interpretation and General Clauses Ordinance (Title 67.2) and of all other powers enabling me in that behalf, I make the following Order—

Citation and commencement

1. This Order may be cited as the Disapplication of Enactments No 1 Order 2000 (Amendment) Order 2004 and comes into operation on 12 February 2004.

Amendment of principal Order

2. The Disapplication of Enactments No 1 Order 2000(a) (“the principal Order”) is amended in the Schedule, under the heading “PUBLIC HEALTH (TITLE 61)”, by inserting the words “, except section 25” immediately after the words “Burial Act 1857”.

Made this twelfth day of February 2004

H. J. S. Pearce C.V.O.,
Governor

EXPLANATORY NOTE

(not forming part of the above Order)

The purpose of this Order is to restore the application to the Falkland Islands of section 25 of the Burial Act 1857. That confers on the Governor powers by licence to authorise the removal of a body or remains of a body which has been interred in a place of burial. Except as provided by that section any such removal without such licence is an offence.

(a) SR&O No 5 of 2000 (not printed in the Revised Edition of Laws)

SUBSIDIARY LEGISLATION

ROAD TRAFFIC

Road Traffic (Provisional) Regulations Order (Amendment) Order 2004

S. R. & O. No: 4 of 2004

Made: 16 February 2004

Published: 20 February 2004

Coming into force: on publication

IN EXERCISE of my powers under section 59 of the Road Traffic Ordinance (Title 63.1) and of all other powers enabling me in that behalf, I make the following Order —

Citation and commencement

1. This Order may be cited as the Road Traffic (Provisional) Regulations Order (Amendment) Order 2004 and shall come into force upon publication in the *Gazette*.

Interpretation

2. In this Order “the principal Order” means the Road Traffic (Provisional) Regulations Order 1986 (Title 63.1.1).

Amendment of principal Order

3. The principal Order is amended in the Schedule by replacing Form D1 with the Form D1 set out in the Schedule to this Order.

Made this sixteenth day of February 2004

H. J. S. Pearce C.V.O.,
Governor

SCHEDULE

Form D1

FALKLAND ISLANDS

DRIVERS LICENCE

LICENCE No:	DATE ISSUED:	DOB
SURNAME:		
FORENAMES:		
ADDRESS:		

The holder is licensed to drive motor vehicles of the categories listed below.

Category	Description	Effective Dates	
		Provisional	Ordinary
<input type="checkbox"/> A	Motor bicycle or scooter		
<input type="checkbox"/> B	Motor car or light goods vehicle not exceeding 3500kg		
<input type="checkbox"/> B1	Motor tricycle, invalid carriage or other vehicle not exceeding 500kg		
<input type="checkbox"/> C	Goods vehicle exceeding 7500kg		
<input type="checkbox"/> C1	Goods vehicle exceeding 3500kg but not exceeding 7500kg		
<input type="checkbox"/> D	Passenger carrying vehicle with seating for more than 16 passengers		
<input type="checkbox"/> D1	Passenger carrying vehicle with seating for more than 8 but less than 17 passengers		
<input type="checkbox"/> E	Articulated vehicle where the tractor unit is in Category C or C1		
<input type="checkbox"/> F	Agricultural tractor		
<input type="checkbox"/> G	Plant		

Endorsements			Provisional Expiry date
Date	Court	Offence	<input type="radio"/> YES <input type="radio"/> NO
			PSV Licence

<p style="text-align: center;">Declaration (Complete only in case of exchange for third country licence)</p> <p style="text-align: center;">Enter country of issue</p> <p>This licence has been issued in exchange for a licence obtained in:</p>	<p style="text-align: right;">Signature of Holder</p> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> <p style="text-align: right;">Authorising stamp Signature of issuing officer</p>
---	--

Please notify the Licensing Bureau of any changes in your particulars by completing the boxes below and returning the licence to Police Headquarters, Stanley

I have changed my name to:

I have changed my address to:

EXPLANATORY NOTE
(not forming part of the above Order)

This Order has the effect of revising the form of Driving Licence set out in the Road Traffic (Provisional) Regulations Order 1986.

Falkland Islands Government: Taxation Office

Extra Statutory Concessions

This is the first edition of the Extra Statutory Concessions (ESC) Publication, following approval by Executive Council of the first 5 ESC at their meeting 18 December 2003.

The leaflet will be continually updated after approval by ExCo of any and all future ESCs.

Copies of this leaflet are available on request from the Taxation Office.

“Extra-Statutory Concessions

There exist within the Falkland Islands taxation code several practices which have developed and persisted over the years, growing up as pragmatic reactions to legal anomalies or otherwise as sensible interpretations of the law in the instances where the strict wording of the law has proved inappropriate for addressing specific circumstances. These have often been acknowledged and approved by Exco, or sometimes may have developed internally as practical reactive solutions arrived at by the Taxation Officer and the Commissioner of Taxation. One of the specific recommendations of the Tax Policy Framework review carried out in 2002 and 2003 was that these unofficial practices be codified formally and published, primarily for the sake of accountability and certainty. Henceforth any such practices will be presented to Executive Council for their consideration and approval, then published and applied consistently and openly.

An extra-statutory concession is a relaxation in practice which gives taxpayers a reduction in tax liability to which they would not be entitled under the strict letter of the law. Most concessions are made to deal with what are, on the whole, minor or transitory anomalies under the legislation and to meet cases of hardship in a specific area where a statutory remedy would be difficult to devise or would run to a length out of proportion to the intrinsic importance of the matter.

Published concessions are of general application, but it must be borne in mind that in a particular case there may be special circumstances which will need to be taken into account in considering the application of the concession. A concession will not be given where an attempt is made to use it for tax avoidance.

ESC1 The 30 day rule.

Where a non-resident director or employee carries out the duties of his or her employment within the Falkland Islands (as defined in S3 TO 1997, i.e. including the territorial sea and, in connection with exploration or exploitation activities, the ‘designated area’) the emoluments of the employment are strictly taxable in the Falkland Islands for each day on which the duties are undertaken here. However, it is impractical to invoke the statutory charge where only a very short period of time is involved, and therefore no charge to Falkland Islands tax will be raised in respect of income from this source where the person concerned is present in the Falkland Islands for less than 30 days in any twelve month period.

Explanation

Under the Taxes Ordinance 1997, tax is payable on income arising from any employment the execution of the duties of which takes place in the Falkland Islands. Under this provision, even an employee visiting the Islands for 1 day should pay tax here on his earnings for that day. This was severely tested during the early days of oil exploration in the Islands, when the Department of Mineral Resources made specific representations that this should be relaxed to allow visits here by representatives of overseas oil companies. Previously the provisions may not have been enforced when only a few days were involved as the amounts involved were likely to be insignificant, but oil company executives are very well paid, and it was alleged that they were actively discouraged from visiting the Islands (to the obvious potential detriment of inward investment) by this measure. It was agreed that no-one visiting the Islands would be taxed here if their visit lasted for 10 days or less.

In reviewing tax policy generally in 2002/03 further representations were put that even this relaxation was not enough, and wealthy visitors were still deterred by the rule. It was therefore recommended in the Tax Policy Framework Report that the legislation not be invoked until an employee is present in the Islands for 30 days or more in any twelve month period. The concession applies to everyone, not just those employed in the oil industry. NB The original recommendation of the Report was to allow 30 days in any tax year, but this would have allowed up to two months around the year's end, which was felt to be overly generous.

ESC 2 Overseas Fishing Crews.

Where a non-resident employee carries out the duties of his or her employment within the Falkland Islands (as defined in S3 TO 1997, i.e. including the territorial sea and, in connection with exploration or exploitation activities, the 'designated area') the emoluments of the employment are strictly taxable in the Falkland Islands for each day on which the duties are undertaken within territorial limits. That includes fishing crews. However, there are serious practical difficulties with the taxation of non-resident members of fishing crews, and these people will therefore not be pursued for personal tax on their earnings from this source. This exemption does not apply to those individuals who are otherwise resident in the Falkland Islands or who have other sources of income taxable here for whatever reason.

Explanation

There are many difficulties which in practice make it almost impossible to assess overseas fishing crews on their income arising from time spent in Falkland Island territorial waters. First, there is the issue of how long a vessel spends in territorial waters. We would need to know this to decide what proportion of their earnings to tax. The Fisheries Department can track boats to within small sectors, but even some of these cross the 12-mile limit. For locally registered vessels this problem is surmountable, for many foreign registered vessels it is not.

Second, we may not know what income crews are receiving. In many cases the crew will not receive their full earnings from any trip until after they return home – many fishermen are remunerated by reference to the value of the vessel's catch. We will be reliant on them telling us of their earnings. Applying tax through POAT is difficult as employers may not know how much crew will be earning in advance.

Third, we may not know who the people are or have a meaningful address for them. In many cases even when crew lists are available to Customs, especially from the far-eastern vessels, they are incomplete. Customs have language difficulties with many crews and we believe that enforcing taxation in these circumstances would be impossible.

Finally, the issue has been raised that Spanish fishermen would not be able to claim double taxation relief and would therefore pay tax twice because Spain regards the Falkland Islands as a tax haven. Whilst in theory this does not stop us imposing our domestic charge, added to the other more fundamental practical issues it adds weight to the argument against imposing FI Income Tax on visiting fishing crews.

ESC 3 Pension Income Allocation for Married Couples. Amendment to the concession approved 18 December 2003

The Falkland Islands code of personal taxation is based upon the principle of Independent Taxation of individuals, regardless of their marital status or domestic arrangements. However, the combination of the move to this system from 1st January 2003 and the simplification of personal allowances introduced from 1st January 2004 have meant that some married pensioner couples after that date have significantly higher tax charges than they did under the previous system. To ease this situation, married people, where one or both are aged 60 years or over, receiving pension income of any type (FI, occupational or personal pensions) on or after 1st January 2004 may elect jointly in their tax returns for this to be treated as having been received equally between them. In this way their individual personal allowances may be used to reduce their joint tax liability in any year.

Explanation

For tax on income under Independent Taxation, each person's income is their own and only they can benefit from their tax allowances. However, the introduction of this system from 1st January 2003, followed by the abolition of the previously extremely generous age allowances from 1st January 2004, has significantly increased the tax liabilities of several pensioner couples. This was not an intended effect of the changes in 2003/04 and to obviate this negative impact married couples, where one or both are aged 60 years or over, in receipt of one or more pensions will be permitted to split their pension income equally between themselves in any year if they wish to, so that they can take better advantage of both their personal allowances. This reflects the fact that in many instances the pension will only be in the name of the principal earner over the years, usually the husband, although he will have effectively worked, and saved towards the pension, on behalf of them jointly throughout his working life.

The Tax Office will therefore invite all married pensioners aged 60 years or over in the year prior to the year of assessment, when submitting their tax returns for income received in 2004 and subsequent years, to elect jointly to share any one or more sources of pension income (eg. occupational or personal pension schemes or FIPS) equally between them if they wish. As the policy aim is to treat the pensions as being received jointly, there will not be a facility to split the pension other than equally – to do otherwise would be to invite couples to minimise their tax liabilities excessively.

ESC 4 Depreciation Allowances on Farmhouses

People in business for themselves are taxed upon a level of profits based on their business accounts. Under normal accounting principles the profit and loss account does not include capital expenditure, which is therefore not deductible for income tax purposes. However, the Falkland Islands tax code includes a stand-alone system of Depreciation Allowances to give relief for the reduction in value of capital assets over time. Allowances due under the relevant rules as laid down in Chapter 2 of Part 5 of the Taxes Ordinance 1997 are treated as an expense of the business in arriving at the amount of assessable profits. The legislation stipulates that deductions may only be given in respect of expenditure incurred for the purposes of the business, and that if a building is used partly for non-business purposes no allowance will be given in respect of the non-business use. This rule is disregarded in respect of farmhouses occupied as the private residence of the farmer, where otherwise one would expect to have to calculate a business / private split. All capital expenditure on owner-occupied farmhouses will therefore qualify for Depreciation Allowances.

This concession only relates to capital expenditure, and does not extend to expenditure on the maintenance, upkeep and ongoing expenses of running the farmhouse, which will still require to be apportioned between those expenses pertaining to the running of the business, which are allowable deductions in computing the profits of that business, and those pertaining to the private occupation of the house, which are not.

Other capital expenditure on buildings used wholly for the purposes of the business (such as barns, sheds, workers accommodation etc) will qualify in full for Depreciation Allowances under the normal rules.

Explanation

Prior to the land reforms of the 1980s many farmhouses were provided to managers and as such the companies owning them correctly claimed depreciation allowances. The practice of allowing full depreciation allowances, with no private element excluded, continued after the land reforms even though the occupiers of the properties were now self-employed people in business. This is wrong in law and arguably inequitable as no one else in business can claim the personal costs of their private house against their business income. In practice, farmhouses which are also the farmer's residence will always have a considerable amount of private use, possibly even 100%. And certain items of capital expenditure on the farmhouse may easily be totally private, such as the building of an extension as a living room for example.

This issue was discussed during the Tax Policy Framework review in 2002/2003. As this has been a long held practice, and acknowledging the need to improve the quality of much of the housing in Camp, the review group did not propose stopping this practice at that time.

ESC 5 Taking or Provision of free meat in Camp businesses.

ESC 5A – Goods for Own Use

It is a long-established principle of tax law that where a person in business takes goods from the business for his or her own use or private consumption, the business accounts should be credited with the retail value of that item for the purposes of calculating taxable profits as if that had been a sale to a customer.

Where a person engaged in an agricultural business takes meat or other produce from the business, either for their own consumption or for any other private purpose, then no charge will be imposed for the purposes of Falkland Island taxation as long as the normal retail value of the goods concerned does not exceed £1000 in any tax year.

ESC5B – Goods provided to employees

Section 8 of the Taxes Ordinance 1997 charges tax on 'gains or profits from any employment', whether received in money or otherwise. Many farmers will give free meat to their workers and their families, or allow these employees to take their own. This is strictly taxable under during the year as being a gain arising from the employment.

Where an employee or his/her family receives meat or other produce from the employers business then no charge will be imposed for the purposes of Falkland Island taxation as long as the normal retail value of the goods concerned does not exceed £1000 in any tax year.

Explanation

There are several longstanding non-cash practices in Camp which, although taxable under the law, have usually not been declared for tax purposes over the years and have not been pursued by the Tax Department. To take into account the many years over which this had been a normal feature of the Falkland Islanders' way of life, these are hereby formalised into published practice. Anyone in business or employed in agriculture will not be taxed on goods they take or receive free of charge, so long as the value of these does not exceed £1000 per year. For the purposes of this calculation, slaughtered meat should be taken at the value of the full carcass, rather than the higher potential retail value after butchery.

The figure of £1000 per annum allows for meat to the value of £20 per week. This figure should be kept open for review in line with inflation, but it should be borne in mind that this represents in itself a valuable concession unavailable to people engaged in any other business.

ESC 6 Use of company vehicles

Section 3(1)(b) of the Taxes (Benefits in Kind) Rules 2003 introduces a charge to tax, from 1 January 2004, on the benefit of a vehicle provided by an employer to an employee for his or her own use (or for the use by any member of that employee's family), other than wholly for the purpose of performing the duties of that employment.

Under the Ordinance and Benefit in Kind Rules "employee" includes company directors.

The taxable annual value of having such a vehicle provided is £3000. There is an alternative taxable value of £40 per day if a vehicle is only made available on an ad hoc, rather than a regular, basis.

A vehicle provided by an employer to an employee is normally made available to enable the employee to carry out the duties of that employment. Where a vehicle is made available by reason of an employee's employment the legislation provides that it will be automatically treated as having been made available for private use. This means that a vehicle benefit charge will automatically apply.

However, the vehicle benefit charge will not apply if the employee

- is specifically prohibited from using the vehicle privately, **and**
- does not in fact use it privately.

Note that there are two parts to this test.

The mere prohibition of private use is insufficient on its own to prevent a tax charge. It is also necessary to show that a vehicle is not used for private motoring.

- Thus a provided vehicle will result in liability even if no private use is made of it **unless such private use has been specifically prohibited**

AND

- even if the director or employee shows that private use of a vehicle has been specifically forbidden, there must be **no private use of it if a charge is to be avoided.**

Employees who are required to take a vehicle home because they are on call will not be charged on the benefit of that vehicle provided that it is only used in an emergency. So we will not seek to charge a benefit on a vehicle provided to doctors, firemen, power station workers, etc. who are necessarily obliged to have that vehicle at their home in case they are called out in an emergency.

Explanation

It is a fact that within the Falkland Islands it has become an established and long standing tradition for employees to use a vehicle provided by their employer, which is required for work purposes, for travelling from home to work and work to home, both at the start and end of the day and at lunchtime.

For the purposes of defining **private use** the use of that vehicle for travelling **directly** to and from work at the start and end of the day, and at lunchtime, will not be treated as private use.

If a vehicle is used for any other private purpose then a benefit in kind will arise and will become liable to tax. So, if on the way home an employee goes shopping that is a chargeable benefit. If, when on standby or on call the employee uses the vehicle to visit friends that is also a chargeable benefit.

ESC 7 Clubs, Societies and Associations

Unincorporated associations are within the charge to Corporation Tax on their income. Any club or association with any type of structure will come within this heading. This will normally include any organisation which has officers (eg, a Treasurer and a Secretary perhaps) and engages in financial transactions. We have several organisations like this in the Falklands. Sports associations and social clubs, for example. All should come within the tax net as companies and be taxed on their income - except for registered charities, which are exempt. As a concession, the Taxation Office does not insist on annual returns and accounts from Clubs and Associations, and will not pursue Corporation Tax on the income of these bodies.

Some Clubs will employ staff and pay fees or honoraria to officers, who will pay Income Tax through the POAT system in the usual way. This is quite in order as long as the sums involved reasonably reflect work done.

However, should it transpire that in fact an organisation is being used commercially to generate income for the financial benefit of one or more of its members the concession will be withdrawn.

Explanation

Unincorporated associations are within the charge to Corporation Tax on their income. Any club or association with any type of structure will come within this heading. This will normally include any organisation which has officers (eg, a Treasurer and a Secretary perhaps) and engages in financial transactions. One aim of this rule is to prevent individual office-holders from being liable to income tax on income of the club.

We have several organisations like this in the Falklands. Sports associations and social clubs, for example. All should come within the tax net as companies and be taxed on their income - except for registered charities, which are exempt. Having said this, payments between members of a club are regarded as mutual transactions and not taxable.

It is a fact that most, possibly all, of these sort of organisations will make very small profits, if any. It is another fact that most will find it hard to separate members and non-members income. Some may have nothing approaching a formal Constitution. Many are engaged in charitable work, even though not exempt as charities themselves. Many have important social and historical functions among the people of the Falkland Islands.

Given all of these factors, the Taxation Office does not insist on annual returns and accounts from Clubs and Associations, except in the rare situation where an Association is run commercially with a view to making profits for the financial benefit of one or more individual members. (There may well be no such organisation in the Islands at the moment.).

It must be emphasised that this arrangement is strictly a concession to the correct legal position. Some Clubs will employ staff and pay fees or honoraria to officers, who will pay Income Tax through the POAT system in the usual way. This is quite in order as long as the sums involved reasonably reflect work done.

However, should it transpire that in fact an organisation is being used commercially to generate income for the financial benefit of one or more of its members the concession will be withdrawn.

ESC 8 Entertainment Expenses

From 1 January 2003, section 8(1)(b) of the Taxes Ordinance 1997 has charged to tax all "gains or profits from any employment" on all employees, including directors of a company, whether paid in cash or not.

So if an employer pays an employee a cash bonus as a reward that is taxable as part of their income. Consequently, a non-cash reward is also taxable as a "gain or profit" from that employment from 1 January 2003.

It is an accepted practice in the Falkland Islands for employers to "reward" their employees for completing a specific job on time, or to a high standard. That reward usually consists of a night

out with all costs of the employee, and his/her family or partner, being paid for by the employer. Such entertainment costs will become “income” in the hands of the employee, chargeable to tax.

The Tax Office will allow, by concession, an exemption from tax on entertainment expenses provided, and paid for, by employers on behalf of the employee and/or for a member of the employee’s family or household or their partner, subject to an annual financial ceiling of £100. This financial limit applies to each employee and includes the costs paid on behalf of a member of the employee’s family or household or partner.

The exemption should be taken as covering any form of hospitality (dinners, parties, etc.) but not cash rewards. Any costs associated with the entertainment, such as transport or overnight accommodation, are also included in the exemption.

Section 99 of the Taxes Ordinance 1997 stops a business deducting from its profits any item of expenditure incurred in entertainment unless the Commissioner is satisfied that it was reasonably incurred for the purpose of that business.

This concession will allow the employer to claim those costs as a deduction against the business income, again subject to the maximum annual ceiling of £100 for each employee including the costs paid on behalf of a member of the employee’s family or household or their partner.

If all of the actual costs incurred in the year on an individual employee and their family/partner exceed £100 then the excess of that amount falls chargeable to tax in the employee’s hands. Similarly the employer cannot claim the excess over £100 as a deduction in the business accounts.

If the actual amount expended in the year is less than £100 then only the actual expenditure can be deducted from the business accounts.

ESC 9 Gratuities

Section 9 of the Taxes Ordinance defines the basis of assessment on the chargeable income of any person.

Section 9(1A), which was introduced on 1 January 2003, sets the time when income shall be treated as being “received and paid”. For employees, the date is based on the earlier of

1. The time when payment of, or on account of the income is actually made to the employee, or
2. The time when the employee becomes entitled to the income.

In many cases the terms and conditions set down in an officer’s contract mean that they are not entitled to any gratuity payment until the end of their contract. This is because they have to fulfil the conditions of that contract before they earn the right to the gratuity. Consequently, under the rules at section 9(1A) their gratuity payment falls chargeable to tax at the time it is paid, even though they may have earned the right to that payment over the whole period of their contract.

The Tax Office have operated a practice of comparing the tax consequence for contract officers’ gratuities of having them taxed in the year of receipt or spread over the term of the contract.

Whichever method results in the recipient paying less tax has been applied. This treatment is jeopardised by section 9(1A) so for the purpose of clarification it is proposed that this concessionary practice continues.

Explanation

Under the statute, the general rule is that tax is charged on income for the year. Section 9(1A) now says that employment income is treated as being "received and paid" at either the date it is physically paid or when entitlement arises. This leads to the alternative interpretation that for means of, i.e. received in the year.

Entitlement to the gratuity does not arise until the contract is completed so that is when it is actually paid and consequently it all becomes taxable in that year.

Obviously FIG contracts are all fairly standard but independent businesses may have different terms and conditions for each contract officer they employ. Any claim to have this concession applied to their gratuities will be allowed subject to a check of the actual terms set down in their own contract.



**THE
FALKLAND ISLANDS GAZETTE
Supplement**

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10th March 2004

No. 4

The following are published in this Supplement -

Conservation of Wildlife and Nature (Amendment) Ordinance 2004, (No: 1 of 2004);

Immigration (Amendment) Ordinance 2004, (No: 2 of 2004).

ELIZABETH II



FALKLAND ISLANDS

HOWARD JOHN STREDDER PEARCE C.V.O.,
Governor.

Conservation of Wildlife and Nature (Amendment) Ordinance 2004

(No: 1 of 2004)

ARRANGEMENT OF PROVISIONS

Section

1. Short title
2. Amendment of the Conservation of Wildlife and Nature Ordinance 1999

ELIZABETH II



FALKLAND ISLANDS

HOWARD JOHN STREDDER PEARCE C.V.O.,
Governor.

CONSERVATION OF WILDLIFE AND NATURE (AMENDMENT) ORDINANCE 2004

(No: 1 of 2004)

(assented to: 4 March 2004)
(commencement: on publication)
(published: 10 March 2004)

AN ORDINANCE

To amend the Conservation of Wildlife and Nature Ordinance 1999

ENACTED by the Legislature of the Falkland Islands as follows —

Short title

1. This Ordinance may be cited as the Conservation of Wildlife and Nature (Amendment) Ordinance 2004.

Amendment of the Conservation of Wildlife and Nature Ordinance 1999

2. The Conservation of Wildlife and Nature Ordinance 1999 is amended as follows —

(a) by replacing paragraph (d) of section 3(1) with —

“(d) except in relation to a bird mentioned in Schedule 1, to damage or destroy the breeding site, nest or nesting place of any wild bird; or”

(b) by inserting the words “Subject to subsection (2A) of this section,” at the beginning of section 9(1);

(c) by deleting all the words appearing after the word “Governor” in paragraph (b) of section 9(1);

(d) by inserting the following subsections in section 9 after subsection (2) —

“(2A) Nothing in subsection (1)(a) of this section authorises the grant under any other written law of a licence to do anything in relation to any albatross or petrel of any species or any egg of any such bird or the breeding site, nest or nesting place of any such bird, which cannot be authorised by a licence granted under this Ordinance and any such written law shall cease to have effect in so far as it might otherwise authorise the grant of any such licence.

(2B) Nothing in subsection (1)(b) or subsection (2)(h) of this section authorises the grant of a licence permitting the collection for the purposes of human consumption of any egg of any albatross or petrel of any species.”

(e) in section 9(5) by deleting the words “Black-browed Albatross (*Diomedea melanophris*).”

Passed by the Legislature of the Falkland Islands this 27th day of February 2004.

C. ANDERSON M.B.E.,
Clerk of Councils.

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

C. ANDERSON M.B.E.,
Clerk of Councils.

ELIZABETH II



FALKLAND ISLANDS

HOWARD JOHN STREDDER PEARCE C.V.O.,
Governor.

Immigration (Amendment) Ordinance 2004

(No: 2 of 2004)

ARRANGEMENT OF PROVISIONS

Section

1. Short title
2. Amendment of the Immigration Ordinance 1999

ELIZABETH II



FALKLAND ISLANDS

HOWARD JOHN STREDDER PEARCE C.V.O.,
Governor.

IMMIGRATION (AMENDMENT) ORDINANCE 2004

(No: 2 of 2004)

(assented to: 4 March 2004)

(commencement: on publication)

(published: 10 March 2004)

AN ORDINANCE

To amend the Immigration Ordinance 1999.

ENACTED by the Legislature of the Falkland Islands as follows —

Short title

1. This Ordinance may be cited as the Immigration (Amendment) Ordinance 2004.

Amendment of the Immigration Ordinance 1999

2. The Immigration Ordinance 1999 is amended by inserting the following section immediately after section 17 —

“Supplementary to section 17

17A.—(1) Where the services of a person (the “first person”) in the employment of a person carrying on an employment business (the “second person”) are provided by that business, to another person (the “third person”) to act for and under the control of the third person, the first person is for all purposes of section 17 to be treated as being employed by the third person for such period or times as he is under the third person’s control, notwithstanding that he receives no remuneration from the third person and is remunerated (if at all) only by the second person and has a contract of service only with the second person.

(2) For all the purposes of section 17 a person who provides services of any kind without remuneration —

(a) to any charity; or

(b) to any other body approved by the Governor for the purposes of this subsection,

shall not be treated as being employed by that charity or other body unless his services are provided in circumstances to which subsection (1) of this section applies.

(3) For the purposes of this section —

(a) “employment business” means the business (whether or not carried on with a view to profit and whether or not carried on in conjunction with any other business) of supplying persons in the employment of the person carrying on that business to act for, and under the control of, other persons in any capacity; and

(b) so far as the context admits “person” includes a body corporate and the Crown.

(4) For the sake of avoidance of doubt, it is hereby declared that where an employee is required or requested by his employer to accept, without further remuneration, appointment as a director of a company in which the employer has a right or the power to appoint him to be a director, no need for a further work permit to be issued under section 17 is generated by him accepting such appointment.

(5) In this section “remuneration” does not include any sum received in respect of expenses bona fide incurred or to be incurred in or in connection with —

(a) the provision of the services of any kind to a charity or other body referred to in subsection (2); or

(b) in performing duties as a director of a company,

and not treated for the purposes of income tax as being part of the income of the recipient.”

Passed by the Legislature of the Falkland Islands this 27th day of February 2004.

C. ANDERSON M.B.E.,
Clerk of Councils.

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

C. ANDERSON M.B.E.,
Clerk of Councils.



THE
FALKLAND ISLANDS GAZETTE
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No. 5

The following are published in this Supplement -

Ross Road (Clearway) Regulations Order 2004 (S. R. & O. No: 5 of 2004);

Buildings (Various) Designation Order 2004 (S. R. & O. No: 6 of 2004);

Buildings (Stanley) (Sullivan House and Stanley House) Designation (Amendment) Order 2004 (S. R. & O. No: 7 of 2004).

SUBSIDIARY LEGISLATION

ROAD TRAFFIC

Ross Road (Clearway) Regulations Order 2004

S. R. & O. No: 5 of 2004

Made: 15 March 2004

Published: 26 March 2004

Coming into force: in accordance with article 1

IN EXERCISE of my powers under section 59 of the Road Traffic Ordinance (Title 63.1) and of all other powers enabling me in that behalf, I make the following Order —

Citation and commencement

1. This Order may be cited as the Ross Road (Clearway) Regulations Order 2004 and comes into operation on 29th March 2004.

Interpretation

2. In this Order —

“a no waiting day” means any day, except Saturdays and Sundays, public holidays and any day on which The Government Secretariat is not open to the public between 25th December and 1st January;

“Ross Road” means the length of Ross Road from the eastern side of the junction of that road with Reservoir Road to the western side of its junction with Philomel Street; and

“wait” in relation to motor vehicle means cause or permit that motor vehicle to come to a halt or stop, park, station or leave that motor vehicle in position.

Clearway

3.—(1) Except as —

- (a) is necessary so as to permit a passenger or passengers to alight;
- (b) is necessary so as to permit goods to be loaded or unloaded;
- (c) may be permitted or required by a police officer in uniform;
- (d) is not reasonably avoidable having regard to the exigencies of traffic; or

(e) is occasioned by—

- (i) a mechanical failure of the motor vehicle in question;
- (ii) a road traffic accident;
- (iii) the need to avoid damage to some other property or injury or death to some other person,

the driver of a motor vehicle shall not cause it to wait in Ross Road between the hours of 8 in the morning and 5 in the afternoon on no waiting days.

(2) A person who contravenes paragraph (1) commits an offence and is liable on conviction to a fine not exceeding the maximum of level 1 on the standard scale.

Made this 15th day of March 2004

H. J. S. Pearce C.V.O.,
Governor

EXPLANATORY NOTE

(not forming part of the above Order)

This Order renders permanent the clearway in Ross Road, operative between 8am and 5pm on Mondays to Fridays (public holidays and certain government holidays excepted) since 28th April 2003.

SUBSIDIARY LEGISLATION

PLANNING AND BUILDING Buildings (Various) Designation Order 2004

S. R. & O. No: 6 of 2004

Made: 18 March 2004

Published: 26 March 2004

Coming into force: On Publication

IN EXERCISE of my powers under section 65(1) of the Planning Ordinance (a) and of all other powers enabling me in that behalf, I make the following Order —

Citation

1. This Order may be cited as the Buildings (Various) Designation Order 2004.

Designation

2. The buildings specified in the Schedule to this Order are designated as buildings of special architectural or historic interest.

SCHEDULE

1. 12 Drury Street.
2. 20 Drury Street (to include the outbuildings within the curtilage of the property).
3. The building known as Stone Cottage, Saunders Island.

Made this 18th day of March 2004

H J S Pearce
Governor

EXPLANATORY NOTE

(not forming part of the above Order)

This Order designates the buildings at 12 Drury Street, 20 Drury Street (including the outbuildings within the curtilage of the latter property) and the building known as Stone Cottage on Saunders Island as buildings of special architectural or historic interest. Planning permission is thus required for their demolition, alteration or extension.

(a) Title 55.3 of the Revised Laws of the Falkland Islands

SUBSIDIARY LEGISLATION

PLANNING AND BUILDING

**Buildings (Stanley) (Sullivan House and Stanley House) Designation
(Amendment) Order 2004**

S. R. & O. No: 7 of 2004

Made: 18 March 2004

Published: 26 March 2004

Coming into force: On Publication

IN EXERCISE of my powers under section 65(1) of the Planning Ordinance (a) and of all other powers enabling me in that behalf, I make the following Order —

Citation

1. This Order may be cited as the Buildings (Stanley) (Sullivan House and Stanley House) Designation (Amendment) Order 2004.

Amendment of the Buildings (Stanley) (Sullivan House and Stanley House) Designation Order 2002

2. The Buildings (Stanley) (Sullivan House and Stanley House) Designation Order 2002 is amended by replacing paragraph 1 of the Schedule to that Order with the following paragraph —

“1. Sullivan House (to include all outbuildings and other structures within the curtilage of the property).”

Made this 18th day of March 2004

H J S Pearce
Governor

EXPLANATORY NOTE

(not forming part of the above Order)

This Order amends the Buildings (Stanley) (Sullivan House and Stanley House) Designation Order 2002 so as to extend the effect of that Order to include all outbuildings and other structures within the curtilage of the property of Sullivan House.

(a) Title 55.3 of the Revised Laws of the Falkland Islands

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No. 6

The following are published in this Supplement -

Law Revision Order No. 1 of 2002 (S. R. & O. No: 8 of 2004);

Law Revision Order No. 1 of 2003 (S. R. & O. No: 9 of 2004);

Disapplication of Enactments Order 1998 (Amendment) Order 2004 (S. R. & O. No: 10 of 2004);

Disapplication of Enactments Order 2004 (S. R. & O. No: 11 of 2004);

Committees (Access to Information) Ordinance 2000 (Correction) Order 2004 (S. R. & O. No: 12 of 2004);

Explanatory Memorandum, Falkland Islands Pensions Scheme (Amendment) Bill 2004;

Falkland Islands Pensions Scheme (Amendment) Bill 2004;

Public Health (Amendment) Bill 2004.

SUBSIDIARY LEGISLATION

REVISED EDITION OF THE LAWS

Law Revision Order No. 1 of 2002

(S. R. & O. No: 8 of 2004)

Made: 12 April 2004

Published: 29 April 2004

Coming into force in accordance with article 1

IN EXERCISE of my powers under sections 4(4) and 5 of the Revised Edition of the Laws Ordinance 1991(a) and of all other powers enabling me in that behalf, I make the following Order —

Citation and commencement

1.—(1) This Order may be cited as Law Revision Order No. 1 of 2002 and shall come into force on such date, not earlier than the first publication of the Order in the *Gazette*, as the Governor may, subject to paragraph (2), notify by notice so published.

(2) The Governor shall not notify a date pursuant to paragraph (1) unless he is satisfied that copies of the pages specified in the Schedule to this Order are available in the Falkland Islands.

Interpretation

2. In this Order —

“the relevant revision date” means:

14 December 2001 in respect of all pages comprised within the Schedule to this Order relating to Volume 2 Title 22 (Courts & Legal Services), Title 23 (Criminal Law) and Title 24 (Criminal Procedure);

11 October 2001 in respect of all pages comprised within the Schedule to this Order relating to Volume 4 Title 48 (Liquor & Licensing);

1 January 2001 in respect of all pages comprised within the Schedule to this Order relating to Volume 6 Title 67 (Statutes);

(a) Title 67.3

1 January 1995 in respect of all pages comprised within the Schedule to this Order relating to Volume 1 Title 11 (Bankruptcy & Insolvency); and

1 January 1994 in respect of all pages comprised within the Schedule to this Order relating to Volume 1 Title 5 (Animals), Volume 3 Title 26 (Customs & Excise), Volume 6 Title 63 (Road Traffic) and Volume 6 Title 65 (Social Security).

“the Schedule” means the schedule to this Order;

“Title” means the title of the section of the Revised Edition bearing the number and heading indicated;

“Volume 1” has the same meaning as that expression has in Law Revision Order No. 1 of 1997(b);

“Volume 2” has the same meaning as that expression has in Law Revision Order No. 1 of 1998(c);

“Volume 3” has the same meaning as that expression has in Law Revision Order No. 1 of 1998(d);

“Volume 4” has the same meaning as that expression has in Law Revision Order No. 1 of 1999(e);

“Volume 6” has the same meaning as that expression has in Law Revision Order No. 2 of 1999(f);

“Volume 7” has the same meaning as that expression has in Law Revision Order No. 1 of 2000(g).

Replacement of pages in Volumes 1, 2, 3, 4, 6 and 7

3. The pages specified in the Schedule and published in the Falkland Islands replace the pages of the same number previously published and/or add to the pages previously published under the authority of Law Revision Orders as follows –

Volume 1: LRO 2001/1;

Volume 2: LRO 1998/1, LRO 1998/3, LRO 2001/1;

(b) S. R. & O. No. 27 of 1998

(c) S. R. & O. No. 51 of 1998

(d) S. R. & O. No. 60 of 1998

(e) S. R. & O. No. 6 of 1999

(f) S. R. & O. No. 4 of 2000

(g) S. R. & O. No. 1 of 2002

Volume 3: LRO 2001/1;

Volume 4: LRO 2001/1;

Volume 6: LRO 2001/1;

Volume 7: LRO 2000/1, LRO 2001/1.

Approval of Pages in Volumes 1, 2, 3, 4, 6 and 7

4. The pages specified in the Schedule are approved as at the relevant revision date in replacement of the pages of the same number previously published and/or in addition to the pages previously published and the titles within which they are comprised are also approved as at the relevant revision date.

Made this 12th day of April 2004

H. J. S. Pearce C.V.O.,
Governor

SCHEDULE

Replacement and additional pages in Volume 1

Title 5 (Animals):
Remove pages **5 Disapplied/1-2** and insert new pages **5 Disapplied/1-2**

Title 11 (Bankruptcy & Insolvency):
Remove page **11 Disapplied/1** and insert new page **11 Disapplied/1**

Checklist:
Remove Checklist pages i-v and insert new Checklist pages i-v

Replacement and additional pages in Volume 2

Preliminary Pages:
Remove Preliminary pages iii-iv and insert new Preliminary pages iii-iv

Title 22 (Courts & Legal Services):
Remove pages **22/i-xxxi**
22/1-50 and insert new pages **22/1-168**
22 Imp/1-42 **22 Disapplied/1** **22 Imp/1-47**
22 Disapplied/1-3

Title 23 (Criminal Law):
Remove pages **23/1-55** and insert new pages **23/1-67**
23 Imp/1-85 **23 Imp/1-72**
23 Disapplied/1-2 **23 Disapplied/1-2**

Title 24 (Criminal Procedure):
Remove pages **24/1-226** and insert new pages **24/1-317**
24 Imp/1-15 **24 Imp/1-18**
24 Disapplied/1 **24 Disapplied/1-2**

Checklist:
Remove Checklist pages i-ii and insert new Checklist pages i-ii

Replacement and additional pages in Volume 3

Title 26 (Customs & Excise):
Remove pages **26 Disapplied/1-2** and insert new pages **26 Disapplied/1-2**

Checklist:
Remove Checklist pages i-iv and insert new Checklist pages i-iv

Replacement and additional pages in Volume 4

Title 48 (Liquor & Licensing):
Remove page 48 Disapplied/1 and insert new page 48 Disapplied/1

Checklist:
Remove Checklist pages i-iv and insert new Checklist pages i-iv

Replacement and additional pages in Volume 6

Title 63 (Road Traffic):
Remove pages 63 Disapplied/1-2 and insert new pages 63 Disapplied/1-2

Title 65 (Social Security):
Remove page 65 Disapplied/1 and insert new pages 65 Disapplied/1

Title 67 (Statutes):
Remove pages 67/59-60 and insert new pages: 67/59-60
67/71-72 67/71-72
67 Disapplied/1 67 Disapplied/1

Checklist:
Remove Checklist pages i-iv and insert new Checklist pages i-iv

Replacement and additional pages in Volume 7

Preliminary Pages:
Remove Preliminary pages iii-iv and insert new Preliminary pages iii-iv

Supplementary Index:
Insert new pages 433-446

Chronological Table of Ordinances:
Remove pages 1-21 and insert new pages 1-21

Chronological Table of Ordinances Omitted:
Remove pages 1-2 and insert new pages 1-2

Falkland Islands Principal Legislation:
Remove pages 1-4 and insert new pages 1-4

Falkland Islands Subsidiary Legislation:
Remove pages 1-5 and insert new pages 1-5

Imperial Principal Legislation:
Remove pages 1-22 and insert new pages 1-21

Imperial Subsidiary Legislation:
Remove pages 1-9 and insert new pages 1-9

Imperial Orders In Council & Proclamations:
Remove pages 1-7 and insert new pages 1-8

Disapplied Imperial Enactments:

Remove pages 1-2 and insert new pages 1-2
7-10 7-10

Disapplied Imperial Enactments Supplementary Table:

Insert new pages 37-39

Law Reports:

Remove pages v-xxi and insert new pages v-xxiii
115-118 115-118
139 139-189

Checklist:

Remove Checklist pages i-ii and insert new Checklist pages i-ii

SUBSIDIARY LEGISLATION

REVISED EDITION OF THE LAWS

Law Revision Order No. 1 of 2003

(S. R. & O. No: 9 of 2004)

Made: 12 April 2004
Published: 29 April 2004
Coming into force: in accordance with article 1

IN EXERCISE of my powers under sections 4(4) and 5 of the Revised Edition of the Laws Ordinance 1991(a) and of all other powers enabling me in that behalf, I make the following Order —

Citation and commencement

1.—(1) This Order may be cited as Law Revision Order No. 1 of 2003 and shall come into force on such date, not earlier than the first publication of the Order in the *Gazette*, as the Governor may, subject to paragraph (2), notify by notice so published.

(2) The Governor shall not notify a date pursuant to paragraph (1) unless he is satisfied that copies of the pages specified in the Schedule to this Order are available in the Falkland Islands.

Interpretation

2. In this Order —

“the relevant revision date” means:

1 April 2003 in respect of all pages comprised within the Schedule to this Order relating to Volume 1 Title 5 (Animals);

1 June 2002 in respect of all pages comprised within the Schedule to this Order relating to Volume 3 Title 35 (Evidence);

14 December 2001 in respect of all pages comprised within the Schedule to this Order relating to Volume 2 Title 22 (Courts & Legal Services), Title 23 (Criminal Law) and Title 24 (Criminal Procedure);

1 January 1994 in respect of all pages comprised within the Schedule to this Order relating to Volume 3 Title 26 (Customs & Excise); and

1 January 1993 in respect of all pages comprised within the Schedule to this Order relating to Volume 1 Title 4 (Agriculture) and Volume 6 Title 61 (Public Health).

“the Schedule” means the schedule to this Order;

“Title” means the title of the section of the Revised Edition bearing the number and heading indicated;

“Volume 1” has the same meaning as that expression has in Law Revision Order No. 1 of 1997(b);

“Volume 2” has the same meaning as that expression has in Law Revision Order No. 1 of 1998(c);

“Volume 3” has the same meaning as that expression has in Law Revision Order No. 1 of 1998(d);

“Volume 6” has the same meaning as that expression has in Law Revision Order No. 2 of 1999(e);

“Volume 7” has the same meaning as that expression has in Law Revision Order No. 1 of 2000(f);

Replacement of pages in Volumes 1, 2, 3, 6 and 7

3. The pages specified in the Schedule and published in the Falkland Islands replace the pages of the same number previously published and/or add to the pages previously published under the authority of Law Revision Orders as follows —

Volume 1: LRO 1997/1; LRO 1998/3; LRO 2001/1; LRO 2002/1;

Volume 2: LRO 2002/1;

Volume 3: LRO 1998/2; LRO 2001/1; LRO 2002/1;

Volume 6: LRO 1999/2; LRO 2002/1;

Volume 7: LRO 2002/1.

(b) S. R. & O. No. 27 of 1998.

(c) S. R. & O. No. 51 of 1998.

(d) S. R. & O. No. 60 of 1998.

(e) S. R. & O. No. 4 of 2000.

(f) S. R. & O. No. 1 of 2002.

Approval of Pages in Volumes 1, 2, 3, 6 and 7

4. The pages specified in the Schedule are approved as at the relevant revision date in replacement of the pages of the same number previously published and/or in addition to the pages previously published and the titles within which they are comprised are also approved as at the relevant revision date.

Made this 12th day of April 2004

H. J. S. Pearce C.V.O.,
Governor

SCHEDULE

Replacement and additional pages in Volume 1

Preliminary Pages:

Remove Preliminary pages iii-iv and insert new Preliminary pages iii-iv

Title 4 (Agriculture):

Remove pages: **4 Disapplied/1-2** and insert new pages: **4 Disapplied/1-2**

Title 5 (Animals):

Remove pages: **5/1-102** and insert new pages: **5/1-133**
5 Imp/1-15 **5 Imp/1-67**
5 Disapplied/1-2 **5 Disapplied/1-2**

Checklist:

Remove Checklist pages i-v and insert new Checklist pages i-v

Replacement and additional pages in Volume 2

Title 22 (Courts & Legal Services):

Remove pages: **22 Disapplied/1-3** and insert new pages: **22 Disapplied/1-3**

Title 23 (Criminal Law):

Remove pages: **23/3-4** and insert new pages: **23/3-4**
23 Imp/3-4 **23 Imp/3-4**
23 Imp/47-48 **23 Imp/47-48**

Title 24 (Criminal Procedure):

Remove pages: **24 Disapplied/1-2** and insert new pages: **24 Disapplied/1-2**

Checklist:

Remove Checklist pages i-ii and insert new Checklist pages i-ii

Replacement and additional pages in Volume 3

Preliminary Pages:

Remove Preliminary pages iii-iv and insert new Preliminary pages iii-iv

Title 26 (Customs & Excise):

Remove pages **26/25-26** and insert new pages **26/25-26**
26/107-110a **26/107-110d**

Title 35 (Evidence):

Remove pages **35/1** and insert new pages **35/1-5**
35 Imp/1-19 **35 Imp/1-22**
35 Disapplied/1 **35 Disapplied/1**

Checklist:

Remove Checklist pages i-iv and insert new Checklist pages i-iv

Replacement and additional pages in Volume 6

Title 61 (Public Health):

Remove pages **61 Disappplied**/1-2 and insert new pages **61 Disappplied**/1-2

Checklist:

Remove Checklist pages i-iv and insert new Checklist pages i-iv

Replacement and additional pages in Volume 7

Chronological Table of Ordinances:

Remove page 21 and insert new pages 21-2

Falkland Islands Principal Legislation:

Remove pages 1-4 and insert new pages 1-4

Falkland Islands Subsidiary Legislation:

Remove pages 1-5 and insert new pages 1-5

Imperial Principal Legislation:

Remove pages 1-21 and insert new pages 1-22

Imperial Subsidiary Legislation:

Remove pages 1-9 and insert new pages 1-10

Imperial Orders In Council & Proclamations:

Remove pages 1-2 and insert new pages 1-2

Disappplied Imperial Enactments:

Remove pages 1-4, 9-10, 17-18, 37-40 and insert new pages 1-4, 9-10, 17-18, 37-40

European Enactments:

Insert new red untabbed divider

Insert new page 1

Checklist:

Remove Checklist pages i-ii and insert new Checklist pages i-ii

SUBSIDIARY LEGISLATION

AGRICULTURE

Disapplication of Enactments Order 1998 (Amendment) Order 2004

(S. R. & O. No: 10 of 2004)

Made: 12 April 2004

Published: 29 April 2004

Coming into operation: in accordance with article 1

IN EXERCISE of my powers under section 79 of the Interpretation and General Clauses Ordinance(a) and of all other powers enabling me in that behalf, I make the following Order —

Citation and commencement

1. This Order may be cited as the Disapplication of Enactments Order 1998 (Amendment) Order 2004 and comes into operation on 1st January 1993 (that is to say, the date on which the principal Order came into operation).

Amendment of principal Order

2. The Disapplication of Enactments Order 1998 (b) (“the principal Order”) is amended in the Schedule, under the heading “AGRICULTURE (TITLE 4)”, by substituting the figures “58–65” for the figures “58–87” immediately after the words “Agriculture Act 1970, ss. 28–56 (inclusive),”.

Made this 12th day of April 2004

H. J. S. Pearce C.V.O.,
Governor

(a) Title 67.2

(b) S. R. & O. No. 28 of 1998 (not printed in the Revised Edition of Laws)

SUBSIDIARY LEGISLATION

LAW REVISION

Disapplication of Enactments Order 2004

(S. R. & O. No: 11 of 2004)

Made:12 April 2004

Published:29 April 2004

Coming into force: in accordance with article 1

IN EXERCISE of my powers under section 79(2) of the Interpretation and General Clauses Ordinance(a) and of all other powers enabling me in that behalf, I make the following Order —

Citation and commencement

1. This Order may be cited as the Disapplication of Enactments Order 2004 and shall be deemed to have come into force on its publication in the *Gazette*.

Disapplication of Enactments

2. So far as concerns the Falkland Islands the indirectly adopted imperial enactments specified in the Schedule to this Order shall be deemed never to have been enacted.

Made this 12th day of April 2004

H. J. S. Pearce C.V.O.,
Governor

(a) Title 67.2.

SCHEDULE

Note (of no statutory effect): The headings which follow are the numbered Volumes and Titles of the Revised Edition in which the enactments disappplied by section 2 of this Order are referred to.

VOLUME 1

ANIMALS (TITLE 5)

Fresh Meat (Hygiene and Inspection) Regulations 1995, Schedules 16 and 17
Wild Game Meat (Hygiene and Inspection) Regulations 1995
Wild Mammals (Protection) Act 1996
Dogs (Fouling of Land) Act 1996
Dangerous Dogs (Amendment) Act 1997
Birds (Registration Charges) Act 1997
Animals and Animal Products (Examination for Residues and Maximum Residue Limits) Regulations 1997, reg. 7
Animal Health (Amendment) Act 1998
Breeding and Sale of Dogs (Welfare) Act 1999
Feeding Stuffs (Enforcement) Regulations 1999
Fur Farming (Prohibition) Act 2000
Countryside and Rights of Way Act 2000, s.73(4), Sch. 8, para. 1(g)
Feeding Stuffs Regulations 2000
TSE (England) Regulations 2000
Animal Health Act 2002, the whole Act except s.13

COURTS & LEGAL SERVICES (TITLE 22)

Contempt of Court Act 1981, s.4(2A) and Schedule 1, para. 4A
Judicial Pensions and Retirement Act 1993
Criminal Justice and Public Order Act 1994, ss. 45, 168(2), Schedule 5, para. 2 and Schedule 10, para. 44
Criminal Procedure and Investigations Act 1996, ss. 47, 49(1), 49(2), 49(6), 57(3), 57(4), 62, 63, 64, 66(3), 66(4), 70, 72, 73, 74, 75, 76, 77, 79, 80; Schedule 1, Part I, paras. 3, 4, 9, 10, 11, Schedule 3
Civil Procedure Act 1997
Lieutenancies Act 1997
Justices of the Peace Act 1997
Law Officers Act 1997
Supreme Court (Offices) Act 1997
Magistrates' Courts (Criminal Procedure and Investigations Act 1996) (Disclosure) Rules 1997
Magistrates' Courts (Criminal Procedure and Investigations Act 1996) (Confidentiality) Rules 1997
Magistrates' Courts (Advance Notice of Expert Evidence) Rules 1997

Magistrates' Courts (Criminal Procedure and Investigations Act 1996) (Tainted Acquittals) Rules 1997
Magistrates' Courts (Sex Offender and Anti-Social Behaviour Orders) Rules 1998
Access to Justice Act 1999, the whole Act except s.71(1)
Access to Justice Act 1999 (Transfer of Justices' Clerks' Functions) Order 2001, the whole Order except art. 3
Magistrates' Courts (Hearsay Evidence in Civil Proceedings) Rules 1999
Justices' Clerks Rules 1999
Powers of Criminal Courts (Sentencing) Act 2000, ss. 11, 165(1), 165(4), Schedule 9, paras. 72, 83(a) and 83(b); Schedule 12, Part I (in so far as it relates to Magistrates' Courts Act 1980, s.30).
Crown Prosecution Service Inspectorate Act 2000
Regulation of Investigatory Powers Act 2000
Criminal Justice and Court Services Act 2000, ss. 74, 75, Schedule 7, Part II, paras. 58, 61, 63(b), 67 and Schedule 8 (in so far as it relates to Magistrates' Courts Act 1980, ss. 72, 135(3) and 136(4)).
Enforcement of Warrants (Disclosure of Information) Order 2000
Magistrates' Courts Warrants (Specification of Provisions) Order 2000

CRIMINAL LAW (TITLE 23)

Criminal Justice Act 1988, s.139A and 139B
Aggravated Vehicle-Taking Act 1992
Firearms (Amendment) Act 1994
Prevention of Terrorism (Additional Provisions) Act 1996
Firearms (Amendment) Act 1997
Knives Act 1997
Firearms (Amendment) (No. 2) Act 1997
Landmines Act 1998

CRIMINAL PROCEDURE (TITLE 24)

Criminal Justice Act 1991, ss. 18, 20, 29, 57, 58
Bail (Amendment) Act 1993
Criminal Justice Act 1993, the whole Act except ss. 1-4, 5(2)-6, 79(13), 79(14), Schedules 5 and 6
Police and Magistrates' Courts Act 1994
Proceeds of Crime Act 1995
Criminal Appeal Act 1995, the whole Act except ss. 26, 29 and Schedule 3 (in so far as it relates to Magistrates' Courts Act 1980, s.142)
Criminal Injuries Compensation Act 1995
Criminal Evidence Act 1997
Crime (Sentences) Act 1997
Criminal Justice (International Co-operation) (Amendment) Act 1998
Crime and Disorder Act 1998, ss. 51, 52, Schedule 3, and Schedule 8, paras. 5(1)(a) and 5(2)

Criminal Cases Review (Insanity) Act 1999
Prosecution of Offences (Youth Courts Time Limits) Regulations 1999
Powers of Criminal Courts (Sentencing) Act 2000, ss. 126, 128, 135–138 (inclusive), 150–152 and Schedule 9, para. 133
Criminal Justice and Court Services Act 2000, Schedule 7, Part I, para. 4; Schedule 7, Part II, paras. 99–102; Schedule 8 (in so far as it relates to the Criminal Procedure (Insanity and Unfitness to Plead) Act 1991) and Schedule 9, para. 133
Criminal Defence Service (Advice and Assistance) Act 2001
Criminal Justice and Police Act 2001, s.78(9) and Schedule 7, Part 2(1) (in so far as it relates to the Criminal Justice Act 1948, s.39)

VOLUME 3

EVIDENCE (TITLE 35)

Commissioners for Oaths Act 1889
Evidence Act 1938
Criminal Justice and Public Order Act 1994, ss. 34–37 (inclusive)
Postal Services Act 2000 (Consequential Modifications No. 1) Order 2001, art. 3(1)–(2), Schs. 1, 2
Financial Services and Markets Act 2000 (Consequential Amendments and Repeals) Order 2001, art. 265(1), (2), (3)

VOLUME 6

LIQUOR & LICENSING (TITLE 48)

Confiscation of Alcohol (Young Persons) Act 1997

PUBLIC HEALTH (TITLE 61)

Food Safety Act 1990, the whole Act except ss. 37(3), 37(5), 37(6) and 38

SUBSIDIARY LEGISLATION

CONSTITUTIONAL AND ADMINISTRATIVE LAW

Committees (Access to Information) Ordinance 2000 (Correction) Order 2004

S. R. & O. No: 12 of 2004

Made:13 April 2004

Published:29 April 2004

Coming into operation: on publication

IN EXERCISE of my powers under section 93 of the Interpretation and General Clauses Ordinance (Title 67.2) and of all other powers enabling me in that behalf, I make the following Order —

Citation

1. This Order may be cited as the Committees (Access to Information) Ordinance 2000 (Correction) Order 2004.

Correction

2. The Committees (Access to Information) Ordinance 2000(a) is corrected in section 3(5)(a) by replacing the word “reconvened” with the word “convened”.

Made this Thirteenth day of April 2004

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

EXPLANATORY NOTE

(not forming part of the above Order)

This Order corrects a typographical error in section 3(5)(a) of the Committees (Access to Information) Ordinance 2000 which was modelled on section 100B(4)(a) of the Local Government Act 1972. That provision makes corresponding provision to that made by section 3 of the Ordinance. “Reconvened”, appears in the Falkland Islands provision where the corresponding English provision reads “convened” and, in the context, “reconvened” does not make sense, while “convened” does.

(a) No 4 of 2000

EXPLANATORY MEMORANDUM

FALKLAND ISLANDS PENSIONS SCHEME (AMENDMENT) BILL 2004

Introduction

1. This Bill makes a number of miscellaneous amendments to the Falkland Islands Pensions Scheme Ordinance 1997. That Ordinance introduced a new pension scheme (FIPS) to the Islands which provided a means whereby employers and employees and others could make contributions to the Scheme which would be used to buy an annuity, and to fund a lump sum payment, on retirement. The majority of government employees are members of FIPS and other Islanders have also joined.

Clause 1

2. This clause states the short title of the Bill and provides that it shall be deemed to have come into force on 1st January 2001. This commencement date reflects action taken by government relating to the membership of the Board and to protect pensioners who have not been able to buy annuities in the open (UK) market.

Clause 2

3. This clause defines the "Old Scheme Fund" for the purposes of provisions inserted in the Pensions Scheme Ordinance by this Bill. It means the Fund established under the Pensions (Old Scheme) Fund Ordinance 1999.

Clause 3

4. This clause allows for certain requirement relating to membership of the Board to be waived in certain cases. The changes enable auditors of employers making contributions to the Scheme, to be members of the Board, and a person with an existing interest in the assets of the Scheme, to be Chairman.

Clause 4

5. Clause 4 makes fresh provision with respect to the appointment of an Adjudicator and the resolution of disputes relating to the operation of the Scheme. Under the new provision an Adjudicator is appointed to hear complaints from members and employers and others with an interest in the scheme, for example dependants of deceased members. The Adjudicator is not bound by the strict rules of evidence which will enable him to take account of all relevant evidence even if it could not be produced in court proceedings. The decision of the Arbitrator will be final so an alternative challenge, for example, to a decision of the Board cannot be made in the courts.
6. The regulations have been drafted and have been submitted to Executive Council under the cover of Exco paper 91/04.

Clause 5

7. Clause 5 amends section 18 of the Pensions Scheme Ordinance. This at present provides for the payment of contributions into the Scheme in respect of a government employee who retires on grounds of ill-health. In fact such employees remain employed and contributions are paid on that basis throughout their period of ill-health until recovery or retirement age is reached. The new provision makes clear that the contributions will be calculated by reference to the employee's salary before he became ill, increased from time to time to take account of pay awards and inflation.
8. The clause makes a consequential amendment to paragraph 5A of Schedule 3 as, since the individuals concerned remain employees, they do not need to be excluded from the "No worse off guarantee" provisions.

Clause 6

9. This clause anticipates the following provisions of the Bill which require the Board in certain circumstances to transfer sums out of the fund to the Financial Secretary. Clause 6 makes it clear that where an amount is transferred to the Financial Secretary in respect of a member, the member's individual account, which states the value of the member's investments in the Fund at any given time, shall be correspondingly reduced.

Clause 7

10. Clause 7 also anticipates the following provisions of the Bill. In certain circumstances benefits under FIPS will be paid to members by the Financial Secretary instead of being paid more directly out of the member's individual account or through the purchase of annuities in the market. In such cases the Financial Secretary is to provide the benefits out of the Old Scheme Fund which is defined in clause 2.

Clause 8

11. This clause, a major provision of the Bill, is concerned with the situation where annuities cannot be purchased on the UK market for members of FIPS. In this situation the Financial Secretary pays benefits which are as nearly as possible the same as those which are available to members of UK schemes in similar circumstances to FIPS members. These benefits will be paid out of the Old Scheme Fund as provided by clause 7.
12. The clause inserts a new section 27A into the Pensions Scheme Ordinance which first identifies the members who will be paid their benefits by the Financial Secretary instead of through or out of their individual member's account. These will be members who become entitled to benefits in accordance with section 28 or 29, or in certain cases section 33, of the Pensions Scheme Ordinance at a time when such benefits cannot be obtained in the UK market on reasonable terms, then Schedule 4 to that Ordinance, set out in Clause 13 to this Bill (details on Schedule 4 appear below under the heading "clause 13") shall be applied to the member.

13. *Section 27A(3)* provides that if paragraph 5A also applies, the “no worse off guarantee” provision, then paragraph 5A shall apply instead of clause 8. Paragraph 5A is concerned with the “no worse off guarantee” which allows certain members to have benefits calculated by reference to the old legislation which the Pensions Scheme Ordinance replaced, rather than in accordance with section 28. If *subsection (3)* did not preserve the primacy of paragraph 5A that option would be removed in circumstances where section 27A applies.
14. *Section 27A(4)* defines expressions used in the clause and in Schedule 4. A pension provider and personal pension arrangements are defined by reference to UK law as they are used in connection with potential annuitants in the UK.
15. *Section 27A(5)* ensures that the new provisions remain part of FIPS.
16. *Section 27A(6) and (7)* require the Board to notify those affected where section 27A applies. If only one person is affected, that person will be notified directly and given sufficient information so that he or she understands the situation fully. In other cases the Board will publish a notice in the Gazette if the new section 27A applies to more than one person at any time. The notice will inform people generally that section 27A is applicable to members and that they can obtain more information from the Board. In every case the Governor will be informed.
17. *Section 27A(9)* authorises the Governor to make further provision by regulation concerning the provision of benefits where section 27A(1) applies. This it is considered will be a safeguard against any eventuality not having been anticipated, which given the complexity of the matter may be the case. The provision means that corrective action can be taken without having to have a new Ordinance.

Clause 9

18. This clause makes various amendments to section 28 of the Pensions Scheme Ordinance. *Subsections (2) and (4)* extend to age 75 the period for which benefits may be deferred. *Subsection (3)* inserts a new subsection (3A) which allows members to take the whole of their individual accounts if the annuity which would otherwise be purchased would not exceed £500. Similar provision is made in *subsections (8) and (9)* where a benefit is deferred.
19. *Subsection (4)* requires elections under section 28 to be made within a year of retirement. This period will give members ample time to make fully informed decisions without allowing the procedure to be stretched over inordinately long periods.
20. *Subsection (5)* makes drafting corrections.
21. *Subsections (6) to (9)* clarify the situation where benefits are deferred to ensure that calculations are made on the correct date taking account of the deferral. Also clarified is the position with regard to the continuation of the member’s individual account where only the lump sum is deferred, and the amount of that lump sum payment at the end of the period of deferral, which will include any accretions to

the account during the period of deferral. Similar clarification is included with respect to the situation where only the purchase of the annuity is deferred.

22. *Subsection (10)* requires the Board to provide members with sufficient information so that they can make informed decisions with respect to deferral of benefits.
23. Elections under section 28 may be withdrawn but *subsection (11)* ensures that the withdrawal does not have any retrospective effect.

Clause 10

24. Section 33 of the Pensions Scheme Ordinance makes provision for the payment of benefits on the death of a government employee. Under this section the Board is required to ascertain how much is required to provide a specific annuity. If there is not enough in the deceased member's individual account to fund such an annuity the Financial Secretary is required to make up the shortfall on the assumption that the Board would then arrange for the purchase of the annuity. In practice it has been found that the requirements of section 33 cannot be complied with. Consequently *clause 10* makes new provision better adapted to deal with the situation.
25. First the Financial Secretary must pay over to the Board the difference between the value of the deceased member's individual account and an amount equal to twice his final annual salary, if that amount is greater than the former. The Board will pay that amount, (twice the salary), to the dependants. Then if the value of the member's individual account, less such an amount and less any AVCs and amounts attributable to AVCs, will not purchase an annuity for the surviving spouse equal to one-third of the final salary together with a dependant's pension equal to one-ninth of that salary, the Board will pay over whatever is in the deceased member's individual account to the Financial Secretary. The Financial Secretary will transfer the sum into the Old Scheme Fund and pay out of that fund the spouse's and dependant's pensions as mentioned above.

Clause 11

26. *Clause 11* inserts a confidentiality clause into the Pensions Scheme Ordinance.

Clause 12

27. *Clause 12* amends paragraph 5A which introduces the "no worse off guarantee" (NWOOG) provisions. Where a member protected by the NWOOG retires, is in practice given an opportunity to choose between benefits equal to what might be purchased in the UK market for an annuitant in similar circumstances to themselves and the benefits which would have been payable under the old Pensions legislation upgraded to meet the minimum requirements of the current Pensions Scheme Ordinance. Certain technical assumptions are made to make the calculation of these benefits possible.
28. The new provisions reflect the reality of this situation. In addition where the member takes advantage of the NWOOG and chooses the benefits in line with those

which would have been payable under the old legislation (upgraded as mentioned above), the Board will pay the Financial Secretary the value of the member's individual account less any lump sum the member has elected to receive. The Financial Secretary shall pay a pension equal to the pension which would have been paid under the old legislation (upgraded as mentioned above), together with dependants' rights which conform to the minimum standards set by the current Pensions Scheme Ordinance. The benefits payable by the Financial Secretary will be paid out of the Old Scheme Fund.

29. Paragraph 5A(7) of Schedule 3 sets out the table of discounts applicable where a member retires before reaching the age of 60 years. At present the sub-paragraph applies in relation to benefits payable in accordance with section 28 as well as those payable by virtue of the NWOG which is an error. *Clause 12(2)* corrects that error by removing the reference to section 28.
30. *Clause 12(3)* introduces a new paragraph 5B into Schedule. This paragraph states the dates as from which benefits are payable in accordance with section 28 or paragraph 5A. If a person leaves government service before reaching the age of 55 years, benefits shall not be payable before he reaches the age of 60 years. If a person leaves between the ages of 55 and 60, then with the consent of the governor the benefits may be paid as from the date of retirement from government service. In the case of a later retirement, the benefits are payable immediately.

Clause 13

31. *Clause 13* sets out the new Schedule 4 which supplements section 27A inserted in the Pensions Scheme Ordinance by clause 8. Where that section applies then Schedule 4 will apply for the calculation of benefits and payment of benefits. The Schedule is subject to the right of members to defer payment of benefits and their right to take the whole of their individual accounts where the likely annuity does not exceed £500. Section 27A applies in relation to difficulties in purchasing annuities in accordance with section 28(1)(b) and is not concerned with lump sums paid under section 28(1)(a). Therefore the right to those lump sums is not affected by these provisions.
32. *Paragraph 2* requires the Board to pay the accrued value of members' individual accounts to the Financial Secretary who is required to pay such amounts into the Old Scheme Fund. Where the benefit is an annuity payable in accordance with section 33 and the member's individual account (less the additional voluntary contributions, any other contributions not attributable to employment as a civil servant and an amount equal to twice the member's last annual salary) is sufficient to meet the cost of the annuity, then under paragraph 2, when the cost of the annuity is determined (by reference to the cost of annuities available from insurance companies in the UK), only an amount equal to that cost is to be transferred out of the deceased member's individual account to the Financial Secretary. The remainder of the member's individual account is dealt with in accordance with section 33 as it has effect apart from section 27A.
33. Pensions payable under the new provisions are to be paid out of the Old Scheme Fund.

34. *Paragraph 3* allows the Board to exercise its powers under section 32 in priority to the application of these new provisions. Section 32 makes provision for benefits to be payable in case of death or severe illness at retirement and those benefits are payable in the discretion of the Board. It is considered that more benefits will flow to members and their families if section 32 is allowed to operate in priority to section 27A. Provision is made for the Board to consult those affected so that the beneficiaries are given the benefits best suited to their circumstances.
35. Similarly *paragraph 4* ensures that the payments of benefits on death under section 33 remains unaffected by section 27A.
36. *Paragraph 5* sets out the entitlement to benefits and the rates at which the pensions under section 27A will be paid. The rates as mentioned earlier will be as nearly as possible equal to those obtainable in the UK market for members of UK schemes and their families in comparable circumstances to those of the FIPS members and their families. It also ensures that pensions payable under Schedule 4 are increased by at least 3 per cent per annum, following the existing FIPS model.
37. Finally *paragraph 6* ensures that the entitlement under the new provisions exists for the same period that entitlement to a benefit in accordance with the existing FIPS.

Clause 14

38. Clause 14 corrects minor drafting errors.

Falkland Islands Pensions Scheme (Amendment) Bill 2004

(No: of 2004)

ARRANGEMENT OF PROVISIONS

1. Short title, commencement and interpretation
2. Amendment of section 2
3. Waiver of section 5 criteria in case of certain appointments to Board
4. Resolution of complaints
5. Benefits and contributions where government employees retire on grounds of ill-health or disablement
6. Reduction of account where sums paid to Financial Secretary
7. Amendment of section 27
8. Circumstances in which Scheme benefits provided otherwise than under FIPS
9. Deferment and commutation of pension benefits
10. Benefits payable on death
11. Confidentiality
12. Pension benefits for certain government employees in service on 1st January 2001
13. Further provisions related to provision of benefits out of Old Scheme Fund
14. Minor corrections

FALKLAND ISLANDS PENSIONS SCHEME (AMENDMENT) BILL 2004

(No: of 2004)

(assented to: 2004)
(commencement: in accordance with section 1)
(published: 2004)

A BILL
for
AN ORDINANCE

To make provision in connection with the payment out of the Old Scheme Fund of certain benefits under the Falkland Islands Pensions Scheme Ordinance 1997 and otherwise to amend the Falkland Islands Pensions Scheme Ordinance 1997

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

Short title, commencement and interpretation

1.— (1) This Ordinance may be cited as the Falkland Islands Pensions Scheme (Amendment) Ordinance 2004.

(2) This Ordinance shall be deemed to have come into force on 1 January 2001.

(3) Any reference in this Ordinance to the Pensions Scheme Ordinance is a reference to the Falkland Islands Pensions Scheme Ordinance 1997^a.

Amendment of section 2

2.—In section 2(1) of the Pensions Scheme Ordinance the following definition shall be inserted in the appropriate place—

“the Old Scheme Fund” means the Fund known by that name established under the Pensions (Old Scheme) Fund Ordinance 1999^b;

Waiver of section 5 criteria in case of certain appointments to Board

3.—(1) In section 5 of the Pensions Scheme Ordinance (appointment of the Pensions Board) in subsection (2) for “Subject to subsections (3) and (4)” there shall be substituted “Subject to the provisions of this Ordinance”.

(2) The following section shall be inserted in the Pensions Scheme Ordinance immediately after section 5—

^a 1997 No 18

^b No 7 of 1999

“Waiver of section 5 criteria in certain cases

5A.—(1) The Governor may, on the advice of the Executive Council, waive any of the conditions for appointment of a named individual to the Pensions Board set out in section 5(4)(a) and (5) (members not to be auditors of employers whose employees are eligible to be members of the Scheme and Chairman not to have any interest in the assets of the Scheme otherwise than as a member of the Board).

(2) A waiver under subsection (1) must—

- (a) refer to a named individual, and
- (b) be published in the Gazette.

(3) A waiver under subsection (1) may be granted in respect of an individual after the date of that individual’s appointment to the Board or the date when the condition ceased to be fulfilled, and in such a case the waiver—

- (a) shall have retrospective effect as from the date when the appointment of that individual to the Board failed to satisfy the condition, and
- (b) shall have the effect of ratifying all decisions and other acts or omissions of the Board since that date which otherwise would be invalid.”

Resolution of complaints

4.—The following section shall be substituted for section 16 of the Pensions Scheme Ordinance (disputes between employers and employees and others)—

“Appointment of Adjudicator and determination of complaints

16.—(1) The Board shall appoint a person to whom complaints about matters relating to the Scheme may be made by any person prescribed by regulations, and the person so appointed shall be known as the Adjudicator.

(2) The Adjudicator shall give a decision on any complaint referred to the Adjudicator in accordance with regulations made under this section, and the regulations may make provision requiring the complainant, the Board and any other party to the complaint to take all necessary steps to give effect to the decision of the Adjudicator.

(3) Paragraph 2(2) of Schedule 2 to the Pensions Scheme Ordinance (rules of evidence not to apply and effect of decisions) shall apply in relation to the Adjudicator for the purposes of any complaint referred to the Adjudicator in accordance with the regulations as it applies in relation to the Board.

(4) Regulations may make provision with respect to—

- (a) what may or may not be the subject of a complaint,

- (b) who may or may not make a complaint,
- (c) the making of complaints under this section, and
- (d) the determination of complaints by the Adjudicator.”

Benefits and contributions where government employees retire on grounds of ill-health or disablement

5.—(1) In section 18^c of the Pensions Scheme Ordinance for subsections (3A) and (3B) (contributions made in respect of government employees retiring early on ill-health grounds) there shall be substituted—

“(3A) Where a person employed in government service is in receipt of a reduced salary by reason of ill-health or disablement, that person’s relevant monthly earnings shall be equal to his relevant monthly earnings immediately before the date on which the reduction in salary took place, but increased from time to time by the amount of any pay award made, to take account of inflation after that date and before his normal retirement age, to persons employed in government service occupying the same position at the same grade as that person occupied immediately before that date.”

(2) In paragraph 5A(1) of Schedule 3 to the Pensions Scheme Ordinance the words “and is not a person in respect of whom contributions are payable under section 18(3A)” shall cease to have effect.

Reduction of account where sums paid to Financial Secretary

6.—In section 24 (members’ individual accounts) after subsection (3) there shall be inserted—

“(4) Where the Board transfers an amount to the Financial Secretary under any provision of this Ordinance in respect of any member, the member’s individual account shall be reduced by the same amount.”

Amendment of section 27

7.—In section 27 (general provisions for Chapter IV) the following subsection shall be added after subsection (2)—

“(3) Where under any provision of this Ordinance a benefit is to be provided by the Financial Secretary, it shall be provided out of the Old Scheme Fund.

(4) The provisions of the Pensions (Old Scheme) Fund Ordinance 1999 shall have effect subject to the provisions of this Ordinance.”

Circumstances in which Scheme benefits provided otherwise than under FIPS

8.—The following section shall be inserted in the Pensions Scheme Ordinance after section 27—

^c Am. 1998 No 29, The Schedule, paragraph 5.

“Circumstances in which Scheme benefits provided otherwise than under FIPS

27A. (1) Subject to subsection (3), this section applies in relation to —

- (a) any person who becomes entitled to purchase a qualifying annuity contract;
- (b) any person who becomes entitled to a benefit under section 29; and
- (c) any person who becomes entitled to a spouse’s or dependant’s pension as mentioned in section 33.

(2) If, at any time, it appears to the Board that, after taking all reasonable steps, it is not possible to obtain a qualifying annuity contract, or quotations for qualifying annuity contracts, for a person within subsection (1) from a pension provider—

- (a) either at all, or
- (b) on terms which—
 - (i) comply with section 31, and
 - (ii) are broadly similar to those which might be obtained under personal pension arrangements for an individual whose circumstances are broadly similar (disregarding the country of residence) to those of the relevant member or widow, widower or dependant,

then, except in relation to any qualifying annuity contract in existence at that time, the following sections of this Chapter shall have effect subject to the provisions of Schedule 4 to this Ordinance.

(3) In any case where the benefits to which a person is or may be entitled fall within both this section and paragraph 5A of Schedule 3, that paragraph shall be applied in priority to this section, and, accordingly, this section does not apply in relation to any benefit payable under paragraph 5A(3C) or (3D).

(4) In this section and in Schedule 4—

“a pension provider” means any person authorised under section 3 or 4 of the Insurance Companies Act 1982 to carry on long term insurance business in the United Kingdom;

“a broadly comparable annuity” in relation to any person, means an annuity falling within subsection (2)(b) as respects that person;

“personal pension arrangements” has the same meaning as it has for the purposes of Chapter IV of Part XIV of the Income and Corporation Taxes Act 1988 (as that Act applies in the United Kingdom);

“relevant member” means any member or any class of members or all members in general; and in relation to a person within subsection (1)(c), for any reference in subsection (2) to a qualifying annuity contract there shall be substituted a reference to a spouse’s or dependant’s pension (as the case may require) within the meaning of section 31.

(5) Any reference in any law or other document to an annuity payable under section 28, however expressed and including any reference to benefits payable under section 28(1), shall include a reference to a pension to which a person is entitled under Schedule 4.

(6) Where at any time subsection (2) first applies in relation to a particular person, the Board shall—

- (a) notify the Governor, and that person, that subsection (2) so applies, and
- (b) shall provide the person with such information as the person may reasonably require as to the effect on any benefit payable under the Scheme.

(7) Where at any time subsection (2) first applies in relation to a relevant member, unless it first applies at that time in relation to only one member, the Board shall notify the Governor that subsection (2) so applies and shall cause to be published in the Gazette a notice to members—

- (a) stating that subsection (2) applies,
- (b) giving a brief statement relating to the effect on members’ rights under the Scheme, and
- (c) informing members and others that they can obtain further information from the Board.

(8) Schedule 4, which makes alternative provision for the payment of pensions to members, shall have effect.

(9) The Governor may by order make further provision relating to the provision of pensions under Schedule 4, and any such order may amend this section (apart from this subsection) and Schedule 4.”

Deferment and commutation of pensions benefits

9.—(1) Section 28^d of the Pensions Scheme Ordinance shall have effect subject to the following amendments.

(2) In subsection (3)(c) (age by which pension must come into payment) for “70th” there shall be substituted “75th”.

(3) After subsection (3) there shall be inserted—

^d Am. 1998 No 29 The Schedule, paragraph 7.

“(3A) A member may elect to receive, in place of any benefit under subsection (1)(a) or (b), a sum equal to the accrued value of the member’s individual account if that value is insufficient to fund the purchase of an annuity the annual value of which, on the assumption that no lump sum is payable under subsection (1)(a), would not exceed £500.”

(4) In subsection (4) (age to which pension may be deferred) for “70th” there shall be substituted “75th”, and after that subsection there shall be inserted—

“(4A) An election by a member under subsection (1)(a) or (4) shall be made not later than one year after the date of the member’s retirement.”

(5) In subsection (5) (withdrawal of election)—

(a) for “may be withdrawn” there shall be substituted “ may be withdrawn or amended”, and

(b) for “shall have effect on” there shall be substituted “shall have effect as so amended, or as the case may require, cease to have effect, from”.

(6) After that subsection there shall be inserted—

“(6) Where a member elects under subsection (4) to defer payment of the lump sum and purchase of the annuity, for the reference in subsection (1)(a) to the date of that member’s retirement there shall be substituted a reference to the date specified in the election as the date to which the payment and purchase is to be deferred (“the deferral date”).

(7) Where a member elects under subsection (4) to defer payment of the lump sum but not the purchase of the annuity, the amount deferred and the amount available for purchase of the annuity shall be calculated in accordance with subsection (1) as at the date of that member’s retirement, but—

(a) the member’s individual account shall continue (after purchase of the annuity) until the deferral date, and

(b) the amount payable as a lump sum on the deferral date shall be an amount equal to the accrued value of the member’s account at that date.

(8) Where a member elects under subsection (4) to defer the purchase of the annuity but not payment of the lump sum, the amount of the lump sum shall be calculated in accordance with subsection (1) as at the date of that member’s retirement, but—

(a) the member’s individual account shall continue (after payment of the lump sum) until the deferral date, and

(b) the amount available for purchase of an annuity on the deferral date shall be an amount equal to the accrued value of the member’s account at that date;

and the member may, within 6 months of the deferral date, elect to receive, in place of any benefit under subsection (1)(b), a sum equal to the accrued value of the member's account at that date if that value is insufficient to fund the purchase of an annuity the annual value of which does not exceed £500.

(9) Where a member has elected to defer both the purchase of an annuity and the payment of a lump sum, the member may, within 6 months of the deferral date, elect to receive, in place of any benefit under subsection (1)(a) or (b), a sum equal to the accrued value of the member's individual account if that value is insufficient to fund the purchase of an annuity the annual value of which, on the assumption that no lump sum is payable under subsection (1)(a), would not exceed £500.

(10) The Board shall ensure that any member is provided with sufficient information to allow the member to determine whether or not to make an election under subsection (3A), (8) or (9).

(11) Where an election is withdrawn under subsection (5) any reference in subsections (6) to (9) to the deferral date shall be read as a reference to the date on which the election ceases to have effect.

(12) An election and any notice under this section shall be made in writing and shall include such information as the Board may require.

Benefits payable on death

10.—(1) In section 33 (funding of benefits payable on death of government employee) in subsection (1) for "subject to subsection (4)" there shall be substituted "subject to the following provisions of this section".

(2) For subsections (2) and (3) of that section there shall be substituted—

"(2) If the accrued value of the member's individual account, less any amount falling within subparagraphs (a) and (b) of subsection (2B), amounts to less than twice the member's final annual salary, the Financial Secretary shall pay to the Board an amount equal to that shortfall.

(2A) If in any case where the member leaves a widow, widower or dependant (within the meaning of section 31) if the accrued value of the member's individual account less the specified amounts is insufficient to fund the purchase of—

(a) a spouse's pension (within the meaning of section 31(9) and (11)) equal to one-third of the member's final annual salary, and

(b) a dependant's pension (within the meaning of section 31(10) and (12)) equal to one-ninth of that salary for each of the member's dependants,

the Board shall transfer out of the Scheme Fund to the Financial Secretary an amount equal to the accrued value of the member's account, less the specified amounts, at the time of his death.

(2B) For the purposes of subsection (2A) “the specified amounts” means—

- (a) any additional voluntary contributions made to the account,
- (b) any other amount which is not a contribution paid in respect of the deceased person’s employment in government service nor attributable to any such contribution, and
- (c) an amount equal to twice the member’s final annual salary.

(2C) Where subsection (2A) applies, the Financial Secretary shall pay any amounts transferred to him under this section into the Old Scheme Fund and shall pay out of that Fund the spouse’s and dependant’s pensions mentioned in subsection (2A).

(3) Where subsection (2A) does not apply, the Board shall transfer an amount equal to the accrued value of the deceased member’s individual account less the amounts mentioned in paragraphs (a) and (c) of subsection (2B) to a separate account which the Board shall apply in providing lump sum payments to any person entitled to a spouse’s or dependant’s pension and in arranging for the provision of such pensions, and such sums as may remain after that provision has been made shall be held and applied in accordance with section 30.”

Confidentiality

11.—The following section shall be inserted in the Pensions Scheme Ordinance after section 39—

“Confidentiality

39A.—(1) Any person employed in the administration of the Falkland Islands Pensions Scheme or otherwise exercising any functions in relation to that Scheme shall keep confidential all information which that person acquires in or by virtue of the exercise of those functions.

(2) Subsection (1) does not prevent the disclosure of information for the purposes of the administration of the Scheme or for the purposes of the determination of any complaint made in accordance with regulations made under section 16, or for the purposes of any criminal or civil proceedings.”

Pension benefits for certain government employees in service on 1st January 2001

12.—(1) In paragraph 5A of Schedule 3 for sub-paragraph (3) (preservation of value of pension rights for certain government employees) there shall be substituted—

“(3) When on any date, “the member’s pension date”, benefits under the Scheme become payable to or in respect of the member (if an election under section 28 to defer any benefit other than payment of a lump sum has been made, at the end of the period of deferment), the Board shall ascertain and compare—

- (a) the terms of the qualifying annuity contract which might be purchased with the accumulated value of the member’s share in the Scheme at the member’s pension date; and

(b) the terms of the pension or pensions and other benefits which would have payable to or in respect of the member under the existing legislation, subject to sub-paragraph (7) and on the following assumptions—

(i) that the member had remained in government service until his 60th birthday, if that is not the case;

(ii) that the existing legislation was applicable to the member on the member's retirement date and that the member would have been entitled to the maximum pension which he could have received under that legislation on that date assuming it to have been his 60th birthday;

(iii) that the member's salary at his retirement date was the same as it had been on 31st December 1996 but index-linked in accordance with sub-paragraph (5) below;

(iv) that benefits which would have been payable under the existing legislation as mentioned above are increased to the extent necessary to ensure that they comply with section 31, and

(v) that any pension payable under the existing legislation would have been increased annually by 3 per cent.

(3A) In carrying out the comparison under sub-paragraph (3), any amount the member elects to receive under section 28(1)(a) shall be disregarded.

(3B) In any case where the annuity which may be payable to or in respect of the member as mentioned in sub-paragraph (3)(a) is less than the pension which would have been so payable as mentioned in sub-paragraph (3)(b)—

(a) the Board shall consult the beneficiary, that is to say, the member or, as the case may require, the spouse or dependent of the member (within the meaning of section 31) on the alternative benefits, and

(b) if the beneficiary decides to receive benefits as mentioned in sub-paragraph (3)(b) (in place of those mentioned in sub-paragraph (3)(a))—

(i) the Board shall transfer out of the Scheme Fund an amount equal to the accumulated value of the member's share in that Fund to the Financial Secretary, less any amount which the member has elected to receive under section 28(1)(a); and

(ii) sub-paragraphs (3C) and (3D) shall apply.

(3C) The member shall be entitled to be paid a pension by the Financial Secretary on the same terms as those mentioned in sub-paragraph (3)(b) and any beneficiary of the member shall also be entitled to pensions or other benefits as provided for in such terms.

(3D) The member may make arrangements with the Board and the Financial Secretary for the remainder of the member's individual account also to be transferred to the Financial Secretary who shall pay benefits under the arrangements to or in respect of the member by reason of that transfer.

(3E) No sums shall be transferred to the Old Scheme Fund under this paragraph in respect of a member unless—

- (a) the member has notified the Board in writing that an election under section 28 will not be made, or
- (b) the time during which such an election may be made has expired, or
- (c) an election has been made and the Board has paid the member any sum which the member has elected to receive.

(3F) The Financial Secretary shall transfer any amounts transferred to him under this paragraph into the Old Scheme Fund, and any payment required to be made by the Financial Secretary under this paragraph shall be paid out of that Fund.”

(2) In paragraph 5A(7) of that Schedule for the words from the beginning to “member” there shall be substituted “Where a pension is payable to or in respect of a member under subparagraph (3C)”.

(3) After paragraph 5A of that Schedule there shall be inserted—

“5B.—(1) This paragraph applies to any member to whom paragraph 5A applies.

(2) Any benefit payable in accordance with section 28 or paragraph 5A to a member who leaves government service before his 55th birthday shall be payable as from his 60th birthday, but may be deferred by the member under section 28.

(3) Any benefit payable in accordance with section 28 or paragraph 5A to a member who leaves government service on or after his 55th birthday but before his 60th birthday may if the member elects and with the consent of the Governor, be payable, subject to paragraph 5A(7), as from the date he leaves government service, but may be deferred by the member under section 28.

(4) Any benefit payable in accordance with section 28 or paragraph 5A to a member who leaves government service on or after his 60th birthday shall be payable as from the date he leaves government service, but may be deferred by the member under section 28.

(5) References in this paragraph to a benefit becoming payable in accordance with section 28 or paragraph 5A to a member includes a reference to the member becoming entitled to enter into an annuity contract in accordance with that section.”

Further provisions related to provision of benefits out of Old Scheme Fund

13.—The following Schedule shall be inserted in the Pensions Scheme Ordinance after Schedule 3—

“Schedule 4

ALTERNATIVE SCHEME FOR PAYMENT OF PENSIONS WHERE SECTION 27A APPLIES

Application of Schedule

1. (1) Where section 27A(1) applies in relation to a relevant member, this Schedule applies to the relevant member’s individual account, and benefits payable to or in respect of the member under the Scheme shall be payable in accordance with this Schedule.

(2) The provisions of this Schedule shall have effect in relation to any member subject to the right of the member to make an election under section 28 either to defer payment of any benefit or to receive a lump sum equal to the value of the member’s individual account, and accordingly, no sums shall be transferred to the Old Scheme Fund under paragraph 3(1) in respect of a member unless—

- (a) the member has notified the Board in writing that such an election will not be made, or
- (b) the time during which such an election may be made has expired or
- (c) an election has been made and the Board has paid the member any sum which the member has elected to receive.

(3) For the avoidance of doubt it is hereby declared that where the provisions of this Schedule differ from the provisions of Chapter IV of this Ordinance, the provisions of this Schedule shall have effect in place of those provisions of Chapter IV.

Transfer of sums and payment of benefits

2. (1) The Board shall transfer out of the Scheme Fund to the Financial Secretary a sum equal to the accrued value, at the time of the transfer, of the relevant member’s individual account.

(2) Sub-paragraph (1) does not apply in relation to a person’s entitlement to a benefit as mentioned in section 33 but instead section 33 shall have effect with the substitution of the following subsection for subsection (3)—

“(3) Where subsection (2A) does not apply the Board shall transfer—

- (a) an amount equal to twice the deceased member’s final salary to a separate account which the Board shall apply in providing lump sum payments to any person entitled to a spouse’s or dependant’s pension, and
- (b) an amount equal to the amount which would be sufficient to purchase a broadly comparable annuity to the Financial Secretary,

and such sums as may remain thereafter, excluding an amount equal to the aggregate of any additional voluntary contributions made by the deceased member, shall be held and applied as mentioned in section 30.”

(3) The Financial Secretary shall transfer any sums received under this Schedule into the Old Scheme Fund.

(4) Any pension payable under this Schedule shall be paid by the Financial Secretary out of the Old Scheme Fund.

Benefits payable under section 32

3. (1) Where section 32 (death of member before entitlement to benefits under section 28 accrues or severe illness of member at retirement) applies in relation to a member of the Scheme, the Board may exercise its powers under that section without regard to paragraph 2 or may transfer the value of the member’s individual account to the Financial Secretary in accordance with paragraph 2.

(2) The Board shall if possible consult the member or a spouse or dependant (within the meaning of section 31) before making any decision under sub-paragraph (1).

Benefits payable on death of government employee

4. Where section 33 applies on the death of any member, this Schedule shall not apply.

Entitlement to benefits under this Schedule

5. (1) Where this Schedule applies as respects any member, section 28(1)(b) shall not apply but the member shall be entitled to a pension payable at a rate which is equal so far as is reasonably practicable to the rate at which a broadly comparable annuity would be payable.

(2) Where a member is, or was, entitled to a pension under paragraph (1) then if the widow or widower of the member or any dependant of the member would have been entitled to an annuity under the Scheme, a pension shall be payable to that person at a rate which is equal so far as is reasonably practicable to the rate at which a broadly comparable annuity would be payable.

(3) Where a pension is payable under this Schedule it shall be increased annually by at least three per cent.

Period of entitlement

6. Where a person is entitled to a pension under this Schedule that entitlement shall continue until—

(a) the death of the person, or

(b) until such event occurs that had the entitlement arisen under Chapter IV disregarding section 27A the entitlement would have ceased.

Minor corrections

14. —(1) In sub-paragraph (1) of paragraph 5A of Schedule 3 to the Pensions Scheme Ordinance (protection of pension entitlement for certain government service employees) after “December 1996” there shall be inserted “and”.

(2) In sub-paragraph (6) of that paragraph for “subsection” there shall be substituted “sub-paragraph”.

(3) In section 2(1) of the Falkland Islands Pensions Scheme (Amendment) (No 2) Ordinance 2001 (which inserted paragraph 5A into Schedule 3 to the Pensions Scheme Ordinance) for “sub-paragraph (1)” there shall be substituted “paragraph 5(1)”.

Public Health (Amendment) Bill 2004

(No: of 2004)

ARRANGEMENT OF PROVISIONS

Clause

1. Short title
2. Amendment of the Public Health Ordinance
3. Validation

PUBLIC HEALTH (AMENDMENT) BILL 2004

(No: of 2004)

(assented to: 2004)

(commencement: on publication)

(published: 2004)

A BILL

for

AN ORDINANCE

To amend the Public Health Ordinance.

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

Short title

1. This Ordinance may be cited as the Public Health (Amendment) Ordinance 2004 and shall come into force on publication in the *Gazette*.

Amendment of the Public Health Ordinance

2. The Public Health Ordinance (*Title 61.1 of the Revised Laws of the Falkland Islands*) is amended as follows —

(a) at section 2(1) by deleting the words “Deputy Chief Medical Officer” and replacing them with the words “the Director of Health and Social Services”;

(b) at section 2(2) by inserting the following subsection 2(2)(c) immediately after section 2(2)(b) —

“(c) one of whom shall be a member of the public,”

(c) at section 2(2) by deleting the word “and” immediately after section 2(2)(a) and by deleting the full stop immediately after section 2(2)(b) and replacing it with a semi-colon and inserting the word “and”; and

(d) by inserting the following subsection 2(5A) immediately after section 2(5) —

“(5A) a member of the Committee appointed under subsection 2(2)(c) of this section shall not be appointed for a period exceeding three years but is eligible for reappointment.”

Validation

3. Any meeting of the Health and Medical Services Committee which was held after August 2002 and before the commencement of this Ordinance and which was constituted in the manner provided for by section 2 of this Ordinance shall be deemed to have been validly constituted and held and all decisions thereat shall be deemed to have been validly taken notwithstanding that it was not constituted in accordance with the law then in force (that is to say section 2 of the Public Health Ordinance before its amendment by section 2 of this Ordinance).



**THE
FALKLAND ISLANDS GAZETTE
Supplement**

PUBLISHED BY AUTHORITY

Vol. 15

14th May 2004

No. 7

The following are published in this Supplement -

Customs (Amendment) Bill 2004;

Explanatory Memorandum, Highways (Weight Limits) Bill 2004;

Highways (Weight Limits) Bill 2004;

Wearing of Seat Belts (Amendment) Regulations 2004, (S. R. & O. No. 13 of 2004);

Post Office (Amendment) Order 2004, (S. R. & O. No. 14 of 2004);

Fishery Products (Hygiene) (Designated Vessel) Order 2004, (S. R. & O. No. 15 of 2004).

Customs (Amendment) Bill 2004

(No: of 2004)

ARRANGEMENT OF PROVISIONS

Clause

1. Short title and commencement
2. Amendment of the Customs Ordinance 2003

CUSTOMS (AMENDMENT) BILL 2004

(No: of 2004)

(assented to: 2004)

(commencement: 2004)

(published: 2004)

A BILL

for

AN ORDINANCE

To amend the Customs Ordinance

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

Short title and commencement

1. This Ordinance may be cited as the Customs (Amendment) Ordinance 2004 and shall come into force on publication in the Gazette.

Amendment of the Customs Ordinance 2003

2. The Customs Ordinance 2003 is amended by inserting the following subsections immediately after section 60(5) —

“(6) In any case where a person would, apart from this subsection, be guilty of —

(a) an offence under this section in connection with a prohibition or restriction; and

(b) a corresponding offence under the enactment or other instrument imposing the prohibition or restriction, being an offence for which a fine or other penalty is expressly provided for by that enactment or other instrument,

he shall not be guilty of the offence mentioned in paragraph (a) of this subsection.

(7) Where any person commits an offence under this section, the goods in respect of which the offence was committed are liable to forfeiture.”

OBJECTS AND REASONS

To harmonise the provisions of section 60 of the Customs Ordinance 2003 with relevant provisions of the Export Control Act 2002.

EXPLANATORY MEMORANDUM
HIGHWAYS (WEIGHT LIMITS) BILL 2004

Introduction

In summary the Bill provides that —

- (a) a maximum, all-up (laden) weight of 38 metric tonnes be imposed;
- (b) an authorised weight should be allocated in relation to each heavy vehicle;
- (c) a maximum unladen weight of 7.5 tonnes be imposed for use on roads of unsprung dumper trucks;
- (d) power be conferred to impose lower weight limits than 38 tonnes in respect of all vehicles on certain lengths of road when weather conditions lead to deterioration of road surfaces;
- (e) power be conferred to exempt vehicles from weight limits which would otherwise apply in special circumstances,

and these provisions should apply to all publicly maintainable highways.

Provisions of the Bill

The Bill provides that in relation to every heavy vehicle the Director of Public Works would assign an authorised laden weight (in relation to military vehicles the authority would be the Commander British Forces). This authorised laden weight would be such weight as was fixed having regard to the characteristics of the vehicle in question. Where the plate has, as is the case in respect of some vehicles, been removed the authorised weight will be fixed having regard to information obtained, if necessary, from the manufacturer of the vehicle. It would not, in any case, exceed the maximum weight appearing in the Tables incorporated in the Bill.

The Bill provides for a register of authorised weights to be maintained by the Director of Public Works (in relation to civilian vehicles) and by the Commander British Forces (in relation to military vehicles). A disc would need to be displayed at the rear of the vehicle showing its authorised laden weight. If the vehicle, subsequent to an authorised weight being allocated to it was altered, the owner of the vehicle would be required to have a new authorised weight allocated to the vehicle. The Bill would confer power upon the police to stop heavy vehicles which they believe to be in breach of the weight limits and to require the driver to take the vehicle to a public weighbridge.

The Bill also provides a power to exempt vehicles to be conferred upon by the Director of Public Works in relation to all civilian vehicles other than government vehicles and on the Chief Executive in respect of government vehicles while the authority to grant exemptions in respect of military vehicles should be conferred upon the Commander British Forces.

Highways (Weight Limits) Bill 2004

(No: of 2004)

ARRANGEMENT OF PROVISIONS

Clause

1. Short title and commencement
2. Interpretation
3. Application
4. Assignment of authorised weight
5. Display of weight disc
6. Over-riding restrictions
7. Prohibition of use of certain dump trucks on publicly maintainable highways
8. Special exemptions
9. Power to stop etc.
10. Schedules

Schedule 1

Schedule 2

HIGHWAYS (WEIGHT LIMITS) BILL 2004

(No: of 2004)

(assented to: 2004)
(commencement: in accordance with section 1)
(published: 2004)

A BILL

for

AN ORDINANCE

To prohibit the use on publicly maintainable highways of motor vehicles, trailers and vehicle combinations the laden weight of which exceeds 38 metric tons, to authorise the prohibition of the use of motor vehicles, trailers and combination vehicles of lesser laden weights on specified publicly maintainable highways and lengths thereof and to prohibit the use on publicly maintainable highways of unsprung dump trucks of an unladen weight exceeding 7.5 metric tons.

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

Short title and commencement

1. This Ordinance may be cited as the Highways (Weight Limits) Ordinance 2004 and comes into force on such date as the Governor may appoint by notice published in the *Gazette*.

Interpretation

2.—(1) In this Ordinance —

“articulated bus or coach” means a single vehicle which is a bus or coach consisting of two or more rigid sections which —

(a) articulate relative to one another;

(b) are intercommunicating so that passengers can move freely between them; and

(c) are permanently connected so that they can only be separated by an operation using facilities normally found only in a workshop;

“articulated vehicle” means a tractor unit to which a semi-trailer is attached;

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

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

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

“employer” means employer in relation to the driving of the motor vehicle in question;

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

“laden weight”, with reference to a motor vehicle or trailer, means the aggregate weight of —

(a) the motor vehicle or trailer and any water, fuel, accumulators and other equipment used for the purpose of propulsion, loose tools and loose equipment carried on it;

(b) the driver, if any, and all other persons carried on the motor vehicle or trailer;

(c) any load carried by the vehicle or trailer;

“metric ton” means 1000 kilograms;

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

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

(b) if it is constructed or adapted for use for the conveyance of goods or burden of any description, does not exceed 3050 kilograms;

(c) does not exceed 2540 kilograms in a case falling within neither of the foregoing paragraphs;

“motor tractor” means a mechanically propelled vehicle which is not constructed itself to carry a load, other than the following articles, that is to say, water, fuel, accumulators, and other equipment used for the purpose of propulsion, loose tools and equipment, and the weight of which unladen does not exceed 7370 kilograms;

“motor vehicle” means a mechanically propelled vehicle intended or adapted for use on roads;

“over-riding restrictions” means restrictions for the time being in force under section 6 imposing lesser maximum weight limits in relation to any road;

“publicly maintainable highway” means any road —

(a) constructed at public expense over which the public have the right to pass or repass with vehicles;

(b) any road not constructed at public expense the liability for the maintenance of which has become that of the Crown in right of the Government of the Falkland Islands and over which the public have the right to pass and repass with vehicles;

(c) any road which a road within the meaning of the Road Traffic Ordinance (Title 63.1);

“rigid motor vehicle” means a motor vehicle which is not a tractor unit or an articulated bus;

“road friendly suspension” means a suspension system whereby at least 75 per cent of the spring effect is produced by air or compressible fluid under pressure or other equivalent suspension;

“semi-trailer” means a trailer which is constructed or adapted to be drawn by a tractor unit and includes a vehicle which is not itself a motor vehicle but has some or all of its wheels driven by the drawing vehicle;

“tractor unit” means a motor vehicle by which a trailer partially superimposed on it may be drawn so that, when the vehicle is fully loaded, not less than 20 per cent of its load is borne by the drawing vehicle;

“trailer” means a vehicle drawn by a motor vehicle; and

“vehicle combination” means an articulated vehicle or a rigid motor vehicle drawing a trailer.

Application

3. This Ordinance does not apply to —

(a) invalid carriages;

(b) motor cars;

(c) motor cycles; and

(d) motor tractors, not being tractor units.

Assignment of authorised weight

4.—(1) Subject to subsection (3) the Director of Public Works shall on application by or on behalf of the owner of any motor vehicle, trailer or vehicle combination assign the authorised weight for that vehicle, trailer or vehicle combination. Such authorised weight shall be such, having regard to any plated weight appearing on the vehicle or such other factors or information as the Director thinks fit, but shall not, in any event, exceed the maximum permitted weight.

(2) On an application under subsection (1), the applicant shall provide the Director with such information in support of, or in connection with, the application as the Director may reasonably require.

(3) The Director of Public Works shall maintain a register of the authorised weights assigned by him under subsection (1).

(4) In relation to motor vehicles, trailers and vehicle combinations belonging to any of Her Majesty's forces or the Ministry of Defence, the functions of the Director of Public Works under this section shall be performed by the Commander of British Forces or such person under his command to whom the Commander assigns those functions.

(5) The maximum permitted weight means the authorised weight shown in relation to a vehicle having the characteristics of the vehicle in question in Schedules 1 and 2 to this Ordinance.

(6) If, after an authorised weight has been assigned under subsection (1) or (4) of this section, any alteration is carried out to any motor vehicle, vehicle or combination vehicle which affects its load-carrying capacity, the owner of the vehicle shall within fourteen days of the alteration make fresh application under this section for the assignment of an authorised weight in respect thereof, and the authorised weight assigned on such an application shall have effect instead of the previously assigned authorised weight.

(7) A person who contravenes subsection section (6) commits an offence and is liable on conviction of that offence to a fine not exceeding the maximum of level 3 on the standard scale.

Display of weight disc

5.—(1) There shall be prominently displayed at the rear of every vehicle, trailer or vehicle combination a disc bearing an expression in arabic numerals in black on a white background, and complying with regulations made under this subsection, of its authorised weight.

(2) The expression in arabic numerals referred to in subsection (1) shall be the authorised weight expressed as a whole number and decimal fraction of metric tons: Provided that if the authorised weight represents a whole number of metric tons, it shall be expressed simply as a whole number.

(3) Any person who contravenes subsection (1) after the expiration of two months from the coming into force of this Ordinance commits an offence and is liable on conviction to a fine not exceeding the maximum of level 2 on the standard scale.

Over-riding restrictions

6.—(1) Except as is provided by section 8, it is unlawful for any person to use any motor vehicle, trailer or vehicle combination the laden weight of which exceeds 38 tonnes on any publicly maintainable highway.

(2) Whenever subsection (1) is contravened the driver of any motor vehicle involved in the offence and his employer, if any, each commit an offence punishable on conviction by a fine not exceeding the maximum of level 4 on the standard scale.

(3) The Governor may by Order under this subsection —

(a) prohibit, except as is provided by section 7, the use of any motor vehicle, trailer or vehicle combination the laden weight of which exceeds such weight as is specified in such Order on any publicly maintainable highway or length of publicly maintainable highway therein specified;

(b) provide —

(i) that a contravention of any such prohibition shall be a criminal offence punishable on conviction by a fine not exceeding the maximum of level 4 on the standard scale,

(ii) that any such offence shall be deemed to have been committed to committed by the driver of any motor vehicle involved in any such offence and by his employer, if any.

(4) The Director of Public Works may, by notice published in the *Gazette*, prohibit the use on the publicly maintainable highways specified in that notice any motor vehicle, trailer or vehicle combination the authorised weight of which exceeds 15 metric tons for such period not exceeding seven months as may be specified in that notice.

(5) Whenever any prohibition contained in a notice to which subsection (4) relates is contravened the driver of any motor vehicle involved in the offence and his employer, if any, each commit an offence punishable on conviction by a fine not exceeding the maximum of level 4 on the standard scale.

Prohibition of use of certain dump trucks on publicly maintainable highways

7.—(1) Except as provided by section 8, it is unlawful to use an unsprung dump truck the unladen weight of which exceeds 7.5 metric tons on any publicly maintainable highway.

(2) Any person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding the maximum of level 4 on the standard scale.

Special exemptions

8.—(1) The Competent Authority may, if satisfied that there is special reason in the circumstances of the particular case, and on application in writing by an interested person setting out the grounds of the application, by notice in writing exempt a person from such of the prohibitions to which section 6(1), (2) and (4) relate or from the prohibition to which section 7(1) relates as shall be specified in the notice.

(2) An exemption under subsection (1) shall specify either —

(a) the occasion or occasions to which it relates; or

(b) the operation to which it relates,

and shall additionally specify the special reason leading to the Competent Authority granting the exemption.

(2) In subsection (1), "Competent Authority" means —

(a) in relation to vehicles owned by civilian persons except those owned by the Crown in right of the Government of the Falkland Islands, the Director of Public Works;

(b) in relation to vehicles owned by the Crown in right of the Government of the Falkland Islands, the Chief Executive;

(c) in relation to vehicles owned by Her Majesty's armed forces or the Ministry of Defence and vehicles owned by civilian contractors and used in direct or indirect support to military output, the Commander British Forces.

Power to stop etc.

9.—(1) A police officer in uniform may require the driver of any vehicle which he may suspect is being or has that day been driven on a publicly maintainable highway in contravention of any provision of this Ordinance or an Order thereunder to stop and may require the driver of that vehicle to drive the vehicle to a public weighbridge nominated by the police officer.

(2) A police officer in uniform may require the driver and any passenger of a vehicle which has been required to proceed to a weighbridge and to do such things and take such steps as are necessary or convenient for the purpose of having the vehicle and its load weighed by the weighbridge.

(3) The certificate in writing of the official operator of the weighbridge stating —

(a) the registration number and description of the vehicle;

(b) the date and time the vehicle was presented for weighing;

(c) the weight of the vehicle and its load (if any) as shown by the weighbridge,

shall be admissible in evidence in any prosecution for an offence under section 6 or section 7 and shall, unless the contrary is shown, be presumed accurately to record the matters stated therein.

(4) For the purposes of any prosecution it shall be assumed unless the contrary is proved that the weighbridge referred to in subsection (3) was at that time the vehicle was weighed accurate to within plus or minus 2% of the weight indicated on the certificate.

(5) On being stopped by a police officer pursuant to subsection (1), the driver of the vehicle must produce to him any exemption under section 8 of which he claims the benefit.

(6) A person who fails or refuses to comply with a requirement made by a police officer in uniform under subsection (1) commits an offence and is liable on conviction to a fine not exceeding the maximum of level 4 on the standard scale.

Schedules

10. Schedules 1 and 2 to this Ordinance shall have effect.

Schedule 1

Maximum permitted weights for vehicles

Weight not to be exceeded in any circumstances

1.—(1) Subject to paragraph 2, the maximum permitted weight for a vehicle of a description specified in column (2) of an item of Table 1 below and having the number of axles specified in column (3) shall be the weight specified in column (4) of the item.

TABLE 1

(1) Item	(2) Description of vehicle	(3) Number of axles	(4) Authorised weight (kg)
1.	Rigid motor vehicle	2	18000
2.	Tractor unit	2	18000
3.	Trailer which is not a semi-trailer or a centre-axle trailer	2	18000
4.	Trailer which is not a semi-trailer or centre-axle trailer	3 or more	24000
5.	Rigid motor vehicle which satisfies at least one of the conditions specified in sub-paragraph (2)	3	26000
6.	Rigid motor vehicle not falling within item 5	3	25000
7.	Tractor unit which satisfies at least one of the conditions specified in sub-paragraph (2)	3 or more	26000
8.	Tractor unit not falling within item 7	3 or more	25000
9.	Articulated bus	Any number	28000
10.	Rigid motor vehicle which satisfies at least one of the conditions specified in sub-paragraph (2)	4 or more	32000
11.	Rigid motor vehicle not falling within item 10	4 or more	30000

(2) The conditions referred to in items 5, 7 and 10 of Table 1 are that—

(a) the driving axle if it is not a steering axle is fitted within twin tyres and road friendly suspension; or

(b) each driving axle is fitted with twin tyres and the maximum weight for each axle does not exceed 9500kg.

Weight by reference to axle spacing

2. For a vehicle of a description specified in column (2) of an item in Table 2 below and having the number of axles specified in column (3) of that item, the authorised weight in kilograms shall be the number equal to the product of the distance measured in metres between the foremost and rearmost axles of the vehicle multiplied by the factor specified in column (4) and rounded up to the nearest 10kg, if that number is less than the maximum authorised weight determined in accordance with paragraph 1

TABLE 2

(1) <i>Item</i>	(2) <i>Description of vehicle</i>	(3) <i>Number of axles</i>	(4) <i>Factor to determine authorised weight</i>
1.	Rigid motor vehicle	2	6000
2.	Tractor unit	2	6000
3.	Trailer which is not a semi-trailer or centre-axle trailer	2	6000
4.	Rigid motor vehicle	3	5500
5.	Tractor unit	3 or more	6000
6.	Trailer which is not a semi-trailer or centre-axle trailer	3 or more	5000
7.	Rigid motor vehicle	4 or more	5000
8.	Articulated bus	Any number	5000

Schedule 2

Maximum permitted weights for vehicle combinations

Weight not to be exceeded in any circumstances

1.—(1) Subject to paragraph, the authorised weight for a vehicle combination of a description of vehicle specified in column (2) of an item in Table 3 below and having the number of axles specified in column (3) shall be the weight specified in column (4) of the item.

TABLE 3

(1) <i>Item</i>	(2) <i>Description of combination</i>	(3) <i>Number of axles</i>	(4) <i>Maximum weight (kg)</i>
1.	Articulated vehicle	3	26000
2.	Rigid motor vehicle towing a trailer satisfying the condition specified in sub-paragraph (2)	3	26000
3.	Rigid motor vehicle not falling within item 2 drawing a trailer	3	22000
4.	Articulated vehicle satisfying the conditions specified in sub-paragraph (3)	4	38000
5.	Articulated vehicle not falling within item 4	4	36000
6.	Rigid motor vehicle towing a trailer satisfying the condition specified in sub-paragraph (2)	4	36000
7.	Rigid motor vehicle not falling within item 6 drawing a trailer	4	30000
8.	Articulated vehicle	5 or more	38000
9.	Rigid motor vehicle towing a trailer satisfying the condition specified in sub-paragraph (2)	5 or more	38000
10.	Rigid motor vehicle not falling within item 9 drawing a trailer	5 or more	34000
11.	Articulated vehicle satisfying the conditions specified in sub-paragraph (4)	6 or more	38000
12.	Rigid motor vehicle towing a trailer satisfying each of the conditions specified in sub-paragraphs (2) and (4)	6 or more	38000

(2) The condition referred to in items 2, 6, 9 and 12 of Table 3 is that the distance between the rear axle of the motor vehicle and the front axle of the trailer is not less than 3m.

(3) The conditions referred to in item 4 of Table 3 are that—

(a) the combination consists of a 2-axle tractor unit and a 2-axle semi-trailer;

(b) the weight of the tractor unit comprised in the combination does not exceed 18000kg;

(c) the sum of the axle weights of the semi-trailer does not exceed 20000kg; and

(d) either —

(i) the driving axle is fitted with twin tyres and road friendly suspension; or

(ii) the driving axle is not a steering axle and —

(aa) is fitted with twin tyres, and

(bb) the axle weight of that axle does not exceed 8500kg.

(4) The conditions referred to in items 11 and 12 of Table 3 are that —

(a) the axle weight of each driving axle does not exceed 10500kg; and

(b) either —

(i) each driving axle is fitted with twin tyres and road friendly suspension; or

(ii) each driving axle which is not a steering axle is fitted with twin tyres and the axle weight of each such axle does not exceed 8500kg;

(c) each axle of the trailer is fitted with road friendly suspension; and

(d) each vehicle comprised in the combination has at least 3 axles.

Weight by reference to axle spacing

2. For a vehicle combination of a description specified in column (2) in Table 4 below and having the number of axles specified in column (3), the maximum weight in kilograms shall be the product of the distance measured in metres between the king-pin and the centre of the rearmost axle of the semi-trailer multiplied by the factor specified in column (4) and rounded up to the nearest 10kg, if that weight is less than the maximum weight determined in accordance with paragraph 1.

TABLE 4

<i>(1)</i> <i>Item</i>	<i>(2)</i> <i>Description of vehicle combination</i>	<i>(3)</i> <i>Number of axles</i>	<i>(4)</i> <i>Factor to determine authorised weight</i>
1.	Articulated vehicle	3 or more	5500

SUBSIDIARY LEGISLATION

ROAD TRAFFIC

Wearing of Seat Belts (Amendment) Regulations 2004

S. R. & O. No: 13 of 2004

Made: 23 April 2004

Published: 14 May 2004

Coming into operation: in accordance with article 1

IN EXERCISE of my powers under section 36(1) and (7) of the Road Traffic Ordinance (Title 63.1) and of all other powers enabling me in that behalf, I make the following Regulations —

Citation and commencement

1. These Regulations may be cited as the Wearing of Seat Belts (Amendment) Regulations 2004 and come into operation on the fourteenth day after publication in the *Gazette* of Notice of approval of these Regulations by Legislative Council pursuant to section 36(9) of the Road Traffic Ordinance.

Amendment of principal Regulations

2.—(1) In these Regulations, the “principal Regulations” means the Wearing of Seat Belts (Prescribed Roads) Regulations 1996(a).

(2) The principal Regulations are amended in the manner specified in the Schedule to these Regulations.

SCHEDULE

Amendment of principal Regulations

1. Regulation 3 is amended by adding the following paragraph —

“(3) A person who contravenes paragraph (1) commits an offence and is liable to a fine not exceeding the maximum of level 1 on the standard scale.”

2. Regulation 6 is revoked and is replaced by the following regulations —

“Requirement for children to wear seat belts etc

6.—(1) Subject to regulation 6A, a person commits an offence who without reasonable excuse drives a motor vehicle, other than a motor cycle, on a road while any child being carried in or on that vehicle is not wearing a seat belt conforming with regulation 5.

(2) A person who contravenes paragraph (1) commits an offence and is liable on conviction to a fine not exceeding the maximum of level 1 on the standard scale.

Exceptions

6A. Regulation 6 does not apply—

(a) to a small child being carried as a passenger on a coach if —

(i) there is no child restraint of a description specified in paragraph 5(2)(a) suitable for his weight or height, as the case may be, and

(ii) he is wearing a seat belt which is, in terms of regulation 5(2), suitable for a large child or is an adult belt,

(b) to a child for whom there is a medical certificate signed by a government medical officer and which states, for reasons specified in that certificate, that it is not medically advisable for the child to wear a child restraint;

(c) to a child aged under 1 year in a carry cot provided that the carry cot is restrained by straps; or

(d) to a disabled child who is wearing a disabled persons seat belt.”

Amendment of Schedule 1

3. Schedule 1 is amended —

(a) by inserting after the words “seat belts” in the heading of the Schedule the words “by adults”;

(b) by deleting paragraphs 1 to 4 and by replacing them with the words “All roads subject for the time being to a speed limit higher than 25 miles an hour.”.

Made this 23rd day of April 2004

H. J. S. Pearce C. V. O.,
Governor

EXPLANATORY NOTE
(not forming part of the above Regulations)

These Regulations amend the principal Regulations:

(1) so as to render it an offence, subject to exceptions, for a child to be carried as a passenger in any motor vehicle except a motor cycle on any road to which the Road Traffic Ordinance applies unless he is wearing a child restraint, but subject to the exceptions stated in these Regulations.

(2) to extend the requirement for adults driving or carried in a motor vehicle to wear seat belts to all roads on which the speed limit is greater than 25 mph.

SUBSIDIARY LEGISLATION

POST OFFICE

Post Office (Amendment) Order 2004

S. R. & O. No: 14 of 2004

Made: 7 May 2004

Published: 14 May 2004

Coming into force: 1 July 2004

IN EXERCISE of my powers under sections 3 and 4 of the Post Office Ordinance (Title 58.1) I make the following Order —

Citation and commencement

1. This Order may be cited as the Post Office (Amendment) Order 2004 and shall come into force on 1 July 2004.

Interpretation

2. In this Order “the principal Order” means the Post Office Order 2002(a).

Amendment of the principal Order

3. The principal Order is amended —

(a) in article 10(1)(a) by replacing “50p” with “60p”;

(b) in article 10(1)(b) by replacing “£1.00” with “£2.00”;

(c) in article 13(2) by replacing “£3.00” with “£3.50”; and

(d) by replacing the First and Third Schedules with those set out in the Schedule to this Order.

SCHEDULE
Replacement Schedules of the principal Order

“FIRST SCHEDULE
Airmail Rates to all Countries

AIRMAIL RATES

Letters	First 20gm each additional 10gm	50p 25p
Small Packets & Printed Papers	First 70gm each additional 10gm	£1.00 14p
Printed Papers (Registered with Post Office)	First 70gm each additional 10gm	97p 14p
Postcard		42p
Aerogramme “ (illustrated)		40p 52p
Christmas Card		45p

SECOND SCHEDULE
Surface Mail Rates

SURFACE RATES

Postcards		26p
Letters	First 20gm up to 100gm each additional 50gm	36p 81p 35p
Small Packets & Printed Papers	First 100gm each additional 50 gm	70p 25p
Christmas Card		32p
Parcels to United Kingdom	First kg each additional kg Maximum weight 30 kg	£8 £4

(Rates to other countries, as notified from time to time)

THIRD SCHEDULE

Inland Rates

INLAND RATES

Letters	First 20gm each additional 50gm	24p 15p
Small Packets & Printed Papers	First 70gm each additional 50gm	20p 7p
Postcard		16p
Christmas Card		18p

Literature for the blind shall not attract postage.

PARCELS - AIRMAIL (INTERNAL)

FIGAS freight rates and conditions will be applied. Minimum charge £1."

Made this 7th day of May 2004

H. Hall,
Acting Governor

EXPLANATORY NOTE

(not forming part of the above Order)

This Order amends the Post Office Order 2002 by revising postage rates payable and comes into force with effect from 1 July 2004.

SUBSIDIARY LEGISLATION

FISHERIES

Fishery Products (Hygiene)(Designated Vessel) Order 2004

(S. R. & O. No: 15 of 2004)

Made: 7 May 2004

Published: 14 May 2004

Coming into force: upon publication

IN EXERCISE of my powers under section 3(1) of the Fishery Products (Hygiene) Ordinance 1998(a) and of all other powers enabling me in that behalf, I make the following Order —

Citation and commencement

1. This Order may be cited as the Fishery Products (Hygiene)(Designated Vessel) Order 2004 and comes into force on publication in the *Gazette*.

Designation of approved factory fishing vessels

2. The vessel named in the first column of the Schedule to this Order is designated as a vessel to which the provisions of the Fishery Products (Hygiene) Ordinance 1998 and all regulations thereunder apply and is assigned the approval number in the second column of that Schedule appearing against its name.

Made this 7th day of May 2004

H Hall
Acting Governor

SCHEDULE

Vessel Name
Burdwood FI

Approval Number
1029

EXPLANATORY NOTE

(not forming part of the above Order)

The Fishery Product (Hygiene) Ordinance 1998, coupled with the regulations made under it, enables the operators of factory fishing vessels to obtain confirmation that their vessel meets the standards of hygiene prescribed in the European Commission. The vessel specified in the Schedule to the Order is one which has been inspected and which is now, by this Order, designated as a vessel to which the provisions of the legislation apply.



**THE
FALKLAND ISLANDS GAZETTE
Supplement**

PUBLISHED BY AUTHORITY

Vol. 15

11th June 2004

No. 8

The following are published in this Supplement -

Appropriation Ordinance 2004, (No: 3 of 2004);

Supplementary Appropriation (2003-2004) Ordinance 2004, (No: 4 of 2004);

Falkland Islands Pensions Scheme (Amendment) Ordinance 2004, (No: 5 of 2004);

Public Health (Amendment) Ordinance 2004, (No: 6 of 2004);

Customs (Amendment) Ordinance 2004, (No: 7 of 2004);

Highways (Weight Limits) Ordinance 2004, (No: 8 of 2004);

Committees (Access to Information) (Amendment) Ordinance 2004, (No: 9 of 2004);

**Falkland Islands Pensions Scheme (Complaints Procedures) Regulations 2004,
(S. R. & O. No: 16 of 2004);**

**Mount Pleasant and Mare Harbour (Designation and Speed Limits) Order 2004,
(S. R. & O. No: 17 of 2004).**



ELIZABETH II



FALKLAND ISLANDS

HOWARD JOHN STREDDER PEARCE C.V.O.,
Governor.

APPROPRIATION ORDINANCE 2004

(No: 3 of 2004)

ARRANGEMENT OF PROVISIONS

Section

1. Short title
2. Appropriation of £39,197,840 for the service of the year 2004/05

Schedule

ELIZABETH II



FALKLAND ISLANDS

HOWARD JOHN STREDDER PEARCE C.V.O.,
Governor.

APPROPRIATION ORDINANCE 2004

(No: 3 of 2004)

(assented to: 28th May 2004)
(commencement: on publication)
(published: 11th June 2004)

AN ORDINANCE

To provide for the service of the Financial Year commencing on 1 July 2004 and ending on 30 June 2005.

ENACTED by the Legislature of the Falkland Islands as follows —

Short title

1. This Ordinance may be cited as the Appropriation Ordinance 2004.

Appropriation of £39,197,840 for the service of the year 2004/2005

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 2004 and ending on 30 June 2005 (“the financial year”), sums not exceeding in aggregate the sum of Thirty-nine million, one hundred and ninety-seven thousand, eight hundred and forty pounds (£39,197,840) which sum is granted and shall be appropriated for the purposes and to defray the charges of the several services expressed and particularly mentioned in the Schedule hereto and which will come in course of payment during the financial year.

SCHEDULE

NUMBER HEAD OF SERVICE	Total Operating Budget	<u>Less</u> Internal Charges	<u>Less</u> Capital Charges	Net Operating Budget
	£	£	£	£
OPERATING BUDGET				
100 Aviation	1,979,040	25,830	284,820	1,668,390
150 Posts and Telecommunications	442,940	15,150	1,680	426,110
200 Health and Social Services	5,283,370	128,700	388,180	4,766,490
250 Education and Training	5,039,150	130,560	408,890	4,499,700
300 Customs and Immigration	258,130	1,140	2,630	254,360
320 Fisheries	6,202,860	429,860	192,010	5,580,990
350 Public Works Department	7,695,030	268,190	1,332,000	6,094,840
390 Fox Bay Village	136,050	500	22,290	113,260
400 Agriculture	1,150,900	21,500	115,740	1,013,660
451 AG's Chambers	474,500	1,400	3,500	469,600
452 Registry	60,560	1,700	200	58,660
453 Court Services	188,970	500	860	187,610
500 Falkland Islands Defence Force	382,460	8,100	44,010	330,350
551 Police & Prisons	518,710	10,300	14,560	493,850
552 Fire & Rescue Service	362,100	17,150	69,400	275,550
600 Central Administration	2,983,290	64,410	205,840	2,713,040
603 Investment Income & Public Debt	224,610	-	-	224,610
609 Taxation	246,890	2,920	3,020	240,950
620 Department of Mineral Resources	351,830	3,200	3,020	345,610
750 The Governor	177,350	4,250	5,800	167,300
800 Legislature	276,920	3,800	1,500	271,620
850 Falkland Islands Government Office - London	527,610	-	31,200	496,410
TOTAL OPERATING BUDGET	34,963,270	1,139,160	3,131,150	30,692,960
FUND TRANSFERS				
998 Programmed Expenditure for 2004/05	4,367,500	-	-	4,367,500
TRANSFER PAYMENTS				
999 Programmed Expenditure for 2004/05	4,137,380	-	-	4,137,380
TOTAL EXPENDITURE	43,468,150	1,139,160	3,131,150	39,197,840

Passed by the Legislature of the Falkland Islands this 26th day of May 2004.

C. ANDERSON M.B.E.,
Clerk of Councils.

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

C. ANDERSON M.B.E.,
Clerk of Councils.

ELIZABETH II



FALKLAND ISLANDS

HOWARD JOHN STREDDER PEARCE C.V.O.,
Governor.

Supplementary Appropriation (2003-2004) Ordinance 2004

(No: 4 of 2004)

ARRANGEMENT OF PROVISIONS

Section

1. Short title
2. Appropriation of further sum

Schedule

ELIZABETH II



FALKLAND ISLANDS

HOWARD JOHN STREDDER PEARCE C.V.O.,
Governor.

SUPPLEMENTARY APPROPRIATION (2003-2004) ORDINANCE 2004

(No: 4 of 2004)

(assented to: 28th May 2004)
(commencement: upon publication)
(published: 11th June 2004)

AN ORDINANCE

To appropriate and authorise the withdrawal from the Consolidated Fund of the additional sum of £350,000 for the service of the financial year ending 30 June 2004.

ENACTED by the Legislature of the Falkland Islands as follows —

Short Title

1. This Ordinance may be cited as the Supplementary Appropriation (2003-2004) Ordinance 2004.

Appropriation of further sum

2. The Financial Secretary may for the purposes specified in the Schedule cause to be withdrawn from the Consolidated Fund and applied to the service of the year commencing on 1 July 2003 and ending on 30 June 2004 (“the financial year”) the further sum of £350,000 in addition to sums already appropriated by Ordinance.

Replenishment of Contingencies Fund

3. The Financial Secretary shall out of the sum appropriated by section 2 replenish the Contingencies Fund to the extent that sums specified in the Schedule, prior to the commencement of this Ordinance, have been withdrawn from the Contingencies Fund by the

authority of Contingencies Warrants Numbers 1 and 2 of 2003-2004 (the authority of which lapses on the commencement of this Ordinance).

SCHEDULE

<u>Number</u>	<u>Head of Service</u>	<u>Amount</u> £
	OPERATING BUDGET	
0200	Health & Social Services	150,000
	TOTAL OPERATING BUDGET	150,000
	CAPITAL BUDGET	
0950	Capital	200,000
	TOTAL SUPPLEMENTARY EXPENDITURE	350,000

Passed by the Legislature of the Falkland Islands this 26th day of May 2004.

C. ANDERSON M.B.E.,
Clerk of Councils.

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

C. ANDERSON M.B.E.,
Clerk of Councils.

ELIZABETH II



FALKLAND ISLANDS

HOWARD JOHN STREDDER PEARCE C.V.O.,
Governor.

Falkland Islands Pensions Scheme (Amendment) Ordinance 2004

(No: 5 of 2004)

ARRANGEMENT OF PROVISIONS

Section

1. Short title, commencement and interpretation
2. Amendment of section 2
3. Waiver of section 5 criteria in case of certain appointments to Board
4. Resolution of complaints
5. Benefits and contributions where government employees retire on grounds of ill-health or disablement
6. Reduction of account where sums paid to Financial Secretary
7. Amendment of section 27
8. Circumstances in which Scheme benefits provided otherwise than under FIPS
9. Deferment and commutation of pension benefits
10. Benefits payable on death
11. Confidentiality
12. Pension benefits for certain government employees in service on 1st January 2001
13. Further provisions related to provision of benefits out of Old Scheme Fund
14. Minor corrections

ELIZABETH II



FALKLAND ISLANDS

HOWARD JOHN STREDDER PEARCE C.V.O.,
Governor.

FALKLAND ISLANDS PENSIONS SCHEME (AMENDMENT) ORDINANCE 2004

(No: 5 of 2004)

(assented to: 28th May 2004)
(commencement: in accordance with section 1)
(published: 11th June 2004)

AN ORDINANCE

To make provision in connection with the payment out of the Old Scheme Fund of certain benefits under the Falkland Islands Pensions Scheme Ordinance 1997 and otherwise to amend the Falkland Islands Pensions Scheme Ordinance 1997

ENACTED by the Legislature of the Falkland Islands as follows —

Short title, commencement and interpretation

- 1.—(1) This Ordinance may be cited as the Falkland Islands Pensions Scheme (Amendment) Ordinance 2004.
- (2) This Ordinance shall be deemed to have come into force on 1 January 2001.
- (3) Any reference in this Ordinance to the Pensions Scheme Ordinance is a reference to the Falkland Islands Pensions Scheme Ordinance 1997(a).

(a) No 18 of 1997

Amendment of section 2

2. In section 2(1) of the Pensions Scheme Ordinance the following definition shall be inserted in the appropriate place —

“the Old Scheme Fund” means the Fund known by that name established under the Pensions (Old Scheme) Fund Ordinance 1999(b);”

Waiver of section 5 criteria in case of certain appointments to Board

3.—(1) In section 5 of the Pensions Scheme Ordinance (appointment of the Pensions Board) in subsection (2) for “Subject to subsections (3) and (4)” there shall be substituted “Subject to the provisions of this Ordinance”.

(2) The following section shall be inserted in the Pensions Scheme Ordinance immediately after section 5 —

“Waiver of section 5 criteria in certain cases

5A.—(1) The Governor may, on the advice of the Executive Council, waive any of the conditions for appointment of a named individual to the Pensions Board set out in section 5(4)(a) and (5) (members not to be auditors of employers whose employees are eligible to be members of the Scheme and Chairman not to have any interest in the assets of the Scheme otherwise than as a member of the Board).

(2) A waiver under subsection (1) must —

(a) refer to a named individual, and

(b) be published in the Gazette.

(3) A waiver under subsection (1) may be granted in respect of an individual after the date of that individual’s appointment to the Board or the date when the condition ceased to be fulfilled, and in such a case the waiver—

(a) shall have retrospective effect as from the date when the appointment of that individual to the Board failed to satisfy the condition, and

(b) shall have the effect of ratifying all decisions and other acts or omissions of the Board since that date which otherwise would be invalid.”

Resolution of complaints

4. The following section shall be substituted for section 16 of the Pensions Scheme Ordinance (disputes between employers and employees and others) —

(b) No 7 of 1999

“Appointment of Adjudicator and determination of complaints

16.—(1) The Board shall appoint a person to whom complaints about matters relating to the Scheme may be made by any person prescribed by regulations, and the person so appointed shall be known as the Adjudicator.

(2) The Adjudicator shall give a decision on any complaint referred to the Adjudicator in accordance with regulations made under this section, and the regulations may make provision requiring the complainant, the Board and any other party to the complaint to take all necessary steps to give effect to the decision of the Adjudicator.

(3) Paragraph 2(2) of Schedule 2 to the Pensions Scheme Ordinance (rules of evidence not to apply and effect of decisions) shall apply in relation to the Adjudicator for the purposes of any complaint referred to the Adjudicator in accordance with the regulations as it applies in relation to the Board.

(4) Regulations may make provision with respect to —

- (a) what may or may not be the subject of a complaint,
- (b) who may or may not make a complaint,
- (c) the making of complaints under this section, and
- (d) the determination of complaints by the Adjudicator.”

Benefits and contributions where government employees retire on grounds of ill-health or disablement

5.—(1) In section 18(c) of the Pensions Scheme Ordinance for subsections (3A) and (3B) (contributions made in respect of government employees retiring early on ill-health grounds) there shall be substituted—

“(3A) Where a person employed in government service is in receipt of a reduced salary by reason of ill-health or disablement, that person’s relevant monthly earnings shall be equal to his relevant monthly earnings immediately before the date on which the reduction in salary took place, but increased from time to time by the amount of any pay award made, to take account of inflation after that date and before his normal retirement age, to persons employed in government service occupying the same position at the same grade as that person occupied immediately before that date.”

(2) In paragraph 5A(1) of Schedule 3 to the Pensions Scheme Ordinance the words “and is not a person in respect of whom contributions are payable under section 18(3A)” shall cease to have effect.

Reduction of account where sums paid to Financial Secretary

6. In section 24 (members' individual accounts) after subsection (3) there shall be inserted —

“(4) Where the Board transfers an amount to the Financial Secretary under any provision of this Ordinance in respect of any member, the member's individual account shall be reduced by the same amount.”

Amendment of section 27

7. In section 27 (general provisions for Chapter IV) the following subsection shall be added after subsection (2) —

“(3) Where under any provision of this Ordinance a benefit is to be provided by the Financial Secretary, it shall be provided out of the Old Scheme Fund.

(4) The provisions of the Pensions (Old Scheme) Fund Ordinance 1999 shall have effect subject to the provisions of this Ordinance.”

Circumstances in which Scheme benefits provided otherwise than under FIPS

8. The following section shall be inserted in the Pensions Scheme Ordinance after section 27 —

“Circumstances in which Scheme benefits provided otherwise than under FIPS

27A.—(1) Subject to subsection (3), this section applies in relation to —

- (a) any person who becomes entitled to purchase a qualifying annuity contract;
- (b) any person who becomes entitled to a benefit under section 29; and
- (c) any person who becomes entitled to a spouse's or dependant's pension as mentioned in section 33.

(2) If, at any time, it appears to the Board that, after taking all reasonable steps, it is not possible to obtain a qualifying annuity contract, or quotations for qualifying annuity contracts, for a person within subsection (1) from a pension provider —

- (a) either at all, or
- (b) on terms which—
 - (i) comply with section 31, and
 - (ii) are broadly similar to those which might be obtained under personal pension arrangements for an individual whose circumstances are broadly similar (disregarding the country of residence) to those of the relevant member or widow, widower or dependant,

then, except in relation to any qualifying annuity contract in existence at that time, the following sections of this Chapter shall have effect subject to the provisions of Schedule 4 to this Ordinance.

(3) In any case where the benefits to which a person is or may be entitled fall within both this section and paragraph 5A of Schedule 3, that paragraph shall be applied in priority to this section, and, accordingly, this section does not apply in relation to any benefit payable under paragraph 5A(3C) or (3D).

(4) In this section and in Schedule 4 —

“a pension provider” means any person authorised under section 3 or 4 of the Insurance Companies Act 1982 to carry on long term insurance business in the United Kingdom;

“a broadly comparable annuity” in relation to any person, means an annuity falling within subsection (2)(b) as respects that person;

“personal pension arrangements” has the same meaning as it has for the purposes of Chapter IV of Part XIV of the Income and Corporation Taxes Act 1988 (as that Act applies in the United Kingdom);

“relevant member” means any member or any class of members or all members in general;

and in relation to a person within subsection (1)(c), for any reference in subsection (2) to a qualifying annuity contract there shall be substituted a reference to a spouse’s or dependant’s pension (as the case may require) within the meaning of section 31.

(5) Any reference in any law or other document to an annuity payable under section 28, however expressed and including any reference to benefits payable under section 28(1), shall include a reference to a pension to which a person is entitled under Schedule 4.

(6) Where at any time subsection (2) first applies in relation to a particular person, the Board shall —

(a) notify the Governor, and that person, that subsection (2) so applies, and

(b) shall provide the person with such information as the person may reasonably require as to the effect on any benefit payable under the Scheme.

(7) Where at any time subsection (2) first applies in relation to a relevant member, unless it first applies at that time in relation to only one member, the Board shall notify the Governor that subsection (2) so applies and shall cause to be published in the Gazette a notice to members —

(a) stating that subsection (2) applies,

(b) giving a brief statement relating to the effect on members' rights under the Scheme, and

(c) informing members and others that they can obtain further information from the Board.

(8) Schedule 4, which makes alternative provision for the payment of pensions to members, shall have effect.

(9) The Governor may by order make further provision relating to the provision of pensions under Schedule 4, and any such order may amend this section (apart from this subsection) and Schedule 4."

Deferment and commutation of pension benefits

9.—(1) Section 28(d) of the Pensions Scheme Ordinance shall have effect subject to the following amendments.

(2) In subsection (3)(c) (age by which pension must come into payment) for "70th" there shall be substituted "75th".

(3) After subsection (3) there shall be inserted —

"(3A) A member may elect to receive, in place of any benefit under subsection (1)(a) or (b), a sum equal to the accrued value of the member's individual account if that value is insufficient to fund the purchase of an annuity the annual value of which, on the assumption that no lump sum is payable under subsection (1)(a), would not exceed £500."

(4) In subsection (4) (age to which pension may be deferred) for "70th" there shall be substituted "75th", and after that subsection there shall be inserted —

"(4A) An election by a member under subsection (1)(a) or (4) shall be made not later than one year after the date of the member's retirement."

(5) In subsection (5) (withdrawal of election) —

(a) for "may be withdrawn" there shall be substituted "may be withdrawn or amended", and

(b) for "shall have effect on" there shall be substituted "shall have effect as so amended, or as the case may require, cease to have effect, from".

(6) After that subsection there shall be inserted —

(d) Am. No 29 of 1998, The Schedule, paragraph 7

“(6) Where a member elects under subsection (4) to defer payment of the lump sum and purchase of the annuity, for the reference in subsection (1)(a) to the date of that member’s retirement there shall be substituted a reference to the date specified in the election as the date to which the payment and purchase is to be deferred (“the deferral date”).”

(7) Where a member elects under subsection (4) to defer payment of the lump sum but not the purchase of the annuity, the amount deferred and the amount available for purchase of the annuity shall be calculated in accordance with subsection (1) as at the date of that member’s retirement, but—

(a) the member’s individual account shall continue (after purchase of the annuity) until the deferral date, and

(b) the amount payable as a lump sum on the deferral date shall be an amount equal to the accrued value of the member’s account at that date.

(8) Where a member elects under subsection (4) to defer the purchase of the annuity but not payment of the lump sum, the amount of the lump sum shall be calculated in accordance with subsection (1) as at the date of that member’s retirement, but—

(a) the member’s individual account shall continue (after payment of the lump sum) until the deferral date, and

(b) the amount available for purchase of an annuity on the deferral date shall be an amount equal to the accrued value of the member’s account at that date;

and the member may, within 6 months of the deferral date, elect to receive, in place of any benefit under subsection (1)(b), a sum equal to the accrued value of the member’s account at that date if that value is insufficient to fund the purchase of an annuity the annual value of which does not exceed £500.

(9) Where a member has elected to defer both the purchase of an annuity and the payment of a lump sum, the member may, within 6 months of the deferral date, elect to receive, in place of any benefit under subsection (1)(a) or (b), a sum equal to the accrued value of the member’s individual account if that value is insufficient to fund the purchase of an annuity the annual value of which, on the assumption that no lump sum is payable under subsection (1)(a), would not exceed £500.

(10) The Board shall ensure that any member is provided with sufficient information to allow the member to determine whether or not to make an election under subsection (3A), (8) or (9).

(11) Where an election is withdrawn under subsection (5) any reference in subsections (6) to (9) to the deferral date shall be read as a reference to the date on which the election ceases to have effect.

(12) An election and any notice under this section shall be made in writing and shall include such information as the Board may require.

Benefits payable on death

10.—(1) In section 33 (funding of benefits payable on death of government employee) in subsection (1) for “subject to subsection (4)” there shall be substituted “subject to the following provisions of this section”.

(2) For subsections (2) and (3) of that section there shall be substituted —

“(2) If the accrued value of the member’s individual account, less any amount falling within sub-paragraphs (a) and (b) of subsection (2B), amounts to less than twice the member’s final annual salary, the Financial Secretary shall pay to the Board an amount equal to that shortfall.

(2A) If in any case where the member leaves a widow, widower or dependant (within the meaning of section 31) if the accrued value of the member’s individual account less the specified amounts is insufficient to fund the purchase of—

(a) a spouse’s pension (within the meaning of section 31(9) and (11)) equal to one-third of the member’s final annual salary, and

(b) a dependant’s pension (within the meaning of section 31(10) and (12)) equal to one-ninth of that salary for each of the member’s dependants,

the Board shall transfer out of the Scheme Fund to the Financial Secretary an amount equal to the accrued value of the member’s account, less the specified amounts, at the time of his death.

(2B) For the purposes of subsection (2A) “the specified amounts” means —

(a) any additional voluntary contributions made to the account,

(b) any other amount which is not a contribution paid in respect of the deceased person’s employment in government service nor attributable to any such contribution, and

(c) an amount equal to twice the member’s final annual salary.

(2C) Where subsection (2A) applies, the Financial Secretary shall pay any amounts transferred to him under this section into the Old Scheme Fund and shall pay out of that Fund the spouse’s and dependant’s pensions mentioned in subsection (2A).

(3) Where subsection (2A) does not apply, the Board shall transfer an amount equal to the accrued value of the deceased member’s individual account less the amounts mentioned in paragraphs (a) and (c) of subsection (2B) to a separate account which the Board shall apply in providing lump sum payments to any person entitled to a spouse’s or dependant’s pension

and in arranging for the provision of such pensions, and such sums as may remain after that provision has been made shall be held and applied in accordance with section 30.”

Confidentiality

11. The following section shall be inserted in the Pensions Scheme Ordinance after section 39—

“Confidentiality

39A.—(1) Any person employed in the administration of the Falkland Islands Pensions Scheme or otherwise exercising any functions in relation to that Scheme shall keep confidential all information which that person acquires in or by virtue of the exercise of those functions.

(2) Subsection (1) does not prevent the disclosure of information for the purposes of the administration of the Scheme or for the purposes of the determination of any complaint made in accordance with regulations made under section 16, or for the purposes of any criminal or civil proceedings.”

Pension benefits for certain government employees in service on 1st January 2001

12.—(1) In paragraph 5A of Schedule 3 for sub-paragraph (3) (preservation of value of pension rights for certain government employees) there shall be substituted —

“(3) When on any date, “the member’s pension date”, benefits under the Scheme become payable to or in respect of the member (if an election under section 28 to defer any benefit other than payment of a lump sum has been made, at the end of the period of deferment), the Board shall ascertain and compare —

(a) the terms of the qualifying annuity contract which might be purchased with the accumulated value of the member’s share in the Scheme at the member’s pension date; and

(b) the terms of the pension or pensions and other benefits which would have been payable to or in respect of the member under the existing legislation, subject to sub-paragraph (7) and on the following assumptions —

(i) that the member had remained in government service until his 60th birthday, if that is not the case;

(ii) that the existing legislation was applicable to the member on the member’s retirement date and that the member would have been entitled to the maximum pension which he could have received under that legislation on that date assuming it to have been his 60th birthday;

(iii) that the member’s salary at his retirement date was the same as it had been on 31st December 1996 but index-linked in accordance with sub-paragraph (5) below;

(iv) that benefits which would have been payable under the existing legislation as mentioned above are increased to the extent necessary to ensure that they comply with section 31, and

(v) that any pension payable under the existing legislation would have been increased annually by 3 per cent.

(3A) In carrying out the comparison under sub-paragraph (3), any amount the member elects to receive under section 28(1)(a) shall be disregarded.

(3B) In any case where the annuity which may be payable to or in respect of the member as mentioned in sub-paragraph (3)(a) is less than the pension which would have been so payable as mentioned in sub-paragraph (3)(b) —

(a) the Board shall consult the beneficiary, that is to say, the member or, as the case may require, the spouse or dependent of the member (within the meaning of section 31) on the alternative benefits, and

(b) if the beneficiary decides to receive benefits as mentioned in sub-paragraph (3)(b) (in place of those mentioned in sub-paragraph (3)(a)) —

(i) the Board shall transfer out of the Scheme Fund an amount equal to the accumulated value of the member's share in that Fund to the Financial Secretary, less any amount which the member has elected to receive under section 28(1)(a); and

(ii) sub-paragraphs (3C) and (3D) shall apply.

(3C) The member shall be entitled to be paid a pension by the Financial Secretary on the same terms as those mentioned in sub-paragraph (3)(b) and any beneficiary of the member shall also be entitled to pensions or other benefits as provided for in such terms.

(3D) The member may make arrangements with the Board and the Financial Secretary for the remainder of the member's individual account also to be transferred to the Financial Secretary who shall pay benefits under the arrangements to or in respect of the member by reason of that transfer.

(3E) No sums shall be transferred to the Old Scheme Fund under this paragraph in respect of a member unless —

(a) the member has notified the Board in writing that an election under section 28 will not be made, or

(b) the time during which such an election may be made has expired, or

(c) an election has been made and the Board has paid the member any sum which the member has elected to receive.

(3F) The Financial Secretary shall transfer any amounts transferred to him under this paragraph into the Old Scheme Fund, and any payment required to be made by the Financial Secretary under this paragraph shall be paid out of that Fund.”

(2) In paragraph 5A(7) of that Schedule for the words from the beginning to “member” there shall be substituted “Where a pension is payable to or in respect of a member under sub-paragraph (3C)”.

(3) After paragraph 5A of that Schedule there shall be inserted —

“5B.—(1) This paragraph applies to any member to whom paragraph 5A applies.

(2) Any benefit payable in accordance with section 28 or paragraph 5A to a member who leaves government service before his 55th birthday shall be payable as from his 60th birthday, but may be deferred by the member under section 28.

(3) Any benefit payable in accordance with section 28 or paragraph 5A to a member who leaves government service on or after his 55th birthday but before his 60th birthday may if the member elects and with the consent of the Governor, be payable, subject to paragraph 5A(7), as from the date he leaves government service, but may be deferred by the member under section 28.

(4) Any benefit payable in accordance with section 28 or paragraph 5A to a member who leaves government service on or after his 60th birthday shall be payable as from the date he leaves government service, but may be deferred by the member under section 28.

(5) References in this paragraph to a benefit becoming payable in accordance with section 28 or paragraph 5A to a member includes a reference to the member becoming entitled to enter into an annuity contract in accordance with that section.”

Further provisions related to provision of benefits out of Old Scheme Fund

13. The following Schedule shall be inserted in the Pensions Scheme Ordinance after Schedule 3—

“Schedule 4

Alternative Scheme for payment of pensions where section 27A applies

Application of Schedule

1.—(1) Where section 27A(1) applies in relation to a relevant member, this Schedule applies to the relevant member’s individual account, and benefits payable to or in respect of the member under the Scheme shall be payable in accordance with this Schedule.

(2) The provisions of this Schedule shall have effect in relation to any member subject to the right of the member to make an election under section 28 either to defer payment of any benefit or to receive a lump sum equal to the value of the member's individual account, and accordingly, no sums shall be transferred to the Old Scheme Fund under paragraph 3(1) in respect of a member unless—

(a) the member has notified the Board in writing that such an election will not be made, or

(b) the time during which such an election may be made has expired or

(c) an election has been made and the Board has paid the member any sum which the member has elected to receive.

(3) For the avoidance of doubt it is hereby declared that where the provisions of this Schedule differ from the provisions of Chapter IV of this Ordinance, the provisions of this Schedule shall have effect in place of those provisions of Chapter IV.

Transfer of sums and payment of benefits

2.—(1) The Board shall transfer out of the Scheme Fund to the Financial Secretary a sum equal to the accrued value, at the time of the transfer, of the relevant member's individual account.

(2) Sub-paragraph (1) does not apply in relation to a person's entitlement to a benefit as mentioned in section 33 but instead section 33 shall have effect with the substitution of the following subsection for subsection (3)—

“(3) Where subsection (2A) does not apply the Board shall transfer—

(a) an amount equal to twice the deceased member's final salary to a separate account which the Board shall apply in providing lump sum payments to any person entitled to a spouse's or dependant's pension, and

(b) an amount equal to the amount which would be sufficient to purchase a broadly comparable annuity to the Financial Secretary,

and such sums as may remain thereafter, excluding an amount equal to the aggregate of any additional voluntary contributions made by the deceased member, shall be held and applied as mentioned in section 30.”

(3) The Financial Secretary shall transfer any sums received under this Schedule into the Old Scheme Fund.

(4) Any pension payable under this Schedule shall be paid by the Financial Secretary out of the Old Scheme Fund.

Benefits payable under section 32

3.—(1) Where section 32 (death of member before entitlement to benefits under section 28 accrues or severe illness of member at retirement) applies in relation to a member of the Scheme, the Board may exercise its powers under that section without regard to paragraph 2 or may transfer the value of the member's individual account to the Financial Secretary in accordance with paragraph 2.

(2) The Board shall if possible consult the member or a spouse or dependant (within the meaning of section 31) before making any decision under sub-paragraph (1).

Benefits payable on death of government employee

4. Where section 33 applies on the death of any member, this Schedule shall not apply.

Entitlement to benefits under this Schedule

5.—(1) Where this Schedule applies as respects any member, section 28(1)(b) shall not apply but the member shall be entitled to a pension payable at a rate which is equal so far as is reasonably practicable to the rate at which a broadly comparable annuity would be payable.

(2) Where a member is, or was, entitled to a pension under paragraph (1) then if the widow or widower of the member or any dependant of the member would have been entitled to an annuity under the Scheme, a pension shall be payable to that person at a rate which is equal so far as is reasonably practicable to the rate at which a broadly comparable annuity would be payable.

(3) Where a pension is payable under this Schedule it shall be increased annually by at least three per cent.

Period of entitlement

6. Where a person is entitled to a pension under this Schedule that entitlement shall continue until —

(a) the death of the person, or

(b) until such event occurs that had the entitlement arisen under Chapter IV disregarding section 27A the entitlement would have ceased."

Minor corrections

14.—(1) In sub-paragraph (1) of paragraph 5A of Schedule 3 to the Pensions Scheme Ordinance (protection of pension entitlement for certain government service employees) after "December 1996" there shall be inserted "and".

(2) In sub-paragraph (6) of that paragraph for "subsection" there shall be substituted "sub-paragraph".

(3) In section 2(1) of the Falkland Islands Pensions Scheme (Amendment) (No 2) Ordinance

2001 (which inserted paragraph 5A into Schedule 3 to the Pensions Scheme Ordinance) for “sub-paragraph (1)” there shall be substituted “paragraph 5(1)”.

Passed by the Legislature of the Falkland Islands this 26th day of May 2004.

C. ANDERSON M.B.E.,
Clerk of Councils.

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

C. ANDERSON M.B.E.,
Clerk of Councils.

ELIZABETH II



FALKLAND ISLANDS

HOWARD JOHN STREDDER PEARCE C.V.O.,
Governor.

Public Health (Amendment) Ordinance 2004

(No: 6 of 2004)

ARRANGEMENT OF PROVISIONS

Section

1. Short title
2. Amendment of the Public Health Ordinance
3. Validation

ELIZABETH II



FALKLAND ISLANDS

HOWARD JOHN STREDDER PEARCE C.V.O.,
Governor.

PUBLIC HEALTH (AMENDMENT) ORDINANCE 2004

(No: 6 of 2004)

(assented to: 28th May 2004)
(commencement: on publication)
(published: 11th June 2004)

AN ORDINANCE

To amend the Public Health Ordinance.

ENACTED by the Legislature of the Falkland Islands as follows —

Short title

1. This Ordinance may be cited as the Public Health (Amendment) Ordinance 2004 and shall come into force on publication in the *Gazette*.

Amendment of the Public Health Ordinance

2. The Public Health Ordinance (*Title 61.1 of the Revised Laws of the Falkland Islands*) is amended as follows —

(a) at section 2(1) by deleting the words “Deputy Chief Medical Officer” and replacing them with the words “the Director of Health and Social Services”;

(b) at section 2(2) by inserting the following subsection 2(2)(c) immediately after section 2(2)(b) —

“(c) one of whom shall be a member of the public,”

(c) at section 2(2) by deleting the word “and” immediately after section 2(2)(a) and by deleting the full stop immediately after section 2(2)(b) and replacing it with a semi-colon and inserting the word “and”; and

(d) by inserting the following subsection 2(5A) immediately after section 2(5) —

“(5A) a member of the Committee appointed under subsection 2(2)(c) of this section shall not be appointed for a period exceeding three years but is eligible for reappointment.”

Validation

3. Any meeting of the Health and Medical Services Committee which was held after August 2002 and before the commencement of this Ordinance and which was constituted in the manner provided for by section 2 of this Ordinance shall be deemed to have been validly constituted and held and all decisions thereat shall be deemed to have been validly taken notwithstanding that it was not constituted in accordance with the law then in force (that is to say section 2 of the Public Health Ordinance before its amendment by section 2 of this Ordinance).

Passed by the Legislature of the Falkland Islands this 26th day of May 2004.

C. ANDERSON M.B.E.,
Clerk of Councils.

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

C. ANDERSON M.B.E.,
Clerk of Councils.

ELIZABETH II



FALKLAND ISLANDS

HOWARD JOHN STREDDER PEARCE C.V.O.,
Governor.

Customs (Amendment) Ordinance 2004

(No: 7 of 2004)

ARRANGEMENT OF PROVISIONS

Section

1. Short title and commencement
2. Amendment of the Customs Ordinance 2003

ELIZABETH II



FALKLAND ISLANDS

HOWARD JOHN STREDDER PEARCE C.V.O.,
Governor.

CUSTOMS (AMENDMENT) ORDINANCE 2004

(No: 7 of 2004)

(assented to: 28th May 2004)

(commencement: upon publication)

(published: 11th June 2004)

AN ORDINANCE

To amend the Customs Ordinance

ENACTED by the Legislature of the Falkland Islands as follows —

Short title and commencement

1. This Ordinance may be cited as the Customs (Amendment) Ordinance 2004 and shall come into force on publication in the Gazette.

Amendment of the Customs Ordinance 2003

2. The Customs Ordinance 2003 is amended by inserting the following subsections immediately after section 60(5) —

“(6) In any case where a person would, apart from this subsection, be guilty of —

(a) an offence under this section in connection with a prohibition or restriction; and

(b) a corresponding offence under the enactment or other instrument imposing the prohibition or restriction, being an offence for which a fine or other penalty is expressly provided for by that enactment or other instrument,

he shall not be guilty of the offence mentioned in paragraph (a) of this subsection.

(7) Where any person commits an offence under this section, the goods in respect of which the offence was committed are liable to forfeiture.”

Passed by the Legislature of the Falkland Islands this 26th day of May 2004.

C. ANDERSON M.B.E.,
Clerk of Councils.

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

C. ANDERSON M.B.E.,
Clerk of Councils.

ELIZABETH II



FALKLAND ISLANDS

HOWARD JOHN STREDDER PEARCE C.V.O.,
Governor.

Highways (Weight Limits) Ordinance 2004

(No: 8 of 2004)

ARRANGEMENT OF PROVISIONS

Section

1. Short title and commencement
2. Interpretation
3. Application
4. Assignment of authorised weight
5. Display of weight disc
6. Over-riding restrictions
7. Prohibition of use of certain dump trucks on publicly maintainable highways
8. Special exemptions
9. Power to stop etc.
10. Schedules

Schedule 1

Schedule 2

ELIZABETH II



FALKLAND ISLANDS

HOWARD JOHN STREDDER PEARCE C.V.O.,
Governor.

HIGHWAYS (WEIGHT LIMITS) ORDINANCE 2004

(No: 8 of 2004)

(assented to: 28th May 2004)
(commencement: in accordance with section 1)
(published: 11th June 2004)

AN ORDINANCE

To prohibit the use on publicly maintainable highways of motor vehicles, trailers and vehicle combinations the laden weight of which exceeds 38 metric tons, to authorise the prohibition of the use of motor vehicles, trailers and combination vehicles of lesser laden weights on specified publicly maintainable highways and lengths thereof and to prohibit the use on publicly maintainable highways of unsprung dump trucks of an unladen weight exceeding 7.5 metric tons.

ENACTED by the Legislature of the Falkland Islands as follows —

Short title and commencement

1. This Ordinance may be cited as the Highways (Weight Limits) Ordinance 2004 and comes into force on such date as the Governor may appoint by notice published in the *Gazette*.

Interpretation

2.—(1) In this Ordinance —

“articulated bus or coach” means a single vehicle which is a bus or coach consisting of two or more rigid sections which —

(a) articulate relative to one another;

(b) are intercommunicating so that passengers can move freely between them; and

(c) are permanently connected so that they can only be separated by an operation using facilities normally found only in a workshop;

“articulated vehicle” means a tractor unit to which a semi-trailer is attached;

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

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

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

“employer” means employer in relation to the driving of the motor vehicle in question;

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

“laden weight”, with reference to a motor vehicle or trailer, means the aggregate weight of —

(a) the motor vehicle or trailer and any water, fuel, accumulators and other equipment used for the purpose of propulsion, loose tools and loose equipment carried on it;

(b) the driver, if any, and all other persons carried on the motor vehicle or trailer;

(c) any load carried by the vehicle or trailer;

“metric ton” means 1000 kilograms;

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

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

(b) if it is constructed or adapted for use for the conveyance of goods or burden of any description, does not exceed 3050 kilograms;

(c) does not exceed 2540 kilograms in a case falling within neither of the foregoing paragraphs;

“motor tractor” means a mechanically propelled vehicle which is not constructed itself to carry a load, other than the following articles, that is to say, water, fuel, accumulators, and other equipment used for the purpose of propulsion, loose tools and equipment, and the weight of which unladen does not exceed 7370 kilograms;

“motor vehicle” means a mechanically propelled vehicle intended or adapted for use on roads;

“over-riding restrictions” means restrictions for the time being in force under section 6 imposing lesser maximum weight limits in relation to any road;

“publicly maintainable highway” means any road —

(a) constructed at public expense over which the public have the right to pass or repass with vehicles;

(b) any road not constructed at public expense the liability for the maintenance of which has become that of the Crown in right of the Government of the Falkland Islands and over which the public have the right to pass and repass with vehicles;

(c) any road which a road within the meaning of the Road Traffic Ordinance (Title 63.1);

“rigid motor vehicle” means a motor vehicle which is not a tractor unit or an articulated bus;

“road friendly suspension” means a suspension system whereby at least 75 per cent of the spring effect is produced by air or compressible fluid under pressure or other equivalent suspension;

“semi-trailer” means a trailer which is constructed or adapted to be drawn by a tractor unit and includes a vehicle which is not itself a motor vehicle but has some or all of its wheels driven by the drawing vehicle;

“tractor unit” means a motor vehicle by which a trailer partially superimposed on it may be drawn so that, when the vehicle is fully loaded, not less than 20 per cent of its load is borne by the drawing vehicle;

“trailer” means a vehicle drawn by a motor vehicle; and

“vehicle combination” means an articulated vehicle or a rigid motor vehicle drawing a trailer.

Application

3. This Ordinance does not apply to —

(a) invalid carriages;

- (b) motor cars;
- (c) motor cycles; and
- (d) motor tractors, not being tractor units.

Assignment of authorised weight

4.—(1) Subject to subsection (3) the Director of Public Works shall on application by or on behalf of the owner of any motor vehicle, trailer or vehicle combination assign the authorised weight for that vehicle, trailer or vehicle combination. Such authorised weight shall be such, having regard to any plated weight appearing on the vehicle or such other factors or information as the Director thinks fit, but shall not, in any event, exceed the maximum permitted weight.

(2) On an application under subsection (1), the applicant shall provide the Director with such information in support of, or in connection with, the application as the Director may reasonably require.

(3) The Director of Public Works shall maintain a register of the authorised weights assigned by him under subsection (1).

(4) In relation to motor vehicles, trailers and vehicle combinations belonging to any of Her Majesty's forces or the Ministry of Defence, the functions of the Director of Public Works under this section shall be performed by the Commander of British Forces or such person under his command to whom the Commander assigns those functions.

(5) The maximum permitted weight means the authorised weight shown in relation to a vehicle having the characteristics of the vehicle in question in Schedules 1 and 2 to this Ordinance.

(6) If, after an authorised weight has been assigned under subsection (1) or (4) of this section, any alteration is carried out to any motor vehicle, vehicle or combination vehicle which affects its load-carrying capacity, the owner of the vehicle shall within fourteen days of the alteration make fresh application under this section for the assignment of an authorised weight in respect thereof, and the authorised weight assigned on such an application shall have effect instead of the previously assigned authorised weight.

(7) A person who contravenes subsection section (6) commits an offence and is liable on conviction of that offence to a fine not exceeding the maximum of level 3 on the standard scale.

Display of weight disc

5.—(1) There shall be prominently displayed at the rear of every vehicle, trailer or vehicle combination a disc bearing an expression in arabic numerals in black on a white background, and complying with regulations made under this subsection, of its authorised weight.

(2) The expression in arabic numerals referred to in subsection (1) shall be the authorised weight expressed as a whole number and decimal fraction of metric tons: Provided that if the authorised

weight represents a whole number of metric tons, it shall be expressed simply as a whole number.

(3) Any person who contravenes subsection (1) after the expiration of two months from the coming into force of this Ordinance commits an offence and is liable on conviction to a fine not exceeding the maximum of level 2 on the standard scale.

Over-riding restrictions

6.—(1) Except as is provided by section 8, it is unlawful for any person to use any motor vehicle, trailer or vehicle combination the laden weight of which exceeds 38 tonnes on any publicly maintainable highway.

(2) Whenever subsection (1) is contravened the driver of any motor vehicle involved in the offence and his employer, if any, each commit an offence punishable on conviction by a fine not exceeding the maximum of level 4 on the standard scale.

(3) The Governor may by Order under this subsection —

(a) prohibit, except as is provided by section 7, the use of any motor vehicle, trailer or vehicle combination the laden weight of which exceeds such weight as is specified in such Order on any publicly maintainable highway or length of publicly maintainable highway therein specified;

(b) provide —

(i) that a contravention of any such prohibition shall be a criminal offence punishable on conviction by a fine not exceeding the maximum of level 4 on the standard scale,

(ii) that any such offence shall be deemed to have been committed to committed by the driver of any motor vehicle involved in any such offence and by his employer, if any.

(4) The Director of Public Works may, by notice published in the *Gazette*, prohibit the use on the publicly maintainable highways specified in that notice any motor vehicle, trailer or vehicle combination the authorised weight of which exceeds 15 metric tons for such period not exceeding seven months as may be specified in that notice.

(5) Whenever any prohibition contained in a notice to which subsection (4) relates is contravened the driver of any motor vehicle involved in the offence and his employer, if any, each commit an offence punishable on conviction by a fine not exceeding the maximum of level 4 on the standard scale.

Prohibition of use of certain dump trucks on publicly maintainable highways

7.—(1) Except as provided by section 8, it is unlawful to use an unsprung dump truck the unladen weight of which exceeds 7.5 metric tons on any publicly maintainable highway.

(2) Any person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding the maximum of level 4 on the standard scale.

Special exemptions

8.—(1) The Competent Authority may, if satisfied that there is special reason in the circumstances of the particular case, and on application in writing by an interested person setting out the grounds of the application, by notice in writing exempt a person from such of the prohibitions to which section 6(1), (2) and (4) relate or from the prohibition to which section 7(1) relates as shall be specified in the notice.

(2) An exemption under subsection (1) shall specify either —

- (a) the occasion or occasions to which it relates; or
- (b) the operation to which it relates,

and shall additionally specify the special reason leading to the Competent Authority granting the exemption.

(3) In this section, “Competent Authority” means —

- (a) in relation to vehicles owned by civilian persons except those owned by the Crown in right of the Government of the Falkland Islands, the Director of Public Works;
- (b) in relation to vehicles owned by the Crown in right of the Government of the Falkland Islands, the Chief Executive;
- (c) in relation to vehicles owned by Her Majesty’s armed forces or the Ministry of Defence and vehicles owned by civilian contractors and used in direct or indirect support to military output, the Commander British Forces.

Power to stop etc.

9.—(1) A police officer in uniform may require the driver of any vehicle which he may suspect is being or has that day been driven on a publicly maintainable highway in contravention of any provision of this Ordinance or an Order thereunder to stop and may require the driver of that vehicle to drive the vehicle to a public weighbridge nominated by the police officer.

(2) A police officer in uniform may require the driver and any passenger of a vehicle which has been required to proceed to a weighbridge and to do such things and take such steps as are necessary or convenient for the purpose of having the vehicle and its load weighed by the weighbridge.

(3) The certificate in writing of the official operator of the weighbridge stating —

- (a) the registration number and description of the vehicle;

(b) the date and time the vehicle was presented for weighing;

(c) the weight of the vehicle and its load (if any) as shown by the weighbridge,

shall be admissible in evidence in any prosecution for an offence under section 6 or section 7 and shall, unless the contrary is shown, be presumed accurately to record the matters stated therein.

(4) For the purposes of any prosecution it shall be assumed unless the contrary is proved that the weighbridge referred to in subsection (3) was at that time the vehicle was weighed accurate to within plus or minus 2% of the weight indicated on the certificate.

(5) On being stopped by a police officer pursuant to subsection (1), the driver of the vehicle must produce to him any exemption under section 8 of which he claims the benefit.

(6) A person who fails or refuses to comply with a requirement made by a police officer in uniform under subsection (1) commits an offence and is liable on conviction to a fine not exceeding the maximum of level 4 on the standard scale.

Schedules

10. Schedules 1 and 2 to this Ordinance shall have effect.

Schedule 1

Maximum permitted weights for vehicles

Weight not to be exceeded in any circumstances

1.—(1) Subject to paragraph 2, the maximum permitted weight for a vehicle of a description specified in column (2) of an item of Table 1 below and having the number of axles specified in column (3) shall be the weight specified in column (4) of the item.

TABLE 1

(1) Item	(2) Description of vehicle	(3) Number of axles	(4) Authorised weight (kg)
1.	Rigid motor vehicle	2	18000
2.	Tractor unit	2	18000
3.	Trailer which is not a semi-trailer or a centre-axle trailer	2	18000
4.	Trailer which is not a semi-trailer or centre-axle trailer	3 or more	24000

5.	Rigid motor vehicle which satisfies at least one of the conditions specified in sub-paragraph (2)	3	26000
6.	Rigid motor vehicle not falling within item 5	3	25000
7.	Tractor unit which satisfies at least one of the conditions specified in sub-paragraph (2)	3 or more	26000
8.	Tractor unit not falling within item 7	3 or more	25000
9.	Articulated bus	Any number	28000
10.	Rigid motor vehicle which satisfies at least one of the conditions specified in sub-paragraph (2)	4 or more	32000
11.	Rigid motor vehicle not falling within item 10	4 or more	30000

(2) The conditions referred to in items 5, 7 and 10 of Table 1 are that—

(a) the driving axle if it is not a steering axle is fitted within twin tyres and road friendly suspension; or

(b) each driving axle is fitted with twin tyres and the maximum weight for each axle does not exceed 9500kg.

Weight by reference to axle spacing

2. For a vehicle of a description specified in column (2) of an item in Table 2 below and having the number of axles specified in column (3) of that item, the authorised weight in kilograms shall be the number equal to the product of the distance measured in metres between the foremost and rearmost axles of the vehicle multiplied by the factor specified in column (4) and rounded up to the nearest 10kg, if that number is less than the maximum authorised weight determined in accordance with paragraph 1.

TABLE 2

(1) <i>Item</i>	(2) <i>Description of vehicle</i>	(3) <i>Number of axles</i>	(4) <i>Factor to determine authorised weight</i>
1.	Rigid motor vehicle	2	6000
2.	Tractor unit	2	6000
3.	Trailer which is not a semi-trailer or centre-axle trailer	2	6000

4.	Rigid motor vehicle	3	5500
5.	Tractor unit	3 or more	6000
6.	Trailer which is not a semi-trailer or centre-axle trailer	3 or more	5000
7.	Rigid motor vehicle	4 or more	5000
8.	Articulated bus	Any number	5000

Schedule 2

Maximum permitted weights for vehicle combinations

Weight not to be exceeded in any circumstances

1.—(1) Subject to paragraph, the authorised weight for a vehicle combination of a description of vehicle specified in column (2) of an item in Table 3 below and having the number of axles specified in column (3) shall be the weight specified in column (4) of the item.

TABLE 3

(1) <i>Item</i>	(2) <i>Description of combination</i>	(3) <i>Number of axles</i>	(4) <i>Maximum weight (kg)</i>
1.	Articulated vehicle	3	26000
2.	Rigid motor vehicle towing a trailer satisfying the condition specified in sub-paragraph (2)	3	26000
3.	Rigid motor vehicle not falling within item 2 drawing a trailer	3	22000
4.	Articulated vehicle satisfying the conditions specified in sub-paragraph (3)	4	38000
5.	Articulated vehicle not falling within item 4	4	36000
6.	Rigid motor vehicle towing a trailer satisfying the condition specified in sub-paragraph (2)	4	36000
7.	Rigid motor vehicle not falling within item 6 drawing a trailer	4	30000
8.	Articulated vehicle	5 or more	38000

9.	Rigid motor vehicle towing a trailer satisfying the condition specified in sub-paragraph (2)	5 or more	38000
10.	Rigid motor vehicle not falling within item 9 drawing a trailer	5 or more	34000
11.	Articulated vehicle satisfying the conditions specified in sub-paragraph (4)	6 or more	38000
12.	Rigid motor vehicle towing a trailer satisfying each of the conditions specified in sub-paragraphs (2) and (4)	6 or more	38000

(2) The condition referred to in items 2, 6, 9 and 12 of Table 3 is that the distance between the rear axle of the motor vehicle and the front axle of the trailer is not less than 3m.

(3) The conditions referred to in item 4 of Table 3 are that—

- (a) the combination consists of a 2-axle tractor unit and a 2-axle semi-trailer;
- (b) the weight of the tractor unit comprised in the combination does not exceed 18000kg;
- (c) the sum of the axle weights of the semi-trailer does not exceed 20000kg; and
- (d) either —
 - (i) the driving axle is fitted with twin tyres and road friendly suspension; or
 - (ii) the driving axle is not a steering axle and —
 - (aa) is fitted with twin tyres, and
 - (bb) the axle weight of that axle does not exceed 8500kg.

(4) The conditions referred to in items 11 and 12 of Table 3 are that —

- (a) the axle weight of each driving axle does not exceed 10500kg; and
- (b) either —
 - (i) each driving axle is fitted with twin tyres and road friendly suspension; or
 - (ii) each driving axle which is not a steering axle is fitted with twin tyres and the axle weight of each such axle does not exceed 8500kg;
- (c) each axle of the trailer is fitted with road friendly suspension; and

(d) each vehicle comprised in the combination has at least 3 axles.

Weight by reference to axle spacing

2. For a vehicle combination of a description specified in column (2) in Table 4 below and having the number of axles specified in column (3), the maximum weight in kilograms shall be the product of the distance measured in metres between the king-pin and the centre of the rearmost axle of the semi-trailer multiplied by the factor specified in column (4) and rounded up to the nearest 10kg, if that weight is less than the maximum weight determined in accordance with paragraph 1.

TABLE 4

(1) <i>Item</i>	(2) <i>Description of vehicle combination</i>	(3) <i>Number of axles</i>	(4) <i>Factor to determine authorised weight</i>
1.	Articulated vehicle	3 or more	5500

Passed by the Legislature of the Falkland Islands this 26th day of May 2004.

C. ANDERSON M.B.E.,
Clerk of Councils.

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

C. ANDERSON M.B.E.,
Clerk of Councils.

ELIZABETH II



FALKLAND ISLANDS

HOWARD JOHN STREDDER PEARCE C.V.O.,
Governor.

Committees (Access to Information)(Amendment) Ordinance 2004

(No: 9 of 2004)

ARRANGEMENT OF PROVISIONS

Section

1. Short title
2. Amendment of section 4 of the Committees (Access to Information) Ordinance

ELIZABETH II



FALKLAND ISLANDS

HOWARD JOHN STREDDER PEARCE C.V.O.,
Governor.

COMMITTEES (ACCESS TO INFORMATION)(AMENDMENT) ORDINANCE 2004

(No: 9 of 2004)

(assented to: 28th May 2004)

(commencement: upon publication)

(published: 11th June 2004)

AN ORDINANCE

To amend the Committees (Access to Information) Ordinance 2000.

ENACTED by the Legislature of the Falkland Islands as follows —

Short title

1. This Ordinance may be cited as the Committees (Access to Information)(Amendment) Ordinance 2004.

Amendment of section 4 of the Committees (Access to Information) Ordinance

2. Section 4 of the Committees (Access to Information) Ordinance 2000(a) is amended by inserting the following subsection —

(a) No 4 of 2000

“(9) For the sake of avoidance of doubt, it is hereby declared that nothing in the preceding provisions of this section prevents the discussion at a meeting of a committee (“the later meeting”) of any matter determined by the chairman of that meeting as being a matter arising out of the minutes of any previous meeting of the committee (“a previous meeting”) which are upon the agenda of the later meeting for confirmation as a correct record but provided that—

(a) the agenda for the later meeting contains an item described as “Matters Arising out of Minutes of previous meeting” or described in words to the like effect, and

(b) Those minutes are, or a copy of them is, available for inspection pursuant to section 5(1)(a).”

Passed by the Legislature of the Falkland Islands this 26th day of May 2004.

C. ANDERSON M.B.E.,
Clerk of Councils.

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

C. ANDERSON M.B.E.,
Clerk of Councils.

SUBSIDIARY LEGISLATION

PENSIONS

Falkland Islands Pensions Scheme (Complaints Procedures) Regulations 2004

S. R. & O. No: 16 of 2004

Arrangement of Provisions

1. Citation and commencement
2. Revocation of 2001 regulations
3. Interpretation
4. Complaints
5. Persons who can make complaints
6. Representation
7. Complaints: procedure
8. Notice of a decision
9. Complainant and others to give effect to Adjudicator's decision
10. Service of notices

SUBSIDIARY LEGISLATION

PENSIONS

Falkland Islands Pensions Scheme (Complaints Procedures) Regulations 2004

S. R. & O. No: 16 of 2004

Made:28th May 2004

Published:11th June 2004

Coming into force: on publication

IN EXERCISE of my powers under section 16 of the Falkland Islands Pensions Scheme Ordinance 1997^(a) and of all other powers enabling me in that behalf, I make the following Regulations —

Citation and commencement

1. These Regulations may be cited as the Falkland Islands Pensions Scheme (Complaints Procedures) Regulations 2004, and shall come into force on publication.

Revocation of 2001 regulations

2. (1) The Falkland Islands Pensions Scheme (Dispute Procedures) Regulations 2001^(b) are hereby revoked, subject to paragraph (2).

(2) Any application under the disputes arrangements (under section 16 of the Pensions Scheme Ordinance) which has been made, but not finally disposed of, before the date on which these Regulations come into force shall continue to be dealt with under those arrangements and the regulations mentioned in paragraph (1).

Interpretation

3.—(1) In these Regulations —

“the Pensions Scheme Ordinance” means the Falkland Islands Pensions Scheme Ordinance 1997;

“the Adjudicator” means the Adjudicator appointed in accordance with section 16 of the 1997 Ordinance;

“the Board” means the Pensions Board constituted in accordance with section 5 of that Ordinance; and

^(a) 1997 No 18

^(b) S. R. & O. 2001 No 12

“decision notice” has the meaning given by regulation 8(3).

(2) Any reference in these regulations to a section is a reference to that section of the Pensions Scheme Ordinance.

(3) Any reference to a complainant’s employer, in a case where a complaint is made by the widow, widower or dependant of a member, means the member’s employer.

Complaints

4.—(1) In these Regulations “complaint” means a complaint relating to a disagreement or dispute concerning the Falkland Islands Pensions Scheme and arising between two or more persons within regulation 5(a) to (e) or between any of those persons and the Board or an agent of the Board appointed under Schedule 2 to the Pensions Scheme Ordinance.

(2) A complaint shall not be made under these Regulations unless—

(a) it relates to a matter which the person wishing to make the complaint has brought to the attention of the other person involved, and

(b) the complainant remains dissatisfied with the response, or there has been no response, from that other person.

(3) A complaint shall not be made under these Regulations in relation to any matter arising in connection with—

(a) any payment by the Board to the Financial Secretary,

(b) any payment by the Financial Secretary to the Board or to any other person, or

(c) the refusal of the Financial Secretary to make a payment to any person.

(4) A complaint shall not be made under these Regulations in relation to any matter in respect of which proceedings have been begun in any court or tribunal.

Persons who can make complaints

5. For the purposes of section 16, the following are prescribed persons who can make complaints under these Regulations—

(a) members of the Scheme;

(b) a widow, widower or dependent of a person who was a member of the Scheme immediately before his death;

(c) prospective members of the Scheme;

(d) employers of members or prospective members of the Scheme;

(e) any person who ceased to be within any of paragraphs (a) to (d) above within six months of the date on which he made a complaint under regulation 7 below; and

(f) where there is a disagreement which relates to a question whether a person who claims to be a person within any of paragraphs (a) to (e) above is such a person, the person so claiming.

Representation

6.—(1) A complaint may be made or continued on behalf of the complainant by a representative nominated by him.

(2) Where a complainant dies or is otherwise incapable of acting for himself, an application may be made or continued on his behalf—

(a) in the case of his death, by his personal representatives; and

(b) in any other case by a member of his family or some other person suitable to represent him.

Complaints: procedure

7.—(1) A complaint shall be made in writing to the Adjudicator and shall set out the following particulars—

(a) the full name, address and date of birth of the complainant;

(b) where the complainant is a person within regulation 5(b), his or her relationship with the member and the full name, last address and date of birth and date of death of the member;

(c) the full name and address of any representative of the complainant;

(d) an address in the Falkland Islands for service on the complainant of any documents in connection with the complaint;

(e) a statement as to the nature and facts of the disagreement with sufficient details to show why the complaint is being made.

(f) The complaint shall be signed by or on behalf of the complainant.

(2) Where the complaint (not made by an employer) relates to anything done or omitted to be done by the complainant's employer, the complainant shall give a copy of the complaint to the employer not later than 5 days after it is given to the Adjudicator.

(3) Where the complainant is a person within regulation 5(b), the reference in paragraph (3) to the complainant's employer shall be read as a reference to the employer of the deceased person.

(4) A complainant may by written notice given to the Adjudicator change the address given in compliance with paragraph (1)(d).

Notice of a decision

8.—(1) Subject to paragraph (4), the Adjudicator shall decide on the matters raised by a complaint under regulation 7 and shall give written notice to the complainant and his representative (if any) setting out the decision before the end of the decision period.

(2) In this regulation the decision period in relation to any complaint is the period of two months starting with the date on which the particulars of the complaint specified in regulation 7 were received by the Adjudicator.

(3) A notice under paragraph (1) is referred to as a “decision notice” .

(4) Where the complaint relates to anything done or omitted to be done by the complainant’s employer, the Adjudicator shall consult the employer before coming to a decision and shall give a copy of the decision notice to the employer not later than 5 days after the notice is given to the complainant.

(5) The Adjudicator shall give the Board a copy of any decision notice not later than 5 days after the notice is given to the complainant.

(6) The decision notice shall include, in addition to the decision itself, a reference to any legislation relied upon.

(7) If, in any case, a decision notice is not issued before the end of the decision period, the Adjudicator must send an interim notice to the complainant and his representative (if any) and, where paragraph (4) applies, to the employer, setting out the reasons for the delay and a date by which the decision is expected to be issued.

(8) The interim notice must be sent to the complainant not later than 5 days after the end of the decision period.

(9) The Adjudicator must send a copy of the interim notice to the Board not later than 5 days after the notice is given to the complainant.

Complainant and others to give effect to Adjudicator’s decision

9. The complainant and any other person who has been served with a copy of the decision notice shall take all necessary steps (by reconsidering decisions or by withdrawing claims or by any other means, as the case may require) to give effect to the decision of the Adjudicator.

Service of notices

10. Any notice required by any provision of these Regulations to be served on any complainant shall, if not served on the complainant in person, be served on him at the address, or last address, given to the Adjudicator under regulation 7(1)(d) or (5), and—

(a) shall be posted to that address, and

(b) shall be deemed to have been served not later than the third day succeeding the day on which the notice would have been received in the ordinary course by post,

and in proving such service, it shall be sufficient to prove that the letter containing the notice was properly addressed and posted.

Made this 28th day of May 2004

H.J.S. Pearce C.V.O.,
Governor

EXPLANATORY NOTE
(not forming part of the Regulations)

These Regulations replace the Falkland Islands Pensions Scheme (Disputes Procedures) Regulations 2001 (“the 2001 Regulations”). They are made under section 16 of the Falkland Islands Pensions Scheme Ordinance 1997 (“the 1997 Ordinance”) as inserted by section 4 of the Falkland Islands Pensions Scheme (Amendment) Ordinance 2004 (“the Amendment Ordinance 2004”) and provide for the settlement of disagreements between the persons specified in Regulation 5. Section 16 provides that complaints shall be made to the Adjudicator appointed under that section but requires detailed provisions to be made by Regulations.

Regulation 1

Regulation 1 sets out the short title of the Regulations and provides that the Regulations shall come into force on publication, that is to say when they are published in the Gazette.

Regulation 2

This Regulation revokes the 2001 Regulations but provides a saving for disputes which have arisen but not been settled before these new Regulations come into force. Such disputes will if an application has been made initiating the procedure under the 2001 Regulations, continue to be dealt with under those Regulations. All other disputes will be dealt with under the new Regulations provided that all the requirements of these Regulations are satisfied.

Regulation 3

This Regulation defines certain terms which appear in the Regulations.

Regulation 4

Regulation 4 specifies what may be the subject matter of a complaint and what is not permitted to be dealt with under the new procedure.

Paragraph (1) makes disagreements or disputes between persons specified in *Regulation 5* or between any such person and the Board or an agent of the Board if one is appointed under Schedule 2 to the 1997 Ordinance.

Paragraph (2) excludes cases where the complainant has not tried to settle the matter with the other person concerned or has tried and the dispute or disagreement has been settled.

Paragraph (3) makes it clear that any matter relating to the payment of amounts out of the Old Scheme Fund, which is provided for in the amendments made to the 1997 Ordinance by the Amendment Ordinance 2004, will not be permitted to be the subject of a complaint under these Regulations.

Paragraph (4) excludes any matter if proceedings in a court have been started in respect of the same matter.

Regulation 5

This Regulation identifies the people who can make a complaint under the Regulations. These are members of the scheme, a surviving spouse or dependant of a deceased member, anyone who is considering joining the Scheme, employers of members or prospective members, anyone who was within any of those categories not more than 6 months before the complaint is made, and any one who claims to be eligible to make a complaint where that claim is disputed.

Regulation 6

Paragraph (1) allows a complainant to nominate another person to make the complaint on his behalf. That person does not have to be a lawyer but may, for example, be a member of the complainant's family or a friend.

Paragraph (2) deals with the case where the complainant is unable to act or has died. In the case of the death of a complainant the personal representatives may act, and in other cases the complainant may be represented by a member of his family or some other suitable person.

Regulation 7

This Regulation sets out the basic requirements of the complainants procedure. The complaint must be in writing and state the name, address and date of birth of the complainant, if the complaint concerns a deceased member's surviving spouse or dependants, their relationship with the deceased member and the date of his or her death. Also if a representative is acting for the complainant the name and address of the representative. An address in the Falkland Islands is required to be given for service on the complainant of documents relating to the complaint. A different address may be substituted by written notice to the Adjudicator. The complaint must also state the nature of the disagreement giving rise to the complaint with sufficient details to explain why the complaint is being made. A copy of the complaint must be given to the complainant's employer if it relates to anything done or not done by the employer within 5 days of the complaint being given to the employer.

Regulation 8

Paragraph (1) requires the Adjudicator to make a decision on a complaint and give the parties written notice of his decision, the "decision notice", before the end of the decision period.

Paragraph (2) defines the decision period as 2 months starting with the date on which particulars of the complaint were received by the Adjudicator.

If the complaint concerns the complainant's employer, paragraph (4) requires the Adjudicator to give a copy of the decision notice to the employer within 5 days of the date the notice is given to the complainant.

Paragraph (5) requires the Adjudicator to give a copy of the decision notice to the Board within 5 days of giving the notice to the complainant.

To assist the complainant in understanding the basis on which the decision has been arrived at, paragraph (6) requires the Adjudicator to mention in the notice any legislation which he relied upon in making the decision.

There may be complex cases where the Adjudicator is unable to come to a decision within the 2 month decision period, or concerned parties may be out of the Falkland Islands for part of the time delaying consideration of the complaint. In such cases paragraph (7) allows the Adjudicator more time provided that he sends a notice to the complainant and his representative if any and to the employer if he is concerned in the matter. The notice must explain the delay and identify a date by which the decision notice will be issued.

Paragraph (8) requires the notice to be sent to the complainant within 5 days of the end of the 2 month decision period.

Under paragraph (9) the Adjudicator is required to send a copy of the interim notice to the Board not later than 5 days after the notice is sent to the complainant.

Regulation 9

Regulation 9 requires all parties and the Board to take all necessary steps to give effect to the Adjudicator's decision. This may include reconsidering an earlier decision and amending it or substituting a new decision or withdrawing a claim.

Regulation 10

This Regulation makes provision with respect to the service of notices required by the Regulations. A notice to be served on the complainant must be served on him personally or at his last address given to the Adjudicator under Regulation 7. If sent to that address it must be sent by post and shall be deemed to have served not later than the 3rd day after it would have arrived in the normal course of the post. Proof that a letter has been properly addressed and posted is sufficient proof of service under these provisions.

SUBSIDIARY LEGISLATION

ROAD TRAFFIC

Mount Pleasant and Mare Harbour (Designation and Speed Limits) Order 2004

S. R. & O. No: 17 of 2004

Made:28th May 2004

Published:11th June 2004

Coming into force: on publication

IN EXERCISE of my powers under sections 2 and 29 of the Road Traffic Ordinance (Title 63.1) and of all other powers enabling me in that behalf, I make the following Order —

Citation and commencement

1. This Order may be cited as the Mount Pleasant and Mare Harbour (Designation and Speed Limits) Order 2004 and shall come into force upon its publication in the *Gazette*.

Interpretation

2.—(1) In this Order —

“Mare Harbour Road” means the road between the Guardroom Entrance to Mount Pleasant Airport and entrance gate to the Naval Port at Mare Harbour, to include Batt Road, North Road and Woodhead Road;

“roads within Mount Pleasant Complex” means any street, thoroughfare, highway, lane, court, alley, passage, carpark or other open place, whether private or public, on which vehicles are or may be used and which is within the boundaries of the Mount Pleasant Airport Complex and which lies beyond the Guardroom Entrance to Mount Pleasant Airport when approaching from the south;

“roads within the Naval Port at Mare Harbour” means any street, thoroughfare, highway, lane, court, alley, passage, carpark or other open place, whether private or public, on which vehicles are or may be used and which is within the boundaries of the Naval Port at Mare Harbour and which lies beyond the entrance gate of the Naval Port at Mare Harbour when approaching from the North.

Application of Road Traffic Ordinance

3.—(1) Subject to paragraph (2), the Mare Harbour Road, the roads within the Naval Port at Mare Harbour and the roads within the Mount Pleasant Complex are declared to be roads for the purposes of the Road Traffic Ordinance.

(2) Paragraph (1) does not apply to any area which is used for aircraft manoeuvring.

Speed limits

4.—(1) All roads within the Mount Pleasant Complex are restricted roads and shall be subject to a maximum speed limit of 30 miles per hour except that the car park to the south of the air terminal at Mount Pleasant Airport shall be subject to a maximum speed limit of 15 miles per hour.

(2) The Mare Harbour Road shall be a restricted road subject to a maximum speed limit of 40 miles per hour.

(3) All roads within the Naval Port at Mare Harbour shall be restricted roads with a maximum speed limit of 30 miles per hour.

Revocation

5. The Mount Pleasant and Mare Harbour (Designation and Speed Limits) Order 1997 is revoked.

Made this 28th day of May 2004

H. J. S. Pearce C.V.O.,
Governor

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**THE
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Supplement**

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The following are published in this Supplement -

Finance Ordinance 2004, (No: 10 of 2004);

17A Ross Road West Direction 2004, (S. R. & O. No: 18 of 2004);

4 Pioneer Row and 4 Brandon Road Direction 2004, (S. R. & O. No: 19 of 2004);

66 Davis Street and 36 Callaghan Road Direction 2004, (S. R. & O. No: 20 of 2004);

Fishery Products (Hygiene) (Revocation of Approval) Order 2004, (S. R. & O. No: 21 of 2004);

Merchant Shipping Ordinance 2001 (Correction) Order 2004, (S. R. & O. No: 22 of 2004);

Coins Order 2004, (S. R. & O. No: 23 of 2004).

ELIZABETH II



FALKLAND ISLANDS

HOWARD JOHN STREDDER PEARCE C.V.O.,
Governor.

FINANCE ORDINANCE 2004

(No: 10 of 2004)

ARRANGEMENT OF PROVISIONS

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 2. Amendment of Cruise Ships Ordinance 1998
 3. Amendment of Stanley Rates Ordinance
 4. Creation of the Capital Equalisation Fund and closure of the Sinking Fund
 5. Amendment of the Public Funds Ordinance
 6. Increase in Customs services fees
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ELIZABETH II



FALKLAND ISLANDS

HOWARD JOHN STREDDER PEARCE C.V.O.,
Governor.

FINANCE ORDINANCE 2004

(No: 10 of 2004)

(assented to: 2 June 2004)

(commencement: on publication)

(published: 18 June 2004)

AN ORDINANCE

To amend the Cruise Ships Ordinance 1998, the Stanley Rates Ordinance, the Public Funds Ordinance and the Road Traffic Ordinance; to repeal the Special Funds Ordinance 1993; to establish the Capital Equalisation Fund and dissolve the Sinking Fund, and to amend the Customs (Fees) Regulations.

ENACTED by the Legislature of the Falkland Islands as follows —

Short title and commencement

1. This Ordinance may be cited as the Finance Ordinance 2004 and, except as specified in section 4(4) and 5(2), shall come into force on 1st July 2004.

Amendment of Cruise Ships Ordinance 1998

2. Section 3 of the Cruise Ships Ordinance 1998(a) is amended by replacing the words “a passenger tax of £10” in subsection (1) with the words “a passenger tax of £15” and by replacing subsection (2) with the following —

(a) No 23 of 1998

“(2) If it is shown to the satisfaction of the Collector of Customs that a fee of not less than 15 dollars in the currency of the United States of America per passenger aboard that vessel has been or will be paid for the privilege of visiting during that same voyage any privately owned land or Camp, the tax payable under subsection (1) shall be reduced to £5 a passenger.”

Amendment of Stanley Rates Ordinance

3. The Stanley Rates Ordinance(b) is amended —

(a) by replacing the cross-heading “PART II: WATER RATE” preceding section 30 with the cross-heading “PART II: CHARGES FOR WATER, REFUSE COLLECTION AND OTHER SERVICES”;

(b) by the removal of the existing heading to section 30 and the repeal of that section and their replacement by the following heading and section —

“Charges for water, refuse collection and other services

30.—(1) There shall be payable by the occupier of domestic and other premises, and whether the premises are within the boundaries of Stanley or not, such charges for services supplied to or in respect of those premises by or on behalf of the Crown as with the approval of the Standing Finance Committee of the Legislative Council may be prescribed by the Financial Secretary by notice published in the *Gazette*.

(2) In subsection (1), “services” , without prejudice to the generality of that expression, includes an unmeasured supply of water and the removal of refuse from the premises.

(3) The Financial Secretary’s powers under subsection (1) include power, with the approval of the Standing Finance Committee, to prescribe in a notice published in accordance with that subsection —

(a) that, in respect of domestic premises, charges lower than those that would otherwise be payable by virtue of notice published thereunder shall be payable by persons belonging to such class or classes of persons specified in such a notice;

(b) that, in respect of premises other than domestic premises that any charge payable in respect of the removal of refuse by virtue of such a notice shall vary, as shall be specified in such a notice, in accordance with the quantity, type or size of refuse containers removed from the premises;

(c) that premises occupied by any church or charity specified in the notice or falling within a class so specified shall be exempt from the payment of charges payable under that subsection, or be liable only to pay such reduced charge as is prescribed in such notice, but, in either case, subject to such conditions as may be specified therein;

(b) Title 66.1 as amended by sections 2 to 6 of Finance Ordinance 1994 (No. 14 of 1994)

(d) that where premises come into existence during the course of a period to which any charge prescribed under a notice published under subsection (1) relates, that a reduced or apportioned charge calculated as specified in that notice shall be payable.

(4) In respect of domestic premises —

(a) any charge under subsection (1) for removal of refuse payable is payable if the service of collection of refuse from the premises by or on behalf of the Crown is available;

(b) any charge under subsection (1) for the unmeasured supply of water is payable if the premises are connected directly or indirectly to a Government owned water main.

(5) If an occupier of premises who is not the owner of them fails within three months of demand being made for the same to pay any charge in respect of those premises payable by virtue of publication of a notice under subsection (1), the owner of those premises shall if so required by notice in writing served on him by the Financial Secretary, pay that charge within twenty-one days and may, when he has paid the same, unless by contract between him and the occupier he is obliged to pay the charge in place of the occupier, recover the sum he has paid from the occupier as if it were rent due to him by the occupier, and where there have been different occupiers in relation to different parts of the period to which the charge relates, from the several occupiers, in ratio to their period of occupation.

(6) Sections 28 and 29 of this Ordinance shall apply to any charge in respect of which a notice under subsection (1) relates as if the charge were a rate to which Part I of this Ordinance relates.

(7) Where water is supplied by or on behalf of the Crown to ships there shall be payable in respect of supply such fixed rate per ton as with the consent of the Standing Finance Committee of the Legislative Council be may be prescribed by the Financial Secretary by notice published in the *Gazette*.

(8) This section binds the Crown.”;

(c) in section 31(1)(c), by replacing the words “to which section 32 relates” with the words “as if it were a rate to which sections 28 and 29 relate”;

(d) by adding to section 31 the following subsection —

(c) as replaced by section 4(1) Finance Ordinance 1994 (No.14 of 1994)

“(4) Where water is supplied to any premises by measure, and in respect of any period of twelve months beginning on 1st July there would be payable in relation to water so supplied nothing or a sum less than such sum as, with the approval of Standing Finance Committee of the Legislative Council, may be prescribed by the Financial Secretary by notice published in the *Gazette*, there shall be payable such sum as is so prescribed instead of the sum, if any, which otherwise would be payable.”;

(e) by repealing section 33A(1)(a), (2) and (3) and replacing subsection (2) with the following —

“(2) Section 30(5) shall have effect in relation to any sum payable by virtue of subsection (1)(b) of this section in the same way as it has in relation to any sum payable by virtue of a notice under section 30(1).”; and

(f) by deleting all words after “Crown” in section 33A(4).

Creation of the Capital Equalisation Fund and closure of the Sinking Fund

4.—(1) A fund to be known as the Capital Equalisation Fund is hereby established as a Special Fund and the provisions of sections 11(2) and sections 29 and 30 of the Finance and Audit Ordinance(d) are declared to apply to that Fund, but without excluding subject to subsection (2) the application of other provisions of that Ordinance by virtue of their own terms.

(2) Nothing in section 29(2) of the Finance and Audit Ordinance shall enable the Financial Secretary to give any directions in relation to the Capital Equalisation Fund which are inconsistent with the provisions of the Public Funds Ordinance(e) as amended by section 5 of this Ordinance.

(3) The balance standing to the credit of the Sinking Fund at the close of business on the commencement date shall, notwithstanding anything to the contrary in or having effect under sections 29 and 30 of the Finance and Audit Ordinance be paid into and stand to the credit of the Capital Equalisation Fund and the Sinking Fund shall thereupon be dissolved and cease to exist, but without prejudice to the continuing application, in relation to the Sinking Fund, of the provisions of the Finance and Audit Ordinance as to the preparation, audit and publication of the annual accounts in respect of any financial year or part of a financial year in which the Sinking Fund existed.

(4) The Special Funds Ordinance(f) is repealed on the commencement date.

(5) In this section —

(a) “the commencement date” means the later of 1st July 2004 and the date on which the Secretary of State’s concurrence to the establishment of the Capital Equalisation Fund and the dissolution of the Sinking Fund is published in the *Gazette*;

(d) Title 19.3

(e) Title 42.1

(f) Title 19.6

(b) "the Sinking Fund" means the fund of that name established by section 2 of the Special Funds Ordinance;

(c) "Special Fund" has the same meaning as in the Finance and Audit Ordinance

Amendment of Public Funds Ordinance

5.—(1) The Public Funds Ordinance is amended —

(a) by the insertion of the heading "PART I—INTRODUCTORY" before section 1;

(b) by the insertion of the heading "PART II—INSURANCE FUND" before section 3;

(c) by the insertion of the following after section 8 —

"PART III—CAPITAL EQUALISATION FUND

Application of this Part

9.—(1) This Part applies to the Capital Equalisation Fund.

(2) In this Part, "the Capital Equalisation Fund" means the Special Fund of that name established by section 4(1) of the Finance Ordinance 2004.

Payments into and investment of the Capital Equalisation Fund

10.—(1) There may be paid into the Capital Equalisation Fund —

(a) such sum as is authorised to be paid into the Fund by section 4(3) (transfer of balance of Sinking Fund) of the Finance Ordinance 2004;

(b) such sums as are from time to time authorised to be paid into the Fund by Appropriation Ordinance or other Ordinance; and

(c) such capital receipts as may be prescribed by regulations made under subsection (4).

(2) The Capital Equalisation Fund and every part thereof may be invested in any manner in which monies forming part of the Consolidated Fund may, under section 24(1) of the Finance and Audit Ordinance, be invested.

(3) All sums representing the income, proceeds of sale or other capital receipt in respect of any investment of the Capital Equalisation Fund shall be paid into and form part of that Fund.

(4) The Governor may make regulations for the purposes of paragraph (c) of subsection (1).

Payments out of the Capital Equalisation Fund

11.—(1) There may be paid out of the Capital Equalisation Fund—

(a) the costs of management and investment and of disposal of investments of the Fund;

(b) such sums as are authorised to be withdrawn from the Fund by Appropriation or other Ordinance; and

(c) such sums as are authorised by the Financial Secretary pursuant to an Order under subsection (2) to be withdrawn from the Fund.

(2) The Governor may, with the approval of the Secretary of State, by Order provide that he may authorise the Financial Secretary to withdraw any sum from the Capital Equalisation Fund required to provide for any expenditure of a capital nature specified in the authorisation.”

(2) This section comes into force on the commencement date.

(3) In this section “the commencement date” has the same meaning as it has under section 4(5).

Increase in Customs services fees

6. The Customs (Fees) Regulations 1999(g) are amended —

(a) in regulation 4(1) by replacing “£36” with “£40” and “£181” with “£200”;

(b) in regulation 4(2) by replacing “£18” with “£20” and “£91” with “£100”;

Increase in Motor Vehicle licence fees

7. Section 4(1) of the Road Traffic Ordinance(h) is amended —

(a) in paragraph (a) by replacing “£35” with “£39”;

(b) in paragraph (b) by replacing “£80” with “£90”;

(c) in paragraph (c) by replacing “£127” with “£142”; and

(d) in paragraph (d) by replacing “£29” with “£33”.

(g) S.R. & O No. 10 of 1979

(h) Title 63 .1

Passed by the Legislature of the Falkland Islands this 26th day of May 2004.

C. ANDERSON M.B.E.,
Clerk of Councils.

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

C. ANDERSON M.B.E.,
Clerk of Councils.

SUBSIDIARY LEGISLATION

**PLANNING AND BUILDING
General Development Order 1991**

17A Ross Road West Direction 2004

S. R. & O. No. 18 of 2004

Given:.....1 June 2004

Published:.....18 June 2004

Coming into force: on publication

IN EXERCISE of my powers under Article 5 of the General Development Order 1991 (Title 55.3.1) , I give the following Direction —

Citation and commencement

1. This Direction may be cited as the 17A Ross Road West Direction 2004 and shall come into force on publication.

Requirement to obtain planning permission

2.—(1) The planning permission granted by Article 4 of and Part 1 of Schedule 2 to the General Development Order 1991 does not apply to all or any development (except such as may fall within Class N in the said Part 1) within the curtilage of 17A Ross Road West, Stanley.

(2) For the purposes of this Direction the curtilage of 17A Ross Road West is the piece of land on the south side of 17 Ross Road West, Stanley shown outlined in blue and red on the plan attached to the planning application reference 17/04/DP.

Given this first day of June 2004

H. J. S. Pearce C.V.O.,
Governor

EXPLANATORY NOTE

(not forming part of the above Direction)

The effect of a Direction under Article 5 of the General Development Order 1991 is to require the specific grant of planning permission for a number of categories of development which would otherwise have been granted planning permission under Article 4 of the Order.

The reason for this Direction is that three houses are to be built 17A Ross Road West resulting in each house having a smaller piece of land than a house would otherwise have been permitted to be built upon and further development of the plot might result in over-intensive site coverage.

SUBSIDIARY LEGISLATION

**PLANNING AND BUILDING
General Development Order 1991**

4 Pioneer Row and 4 Brandon Road Direction 2004

S. R. & O. No. 19 of 2004

Given:..... 1 June 2004

Published:..... 18 June 2004

Coming into force: on publication

IN EXERCISE of my powers under Article 5 of the General Development Order 1991 (Title 55.3.1), I give the following Direction —

Citation and commencement

1. This Direction may be cited as the 4 Pioneer Row and 4 Brandon Road Direction 2004 and shall come into force on publication.

Requirement to obtain planning permission

2.—(1) The planning permission granted by Article 4 of and Part 1 of Schedule 2 to the General Development Order 1991 does not apply to all or any development (except such as may fall within Class N in the said Part 1) within the curtilage of 4 Pioneer Row and 4 Brandon Road, Stanley.

(2) For the purposes of this Direction the curtilage of 4 Pioneer Row and 4 Brandon Road is the piece of land on the south side of Pioneer Row, Stanley shown outlined in blue and red on the plan attached to the planning application reference 44/04/PB.

Given this first day of June 2004

H. J. S. Pearce C.V.O.,
Governor

EXPLANATORY NOTE

(not forming part of the above Direction)

The effect of a Direction under Article 5 of the General Development Order 1991 is to require the specific grant of planning permission for a number of categories of development which would otherwise have been granted planning permission under Article 4 of the Order.

The reason for this Direction is that an additional house is to be built within the curtilage of 4 Pioneer Row, resulting in each house having a smaller piece of land than a house would otherwise have been permitted to be built upon and further development of the plot might result in over-intensive site coverage.

SUBSIDIARY LEGISLATION

**PLANNING AND BUILDING
General Development Order 1991**

66 Davis Street and 36 Callaghan Road Direction 2004

S. R. & O. No. 20 of 2004

Given:.....1 June 2004

Published:..... 18 June 2004

Coming into force: on publication

IN EXERCISE of my powers under Article 5 of the General Development Order 1991 (Title 55.3.1) , I give the following Direction —

Citation and commencement

1. This Direction may be cited as the 66 Davis Street and 36 Callaghan Road Direction 2004 and shall come into force on publication.

Requirement to obtain planning permission

2.—(1) The planning permission granted by Article 4 of and Part 1 of Schedule 2 to the General Development Order 1991 does not apply to all or any development (except such as may fall within Class N in the said Part 1) within the curtilage of 66 Davis Street and 36 Callaghan Road, Stanley.

(2) For the purposes of this Direction the curtilage of 66 Davis Street and 36 Callaghan Road is the piece of land on the south side of Davis Street, Stanley shown outlined in blue and red on the plan attached to the planning application reference 05/03/DP.

Given this first day of June 2004

H. J. S. Pearce C.V.O.,
Governor

EXPLANATORY NOTE

(not forming part of the above Direction)

The effect of a Direction under Article 5 of the General Development Order 1991 is to require the specific grant of planning permission for a number of categories of development which would otherwise have been granted planning permission under Article 4 of the Order.

The reason for this Direction is that a second house is to be built at 66 Davis Street, resulting in each house having a smaller piece of land than a house would otherwise have been permitted to be built upon and further development of the plot might result in over-intensive site coverage.

SUBSIDIARY LEGISLATION

FISHERIES

Fishery Products (Hygiene)(Revocation of Approval) Order 2004

(S. R. & O. No: 21 of 2004)

Made: 4 June 2004

Published: 18 June 2004

Coming into force: upon publication

IN EXERCISE of my powers under section 3(1) of the Fishery Products (Hygiene) Ordinance 1998(a) and of all other powers enabling me in that behalf, I make the following Order —

Citation and commencement

1. This Order may be cited as the Fishery Products (Hygiene)(Revocation of Approval) Order 2004 and comes into force on publication in the *Gazette*.

Revocation of approval of factory fishing vessels

2. The Fishery Products (Hygiene)(Designated Vessels) Order 1999(b) and the Fishery Products (Hygiene)(Designated Vessels)(No 2) Order 2000(c) are hereby revoked.

Made this fourth day of June 2004

H.J.S Pearce C.V.O.,
Governor

EXPLANATORY NOTE

(not forming part of the above Order)

The Fishery Product (Hygiene) Ordinance 1998, coupled with the regulations made under it, enables the operators of factory fishing vessels to obtain confirmation that their vessel meets the standards of hygiene prescribed in the European Commission. The vessels whose designation is revoked by this Order are no longer vessels to which the provisions of the legislation apply.

(a) No. 7 of 1998

(b) No 3 of 1999

(c) No 17 of 2000

SUBSIDIARY LEGISLATION

MERCHANT SHIPPING

Merchant Shipping Ordinance 2001 (Correction) Order 2004

S. R. & O. No. 22 of 2004

Made:11 June 2004

Published: 18 June 2004

Coming into force: on publication

IN EXERCISE of my powers under section 93 of the Interpretation and General Clauses Ordinance(a), and of all other powers enabling me in that behalf, I make the following Order —

Citation and commencement

1. This Order may be cited as the Merchant Shipping Ordinance 2001 (Correction) Order 2004 and shall come into force on publication in the *Gazette*.

Correction of Schedule to the Merchant Shipping Ordinance 2001

2. The Schedule to the Merchant Shipping Ordinance 2001(b) is rectified in paragraph 8(2) by the replacement of “subsection (2)” with “subsection (3)”.

Made this eleventh day of June 2004

D. G. Lang C.B.E. Q.C.,
Attorney General

SUBSIDIARY LEGISLATION

CURRENCY

Coins Order 2004

S. R. & O. No. 23 of 2004

Made: 15 June 2004

Published:..... 18 June 2004

Coming into force: in accordance with article 1

IN EXERCISE of my powers under section 22 of the Currency Ordinance 1987 (Title 25.1) and of all other powers enabling me in that behalf, I make the following Order —

Citation and commencement

1. This Order may be cited as the Coins Order 2004 and shall come into force upon publication in the *Gazette*.

New coins

2.—(1) The minting and issue of the coins described and specified in the Schedules to this Order are hereby authorised.

(2) The Schedules to this Order shall have effect so as to specify the denomination, fineness, weight, diameter, quality, shape, edge and number of the coins authorised by paragraph (1) of this article, the tolerance or remedy which may be permitted in respect of variations from the standard weight, diameter and fineness of the coins and the design of the obverse and reverse of the coins.

Made this fifteenth day of June 2004

H. J. S. Pearce C.V.O.,
Governor

SCHEDULE 1

Specifications of Falkland Islands coins to commemorate the "Celebration of Queen Elizabeth The Queen Mother's Life"

Type	Gold Proof	Silver Proof	Cupro-nickel
Denomination	£25	50 pence	50 pence
Weight (grams)	7.91	28.28	28.28
Diameter (millimetres)	22	38.61	38.61
Fineness	0.999 Gold	0.925 Sterling silver	75% Cu 25% Ni
Quality	Proof	Proof	Prooflike
Shape	Round	Round	Round
Edge	Milled	Milled	Milled
Edition	1,000	10,000	Unlimited
Mint	Valcambi sa		
Remedy	Variations to be allowed of the amount permitted by the Valcambi sa Mint		
Obverse Design for the Gold Proof coin	The uncouped portrait of Her Majesty The Queen by Raphael Maklouf in the centre surrounded by the inscription "QUEEN ELIZABETH II – FALKLAND ISLANDS – 25 POUNDS"		
Obverse Design for the Silver Proof and Cupro-nickel coins	The uncouped portrait of Her Majesty The Queen by Raphael Maklouf in the centre surrounded by the inscription "QUEEN ELIZABETH II– FALKLAND ISLANDS – 50 PENCE"		
Reverse Design for all coin types	In the centre, to the right, a mature portrait of Her Majesty Queen Elizabeth the Queen Mother and to the left a portrait of Her Majesty as a young lady, with Westminster Abbey in the background, and the inscriptions "QUEEN ELIZABETH THE QUEEN MOTHER" around the edge, "TO CELEBRATE A LIFE OF DUTY, DIGNITY AND LOVE" in the foreground, and the dates "1900" and "2002" in the background.		

SCHEDULE 2

Specifications of Falkland Islands coins to commemorate the Queen in Her Majesty's Golden Jubilee Year (The Golden Jubilee Collection – Series II)

Type	(a) Cupro- nickel	(b) Silver Proof	(c) Silver Proof with Gold Plate	(d) Gold
	(colour and non-colour version)	(non-colour version)	(colour version)	(colour and non- colour version)
Denomination	50 pence	50 pence	50 pence	50 pence
Weight (grams)	28.28	28.28	28.28	39.94
Diameter (millimetres)	38.61	38.61	38.61	38.61
Fineness	75% Copper 25% Nickel	.925 Sterling Silver	.925 Sterling Silver with .999 Gold plated reverse inscription	.916 Gold
Quality	Prooflike	Proof	Proof	Proof
Shape	Round	Round	Round	Round
Edge	Milled	Milled	Milled	Milled
Edition Limit	Unlimited	15,000 coins per design 180,000 coins in total		50 coins per design 600 coins in total
Mint	Valcambi sa			
Remedy	Variations to be allowed of the amount permitted by the Valcambi sa Mint			
Obverse Design for all types	The uncouped portrait of Her Majesty the Queen by Raphael Maklouf with the circumferential inscription "QUEEN ELIZABETH II · 2002 · FALKLAND ISLANDS · 50 PENCE"			
Twelve Reverse Designs as follows for all types:	<ol style="list-style-type: none"> 1. In the centre a standing figure of Her Majesty Queen Elizabeth II and standing and seated figures of aborigines in native custom, with the inscription "Visit to Australia" 			

2. In the centre Her Majesty Queen Elizabeth II and His Royal Highness The Duke of Edinburgh in the Coronation Coach, with the inscription "Coronation Coach"
3. In the centre Her Majesty Queen Elizabeth II and in the background St Pauls Cathedral, with the inscription "Thanksgiving Service"
4. In the centre Her Majesty Queen Elizabeth II and His Royal Highness Prince Charles in the Prince's garden at the Chelsea Flower Show, with the inscription "Chelsea Flower Show"
5. In the centre conjoint portraits of Her Majesty Queen Elizabeth II and His Royal Highness The Duke of Edinburgh, and the inscription "Golden Jubilee Portrait"
6. In the centre, a flypast of Concorde and the Red Arrows with vapour trails, with the inscription "The Palace Flypast"
7. In the centre Her Majesty Queen Elizabeth II and His Royal Highness The Duke of Edinburgh on the balcony of Buckingham Palace, and the inscription "The Palace Balcony"
8. In the centre Her Majesty Queen Elizabeth II in the foreground with Buckingham Palace and fireworks, with the inscription "Weekend Finale"
9. In the centre a map of the British Isles and flags of Scotland, England, Wales and Northern Ireland, and the inscription "Royal Tour of Britain"
10. In the centre Her Majesty Queen Elizabeth II with His Royal Highness The Duke of Edinburgh and His Royal Highness The Prince of Wales riding in an open carriage, and the inscription "Royal Ascot"
11. In the centre Her Majesty Queen Elizabeth II receiving the baton from a young girl and a sportsman, and the inscription "Commonwealth Games"
12. In the centre Her Majesty Queen Elizabeth II dropping a hockey puck between two ice hockey players, and the inscription "Visit to Canada"

Each design features a decorative arrangement of bunting in both colour and non-colour versions for types (a) and (d), non-colour version only for type (b) and colour version only for type (c).

The inscription on each design for type (c) is gold plated.

SCHEDULE 3

Specifications of Falkland Islands bi-metal 2003 and 2004 dated circulation £2.00 coins

- | | |
|---------------------------------|--|
| 1. Denomination | £2.00 |
| 2. Weight (grams) | 12.00 +/- 0.42 remedy |
| 3. Diameter (millimetres) | 28.40 +/- 0.08 remedy |
| 4. Edge Thickness (millimetres) | 2.52 +/- 0.15 remedy |
| 5. Alloys | Outer Ring: 4% nickel brass
(76% copper /20% zinc/4% nickel)

Inner Disc: Cupro-nickel
(75% copper/25% nickel) |
| 6. Shape | Round |
| 7. Edition | Unlimited |
| 8. Mint | British Royal Mint |
| 9. Edge | 2003 dated coin: milled

2004 dated coin: milled and in incuse letters the inscription "30 YEARS OF FALKLAND ISLANDS COINAGE" |
| 10. Obverse Design | The portrait of Her Majesty The Queen by sculptor Ian Rank-Broadley with the circumferential inscription "QUEEN ELIZABETH II · FALKLAND ISLANDS" and the date "2003" or "2004". |
| 11. Reverse Design | The inner section features a map of the Falkland Islands with the sun rising in the east and the inscription "TWO POUNDS".
The outer section features indigenous animals. The inner and outer sections are separated by a rope border |



**THE
FALKLAND ISLANDS GAZETTE
Supplement**

PUBLISHED BY AUTHORITY

Vol. 15

28th June 2004

No. 10

The following is published in this Supplement -

Brandon Road (No Waiting Regulations) Order 2004, (S. R. & O. No: 24 of 2004).

SUBSIDIARY LEGISLATION

ROAD TRAFFIC

Brandon Road (No Waiting Regulations) Order 2004

S. R. & O. No: 24 of 2004

Made: 25 June 2004

Published: 28 June 2004

Coming into force: upon publication

IN EXERCISE of my powers under section 59 of the Road Traffic Ordinance (Title 63.1) and of all other powers enabling me in that behalf, I make the following Order —

Citation and commencement

1. This Order may be cited as the Brandon Road (No Waiting Regulations) Order 2004 and comes into force upon its publication in the *Gazette*.

Interpretation

2.—(1) Each numbered article of this Order may be referred to and described for all purposes as a regulation of the same number.

(2) In this Order —

“relevant length of road” means the north side of Brandon Road between its junction with Dairy Paddock Road and its junction with Reservoir Road; and

“wait” in respect of a motor vehicle means to cause it to stop, stand or park for any reason and for any period of time, however short.

Prohibition of waiting

3.—(1) Subject to regulation 4, a person who causes or permits a motor vehicle to wait in any part of the relevant length of road, commits an offence.

(2) A person who is convicted of an offence under this regulation is liable on conviction to a fine not exceeding £100.

(3) An offence under this regulation can only be committed by the driver of, or other person for the time being in charge of, the motor vehicle in question.

Defences and exceptions

4. It is not an offence under regulation 3 to cause a motor vehicle to wait in any part of the relevant length of road —

(a) where the driver or other person for the time being in charge of the motor vehicle is —

(i) required by law to stop it;

(ii) obliged to stop it in order to avoid an accident; or

(iii) prevented from proceeding in it by reason or circumstances beyond his control,

if in any of the foregoing cases the driver or other person in charge of the motor vehicle drives it or causes it to be moved to a place not within any part of the relevant length of road as soon as is reasonably practicable; or

(b) for so long as is reasonably necessary to enable it to be used to remove another vehicle or an obstruction; or

(c) for so long only as is reasonably necessary to effect from or to the motor vehicle a delivery of goods or materials of any kind to or from premises adjoining or nearby any part of the relevant length of road, where the goods and materials are of a kind or quantity and the other circumstances are such that the delivery cannot reasonably be effected other than from a motor vehicle which is waiting in any part of the relevant length of road; or

(d) for so long as is reasonably necessary in or in connection with the repair and maintenance of any part of the relevant length of road or any other public highway; or

(e) with the permission of a police officer in uniform; or

(f) for police, fire service or ambulance purposes; or

(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 be reasonably necessary to pick up or set down passengers and their luggage.

Power to erect signs etc

5. The Chief Police Officer may cause such signs and notices to be erected as may, in his opinion, be convenient to draw attention to the effect of this Order, but the absence of any such sign or notice, or the removal of any sign or notice erected or placed in position pursuant to this regulation shall not afford a defence in a prosecution for an offence under paragraph (1) of regulation 3.

Made this 25th day of June 2004

H.J.S. Pearce C.V.O.,
Governor

EXPLANATORY NOTE

(not forming part of the above Order)

This Order prohibits motor vehicles waiting (as defined in regulation 2(2) along the north side of Brandon Road between Reservoir Road and Dairy Paddock Road except in the circumstances mentioned in regulation 4.



**THE
FALKLAND ISLANDS GAZETTE
Supplement**

PUBLISHED BY AUTHORITY

Vol. 15

16th July 2004

No. 11

The following is published in this Supplement -

**Merchant Shipping (Registration of Ships) (Amendment) Regulations 2004,
(S. R. & O. No: 25 of 2004);**

Murrell Farm Road Regulations 2004, (S. R. & O. No: 26 of 2004);

Ship and Port Facility (Security) Bill 2004;

Highways (Weight Limits) (Amendment) Bill 2004;

Broadcasting Bill 2004;

Interpretation and General Clauses (Amendment) Bill 2004;

Customs (Amendment) (No 2) Bill 2004.

SUBSIDIARY LEGISLATION

MERCHANT SHIPPING

Merchant Shipping (Registration of Ships)(Amendment) Regulations 2004

S. R. & O. No: 25 of 2004

Made: 7 July 2004

Published: 16 July 2004

Coming into force: upon publication

IN EXERCISE of my powers under sections 9, 10 and 11 of the Merchant Shipping Act 1995(a) in its application to the Falkland Islands under the Merchant Shipping Ordinance 2001(b) and of all other powers enabling me in that behalf, I hereby make the following Regulations —

Citation and commencement

1. These Regulations may be cited as the Merchant Shipping (Registration of Ships)(Amendment) Regulations 2004 and shall come into force upon publication in the *Gazette*.

Amendment of Merchant Shipping (Registration of Ships) Regulations 2001

2. The Merchant Shipping (Registration of Ships)(Amendment) Regulations 2001(c) are amended —

(a) in regulation 112(b)(i) by replacing the date “31st March 2004” in the second column of the Table with “31st March 2005”;

(b) in regulation 112(b)(ii) by replacing the date “1st January 2002” in the first column of the Table with “1st January 2004”;

(c) in Schedule 2, paragraph 5(a) —

(i) by deleting the words “in white on a black background or in black on a white background” and replacing them with the words “a permanent colour contrasting with the colour of the background on which they are painted”; and

(ii) by deleting the words and numbers “8 centimetres in height and 1.5 centimetres in breadth” and replacing them with the words and numbers “10 centimetres in height and 2 centimetres in breadth”.

(a) 1995 c.21;

(b) No 15 of 2001

(c) SR&O No 30 of 2001

(d) in Schedule 2, by deleting paragraph 5(b) and replacing it with the following —

“(b) the designating letters and number of the vessel shall, if the vessel is less than 24 metres in length be painted or displayed on both sides of the vessel as high above the water as possible so as to be clearly visible from the sea and the air, in a permanent colour contrasting with the colour of the background on which they are painted, and, if the vessel is more than 24 metres in length the same shall be painted in a prominent position on each side of the bows of the vessel;”

(e) in Schedule 2, paragraph 5(e) by replacing the fullstop at the end of that paragraph with a comma and inserting the word “and” after that comma; and

(f) in Schedule 2, by inserting the following paragraph after paragraph 5(e) —

“(f) a fishing vessel over 24 metres in length is to display its international radio callsign at all times in letters and numbers at least 1 metre in height and 25 centimetres breadth painted in white on a black background or in black on a white background in prominent positions, so as to be clearly visible and free of obstruction from view on each side of the vessel’s superstructure.”

Made this seventh day of July 2004

H.J.S. Pearce C.V.O.,
Governor

EXPLANATORY NOTE

(not forming part of the above Regulations)

These Regulations make minor amendments to the Merchant Shipping (Registration of Ships) Regulations 2001 with regard to applications for renewal of registration of ships and display of registered fishing vessels’ names, fishing numbers and international radio callsigns.

SUBSIDIARY LEGISLATION

ENVIRONMENTAL PROTECTION

Murrell Farm Road Regulations 2004

(S.R. & O. No: 26 of 2004)

Made: 7 July 2004

Published:16 July 2004

Coming into force:in accordance with section 1

IN EXERCISE of my powers under section 10(3)(ii) of the Stanley Common Ordinance 1999(a) and of all other powers enabling me in that behalf, I make the following Regulations —

Citation and commencement

1. These Regulations may be cited as the Murrell Farm Road Regulations 2004 and shall come into force on publication in the *Gazette* of the notification of the approval of them by resolution of the Legislative Council.

Authorisation of construction of road

2.—(1) In this regulation —

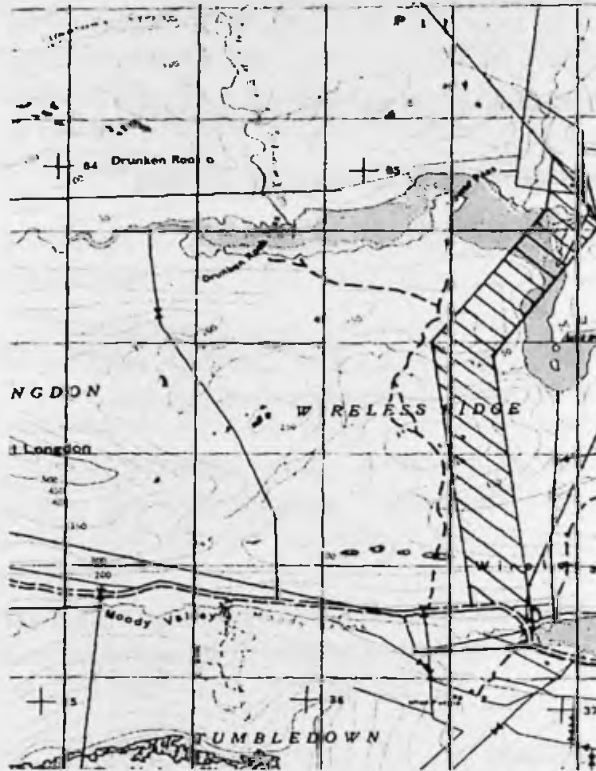
(a) “the Moody Valley road” means the road on the northern side of the Moody Valley proceeding from near the mouth of Moody Brook towards Estancia;

(b) “the road” means a road to be constructed within the route corridor from the road or track proceeding from the Moody Valley road across Wireless Ridge and then across the Murrell River to a point in the vicinity of the farm house of Murrell Farm; and

(c) “the route corridor” means the land shown cross-hatched black on the plan appearing in the Schedule to these Regulations.

(2) Notwithstanding that doing so would otherwise be unlawful by reason of the provisions of section 6 (development within Stanley Common prohibited) of the Stanley Common Ordinance 1999 it shall be lawful for the Crown to carry out within the route corridor such works and operations, including the digging or making of one or more borrow pits, as are reasonably necessary to construct and thereafter maintain the road.

SCHEDULE
(plan referred to in regulation 2(1)(c))



Dated this seventh day of July 2004

H.J.S. Pearce C.V.O.,
Governor

EXPLANATORY NOTE
(not forming part of the above Regulations)

These regulations permit the construction and maintenance of an access road to Murrell Farm to be constructed along a route from the Moody Valley Road across Wireless Ridge and then the Murrell River to the vicinity of the farm house on Murrell Farm. The construction and maintenance of the road would otherwise be unlawful by reasons of the provisions of section 6 of the Stanley Common Ordinance 1999.

Ship and Port Facility (Security) Bill 2004

(No: of 2004)

ARRANGEMENT OF PROVISIONS

Clause

**PART 1
PRELIMINARY**

1. Short title and commencement
2. Interpretation
3. Application

**PART 2
INSPECTIONS**

4. Inspections of ships and port facilities by a duly authorised officer

**PART 3
DETENTION OF SHIPS**

5. Detention notices
6. Compensation for invalid detention of a ship

**PART 4
RESTRICTED AREAS**

7. Unauthorised presence in a restricted area of a ship
8. Unauthorised presence in a restricted area of a port facility

**PART 5
OFFENCES RELATING TO DULY AUTHORISED OFFICERS**

9. Offences and penalties

**PART 6
ENFORCEMENT AND PENALTIES**

10. Enforcement notices
11. Contents of enforcement notices
12. Offences relating to enforcement notices
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**PART 7
MISCELLANEOUS**

14. Minimum period for retention of records
15. Minimum period for retention of a declaration of security
16. Amendments to Plans
17. Service of documents
18. Regulations

SHIP AND PORT FACILITY (SECURITY) BILL 2004

(No: of 2004)

(assented to: 2004)

(commencement: 2004)

(published: 2004)

A BILL

For

AN ORDINANCE

To make provision in relation to port security and measures relating to the safety of ships and the safety of persons on them and for connected purposes.

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

PART 1 PRELIMINARY

Short title and commencement

1. This Ordinance may be cited as the Ship and Port Facility (Security) Ordinance 2004 and shall come into force on such date as is fixed by the Governor by Notice published in the *Gazette*.

Interpretation

2. In this Ordinance —

“the SOLAS Convention” means the International Convention for the Safety of Life at Sea 1974 as amended in accordance with its Protocol of 1988;

“ISPS Code” means the International Ship and Port Facility Security Code of the International Maritime Organisation (a copy of which forms Annex 2 to regulation (EC) No 725/2004 published in the Official Journal of the European Union on 29 April 2004);

“cargo ship” is any ship which is not a passenger ship, as defined in regulation I-2(g) of the SOLAS Convention;

“company” means the owner of the ship or any other organisation or person such as the manager, or the bareboat charterer, who has assumed the responsibility for operation of the ship from the owner of the ship and who on assuming such responsibility has agreed to take over all the duties and responsibility imposed by the International Safety Management Code, as defined in regulation IX-1 of the SOLAS Convention;

“company security officer” means the person designated by the company for ensuring that a ship security assessment is carried out; that a ship security plan is developed, submitted for approval, and thereafter implemented and maintained, and for liaison with port facility security officers and the ship security officer, as defined in paragraph 2.1.7 of Part A of the ISPS Code;

“declaration of security” means an agreement reached between a ship and either a port facility or another ship with which it interfaces specifying the security measures each will implement, as defined in regulation XI-2/1.15 of the SOLAS Convention;

“duly authorised officer” means either —

- (a) an inspector appointed under section 4 of the Merchant Shipping Ordinance 2001;
- (b) a surveyor appointed under section 4 of the Merchant Shipping Ordinance 2001; or
- (c) a person authorised in writing by the Governor for the purposes of this Ordinance.

“intentional unlawful act” means a deliberate act, which by its nature or context ...

“high speed craft” means a craft capable of a maximum speed in metres per second (m/s) equal to or exceeding $3.7 \nabla^{0.1667}$, as defined in regulation X/1.2 of the SOLAS Convention;

“international shipping” means any maritime transport service by ship from a port facility of the Falkland Islands to a port facility outside the Falkland Islands, or conversely;

“international voyage” means a voyage from a country to which the SOLAS Convention applies to a port outside such country, or conversely;

“mobile offshore drilling unit” means a mechanically propelled mobile offshore drilling unit not on location;

“master” includes every person (except a pilot) having command or charge of a ship;

“Merchant Shipping Notice” means a notice described as such and issued by the Secretary of State for Transport of the United Kingdom or by the Governor;

“passenger ship” means a ship which carries more than twelve passengers;

“port facility” means a location determined as such by the Governor, where the ship/port interface takes place and includes areas such as anchorages, waiting berths and approaches from seaward as appropriate, as defined in regulation XI-2/1.9 of the SOLAS Convention;

“port facility security officer” means the person designated as responsible for the development, implementation, revision and maintenance of the port facility plan and for liaison with the ship security officers and company security officers, as defined in paragraph 2.1.8 of Part A of the ISPS Code;

“restricted area” means an area in a ship or a port facility that is identified as such in a ship security plan or port facility security plan;

“ship/port interface” means the interactions that occur when a ship is directly and immediately affected by actions involving the movement of persons, goods or the provision of port services to or from the ship, as defined in regulation XI-2/1.8 of the SOLAS Convention;

“ship security officer” means the person on board the ship, accountable to the master, designated by the company as responsible for the security of the ship, including implementation and maintenance of the ship security plan and for liaison with the company security officer and port facility security officers.

Application

3.—(1) This Ordinance applies to —

(a) the following types of Falkland Islands ships and non-Falkland Islands ships in Falkland Islands waters when engaged in international voyages, and their companies —

(i) passenger ships including high speed passenger craft;

(ii) cargo ships, including high speed craft, of 500 gross tonnage and upwards; and

(iii) mobile offshore drilling units;

(b) port facilities serving ships specified in paragraph (a).

(2) This Ordinance does not apply to —

(a) ships of war and troop ships; and

(b) cargo ships of less than 500 gross tonnage;

(c) ships not propelled by mechanical means;

(d) wooden ships of primitive build;

(e) pleasure yachts not engaged in trade;

(f) fishing vessels; and

(g) ships not engaged in commercial activities.

PART 2 INSPECTIONS

Inspections of ships and port facilities by a duly authorised officer

4.—(1) For the purpose of enabling a duly authorised officer to verify that ships and port facilities are in compliance with the requirements of Chapter XI-2 of the SOLAS Convention and the ISPS Code or of ascertaining whether any enforcement notice is being or has been complied with, a duly authorised officer shall have the power, on production (if required) of his credentials, to inspect —

- (a) any Falkland Islands ship;
- (b) any other ship while in a port facility; and
- (c) any Falkland Islands port facility.

(2) A duly authorised officer inspecting a ship or port facility shall have power —

- (a) to subject any property found by him on the ship, or any apparatus or equipment installed on the ship which is required by or approved in the relevant ship security plan to such tests,
- (b) to subject any part of the port facility or any property found by him in the port facility, or any apparatus or equipment installed in the port facility which is required by or approved in the relevant port facility security plan to such tests,
- (c) to take such steps —
 - (i) to ascertain what practices or procedures are being followed in relation to security, or
 - (ii) to test the effectiveness of any practice or procedure relating to security, or
- (d) to require the company, or the company security officer, or the ship security officer or the master of the ship or the port facility security officer or a person acting on behalf of any of the aforementioned persons to furnish to him such information,

as the duly authorised officer may consider necessary for the purpose for which the inspection is carried out.

(3) Subject to paragraph (4), a duly authorised officer, for the purpose of exercising any power conferred on him by paragraphs (1) or (2) in relation to a ship or in relation to a port facility, may—

- (a) for the purpose of inspecting a ship, go on board and take all such steps as are necessary to ensure that it is not moved, or

(b) for the purpose of inspecting a port facility, to enter any building or works in the port facility or enter upon any land in the port facility.

(4) The powers conferred by paragraph (3) do not include power for a duly authorised officer to use force for the purpose of going on board any ship, entering any building or works or entering upon any land.

(5) Any person who —

(a) without reasonable excuse, fails to comply with a requirement imposed on him under paragraph (2)(c); or

(b) in furnishing any information so required makes a statement which he knows to be false in a material particular, or recklessly makes a statement which is false in a material particular,

commits an offence.

(6) A person convicted of an offence under paragraph (5) is liable to a fine not exceeding the maximum of level 5 on the standard scale or to imprisonment for a term not exceeding two years.

PART 3 **DETENTION OF SHIPS**

Detention notices

5.—(1) Where a duly authorised officer detains a ship pursuant to the control and compliance measures specified in Regulation 9 of Chapter XI-2 of the SOLAS Convention, he shall serve on the master of the ship a notice (in this part referred to as a detention notice) which states that the duly authorised officer has grounds for believing that —

(a) the ship is not in compliance with Chapter XI-2 of the SOLAS Convention, or

(b) the ship is not in compliance with Part A of the ISPS Code, or

(c) there has been a failure to make available for inspection a valid International Ship Security Certificate or a valid Interim International Ship Security Certificate issued under the provisions of Part A of the ISPS Code.

(2) A detention notice shall specify the steps that the duly authorised officer requires to be taken in respect of the ship in order to secure its release from detention.

(3) A detention notice shall require the master to take steps to ensure that the ship does not proceed to sea while the detention notice is in force.

(4) The master of a ship in respect of which a detention notice is served may object to the notice in writing to the Governor.

- (5) On receipt of an objection to the detention notice under paragraph (1) the Governor shall —
- (a) consider the objection;
 - (b) allow the person making the objection and the duly authorised officer who gave the notice an opportunity to make written representations to the Governor;
 - (c) confirm, modify or cancel the notice, and
 - (d) give notice of his decision in writing to the person who made the objection and to the duly authorised officer who served the notice.
- (6) The Governor shall include in his decision a finding as to whether in relation to any of the matters specified in respect of a ship in a detention notice in respect of paragraph (1), there was or was not a valid basis for the detention of the ship.
- (7) A detention notice in respect of a ship shall continue in force until —
- (a) a duly authorised officer cancels it by notice in writing, or
 - (b) the Governor cancels it under subsection (4)(c).
- (8) A person commits an offence if without reasonable excuse he fails to comply with a requirement of a detention notice.
- (9) A person who is convicted of an offence under paragraph (6) is liable to a fine not exceeding the maximum of level 5 on the standard scale or to imprisonment for a term not exceeding two years.

Compensation for invalid detention of a ship

- 6.—**(1) Where having considered an objection in respect of a detention notice relating to a ship under section 5 the Governor finds that there was no valid basis for the detention, the owner of the ship shall be entitled to receive compensation for such loss or damage suffered by him which is directly attributable to the detention of the ship.
- (2) Any compensation granted under this section shall be payable by the Crown.
- (3) A claim for compensation under this section shall be made in writing to the Governor within three months beginning with the date of the Governor's decision under section 5(5)(d).
- (4) Any person claiming compensation under this section shall provide all such information and supplementary information in respect of the loss or damage incurred as the Governor may at any time reasonably require and shall verify the same in any such manner, including the production of original documents in his possession or control, as may be reasonably required.

(5) Any disputed question as to the right to or the amount of any compensation payable under this section shall be referred to a single arbitrator appointed by agreement between the parties for that question to be determined by him.

PART 4 RESTRICTED AREAS

Unauthorised presence in a restricted area of a ship

7.—(1) A person shall not —

(a) go onto or into any part of a restricted area of a ship except with the permission of the master or the ship security officer or a person acting on their behalf, and in accordance with any conditions subject to which that permission is for the time being granted, or

(b) remain in any part of such a restricted area after being requested to leave by the master or the ship security officer or a person acting on their behalf.

(2) Subsection (1)(a) does not apply unless it proved that, at the material time, notices stating that the area concerned was a restricted area were posted so as to be readily seen and read by persons entering the restricted area.

(3) A person who contravenes subsection (1) of this section without lawful authority or reasonable excuse commits an offence and is liable on conviction to a fine not exceeding the maximum of level 5 on the standard scale.

(4) A police officer, or the master or the ship security officer, or a person acting on behalf of the master or the ship security officer, may use such force as is reasonable in the circumstances to remove from a restricted area a person remaining in it in contravention of subsection (1)(b) of this section.

Unauthorised presence in a restricted area of a port facility

8.—(1) A person shall not —

(a) go onto or into any part of a restricted area of a port facility except with the permission of the port facility security officer or a person acting on his behalf, and in accordance with any conditions subject to which that permission is for the time being granted, or

(b) remain in any part of such a restricted area after being requested to leave by the port facility security officer or a person acting on his behalf.

(2) Subsection (1)(a) of this section does not apply unless it proved that, at the material time, notices stating that the area concerned was a restricted area were posted so as to be readily seen and read by persons entering the restricted area.

(3) A person who contravenes subsection (1) of this section without lawful authority or reasonable excuse is guilty of an offence and liable on conviction to a fine not exceeding the maximum of level 5 on the standard scale.

(4) A police officer, or the port facility security officer, or a person acting on behalf of the port facility security officer, may use such force as is reasonable in the circumstances to remove from a restricted area a person remaining in it in contravention of subsection (1)(b) of this section.

PART 5 OFFENCES RELATING TO DULY AUTHORISED OFFICERS

Offences and penalties

9.—(1) A person whom —

(a) intentionally obstructs a duly authorised officer in the exercise of a power conferred upon him by these Regulations;

(b) falsely pretends to be a duly authorised officer,

commits an offence.

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

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

PART 6 ENFORCEMENT AND PENALTIES

Enforcement notices

10.—(1) A duly authorised officer may serve a notice (in this part referred to as an "enforcement notice") where it appears to him that any person mentioned in subsection (2) has failed to comply with —

(a) the requirements of Chapter XI-2 of the SOLAS Convention;

(b) the requirements of Part A of the ISPS Code; or

(c) the requirements to submit specified changes or amendments to a ship security plan or a port facility security plan to the Governor for approval in accordance with section 16.

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

(a) the company;

- (b) the company security officer;
- (c) the ship security officer;
- (d) the master of a ship;
- (e) the port facility security officer;
- (f) the owner of the port facility security plan; and
- (g) any person who carries on port operations in a port facility.

Contents of enforcement notices

11.—(1) An enforcement notice shall state the matters which appear to the duly authorised officer to constitute a failure to comply with the requirements in relation to which the enforcement notice is served.

(2) An enforcement notice may be framed so as to afford the person on whom it is served a choice between different ways of complying with the requirements set out in the notice.

(3) An enforcement notice shall specify the steps which the duly authorised officer requires to be taken, or the activity or the activities which the duly authorised officer requires to cease in order to achieve compliance with the requirements in relation to which the enforcement notice was served.

(4) An enforcement notice shall specify the date on which it is to take effect and shall take effect on that date.

(5) An enforcement notice shall specify the period at the end of which any steps are required to have been taken or any activities are required to have ceased and may specify different periods for different steps or activities.

(6) Where different periods apply to different steps or activities, references in this Ordinance to the period for compliance with an enforcement notice, in relation to any step or activity, are to the period at the end of which the step is required to have been taken or the activity is required to have ceased.

(7) An enforcement notice requiring a person not to cause or permit anything to be done shall be construed as requiring him to take all such steps as in any particular circumstances are practicable and necessary to prevent that thing from being done.

Offences relating to enforcement notices

12.—(1) Any person, who without reasonable excuse, fails to comply with an enforcement notice served on him commits an offence and liable on conviction to a fine not exceeding the maximum of level 10 on the standard scale.

(2) Where a person is convicted of an offence under subsection (1) and if without reasonable excuse, the failure in respect of which he was convicted is continued after the conviction, he commits a further offence and is liable on conviction of that offence to a fine not exceeding £100 for each day on which the failure continues.

Objections to enforcement notices

13.—(1) A person on whom an enforcement notice is served may serve on the Governor a notice in writing of his objection to the enforcement notice.

(2) The only grounds on which such a person may object to an enforcement notice are —

(a) that the steps required by the notice to be taken for the purposes of section 8 have been complied with;

(b) that the steps required by the notice to be taken do not constitute a failure to comply with the requirements specified in regulation 10;

(c) that any requirement of the notice —

(i) is unnecessary for complying with the requirements specified in regulation 10 should be dispensed with; or

(ii) having regard to the terms of those requirements, is excessively onerous or inconvenient and should be modified in a manner specified in the notice of objection under subsection (1).

(3) An objection to an enforcement notice under this section shall be served on the Governor within seven days of the date on which the enforcement notice was served.

(4) A person making an objection to an enforcement notice under this section shall submit to the Governor, either when making the objection or within the seven days referred to in subsection (3), a statement in writing —

(a) specifying the grounds on which he is objecting to the enforcement notice, and

(b) providing such further information as may be appropriate.

(5) Where the person on whom an enforcement notice is served serves a notice under subsection (1) of this section, the Governor shall consider the grounds of the objection and, if so required by the objector, shall afford to him an opportunity of appearing before and being heard by a person appointed by the Governor for the purpose, and shall then serve on the objector a notice in writing either —

(a) confirming the enforcement notice as originally served, or

(b) confirming it subject to one or more modifications specified in the notice, or

(c) cancelling the enforcement notice.

(6) An enforcement notice to which an objection has been made under subsection (1) of this section shall not take effect until it has been confirmed, with or without modification, by a notice under subsection (5).

(7) An enforcement notice served on any person —

(a) may be revoked by a notice served on him by an duly authorised officer, and

(b) may be varied by a further enforcement notice.

PART 7 **MISCELLANEOUS**

Minimum period for retention of records

14. Records of the activities specified in paragraph 10.1 of Part A of the ISPS Code and which are addressed in the ship security plan shall be kept on board the ship for a period of at least three years from the date of the activity taking place.

Minimum period for retention of a declaration of security

15.—(1) Ships and port facilities shall retain any completed declaration of security for a period of at least three years after it was last used.

(2) In the case of ships any completed declaration of security relating to one of its last ten calls at port facilities shall be retained by the ship for as long as it relates to any of the ship's last such ten calls, even when the period over which those calls extend exceeds the minimum three year period referred to in subsection (1).

Amendments to Plans

16.—(1) In accordance with the ISPS Code, the Governor shall decide and thereafter notify companies and port facilities in writing, of the changes or amendments to the relevant approved ship security plan or port facility security that must first be submitted to him for approval before they are implemented by those ships and port facilities.

(2) The changes or amendments referred to in subsection (1) shall not be implemented by the companies or owners of port facility security plans without first obtaining the approval of the Governor.

Service of documents

17.—(1) This section has effect in relation to any notice, any notification and any other document authorised or required by any provision of this Ordinance to be served on or given to any person.

(2) Any such document may be given or served on any person —

(a) by delivering to him, or

(b) by leaving it at his proper address, or

(c) by sending it by post to him at that address, or

(d) by sending it to him at that address, by fax or other similar means which produce a document containing the text of the communication, or

(e) where the person maintains an email address, by sending an electronic copy of the document to that email address.

(3) Any such document may, in the case of a body corporate, be given to or served on the secretary, clerk or similar officer of that body.

(4) For the purposes of this section, the proper address of any person to whom or on whom any document is to be given or served is his usual or last known address or place of business, whether in the Falkland Islands or elsewhere except that in the case of a body corporate or its clerk or similar officer it shall be the address of the registered or principal office of that body in the Falkland Islands or if it has no office in the Falkland Islands of its principal office wherever that may be.

(5) In the case of a person registered under any of the Falkland Islands registration provisions as the owner of any ship so registered, the address for the time being recorded in relation to him in the register shall also be treated as his proper address for the purposes of this section.

(6) If the person to or whom any document mentioned in paragraph (1) is to be given or served has notified the Governor of an address within the Falkland Islands other than an address determined under paragraph (4) or (5), as the one at which he or someone else on his behalf will accept documents of the same description as that document, that address shall also be treated for the purposes of this section as his proper address.

(7) Any document mentioned in subsection (1) shall, where there are two or more owners of a ship who are registered under any of the Falkland Islands registration provisions, be treated as duly served on the company where it is served upon one of those owners.

(8) Where any document mentioned in subsection (1) is to be served on the master of a ship, it shall be treated as duly served if it is left on board that ship with the person being or appearing to be in command or charge of the ship.

Regulations

18.—(1) The Governor may make such regulations as he considers necessary or expedient for the purpose of giving further or better effect to the purposes of this Ordinance.

(2) Without prejudice to the generality of paragraph (1), the Governor's power under that paragraph to make regulations includes power by such regulations to prescribe fees and charges

which shall be payable in such circumstances and such amounts calculated in such manner as may be specified in such regulations.

OBJECTS AND REASONS

The purpose of this Bill is to make provision in the law of the Falkland Islands for the implementation of Chapter XI-2 of the SOLAS Convention and of the ISPS Code. Clause 4 of the Bill provides for the inspection of ships and port facilities by a duly authorised officer for the purpose of establishing the ships and their companies and port facilities are acting in compliance with the provisions in Chapter XI of the SOLAS Convention and Part A of the ISPS Code.

Clause 5 makes provision for the detention of ships pursuant to the control and compliance procedures set out in Regulation 9 of Chapter XI-2 of the SOLAS Convention. It specifies the matters which are to be set out in a detention notice and the effect of such a notice. It also specifies the procedure for objecting to a detention notice and creates an offence where a person without reasonable excuse fails to comply with a detention notice.

Clause 6 makes provision for compensation to be paid to the owner of a ship in circumstances where there was no valid basis for the detention of the ship and where the owner of the ship has suffered loss or damage in consequence of the detention. Clauses 7 and 8 provide that it is an offence for a person without lawful authority to enter a restricted area of a ship or a port facility. It also provides that the person specified in those regulations may use reasonable force to remove an unauthorised person from a restricted area where they remain in such an area in contravention of those provisions. Clause 9 creates offences of intentionally obstructing, and falsely pretending to be, an authorised officer. Clauses 10 to 13 make provision for the enforcement of the requirements of Chapter XI-2 of the SOLAS Convention and Part A of the ISPS Code and the requirement to submit specified changes or amendments to a ship security or port security plan to the Governor for approval. Failure to comply with an enforcement notice would be a criminal offence.

Clause 11 specifies the matters that are to be set out in the enforcement notice and the procedure for objecting to such a notice and clause 13 sets out the procedure for objecting to an enforcement notice.

Clause 14 provides that records of activity specified in paragraph 10.1 in Part A of the ISPS Code which are addressing the ship security plan are to be kept on the ship for a period of at least three years from the date of the activity taking place.

Clause 15 provides that ship and port facilities must retain any declaration of security that is completed for a period of at least three years. It also provides that where a declaration of security relates to one of the ships last ten calls at port facilities, it must be retained by the ship for as long as it relates to one of those last ten calls, even though the period over which those calls extend exceeds the minimum three year period referred to in clause 15(1).

Clause 16 provides that specified changes or amendments to a ship security plan or a port facility security plan must be submitted to and approved by the Governor before they are implemented.

Clause 17 makes provision in relation to the service of notices.

Clause 18 would confer power to make regulations for the purposes of the Ordinance.

Copies of the SOLAS Convention and the ISPS Code referred to in this Bill may be obtained from the International Maritime Organisation at 4 Albert Embankment, London SE1 7SR.

Merchant Shipping Notices issued by the Department of Transport in England can be read or downloaded free from the Maritime and Coastguard Agency website (www.mcga.gov.uk). Printed copies can be obtained from Mail Marketing (Scotland) Ltd, Unit 6 Blooms Grove Industrial Estate, Norton Street, Nottingham, NG7 3JG. Merchant Shipping Notices issued by the Governor will be published in the Falkland Islands Gazette and copies can be obtained from the Marine Officer, Fisheries Department, Stanley.

Highways (Weight Limits)(Amendment) Bill 2004

(No: of 2004)

ARRANGEMENT OF PROVISIONS

Clause

1. Short title and commencement
2. Replacement of section 5 of the principal Ordinance

HIGHWAYS (WEIGHT LIMITS)(AMENDMENT) BILL 2004

(No: of 2004)

(assented to: 2004)
(commencement: upon publication)
(published: 2004)

A BILL

for

AN ORDINANCE

To amend the Highways (Weight Limits) Ordinance by replacing section 5 of that Ordinance so as to make different provision in relation to the display of indications of the authorised weight of vehicles.

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

Short title and commencement

1. This Ordinance may be cited as the Highways (Weight Limits)(Amendment) Ordinance 2004 and comes into force on such date as it is published in the *Gazette* or, if later, the date on which the Highways (Weight Limits) Ordinance 2004 comes into force under the provisions of section 1 of that Ordinance (“the principal Ordinance”).

Replacement of section 5 of the principal Ordinance

2. Section 5 of the principal Ordinance is replaced by the following section —

“Display of indication of weight

5.—(1) There shall be prominently displayed at the rear of every vehicle, trailer or vehicle combination a plate bearing an expression in arabic numerals of its authorised weight.

(2) The colour, shape and dimensions of the plates mentioned in subsection (1), and the colours and dimensions of the arabic numerals to appear thereon, shall be such as may be approved by the Chief Police Officer after consulting each of the persons who is a Competent Authority for the purposes of section 8:

Provided that plates different in appearance may be approved for vehicles in different ownership.

(3) The expression in arabic numerals referred to in subsection (1) shall be the authorised weight of the vehicle on which the plate appears, expressed as a whole number and decimal fraction of metric tons:

Provided that if the authorised weight represents a whole number of metric tons, it shall be expressed simply as a whole number.

(4) Any person who contravenes subsection (1) after the expiration of two months from the coming into force of this Ordinance commits an offence and is liable on conviction to a fine not exceeding the maximum of level 2 on the standard scale.”

OBJECTS AND REASONS

This Bill would replace section 5 of the Highways (Weight Limits) Ordinance 2004 and thereby make different provision in relation to the plates which are to be used to display the authorised weight of vehicles.

Broadcasting Bill 2004

(No: of 2004)

ARRANGEMENT OF PROVISIONS

Clause

1. Short title and commencement
2. Interpretation
3. Rebroadcasting Licences
4. Satellite Services Licences
5. Offence of fraudulently receiving programmes
6. Unauthorised dealers
7. Rights and remedies in respect of Apparatus etc for unauthorised reception of transmissions

BROADCASTING BILL 2004

(No: of 2004)

(assented to: 2004)

(commencement: 2004)

(published: 2004)

A BILL

for

AN ORDINANCE

To provide for the issue of Broadcasting licences

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

Short title and commencement

1. This Ordinance may be cited as the Broadcasting Ordinance 2004 and shall come into force on such date as is notified by the Governor by notice published in the *Gazette*.

Interpretation

2. In this Ordinance —

“rebroadcasting service” means a service provided by a person other than the Falkland Islands Broadcasting Station or the British Forces Broadcasting Service consisting of the rebroadcasting by any person of relevant programmes with a view to their being conveyed by means of a telecommunications system -

(a) for reception in two or more dwelling houses in the Falkland Islands for the purpose of being received there by persons who have an interest in receiving them;

(b) for reception at any place or for simultaneous reception at two or more places in the Falkland Islands by persons who have an interest in receiving them,

whether the telecommunication system is run by the person so providing the programmes or by some other person;

“rebroadcasting licence” means a licence to provide such services;

“relevant programme” means a television programme other than one consisting wholly or mainly of non-representational images; and

“satellite services” means the offering in exchange for payment of decoder boxes (whether on hire, lease or for sale) and the provision on subscription of encoded television programmes or

channels, intended to be de-encoded by decoder boxes when fitted with an appropriate card provided by the satellite services provider, and

“satellite services licence” means a licence to provide satellite services.

Rebroadcasting licences

3.—(1) The Governor may, on application by any person in such form as the Governor may approve, grant to that person a rebroadcasting licence for such period and on such conditions and subject to the payment of such fee or fees as the Governor may think fit.

(2) A rebroadcasting licence shall not be granted in such terms as would or might prevent another such licence being granted to another person.

(3) Without prejudice to the Governor’s powers under subsection (1) every licence granted under that subsection shall contain conditions -

(a) as to the frequencies and power of signals of transmitters used by the licensee to provide the rebroadcasting service;

(b) requiring the licensee not to broadcast, so far as it lies reasonably within his control, any programme which viewed as a whole is obscene within the meaning of the Obscene Publications Act 1959 in its application to the Falkland Islands;

(c) requiring the licensee not to broadcast any programme which incites racial hatred or racial violence, provided that broadcast of a report in a news programme or current affairs programme reporting on such incitement shall be deemed not to constitute a breach of such a condition.

(4) Without prejudice to any liability of the licensee for prosecution under the general law for an offence arising out of the same facts as a breach of a condition of this licence, the Governor, if he sees fit, may revoke this licence.

(5) A person other than the Falkland Islands Broadcasting Service or the British Forces Broadcasting Service who provides a rebroadcasting service without a licence granted under subsection (1) commits an offence and is liable to a fine not exceeding the maximum of level 5 on the standard scale.

Satellite Services Licences

4.—(1) The Governor may on application by any person in such form as the Governor may approve grant to that person a satellite services licence for such period on such conditions and subject to the payment of such fee or fees as the Governor may think fit.

(2) A satellite services licence shall not be granted on such terms as would or might prevent another such licence being granted to another person.

(3) The licensee under a satellite services licence shall not offer to subscribers any satellite television channel which he has reasonable cause to believe is likely to contain programmes which are obscene within the meaning of the Obscene Publications Act 1959 or incite racial hatred or racial violence, provided that a report in a news programme or current affairs programme reporting on such incitement shall be deemed not to constitute a breach of such a condition.

(4) Without prejudice to any liability of the licensee under the general law to prosecution for an offence arising out of the same effect as a matter referred to in subsection (3), the Governor may revoke the licence.

Offence of fraudulently receiving programmes

5.—(1) A person who dishonestly receives a programme included in a broadcasting or cable programme service provided from a place in the Falkland Islands with intent to avoid payment of any charge applicable to the reception of the programme commits an offence and is liable to a fine not exceeding the maximum of level 5 on the standard scale.

(2) Where an offence under this section committed by a body corporate is proved to have been committed with the consent or connivance of a director, manager, secretary or other similar officer of the body, or a person purporting to act in any such capacity, he as well as the body corporate commits the offence and is liable to be proceeded against and punished accordingly.

(3) In relation to a body corporate whose affairs are managed by its members “director” means a member of the body corporate.

Unauthorised decoders

6.—(1) A person who makes, imports, sells or lets for hire, offers or exposes for sale or hire, advertises for sale or hire any unauthorised decoder commits an offence and is liable to a fine not exceeding the maximum of level 5 on the Standard Scale.

(2) It is a defence to any prosecution for an offence under this section for the defendant to prove that he did not know, and had not reasonable ground for knowing, that the decoder was an unauthorised decoder.

(3) In this section —

“apparatus” includes any device, component or electronic data;

“decoder” means any apparatus which is designed or adapted to enable (whether on its own or with any other apparatus) an encrypted transmission to be decoded;

“transmission” means any programme included in a broadcasting or re-broadcasting service and which is received in the Falkland Islands whether or not it is provided from a place in the Falkland Islands; and

“unauthorised”, in relation to a decoder means a decoder which will enable encrypted transmissions to be viewed in decoded form without payment of the fee by a person making the transmission or his agent charges for viewing those transmissions, or viewing any service of which they form part.

Rights and Remedies in respect of Apparatus etc for unauthorised reception of transmissions

7.—(1) A person who —

(a) makes charges for the reception of programmes included in a rebroadcasting or satellite service whether provided from a place in the Falkland Islands or from elsewhere or

(b) sends encrypted transmissions of any other description from a place in the Falklands Islands,

is entitled to the following rights and remedies.

(2) He has the same rights and remedies against a person who —

(a) makes, imports or sells or lets for hire, offers or exposes for sale or hire or advertises for sale or hire or uses any apparatus or device designed or adapted to enable or assist persons to receive the programmes or other transmissions when they are not entitled to do so, or

(b) publishes any information which is calculated to enable or assist persons to receive the programmes or other transmissions when they are not entitled to do so,

as a copyright owner has in respect of an infringement of copyright.

Interpretation and General Clauses (Amendment) Bill 2004

(No: of 2004)

ARRANGEMENT OF PROVISIONS

Clause

1. Short title
2. Interpretation
3. Amendment of section 78 of the principal Ordinance
4. Amendment of section 83 of the principal Ordinance

INTERPRETATION AND GENERAL CLAUSES (AMENDMENT) BILL 2004

(No: of 2004)

(assented to: 2004)

(commencement: 2004)

(published: 2004)

A BILL

for

AN ORDINANCE

To amend the Interpretation and General Clauses Ordinance (Title 67.2)

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

Short title

1. This Ordinance may be cited as the Interpretation and General Clauses (Amendment) Ordinance 2004.

Interpretation

2. In this Ordinance “principal Ordinance” means the Interpretation and General Clauses Ordinance (Title 67.2).

Amendment of section 78 of the principal Ordinance

3. Section 78 of the principal Ordinance is amended —

(a) in subsection (1) by —

(i) inserting a comma in place of the full stop following the word “therefor”;

(ii) by the addition of the following words after that comma —

“but this subsection shall not have effect so as to apply as part of the written law of the Falkland Islands —

(A) any amendment of an imperial enactment, provision, part or division thereof where that amendment is enacted or made after the cut-off date; or

(B) any imperial enactment provision, part or division of any imperial enactment substituted after the cut-off date for any imperial enactment, provision, part or division of an imperial enactment which applied as part of the written law of the Falkland Islands on the cut-off date.”

(b) in subsection (2) by inserting immediately after the words “later imperial enactment” the words “enacted or made before the cut-off date”;

(c) by adding the following subsection —

“(7) In this section “cut-off date” means 31st July 2004.”

Amendment of section 83 of the principal Ordinance

4. Section 83 of the principal Ordinance is amended —

(a) by replacing paragraph (b) of subsection (1) with —

“(b) the “subsequent English law” means any imperial enactment enacted or made after 22nd May 1900 and before the cut-off date;”

(b) in subsection (2) by replacing the words “it has been” with the words “it was before the cut-off date” and by inserting before the word “disapplied” the words “before or after the cut-off date”;

(c) in subsection (3) by replacing the words “current English law” in both places they appear in that subsection with the words “subsequent English law”; and

(d) by adding the following subsection —

“(7) In this section “cut-off date has the same meaning as it has in section 78(7).”

OBJECTS AND REASONS

Under the present provisions section 78(1) of the principal Ordinance any reference in any written law to any imperial enactment or to any provision, part or division thereof is to be construed as a reference to that imperial enactment as it may from time to time be amended (except where the enactment, provision part or division referred to is wholly repealed without being replaced), and as a reference to any imperial enactment or to any provision, part or division of any imperial enactment substituted for the imperial enactment referred to. "Imperial enactment" is defined in section 4 of the principal Ordinance as meaning any Act, any Order in Council, any Letters Patent or Royal Instructions, and any Rule, Regulation, Proclamation, order, Notice, Rule of Court, by-law or other instrument made under or by virtue of any Act, Order in Council, Letters Patent or Royal Instructions. Under section 78(2), a reference in any written law of the Falkland Islands to an imperial enactment is to be construed as extending to any later imperial enactment (a) which modifies or augments that earlier imperial enactment and (b) any other imperial enactment which amends or is substituted for that enactment.

Clause 3 of the Bill would limit the effect of section 78 so that imperial enactments (as defined) made after the cut-off date of 31st July 2004 will not take effect so as to alter the written law of the Falkland Islands.

Section 83(2) applies, subject to the subsequent provisions of the section and to section 78, the "1900 English law": that is to say all statutes in force in England on 22nd May 1900 and all subsidiary legislation for the time being in force which was made under any such statute, unless it has been repealed in relation to England or disapplied in relation to the Falkland Islands. By section 83(3) if a provision of the current English law (that is to say, any imperial enactment for the time being in force in England which has not been disapplied in relation to the Falkland Islands) deals with the same or substantially the same subject matter as a provision of the 1900 English law which has been repealed, amended, substituted modified or augmented by any later imperial enactment, that provision of the current English law applies in the Falkland Islands instead of or in addition to that provision of the 1900 English law.

Clause 4 of the present Bill would substitute for the definition in section 83(1) of the principal Ordinance of "current English law" a definition of "subsequent English law" and amend section 83(3) of the principal Ordinance by substituting the phrase "subsequent English law" for "current English law". The subsequent English law is defined by the new clause 83(1)(b) as meaning an imperial enactment enacted or made after 22nd May 1900 and before the cut-off date. The effect of the amendments which would be made by clause 4 of the Bill to section 83 of the principal Ordinance would be to prevent any change in the 1900 English law (as defined) made after the cut-off date having effect in the Falkland Islands by virtue of section 83 of the principal Ordinance.

Customs (Amendment)(No 2) Bill 2004

(No: of 2004)

ARRANGEMENT OF PROVISIONS

Clause

1. Short title and commencement
2. Amendment of the Customs Ordinance 2003

Schedule

CUSTOMS (AMENDMENT)(NO 2) BILL 2004

(No: of 2004)

(assented to: 2004)
(commencement: upon publication)
(published: 2004)

A BILL

for

AN ORDINANCE

To amend the Customs Ordinance 2003.

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

Short title

1. This Ordinance may be cited as the Customs (Amendment)(No 2) Ordinance 2004.

Amendment of the Customs Ordinance 2003

2. The Customs Ordinance 2003 is amended in the manner specified in the Schedule to this Ordinance.

SCHEDULE

Amendments to Customs Ordinance 2003

1. In this Schedule “the principal Ordinance” means the Customs Ordinance 2003
2. Section 13(6) of the principal Ordinance is amended by replacing the words “Subsection (3)” with the words “Subsection (4)”.

3. Section 20(1) of the principal Ordinance is replaced by the following new subsection —

“(1) At any time while a ship is within the limits of a port, or an aircraft is at an aerodrome, or a vehicle is —

(a) within the limits of or entering or leaving a port or any land adjacent to a port and occupied wholly or mainly for the purpose of activities carried on at a port;

(b) at, or leaving, an aerodrome;

(c) at, entering, or leaving an approved wharf or transit shed,

any customs officer and any other person duly engaged in the prevention of smuggling may board the ship, aircraft or vehicle and remain therein and rummage and search any part thereof.”

4. The principal Ordinance is further amended by replacing the word “**SCHEDULE**” appearing at the commencement of the existing Schedule to the principal Ordinance with “**SCHEDULE 2**”.

5. The following new Schedule is inserted in the principal Ordinance immediately after section 163 —

“**SCHEDULE 1**”

1. Sections 43(4) and 159(3) of this Ordinance shall have effect in a case where the goods in respect of which the offence referred to in that subsection was committed were a Class A drug or a Class B drug as if for the words “is liable” onwards there were substituted the following words —

“is liable where the goods were a Class A drug or a Class B drug (except where the drug concerned is cannabis) to imprisonment for a term not exceeding 14 years and a fine not exceeding the maximum of level 10 on the standard scale and where the goods concerned were cannabis to a term of imprisonment not exceeding 7 years and to a fine not exceeding the maximum of level 8 on the standard scale”.

2. Section 43(4) and 159(3) of this Ordinance shall have effect in a case where the goods in respect of which the offence referred to in that subsection were a Class C drug as if for the words “is liable” onwards there were substituted the following words —

“is liable to imprisonment for a term not exceed 5 years and to a fine not exceeding the maximum of level 6 on the standard scale”.

3. In this Schedule “Class A drug”, “Class B drug” and “Class C drug” have the same meanings as they have in the Misuse of Drugs Ordinance (Title 49.3).”

OBJECTS AND REASONS

The purpose of this Bill is to make a number of corrections to the Customs Ordinance 2003. These would be achieved by clause 2 and the Schedule to the Bill.

Paragraph 2 of the Schedule to the Bill would correct a mistaken cross reference in section 13(6) of the principal Ordinance.

Paragraph 3 of the Schedule to the Bill would replace the existing section 20(1) of the principal Ordinance. The reason for doing this is to make proper provision for the rummaging of vehicles arriving in the Falkland Islands. While the existing section 20(1) makes provision in relation to the rummaging of aircraft and ships, it fails to make adequate provision in relation to the rummaging of vehicles.

Section 43 of the principal Ordinance deals with the improper importation of goods. Section 43(5) provides that “in the case of an offence under subsection (2) or (3) in connection with a prohibition or restriction having effect by virtue of section 3 of the Misuse of Drugs Ordinance 1987, subsection (4) has effect subject to the modifications specified in Schedule 1 to this Ordinance”. By a drafting error Schedule 1, which appeared in early drafts of the Bill leading to the Customs Ordinance 2003, was deleted, instead of being amended, when the penalties under the Misuse of Drugs Ordinance 1987 were amended in early 2003, before the principal Ordinance was enacted. It is necessary to correct that error by inserting a Schedule 1 which has the effect that when the illegal importation is of a Class A drug or Class B drug the penalties under section 43 of the principal Ordinance are the same as for the corresponding offence under the Misuse of Drugs Ordinance 1987. To do this the existing Schedule to the Customs Ordinance 2003 needs to become Schedule 2 to that Ordinance and a new Schedule 1 needs to be inserted in the principal Ordinance. This would be achieved by paragraphs 4 and 5 of the Schedule to the Bill.

Section 159 of the principal Ordinance although it is headed “penalty for fraudulent evasion of duty” also deals (see section 159(1)(iii)) with the situation where a person knowingly acquires possession of any goods with respect to the importation or exportation of which any prohibition or restriction is for time being in force under or by virtue of any enactment with intent to evade the prohibition or restriction with respect of the goods. Section 159(4) of the principal Ordinance provides that section 159(3) (which provides for a fine not exceeding the maximum of level 12 on the standard scale or to imprisonment for a term not exceeding 7 years) shall have effect subject to the modifications specified in Schedule 1 to the principal Ordinance (which as explained was inadvertently omitted).



**THE
FALKLAND ISLANDS GAZETTE
Supplement**

PUBLISHED BY AUTHORITY

Vol. 15

30th July 2004

No. 12

The following are published in this Supplement -

Offshore Petroleum (Licensing) (Amendment) Regulations 2004, (S. R. & O. No: 27 of 2004);

Currency Notes Regulations Order 2004, (S. R. & O. No: 28 of 2004);

Falkland Islands Pensions Scheme (Amendment) Ordinance 2004 (Correction) Order 2004, (S. R. & O. No: 29 of 2004).

SUBSIDIARY LEGISLATION

MINERALS

Offshore Petroleum (Licensing)(Amendment) Regulations 2004

S. R. & O. No: 27 of 2004

Made: 14 July 2004

Published: 30 July 2004

Coming into force: on publication

IN EXERCISE of my powers under section 7(1) of the Offshore Minerals Ordinance 1994(a) and of all other powers enabling me in that behalf, I make the following Regulations —

Citation and commencement

1. These Regulations may be cited as the Offshore Petroleum (Licensing)(Amendment) Regulations 2004 and shall come into force on publication in the *Gazette*.

Amendment of Offshore Petroleum (Licensing) Regulations 2000

2. The Offshore Petroleum (Licensing) Regulations 2000(b) are amended —

(a) in regulation 5, by inserting the following new paragraph —

“(2A) An application by a person who holds or formerly held a licence granted under the provisions of the Offshore Petroleum (Licensing) Regulations 1995(c) which includes an area or part of an area in respect of which that person was so licensed cannot be made within two years of the expiration or sooner determination of that licence.”

(b) in regulation 6, by deleting paragraph (1)(b)(iii) and by replacing the comma and the word “or” immediately preceding it at the end of paragraph (1)(b)(ii) with a full stop.

(a) No 16 of 1994

(b) SR&O No 20 of 2000

(c) SR&O No 13 of 1995

Made this fourteenth day of July 2004

H. J. S. Pearce C.V.O.,
Governor

EXPLANATORY NOTE
(not forming part of the above Order)

The effect of these Regulations is to enable applications to be made under the Offshore Petroleum (Licensing) Regulations 2000 in respect of areas formerly licensed under the Offshore Petroleum (Licensing) Regulations 1995, but to prevent application by a licensee under those regulations in respect of an area in relation to which he was formerly licensed being considered within two years of the expiration or sooner determination of that licence.

SUBSIDIARY LEGISLATION

CURRENCY

Currency Notes Regulations Order 2004

S. R. & O. No: 28 of 2004

Made: 14 July 2004

Published: 30 July 2004

Coming into force: upon publication

IN EXERCISE of my powers under section 22 of the Currency Ordinance 1987(a) and of all other powers enabling me in that behalf, I make the following Order—

Citation and commencement

1. This Order may be cited as the Currency Notes Regulations Order 2004 and shall come into force upon publication in the *Gazette*.

New notes

2.—(1) The printing and issue of the notes described and specified in the Schedule to this Order are hereby authorised.

(2) The Schedule to this Order shall have effect so as to specify the denomination, form, design, plates, paper and authentication of the notes.

Made this fourteenth day of July 2004

H. J. S. Pearce C.V.O.,
Governor

Schedule

Specifications of Falkland Islands £5 Currency Notes

1. Denomination: £5 (FIVE POUNDS)
2. Paper: Mould made banknote paper "F" watermark with Cornerstone™
3. Size: 75 mm x 145 mm
4. Printings – Front: 1 Direct Plate/Engraving
2 Security Lithographic Letterpress
5. Printings - Back: 2 Security Lithographic
6. Basic Colour: Red
7. Inscription – Front: The denomination in figures (at lower left and upper right) and in words.

The words:

"THE GOVERNMENT OF THE FALKLAND ISLANDS"
"THESE NOTES ARE LEGAL TENDER
FOR THE PAYMENT OF ANY AMOUNT"
"FOR THE GOVERNMENT OF THE FALKLAND ISLANDS"
"Commissioners of Currency"

The facsimile signatures of the Commissioners of Currency
The date of issue
The series index and serial number at the upper left and lower right
8. Inscription - Back: At the top the words:

"THE GOVERNMENT OF THE FALKLAND ISLANDS"
9. Pictorial Content – Front: Portrait – HM Queen Elizabeth II
Vignettes – King Penguins and Sea Lions
Insignia – National Coat of Arms
Background – Map of the Falkland Islands
10. Pictorial Content - Back: Vignettes – Government House and Christchurch Cathedral
11. Date of issue: 14 June 2005
12. Signatures of Commissioners of Currency: D F Howatt; P T King; M C Eccles
13. Series index and serial numbering: B to start at 000001
14. Quantity: 200,000
15. Printer: De La Rue Currency

EXPLANATORY NOTE
(not forming part of the above Order)

This Order provides for the printing and issue of a new series (the B series) of 200,000 £5 notes, very similar in design to the 1983 issue of £5 notes, and which is necessary to provide for the needs of the Falkland Islands in relation to currency of that denomination for the foreseeable future.

SUBSIDIARY LEGISLATION

PENSIONS

Falkland Islands Pensions Scheme (Amendment) Ordinance 2004 (Correction) Order 2004

S. R. & O. No: 29 of 2004

Made: 19 July 2004

Published: 30 July 2004

Coming into force: in accordance with article 1

IN EXERCISE of my powers under section 93 of the Interpretation and General Clauses Ordinance(a), and of all other powers enabling me in that behalf, I make the following Order —

Citation and commencement

1. This Order may be cited as the Falkland Islands Pensions Scheme (Amendment) Ordinance 2004 (Correction) Order 2004 and shall be deemed to have come into force on 1st January 2001 (the date of commencement of the Falkland Islands Pensions Scheme (Amendment) Ordinance 2004).

Correction of Falkland Islands Pensions Scheme (Amendment) Ordinance 2004

2. Section 9 of the Falkland Islands Pensions Scheme (Amendment) Ordinance 2004(b) is rectified in subsection (6) —

(a) in subparagraph (6) by deleting the closing quotation marks following the words “(“the deferral date”)”;

(b) by indenting subparagraphs (7) to (12); and

(c) in subparagraph (12) by inserting closing quotation marks after the words “may require.”.

Made this 19th day of July 2004

D. G. Lang C.B.E. Q.C.,
Attorney General

(a) Title 67.2

(b) No 5 of 2004



**THE
FALKLAND ISLANDS GAZETTE
Supplement**

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Vol. 15

13th August 2004

No. 13

The following are published in this Supplement -

Ship and Port Facility (Security) Ordinance 2004, (No: 11 of 2004);

Highways (Weight Limits) (Amendment) Ordinance 2004, (No: 12 of 2004);

Interpretation and General Clauses (Amendment) Ordinance 2004, (No: 13 of 2004);

Customs (Amendment) (No 2) Ordinance 2004, (No: 14 of 2004):

Taxation Office, Extra Statutory Concessions.

ELIZABETH II



FALKLAND ISLANDS

HOWARD JOHN STREDDER PEARCE C.V.O.,
Governor.

Ship and Port Facility (Security) Ordinance 2004

(No: 11 of 2004)

ARRANGEMENT OF PROVISIONS

Section

**PART 1
PRELIMINARY**

1. Short title and commencement
2. Interpretation
3. Application

**PART 2
INSPECTIONS**

4. Inspections of ships and port facilities by a duly authorised officer

**PART 3
DETENTION OF SHIPS**

5. Detention notices
6. Compensation for invalid detention of a ship

**PART 4
RESTRICTED AREAS**

7. Unauthorised presence in a restricted area of a ship
8. Unauthorised presence in a restricted area of a port facility

PART 5

OFFENCES RELATING TO DULY AUTHORISED OFFICERS

9. Offences and penalties

PART 6

ENFORCEMENT AND PENALTIES

10. Enforcement notices
11. Contents of enforcement notices
12. Offences relating to enforcement notices
13. Objections to enforcement notices

PART 7

MISCELLANEOUS

14. Minimum period for retention of records
15. Minimum period for retention of a declaration of security
16. Amendments to Plans
17. Service of documents
18. Regulations

ELIZABETH II



FALKLAND ISLANDS

HOWARD JOHN STREDDER PEARCE C.V.O.,
Governor.

SHIP AND PORT FACILITY (SECURITY) ORDINANCE 2004

(No: 11 of 2004)

(assented to: 6 August 2004)
(commencement: in accordance with section 1)
(published: 13 August 2004)

AN ORDINANCE

To make provision in relation to port security and measures relating to the safety of ships and the safety of persons on them and for connected purposes.

ENACTED by the Legislature of the Falkland Islands as follows —

PART 1
PRELIMINARY

Short title and commencement

1. This Ordinance may be cited as the Ship and Port Facility (Security) Ordinance 2004 and shall come into force on such date as is fixed by the Governor by Notice published in the *Gazette*.

Interpretation

2. In this Ordinance —

“the SOLAS Convention” means the International Convention for the Safety of Life at Sea 1974 as amended in accordance with its Protocol of 1988;

“ISPS Code” means the International Ship and Port Facility Security Code of the International Maritime Organisation (a copy of which forms Annex 2 to regulation (EC) No 725/2004 published in the Official Journal of the European Union on 29 April 2004);

“cargo ship” is any ship which is not a passenger ship, as defined in regulation I-2(g) of the SOLAS Convention;

“company” means the owner of the ship or any other organisation or person such as the manager, or the bareboat charterer, who has assumed the responsibility for operation of the ship from the owner of the ship and who on assuming such responsibility has agreed to take over all the duties and responsibility imposed by the International Safety Management Code, as defined in regulation IX-1 of the SOLAS Convention;

“company security officer” means the person designated by the company for ensuring that a ship security assessment is carried out; that a ship security plan is developed, submitted for approval, and thereafter implemented and maintained, and for liaison with port facility security officers and the ship security officer, as defined in paragraph 2.1.7 of Part A of the ISPS Code;

“declaration of security” means an agreement reached between a ship and either a port facility or another ship with which it interfaces specifying the security measures each will implement, as defined in regulation XI-2/1.15 of the SOLAS Convention;

“duly authorised officer” means either —

- (a) an inspector appointed under section 4 of the Merchant Shipping Ordinance 2001;
- (b) a surveyor appointed under section 4 of the Merchant Shipping Ordinance 2001; or
- (c) a person authorised in writing by the Governor for the purposes of this Ordinance.

“intentional unlawful act” means a deliberate act, which by its nature or context ...

“high speed craft” means a craft capable of a maximum speed in metres per second (m/s) equal to or exceeding $3.7 \nabla^{0.1667}$, as defined in regulation X/1.2 of the SOLAS Convention;

“international shipping” means any maritime transport service by ship from a port facility of the Falkland Islands to a port facility outside the Falkland Islands, or conversely;

“international voyage” means a voyage from a country to which the SOLAS Convention applies to a port outside such country, or conversely;

“mobile offshore drilling unit” means a mechanically propelled mobile offshore drilling unit not on location;

“master” includes every person (except a pilot) having command or charge of a ship;

“Merchant Shipping Notice” means a notice described as such and issued by the Secretary of State for Transport of the United Kingdom or by the Governor;

“passenger ship” means a ship which carries more than twelve passengers;

“port facility” means a location determined as such by the Governor, where the ship/port interface takes place and includes areas such as anchorages, waiting berths and approaches from seaward as appropriate, as defined in regulation XI-2/1.9 of the SOLAS Convention;

“port facility security officer” means the person designated as responsible for the development, implementation, revision and maintenance of the port facility plan and for liaison with the ship security officers and company security officers, as defined in paragraph 2.1.8 of Part A of the ISPS Code;

“restricted area” means an area in a ship or a port facility that is identified as such in a ship security plan or port facility security plan;

“ship/port interface” means the interactions that occur when a ship is directly and immediately affected by actions involving the movement of persons, goods or the provision of port services to or from the ship, as defined in regulation XI-2/1.8 of the SOLAS Convention;

“ship security officer” means the person on board the ship, accountable to the master, designated by the company as responsible for the security of the ship, including implementation and maintenance of the ship security plan and for liaison with the company security officer and port facility security officers.

Application

3.—(1) This Ordinance applies to —

(a) the following types of Falkland Islands ships and non-Falkland Islands ships in Falkland Islands waters when engaged in international voyages, and their companies —

(i) passenger ships including high speed passenger craft;

(ii) cargo ships, including high speed craft, of 500 gross tonnage and upwards; and

(iii) mobile offshore drilling units;

(b) port facilities serving ships specified in paragraph (a).

(2) This Ordinance does not apply to —

(a) ships of war and troop ships; and

(b) cargo ships of less than 500 gross tonnage;

- (c) ships not propelled by mechanical means;
- (d) wooden ships of primitive build;
- (e) pleasure yachts not engaged in trade;
- (f) fishing vessels; and
- (g) ships not engaged in commercial activities.

PART 2 INSPECTIONS

Inspections of ships and port facilities by a duly authorised officer

4.—(1) For the purpose of enabling a duly authorised officer to verify that ships and port facilities are in compliance with the requirements of Chapter XI-2 of the SOLAS Convention and the ISPS Code or of ascertaining whether any enforcement notice is being or has been complied with, a duly authorised officer shall have the power, on production (if required) of his credentials, to inspect —

- (a) any Falkland Islands ship;
- (b) any other ship while in a port facility; and
- (c) any Falkland Islands port facility.

(2) A duly authorised officer inspecting a ship or port facility shall have power —

- (a) to subject any property found by him on the ship, or any apparatus or equipment installed on the ship which is required by or approved in the relevant ship security plan to such tests,
- (b) to subject any part of the port facility or any property found by him in the port facility, or any apparatus or equipment installed in the port facility which is required by or approved in the relevant port facility security plan to such tests,
- (c) to take such steps —
 - (i) to ascertain what practices or procedures are being followed in relation to security, or
 - (ii) to test the effectiveness of any practice or procedure relating to security, or
- (d) to require the company, or the company security officer, or the ship security officer or the master of the ship or the port facility security officer or a person acting on behalf of any of the aforementioned persons to furnish to him such information,

as the duly authorised officer may consider necessary for the purpose for which the inspection is carried out.

(3) Subject to paragraph (4), a duly authorised officer, for the purpose of exercising any power conferred on him by paragraphs (1) or (2) in relation to a ship or in relation to a port facility, may—

(a) for the purpose of inspecting a ship, go on board and take all such steps as are necessary to ensure that it is not moved, or

(b) for the purpose of inspecting a port facility, to enter any building or works in the port facility or enter upon any land in the port facility.

(4) The powers conferred by paragraph (3) do not include power for a duly authorised officer to use force for the purpose of going on board any ship, entering any building or works or entering upon any land.

(5) Any person who —

(a) without reasonable excuse, fails to comply with a requirement imposed on him under paragraph (2)(c); or

(b) in furnishing any information so required makes a statement which he knows to be false in a material particular, or recklessly makes a statement which is false in a material particular,

commits an offence.

(6) A person convicted of an offence under paragraph (5) is liable to a fine not exceeding the maximum of level 5 on the standard scale or to imprisonment for a term not exceeding two years.

PART 3 **DETENTION OF SHIPS**

Detention notices

5.—(1) Where a duly authorised officer detains a ship pursuant to the control and compliance measures specified in Regulation 9 of Chapter XI-2 of the SOLAS Convention, he shall serve on the master of the ship a notice (in this part referred to as a detention notice) which states that the duly authorised officer has grounds for believing that —

(a) the ship is not in compliance with Chapter XI-2 of the SOLAS Convention, or

(b) the ship is not in compliance with Part A of the ISPS Code, or

(c) there has been a failure to make available for inspection a valid International Ship Security Certificate or a valid Interim International Ship Security Certificate issued under the provisions of Part A of the ISPS Code.

(2) A detention notice shall specify the steps that the duly authorised officer requires to be taken in respect of the ship in order to secure its release from detention.

(3) A detention notice shall require the master to take steps to ensure that the ship does not proceed to sea while the detention notice is in force.

(4) The master of a ship in respect of which a detention notice is served may object to the notice in writing to the Governor.

(5) On receipt of an objection to the detention notice under paragraph (1) the Governor shall —

(a) consider the objection;

(b) allow the person making the objection and the duly authorised officer who gave the notice an opportunity to make written representations to the Governor;

(c) confirm, modify or cancel the notice, and

(d) give notice of his decision in writing to the person who made the objection and to the duly authorised officer who served the notice.

(6) The Governor shall include in his decision a finding as to whether in relation to any of the matters specified in respect of a ship in a detention notice in respect of paragraph (1), there was or was not a valid basis for the detention of the ship.

(7) A detention notice in respect of a ship shall continue in force until —

(a) a duly authorised officer cancels it by notice in writing, or

(b) the Governor cancels it under subsection (4)(c).

(8) A person commits an offence if without reasonable excuse he fails to comply with a requirement of a detention notice.

(9) A person who is convicted of an offence under paragraph (6) is liable to a fine not exceeding the maximum of level 5 on the standard scale or to imprisonment for a term not exceeding two years.

Compensation for invalid detention of a ship

6.—(1) Where having considered an objection in respect of a detention notice relating to a ship under section 5 the Governor finds that there was no valid basis for the detention, the owner of

the ship shall be entitled to receive compensation for such loss or damage suffered by him which is directly attributable to the detention of the ship.

(2) Any compensation granted under this section shall be payable by the Crown.

(3) A claim for compensation under this section shall be made in writing to the Governor within three months beginning with the date of the Governor's decision under section 5(5)(d).

(4) Any person claiming compensation under this section shall provide all such information and supplementary information in respect of the loss or damage incurred as the Governor may at any time reasonably require and shall verify the same in any such manner, including the production of original documents in his possession or control, as may be reasonably required.

(5) Any disputed question as to the right to or the amount of any compensation payable under this section shall be referred to a single arbitrator appointed by agreement between the parties for that question to be determined by him.

PART 4 **RESTRICTED AREAS**

Unauthorised presence in a restricted area of a ship

7.—(1) A person shall not —

(a) go onto or into any part of a restricted area of a ship except with the permission of the master or the ship security officer or a person acting on their behalf, and in accordance with any conditions subject to which that permission is for the time being granted, or

(b) remain in any part of such a restricted area after being requested to leave by the master or the ship security officer or a person acting on their behalf.

(2) Subsection (1)(a) does not apply unless it proved that, at the material time, notices stating that the area concerned was a restricted area were posted so as to be readily seen and read by persons entering the restricted area.

(3) A person who contravenes subsection (1) of this section without lawful authority or reasonable excuse commits an offence and is liable on conviction to a fine not exceeding the maximum of level 5 on the standard scale.

(4) A police officer, or the master or the ship security officer, or a person acting on behalf of the master or the ship security officer, may use such force as is reasonable in the circumstances to remove from a restricted area a person remaining in it in contravention of subsection (1)(b) of this section.

Unauthorised presence in a restricted area of a port facility

8.—(1) A person shall not —

(a) go onto or into any part of a restricted area of a port facility except with the permission of the port facility security officer or a person acting on his behalf, and in accordance with any conditions subject to which that permission is for the time being granted, or

(b) remain in any part of such a restricted area after being requested to leave by the port facility security officer or a person acting on his behalf.

(2) Subsection (1)(a) of this section does not apply unless it proved that, at the material time, notices stating that the area concerned was a restricted area were posted so as to be readily seen and read by persons entering the restricted area.

(3) A person who contravenes subsection (1) of this section without lawful authority or reasonable excuse is guilty of an offence and liable on conviction to a fine not exceeding the maximum of level 5 on the standard scale.

(4) A police officer, or the port facility security officer, or a person acting on behalf of the port facility security officer, may use such force as is reasonable in the circumstances to remove from a restricted area a person remaining in it in contravention of subsection (1)(b) of this section.

PART 5

OFFENCES RELATING TO DULY AUTHORISED OFFICERS

Offences and penalties

9.—(1) A person whom —

(a) intentionally obstructs a duly authorised officer in the exercise of a power conferred upon him by these Regulations;

(b) falsely pretends to be a duly authorised officer,

commits an offence.

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

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

PART 6
ENFORCEMENT AND PENALTIES

Enforcement notices

10.—(1) A duly authorised officer may serve a notice (in this part referred to as an "enforcement notice") where it appears to him that any person mentioned in subsection (2) has failed to comply with —

(a) the requirements of Chapter XI-2 of the SOLAS Convention;

(b) the requirements of Part A of the ISPS Code; or

(c) the requirements to submit specified changes or amendments to a ship security plan or a port facility security plan to the Governor for approval in accordance with section 16.

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

(a) the company;

(b) the company security officer;

(c) the ship security officer;

(d) the master of a ship;

(e) the port facility security officer;

(f) the owner of the port facility security plan; and

(g) any person who carries on port operations in a port facility.

Contents of enforcement notices

11.—(1) An enforcement notice shall state the matters which appear to the duly authorised officer to constitute a failure to comply with the requirements in relation to which the enforcement notice is served.

(2) An enforcement notice may be framed so as to afford the person on whom it is served a choice between different ways of complying with the requirements set out in the notice.

(3) An enforcement notice shall specify the steps which the duly authorised officer requires to be taken, or the activity or the activities which the duly authorised officer requires to cease in order to achieve compliance with the requirements in relation to which the enforcement notice was served.

(4) An enforcement notice shall specify the date on which it is to take effect and shall take effect on that date.

(5) An enforcement notice shall specify the period at the end of which any steps are required to have been taken or any activities are required to have ceased and may specify different periods for different steps or activities.

(6) Where different periods apply to different steps or activities, references in this Ordinance to the period for compliance with an enforcement notice, in relation to any step or activity, are to the period at the end of which the step is required to have been taken or the activity is required to have ceased.

(7) An enforcement notice requiring a person not to cause or permit anything to be done shall be construed as requiring him to take all such steps as in any particular circumstances are practicable and necessary to prevent that thing from being done.

Offences relating to enforcement notices

12.—(1) Any person, who without reasonable excuse, fails to comply with an enforcement notice served on him commits an offence and liable on conviction to a fine not exceeding the maximum of level 10 on the standard scale.

(2) Where a person is convicted of an offence under subsection (1) and if without reasonable excuse, the failure in respect of which he was convicted is continued after the conviction, he commits a further offence and is liable on conviction of that offence to a fine not exceeding £100 for each day on which the failure continues.

Objections to enforcement notices

13.—(1) A person on whom an enforcement notice is served may serve on the Governor a notice in writing of his objection to the enforcement notice.

(2) The only grounds on which such a person may object to an enforcement notice are —

(a) that the steps required by the notice to be taken for the purposes of section 8 have been complied with;

(b) that the steps required by the notice to be taken do not constitute a failure to comply with the requirements specified in regulation 10;

(c) that any requirement of the notice —

(i) is unnecessary for complying with the requirements specified in regulation 10 should be dispensed with; or

(ii) having regard to the terms of those requirements, is excessively onerous or inconvenient and should be modified in a manner specified in the notice of objection under subsection (1).

(3) An objection to an enforcement notice under this section shall be served on the Governor within seven days of the date on which the enforcement notice was served.

(4) A person making an objection to an enforcement notice under this section shall submit to the Governor, either when making the objection or within the seven days referred to in subsection (3), a statement in writing —

(a) specifying the grounds on which he is objecting to the enforcement notice, and

(b) providing such further information as may be appropriate.

(5) Where the person on whom an enforcement notice is served serves a notice under subsection (1) of this section, the Governor shall consider the grounds of the objection and, if so required by the objector, shall afford to him an opportunity of appearing before and being heard by a person appointed by the Governor for the purpose, and shall then serve on the objector a notice in writing either —

(a) confirming the enforcement notice as originally served, or

(b) confirming it subject to one or more modifications specified in the notice, or

(c) cancelling the enforcement notice.

(6) An enforcement notice to which an objection has been made under subsection (1) of this section shall not take effect until it has been confirmed, with or without modification, by a notice under subsection (5).

(7) An enforcement notice served on any person —

(a) may be revoked by a notice served on him by an duly authorised officer, and

(b) may be varied by a further enforcement notice.

PART 7 **MISCELLANEOUS**

Minimum period for retention of records

14. Records of the activities specified in paragraph 10.1 of Part A of the ISPS Code and which are addressed in the ship security plan shall be kept on board the ship for a period of at least three years from the date of the activity taking place.

Minimum period for retention of a declaration of security

15.—(1) Ships and port facilities shall retain any completed declaration of security for a period of at least three years after it was last used.

(2) In the case of ships any completed declaration of security relating to one of its last ten calls at port facilities shall be retained by the ship for as long as it relates to any of the ship's last such ten

calls, even when the period over which those calls extend exceeds the minimum three year period referred to in subsection (1).

Amendments to Plans

16.—(1) In accordance with the ISPS Code, the Governor shall decide and thereafter notify companies and port facilities in writing, of the changes or amendments to the relevant approved ship security plan or port facility security that must first be submitted to him for approval before they are implemented by those ships and port facilities.

(2) The changes or amendments referred to in subsection (1) shall not be implemented by the companies or owners of port facility security plans without first obtaining the approval of the Governor.

Service of documents

17.—(1) This section has effect in relation to any notice, any notification and any other document authorised or required by any provision of this Ordinance to be served on or given to any person.

(2) Any such document may be given or served on any person —

(a) by delivering to him, or

(b) by leaving it at his proper address, or

(c) by sending it by post to him at that address, or

(d) by sending it to him at that address, by fax or other similar means which produce a document containing the text of the communication, or

(e) where the person maintains an email address, by sending an electronic copy of the document to that email address.

(3) Any such document may, in the case of a body corporate, be given to or served on the secretary, clerk or similar officer of that body.

(4) For the purposes of this section, the proper address of any person to whom or on whom any document is to be given or served is his usual or last known address or place of business, whether in the Falkland Islands or elsewhere except that in the case of a body corporate or its clerk or similar officer it shall be the address of the registered or principal office of that body in the Falkland Islands or if it has no office in the Falkland Islands of its principal office wherever that may be.

(5) In the case of a person registered under any of the Falkland Islands registration provisions as the owner of any ship so registered, the address for the time being recorded in relation to him in the register shall also be treated as his proper address for the purposes of this section.

(6) If the person to or whom any document mentioned in paragraph (1) is to be given or served has notified the Governor of an address within the Falkland Islands other than an address determined under paragraph (4) or (5), as the one at which he or someone else on his behalf will accept documents of the same description as that document, that address shall also be treated for the purposes of this section as his proper address.

(7) Any document mentioned in subsection (1) shall, where there are two or more owners of a ship who are registered under any of the Falkland Islands registration provisions, be treated as duly served on the company where it is served upon one of those owners.

(8) Where any document mentioned in subsection (1) is to be served on the master of a ship, it shall be treated as duly served if it is left on board that ship with the person being or appearing to be in command or charge of the ship.

Regulations

18.—(1) The Governor may make such regulations as he considers necessary or expedient for the purpose of giving further or better effect to the purposes of this Ordinance.

(2) Without prejudice to the generality of paragraph (1), the Governor's power under that paragraph to make regulations includes power by such regulations to prescribe fees and charges which shall be payable in such circumstances and such amounts calculated in such manner as may be specified in such regulations.

Passed by the Legislature of the Falkland Islands this 30th day of July 2004.

C. ANDERSON M.B.E.,
Clerk of Councils.

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

C. ANDERSON M.B.E.,
Clerk of Councils.

ELIZABETH II



FALKLAND ISLANDS

HOWARD JOHN STREDDER PEARCE C.V.O.,
Governor.

Highways (Weight Limits)(Amendment) Ordinance 2004

(No: 12 of 2004)

ARRANGEMENT OF PROVISIONS

Section

1. Short title and commencement
2. Replacement of section 5 of the principal Ordinance

ELIZABETH II



FALKLAND ISLANDS

HOWARD JOHN STREDDER PEARCE C.V.O.,
Governor.

HIGHWAYS (WEIGHT LIMITS)(AMENDMENT) ORDINANCE 2004

(No: 12 of 2004)

(assented to: 6 August 2004)
(commencement: upon publication)
(published: 13 August 2004)

AN ORDINANCE

To amend the Highways (Weight Limits) Ordinance by replacing section 5 of that Ordinance so as to make different provision in relation to the display of indications of the authorised weight of vehicles.

ENACTED by the Legislature of the Falkland Islands as follows —

Short title and commencement

1. This Ordinance may be cited as the Highways (Weight Limits)(Amendment) Ordinance 2004 and comes into force on such date as it is published in the *Gazette* or, if later, the date on which the Highways (Weight Limits) Ordinance 2004 comes into force under the provisions of section 1 of that Ordinance (“the principal Ordinance”).

Replacement of section 5 of the principal Ordinance

2. Section 5 of the principal Ordinance is replaced by the following section —

“Display of indication of weight

5.—(1) There shall be prominently displayed at the rear of every vehicle, trailer or vehicle combination a plate bearing an expression in arabic numerals of its authorised weight.

(2) The colour, shape and dimensions of the plates mentioned in subsection (1), and the colours and dimensions of the arabic numerals to appear thereon, shall be such as may be approved by the Chief Police Officer after consulting each of the persons who is a Competent Authority for the purposes of section 8:

Provided that plates different in appearance may be approved for vehicles in different ownership.

(3) The expression in arabic numerals referred to in subsection (1) shall be the authorised weight of the vehicle on which the plate appears, expressed as a whole number and decimal fraction of metric tons:

Provided that if the authorised weight represents a whole number of metric tons, it shall be expressed simply as a whole number.

(4) Any person who contravenes subsection (1) after the expiration of two months from the coming into force of this Ordinance commits an offence and is liable on conviction to a fine not exceeding the maximum of level 2 on the standard scale.”

Passed by the Legislature of the Falkland Islands this 30th day of July 2004.

C. ANDERSON M.B.E.,
Clerk of Councils.

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

C. ANDERSON M.B.E.,
Clerk of Councils.

ELIZABETH II



FALKLAND ISLANDS

HOWARD JOHN STREDDER PEARCE C.V.O.,
Governor.

Interpretation and General Clauses (Amendment) Ordinance 2004

(No: 13 of 2004)

ARRANGEMENT OF PROVISIONS

Section

1. Short title
2. Interpretation
3. Amendment of section 78 of the principal Ordinance
4. Amendment of section 83 of the principal Ordinance

ELIZABETH II



FALKLAND ISLANDS

HOWARD JOHN STREDDER PEARCE C.V.O.,
Governor.

INTERPRETATION AND GENERAL CLAUSES (AMENDMENT) ORDINANCE 2004

(No: 13 of 2004)

(assented to: 6 August 2004)

(commencement: upon publication)

(published: 13 August 2004)

AN ORDINANCE

To amend the Interpretation and General Clauses Ordinance (Title 67.2)

ENACTED by the Legislature of the Falkland Islands as follows —

Short title

1. This Ordinance may be cited as the Interpretation and General Clauses (Amendment) Ordinance 2004.

Interpretation

2. In this Ordinance “principal Ordinance” means the Interpretation and General Clauses Ordinance (Title 67.2).

Amendment of section 78 of the principal Ordinance

3. Section 78 of the principal Ordinance is amended —

(a) in subsection (1) by —

(i) inserting a comma in place of the full stop following the word “therefor”;

(ii) by the addition of the following words after that comma —

“but this subsection shall not have effect so as to apply as part of the written law of the Falkland Islands —

(A) any amendment of an imperial enactment, provision, part or division thereof where that amendment is enacted or made after the cut-off date; or

(B) any imperial enactment provision, part or division of any imperial enactment substituted after the cut-off date for any imperial enactment, provision, part or division of an imperial enactment which applied as part of the written law of the Falkland Islands on the cut-off date.”

(b) in subsection (2) by inserting immediately after the words “later imperial enactment” the words “enacted or made before the cut-off date”;

(c) by adding the following subsection —

“(7) In this section “cut-off date” means 31st July 2004.”

Amendment of section 83 of the principal Ordinance

4. Section 83 of the principal Ordinance is amended —

(a) by replacing paragraph (b) of subsection (1) with —

“(b) the “subsequent English law” means any imperial enactment enacted or made after 22nd May 1900 and before the cut-off date;”

(b) in subsection (2) by replacing the words “it has been” with the words “it was before the cut-off date” and by inserting before the word “disapplied” the words “before or after the cut-off date”;

(c) in subsection (3) by replacing the words “current English law” in both places they appear in that subsection with the words “subsequent English law”; and

(d) by adding the following subsection —

“(7) In this section “cut-off date has the same meaning as it has in section 78(7).”

Passed by the Legislature of the Falkland Islands this 30th day of July 2004.

C. ANDERSON M.B.E.,
Clerk of Councils.

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

C. ANDERSON M.B.E.,
Clerk of Councils.

ELIZABETH II



FALKLAND ISLANDS

HOWARD JOHN STREDDER PEARCE C.V.O.,
Governor.

Customs (Amendment)(No 2) Ordinance 2004

(No: 14 of 2004)

ARRANGEMENT OF PROVISIONS

Section

1. Short title and commencement
2. Amendment of the Customs Ordinance 2003

Schedule

ELIZABETH II



FALKLAND ISLANDS

HOWARD JOHN STREDDER PEARCE C.V.O.,
Governor.

CUSTOMS (AMENDMENT)(NO 2) ORDINANCE 2004

(No: 14 of 2004)

(assented to: 6 August 2004)
(commencement: upon publication)
(published: 13 August 2004)

AN ORDINANCE

To amend the Customs Ordinance 2003.

ENACTED by the Legislature of the Falkland Islands as follows —

Short title

1. This Ordinance may be cited as the Customs (Amendment)(No 2) Ordinance 2004.

Amendment of the Customs Ordinance 2003

2. The Customs Ordinance 2003 is amended in the manner specified in the Schedule to this Ordinance.

SCHEDULE
Amendments to Customs Ordinance 2003

1. In this Schedule “the principal Ordinance” means the Customs Ordinance 2003
2. Section 13(6) of the principal Ordinance is amended by replacing the words “Subsection (3)” with the words “Subsection (4)”.
3. Section 20(1) of the principal Ordinance is replaced by the following new subsection —

“(1) At any time while a ship is within the limits of a port, or an aircraft is at an aerodrome, or a vehicle is —

 - (a) within the limits of or entering or leaving a port or any land adjacent to a port and occupied wholly or mainly for the purpose of activities carried on at a port;
 - (b) at, or leaving, an aerodrome;
 - (c) at, entering, or leaving an approved wharf or transit shed,

any customs officer and any other person duly engaged in the prevention of smuggling may board the ship, aircraft or vehicle and remain therein and rummage and search any part thereof.”
4. The principal Ordinance is further amended by replacing the word “**SCHEDULE**” appearing at the commencement of the existing Schedule to the principal Ordinance with “**SCHEDULE 2**”.
5. The following new Schedule is inserted in the principal Ordinance immediately after section 163 —

“SCHEDULE 1

1. Sections 43(4) and 159(3) of this Ordinance shall have effect in a case where the goods in respect of which the offence referred to in that subsection was committed were a Class A drug or a Class B drug as if for the words “is liable” onwards there were substituted the following words —

“is liable where the goods were a Class A drug or a Class B drug (except where the drug concerned is cannabis) to imprisonment for a term not exceeding 14 years and a fine not exceeding the maximum of level 10 on the standard scale and where the goods concerned were cannabis to a term of imprisonment not exceeding 7 years and to a fine not exceeding the maximum of level 8 on the standard scale”.

2. Section 43(4) and 159(3) of this Ordinance shall have effect in a case where the goods in respect of which the offence referred to in that subsection were a Class C drug as if for the words "is liable" onwards there were substituted the following words —

"is liable to imprisonment for a term not exceed 5 years and to a fine not exceeding the maximum of level 6 on the standard scale".

3. In this Schedule "Class A drug", "Class B drug" and "Class C drug" have the same meanings as they have in the Misuse of Drugs Ordinance (Title 49.3)."

Passed by the Legislature of the Falkland Islands this 30th day of July 2004.

C. ANDERSON M.B.E.,
Clerk of Councils.

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

C. ANDERSON M.B.E.,
Clerk of Councils.

Falkland Islands Government: Taxation Office

Extra Statutory Concessions

This is Extra Statutory Concessions number 10, approved by Executive Council at their meeting on 29 July 2004.

ESC 10 Company Accounts Audit Requirements for the Taxation Office

Although all companies have a statutory requirement to produce audited accounts, this can in practice be onerous for smaller concerns. From the date of this concession the Taxation Office will normally accept unaudited accounts for those companies with an annual turnover of less than £350,000, provided that they are not part of a Group or associated with any other company. As with all ESC's, this relaxation will not apply where it might be used to avoid or evade taxation.

Explanation

Individuals and partnerships subject to income tax on gains or profits from a business are required each year, under Section 11(2) of the Taxes Ordinance 1997, to submit accounts of that business. Although under that section the Commissioner has the power to require such accounts to be audited this is not normally invoked. Companies, however, are required under Section 30 Taxes Ordinance 1997 to deliver to the Commissioner accounts as required by the Companies Act 1948, as it applies in the Falkland Islands. The 1948 Act says that all companies must produce audited accounts and present them to a general meeting. These accounts must be in accordance with standard accounting practice.

This requirement places a burden on all companies which may not be commensurate with the size of smaller ones, and indeed it is unlikely that this requirement will remain when the Companies Act is updated in the near future. In the UK the requirement was lifted for smaller companies several years ago, originally for those Companies with a turnover in excess of £350,000, although this figure has since been increased. Given the generally lower levels of activities in the Falkland Islands, it seems sensible to adopt this as an appropriate level for a relaxation of the statutory requirement, equating as it does to a turnover of approximately £1000 per day.

It must be remembered that any company that is part of a Group or associated with any other company will still be required to provide fully audited accounts so that the Taxation Office is able to see the full facts of those companies. If any such company wishes not to submit full audited accounts a written request for clearance must be made to the Taxation Office for clearance from that requirement.



**THE
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The following is published in this Supplement -

Postal Packets (Customs) Regulations 2004, (S. R. & O. No: 30 of 2004);

The Tabernacle Designation Order 2004, (S. R. & O. No: 31 of 2004);

Car Parks Regulations (Amendment) Order 2004, (S. R. & O. No: 32 of 2004).

SUBSIDIARY LEGISLATION

CUSTOMS

Postal Packets (Customs) Regulations 2004

(S.R.& O. No: 30 of 2004)

Made: 18 August 2004

Published: 31 August 2004

Coming into operation: 1 September 2004

IN EXERCISE of my powers under section 148(2) of the Customs Ordinance 2003(a) and of all other powers enabling me in that behalf, I make the following Regulations —

Citation and commencement

1. These Regulations may be cited as the Postal Packets (Customs) Regulations 2004 and shall come into operation on 1st September 2004.

Interpretation

2. In these Regulations, the “principal Ordinance” means the Customs Ordinance 2003 and —

“Collector” means the Collector of Customs;

“dutiable goods” has the meaning given by section 2(1) of the principal Ordinance but includes also goods subject to any charge on importation for the collection of which the Collector is responsible;

“duty” has the meaning given by section 2(1) of the principal Ordinance and includes any such charge;

“exporter” and “importer” have the same meanings as they have under section 2(1) of the principal Ordinance;

“inland post” means the post for transmission of those postal packets to which the rates of postage specified in the Third Schedule to the Order, as amended from time to time, apply;

“the Order” means the Post Office Order 2002;

“letter packet” means a packet transmitted at a letter rate of postage and containing goods;

“parcel”, means a postal packet to which, if posted in the Falkland Islands, a parcel rate of postage would apply;

“postal packet” means a letter, parcel, packet or other article transmissible by post;

“prescribed” means prescribed by the provisions of the Universal Postal Convention and Detailed Regulations made thereunder which are for the time being in force;

“printed packet” means a postal packet containing a printed paper;

“proper” in relation to an officer means the Postmaster or any other public officer authorised by the Postmaster to perform any duty in relation to a postal packet; and

“small packet” has the meaning assigned by article 6(1) of the Order.

Modification of principal Ordinance etc.

3.—(1) Nothing in the principal Ordinance or any other enactment relating to customs and excise shall apply to postcards.

(2) In their application to goods contained in postal packets, the following provisions of the principal Ordinance shall be subject to the following modifications and exceptions —

(a) in the application of section 5, subsection (4) shall apply with the modification that the time of exportation of the goods shall be the time when they are posted (or redirected) in the Falkland Islands for transmission to a place outside them;

(b) section 33 shall only apply where the Collector has required entry to be made in accordance with that section, and, where he has so required, shall apply only to the extent, and with the modification set out in regulation 11 of these Regulations;

(c) section 42(1) shall not apply and section 42(2)(c) is replaced by the words with “(c) at the time when the packet containing the goods having been presented to the proper officer of customs, the amount of the duty appearing to be due is assessed by him.”;

(d) section 43(1)(a) shall be omitted;

(e) for references in —

(i) section 45(1) and (3) to “shipped for exportation”;

(ii) section 49(1) to “shipped”;

(iii) section 50(1) to “shipped for exportation” and “shipped”;

(iv) in section 51(1) to “shipped for exportation”;

there shall be substituted references to “posted in the Falkland Islands for transmission to any place outside them”;

(f) section 51(1) shall only apply in such cases, or class of cases, in which the Collector requires a specification to be delivered;

(g) section 69(1) shall apply to goods brought by post into the Falkland Islands or posted in the Falkland Islands for transmission to any place outside the Falkland Islands if an entry or specification is required of such goods when they are imported or exported otherwise than by post; and

(h) section 91 shall apply to any goods deposited in a Queen’s Warehouse under regulation 11 of these Regulations as it applies to goods so deposited under or by virtue of any provision of the principal Ordinance.

Bringing of dutiable goods into the Falkland Islands by post

4. Dutiable goods shall not be brought into the Falkland Islands by post from a place outside the Falkland Islands for delivery within the Falkland Islands except —

(a) in a parcel, a letter packet or a small packet; or

(b) where the goods are of such a description as to be permitted to be transmitted in a printed packet, in a printed packet.

Requirement for customs declarations etc: inward post

5.—(1) This regulation applies to —

(a) parcels brought by post into the Falkland Islands;

(b) packets brought by post into the Falkland Islands, being printed packets containing or consisting of dutiable goods, small packets, or letter packets.

(2) Subject to paragraph (3) of this regulation, every parcel referred in paragraph (1)(a) of this regulation shall have affixed to it, or be accompanied by, a customs declaration fully and correctly stating the nature, quantity and value of the goods which it contains or of which it consists, and such other particulars as the Collector or the Postmaster may require.

(3) The Collector may, at the request of the Postmaster, relax the requirements of paragraph (2) of this regulation by allowing the bringing in by post into the Falkland Islands of any number of parcels accompanied by a single customs declaration containing the particulars required by paragraph (2) if the parcels are brought in together, sent by or on behalf of the same person and addressed to a single addressee.

(4) Every packet referred to in paragraph (1)(b) of this regulation, of which packet the value exceeds £270, shall have attached to it a full and correct customs declaration of the kind

described in paragraph (2) of this regulation and, in addition, shall bear on the outside the top portion of a green label in the prescribed form:

Provided that any packet referred to in this paragraph, being a registered letter packet containing any article of value, may have the customs declaration referred to in this paragraph enclosed in it.

(5) Every packet referred to in paragraph (1)(b) of this regulation, of which packet the value does not exceed £270 shall either —

(a) bear on the outside a green label in the prescribed form, in which the declaration as to the description, net weight and value of the contents shall be fully and correctly completed; or

(b) bear on the outside the top portion of a green label in the prescribed form and, in addition, have attached to it a full and correct customs declaration of the kind described in paragraph (2) of this regulation:

Provided that any packet referred to in this paragraph, being a registered letter packet containing any article of value may have the customs declaration referred to in subparagraph (b) of this paragraph enclosed in it.

Requirement for customs declarations etc: outward post

6.—(1) This regulation applies to —

(a) parcels posted in the Falkland Islands for transmission to any place outside the Falkland Islands;

(b) packets posted in the Falkland Islands for transmission to any place outside the Falkland Islands, being printed packets containing or consisting of goods which are dutiable in the country of destination, small packets and letter packets.

(2) Every parcel referred to in paragraph (1)(a) of this regulation shall have affixed to it, or be accompanied by, a customs declaration fully and correctly stating the nature, quantity and value of the goods which it contains or of which it consists, and such other particulars as the Collector or the Postmaster may require.

(3) The Collector may, at the request of the Postmaster, relax the requirements of paragraph (2) of this regulation by allowing the exportation by post of any number of parcels accompanied by a single customs declaration containing the particulars prescribed by paragraph (2) if the parcels are posted simultaneously at the same post office by or on behalf of the same person and are addressed to a single addressee.

(4) Every packet referred to in paragraph (1)(b) of this regulation of which packet the value exceeds £270, shall bear on the outside the top portion of a green label in the prescribed form and, in addition, shall have attached to it, or if the postal administration of the country of

destination so requires, enclosed in it, a full and correct customs declaration of the kind described in paragraph (2) of this regulation:

Provided that any packet referred to in this paragraph, being a registered letter packet containing any article of value, may have the customs declaration referred to in this paragraph enclosed in it if the sender so prefers.

(5) Every packet referred to in paragraph (1)(b) of this regulation, of which packet the value does not exceeds £270, shall either —

(a) bear on the outside a green label in the prescribed form, in which the declaration as to the description, net weight and value of the contents shall be fully and correctly completed if the sender so prefers,

(b) bear on the outside the top portion of a green label in the prescribed form and, in addition, have attached to it or, if the postal administration of the country of destination so requires, enclosed in it, a full and correct customs declaration of the kind described in paragraph (2) of this regulation:

Provided that any packet referred to in this paragraph, being a registered letter packet containing any article of value may have the customs declaration referred to in sub-paragraph (b) of this paragraph enclosed in it if the sender so prefers.

Further provisions as to goods to be exported by post

7. Without prejudice to the provisions of regulations 5 and 6 of these Regulations, every postal packet containing goods to be exported by post without payment of any duty of customs or excise to which they are subject, or on drawback or repayment of such duty, shall on its removal to the post office —

(a) be accompanied by such shipping bill, declaration or other document containing such particulars as the Collector may require; and

(b) have affixed to its outer cover in the form and manner so required a label having printed thereon the words "Exported by Post under Customs Control", or be distinguished in such other manner as may be required.

Performance of duties by Postmaster and subordinates

8. The Collector may authorise the Postmaster and any public officer serving under the Postmaster to perform in relation to any postal packet or the goods which it contains such of the duties required by virtue of any Customs and Excise legislation to be performed by the importer or exporter of goods as the Collector may require.

Opening of postal packets for Customs examination

9. In such case or classes of case as the Collector may require, the proper officer of the Post Office shall produce to any customs officer requiring the same postal packets arriving in the

Falkland Islands or about to be despatched from the Falkland Islands and, if such customs officer so requires, shall open for customs examination any packets so produced.

Certificates of posting

10. The proper officer of the Post Office accepting any outgoing package in respect of which the requirements of paragraph (b) of regulation 7 of these Regulations have been duly complied with shall endorse the certificate of the posting of the package on the appropriate document and shall give it to the sender.

Provisions applicable where notice requiring entry sent

11.—(1) If goods are brought by post into the Falkland Islands, and a customs officer sends to the addressee of the packet in which they are contained, or to any other person who is for the time being the importer of the goods, a notice requiring entry to be made of them or requiring a full and accurate account of them to be delivered to the proper officer of customs but entry is not made or such account is not delivered within 28 days of the date of such notice or within such longer period as the Collector may allow, then unless the Collector has required the packet to be delivered to him under regulation 14, the Post Office shall —

(a) return the goods to the sender of the packet in which they were contained, or otherwise export them from the Falkland Islands in accordance with any request or indication appearing on the packet; or

(b) deliver the goods to the Collector; or

(c) with the permission of the Collector, and under the supervision of a customs officer, destroy them.

(2) Where goods have been delivered to him in accordance with paragraph (1)(b) of this regulation, the Collector may cause the goods to be deposited in a Queens Warehouse and section 33(3) of the principal Ordinance shall apply to the goods as it applies to goods so deposited under the said section 33.

Power to demand payment of duty on delivering a postal packet

12.—(1) On delivering a postal packet the proper officer of the Post Office may demand payment of any duty or other sum due to the Collector in respect of it, and any sum so received shall be paid into the Consolidated Fund under such vote or account as is referable to customs duty collected.

(2) If payment is not made of any duty so demanded, then, subject to paragraph (3) of this regulation, the Post Office may, with the agreement of the Collector, dispose of the goods contained in the packet as it sees fit.

(3) If any amount demanded in accordance with paragraph (1) of this regulation, but not paid, is an amount other than duty, the Post Office shall deliver the packet to the Collector.

Goods imported by post without declaration or green label

13. If dutiable goods are brought by post into the Falkland Islands in any postal packet contrary to regulation 4, or if any postal packet or mail bag to which regulations 5 and 6 or either of them applies does not contain, does not have affixed or attached to it, or is not accompanied by, the declaration, or does not bear the green label, required by these Regulations or any of them, or if the contents of any postal packet do not agree with the green label or customs declaration affixed or attached to the packet, or by which it is accompanied, or if the other requirements of these Regulations or any of them are not complied with in every material respect, then in every such case the postal packet or mail bag and all its contents shall be liable to forfeiture.

Collector may require delivery of goods liable to forfeiture

14. If the Collector requires any postal packet to be delivered to him on the grounds that any goods contained in it are liable to forfeiture under any Customs and Excise legislation (including these Regulations) the proper officer of the Post Office shall deliver the packet to the Collector or such other customs officer as he may designate for the purpose.

Made this 18th day of August 2004

H. Hall,
Acting Governor

EXPLANATORY NOTE

(not forming part of the above Regulations)

These Regulations set out the Customs requirements relating to incoming and outgoing postal packets and the goods contained in them.

SUBSIDIARY LEGISLATION

PLANNING AND BUILDING

The Tabernacle Designation Order 2004

S. R. & O. No: 31 of 2004

Made: 18 August 2004

Published: 31 August 2004

Coming into force: on publication

IN EXERCISE of my powers under section 65(1) of the Planning Ordinance(a) and of all other powers enabling me in that behalf, I make the following Order —

Citation

1. This Order may be cited as The Tabernacle Designation Order 2004.

Designation

2. The building and curtilage specified in the Schedule to this Order is designated as a building of special architectural or historic interest.

SCHEDULE

The Tabernacle, Barrack Street Stanley and its curtilage.

Made this 18th day of August 2004

H. Hall
Acting Governor

EXPLANATORY NOTE

(not forming part of the above Order)

This Order designates the Tabernacle, Barrack Street, Stanley (and curtilage) as a building of special architectural or historic interest under provisions of the Planning Ordinance. Planning permission is thus required for its demolition, alteration or extension.

(a) Title 55.3 of the Revised Laws of the Falkland Islands

SUBSIDIARY LEGISLATION

ROAD TRAFFIC

Car Parks Regulations (Amendment) Order 2004

S. R. & O. No. 32 of 2004

Made: 26 August 2004

Published: 31 August 2004

Coming into force: on publication

IN EXERCISE of my powers under section 59(1)(j), (m) and (r) of the Road Traffic Ordinance (a), and of all other powers enabling me in that behalf, I make the following Order —

Citation and commencement

1. This Order may be cited as the Car Parks Regulations (Amendment) Order 2004 and shall be deemed to have come into force on the same date as the Car Parks Regulations Order 2003(b).

Correction of Car Parks Regulations Order 2003

2. Article 3(1)(a) of the Car Parks Regulations Order 2004 is amended by deleting the words “one hour” and replacing them with the words “thirty minutes”.

Made this 26th day of August 2004

H. Hall,
Acting Governor

(a) Title 63.1

(b) No 24 of 2003



**THE
FALKLAND ISLANDS GAZETTE
Supplement**

PUBLISHED BY AUTHORITY

Vol. 15

15th September 2004

No. 15

The following are published in this Supplement -

**Medical Practitioners (Recognition of New Zealand Qualification) Order 2004,
(S. R. & O. No: 33 of 2004);**

Falkland Landholdings Corporation (Amendment) Bill 2004;

Falkland Islands Development Corporation (Amendment) Bill 2004;

Broadcasting Bill 2004.

SUBSIDIARY LEGISLATION

MEDICINE AND PHARMACY

Medical Practitioners (Recognition of New Zealand Qualification) Order 2004

S. R. & O. No: 33 of 2004

Made: 1 September 2004

Published: 15 September 2004

Coming into force: upon publication

IN EXERCISE of my powers under section 6 of the Medical Practitioners, Midwives and Dentists Ordinance (Title 49.2) and of all other powers enabling me in that behalf, I make the following Order —

Citation and commencement

1. This Order may be cited as the Medical Practitioners (Recognition of New Zealand Qualification) Order 2004.

Recognition of registration with New Zealand General Medical Council

2. A person who is permitted to practice as a medical practitioner in New Zealand by the New Zealand General Medical Council by reason of registration by such Council is declared to be qualified to be registered as a medical practitioner in the Falkland Islands under section 6(1) of the Medical Practitioners, Midwives and Dentists Ordinance.

Made this 1st day of September 2004

H. Hall,
Acting Governor

Falklands Landholdings Corporation (Amendment) Bill 2004

(No: of 2004)

ARRANGEMENT OF PROVISIONS

Clause

1. Short title and commencement
2. The principal Ordinance
3. Amendment of the principal Ordinance

Schedule

FALKLANDS LANDHOLDINGS CORPORATION (AMENDMENT) BILL 2004

(No: of 2004)

(assented to: 2004)

(commencement: 2004)

(published: 2004)

A BILL

for

AN ORDINANCE

To amend the Falklands Landholdings Corporation Ordinance 2000(a).

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

Short title and commencement

1. This Ordinance may be cited as the Falklands Landholdings Corporation (Amendment) Ordinance 2004 and comes into force on such date as the Governor may fix by notice published in the *Gazette*.

The principal Ordinance

2. In this Ordinance “the Principal Ordinance” means the Falklands Landholdings Corporation Ordinance 2000(a) as amended by the Falklands Landholdings (Amendment) Ordinance 2001(b).

(a) No 21 of 2000

(b) No 3 of 2001

Amendment of the principal Ordinance

3. The principal Ordinance is amended in the manner specified in the Schedule to this Ordinance.

The Schedule

1. Section 4 of the principal Ordinance is repealed and replaced by the following section —

“Board of the Corporation

4.—(1) There shall be a Board of the Corporation consisting of —

- (a) a Chairman of the Corporation who shall be a person nominated by the elected members of the Legislative Council from the two persons appointed as members of the Board under paragraph (b) and who shall be appointed as Chairman by the Governor;
- (b) two persons nominated by the elected members of the Legislative Council from among their number and who shall be appointed by the Governor;
- (c) the Chief Executive of the Falkland Islands Government, who shall be the Executive Vice Chairman of the Corporation;
- (d) the General Manager of the Corporation;
- (e) one person nominated by the Rural Business Association and appointed by the Governor; and
- (f) two persons elected from among their number by the farming community in the Falkland Islands in such manner as may be determined by the Governor and who shall be appointed by the Governor.

(2) Persons appointed pursuant to paragraph (a), (b), (e) or (f) of subsection (1) shall hold office as follows —

- (a) persons appointed pursuant to paragraph (a) or (b) as Chairman or as a member of the Board shall hold office in the relevant capacity until the earliest to occur of the following —
 - (i) him ceasing to be a member of the Legislative Council;
 - (ii) him resigning his office by notice in writing delivered to the Governor;
 - (iii) another member of the Legislative Council being appointed in his place;

Provided that a person holding office as Chairman of the Board who ceases to be Chairman of the Board by virtue sub-paragraph (ii) or (iii) does not cease for that

reason to be a member of the Board unless he has resigned office as such or another member of the Legislative Council has been appointed as a member of the Board in his place, but a person who holds office as Chairman of the Board ceases to hold that office when he ceases to be a member of the Board.

(b) persons appointed pursuant to paragraphs (e) or (f) of subsection (1) shall hold office until the earliest to occur of the following —

(i) unless he is re-appointed for a further period, the expiry of such period as is specified in the instrument of his appointment;

(ii) him resigning his office by notice in writing addressed to the Governor

(iii) him being adjudicated bankrupt;

(iv) an event by reason of which if he were a member of the Legislative Council his seat therein would be vacated by virtue of the provisions of section 26 of the Constitution (vacation of seat on certain sentences of courts in the Commonwealth);

(v) him becoming an elected member of the Legislative Council.

(3) Any member of the Board to whom subsection (2) of this section applies may, if he is unable by reason of illness, absence from the Falkland Islands or any other cause to attend a meeting or meetings of the Board, by notice in writing to, and with the approval of, the Chairman, appoint a person qualified to be appointed under the paragraph of that subsection under which he himself was appointed ("the alternate member") to attend in his place at that meeting or those meetings and the alternate member may, in the absence from the meeting of the member by whom he was appointed, attend at, speak and vote as he sees fit at any such meeting or meetings of the Board in his place.

(4) The Chairman shall not unreasonably refuse to approve the appointment of a person under subsection (3) to attend in place of a member and, if he refuses to approve such an appointment must if so required by the member of the Board concerned inform him in writing why he has done so.

(5) For the purposes of subsection (1)(a) and (b) and subsection (3) of this section, a person who was an elected member of the Legislative Council immediately prior to a dissolution of the Legislative Council shall be deemed to a member of the Legislative Council until the commencement of the first sitting of the Legislative Council following that dissolution.

(6) The Financial Secretary of the Falkland Islands Government or his representative and the Secretary of the Corporation may attend meetings of the Board and may speak in relation to any matter before the Board, but may not vote.

(7) Any other person may attend a meeting of the Board with the permission of the Board and may speak thereat in relation to any matter before the Board in relation to which he is invited to speak, but may not vote.

(8) Subject to this section, the quorum of the Board shall be four or more members personally present. For the purposes of this subsection a person appointed as an alternate member of the Board under subsection (3) of this section shall be deemed to be a member of the Board.”

2. Section 4A of the principal Ordinance is repealed and replaced with the following —

“Absence of Chairman from meetings of Board

4A. In the absence of the Chairman from any meeting of the Board or part thereof, the chair at such meeting or part thereof shall be taken by such person as the elected members of the Legislative Council attending the meeting as members or alternate members of the Board may choose, and if no person is chosen in that manner, the chair at such meeting or part thereof shall be taken by such member or alternate member of the Board present thereat as the Board may choose.”

3. Section 9 of the principal Ordinance is amended by replacing “31st March” with “30th June”.

4. Section 12 of the principal Ordinance is amended by replacing the words “substitute members” appearing therein by the words “alternate members”.

OBJECTS AND REASONS

This Bill would amend the Falklands Landholdings Corporation Ordinance 2000, from a date to be notified by the Governor in the Gazette, by altering the composition of the providing for alternate members of the Board to be appointed by members of the Board in their place if they are unable by reason of illness, absence from the Falkland Islands or otherwise and would alter the quorum of the Board. It would also make different arrangements in relation to the chairing of meetings in the event of the absence of the Chairman and make amendments consequential on the foregoing amendments. Lastly the Bill would change the date on which the Corporation must send its annual estimates to the Financial Secretary from 31st March to 30th June.

Falkland Islands Development Corporation (Amendment) Bill 2004

(No: of 2004)

ARRANGEMENT OF PROVISIONS

Clause

1. Short title and commencement
2. Interpretation
3. Amendment of Falkland Islands Development Corporation Ordinance

Schedule

FALKLAND ISLANDS DEVELOPMENT CORPORATION (AMENDMENT) BILL 2004

(No: of 2004)

(assented to: 2004)

(commencement: 2004)

(published: 2004)

A BILL

for

AN ORDINANCE

To amend the Falkland Islands Development Corporation Ordinance (Title 28.1)(a).

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

Short title and commencement

1. This Ordinance may be cited as the Falkland Islands Development Corporation (Amendment) Ordinance 2004 and comes into force on such date as the Governor may appoint by notice published in the *Gazette*.

(a) Title 28.1 has since 31st December 1992 been amended by (i) the Falkland Islands Development Corporation (Amendment) Ordinance 2000 ("the 2000 Ordinance") (which relevantly to this Ordinance entirely replaced section 7 of Title 28.1), (ii) the Falkland Islands Development Corporation (Amendment) Ordinance 2001 ("the 2001 Ordinance") (which amended section 7(3) of Title 28.1 as replaced by the 2000 Ordinance, inserted a new section 7A in Title 28.1 and made a consequential amendment to section 24 of Title 28.1) and by (iii) the Falkland Islands Development Corporation (Amendment) Ordinance 2002 which amended section 7(1) and (2) of Title 28.1, as replaced by the 2000 Ordinance, and further amended section 7(3) of Title 28.1, which had previously been amended by the 2001 Ordinance.

Interpretation

2. In this Ordinance “the Falkland Islands Development Corporation Ordinance” means the Falkland Islands Development Corporation Ordinance (Title 28.1) as appearing in *The Revised Laws of the Falkland Islands* as originally published (that is to say, incorporating all amendments made thereto before 1st January 1993) as amended after that date(a).

Amendment of Falkland Islands Development Corporation Ordinance

3. The Falkland Islands Development Corporation Ordinance is amended in the manner specified in the Schedule to this Ordinance.

SCHEDULE

(amendments to Falkland Islands Development Corporation Ordinance)

1. In this Schedule “the Ordinance” means the Falkland Islands Development Corporation Ordinance.

2. Subsections (1) to (3) of section 7 of the Ordinance are repealed and replaced by the following subsections —

“(1) The Corporation shall have a Board, to be known as the Falkland Islands Development Corporation Board, consisting of —

(a) two members of the Legislative Council, nominated by the elected members of the Legislative Council from among their number, appointed by the Governor, one of which two members shall be appointed by the Governor, on the nomination of the elected members of the Legislative Council, to be the Chairman of the Corporation;

(b) the Chief Executive of the Falkland Islands Government, who shall be the Executive Vice Chairman of the Corporation;

(c) the General Manager of the Corporation;

(d) one person nominated by the Rural Business Association and appointed by the Governor;

(e) one person nominated by the Fishing Vessel Owners’ Association and appointed by the Governor;

(f) one person nominated by the Falkland Islands Chamber of Commerce and appointed by the Governor; and

(g) one person nominated by the Falkland Islands Tourist Board and appointed by the Governor.

(2) Persons appointed as members of the pursuant to paragraph (a), (d), (e), (f) or (g) of subsection (1) shall hold office as follows —

(a) persons appointed pursuant to paragraph (a) shall hold office until the earliest to occur of the following —

(i) him ceasing to be a member of the Legislative Council;

(ii) him resigning his office by notice in writing delivered to the Governor;

(iii) another member of the Legislative Council being appointed in his place.

(b) persons appointed pursuant to paragraphs (d), (e), (f) or (g) of subsection (1) shall hold office until the earliest to occur of the following —

(i) unless he is re-appointed for a further period, the expiry of such period as is specified in the instrument of his appointment;

(ii) him resigning his office by notice in writing addressed to the Governor;

(iii) him being adjudicated bankrupt;

(iv) an event by reason of which if he were a member of the Legislative Council his seat therein would be vacated by virtue of the provisions of section 26 of the Constitution (vacation of seat on certain sentences of courts in the Commonwealth);

(v) him becoming an elected member of the Legislative Council.

(3) Any member of the Board to whom subsection (2) of this section applies may, if he is unable by reason of illness, absence from the Falkland Islands or any other cause to attend a meeting or meetings of the Board, by notice in writing to the Chairman, appoint another person, qualified to be appointed under the paragraph of that subsection under which he himself was appointed (“the alternate member”) to attend at that meeting or those meetings and the alternate member may, in the absence from the meeting of the member by whom he was appointed, attend at, speak and vote as he sees fit at any such meeting or meetings of the Board in his place.

(3A) The Chairman shall not unreasonably refuse to approve the appointment of a person under subsection (3) to attend in place of a member and, if he refuses to approve such an appointment, must if so required by the member of the Board concerned inform him in writing why he has done so.

(3B) For the purposes of subsections (1)(a) and (3) of this section, a person who was an elected member of the Legislative Council immediately prior to a dissolution of the Legislative Council shall be deemed to a member of the Legislative Council until the commencement of the first sitting of the Legislative Council following that dissolution.”

3. Subsection (7) of section 7 is amended by replacing of the words “the Rural Business Association and the Falkland Islands Chamber of Commerce” appearing therein with the words “the Rural Business Association, the Fishing Vessel Owners’ Association, the Falkland Islands Chamber of Commerce and the Falkland Islands Tourist Board”.

4. Section 8 of the Ordinance is repealed and replaced by the following section —

“Absence of Chairman from meetings of Board

8. In the absence of the Chairman from any meeting of the Board or part thereof, the chair at such meeting or part thereof shall be taken by such person as the elected members of the Legislative Council attending the meeting as members or alternate members of the Board may choose, and if no person is chosen in that manner, the chair at such meeting or part thereof shall be taken by such member or alternate member of the Board present thereat as the Board may choose.”

5. Section 12 (1) of the Ordinance is repealed and replaced by the following —

“(1) Subject to this section, the quorum of the board shall be five or more members personally present. For the purposes of this subsection a person appointed as an alternate member of the Board under section 7(3) shall be deemed to be a member of the Board.”

6. Section 15 is amended —

(a) in subsection (1) by inserting the words “and alternate members of the Board” after the words “Appointed members of the Board”; and

(b) in subsection (2) by inserting the words “or alternate member of the Board” after the words “any member of the Board”.

OBJECTS AND REASONS

This Bill would amend the Falkland Islands Development Corporation Ordinance, from a date to be notified by the Governor in the Gazette, by altering the composition of the Falkland Islands Development Corporation Board, providing for alternate members of the Board to be appointed by members of the Board in their place if they are unable by reason of illness, absence from the Falkland Islands or otherwise and would alter the quorum of the Board. It would also make different arrangements in relation to the chairing of meetings in the event of the absence of the Chairman and make amendments consequential on the foregoing amendments.

EXPLANATORY MEMORANDUM

Broadcasting Bill 2004

Introductory

1. The Broadcasting Bill 2004 provides for the grant of re-broadcasting licences and satellite broadcast reception services licences. The Bill specifically provides (clauses 3(2) and 4(2)) that neither of those kinds of licences may be granted as an exclusive licence.

Clauses

2. **Clause 1** provides that the Ordinance shall come into force on such date as is notified by the Governor by notice published in the *Gazette*.

3. **Clause 2** contains a number of interpretation provisions. All of those definitions, except the definitions of "re-broadcasting service", "re-broadcasting licence", "satellite broadcast reception service" and "satellite broadcast reception services licence" are taken from copyright and broadcasting legislation in force in the United Kingdom. Clause 2(2), (3) and (4) are also taken from that legislation.

4. **Clause 3** deals with the grant of re-broadcasting licences, the term on which they may be granted, the conditions which they must contain and offences of breach of condition and of providing a re-broadcasting service without a licence. "Re-broadcasting service" is defined in clause 2(1). KTV Limited at present operate a re-broadcasting service in Stanley, and will need a licence once the Ordinance comes into force. It is because they will need such a licence (and a licence under clause 4) that clause 1 of the Ordinance provides that it shall come into force on a date to be fixed by the Governor.

5. **Clause 4** deals with the grant of satellite broadcast reception services licences (see the definition of "satellite broadcast reception service" in clause 2(1)). Clause 4(3) provides that the holder of a satellite broadcast reception service licence shall not offer to subscribers the facility to receive any transmission in breach of copyright or any transmission which the licensee has reasonable cause to believe or suspect may be obscene within the meaning of the Obscene Publications Act 1959 or incite racial hatred or racial violence (with exceptions for reports in news program or current affairs program reporting). Unless a person is a holder of a satellite broadcast reception services licence, it will be an offence under clause 4(4) for him to offer to provide or actually provide on subscription or otherwise any enciphered transmission capable of being received in an intelligible form only by the use of a decoder. Breach of this provision will be an offence.

6. **Clause 5** creates a number of offences in relation to "unauthorised decoders". Clause 5 is derived from a provision of the Copyright and Design Act 1988 of the United Kingdom. An unauthorised decoder enables the person using it to receive programs in breach of copyright.

7. **Clause 6**, also based firmly on a provision of the Copyright and Design Act 1988 provides for the issue of search warrants where there are reasonable grounds for believing that an offence under clause 5(1) has been committed and makes provision in relation to such warrants.

8. **Clause 7** also based on a provision of the Copyright and Design Act 1988 makes provision in relation to the forfeiture of unauthorised decoders.

9. **Clause 8** provides for an offence for fraudulently receiving a program included in a broadcasting service within intent to avoid any charge applicable to the reception of the program.

10. **Clause 9** grants the remedies of a copyright owner to a person who makes charges for the reception of programs included in a broadcasting service or who sends encrypted transmissions of any kind from a place in the Falkland Islands or any other country against anybody who makes, imports or sells or lets for hire, offers or exposes for sale or hire or advertises for sale or hire or uses any apparatus or device designed or adapted to enable or assist persons to receive the programmes or other transmissions when they are not entitled to do so or publishes any information which is calculated to enable or assist persons to receive the programs or other transmissions when they are not entitled to do so.

11. **Clause 10** makes provision in relation to offences by bodies corporate.

Broadcasting Bill 2004

(No: of 2004)

ARRANGEMENT OF PROVISIONS

Clause

1. Short title and commencement
2. Interpretation
3. Re-broadcasting Licences
4. Satellite Broadcast Reception Services Licences
5. Unauthorised decoders
6. Search warrants
7. Forfeiture of unauthorised decoders
8. Offence of fraudulently receiving programmes
9. Rights and remedies in respect of apparatus etc for unauthorised reception of transmissions
10. Offences by bodies corporate

BROADCASTING BILL 2004

(No: of 2004)

(assented to: 2004)

(commencement: 2004)

(published: 2004)

A BILL

for

AN ORDINANCE

To provide for the issue of Broadcasting licences

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

Short title and commencement

1. This Ordinance may be cited as the Broadcasting Ordinance 2004 and shall come into force on such date as is notified by the Governor by notice published in the *Gazette*.

Interpretation

2. —(1) In this Ordinance —

“apparatus” includes any device component or electronic data (including software);

“broadcast” means a transmission by wireless telegraphy of visual images, sounds or other information which is—

(a) capable of being lawfully received by members of the public, or

(b) is transmitted for presentation to members of the public,

and references to broadcasting shall be construed accordingly;

“conditional access technology” means any technical measure or arrangement whereby access to encrypted transmissions in an intelligible form is made conditional on prior individual authorisation;

“decoder” means any apparatus which is designed or adapted to enable (on its own or with any other apparatus) an encrypted transmission to be decoded;

“encrypted” includes subjected to scrambling or the operation of cryptographic envelopes, electronic locks, passwords or any other analogous operation;

“programme” includes an advertisement, and in relation to any service, includes any item included in that service;

“re-broadcasting service” means a service provided by a person other than the Falkland Islands Broadcasting Station or the British Forces Broadcasting Service consisting of the re-transmission in the Falkland Islands of any broadcast with a view to the re-transmission being received in intelligible form only by such persons who are authorised by the person providing the re-broadcasting service to receive it;

“rebroadcasting licence” means a licence to provide a rebroadcasting service;

“satellite broadcast reception service” means the provision within the Falkland Islands for payment of apparatus (including decoders) enabling the persons to whom the apparatus is provided to receive in an intelligible form programmes transmitted or relayed via satellite in an encrypted form; and

“satellite broadcast reception services licence” means a licence to provide satellite broadcast reception services;

“transmission” means any programme included in a broadcasting service provided by any person from a place in the Falkland Islands or elsewhere and whether relayed by satellite or not;

“unauthorised” in relation to a decoder, means that the decoder is designed, adapted or used to enable an encrypted transmission, or any service of which it forms part, to be accessed in an intelligible form either—

(a) without payment of the fee (however imposed) which the person making the transmission, or on whose behalf it is made, charges for accessing the transmission or service (whether by the circumvention of any conditional access technology related to the transmission or service or by any other means), or

(b) in a place (for, example in a country) other than which the person entitled to the payment of such fee has agreed that the decoder may be used;

(2) An encrypted transmission shall be regarded as capable of being lawfully received by members of the public only if decoding equipment has been made available to members of the public by or with the authority of the person making the transmission or the person providing the contents of the transmission.

(3) References in this Ordinance to the person making a broadcast, broadcasting a work or including a work in a broadcast are—

(a) to the person transmitting the programme or re-transmitting it under the authority of a re-broadcasting licence, if (in either case) he has responsibility to any extent for its contents, and

(b) and references in this Ordinance to a programme, in the context of broadcasting, are to any item included in a broadcast.

(4) For the purposes of this Ordinance, the place from which a broadcast is made is the place where, under the control and responsibility of the person making the broadcast, the programme-carrying signals are introduced into an uninterrupted chain of communication (including in the case of a satellite transmission, the chain leading to the satellite and down towards the earth).

Re-broadcasting licences

3.—(1) The Governor may, on application by any person in such form as the Governor may approve, and containing such information as the Governor may require, grant to that person a re-broadcasting licence for such period and on such conditions and subject to the payment of such fee or fees as the Governor may think fit.

(2) A re-broadcasting licence shall not be granted in such terms as would or might prevent another such licence being granted to another person.

(3) Without prejudice to the Governor's powers under subsection (1) every licence granted under that subsection shall contain conditions —

(a) as to the frequencies and power of signals of transmitters used by the licensee to provide the rebroadcasting service;

(b) requiring the licensee not to re-transmit, so far as it lies reasonably within his control, any transmission which viewed as a whole is obscene within the meaning of the Obscene Publications Act 1959 in its application to the Falkland Islands;

(c) requiring the licensee not to re-transmit any transmission which incites racial hatred or racial violence, provided that broadcast of a report in a news programme or current affairs programme reporting on such incitement shall be deemed not to constitute a breach of such a condition.;

(d) prohibiting the licensee from re-transmitting any transmission in breach of the law of copyright.

(4) Without prejudice to any liability of the licensee for prosecution under any other provision of law for an offence arising out of the same facts as a breach of a condition of his licence —

(a) the Governor, if he sees fit, may revoke this licence;

(b) the licensee commits, by virtue of such breach, an offence under this subsection; on conviction of which he is liable to a fine not exceeding the maximum of level 5 on the standard scale (but a person shall not be prosecuted both in respect of an offence under this paragraph and for an offence arising out of the same facts under any other provision of law.

(5) A person other than the Falkland Islands Broadcasting Service or the British Forces Broadcasting Service who provides a rebroadcasting service without a licence granted under subsection (1) commits an offence and is liable to a fine not exceeding the maximum of level 5 on the standard scale and, on convicting him of that offence, the court may if it sees fit order that all or any of the apparatus used by him for the purpose of providing that service shall be forfeit to the Crown.

Satellite Broadcast Reception Services Licences

4.—(1) The Governor may on application by any person in such form as the Governor may approve grant to that person a satellite services licence for such period on such conditions and subject to the payment of such fee or fees as the Governor may think fit.

(2) A satellite broadcast reception services licence shall not be granted on such terms as would or might prevent another such licence being granted to another person.

(3) The licensee under a satellite broadcast reception services licence shall not offer to subscribers the facility to receive—

(a) any transmission in breach of copyright;

(b) any transmission which he has reasonable cause to believe or suspect may be obscene within the meaning of the Obscene Publications Act 1959 or incite racial hatred or racial violence, (provided that a report in a news programme or current affairs programme reporting on such incitement shall be deemed not to constitute a breach of this requirement).

(4) A person who —

(a) not being the holder of a licence granted under section 3(1) or subsection (1) of this section within the Falkland Islands offers to provide or provides on subscription or otherwise any enciphered transmission capable of being received in an intelligible form only by use of a decoder,

(b) contravenes any condition of a licence granted under subsection (1),

commits an offence and is liable on conviction of that offence to a fine not exceeding the maximum of level 5 on the standard scale.

(5) Without prejudice to any liability of the licensee to prosecution for an offence arising out of the same facts as a matter referred to in subsection (3), the Governor may revoke the licence.

Unauthorised decoders

5.—(1) A person commits an offence if he —

(a) makes, imports, sells or lets for hire or offers or exposes for sale or hire any unauthorised decoder;

(b) has in his possession for commercial purposes any unauthorised decoder;

(c) advertises any unauthorised decoder for sale or hire or otherwise promotes any unauthorised decoder by means of commercial communications.

(2) A person convicted of an offence under subsection (1) is liable to a fine not exceeding the maximum of level 6 on the standard scale and to imprisonment for a term not exceeding twelve months.

(3) It is a defence to any prosecution for an offence under this section for the defendant to prove that he did not know and had no reasonable ground for believing, that the decoder was an unauthorised decoder.

Search warrants

6.—(1) Where a justice of the peace is satisfied by information on oath that there are reasonable grounds for believing —

(a) that an offence under section 5 (1) has been or is about to be committed in any premises; and

(b) that evidence that such an offence has been or is about to be committed is in those premises,

he may issue a warrant authorising a police officer to enter and search the premises, using such reasonable force as is necessary.

(2) The power conferred by subsection (1) does not extend to authorising a search for material of the kinds mentioned in section 179(1)(d) of the Criminal Justice Ordinance (Title 24.1) (items subject to legal privilege, excluded material or special procedure material within the meanings given by that Ordinance).

(3) A warrant under subsection (1) —

(a) may authorise persons to accompany any police officer executing the warrant, and

(b) remains in force for 28 days from its date of issue.

(4) In executing a warrant issued under subsection (1) a constable may seize an article if he reasonably believes that it is evidence that any offence under section 5(1) has been or is about to be committed.

(5) In this section “premises” includes land, buildings, fixed or moveable structures, vehicles, vessels, aircraft and hovercraft.

Forfeiture of unauthorised decoders

7.—(1) Where unauthorised decoders have come into the possession of any person in connection with the investigation or prosecution of a relevant offence, the Chief Police Officer (in the case of an investigation into a relevant offence) or the Attorney General or a person authorised by him (in the case of a prosecution of a relevant offence) may apply under this section for the forfeiture of the unauthorised decoders.

(2) For the purposes of this section “relevant offence” means —

(a) an offence under section 5(1) (criminal liability for making, importing, etc unauthorised decoders); or

(b) an offence involving dishonesty or deception (including an offence under section 8).

(3) An application under this section may be made —

(a) where proceedings have been brought in any court for a relevant offence relating to some or all of the unauthorised decoders, to that court; or

(b) where no application for the forfeiture of the unauthorised decoders has been made under paragraph (a), by way of complaint in the Magistrate’s Court.

(4) On an application under this section, the court shall make an order for the forfeiture of unauthorised decoders only if it is satisfied that a relevant offence has been committed in relation to the unauthorised decoders.

(5) A court may infer for the purposes of this section that such an offence has been committed in relation to any unauthorised decoders if it is satisfied that such an offence has been committed in relation to unauthorised decoders which are representative of the unauthorised decoders in question (whether by reason of being of the same design or part of the same consignment or batch or otherwise).

(6) Any person aggrieved by an order made under this section may appeal against that order to the Supreme Court.

(7) An order under this section may contain such provision as appears to the court to be appropriate for delaying the coming into force of the order pending the making and determination of any appeal.

(8) Subject to subsection (9), where any unauthorised decoders are forfeited under this section they shall be destroyed in accordance with such directions as the court may give.

(9) On making an order under this section the court may direct that the unauthorised decoders to which the order relates shall (instead of being destroyed) be forfeited to a person who has rights

and remedies under section 9 in relation to the unauthorised decoders in question, or dealt with in such other way as the court considers appropriate.

Offence of fraudulently receiving programmes

8. A person who dishonestly receives a programme included in a broadcasting service provided from a place in the Falkland Islands or any other country or territory with intent to avoid any charge applicable to the reception of the programme commits an offence and is liable on conviction to a fine not exceeding the maximum of level 4 on the standard scale.

Rights and Remedies in respect of Apparatus etc for unauthorised reception of transmissions

9.—(1) A person who —

(a) makes charges for the reception of programmes included in a broadcasting service whether provided from a place in the Falkland Islands or from any other country, or

(b) sends encrypted transmissions of any description from a place in the Falklands Islands or any other country,

is entitled to the following rights and remedies.

(2) He has the same rights and remedies against a person who —

(a) makes, imports or sells or lets for hire, offers or exposes for sale or hire or advertises for sale or hire or uses any apparatus or device designed or adapted to enable or assist persons to receive the programmes or other transmissions when they are not entitled to do so, or

(b) publishes any information which is calculated to enable or assist persons to receive the programmes or other transmissions when they are not entitled to do so,

as a copyright owner has in respect of an infringement of copyright.

Offences by bodies corporate

10.—(1) Where an offence under any provision of this Ordinance is committed by a body corporate is proved to have been committed with the consent or connivance of a director, manager, secretary or other similar officer of the body, or a person purporting to act in any such capacity, he as well as the body corporate has committed the offence and is liable to be proceeded against and punished accordingly.

(2) In relation to a body corporate whose affairs are managed by its members “director” means a member of the body corporate.



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EXPLANATORY MEMORANDUM

Aviation and Maritime Security Act 1990 (Application of Provisions) Bill 2004

Introductory

1. The Aviation and Maritime Security Act 1990 (Application of Provisions) Bill 2004 would apply in the Falkland Islands the provisions of sections 18 to 46 (that is to say, Part III) of the Aviation and Maritime Security Act 1990. It would also apply section 50 of that Act (which relates to offences by bodies corporate) so far as it relates to offences under Part III and Schedule 2 of that Act relating to provisions for compensation, so far as it applies in respect of Part III of the Act.
2. For Falkland Islands use, it is necessary to modify some of the provisions of Part III of the Act and to exclude others.
3. The Bill proposes that the provisions of the Aviation and Maritime Security Act 1990 would be applied, subject to the modifications and exceptions set out in the Schedule to the Bill. For comparison purposes, and so that the effect of the Bill may be understood, a copy of the provisions of the 1990 Act as originally enacted is attached as an Appendix of this Explanatory Memorandum.

Explanation of provisions of the 1990 Act in the form it would apply to the Falkland Islands

4. *Section 18* of the 1990 Act defines the purposes to which Part III of the 1990 Act applies. In general they are the protection from acts of violence of ships, harbours and the people who use them. These purposes are stated because, in the following sections as modified, the Governor is given a variety of powers which can only be exercised to further the purposes set out generally in *section 18*. In effect *section 18* is a limitation on executive power.
5. *Section 19*, as modified, will allow the Governor to serve a notice on ship and harbour users requiring them to provide information relevant to security matters and, where appropriate, to update that information when circumstances change.
6. *Section 20* would give power to create restricted zones within harbours. ("Harbour" has the same meaning as in the Harbours Ordinance). A restricted zone might be created for part of a harbour, for example the dockside or cargo storage sheds. Zones could be created for particular times (for example at night, or while ships are at a berth).
7. *Section 21*, as modified, would give the Governor the power to make directions in order to impose three types of restriction:-
 - (i) people or property may be prevented from going or being taken aboard (or near) a ship unless there has been a search;
 - (ii) ships may not go to sea unless they have been searched; and

(iii) ships may be prevented from going to sea unless specified modifications or alterations have been carried out.

It is envisaged that *section 21* would only be used where co-operation has not been forthcoming after consultation or in emergencies where a quick, direct, responsive course of action is needed.

8. *Section 22* would give the Governor power to direct the harbourmaster to ensure that searches are undertaken. Police officers or other specified persons (who could include private security guards) are given the power to search persons or property, without warrant. A police officer or other specified person could only do so if he had any reasonable cause to suspect that any firearm any explosive or any article manufactured or adapted so as to have the appearance of being explosive, any article of any other kind made or adapted for use for causing injury to or incapacitating a person or for destroying or damaging property was in, or might be brought into, any part of the harbour area. The searcher could:-

- (i) board, inspect or detain ships;
- (ii) stop and detain persons, vehicles and property, and
- (iii) use force to enter land or buildings in the harbour.

However only the police officer acting under the authority of a warrant issued by a justice of the peace could enter or search any private dwelling in the harbour area. A private dwelling is defined in such a way that only premises used solely as a private dwelling would be a private dwelling for the purpose of the section.

9. While *section 22* would allow the Governor to compel the harbourmaster to use best endeavours to promote security searches, *section 23* would give the Governor similar powers in relation to persons who (i) carry on harbour operations or (ii) have access to restricted zones set up under *section 20*. "Harbour operations" is defined later in the Act, as modified, to mean activities such as the berthing of ships and the handling and warehousing of goods.

10. *Section 24*, as modified, would enable the Governor to give power to impose a security regime on those using or having access to harbours. For example it could be used to require operators to create contingency plans, to exercise those plans and to train their staff appropriately. A direction under *section 24* could not be served on the master of a ship, for example to require him to incur capital expenditure, but only on an owner, charterer or manager. A person other than the harbourmaster who carries on harbour operations in a harbour area can be given directions under the section, requiring him to guard against acts of violence, any ship in the harbour area which is for the time being under his control. The United Kingdom Government, in relation to the 1990 Act, have indicated that "guarding" means "ensuring the establishment of reasonable protection so that no unauthorised person enters a particular area or goes aboard a vessel or aircraft". It is thought that this might involve routine precautions, such as maintaining a normal state of vigilance over movements of people. Where there is a special or

heightened risk, the provisions of the Act relating to the arming of police officers would come into play. "Guarding" in *section 24(3)* does not require an individual to carry firearms.

11. *Section 25* expands upon the matters which may be included in directions by the Governor. In particular, in relation to searches under *sections 21 to 23* of the Act, as modified, the direction may specify:-

- (i) the minimum number of persons to be involved in a search;
- (ii) their qualifications, training and experience;
- (iii) the manner of a search;
- (iv) the equipment to be used in a search; and
- (v) the qualifications of persons performing security modifications or alterations to ships.

12. *Section 26* makes it clear that a direction shall not require or authorise any person other than a police officer to carry a firearm and that a direction shall not have effect in relation to any ship used in naval service. Nor could it have any effect in relation to any ship registered outside the Falkland Islands and of which the owner is a government of a country outside the Falkland Islands or is a department or agency of such a government, except at a time when any such ship is being used for commercial purposes or is for the time being allocated by the government department or agency in question for such use. A direction could have effect in relation to ships registered in the Falkland Islands outside the Falkland Islands as well as within it but cannot have effect so as to require anything to be done or not to be done in contravention of any provision of the law, whether civil or criminal, in the place where the ship registered in the Falkland Islands is.

13. *Section 27* provides that directions under *sections 21 to 24* need not be addressed to a particular person but may be framed in general terms applicable to all persons to whom such a direction may be given. It also enables exceptions to such directions, in a case of urgency, to be given by notification otherwise than in writing.

14. *Section 28* provides a right to object to, rather than appeal against, certain directions. The right to object to a direction by reason of *section 28(1)* only arises if it is one of the non-urgent building directions permitted under *section 24* and not one, for example, relating to the searching of ships under *section 21*, the searching of harbours under *section 22*, the searching of land under *section 23* or a general direction relating to port areas under *section 24*. However, although there would be no right of objection in such cases, there would be nothing to stop an aggrieved person approaching the Governor informally and asking for the exercise of powers of variation which would be given by *section 46(2)*. Judicial review is not excluded.

15. *Section 29 and section 30* deal with enforcement notices and the contents of enforcement notices. In essence an enforcement notice will enable the authorised person serving it to set out

in detail exactly how an individual should comply with the general requirements of a direction. For example a general direction might specify that searches are to take place in certain places while the enforcement notice might set out exactly the manner in which the search is to be undertaken. The enforcement notice must state how the recipient of the direction has failed to comply with it and which measures are required in order to achieve compliance. It must not exceed the requirements that could have been imposed in the first place by the Governor. The section lays down time limits for compliance with the enforcement notice, depending on the nature of the measures required.

16. *Section 32* deals with objections to enforcement notices. An objector can argue:-

- (i) that he has complied with the direction;
- (ii) that the enforcement notice exceeds its powers;
- (iii) that the requirements are unnecessary; or
- (iv) that the requirements are excessively onerous or inconvenient.

17. *Section 33* aligns the position under enforcement notices with that under directions. By way of example, *section 33(2)* applies *sections 25 and 26* which deal with the scope of and restrictions affecting directions. *Section 33(3)* is the equivalent provision to *section 24(10)*. *Section 33(4) and (5)* prevent overlapping offences.

18. *Section 34*, as modified, will have the effect that, within the Falkland Islands, a direction will override:-

- (i) any provision of a contract to the contrary, whether Falkland Islands law is the proper law of the contract or not;
- (ii) any Ordinance or Act; or
- (iii) any common law rule; or
- (iv) any equitable rule.

The section will operate as a complete bar to any proceedings in the Falkland Islands resulting from compliance. Outside the Falkland Islands, directions can only be effective in relation to ships registered in the Falkland Islands. *Section 34(3)* would have the effect that a direction or enforcement notice in relation to a ship registered in the Falkland Islands would override any contract, whatever the proper law.

19. *Section 35* would confer a power of detention. The power of detention would be given to prevent ships sailing away in order to avoid the effects of a direction or enforcement notice.

However an "authorised person" must certify in writing that there has been non-compliance before that person, or an official such as a customs officer, actually detains the vessel.

20. *Section 36* deals with inspection powers of an "authorised person". ("Authorised person" is defined in *section 46(1)* as a person authorised in writing by the Governor for the purposes of Part III of the Act). In practice, authorised persons are likely to be the Marine Officer and officials of the United Kingdom Maritime and Coastguard Agency. The section would give "authorised persons" wide powers to inspect ships and harbours and the powers would extend to land outside harbours occupied by persons who operate in the harbour, or have access to its restricted areas. The powers would allow authorised persons:-

- (i) to undertake tests on suspects substances found onboard,
- (ii) to investigate security procedures and conduct security exercises, and
- (iii) to require the ships' operators or masters to provide information.

21. *Section 37* relates to false statements relating to baggage and is almost identical to the aviation equivalent in *section 5* of the Act (which applies in the Falkland Islands by United Kingdom Order in Council). It creates an offence of the giving of false information relating to baggage, cargo or stores. It is aimed mainly at the passenger who gives a false answer to questions about the contents of his luggage. The section requires there to have been a positive question: non-disclosure would not be sufficient. The question would not need to have to be put by a police officer but could be posed by the employee of a cruise ship or a company employed as dock managers.

22. *Section 38* would create an offence (similar to that applying in relation to aviation under the Order in Council applying Part I of the Act to the Falkland Islands) for making false statements in order to obtain the sort of security identity cards that would enable the wearer to gain access to sensitive areas.

23. Like its aviation equivalent which applies in the Falkland Islands by United Kingdom Order in Council, *section 39* of the Act if applied would create an offence for persons who:-

- (i) enter a restricted zone without permission, or
- (ii) fail to act in accordance with conditions laid down for entry, or
- (iii) remain after being requested to leave.

It should be noted that a restricted zone could cover water as well as land. There is a general defence of lawful authority or reasonable excuse. It will be a defence to the entry charge that the status of the zone was not indicated by notices that could easily be seen by persons generally.

24. *Section 40* creates offences of obstruction or impersonation of authorised officers, such as security inspectors.

25. *Section 41* deals with the position of agents supplying consignments of cargo, mail or stores to ship operators. The supplies might be delivered to ships without the agents themselves going to the port. For that reason, such agents might not fall within the categories of persons who have “access” to restricted areas, yet they would be responsible for sending materials into those areas. The section would apply even if the agent uses a sub-contractor, such as a haulier, to make the actual delivery. The section is a regulation-making power that may not necessarily be used.

26. *Section 41* will allow the Governor to set up a system whereby security incidents must be reported to him. Again the regulation-making powers of the section would not necessarily be used.

27. *Section 43* provides for compensation to third parties who are affected by building works being carried out in compliance with a direction under *section 24* or an enforcement notice under *section 29*. An example would be a land owner whose property was affected by the siting of posts for a perimeter fence, or gates for access. The compensation is designed to cover the cost of loss or depreciation in the value of the land owned by the third party. Note that there are no compulsory purchase powers.

28. *Section 45* makes provision in relation to the service of documents and *section 50* provides an incentive to managers of companies to comply with the provisions of the Act. It enables prosecutions to be brought against individual managers where they consented to or connived at the pattern of offence committed by their company, or where it is attributable to their neglect. Thus, a senior manager can be guilty where he knows that a direction dealing with searching is not being complied with because to do so would require the hiring of more staff.

29. *Schedule 2* lays down details of the compensation payable under *section 43* to persons whose interests are affected by building work necessary for maritime security purposes.

Aviation and Maritime Security Act 1990 (c. 31)

1990 Chapter c. 31

ARRANGEMENT OF SECTIONS

Part I

Aviation Security

Endangering safety at aerodromes

- 1 Endangering safety at aerodromes.

Powers of Secretary of State and authorised persons

- 2 Extension of power to require promotion of searches.
- 3 Extension of Secretary of State's powers under section 14 of Aviation Security Act 1982.
- 4 Enforcement notices in respect of directions under Part II of Aviation Security Act 1982.

Offences relating to security at aerodromes etc.

- 5 Offences relating to security at aerodromes etc.

Air cargo agents

- 6 Air cargo agents.

Reporting of certain occurrences

- 7 Duty to report certain occurrences.

Other amendments

- 8 Other amendments of Aviation Security Act 1982.

Part II

Offences against the safety of ships and fixed platforms

- 9 Hijacking of ships.
- 10 Seizing or exercising control of fixed platforms.
- 11 Destroying ships or fixed platforms or endangering their safety.
- 12 Other acts endangering or likely to endanger safe navigation.
- 13 Offences involving threats.
- 14 Ancillary offences.
- 15 Master's power of delivery.
- 16 Prosecution of offences and proceedings.
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Protection of ships and harbour areas against acts of violence

General purposes

18 Purposes to which Part III applies.

Powers of Secretary of State

19 Power of Secretary of State to require information.

20 Designation of restricted zones of harbour areas.

21 Power to impose restrictions in relation to ships.

22 Power to require harbour authorities to promote searches in harbour areas.

23 Power to require other persons to promote searches.

24 General power to direct measures to be taken for purposes to which Part III applies.

Supplemental provisions with respect to directions

25 Matters which may be included in directions under sections 21 to 24.

26 Limitations on scope of directions under sections 21 to 24.

27 General or urgent directions under sections 21 to 24.

28 Objections to certain directions under section 24.

29 Enforcement notices.

30 Contents of enforcement notice.

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32 Objections to enforcement notices.

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34 Operation of directions under Part III in relation to rights and duties under other laws.

35 Detention of ships.

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Offences relating to security of ships and harbour areas.

37 False statements relating to baggage, cargo etc.

38 False statements in connection with identity documents.

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41 Sea cargo agents.

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- 43 Compensation in respect of certain measures taken under Part III.
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Part IV

Miscellaneous and General

Miscellaneous

- 47 Carriage of goods by air.
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General

- 49 Extradition by virtue of Orders in Council under section 2 of Extradition Act 1870.
- 50 Offences by bodies corporate.
- 51 Extension of Act outside the United Kingdom.
- 52 Expenses.
- 53 Minor and consequential amendments and repeals.
- 54 Short title, commencement and extent.

Schedule 1 Further amendments of the Aviation Security Act 1982.

Schedule 2 Provisions relating to compensation.

Schedule 3 Minor and consequential amendments.

Schedule 4 Repeals.

Part III

Protection of Ships and Harbour Areas against Acts of Violence

General purposes

Purposes to which
Part III applies.

18.—(1) The purposes to which this Part of this Act applies are the protection against acts of violence—

(a) of ships, and of persons or property on board ships, and

(b) of harbour areas, of such persons as are at any time present in any part of a harbour area and of such property as forms part of a harbour area or is at any time (whether permanently or temporarily) in any part of a harbour area.

(2) In this Part of this Act "act of violence" means any act (whether actual or potential, and whether done or to be done in the United Kingdom or elsewhere) which either—

(a) being an act done in Great Britain, constitutes, or

(b) if done in Great Britain would constitute,

the offence of murder, attempted murder, manslaughter, culpable homicide or assault, or an offence under section 18, 20, 21, 22, 23, 24, 28 or 29 of the Offences against the [1861 c. 100.] Person Act 1861, under section 2 of the [1883 c. 3.] Explosive Substances Act 1883 or under section 1 of the [1971 c. 48.] Criminal Damage Act 1971 or, in Scotland, the offence of malicious mischief.

(3) In this Part of this Act "harbour area" means—

(a) the aggregate of—

(i) any harbour in the United Kingdom in respect of which a harbour authority (within the meaning of the [1964 c. 40.] Harbours Act 1964 or, in Northern Ireland, the [1970 c. 1 (N.I.)] Harbours Act (Northern Ireland) 1970) has statutory powers or duties of improvement, maintenance or management, and

(ii) any land which is adjacent to such a harbour and which is either land occupied by the harbour authority or land in respect of which the harbour authority has statutory powers or duties of improvement, maintenance or management, or

(b) any hoverport in Great Britain which does not form part of any area mentioned in paragraph (a)(i) or (ii) above.

Powers of Secretary of State

Power of Secretary of
State to require
information.

19.—(1) The Secretary of State may, by notice in writing served on any of the following persons—

- (a) the owner, charterer, manager or master of—
 - (i) a British ship, or
 - (ii) any other ship which is in, or appears to the Secretary of State to be likely to enter, a harbour area,
- (b) a harbour authority,
- (c) any person who carries on harbour operations in a harbour area, and
- (d) any person who is permitted to have access to a restricted zone of a harbour area for the purposes of the activities of a business carried on by him,

require that person to provide the Secretary of State with such information specified in the notice as the Secretary of State may require in connection with the exercise by the Secretary of State of his functions under this Part of this Act.

(2) A notice under subsection (1) above shall specify a date (not being earlier than seven days from the date on which the notice is served) before which the information required by the notice in accordance with subsection (1) above is to be furnished to the Secretary of State.

(3) Any such notice may also require the person on whom it is served, after he has furnished to the Secretary of State the information required by the notice in accordance with subsection (1) above, to inform the Secretary of State if at any time the information previously furnished to the Secretary of State (including any information furnished in pursuance of a requirement imposed by virtue of this subsection) is rendered inaccurate by any change of circumstances (including the taking of any further measures for purposes to which this Part of this Act applies or the alteration or discontinuance of any measures already being taken).

(4) In so far as such a notice requires further information to be furnished to the Secretary of State in accordance with subsection (3) above, it shall require that information to be furnished to him before the end of such period (not being less than seven days from the date on which the change of circumstances occurs) as is specified in the notice for the purposes of this subsection.

(5) Any person who—

(a) without reasonable excuse, fails to comply with a requirement imposed on him by a notice under this section, or

(b) in furnishing any information so required, makes a statement which he knows to be false in a material particular, or recklessly makes a statement which is false in a material particular,

commits an offence.

(6) A person guilty of an offence under subsection (5) above is liable—

(a) on summary conviction, to a fine not exceeding the statutory maximum;

(b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both.

(7) A notice served on a person under subsection (1) above may at any time—

(a) be revoked by a notice in writing served on him by the Secretary of State, or

(b) be varied by a further notice under subsection (1) above.

Designation of restricted zones of harbour areas.

20.—(1) A harbour authority may, and shall if so requested in writing by the Secretary of State, apply to the Secretary of State for the designation of the whole or any part of the harbour area as a restricted zone for the purposes of this Part of this Act.

(2) An application under subsection (1) above shall be in such form, and accompanied by such plans, as the Secretary of State may require.

(3) If the Secretary of State approves an application under subsection (1) above with or without modifications, he shall designate the restricted zone accordingly.

(4) Before approving an application with modifications, the Secretary of State shall consult the harbour authority.

(5) If a harbour authority is requested in writing by the Secretary of State to make an application under subsection (1) above within a specified period but fails to do so within that period, the Secretary of State may designate the whole or any part of the harbour area as a restricted zone.

(6) The whole or any part of a harbour area may be designated as a restricted zone, or part of a restricted zone, for specified days or times of day only.

(7) The Secretary of State shall give notice to the harbour authority of any designation under this section and the designation of the restricted zone shall take effect on the giving of the notice.

(8) Where the whole or any part of a harbour area has been designated under this section as a restricted zone—

(a) subsections (1) to (7) above also have effect in relation to any variation of the designation, and

(b) the designation may at any time be revoked by the Secretary of State.

Power to impose restrictions in relation

21.—(1) For purposes to which this Part of this Act applies, the Secretary of State may give a direction in writing to a harbour authority or

to ships.

to the owner, charterer, manager or master of a British ship, or of any other ship which is in a harbour area, requiring that person—

(a) not to cause or permit persons or property to go or be taken on board any ship to which the direction relates, or to come or be brought into proximity to any such ship, unless such searches of those persons or that property as are specified in the direction have been carried out by constables or by other persons of a description specified in the direction, or

(b) not to cause or permit any such ship to go to sea unless such searches of the ship as are specified in the direction have been carried out by constables or by other persons of a description so specified.

(2) For purposes to which this Part of this Act applies, the Secretary of State may give a direction in writing to the owner, charterer, manager or master of—

(a) a British ship, or

(b) any other ship which is in a harbour area,

requiring him not to cause or permit the ship to go to sea unless such modifications or alterations of the ship, or of apparatus or equipment installed in or carried on board the ship, as are specified in the direction have first been carried out, or such additional apparatus or equipment as is so specified is first installed in or carried on board the ship.

(3) In giving any direction under subsection (2) above, the Secretary of State shall allow, and shall specify in the direction, such period as appears to him to be reasonably required for carrying out the modifications or alterations or installing or obtaining the additional apparatus or equipment in question; and the direction shall not take effect before the end of the period so specified.

(4) Subject to the following provisions of this Part of this Act, a direction given to an owner, charterer or manager of a ship under subsection (1) or (2) above may be given so as to relate either to all the ships falling within that subsection of which at the time when the direction is given or at any subsequent time he is the owner, charterer or manager or only to one or more such ships specified in the direction; and a direction given to a harbour authority under subsection (1) above may be given so as to relate either to all ships which at the time when the direction is given or at any subsequent time are in any part of the harbour area, or to a class of such ships specified in the direction.

(5) Subject to the following provisions of this Part of this Act, a direction under subsection (1) above may be given so as to relate—

(a) either to all persons or only to one or more persons, or persons of one or more descriptions, specified in the direction, and

(b) either to property of every description or only to particular

property, or property of one or more descriptions, so specified.

(6) Subject to the following provisions of this Part of this Act, any direction given under this section to any person not to cause or permit anything to be done shall be construed as requiring him to take all such steps as in any particular circumstances are practicable and necessary to prevent that thing from being done.

(7) A direction may be given under this section to a person appearing to the Secretary of State to be about to become such a person as is mentioned in subsection (1) or (2) above, but a direction given to a person by virtue of this subsection shall not take effect until he becomes a person so mentioned and, in relation to a direction so given, the preceding provisions of this section shall apply with the necessary modifications.

(8) Any person who, without reasonable excuse, fails to comply with a direction given to him under this section is guilty of an offence and liable—

(a) on summary conviction, to a fine not exceeding the statutory maximum;

(b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both.

(9) Where a person is convicted of an offence under subsection (8) above, then, if without reasonable excuse the failure in respect of which he was convicted is continued after the conviction, he is guilty of a further offence and liable on summary conviction to a fine not exceeding one-tenth of level 5 on the standard scale for each day on which the failure continues.

Power to require
harbour authorities to
promote searches in
harbour areas.

22.—(1) For purposes to which this Part of this Act applies, the Secretary of State may give a direction in writing to a harbour authority requiring it to use its best endeavours to secure that such searches to which this section applies as are specified in the direction are carried out by constables or by other persons of a description specified in the direction.

(2) The searches to which this section applies, in relation to a harbour area, are searches—

(a) of the harbour area or any part of it,

(b) of any ship which at the time when the direction is given or at any subsequent time is in the harbour area, and

(c) of persons and property (other than ships) which may at any time be in the harbour area.

(3) Where a direction under this section to a harbour authority is for the time being in force, then, subject to subsections (4) and (5) below, if a constable or any other person specified in the direction in accordance with this section has reasonable cause to suspect that an article to which this subsection applies is in, or may be brought into, any part of the harbour

area, he may, by virtue of this subsection and without a warrant, search any part of the harbour area or any ship, vehicle, goods or other moveable property of any description which, or any person who, is for the time being in any part of the harbour area, and for that purpose—

(a) may enter any building or works in the harbour area, or enter upon any land in the harbour area, if need be by force,

(b) may go on board any such ship and inspect the ship,

(c) may stop any such ship and, for so long as may be necessary for that purpose, prevent it from being moved, and

(d) may stop any such vehicle, goods, property or person and detain it or him for so long as may be necessary for that purpose.

(4) In the case of premises used only as a private dwelling any power to search or enter conferred by subsection (3) above may not be exercised except—

(a) under the authority of a warrant issued by a justice of the peace; and

(b) by a constable who is a member of a body of constables maintained—

(i) in England, Scotland or Wales by a police authority or an authority which has entered into an agreement with the Police Complaints Authority under section 96(1) of the [1984 c. 60.] Police and Criminal Evidence Act 1984; or

(ii) in Northern Ireland, by the Police Authority for Northern Ireland or an authority which has entered into an agreement with the Independent Commission for Police Complaints for Northern Ireland under Article 16 of the [S.I. 1987/938 (N.I. 10).] Police (Northern Ireland) Order 1987.

(5) If, on an application made by a constable, a justice of the peace is satisfied that there are reasonable grounds for suspecting that an article to which subsection (3) above applies is in any premises used only as a private dwelling, he may issue a warrant authorising a constable to enter and search the premises.

(6) Subsection (3) above applies to the following articles—

(a) any firearm, or any article having the appearance of being a firearm, whether capable of being discharged or not,

(b) any explosive, any article manufactured or adapted (whether in the form of a bomb, grenade or otherwise) so as to have the appearance of being an explosive, whether it is capable of producing a practical effect by explosion or not, or any article marked or labelled so as to indicate that it is or contains an explosive, and

(c) any article (not falling within either of the preceding paragraphs)

made or adapted for use for causing injury to or incapacitating a person or for destroying or damaging property, or intended by the person having it with him for such use, whether by him or by any other person.

(7) Any person who—

(a) without reasonable excuse, fails to comply with a direction given to him under this section, or

(b) intentionally obstructs a person acting in the exercise of a power conferred on him by subsection (3) above,

commits an offence.

(8) A person guilty of an offence under subsection (7) above is liable—

(a) on summary conviction, to a fine not exceeding the statutory maximum;

(b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both.

(9) Where a person is convicted of an offence under subsection (7)(a) above, then, if without reasonable excuse the failure in respect of which he was convicted is continued after the conviction, he is guilty of a further offence and liable on summary conviction to a fine not exceeding one-tenth of level 5 on the standard scale for each day on which the failure continues.

(10) Subsection (3) above has effect without prejudice to the operation, in relation to any offence under this Act—

(a) in England and Wales, of sections 17, 24 and 25 of the [1984 c. 60.] Police and Criminal Evidence Act 1984 (which confer power to arrest without warrant and to enter premises for the purpose of making an arrest) or of section 3 of the [1967 c. 58.] Criminal Law Act 1967 (use of force in making arrest etc.), or

(b) in Scotland, of any rule of law relating to the power to arrest without warrant, or

(c) in Northern Ireland, of Articles 19, 26 and 27 of the [S.I. 1989/1341 (N.I. 12).] Police and Criminal Evidence (Northern Ireland) Order 1989 or of section 3 of the [1967 c. 18 (N.I.).] Criminal Law Act (Northern Ireland) 1967.

Power to require other persons to promote searches.

23.—(1) For purposes to which this Part of this Act applies, the Secretary of State may give a direction in writing to any person (other than a harbour authority) who—

(a) carries on harbour operations in a harbour area, or

(b) is permitted to have access to a restricted zone of a harbour area

for the purposes of the activities of a business carried on by him,
requiring him to use his best endeavours to secure that such searches to
which this section applies as are specified in the direction are carried out
by constables or by other persons of a description specified in the direction.

(2) The searches to which this section applies are—

(a) in relation to a person falling within subsection (1)(a) above,
searches—

- (i) of any land which he occupies within the harbour area, and
- (ii) of persons or property which may at any time be on that
land; and

(b) in relation to a person falling within subsection (1)(b) above,
searches—

- (i) of any land which he occupies outside the harbour area for
the purposes of his business, and
- (ii) of persons or property which may at any time be on that
land.

(3) Any person who, without reasonable excuse, fails to comply with a
direction given to him under this section is guilty of an offence and
liable—

(a) on summary conviction, to a fine not exceeding the statutory
maximum;

(b) on conviction on indictment, to a fine or to imprisonment for a
term not exceeding two years or to both.

(4) Where a person is convicted of an offence under subsection (3)
above, then, if without reasonable excuse the failure in respect of which he
was convicted is continued after the conviction, he is guilty of a further
offence and liable on summary conviction to a fine not exceeding one-tenth
of level 5 on the standard scale for each day on which the failure continues.

General power to
direct measures to be
taken for purposes to
which Part III
applies.

24.—(1) Subsection (2) below applies to—

(a) any person who is the owner, charterer or manager of one or
more ships which—

- (i) are British ships, or
- (ii) are in a harbour area,

(b) any harbour authority,

(c) any person other than a harbour authority who carries on harbour
operations in a harbour area, and

(d) any person who is permitted to have access to a restricted zone
of a harbour area for the purposes of the activities of a business
carried on by him.

(2) Subject to the following provisions of this section, the Secretary of State may give a direction in writing to any person to whom this subsection applies requiring him to take such measures for purposes to which this Part of this Act applies as are specified in the direction—

(a) in the case of a direction given to a person as the owner, charterer or manager of a ship, in respect of all the ships falling within subsection (1)(a) above of which (at the time when the direction is given or at any subsequent time) he is the owner, charterer or manager, or in respect of any such ships specified in the direction,

(b) in the case of a direction given to a harbour authority, in respect of the harbour area,

(c) in the case of a direction given to a person as a person falling within subsection (1)(c) above, in respect of the harbour operations carried on by him, and

(d) in the case of a direction given to a person as a person who is permitted to have access to a restricted zone as mentioned in subsection (1)(d) above, in respect of such activities carried on by that person in that zone as are specified in the direction.

(3) Without prejudice to the generality of subsection (2) above, the measures to be specified in a direction given under this section to any person to whom that subsection applies may include the provision by that person of persons charged with the duty (at such times as may be specified in the direction)—

(a) where the direction is given to a person as the owner, charterer or manager of ships, of guarding the ships against acts of violence,

(b) where the direction is given to a harbour authority, of guarding the harbour area, or persons or property (including ships) in any part of the harbour area, against acts of violence,

(c) where the direction is given to a person as falling within subsection (1)(c) above, of guarding against acts of violence any ship in the harbour area which is for the time being under his control, or

(d) where the direction is given to a person as falling within subsection (1)(d) above, of guarding—

(i) any land outside the harbour area occupied by him for the purposes of his business, any vehicles or equipment used for those purposes and any goods which are in his possession for those purposes, and

(ii) any ship which is for the time being under his control, for purposes to which this Part of this Act applies.

(4) A direction given under this section may be either of a general or of a specific character, and may require any measures specified in the direction to be taken at such time or within such period as may be so specified.

(5) A direction under this section—

(a) shall not require any search (whether of persons or of property), and

(b) shall not require the modification or alteration of any ship, or of any of its apparatus or equipment, or the installation or carriage of additional apparatus or equipment, or prohibit any ship from being caused or permitted to go to sea without some modification or alteration of the ship or its apparatus or equipment or the installation or carriage of additional apparatus or equipment.

(6) A direction may be given under this section to a person appearing to the Secretary of State to be about to become a person to whom subsection (2) above applies, but a direction given to a person by virtue of this subsection shall not take effect until he becomes a person to whom subsection (2) above applies and, in relation to a direction so given, the preceding provisions of this section shall apply with the necessary modifications.

(7) Any person who—

(a) without reasonable excuse, fails to comply with a direction given to him under this section, or

(b) intentionally interferes with any building constructed or works executed on any land in compliance with a direction under this section or with anything installed on, under, over or across any land in compliance with such a direction,

commits an offence.

(8) A person guilty of an offence under subsection (7) above is liable—

(a) on summary conviction, to a fine not exceeding the statutory maximum;

(b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both.

(9) Where a person is convicted of an offence under subsection (7)(a) above, then, if without reasonable excuse the failure in respect of which he was convicted is continued after the conviction, he is guilty of a further offence and liable on summary conviction to a fine not exceeding one-tenth of level 5 on the standard scale for each day on which the failure continues.

(10) The ownership of any property shall not be affected by reason only that it is placed on or under, or affixed to, any land in compliance with a direction under this section.

Supplemental provisions with respect to directions

be included in directions under sections 21 to 24.

section 22 or 23 of this Act may specify the minimum number of persons by whom any search to which the direction relates is to be carried out, the qualifications which persons carrying out any such search are to have, the manner in which any such search is to be carried out, and any apparatus, equipment or other aids to be used for the purpose of carrying out any such search.

(2) A direction under subsection (2) of section 21 of this Act may specify the qualifications required to be had by persons carrying out any modifications or alterations, or the installation of any additional apparatus or equipment, to which the direction relates.

(3) A direction under section 24 of this Act may specify—

(a) the minimum number of persons to be employed for the purposes of any measures required by the direction to be taken by the person to whom it is given, and the qualifications which persons employed for those purposes are to have, and

(b) any apparatus, equipment or other aids to be used for those purposes.

(4) Where a direction under any of the preceding provisions of this Part of this Act requires searches to be carried out, or other measures to be taken, by constables, the direction may require the person to whom it is given to inform the chief officer of police for the police area in which the searches are to be carried out or the other measures taken that the Secretary of State considers it appropriate that constables should be duly authorised to carry, and should carry, firearms when carrying out the searches or taking the measures in question.

(5) Nothing in subsections (1) to (4) above shall be construed as limiting the generality of any of the preceding provisions of this Part of this Act.

(6) In this section "qualifications" includes training and experience.

(7) In the application of this section to Northern Ireland for the words in subsection (4) above from "chief officer" to "measures taken" there are substituted the words "chief constable of the Royal Ulster Constabulary".

Limitations on scope of directions under sections 21 to 24.

26.—(1) Without prejudice to section 25(4) of this Act, a direction shall not require or authorise any person to carry a firearm.

(2) A direction shall not have effect in relation to any ship used in naval, customs or police service.

(3) A direction shall not have effect in relation to any ship which is registered outside the United Kingdom and of which the owner is the Government of a country outside the United Kingdom, or is a department or agency of such a Government, except at a time when any such ship is being used for commercial purposes or is for the time being allocated by that Government, department or agency for such use.

(4) A direction (except in so far as it requires any building or other

works to be constructed, executed, altered, demolished or removed) shall not be construed as requiring or authorising the person to whom the direction was given, or any person acting as his employee or agent, to do anything which, apart from the direction, would constitute an act of violence; but nothing in this subsection shall restrict the use of such force as is reasonable in the circumstances (whether at the instance of the person to whom the direction was given or otherwise) by a constable, or its use by any other person in the exercise of a power conferred by section 22(3) of this Act.

(5) In so far as a direction requires anything to be done or not done at a place outside the United Kingdom—

(a) it shall not have effect except in relation to British ships, and

(b) it shall not have effect so as to require anything to be done or not done in contravention of any provision of the law (whether civil or criminal) in force at that place, other than any such provision relating to breach of contract.

(6) In so far as a direction given to a harbour authority or to any person mentioned in section 24(1)(c) or (d) of this Act requires a building or other works to be constructed, executed, altered, demolished or removed on land outside the harbour area, or requires any other measures to be taken on such land, the direction shall not confer on the person to whom it is given any rights as against a person having—

(a) an interest in that land, or

(b) a right to occupy that land, or

(c) a right restrictive of its use;

and accordingly, the direction shall not be construed as requiring the person to whom it is given to do anything which would be actionable at the suit or instance of a person having such interest or right in his capacity as a person having that interest or right.

(7) Nothing in this section shall be construed as derogating from any exemption or immunity of the Crown in relation to the provisions of this Part of this Act.

(8) In this section "direction" means a direction under section 21, 22, 23 or 24 of this Act.

General or urgent directions under sections 21 to 24.

27.—(1) A direction given to any person under section 21, 22, 23 or 24 of this Act need not be addressed to that particular person, but may be framed in general terms applicable to all persons to whom such a direction may be given or to any class of such persons to which that particular person belongs.

(2) If it appears to the Secretary of State that an exception from any direction given under any of those sections is required as a matter of

urgency in any particular case he may, by a notification given (otherwise than in writing) to the person for the time being subject to the direction, authorise that person to disregard the requirements of the direction—

(a) in relation to such ships or class of ships, in relation to such harbour area or part of a harbour area, in relation to such land outside a harbour area, in relation to such activities or in relation to such persons or property or such description of persons or property, and

(b) on such occasion or series of occasions, or for such period,

as he may specify; and the direction shall have effect in that case subject to any exceptions so specified.

(3) Any notification given to any person under subsection (2) above with respect to any direction shall cease to have effect (if it has not already done so)—

(a) if a direction in writing is subsequently given to that person varying or revoking the original direction, or

(b) if no such direction in writing is given within the period of thirty days beginning with the date on which the notification was given, at the end of that period.

(4) Any notification given under subsection (2) above shall be regarded as given to the person to whom it is directed if it is given—

(a) to any person authorised by that person to receive any such direction or notification,

(b) where that person is a body corporate, to the secretary, clerk or similar officer of the body corporate, and

(c) in any other case, to anyone holding a comparable office or position in that person's employment.

Objections to certain directions under section 24.

28.—(1) This section applies to any direction given under section 24 of this Act which—

(a) requires a person to take measures consisting of or including the construction, execution, alteration, demolition or removal of a building or other works, and

(b) does not contain a statement that the measures are urgently required and that accordingly the direction is to take effect immediately.

(2) At any time before the end of the period of thirty days beginning with the date on which a direction to which this section applies is given, the person to whom the direction is given may serve on the Secretary of State a notice in writing objecting to the direction, on the grounds that the measures specified in the direction, in so far as they relate to the

construction, execution, alteration, demolition or removal of a building or other works—

(a) are unnecessary and should be dispensed with, or

(b) are excessively onerous or inconvenient and should be modified in a manner specified in the notice.

(3) Where the person to whom such a direction is given serves a notice under subsection (2) above objecting to the direction, the Secretary of State shall consider the grounds of the objection and, if so required by the objector, shall afford to him an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose, and shall then serve on the objector a notice in writing either—

(a) confirming the direction as originally given, or

(b) confirming it subject to one or more modifications specified in the notice under this subsection, or

(c) withdrawing the direction;

and the direction shall not take effect until it has been confirmed (with or without modification) by a notice served under this subsection.

Enforcement notices.

29.—(1) Where an authorised person is of the opinion that any person has failed to comply with any general requirement of a direction given to him under section 21, 22, 23 or 24 of this Act, the authorised person may serve on that person a notice (in this Part of this Act referred to as an "enforcement notice")—

(a) specifying those general requirements of the direction with which he has, in the opinion of the authorised person, failed to comply, and

(b) specifying, subject to section 30 of this Act, the measures that ought to be taken in order to comply with those requirements.

(2) For the purposes of this section a requirement of a direction given by the Secretary of State under section 21, 22, 23 or 24 of this Act is a "general requirement" if the provision imposing the requirement—

(a) has been included in two or more directions given to different persons (whether or not at the same time), and

(b) is framed in general terms applicable to all the persons to whom those directions are given.

(3) If an enforcement notice is served under this section on the owner, charterer or manager of a ship, then (whether or not that service is effected by virtue of section 45(8) of this Act) an authorised person may serve on the master of the ship—

(a) a copy of the enforcement notice and of the direction to which it relates, and

(b) a notice stating that the master is required to comply with the enforcement notice,

and, if he does so, sections 31, 32 and 33 of this Act shall have effect as if the enforcement notice had been served on him as well as on the owner, charterer or manager of the ship.

Contents of
enforcement notice.

30.—(1) An enforcement notice may specify in greater detail measures which are described in general terms in those provisions of the direction to which it relates which impose general requirements, but may not impose any requirement which could not have been imposed by a direction given by the Secretary of State under the provision under which the direction was given.

(2) An enforcement notice may be framed so as to afford the person on whom it is served a choice between different ways of complying with the specified general requirements of the direction.

(3) Subject to subsection (4) below, an enforcement notice which relates to a direction given under section 21 of this Act must require the person to whom the direction was given not to cause or permit things to be done as mentioned in subsection (1)(a) or (b) or (2) of that section, as the case requires, until the specified measures have been taken.

(4) In serving an enforcement notice which relates to a direction under section 21(2) of this Act, the authorised person shall allow, and shall specify in the notice, such period as appears to him to be reasonably required for taking the measures specified in the notice; and the notice shall not take effect before the end of the period so specified.

(5) An enforcement notice which relates to a direction given under section 22, 23 or 24 of this Act must either—

(a) require the person to whom the direction was given to take the specified measures within a specified period which—

(i) where the measures consist of or include the construction, execution, alteration, demolition or removal of a building or other works, must not be less than thirty days beginning with the date of service of the notice, and

(ii) in any other case, must not be less than seven days beginning with that date; or

(b) require him not to do specified things, or cause or permit specified things to be done, until the specified measures have been taken.

(6) Subject to section 33(2) of this Act, an enforcement notice requiring a person not to cause or permit anything to be done shall be construed as requiring him to take all such steps as in any particular circumstances are practicable and necessary to prevent that thing from being done.

Offences relating to enforcement notices.

31.—(1) Any person who, without reasonable excuse, fails to comply with an enforcement notice served on him is guilty of an offence and liable—

(a) on summary conviction, to a fine not exceeding the statutory maximum;

(b) on conviction on indictment, to a fine.

(2) Where a person is convicted of an offence under subsection (1) above, then, if without reasonable excuse the failure in respect of which he was convicted is continued after the conviction, he is guilty of a further offence and liable on summary conviction to a fine not exceeding one-tenth of level 5 on the standard scale for each day on which the failure continues.

(3) Any person who intentionally interferes with any building constructed or works executed on any land in compliance with an enforcement notice or with anything installed on, under, over or across any land in compliance with such a notice is guilty of an offence and liable—

(a) on summary conviction, to a fine not exceeding the statutory maximum;

(b) on conviction on indictment, to a fine.

Objections to enforcement notices.

32.—(1) The person on whom an enforcement notice is served may serve on the Secretary of State a notice in writing of his objection to the enforcement notice, specifying the grounds of the objection.

(2) Any notice of objection under subsection (1) above must be served—

(a) where the enforcement notice specifies measures falling within section 30(5)(a)(i) of this Act, before the end of the period of thirty days beginning with the date on which the enforcement notice was served, or

(b) in any other case, before the end of the period of seven days beginning with that date.

(3) The grounds of objection to an enforcement notice are—

(a) that the general requirements of the direction which are specified in the notice for the purposes of section 29(1)(a) of this Act have been complied with,

(b) that the notice purports to impose a requirement which could not have been imposed by a direction given under the provision under which the direction to which the notice relates was given, or

(c) that any requirement of the notice—

(i) is unnecessary for complying with the general requirements specified as mentioned in paragraph (a) above

and should be dispensed with, or

(ii) having regard to the terms of those general requirements, is excessively onerous or inconvenient and should be modified in a manner specified in the notice of objection under subsection (1) above.

(4) Where the person on whom an enforcement notice is served serves a notice under subsection (1) above objecting to the enforcement notice, the Secretary of State shall consider the grounds of the objection and, if so required by the objector, shall afford to him an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose, and shall then serve on the objector a notice in writing either—

(a) confirming the enforcement notice as originally served, or

(b) confirming it subject to one or more modifications specified in the notice under this subsection, or

(c) cancelling the enforcement notice.

(5) An enforcement notice to which an objection has been made under subsection (1) above—

(a) if it contains such a requirement as is mentioned in section 30(3) or (5)(b) of this Act, shall continue to have effect as originally served until it has been cancelled, or it has been confirmed subject to modification by a notice under subsection (4) above, and

(b) in any other case, shall not take effect until it has been confirmed (with or without modification) by a notice under subsection (4) above.

Enforcement notices:
supplementary.

33.—(1) An enforcement notice served on any person—

(a) may be revoked by a notice served on him by an authorised person, and

(b) may be varied by a further enforcement notice.

(2) Sections 25 and 26 of this Act apply to an enforcement notice as they apply to the direction to which the notice relates.

(3) The ownership of any property shall not be affected by reason only that it is placed on or under or affixed to, any land in compliance with an enforcement notice.

(4) Where an authorised person has served an enforcement notice specifying the general requirements of a direction with which the person on whom it is served has, in the opinion of the authorised person, failed to comply, the person on whom the notice is served shall not be taken, for the purposes of section 21(8), 22(7), 23(3) or 24(7) of this Act, to have failed to comply with the direction by reason of the matters specified in the

notice.

(5) Subsection (4) above does not apply in relation to any proceedings commenced before the service of the enforcement notice.

(6) Where an enforcement notice has been served in relation to a direction, the fact that the notice specifies certain general requirements of the direction as those with which the person on whom the notice is served has, in the opinion of the authorised person, failed to comply shall not in any proceedings be evidence that any other requirement of the direction has been complied with.

(7) In this section "direction" means a direction under section 21, 22, 23 or 24 of this Act.

Operation of directions under Part III in relation to rights and duties under other laws.

34.—(1) In subsections (2) to (4) below references to a direction are references to a direction under section 21, 22, 23 or 24 of this Act as the direction has effect subject to any limitation imposed on its operation—

(a) by section 26 of this Act, or

(b) by any exemption or immunity of the Crown;

and any reference in those subsections to compliance with a direction is a reference to compliance with it subject to any limitation so imposed.

(2) In so far as a direction requires anything to be done or not done in the United Kingdom, the direction shall have effect notwithstanding anything contained in any contract (whether a United Kingdom contract or not) or contained in, or having effect by virtue of, any other Act or any rule of law; and accordingly no proceedings (whether civil or criminal) shall lie against any person in any United Kingdom court by reason of anything done or not done by him or on his behalf in compliance with a direction.

(3) In so far as a direction requires anything to be done or not done at a place outside the United Kingdom, the direction shall have effect notwithstanding anything contained in any contract (whether a United Kingdom contract or not); and accordingly, where a direction is inconsistent with anything in such a contract, it shall (without prejudice to any proceedings in a court other than a United Kingdom court) be construed as requiring compliance with the direction notwithstanding that compliance would be in breach of that contract.

(4) No proceedings for breach of contract shall lie against any person in a United Kingdom court by reason of anything done or not done by him or on his behalf at a place outside the United Kingdom in compliance with a direction, if the contract in question is a United Kingdom contract.

(5) Subsections (1) to (4) above have effect in relation to an enforcement notice as they have effect in relation to a direction under section 21, 22, 23 or 24 of this Act.

(6) In this section "United Kingdom court" means a court exercising jurisdiction in any part of the United Kingdom under the law of the United

Kingdom or of part of the United Kingdom, and "United Kingdom contract" means a contract which is either expressed to have effect in accordance with the law of the United Kingdom or of part of the United Kingdom or (not being so expressed) is a contract the law applicable to which is the law of the United Kingdom or of part of the United Kingdom.

Detention of ships.

35.—(1) Where an authorised person is satisfied that the owner, charterer, manager or master of a ship has failed to comply with—

(a) a direction given to him under section 21 or 24 of this Act in respect of that ship, or

(b) an enforcement notice which has been served on him in respect of that ship and which relates to such a direction,

and the authorised person certifies in writing to that effect, stating particulars of the non-compliance, the ship may be detained until the authorised person otherwise directs.

(2) Where the authorised person does not himself detain the ship, he shall deliver the certificate to the officer detaining the ship.

(3) On detaining the ship, the authorised person or other officer shall deliver to the master of the ship a copy of the certificate.

(4) Section 692 of the [1894 c. 60.] Merchant Shipping Act 1894 (enforcement of detention of ships) applies in the case of detention under this section as if it were authorised or ordered under that Act.

Inspection of ships and harbour areas.

36.—(1) For the purpose of enabling the Secretary of State to determine whether to give a direction to any person under any of sections 21 to 24 of this Act, or of ascertaining whether any such direction or any enforcement notice is being or has been complied with, an authorised person shall have power, on production (if required) of his credentials, to inspect—

(a) any British ship,

(b) any other ship while in a harbour area,

(c) any part of any harbour area, or

(d) any land outside a harbour area which is occupied for the purposes of a business by a person who—

(i) carries on (or appears to the authorised person to be about to carry on) harbour operations in a harbour area for the purposes of that business, or

(ii) is permitted (or appears to the authorised person to be about to be permitted) to have access to a restricted zone of a harbour area for the purposes of the activities of that business.

(2) An authorised person inspecting a ship or any part of a harbour area or any land outside a harbour area under subsection (1) above shall have

power—

(a) to subject any property found by him on the ship (but not the ship itself or any apparatus or equipment installed in it) or, as the case may be, to subject that part of the harbour area or any property found by him there or on that land, to such tests,

(b) to take such steps—

(i) to ascertain what practices or procedures are being followed in relation to security, or

(ii) to test the effectiveness of any practice or procedure relating to security, or

(c) to require the owner, charterer, manager or master of the ship, the harbour authority or the occupier of the land to furnish to him such information,

as the authorised person may consider necessary for the purpose for which the inspection is carried out.

(3) Subject to subsection (4) below, an authorised person, for the purpose of exercising any power conferred on him by subsection (1) or (2) above in relation to a ship, in relation to a harbour area or in relation to any land outside a harbour area, shall have power—

(a) for the purpose of inspecting a ship, to go on board it and to take all such steps as are necessary to ensure that it is not moved, or

(b) for the purpose of inspecting any part of a harbour area, to enter any building or works in the harbour area or enter upon any land in the harbour area, or

(c) for the purpose of inspecting any land outside a harbour area, to enter upon the land and to enter any building or works on the land.

(4) The powers conferred by subsection (3) above shall not include power for an authorised person to use force for the purpose of going on board any ship, entering any building or works or entering upon any land.

(5) Any person who—

(a) without reasonable excuse, fails to comply with a requirement imposed on him under subsection (2)(c) above, or

(b) in furnishing any information so required, makes a statement which he knows to be false in a material particular, or recklessly makes a statement which is false in a material particular,

commits an offence.

(6) A person guilty of an offence under subsection (5) above is liable—

(a) on summary conviction, to a fine not exceeding the statutory

maximum;

(b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both.

Offences relating to security of ships and harbour areas.

False statements
relating to baggage,
cargo etc.

37.—(1) Subject to subsection (3) below, a person commits an offence if, in answer to a question which—

(a) relates to any baggage, cargo or stores (whether belonging to him or to another) that is or are intended for carriage by sea—

(i) by a British ship, or

(ii) by any other ship to or from the United Kingdom, and

(b) is put to him for purposes to which this Part of this Act applies—

(i) by any of the persons mentioned in subsection (2) below,

(ii) by any employee or agent of such a person in his capacity as employee or agent, or

(iii) by a constable,

he makes a statement which he knows to be false in a material particular, or recklessly makes a statement which is false in a material particular.

(2) The persons referred to in subsection (1)(b) above are—

(a) a harbour authority,

(b) the owner, charterer or manager of any ship, and

(c) any person who—

(i) is permitted to have access to a restricted zone of a harbour area for the purposes of the activities of a business carried on by him, and

(ii) has control in that restricted zone over the baggage, cargo or stores to which the question relates.

(3) Subsection (1) above does not apply in relation to any statement made by an authorised person in the exercise of the power conferred by section 36(2)(b) of this Act.

(4) A person guilty of an offence under subsection (1) above is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(5) In this section—

"cargo" includes mail;

"ship" does not include a ship used in naval, customs or police service; and

"stores" means any goods intended for sale or use in a ship, including fuel and spare parts and other articles of equipment,

whether or not for immediate fitting.

False statements in connection with identity documents.

38.—(1) Subject to subsection (4) below, a person commits an offence if—

(a) for the purpose of, or in connection with, an application made by him or another for the issue of an identity document to which this subsection applies, or

(b) in connection with the continued holding by him or another of any such document which has already been issued,

he makes to any of the persons specified in subsection (3) below, to any employee or agent of such a person or to a constable, a statement which he knows to be false in a material particular, or recklessly makes to any of those persons, to any such employee or agent or to a constable, a statement which is false in a material particular.

(2) Subsection (1) above applies to any identity document which is to be or has been issued by any of the persons specified in subsection (3) below in accordance with arrangements the maintenance of which is required by a direction given by the Secretary of State under section 24 of this Act.

(3) The persons referred to in subsection (1) above are—

(a) a harbour authority,

(b) the owner, charterer or manager of any ship, and

(c) any person who is permitted to have access to a restricted zone of a harbour area for the purposes of the activities of a business carried on by him.

(4) Subsection (1) above does not apply in relation to any statement made by an authorised person in the exercise of the power conferred by section 36(2)(b) of this Act.

(5) A person guilty of an offence under subsection (1) above is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Unauthorised presence in restricted zone.

39.—(1) A person shall not—

(a) go, with or without a vehicle or vessel, onto or into any part of a restricted zone of a harbour area except with the permission of the harbour authority or a person acting on behalf of the harbour authority and in accordance with any conditions subject to which that permission is for the time being granted, or

(b) remain in any part of such a restricted zone after being requested to leave by the harbour authority or a person acting on behalf of the harbour authority.

(2) Subsection (1)(a) above does not apply unless it is proved that, at the

material time, notices stating that the area concerned was a restricted zone were posted so as to be readily seen and read by persons entering the restricted zone.

(3) A person who contravenes subsection (1) above without lawful authority or reasonable excuse is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Offences relating to authorised persons.

40.—(1) A person who—

(a) intentionally obstructs an authorised person acting in the exercise of a power conferred on him by or under this Part of this Act, or

(b) falsely pretends to be an authorised person,

commits an offence.

(2) A person guilty of an offence under subsection (1)(a) above is liable—

(a) on summary conviction, to a fine not exceeding the statutory maximum;

(b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both.

(3) A person guilty of an offence under subsection (1)(b) above is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Sea cargo agents

Sea cargo agents.

41.—(1) The Secretary of State may by regulations made by statutory instrument make provision, for purposes to which this Part of this Act applies, in relation to persons (in this section referred to as "sea cargo agents") who carry on a business of handling cargo which is to be delivered (whether by them or any other person) to the owner, charterer or manager of any ship for carriage by sea from any harbour area.

(2) Regulations under this section may, in particular—

(a) enable the Secretary of State to maintain a list of sea cargo agents who are approved by him for purposes related to maritime security, to include the name of a sea cargo agent on that list, on application being made to the Secretary of State in accordance with the regulations, if he is satisfied as to such matters as are specified in the regulations, and to remove the name of any person from that list in such circumstances as are so specified,

(b) provide that any provision of this Part of this Act which applies in relation to persons who are permitted to have access to a restricted zone of a harbour area for the purposes of the activities of a business (including any such provision which creates a criminal offence) shall

also apply, with such modifications as are specified in the regulations, in relation to sea cargo agents included on any such list,

(c) amend sections 37(2) and 38(3) of this Act by including references to sea cargo agents included on any such list,

(d) make provision (including any such provision as is mentioned in paragraphs (a) to (c) above) relating to a class of sea cargo agents specified in the regulations and not to other sea cargo agents,

(e) make different provision for different cases, and

(f) make such incidental, supplementary or transitional provision as the Secretary of State considers necessary or expedient in consequence of any provision made by the regulations.

(3) Before making any regulations under this section the Secretary of State shall consult organisations appearing to him to represent persons affected by the proposed regulations.

(4) Any statutory instrument containing regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(5) Without prejudice to the generality of sections 21 and 24 of this Act, the exemptions that may be included in any direction given to an owner, charterer, manager or master of a ship under section 21 or 24 which requires the carrying out of searches of cargo, or the taking of any other measures in relation to cargo, include exemptions from such requirements in relation to cargo received from any sea cargo agent included on any list maintained by the Secretary of State under regulations under this section or from any sea cargo agent falling within a class of such sea cargo agents specified in the direction.

(6) In this section—

"cargo" includes stores and mail;

"carriage by sea" does not include carriage by any ship used in naval, customs or police service; and

"stores" means any goods intended for sale or use in a ship, including fuel and spare parts and other articles of equipment, whether or not for immediate fitting.

Reporting of certain occurrences

Duty to report certain occurrences.

42.—(1) For purposes to which this Part of this Act applies, the Secretary of State may by regulations made by statutory instrument require such persons as are specified in the regulations to make a report to him, in such manner and within such period as are so specified, of any occurrence of a description so specified.

(2) Before making any regulations under this section, the Secretary of State shall consult organisations appearing to him to represent persons affected by the proposed regulations.

(3) Regulations under this section may—

(a) provide that any person who, in making a report required by the regulations, makes a statement which he knows to be false in a material particular, or recklessly makes a statement which is false in a material particular, is to be guilty of an offence and liable—

(i) on summary conviction, to a fine not exceeding the statutory maximum;

(ii) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both; and

(b) provide for persons to be guilty of an offence in such other circumstances as may be specified in the regulations and to be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(4) Regulations under this section may require the reporting of occurrences taking place outside the United Kingdom only if those occurrences relate to British ships.

(5) Any statutory instrument containing regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

General supplemental provisions

Compensation in respect of certain measures taken under Part III.

43.—(1) The provisions of this section have effect where, in compliance with a direction under section 24 of this Act or in compliance with an enforcement notice, the person to whom the direction was given or on whom the notice was served takes any measures consisting of the construction, execution, alteration, demolition or removal of a building or other works on land either within or outside a harbour area.

(2) If the value of any interest in that land to which a person is entitled is depreciated in consequence of the taking of those measures, or the person having such an interest suffers loss in consequence of them by being disturbed in his enjoyment of any of that land, he is entitled to compensation equal to the amount of the depreciation or loss.

(3) If any land other than the land on which the measures are taken is injuriously affected by the taking of those measures, any person having an interest in that other land who suffers loss in consequence of its being injuriously affected is entitled to compensation equal to the amount of the loss.

(4) Any compensation to which a person is entitled under this section shall be payable to him by the person by whom the measures in question were taken.

(5) The provisions of Schedule 2 to this Act have effect for the purposes of this section; and subsections (1) to (4) above have effect subject to the provisions of that Schedule.

Annual report by Secretary of State as to notices and directions under Part III.

44.—(1) The Secretary of State shall, on or before 31st January in each year, lay before each House of Parliament a report stating the number of notices served by him under section 19 of this Act, the number of directions given by him under sections 21, 22, 23 and 24 of this Act and the number of enforcement notices served by authorised persons during the period of twelve months which expired with the preceding December.

(2) Each such report shall deal separately with notices served under section 19 of this Act, directions given under section 21 of this Act, directions given under section 22 of this Act, directions given under section 23 of this Act, directions given under section 24 of this Act and enforcement notices, and, in relation to each of those matters, shall show separately—

(a) the number of notices or directions which, during the period to which the report relates, were served on or given to persons as being, or as appearing to the Secretary of State to be about to become, owners, charterers, managers or masters of ships,

(b) the number of notices or directions which during that period were served on or given to persons as being, or as appearing to the Secretary of State to be about to become, harbour authorities,

(c) the number of notices or directions which during that period were served on or given to persons as being, or as appearing to the Secretary of State to be about to become, persons carrying on harbour operations in a harbour area, and

(d) the number of notices or directions which during that period were served on or given to persons as being, or as appearing to the Secretary of State to be about to become, persons permitted to have access to a restricted zone of a harbour area for the purposes of the activities of a business.

(3) Each such report shall also show separately the number of copies of enforcement notices which during that period were served on masters of ships under section 29(3) of this Act.

Service of documents.

45.—(1) This section has effect in relation to any notice, any document containing a direction and any other document authorised or required by any provision of this Part of this Act to be served on or given to any person.

(2) Any such document may be given to or served on any person—

(a) by delivering it to him, or

(b) by leaving it at his proper address, or

(c) by sending it by post to him at that address, or

(d) by sending it to him at that address by telex or other similar means which produce a document containing the text of the communication.

(3) Any such document may, in the case of a body corporate, be given to or served on the secretary, clerk or similar officer of that body.

(4) For the purposes of this section and section 7 of the [1978 c. 30.] Interpretation Act 1978 (service of documents by post) in its application to this section, the proper address of any person to whom or on whom any document is to be given or served is his usual or last known address or place of business (whether in the United Kingdom or elsewhere), except that in the case of a body corporate or its secretary, clerk or similar officer it shall be the address of the registered or principal office of that body in the United Kingdom (or, if it has no office in the United Kingdom, of its principal office, wherever it may be).

(5) In the case of a person registered under any of the United Kingdom registration provisions as the owner of any ship so registered, the address for the time being recorded in relation to him in the register in which the ship is registered shall also be treated for the purposes of this section and section 7 of the [1978 c. 30.] Interpretation Act 1978 as his proper address.

(6) If the person to or on whom any document mentioned in subsection (1) above is to be given or served has notified the Secretary of State of an address within the United Kingdom, other than an address determined under subsection (4) or (5) above, as the one at which he or someone else on his behalf will accept documents of the same description as that document, that address shall also be treated for the purposes of this section and section 7 of the Interpretation Act 1978 as his proper address.

(7) Any document mentioned in subsection (1) above shall, where there are two or more owners registered under any of the United Kingdom registration provisions, be treated as duly served on each of those owners—

(a) in the case of a ship in relation to which a managing owner is for the time being registered under section 59(1) of the [1894 c. 60.] Merchant Shipping Act 1894, if served on that managing owner, and

(b) in the case of any other ship, if served on any one of the registered owners.

(8) Where an enforcement notice is to be served under section 29 of this Act on the owner, charterer or manager of a ship, it shall be treated as duly served on him if it is served on the master of the ship in question, but (except as provided by section 29(3) of this Act) the master shall not be obliged by virtue of this subsection to comply with the notice.

(9) Where any document mentioned in subsection (1) above is to be served (for the purposes of subsection (8) above or otherwise) on the master of a ship, it shall be treated as duly served if it is left on board that ship with the person being or appearing to be in command or charge of the

ship.

(10) In this section "the United Kingdom registration provisions" means—

- (a) Part I of the Merchant Shipping Act 1894,
- (b) section 5 of the [1983 c. 13.] Merchant Shipping Act 1983,
- (c) Part II of the [1988 c. 12.] Merchant Shipping Act 1988, and
- (d) any Order in Council under section 1 of the [1968 c. 59.] Hovercraft Act 1968.

Interpretation of Part
III.

46.—(1) In this Part of this Act, except in so far as the context otherwise requires—

"act of violence" shall be construed in accordance with section 18(2) of this Act,

"article" includes any substance, whether in solid or liquid form or in the form of a gas or vapour,

"authorised person" means a person authorised in writing by the Secretary of State for the purposes of this Part of this Act,

"British ship" means a ship which—

(a) is registered in the United Kingdom under Part I of the [1894 c. 60.] Merchant Shipping Act 1894, section 5 of the [1983 c. 13.] Merchant Shipping Act 1983, Part II of the [1988 c. 12.] Merchant Shipping Act 1988 or any Order in Council under section 1 of the [1968 c. 59.] Hovercraft Act 1968, or

(b) is not registered under the law of any country and is entitled to be registered in the United Kingdom under Part I of the Merchant Shipping Act 1894,

"constable" includes any person having the powers and privileges of a constable,

"employee", in relation to a body corporate, includes officer,

"enforcement notice" has the meaning given by section 29(1) of this Act,

"explosive" means any article manufactured for the purpose of producing a practical effect by explosion, or intended for that purpose by a person having the article with him,

"firearm" includes an airgun or air pistol,

"harbour"—

(a) in relation to Great Britain, means a harbour within the meaning of the [1964 c. 40.] Harbours Act 1964, and

(b) in relation to Northern Ireland, has the same meaning as in the [1970 c. 1 (N.I.)] Harbours Act (Northern Ireland) 1970,

"harbour area" has the meaning given by section 18(3) of this Act,

"harbour authority"—

(a) in Great Britain, means—

(i) a harbour authority within the meaning of the Harbours Act 1964, or

(ii) the manager of any hoverport which does not form part of an area mentioned in section 18(3)(a)(i) or (ii) of this Act, and

(b) in Northern Ireland, has the same meaning as in the Harbours Act (Northern Ireland) 1970,

"harbour operations" has the same meaning as in the Harbours Act 1964,

"hoverport" has the same meaning as in the Hovercraft Act 1968,

"manager", in relation to a hoverport, means the person by whom the hoverport is managed,

"master" has the same meaning as in the Merchant Shipping Act 1894,

"measures" (without prejudice to the generality of that expression) includes the construction, execution, alteration, demolition or removal of any building or other works (whether on dry land or on the seabed or other land covered by water), and also includes the institution or modification, and the supervision and enforcement, of any practice or procedure,

"naval service" includes military and air force service,

"owner", in relation to a ship registered in the United Kingdom or in any other country, means registered owner,

"property" includes any land, buildings or works, any ship or vehicle and any baggage, cargo or other article of any description,

"restricted zone", in relation to a harbour area, means any part of the harbour area designated under section 20 of this Act or, where the whole of the harbour area is so designated, that area, and

"ship" includes hovercraft and every other description of vessel used in navigation.

(2) Any power to give a direction under any provision of this Part of this

Act includes power to revoke or vary any such direction by a further direction.

(3) For the purposes of this Part of this Act a person is permitted to have access to a restricted zone of a harbour area if he is permitted to enter that zone or if arrangements exist for permitting any of his employees or agents to enter that zone.

Offences by bodies
corporate.

50.—(1) Where an offence under this Act (including any provision of Part III as applied by regulations made under section 41 of this Act) or under regulations made under section 42 of this Act has been committed by a body corporate and 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.

(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.

SCHEDULE 2

Section 43.

Provisions Relating to Compensation

1. This Schedule applies to compensation under section 43 of this Act (in this Schedule referred to as "the principal section").
2. No compensation to which this Schedule applies shall be payable unless the person to whom it is payable in accordance with the principal section (or in accordance with regulations made under paragraph 5 below) serves on the person by whom the measures in question were taken a notice in writing claiming compensation under that section, and that notice is served before the end of the period of two years from the completion of the measures.
3. In relation to any measures taken by any person on land outside a harbour area, any reference in the principal section to a direction or enforcement notice, or to compliance with a direction or enforcement notice, is to be construed as if subsection (6) of section 26 of this Act were omitted.
4. In calculating value for any of the purposes of the principal section—
 - (a) rules (2) to (4) of the rules set out in section 5 of the [1961 c. 33.] Land Compensation Act 1961 apply with the necessary modifications, and
 - (b) if the interest to be valued is subject to a mortgage, it is to be treated as if it were not subject to the mortgage.
5. Regulations made by the Secretary of State by statutory instrument may make provision—
 - (a) requiring compensation to which this Schedule applies, in such cases as may be specified in the regulations, to be paid to a person other than the person entitled to it in accordance with the principal section,
 - (b) as to the application of any compensation to which this Schedule applies, or any part of it, in cases where the right to claim compensation is exercisable by reference to an interest in land which is subject to a mortgage, or to a rentcharge, or to the trusts of a settlement, or, in Scotland, to a feuduty or ground annual or to the purposes of a trust, or which was so subject at a time specified in the regulations, or
 - (c) as to any assumptions to be made, or matters to be taken into or left out of account, for the purpose of assessing any compensation to which this Schedule applies.
6. A statutory instrument containing regulations made under paragraph 5 above shall be subject to annulment in pursuance of a resolution of either House of Parliament.
7. Any dispute arising under the principal section or under this Schedule, whether as to the right to any compensation or as to the amount

of any compensation or otherwise, shall be referred to and determined by the Lands Tribunal.

8. In the application of this Schedule to Scotland—

(a) the reference in paragraph 4(a) to section 5 of the Land Compensation Act 1961 is to be construed as a reference to section 12 of the [1963 c. 51.] Land Compensation (Scotland) Act 1963, and

(b) the reference in paragraph 7 to the Lands Tribunal is to be construed as a reference to the Lands Tribunal for Scotland.

9. In the application of this Schedule to Northern Ireland—

(a) the reference in paragraph 4(a) to section 5 of the [1961 c. 33.] Land Compensation Act 1961 is to be construed, notwithstanding paragraph 4 of Schedule 1 to the [S.I. 1982/712 (N.I. 9).] Land Compensation (Northern Ireland) Order 1982 (which confines the operation of that Order to matters within the legislative competence of the Parliament of Northern Ireland), as a reference to Article 6(1) of that Order, and

(b) the reference in paragraph 7 to the Lands Tribunal is to be construed as a reference to the Lands Tribunal for Northern Ireland.

10. In this Schedule "mortgage" includes any charge or lien on any property for securing money or money's worth, and any heritable security within the meaning of section 9(8) of the [1970 c. 35.] Conveyancing and Feudal Reform (Scotland) Act 1970.

Aviation and Maritime Security Act 1990 (Application of Provisions) Bill 2004

(No: of 2004)

ARRANGEMENT OF PROVISIONS

Clause

1. Short title
2. Application of provisions

Schedule

AVIATION AND MARITIME SECURITY ACT 1990 (APPLICATION OF PROVISIONS) BILL 2004

(No: of 2004)

(assented to: 2004)

(commencement: 2004)

(published: 2004)

A BILL

for

AN ORDINANCE

To apply in the Falkland Islands sections 18 to 46 and 50 of, and Schedule 2 to, the Aviation and Maritime Security Act 1990.

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

Short title

1. This Ordinance may be cited as the Aviation and Maritime Security Act 1990 (Application of Provisions) Ordinance 2004.

Application of provisions

2.—(1) This provisions of sections 18 to 46 and 50 of and Schedule 2 to the Aviation and Maritime Security Act 1990 shall apply in the Falkland Islands with the exceptions, adaptations and modifications specified in the Schedule to this Ordinance.

(2) Any reference in the Schedule to this Ordinance to an Act shall, unless the contrary intention appears, be construed as a reference to that Act as it has effect in the Falkland Islands.

SCHEDULE

Application of provisions of sections 18 to 46 and 50 and Schedule 2 to the Aviation and Maritime Security Act 1990 in the Falkland Islands

1. In section 18 (Purposes to which Part III applies) subsections (2) and (3) shall be replaced by the following —

“(2) In this Part of this Act “act of violence” means any act (whether actual or potential and whether done in the Falkland Islands or elsewhere) which either —

- (a) being an act done in the Falkland Islands constitutes, or
- (b) if done in the Falkland Islands would constitute,

the offence of murder, attempted murder, manslaughter or an offence under section 18, 20, 21, 22, 23, 24, 28 or 29 of the Offences Against the Person Act 1961, under section 2 of the Explosive Substances Act 1883 or under section 1 of the Criminal Damage Act 1971.

(3) In this Part of this Act “harbour area” means the aggregate of any harbour in the Falkland Islands to which the Harbours Ordinance (Title 57.3) applies and any land which is adjacent to such a harbour and which is used for harbour purposes.”

2. In section 19 (Power of Secretary of State to require information) —

- (a) the words “Secretary of State”, wherever they occur are replaced by the word “Governor”;
- (b) the words “British ship” in subsection (1) paragraph (a) are replaced by the words “Falkland Islands ship”;
- (c) in subsection (1) paragraph (b) is omitted; and
- (d) in subsection (6) —
 - (i) paragraph (a) is omitted, and
 - (ii) in paragraph (b) the words “on conviction on indictment” are omitted and the words “not exceeding the maximum of level 6 on the standard scale” are inserted after the word “fine”.

3. In section 20 (Designation of restricted zones of harbour areas) —

- (a) subsection (1) is replaced by —

“(1) The Governor may designate the whole or any part of a harbour area as a restricted zone for the purposes of this Part of this Act.”

(b) subsections (2), (3), (4), (5) and (7) are omitted; and

(c) in subsection (8) all the words after “restricted zone” are replaced by the words “the Governor may vary or revoke the designation at any time.”.

4. In section 21 (Power to impose restrictions in relation to ships) —

(a) the words “Secretary of State”, wherever they occur, are replaced by the word “Governor”;

(b) the words “British ship” in subsection (1) are replaced by the words “Falkland Islands ship”;

(c) in subsection (1) the words “a harbour authority” are replaced by the words “the Harbourmaster” and the word “constables”, wherever it occurs, is replaced by the words “police officers”;

(d) in subsection (4) the words “a harbour authority” are replaced by the words “the Harbourmaster”;

(e) in subsection (8) —

(i) paragraph (a) is omitted; and

(ii) in paragraph (b) the words “on conviction on indictment,” are omitted and the words “not exceeding the maximum of level 6 on the standard scale” are inserted after the word “fine”; and

(f) in subsection (9) the words “on summary conviction” are omitted.

5. In section 22 (Power to require harbour authorities to promote searches in harbour areas) —

(a) in subsection (1) the words “Secretary of State may give a direction in writing to a harbour authority requiring it to use its” are replaced by the words “Governor may give a direction in writing to the Harbourmaster requiring him to use his” and the word “constables” is replaced by the words “police officers”; and

(b) in subsection (3) the words “a harbour authority” are replaced by the words “the Harbourmaster” and the word “constable” is replaced by the words “police officer”;

(c) in subsection (4) all the words from “constable who” to the end of the subsection are replaced by the words “police officer”;

(d) in subsection (5) the word “constable”, wherever it occurs, is replaced by the words “police officer”;

(e) in subsection (8) —

(i) paragraph (a) is omitted; and

(ii) in paragraph (b) the words “on conviction on indictment,” are omitted;

(f) in subsection (9) the words “on summary conviction” are omitted; and

(g) subsection (10) is replaced by —

“(10) subsection (3) of this section has effect without prejudice to the operation, in relation to any offence under this Act of sections 188, 198 and 199 of the Criminal Justice Ordinance (Title 24.1) (which confer power to arrest without warrant and to enter premises for the purpose of making an arrest) or of section 201 of that Ordinance (Use of force in making arrest etc).”

6. In section 23 (Power to require other persons to promote searches) —

(a) in subsection (1) the words “Secretary of State” are replaced by the word “Governor”, the words “a harbour authority” are replaced by the words “the Harbourmaster” and the word “constables” is replaced by the words “police officers”;

(b) in subsection (3) —

(i) paragraph (a) is omitted; and

(ii) in paragraph (b) the words “on conviction on indictment” are omitted and the words “not exceeding the maximum of level 6 on the standard scale” are inserted after the words “a fine”; and

(c) in subsection (4) the words “on summary conviction” and “not exceeding 1-10th of level 5 on the standard scale” are omitted.

7. In section 24 (General power to direct measures to be taken for purposes to which Part III applies) —

(a) in subsection (1) —

(i) the words “British ships” in paragraph (a)(i) are replaced by the words “Falkland Islands ships”;

(ii) paragraph (b) is omitted and the words “other than a harbour authority” in paragraph (c) are omitted;

(b) in subsection (2) the words “Secretary of State” are replaced by the word “Governor” and paragraph (b) is omitted;

(c) in subsection (3) paragraph (b) is omitted;

(d) in subsection (6) the words “Secretary of State” are replaced by the word “Governor”;

(e) in subsection (8) —

(i) paragraph (a) is omitted;

(ii) in paragraph (b) the words “on conviction on indictment” are omitted and the words “not exceeding the maximum of level 6 on the standard scale” are inserted after the word “fine”; and

(f) in subsection (9) the words “on summary conviction” are omitted.

8. In section 25 (Matters which may be included in directions under sections 21 to 24) —

(a) in subsection (4) —

(i) the word “constables” wherever it occurs, is replaced by the words “police officers”;

(ii) the words “for the police area in which the searches are to be carried out or the other measures taken” are omitted; and

(iii) the words “Secretary of State” are replaced by the word “Governor”; and

(b) subsection (7) is omitted.

9. In section 26 (Limitations on scope of directions under sections 21 to 24) —

(a) in subsection (3) the words “United Kingdom”, are replaced by the words “the Falkland Islands”;

(b) in subsection (4) the word “constable” is replaced by the words “police officer”;

(c) in subsection (5) the words “the United Kingdom” are replaced by the words “the Falkland Islands”; and

(d) in subsection (6) the words “to a harbour authority or” are omitted.

10. In section 27 (General or urgent directions) in subsection (2) the words “Secretary of State” are replaced by the word “Governor”.

11. In section 28 (Objections) and in sections 29 and 30 (Enforcement notices) the words “Secretary of State,” wherever they occur, are replaced by the word “Governor”.

12. In section 31 (Offences relating to enforcement notices) —

(a) in subsection (1) paragraph (a) is omitted and the words “on conviction on indictment” in paragraph (b) are omitted and the words “not exceeding the maximum of level 6 on the standard scale” are inserted after the word “fine”;

(b) in subsection (2) the words “on summary conviction” are omitted; and

(c) in subsection (3) paragraph (a) is omitted and in paragraph (b) the words “on conviction on indictment” are omitted and the words “not exceeding the maximum of level 6 on the standard scale” are inserted after the word “fine”.

13. In section 32 (Objections to enforcement notices) the words “Secretary of State”, wherever they occur, are replaced by the word “Governor”.

14. In section 34 (Operation of directions under Part III in relation to rights and duties under other laws) —

(a) in subsections (2), (3) and (4) the words “the United Kingdom” wherever they occur are replaced by the words “the Falkland Islands” and the words “United Kingdom”, wherever they occur, are replaced by the words “Falkland Islands”; and

(b) subsection (6) is replaced by —

“(6) in this section “Falkland Islands contract” means a contract which is either expressed to have effect in accordance with the law of the Falkland Islands or (not being so expressed) is a contract the law applicable to which is the law of the Falkland Islands.”

15. In section 36 (Inspection of ships and harbour areas) —

(a) in subsection (1) the words “Secretary of State” are replaced by the word “Governor”;

(b) in paragraph (c) of subsection (2) the words “the harbour authority” are omitted; and

(c) in subsection (6) —

(i) paragraph (a) is omitted; and

(ii) in paragraph (b) the words “on conviction on indictment,” are omitted and the words “not exceeding the maximum of level 5 on the standard scale” are inserted after the word “fine”.

16. In section 37 (False statements relating to baggage, cargo, etc) —

(a) in subsection (1) the words “the United Kingdom” are replaced by the words “the Falkland Islands” and the word “constable” is replaced by the words “police officer”;

(b) in subsection (2) the words “a harbour authority” are replaced by the words “the Harbourmaster” and

(c) in subsection (3) the words “on summary conviction” are omitted.

17. In section 38 (False statements in connection with identity documents) —

(a) in subsection (1) the word “constable”, wherever it occurs, is replaced by the words “police officer”;

(b) in subsection (2) the words “Secretary of State” are replaced by the word “Governor”;

(c) in subsection (3) the words “a harbour authority” are replaced by the words “the Harbourmaster”; and

(d) in subsection (5) the words “on summary conviction” are omitted.

18. In section 39 (Unauthorised presence in restricted zone) —

(a) in subsection (1) the words “harbour authority”, wherever they occur are replaced by the word “Harbourmaster”; and

(b) in subsection (3) the words “on summary conviction” are omitted.

19. In section 40 (Offence relating to unauthorised persons) —

(a) in subsection (2) —

(i) paragraph (a) is omitted;

(ii) in paragraph (b) the words “on conviction on indictment” are omitted; and

(b) in subsection (3) the words “on summary conviction” are omitted.

20. In section 41 (Sea cargo agents) —

- (a) the words “Secretary of State”, wherever they occur are replaced by the word “Governor”;
- (b) in subsection (1) the words “made by Statutory Instrument” are omitted; and
- (c) subsection (4) is omitted.

21. In section 42 (Duty to report certain occurrences) —

- (a) the words “Secretary of State”, wherever they occur are replaced by the word “Governor”;
- (b) in subsection (3) in paragraph (a) sub-paragraph (i) is omitted and in sub-paragraph (ii) the words “on conviction on indictment” are omitted and the words “not exceeding level 5 on the standard scale” are inserted after the word “fine”;
- (c) in subsection (4) the words “United Kingdom” are replaced by the words “Falkland Islands”; and
- (d) subsection (5) is omitted.

22. In section 45 (Service of documents) —

- (a) the words “section 7 of the Interpretation Act 1978”, wherever they occur, are replaced by the words “section 9 of the Interpretation and General Clauses Ordinance (Title 67.2)”;
- (b) in subsection (4) the words “United Kingdom”, wherever they occur, are replaced by the words “the Falkland Islands”;
- (c) in subsection (5) the words “United Kingdom” are replaced by the words “Falkland Islands”;
- (d) in subsection (6) the words “Secretary of State” are replaced by the word “Governor” and the words “the United Kingdom” are replaced by the words “the Falkland Islands”;
- (e) in subsection (7) the words “United Kingdom” are replaced by the words “Falkland Islands”; and
- (f) subsection (10) is replaced by —

“(10) In this section “the Falkland Islands registration provisions” means Parts I and II of the Merchant Shipping Act 1995.

23. In section 46 (Interpretation of Part III) —

- (a) in the definition of “authorised person” the words “Secretary of State” shall be replaced by the word “Committee”;

(b) the definition of “British ship” is deleted;

(c) the following definition is inserted after the definition of “employee” —

“ “Falkland Islands ship” means a ship which —

(a) is registered in the Falkland Islands under Parts I and II of the Merchant Shipping Act 1995; or

(b) is not registered under the law of any country and is entitled to be registered in the Falkland Islands under Part I and II of the Merchant Shipping Act 1995;”;

(d) the definitions of “constable”, “harbour authority”, “hoverport” and “manager” are omitted.

(e) the definition of “harbour” shall be replaced by —

“ “harbour” has the same meaning as in the Harbours Ordinance (Title 57.3);”

(f) the definition of “harbour operations” is replaced by —

“ “harbour operations” means —

(a) the marking or lighting of a harbour or any part thereof;

(b) the berthing or dry docking of a ship;

(c) the warehousing, sorting, weighing or handling of goods on harbour land or at a wharf;

(d) the movement of goods or passengers within the limits within which the person engaged in improving, maintaining or managing a harbour has jurisdiction or on harbour land;

(e) in relation to a harbour (which expression for the purposes of this paragraph does not include a wharf) —

(i) the towing, or moving of a ship which is in or about to enter or has recently left the harbour;

(ii) the loading or unloading of goods, or embarking or disembarking of passengers, in or from a ship which is in the harbour or the approaches thereto;

(iii) the lighterage or handling of goods in the harbour; and

(f) in relation to a wharf —

(i) the towing or moving of a ship to or from the wharf;

(ii) the loading or unloading of goods, or the embarking or disembarking of passengers, at the wharf in or from a ship;”

(g) in the definition of “owner” the words “United Kingdom” are replaced by the words “Falkland Islands”;

(h) after the definition of “owner” is inserted the following definition —

“ “police officer” means a member or a reserve member of the Royal Falkland Islands Police Force and any other person having the powers of a police officer.”.

24. In section 50(1) all words appearing before the words “or under” are omitted and replaced by the words “Where an offence under Part III of this Act (including any provision of that Part as applied by Regulations made under section 41 of this Act)”.

25. In Schedule 2 (Provisions relating to compensation) —

(a) in paragraph 5 the words “Regulations made by the Secretary of State by Statutory Instrument” are replaced by the words “Regulations made by the Governor” and the words from “or, in Scotland” to “in the Regulations,” are omitted;

(b) paragraph 6 is omitted;

(c) paragraph 7 is replaced by —

“7.—(1) Any dispute arising under the principal section or under this Schedule, whether as to the right to any compensation or as to the amount of any compensation, or otherwise, shall be referred to and determined by two arbitrators, one of whom shall be appointed by the Governor and the other by the person claiming the compensation save that, if an arbitrator is not appointed by the person claiming compensation, then he shall be nominated by the Governor and any arbitrator so nominated shall be deemed to be the arbitrator appointed by the person claiming the compensation.

(2) Arbitrators appointed under sub-paragraph (1) shall, before commencing to determine any matter referred to them under this paragraph, nominate an umpire who shall determine the matter if the arbitrators disagree.

(3) The arbitrators or umpire, as the case may be, may refer to the Supreme Court any question of law or of law mixed with fact arising in connection with any matter referred to them or him in such manner and within such time as may be prescribed by rules of court.

(4) Subject to sub-paragraph (3), the decision of the arbitrators or of the umpire, as the case may be, shall be final.”;

(d) paragraphs 8 and 9 are omitted; and

(e) in paragraph 10 all words after the words “money’s worth” are omitted.

SUBSIDIARY LEGISLATION

PLANNING AND BUILDING General Development Order 1991

5A Pioneer Row Direction 2004

S. R. & O. No. 34 of 2004

Given:.....14 September 2004

Published:20 September 2004

Coming into force: on publication

IN EXERCISE of my powers under Article 5 of the General Development Order 1991 (Title 55.3.1) , I give the following Direction —

Citation and commencement

1. This Direction may be cited as the 5A Pioneer Row Direction 2004 and shall come into force on publication.

Requirement to obtain planning permission

2.—(1) The planning permission granted by Article 4 of and Part 1 of Schedule 2 to the General Development Order 1991 does not apply to all or any development (except such as may fall within Class N in the said Part 1) within the curtilage of 5A Pioneer Row, Stanley.

(2) For the purposes of this Direction the curtilage of 5A Pioneer Row is the piece of land on the north side of Brandon Road, Stanley shown outlined in red on the plan attached to the planning application reference 89/04/DP.

Given this 14th day of September 2004

H. Hall,
Acting Governor

EXPLANATORY NOTE

(not forming part of the above Direction)

The effect of a Direction under Article 5 of the General Development Order 1991 is to require the specific grant of planning permission for a number of categories of development which would otherwise have been granted planning permission under Article 4 of the Order.

The reason for this Direction is that 5A Pioneer Row is a smaller piece of land than a house would otherwise have been permitted to be built upon and further development of the plot might result in over-intensive site coverage.

FORM 1

RETURN FOR THE YEAR 2004

2004

Given under my hand and seal of the Government of the Falkland Islands this 1st day of December 2004.
Governor

I, the Governor, do hereby certify that the above is a true and correct copy of the return as submitted to me by the said person.

Witness my hand and seal of the Government of the Falkland Islands this 1st day of December 2004.

Governor

Signature

Signature

Signature

Signature



**THE
FALKLAND ISLANDS GAZETTE
Supplement**

PUBLISHED BY AUTHORITY

Vol. 15

22nd October 2004

No. 17

The following is published in this Supplement -

Falklands Landholdings Corporation (Amendment) Ordinance 2004, (No: 15 of 2004);

**Falkland Islands Development Corporation (Amendment) Ordinance 2004,
(No: 16 of 2004);**

Broadcasting Ordinance 2004, (No: 17 of 2004);

**Aviation and Maritime Security Act 1990 (Application of Provisions) Ordinance 2004,
(No: 18 of 2004);**

Supplementary Appropriation (2004-2005) Ordinance 2004, (No: 19 of 2004);

**Fishery Products (Hygiene) (Designated Vessel) (No 2) Order 2004, (S. R. & O.
No: 35 of 2004);**

**Fishery Products (Hygiene) (Revocation of Approval) (No 2) Order 2004, (S. R. & O.
No: 36 of 2004);**

**Defence Contractor Employees (VT Merlin Communications Limited) Tax Exemption
Order 2004, (S. R. & O. No: 37 of 2004).**

ELIZABETH II



FALKLAND ISLANDS

HOWARD JOHN STREDDER PEARCE C.V.O.,
Governor.

Falklands Landholdings Corporation (Amendment) Ordinance 2004

(No: 15 of 2004)

ARRANGEMENT OF PROVISIONS

Section

1. Short title and commencement
2. The principal Ordinance
3. Amendment of the principal Ordinance

Schedule

ELIZABETH II



FALKLAND ISLANDS

HOWARD JOHN STREDDER PEARCE C.V.O.,
Governor.

FALKLANDS LANDHOLDINGS CORPORATION (AMENDMENT) ORDINANCE 2004

(No: 15 of 2004)

(assented to: 12 October 2004)
(commencement: in accordance with section 1)
(published: 22 October 2004)

AN ORDINANCE

To amend the Falklands Landholdings Corporation Ordinance 2000(a).

ENACTED by the legislature of the Falkland Islands as follows —

Short title and commencement

1. This Ordinance may be cited as the Falklands Landholdings Corporation (Amendment) Ordinance 2004 and comes into force on such date as the Governor may fix by notice published in the *Gazette*.

The principal Ordinance

2. In this Ordinance “the Principal Ordinance” means the Falklands Landholdings Corporation Ordinance 2000(a) as amended by the Falklands Landholdings (Amendment) Ordinance 2001(b).

Amendment of the principal Ordinance

3. The principal Ordinance is amended in the manner specified in the Schedule to this Ordinance.

(a) No 21 of 2000

(b) No 3 of 2001

The Schedule

1. Section 4 of the principal Ordinance is repealed and replaced by the following section —

“Board of the Corporation

4.—(1) There shall be a Board of the Corporation consisting of —

- (a) a Chairman of the Corporation who shall be a person nominated by the elected members of the Legislative Council from the two persons appointed as members of the Board under paragraph (b) and who shall be appointed as Chairman by the Governor;
- (b) two persons nominated by the elected members of the Legislative Council from among their number and who shall be appointed by the Governor;
- (c) the Chief Executive of the Falkland Islands Government, who shall be the Executive Vice Chairman of the Corporation;
- (d) the General Manager of the Corporation;
- (e) one person nominated by the Rural Business Association and appointed by the Governor; and
- (f) two persons elected from among their number by the farming community in the Falkland Islands in such manner as may be determined by the Governor and who shall be appointed by the Governor.

(2) Persons appointed pursuant to paragraph (a), (b), (e) or (f) of subsection (1) shall hold office as follows —

- (a) persons appointed pursuant to paragraph (a) or (b) as Chairman or as a member of the Board shall hold office in the relevant capacity until the earliest to occur of the following —
 - (i) him ceasing to be a member of the Legislative Council;
 - (ii) him resigning his office by notice in writing delivered to the Governor;
 - (iii) another member of the Legislative Council being appointed in his place;

Provided that a person holding office as Chairman of the Board who ceases to be Chairman of the Board by virtue sub-paragraph (ii) or (iii) does not cease for that reason to be a member of the Board unless he has resigned office as such or another member of the Legislative Council has been appointed as a member of the Board in his place, but a person who holds office as Chairman of the Board ceases to hold that office when he ceases to be a member of the Board.

(b) persons appointed pursuant to paragraphs (e) or (f) of subsection (1) shall hold office until the earliest to occur of the following —

(i) unless he is re-appointed for a further period, the expiry of such period as is specified in the instrument of his appointment;

(ii) him resigning his office by notice in writing addressed to the Governor

(iii) him being adjudicated bankrupt;

(iv) an event by reason of which if he were a member of the Legislative Council his seat therein would be vacated by virtue of the provisions of section 26 of the Constitution (vacation of seat on certain sentences of courts in the Commonwealth);

(v) him becoming an elected member of the Legislative Council.

(3) Any member of the Board to whom subsection (2) of this section applies may, if he is unable by reason of illness, absence from the Falkland Islands or any other cause to attend a meeting or meetings of the Board, by notice in writing to, and with the approval of, the Chairman, appoint a person qualified to be appointed under the paragraph of that subsection under which he himself was appointed (“the alternate member”) to attend in his place at that meeting or those meetings and the alternate member may, in the absence from the meeting of the member by whom he was appointed, attend at, speak and vote as he sees fit at any such meeting or meetings of the Board in his place.

(4) The Chairman shall not unreasonably refuse to approve the appointment of a person under subsection (3) to attend in place of a member and, if he refuses to approve such an appointment must if so required by the member of the Board concerned inform him in writing why he has done so.

(5) For the purposes of subsection (1)(a) and (b) and subsection (3) of this section, a person who was an elected member of the Legislative Council immediately prior to a dissolution of the Legislative Council shall be deemed to a member of the Legislative Council until the commencement of the first sitting of the Legislative Council following that dissolution.

(6) The Financial Secretary of the Falkland Islands Government or his representative and the Secretary of the Corporation may attend meetings of the Board and may speak in relation to any matter before the Board, but may not vote.

(7) Any other person may attend a meeting of the Board with the permission of the Board and may speak thereat in relation to any matter before the Board in relation to which he is invited to speak, but may not vote.

(8) Subject to this section, the quorum of the Board shall be four or more members personally present. For the purposes of this subsection a person appointed as an alternate

member of the Board under subsection (3) of this section shall be deemed to be a member of the Board.”

2. Section 4A of the principal Ordinance is repealed and replaced with the following —

“Absence of Chairman from meetings of Board

4A. In the absence of the Chairman from any meeting of the Board or part thereof, the chair at such meeting or part thereof shall be taken by such person as the elected members of the Legislative Council attending the meeting as members or alternate members of the Board may choose, and if no person is chosen in that manner, the chair at such meeting or part thereof shall be taken by such member or alternate member of the Board present thereat as the Board may choose.”

3. Section 9 of the principal Ordinance is amended by replacing “31st March” with “30th June”.

4. Section 12 of the principal Ordinance is amended by replacing the words “substitute members” appearing therein by the words “alternate members”.

Passed by the Legislature of the Falkland Islands this 1st day of October 2004.

C. ANDERSON M.B.E.,
Clerk of Councils.

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

C. ANDERSON M.B.E.,
Clerk of Councils.

ELIZABETH II



FALKLAND ISLANDS

HOWARD JOHN STREDDER PEARCE C.V.O.,
Governor.

Falkland Islands Development Corporation (Amendment) Ordinance 2004

(No: 16 of 2004)

ARRANGEMENT OF PROVISIONS

Section

1. Short title and commencement
2. Interpretation
3. Amendment of Falkland Islands Development Corporation Ordinance

Schedule

ELIZABETH II



FALKLAND ISLANDS

HOWARD JOHN STREDDER PEARCE C.V.O.,
Governor.

FALKLAND ISLANDS DEVELOPMENT CORPORATION (AMENDMENT) ORDINANCE 2004

(No: 16 of 2004)

(assented to: 12 October 2004)
(commencement: in accordance with section 1)
(published: 22 October 2004)

AN ORDINANCE

To amend the Falkland Islands Development Corporation Ordinance (Title 28.1)(a).

ENACTED by the Legislature of the Falkland Islands as follows —

Short title and commencement

1. This Ordinance may be cited as the Falkland Islands Development Corporation (Amendment) Ordinance 2004 and comes into force on such date as the Governor may appoint by notice published in the *Gazette*.

Interpretation

2. In this Ordinance “the Falkland Islands Development Corporation Ordinance” means the Falkland Islands Development Corporation Ordinance (Title 28.1) as appearing in *The Revised Laws of the Falkland Islands* as originally published (that is to say, incorporating all amendments made thereto before 1st January 1993) as amended after that date(a).

(a) Title 28.1 has since 31st December 1992 been amended by (i) the Falkland Islands Development Corporation (Amendment) Ordinance 2000 (“the 2000 Ordinance”) (which relevantly to this Ordinance entirely replaced section 7 of Title 28.1), (ii) the Falkland Islands Development Corporation (Amendment) Ordinance 2001 (“the 2001 Ordinance”) (which amended section 7(3) of Title 28.1 as replaced by the 2000 Ordinance, inserted a new section 7A in Title 28.1 and made a consequential amendment to section 24 of Title 28.1) and by (iii) the Falkland Islands Development Corporation (Amendment) Ordinance 2002 which amended section 7(1) and (2) of Title 28.1, as replaced by the 2000 Ordinance, and further amended section 7(3) of Title 28.1, which had previously been amended by the 2001 Ordinance.

Amendment of Falkland Islands Development Corporation Ordinance

3. The Falkland Islands Development Corporation Ordinance is amended in the manner specified in the Schedule to this Ordinance.

SCHEDULE

(amendments to Falkland Islands Development Corporation Ordinance)

1. In this Schedule “the Ordinance” means the Falkland Islands Development Corporation Ordinance.

2. Subsections (1) to (3) of section 7 of the Ordinance are repealed and replaced by the following subsections —

“(1) The Corporation shall have a Board, to be known as the Falkland Islands Development Corporation Board, consisting of —

(a) two members of the Legislative Council, nominated by the elected members of the Legislative Council from among their number, appointed by the Governor, one of which two members shall be appointed by the Governor, on the nomination of the elected members of the Legislative Council, to be the Chairman of the Corporation;

(b) the Chief Executive of the Falkland Islands Government, who shall be the Executive Vice Chairman of the Corporation;

(c) the General Manager of the Corporation;

(d) one person nominated by the Rural Business Association and appointed by the Governor;

(e) one person nominated by the Fishing Vessel Owners’ Association and appointed by the Governor;

(f) one person nominated by the Falkland Islands Chamber of Commerce and appointed by the Governor; and

(g) one person nominated by the Falkland Islands Tourist Board and appointed by the Governor.

(2) Persons appointed as members of the pursuant to paragraph (a), (d), (e), (f) or (g) of subsection (1) shall hold office as follows —

(a) persons appointed pursuant to paragraph (a) shall hold office until the earliest to occur of the following —

(i) him ceasing to be a member of the Legislative Council;

(ii) him resigning his office by notice in writing delivered to the Governor;

(iii) another member of the Legislative Council being appointed in his place.

(b) persons appointed pursuant to paragraphs (d), (e), (f) or (g) of subsection (1) shall hold office until the earliest to occur of the following —

(i) unless he is re-appointed for a further period, the expiry of such period as is specified in the instrument of his appointment;

(ii) him resigning his office by notice in writing addressed to the Governor;

(iii) him being adjudicated bankrupt;

(iv) an event by reason of which if he were a member of the Legislative Council his seat therein would be vacated by virtue of the provisions of section 26 of the Constitution (vacation of seat on certain sentences of courts in the Commonwealth);

(v) him becoming an elected member of the Legislative Council.

(3) Any member of the Board to whom subsection (2) of this section applies may, if he is unable by reason of illness, absence from the Falkland Islands or any other cause to attend a meeting or meetings of the Board, by notice in writing to the Chairman, appoint another person, qualified to be appointed under the paragraph of that subsection under which he himself was appointed (“the alternate member”) to attend at that meeting or those meetings and the alternate member may, in the absence from the meeting of the member by whom he was appointed, attend at, speak and vote as he sees fit at any such meeting or meetings of the Board in his place.

(3A) The Chairman shall not unreasonably refuse to approve the appointment of a person under subsection (3) to attend in place of a member and, if he refuses to approve such an appointment, must if so required by the member of the Board concerned inform him in writing why he has done so.

(3B) For the purposes of subsections (1)(a) and (3) of this section, a person who was an elected member of the Legislative Council immediately prior to a dissolution of the Legislative Council shall be deemed to a member of the Legislative Council until the commencement of the first sitting of the Legislative Council following that dissolution.”

3. Subsection (7) of section 7 is amended by replacing of the words “the Rural Business Association and the Falkland Islands Chamber of Commerce” appearing therein with the words “the Rural Business Association, the Fishing Vessel Owners’ Association, the Falkland Islands Chamber of Commerce and the Falkland Islands Tourist Board”.

4. Section 8 of the Ordinance is repealed and replaced by the following section —

“Absence of Chairman from meetings of Board

8. In the absence of the Chairman from any meeting of the Board or part thereof, the chair at such meeting or part thereof shall be taken by such person as the elected members of the Legislative Council attending the meeting as members or alternate members of the Board may choose, and if no person is chosen in that manner, the chair at such meeting or part thereof shall be taken by such member or alternate member of the Board present thereat as the Board may choose.”

5. Section 12 (1) of the Ordinance is repealed and replaced by the following —

“(1) Subject to this section, the quorum of the board shall be five or more members personally present. For the purposes of this subsection a person appointed as an alternate member of the Board under section 7(3) shall be deemed to be a member of the Board.”

6. Section 15 is amended —

(a) in subsection (1) by inserting the words “and alternate members of the Board” after the words “Appointed members of the Board”; and

(b) in subsection (2) by inserting the words “or alternate member of the Board” after the words “any member of the Board”.

Passed by the Legislature of the Falkland Islands this 1st day of October 2004.

C. ANDERSON M.B.E.,
Clerk of Councils.

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

C. ANDERSON M.B.E.,
Clerk of Councils.

ELIZABETH II



FALKLAND ISLANDS

HOWARD JOHN STREDDER PEARCE C.V.O.,
Governor.

Broadcasting Ordinance 2004

(No: 17 of 2004)

ARRANGEMENT OF PROVISIONS

Section

1. Short title and commencement
2. Interpretation
3. Re-broadcasting Licences
4. Satellite Broadcast Reception Services Licences
5. Unauthorised decoders
6. Search warrants
7. Forfeiture of unauthorised decoders
8. Offence of fraudulently receiving programmes
9. Rights and remedies in respect of apparatus etc for unauthorised reception of transmissions
10. Offences by bodies corporate

ELIZABETH II



FALKLAND ISLANDS

HOWARD JOHN STREDDER PEARCE C.V.O.,
Governor.

BROADCASTING ORDINANCE 2004

(No: 17 of 2004)

(assented to: 12 October 2004)
(commencement: in accordance with section 1)
(published: 22 October 2004)

AN ORDINANCE

To provide for the issue of Broadcasting licences

ENACTED by the Legislature of the Falkland Islands as follows —

Short title and commencement

1. This Ordinance may be cited as the Broadcasting Ordinance 2004 and shall come into force on such date as is notified by the Governor by notice published in the *Gazette*.

Interpretation

2. —(1) In this Ordinance —

“apparatus” includes any device component or electronic data (including software);

“broadcast” means a transmission by wireless telegraphy of visual images, sounds or other information which is—

(a) capable of being lawfully received by members of the public, or

(b) is transmitted for presentation to members of the public,

and references to broadcasting shall be construed accordingly;

“conditional access technology” means any technical measure or arrangement whereby access to encrypted transmissions in an intelligible form is made conditional on prior individual authorisation;

“decoder” means any apparatus which is designed or adapted to enable (on its own or with any other apparatus) an encrypted transmission to be decoded;

“encrypted” includes subjected to scrambling or the operation of cryptographic envelopes, electronic locks, passwords or any other analogous operation;

“programme” includes an advertisement, and in relation to any service, includes any item included in that service;

“re-broadcasting service” means a service provided by a person other than the Falkland Islands Broadcasting Station or the British Forces Broadcasting Service consisting of the re-transmission in the Falkland Islands of any broadcast with a view to the re-transmission being received in intelligible form only by such persons who are authorised by the person providing the re-broadcasting service to receive it;

“rebroadcasting licence” means a licence to provide a rebroadcasting service;

“satellite broadcast reception service” means the provision within the Falkland Islands for payment of apparatus (including decoders) enabling the persons to whom the apparatus is provided to receive in an intelligible form programmes transmitted or relayed via satellite in an encrypted form; and

“satellite broadcast reception services licence” means a licence to provide satellite broadcast reception services;

“transmission” means any programme included in a broadcasting service provided by any person from a place in the Falkland Islands or elsewhere and whether relayed by satellite or not;

“unauthorised” in relation to a decoder, means that the decoder is designed, adapted or used to enable an encrypted transmission, or any service of which it forms part, to be accessed in an intelligible form either —

(a) without payment of the fee (however imposed) which the person making the transmission, or on whose behalf it is made, charges for accessing the transmission or service (whether by the circumvention of any conditional access technology related to the transmission or service or by any other means), or

(b) in a place (for, example in a country) other than which the person entitled to the payment of such fee has agreed that the decoder may be used;

(2) An encrypted transmission shall be regarded as capable of being lawfully received by members of the public only if decoding equipment has been made available to members of the public by or with the authority of the person making the transmission or the person providing the contents of the transmission.

(3) References in this Ordinance to the person making a broadcast, broadcasting a work or including a work in a broadcast are —

(a) to the person transmitting the programme or re-transmitting it under the authority of a re-broadcasting licence, if (in either case) he has responsibility to any extent for its contents, and

(b) and references in this Ordinance to a programme, in the context of broadcasting, are to any item included in a broadcast.

(4) For the purposes of this Ordinance, the place from which a broadcast is made is the place where, under the control and responsibility of the person making the broadcast, the programme-carrying signals are introduced into an uninterrupted chain of communication (including in the case of a satellite transmission, the chain leading to the satellite and down towards the earth).

Re-broadcasting licences

3.—(1) The Governor may, on application by any person in such form as the Governor may approve, and containing such information as the Governor may require, grant to that person a re-broadcasting licence for such period and on such conditions and subject to the payment of such fee or fees as the Governor may think fit.

(2) A re-broadcasting licence shall not be granted in such terms as would or might prevent another such licence being granted to another person.

(3) Without prejudice to the Governor's powers under subsection (1) every licence granted under that subsection shall contain conditions —

(a) as to the frequencies and power of signals of transmitters used by the licensee to provide the rebroadcasting service;

(b) requiring the licensee not to re-transmit, so far as it lies reasonably within his control, any transmission which viewed as a whole is obscene within the meaning of the Obscene Publications Act 1959 in its application to the Falkland Islands;

(c) requiring the licensee not to re-transmit any transmission which incites racial hatred or racial violence, provided that broadcast of a report in a news programme or current affairs programme reporting on such incitement shall be deemed not to constitute a breach of such a condition.;

(d) prohibiting the licensee from re-transmitting any transmission in breach of the law of copyright.

(4) Without prejudice to any liability of the licensee for prosecution under any other provision of law for an offence arising out of the same facts as a breach of a condition of his licence —

(a) the Governor, if he sees fit, may revoke this licence;

(b) the licensee commits, by virtue of such breach, an offence under this subsection; on conviction of which he is liable to a fine not exceeding the maximum of level 5 on the standard scale (but a person shall not be prosecuted both in respect of an offence under this paragraph and for an offence arising out of the same facts under any other provision of law.

(5) A person other than the Falkland Islands Broadcasting Service or the British Forces Broadcasting Service who provides a rebroadcasting service without a licence granted under subsection (1) commits an offence and is liable to a fine not exceeding the maximum of level 5 on the standard scale and, on convicting him of that offence, the court may if it sees fit order that all or any of the apparatus used by him for the purpose of providing that service shall be forfeit to the Crown.

Satellite Broadcast Reception Services Licences

4.—(1) The Governor may on application by any person in such form as the Governor may approve grant to that person a satellite services licence for such period on such conditions and subject to the payment of such fee or fees as the Governor may think fit.

(2) A satellite broadcast reception services licence shall not be granted on such terms as would or might prevent another such licence being granted to another person.

(3) The licensee under a satellite broadcast reception services licence shall not offer to subscribers the facility to receive —

(a) any transmission in breach of copyright;

(b) any transmission which he has reasonable cause to believe or suspect may be obscene within the meaning of the Obscene Publications Act 1959 or incite racial hatred or racial violence, (provided that a report in a news programme or current affairs programme reporting on such incitement shall be deemed not to constitute a breach of this requirement).

(4) A person who —

(a) not being the holder of a licence granted under section 3(1) or subsection (1) of this section within the Falkland Islands offers to provide or provides on subscription or otherwise any enciphered transmission capable of being received in an intelligible form only by use of a decoder,

(b) contravenes any condition of a licence granted under subsection (1),

commits an offence and is liable on conviction of that offence to a fine not exceeding the maximum of level 5 on the standard scale.

(5) Without prejudice to any liability of the licensee to prosecution for an offence arising out of the same facts as a matter referred to in subsection (3), the Governor may revoke the licence.

Unauthorised decoders

5.—(1) A person commits an offence if he —

(a) makes, imports, sells or lets for hire or offers or exposes for sale or hire any unauthorised decoder;

(b) has in his possession for commercial purposes any unauthorised decoder;

(c) advertises any unauthorised decoder for sale or hire or otherwise promotes any unauthorised decoder by means of commercial communications.

(2) A person convicted of an offence under subsection (1) is liable to a fine not exceeding the maximum of level 6 on the standard scale and to imprisonment for a term not exceeding twelve months.

(3) It is a defence to any prosecution for an offence under this section for the defendant to prove that he did not know and had no reasonable ground for believing, that the decoder was an unauthorised decoder.

Search warrants

6.—(1) Where a justice of the peace is satisfied by information on oath that there are reasonable grounds for believing —

(a) that an offence under section 5 (1) has been or is about to be committed in any premises; and

(b) that evidence that such an offence has been or is about to be committed is in those premises,

he may issue a warrant authorising a police officer to enter and search the premises, using such reasonable force as is necessary.

(2) The power conferred by subsection (1) does not extend to authorising a search for material of the kinds mentioned in section 179(1)(d) of the Criminal Justice Ordinance (Title 24.1) (items subject to legal privilege, excluded material or special procedure material within the meanings given by that Ordinance).

(3) A warrant under subsection (1) —

(a) may authorise persons to accompany any police officer executing the warrant, and

(b) remains in force for 28 days from its date of issue.

(4) In executing a warrant issued under subsection (1) a constable may seize an article if he reasonably believes that it is evidence that any offence under section 5(1) has been or is about to be committed.

(5) In this section “premises” includes land, buildings, fixed or moveable structures, vehicles, vessels, aircraft and hovercraft.

Forfeiture of unauthorised decoders

7.—(1) Where unauthorised decoders have come into the possession of any person in connection with the investigation or prosecution of a relevant offence, the Chief Police Officer (in the case of an investigation into a relevant offence) or the Attorney General or a person authorised by him (in the case of a prosecution of a relevant offence) may apply under this section for the forfeiture of the unauthorised decoders.

(2) For the purposes of this section “relevant offence” means —

(a) an offence under section 5(1) (criminal liability for making, importing, etc unauthorised decoders); or

(b) an offence involving dishonesty or deception (including an offence under section 8).

(3) An application under this section may be made —

(a) where proceedings have been brought in any court for a relevant offence relating to some or all of the unauthorised decoders, to that court; or

(b) where no application for the forfeiture of the unauthorised decoders has been made under paragraph (a), by way of complaint in the Magistrate’s Court.

(4) On an application under this section, the court shall make an order for the forfeiture of unauthorised decoders only if it is satisfied that a relevant offence has been committed in relation to the unauthorised decoders.

(5) A court may infer for the purposes of this section that such an offence has been committed in relation to any unauthorised decoders if it is satisfied that such an offence has been committed in relation to unauthorised decoders which are representative of the unauthorised decoders in question (whether by reason of being of the same design or part of the same consignment or batch or otherwise).

(6) Any person aggrieved by an order made under this section may appeal against that order to the Supreme Court.

(7) An order under this section may contain such provision as appears to the court to be appropriate for delaying the coming into force of the order pending the making and determination of any appeal.

(8) Subject to subsection (9), where any unauthorised decoders are forfeited under this section they shall be destroyed in accordance with such directions as the court may give.

(9) On making an order under this section the court may direct that the unauthorised decoders to which the order relates shall (instead of being destroyed) be forfeited to a person who has rights and remedies under section 9 in relation to the unauthorised decoders in question, or dealt with in such other way as the court considers appropriate.

Offence of fraudulently receiving programmes

8. A person who dishonestly receives a programme included in a broadcasting service provided from a place in the Falkland Islands or any other country or territory with intent to avoid any charge applicable to the reception of the programme commits an offence and is liable on conviction to a fine not exceeding the maximum of level 4 on the standard scale.

Rights and Remedies in respect of Apparatus etc for unauthorised reception of transmissions

9.—(1) A person who —

(a) makes charges for the reception of programmes included in a broadcasting service whether provided from a place in the Falkland Islands or from any other country, or

(b) sends encrypted transmissions of any description from a place in the Falklands Islands or any other country,

is entitled to the following rights and remedies.

(2) He has the same rights and remedies against a person who —

(a) makes, imports or sells or lets for hire, offers or exposes for sale or hire or advertises for sale or hire or uses any apparatus or device designed or adapted to enable or assist persons to receive the programmes or other transmissions when they are not entitled to do so, or

(b) publishes any information which is calculated to enable or assist persons to receive the programmes or other transmissions when they are not entitled to do so,

as a copyright owner has in respect of an infringement of copyright.

Offences by bodies corporate

10.—(1) Where an offence under any provision of this Ordinance is committed by a body corporate is proved to have been committed with the consent or connivance of a director, manager, secretary or other similar officer of the body, or a person purporting to act in any such

capacity, he as well as the body corporate has committed the offence and is liable to be proceeded against and punished accordingly.

(2) In relation to a body corporate whose affairs are managed by its members "director" means a member of the body corporate.

Passed by the Legislature of the Falkland Islands this 1st day of October 2004.

C. ANDERSON M.B.E.,
Clerk of Councils.

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

C. ANDERSON M.B.E.,
Clerk of Councils.

ELIZABETH II



FALKLAND ISLANDS

HOWARD JOHN STREDDER PEARCE C.V.O.,
Governor.

Aviation and Maritime Security Act 1990 (Application of Provisions) Ordinance 2004

(No: 18 of 2004)

ARRANGEMENT OF PROVISIONS

Section

1. Short title
2. Application of provisions

Schedule

ELIZABETH II



FALKLAND ISLANDS

HOWARD JOHN STREDDER PEARCE C.V.O.,
Governor.

**AVIATION AND MARITIME SECURITY ACT 1990 (APPLICATION OF
PROVISIONS) ORDINANCE 2004**

(No: 18 of 2004)

(assented to: 12 October 2004)
(commencement: upon publication)
(published: 22 October 2004)

AN ORDINANCE

To apply in the Falkland Islands sections 18 to 46 and 50 of, and Schedule 2 to, the Aviation and Maritime Security Act 1990.

ENACTED by the Legislature of the Falkland Islands as follows —

Short title

1. This Ordinance may be cited as the Aviation and Maritime Security Act 1990 (Application of Provisions) Ordinance 2004.

Application of provisions

2.—(1) This provisions of sections 18 to 46 and 50 of and Schedule 2 to the Aviation and Maritime Security Act 1990 shall apply in the Falkland Islands with the exceptions, adaptations and modifications specified in the Schedule to this Ordinance.

(2) Any reference in the Schedule to this Ordinance to an Act shall, unless the contrary intention appears, be construed as a reference to that Act as it has effect in the Falkland Islands.

SCHEDULE

Application of provisions of sections 18 to 46 and 50 and Schedule 2 to the Aviation and Maritime Security Act 1990 in the Falkland Islands

1. In section 18 (Purposes to which Part III applies) subsections (2) and (3) shall be replaced by the following —

“(2) In this Part of this Act “act of violence” means any act (whether actual or potential and whether done in the Falkland Islands or elsewhere) which either—

(a) being an act done in the Falkland Islands constitutes, or

(b) if done in the Falkland Islands would constitute,

the offence of murder, attempted murder, manslaughter or an offence under section 18, 20, 21, 22, 23, 24, 28 or 29 of the Offences Against the Person Act 1961, under section 2 of the Explosive Substances Act 1883 or under section 1 of the Criminal Damage Act 1971.

(3) In this Part of this Act “harbour area” means the aggregate of any harbour in the Falkland Islands to which the Harbours Ordinance (Title 57.3) applies and any land which is adjacent to such a harbour and which is used for harbour purposes.”

2. In section 19 (Power of Secretary of State to require information) —

(a) the words “Secretary of State”, wherever they occur are replaced by the word “Governor”;

(b) the words “British ship” in subsection (1) paragraph (a) are replaced by the words “Falkland Islands ship”;

(c) in subsection (1) paragraph (b) is omitted; and

(d) in subsection (6) —

(i) paragraph (a) is omitted, and

(ii) in paragraph (b) the words “on conviction on indictment” are omitted and the words “not exceeding the maximum of level 6 on the standard scale” are inserted after the word “fine”.

3. In section 20 (Designation of restricted zones of harbour areas) —

(a) subsection (1) is replaced by —

“(1) The Governor may designate the whole or any part of a harbour area as a restricted zone for the purposes of this Part of this Act.”

(b) subsections (2), (3), (4), (5) and (7) are omitted; and

(c) in subsection (8) all the words after “restricted zone” are replaced by the words “the Governor may vary or revoke the designation at any time.”.

4. In section 21 (Power to impose restrictions in relation to ships) —

(a) the words “Secretary of State”, wherever they occur, are replaced by the word “Governor”;

(b) the words “British ship” in subsection (1) are replaced by the words “Falkland Islands ship”;

(c) in subsection (1) the words “a harbour authority” are replaced by the words “the Harbourmaster” and the word “constables”, wherever it occurs, is replaced by the words “police officers”;

(d) in subsection (4) the words “a harbour authority” are replaced by the words “the Harbourmaster”;

(e) in subsection (8) —

(i) paragraph (a) is omitted; and

(ii) in paragraph (b) the words “on conviction on indictment,” are omitted and the words “not exceeding the maximum of level 6 on the standard scale” are inserted after the word “fine”; and

(f) in subsection (9) the words “on summary conviction” are omitted.

5. In section 22 (Power to require harbour authorities to promote searches in harbour areas) —

(a) in subsection (1) the words “Secretary of State may give a direction in writing to a harbour authority requiring it to use its” are replaced by the words “Governor may give a direction in writing to the Harbourmaster requiring him to use his” and the word “constables” is replaced by the words “police officers”; and

(b) in subsection (3) the words “a harbour authority” are replaced by the words “the Harbourmaster” and the word “constable” is replaced by the words “police officer”;

(c) in subsection (4) all the words from “constable who” to the end of the subsection are replaced by the words “police officer”;

(d) in subsection (5) the word “constable”, wherever it occurs, is replaced by the words “police officer”;

(e) in subsection (8) —

(i) paragraph (a) is omitted; and

(ii) in paragraph (b) the words “on conviction on indictment,” are omitted;

(f) in subsection (9) the words “on summary conviction” are omitted; and

(g) subsection (10) is replaced by —

“(10) subsection (3) of this section has effect without prejudice to the operation, in relation to any offence under this Act of sections 188, 198 and 199 of the Criminal Justice Ordinance (Title 24.1) (which confer power to arrest without warrant and to enter premise for the purpose of making an arrest) or of section 201 of that Ordinance (Use of force in making arrest etc).”

6. In section 23 (Power to require other persons to promote searches) —

(a) in subsection (1) the words “Secretary of State” are replaced by the word “Governor”, the words “a harbour authority” are replaced by the words “the Harbourmaster” and the word “constables” is replaced by the words “police officers”;

(b) in subsection (3) —

(i) paragraph (a) is omitted; and

(ii) in paragraph (b) the words “on conviction on indictment” are omitted and the words “not exceeding the maximum of level 6 on the standard scale” are inserted after the words “a fine”; and

(c) in subsection (4) the words “on summary conviction” and “not exceeding 1-10th of level 5 on the standard scale” are omitted.

7. In section 24 (General power to direct measures to be taken for purposes to which Part III applies) —

(a) in subsection (1) —

(i) the words “British ships” in paragraph (a)(i) are replaced by the words “Falkland Islands ships”;

(ii) paragraph (b) is omitted and the words “other than a harbour authority” in paragraph (c) are omitted;

(b) in subsection (2) the words “Secretary of State” are replaced by the word “Governor” and paragraph (b) is omitted;

(c) in subsection (3) paragraph (b) is omitted;

(d) in subsection (6) the words “Secretary of State” are replaced by the word “Governor”;

(e) in subsection (8) —

(i) paragraph (a) is omitted;

(ii) in paragraph (b) the words “on conviction on indictment” are omitted and the words “not exceeding the maximum of level 6 on the standard scale” are inserted after the word “fine”; and

(f) in subsection (9) the words “on summary conviction” are omitted.

8. In section 25 (Matters which may be included in directions under sections 21 to 24) —

(a) in subsection (4) —

(i) the word “constables” wherever it occurs, is replaced by the words “police officers”;

(ii) the words “for the police area in which the searches are to be carried out or the other measures taken” are omitted; and

(iii) the words “Secretary of State” are replaced by the word “Governor”; and

(b) subsection (7) is omitted.

9. In section 26 (Limitations on scope of directions under sections 21 to 24) —

(a) in subsection (3) the words “United Kingdom”, are replaced by the words “the Falkland Islands”;

(b) in subsection (4) the word “constable” is replaced by the words “police officer”;

(c) in subsection (5) the words “the United Kingdom” are replaced by the words “the Falkland Islands”; and

(d) in subsection (6) the words “to a harbour authority or” are omitted.

10. In section 27 (General or urgent directions) in subsection (2) the words "Secretary of State" are replaced by the word "Governor".

11. In section 28 (Objections) and in sections 29 and 30 (Enforcement notices) the words "Secretary of State," wherever they occur, are replaced by the word "Governor".

12. In section 31 (Offences relating to enforcement notices) —

(a) in subsection (1) paragraph (a) is omitted and the words "on conviction on indictment" in paragraph (b) are omitted and the words "not exceeding the maximum of level 6 on the standard scale" are inserted after the word "fine";

(b) in subsection (2) the words "on summary conviction" are omitted; and

(c) in subsection (3) paragraph (a) is omitted and in paragraph (b) the words "on conviction on indictment" are omitted and the words "not exceeding the maximum of level 6 on the standard scale" are inserted after the word "fine".

13. In section 32 (Objections to enforcement notices) the words "Secretary of State", wherever they occur, are replaced by the word "Governor".

14. In section 34 (Operation of directions under Part III in relation to rights and duties under other laws) —

(a) in subsections (2), (3) and (4) the words "the United Kingdom" wherever they occur are replaced by the words "the Falkland Islands" and the words "United Kingdom", wherever they occur, are replaced by the words "Falkland Islands"; and

(b) subsection (6) is replaced by —

"(6) in this section "Falkland Islands contract" means a contract which is either expressed to have effect in accordance with the law of the Falkland Islands or (not being so expressed) is a contract the law applicable to which is the law of the Falkland Islands."

15. In section 36 (Inspection of ships and harbour areas) —

(a) in subsection (1) the words "Secretary of State" are replaced by the word "Governor";

(b) in paragraph (c) of subsection (2) the words "the harbour authority" are omitted; and

(c) in subsection (6) —

(i) paragraph (a) is omitted; and

(ii) in paragraph (b) the words “on conviction on indictment,” are omitted and the words “not exceeding the maximum of level 5 on the standard scale” are inserted after the word “fine”.

16. In section 37 (False statements relating to baggage, cargo, etc) —

(a) in subsection (1) the words “the United Kingdom” are replaced by the words “the Falkland Islands” and the word “constable” is replaced by the words “police officer”;

(b) in subsection (2) the words “a harbour authority” are replaced by the words “the Harbourmaster” and

(c) in subsection (3) the words “on summary conviction” are omitted.

17. In section 38 (False statements in connection with identity documents) —

(a) in subsection (1) the word “constable”, wherever it occurs, is replaced by the words “police officer”;

(b) in subsection (2) the words “Secretary of State” are replaced by the word “Governor”;

(c) in subsection (3) the words “a harbour authority” are replaced by the words “the Harbourmaster”; and

(d) in subsection (5) the words “on summary conviction” are omitted.

18. In section 39 (Unauthorised presence in restricted zone) —

(a) in subsection (1) the words “harbour authority”, wherever they occur are replaced by the word “Harbourmaster”; and

(b) in subsection (3) the words “on summary conviction” are omitted.

19. In section 40 (Offence relating to unauthorised persons) —

(a) in subsection (2) —

(i) paragraph (a) is omitted;

(ii) in paragraph (b) the words “on conviction on indictment” are omitted; and

(b) in subsection (3) the words “on summary conviction” are omitted.

20. In section 41 (Sea cargo agents) —

- (a) the words “Secretary of State”, wherever they occur are replaced by the word “Governor”;
- (b) in subsection (1) the words “made by Statutory Instrument” are omitted; and
- (c) subsection (4) is omitted.

21. In section 42 (Duty to report certain occurrences) —

- (a) the words “Secretary of State”, wherever they occur are replaced by the word “Governor”;
- (b) in subsection (3) in paragraph (a) sub-paragraph (i) is omitted and in sub-paragraph (ii) the words “on conviction on indictment” are omitted and the words “not exceeding level 5 on the standard scale” are inserted after the word “fine”;
- (c) in subsection (4) the words “United Kingdom” are replaced by the words “Falkland Islands”; and
- (d) subsection (5) is omitted.

22. In section 45 (Service of documents) —

- (a) the words “section 7 of the Interpretation Act 1978”, wherever they occur, are replaced by the words “section 9 of the Interpretation and General Clauses Ordinance (Title 67.2)”;
- (b) in subsection (4) the words “United Kingdom”, wherever they occur, are replaced by the words “the Falkland Islands”;
- (c) in subsection (5) the words “United Kingdom” are replaced by the words “Falkland Islands”;
- (d) in subsection (6) the words “Secretary of State” are replaced by the word “Governor” and the words “the United Kingdom” are replaced by the words “the Falkland Islands”;
- (e) in subsection (7) the words “United Kingdom” are replaced by the words “Falkland Islands”; and
- (f) subsection (10) is replaced by —

“(10) In this section “the Falkland Islands registration provisions” means Parts I and II of the Merchant Shipping Act 1995.

23. In section 46 (Interpretation of Part III) —

- (a) in the definition of “authorised person” the words “Secretary of State” shall be replaced by the word “Committee”;

(b) the definition of "British ship" is deleted;

(c) the following definition is inserted after the definition of "employee" —

“Falkland Islands ship” means a ship which —

(a) is registered in the Falkland Islands under Parts I and II of the Merchant Shipping Act 1995; or

(b) is not registered under the law of any country and is entitled to be registered in the Falkland Islands under Part I and II of the Merchant Shipping Act 1995;”;

(d) the definitions of “constable”, “harbour authority”, “hoverport” and “manager” are omitted.

(e) the definition of “harbour” shall be replaced by —

“harbour” has the same meaning as in the Harbours Ordinance (Title 57.3);”

(f) the definition of “harbour operations” is replaced by —

“harbour operations” means —

(a) the marking or lighting of a harbour or any part thereof;

(b) the berthing or dry docking of a ship;

(c) the warehousing, sorting, weighing or handling of goods on harbour land or at a wharf;

(d) the movement of goods or passengers within the limits within which the person engaged in improving, maintaining or managing a harbour has jurisdiction or on harbour land;

(e) in relation to a harbour (which expression for the purposes of this paragraph does not include a wharf) —

(i) the towing, or moving of a ship which is in or about to enter or has recently left the harbour;

(ii) the loading or unloading of goods, or embarking or disembarking of passengers, in or from a ship which is in the harbour or the approaches thereto;

(iii) the lighterage or handling of goods in the harbour; and

(f) in relation to a wharf —

(i) the towing or moving of a ship to or from the wharf;

(ii) the loading or unloading of goods, or the embarking or disembarking of passengers, at the wharf in or from a ship;”

(g) in the definition of “owner” the words “United Kingdom” are replaced by the words “Falkland Islands”;

(h) after the definition of “owner” is inserted the following definition —

“ “police officer” means a member or a reserve member of the Royal Falkland Islands Police Force and any other person having the powers of a police officer.”.

24. In section 50(1) all words appearing before the words “or under” are omitted and replaced by the words “Where an offence under Part III of this Act (including any provision of that Part as applied by Regulations made under section 41 of this Act)”.

25. In Schedule 2 (Provisions relating to compensation) —

(a) in paragraph 5 the words “Regulations made by the Secretary of State by Statutory Instrument” are replaced by the words “Regulations made by the Governor” and the words from “or, in Scotland” to “in the Regulations,” are omitted;

(b) paragraph 6 is omitted;

(c) paragraph 7 is replaced by —

“7.—(1) Any dispute arising under the principal section or under this Schedule, whether as to the right to any compensation or as to the amount of any compensation, or otherwise, shall be referred to and determined by two arbitrators, one of whom shall be appointed by the Governor and the other by the person claiming the compensation save that, if an arbitrator is not appointed by the person claiming compensation, then he shall be nominated by the Governor and any arbitrator so nominated shall be deemed to be the arbitrator appointed by the person claiming the compensation.

(2) Arbitrators appointed under sub-paragraph (1) shall, before commencing to determine any matter referred to them under this paragraph, nominate an umpire who shall determine the matter if the arbitrators disagree.

(3) The arbitrators or umpire, as the case may be, may refer to the Supreme Court any question of law or of law mixed with fact arising in connection with any matter referred to them or him in such manner and within such time as may be prescribed by rules of court.

(4) Subject to sub-paragraph (3), the decision of the arbitrators or of the umpire, as the case may be, shall be final.”;

(d) paragraphs 8 and 9 are omitted; and

(e) in paragraph 10 all words after the words “money’s worth” are omitted.

Passed by the Legislature of the Falkland Islands this 1st day of October 2004.

C. ANDERSON M.B.E.,
Clerk of Councils.

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

C. ANDERSON M.B.E.,
Clerk of Councils.

ELIZABETH II



FALKLAND ISLANDS

HOWARD JOHN STREDDER PEARCE C.V.O.,
Governor.

Supplementary Appropriation (2004-2005) Ordinance 2004

(No: 19 of 2004)

ARRANGEMENT OF PROVISIONS

Section

1. Short title
2. Appropriation of further sum

Schedule

ELIZABETH II



FALKLAND ISLANDS

HOWARD JOHN STREDDER PEARCE C.V.O.,
Governor.

SUPPLEMENTARY APPROPRIATION (2004-2005) ORDINANCE 2004

(No: 19 of 2004)

(assented to: 12 October 2004)
(commencement: upon publication)
(published: 22 October 2004)

AN ORDINANCE

To appropriate and authorise the withdrawal from the Consolidated Fund of the additional sum of £377,760 for the service of the financial year ending 30 June 2005.

ENACTED by the Legislature of the Falkland Islands as follows —

Short Title

1. This Ordinance may be cited as the Supplementary Appropriation (2004-2005) Ordinance 2005.

Appropriation of further sum

2. The Financial Secretary may for the purposes specified in the Schedule cause to be withdrawn from the Consolidated Fund and applied to the service of the year commencing on 1 July 2004 and ending on 30 June 2005 ("the financial year") the further sum of £377,760 in addition to sums already appropriated by Ordinance.

Replenishment of Contingencies Fund

3. The Financial Secretary shall out of the sum appropriated by section 2 replenish the Contingencies Fund to the extent that sums specified in the Schedule, prior to the commencement of this Ordinance, have been withdrawn from the Contingencies Fund by the

authority of Contingencies Warrant Number 1 2004-2005 (the authority of which lapses on the commencement of this Ordinance).

SCHEDULE

<u>Number</u>	<u>Head of Service</u>	<u>Amount</u> £
OPERATING BUDGET		
0250	Education & Training	99,450
0350	Public Works	36,420
0450	Justice	100,000
0600	Central Administration	24,770
	TOTAL OPERATING BUDGET	260,640
FUND TRANSFERS/TRANSFER PAYMENTS		
0999	Transfer Payments	117,120
	TOTAL SUPPLEMENTARY EXPENDITURE	377,760

Passed by the Legislature of the Falkland Islands this 1st day of October 2004.

C. ANDERSON M.B.E.,
Clerk of Councils.

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

C. ANDERSON M.B.E.,
Clerk of Councils.

SUBSIDIARY LEGISLATION

FISHERIES

Fishery Products (Hygiene)(Designated Vessel)(No 2) Order 2004

(S. R. & O. No: 35 of 2004)

Made: 12 October 2004

Published: 22 October 2004

Coming into force: upon publication

IN EXERCISE of my powers under section 3(1) of the Fishery Products (Hygiene) Ordinance 1998(a) and of all other powers enabling me in that behalf, I make the following Order —

Citation and commencement

1. This Order may be cited as the Fishery Products (Hygiene)(Designated Vessel)(No 2) Order 2004 and comes into force on publication in the *Gazette*.

Designation of approved factory fishing vessel

2. The vessel named in the first column of the Schedule to this Order is designated as a vessel to which the provisions of the Fishery Products (Hygiene) Ordinance 1998 and all regulations thereunder apply and is assigned the approval number in the second column of that Schedule appearing against its name.

Made this twelfth day of October 2004

H. J. S. Pearce, C.V.O.,
Governor

SCHEDULE

Vessel Name
New Polar

Approval Number
1030

EXPLANATORY NOTE

(not forming part of the above Order)

The Fishery Product (Hygiene) Ordinance 1998, coupled with the regulations made under it, enables the operators of factory fishing vessels to obtain confirmation that their vessel meets the standards of hygiene prescribed in the European Commission. The vessel specified in the Schedule to the Order is one which has been inspected and which is now, by this Order, designated as a vessel to which the provisions of the legislation apply.

SUBSIDIARY LEGISLATION

FISHERIES

Fishery Products (Hygiene)(Revocation of Approval)(No 2) Order 2004

(S. R. & O. No: 36 of 2004)

Made:13 October 2004

Published: 22 October 2004

Coming into force: upon publication

IN EXERCISE of my powers under section 3(1) of the Fishery Products (Hygiene) Ordinance 1998(a) and of all other powers enabling me in that behalf, I make the following Order —

Citation and commencement

1. This Order may be cited as the Fishery Products (Hygiene)(Revocation of Approval)(No 2) Order 2004 and comes into force upon publication in the *Gazette*.

Revocation of approval of factory fishing vessels

2. The Fishery Products (Hygiene)(Designated Vessels) Order 2004(b) is hereby revoked.

Made this 13th day of October 2004

H.J.S Pearce C.V.O.,
Governor

EXPLANATORY NOTE

(not forming part of the above Order)

The Fishery Product (Hygiene) Ordinance 1998, coupled with the regulations made under it, enables the operators of factory fishing vessels to obtain confirmation that their vessel meets the standards of hygiene prescribed in the European Commission. The vessels whose designation is revoked by this Order are no longer vessels to which the provisions of the legislation apply.

(a) No 7 of 1998

(b) SR&O No 15 of 2004

SUBSIDIARY LEGISLATION

TAXATION

Defence Contractor Employees (VT Merlin Communications Limited) Tax Exemption Order 2004

S. R. & O. No: 37 of 2004

Made:13 October 2004

Published: 22 October 2004

Coming into force: on publication

IN EXERCISE of my powers under section 9A of the Taxes and Duties (Special Exemptions) Ordinance 1987(a) and of all other powers enabling me in that behalf, I make the following Order —

Citation and commencement

1. This Order may be cited as the Defence Contractor Employees (VT Merlin Communications Limited) Tax Exemption Order 2004.

Application and duration

2.—(1) Subject to paragraph (2), this Order shall have effect so as to exempt qualifying employees from liability (whether arising before or after the coming into force of this Order) under any law of the Falkland Islands to pay income tax in respect of earnings in relevant employment by VT Merlin Communications Limited and from liability under any such law to pay retirement pensions contributions by reason of such employment.

(2) Nothing in this Order shall have effect so as to confer any exemption from liability to pay income tax in relation to earnings after 31st December 2006 in relevant employment or to confer any exemption from liability to pay retirement pensions contributions by reasons of such employment after that date.

Interpretation

3. For the purposes of this Order —

(a) a person is a qualifying employee in relation to any period of employment in which —

(i) the conditions specified in paragraphs (a) and (b) of section 9A(2) of the Ordinance are satisfied in relation to him; and

(a) No 26 of 1987 (as amended)

- (ii) he is in the employment of VT Merlin Communications Limited;
- (b) "relevant employment" has the same meaning as it has for the purposes of section 9A of the Ordinance;
- (c) "retirement pensions contributions" means contributions which an employee is required to pay under the provisions of the Retirement Pensions Ordinance 1996(b);
- (d) "earnings" has the same meaning as "relevant income" has for the purposes of section 9A of the Ordinance;
- (e) "the Ordinance" means the Taxes and Duties (Special Exemptions) Ordinance 1987.

Made this 13th day of October 2004

H. J. S. Pearce C.V.O.,
Governor

(b) No 20 of 1996 (as amended)



**THE
FALKLAND ISLANDS GAZETTE
Supplement**

PUBLISHED BY AUTHORITY

Vol. 15

29th October 2004

No. 18

The following are published in this Supplement -

Explanatory Memorandum, Mining Bill 2004;

Mining Bill 2004.

EXPLANATORY MEMORANDUM

MINING BILL 2004

Introductory

1. The Mining Bill 2004 would, if enacted, repeal and replace the Mining Ordinance (Title 53.2) which was originally enacted in 1918 and was amended in 1919, 1925 and 1950. The existing Mining Ordinance is inadequate in present circumstances to make the necessary provision in relation to mining operations and the exploitation of minerals within the Falkland Islands.

2. The Bill, like the existing Ordinance, only makes provisions in relation to minerals owned by the Crown and mining operations in relation to such minerals. It does not apply to privately owned minerals or to offshore minerals in "controlled waters".

3. *Clause 1* states that the Ordinance, if enacted, would come into force on such date as may be fixed by the Governor by notice published in the Gazette. It is intended that a number of sets of regulations under the Ordinance would be made after enactment and before the commencement of the Ordinance, including in particular regulations prescribing model clauses which would appear in licences granted under the Ordinance. Additionally, since environmental provision in relation to mining is largely contained in the Planning (Amendment) Bill, it is intended that that provision shall come into force, before, or contemporaneously with, the Ordinance.

4. *Clause 2* states that the Ordinance will, subject to *clause 5(2)*, bind the Crown. The effect of the latter provision, read with *clause 5(1)*, is to exempt the Crown from the need to obtain licences under the Ordinance for mining operations carried on by the Crown.

5. *Clause 3* states the application of the Ordinance (which has been explained above in paragraph 2).

6. *Clause 4* contains a number of definitions which are important in relation to other provisions of the Bill. The expression (*defined*) in relation to words or an expression in a later paragraph of this Explanatory Memorandum signifies that the word or expression is defined in *clause 4*. Among the definitions is one of "Crown minerals" as —

(a) all minerals in land belonging to the Crown which has never been alienated by the Crown;

(b) all minerals reserved to the Crown by the terms of any Crown Grant or Lease;

(c) all minerals conveyed to the Crown by the owner of any land and which have not subsequent to any such conveyance been granted by the Crown to any other person; and

(d) gold and silver.

Gold and silver belong to the Crown at common law, even if located in land belonging to somebody else.

7. Section 25(2) of the Land Ordinance (Title 45.1) provides that "every grant or lease of Crown lands shall be subject to the following reservations, restrictions and conditions unless they are expressly excluded or are not appropriate to the particular grant or lease... (d) all minerals are reserved to the Government, with full liberty at all times to search for, mine quarry and carry away the same and for that purpose to enter upon the land or any part thereof or authorise any company or person to do so...". This is the successor to a provision to a like effect in section 21 of the Land Ordinance 1903 (which however reserved a more restricted list of minerals). It was however the practice from some time in the 1880's to include a specific provision (as was used in the then Australian colonies) in Crown Grants and Crown Leases reserving all minerals to the Crown. In the result, with very limited exceptions in relation to early Crown Grants, the best known example of which still existing is in relation to the grant to Dean Brothers of Pebble Island, minerals in all land in the Falkland Islands belong to the Crown. Other land which such a reservation had not been made included the Grant of Douglas Station and the Lafone Grant. These exceptions ceased in 1983 and 1991 respectively when the land was purchased from the private owners and the Crown reserved the minerals when disposing of the land concerned.

Licences

8. *Clause 5 (1)* renders it unlawful for any person to prospect for, explore for or mine any Crown mineral without having obtained a licence to do so. There is an exception in *clause 5(3)* in relation to prospecting for or exploring for or mining for gold without motorised machinery in a "gold fossicking area" (*defined*). The purpose of this provision read with *clause 28(1)* is to enable minor recreational gold-mining operations (such as panning rivers or streams for alluvial gold) to be authorised on the sale of permits.

9. Further exceptions from the need to obtain a licence to prospect for, explore for or mine Crown minerals are contained in *clause 6(1)*. This would provide that the owner or occupier of any land, may for the purpose only of using the same upon that land may, without a licence, prospect for, mine, quarry or take stone, flint, chalk, gravel, sand or calcified seaweed in or on that land. But the owner or occupier will need the permission of the Governor in writing under *clause 6(2)* if he wishes to sell or otherwise dispose of any such mineral to a third party and must comply with any conditions subject to which such permission is granted. Contravention would constitute an offence under *clause 6(3)*.

10. *Clause 7(1)* would provide that nothing contained in the Bill, if enacted, would excuse a person from compliance with any obligation under any other written law, including in particular the Planning Ordinance. Mining operations will, in general constitute "development" as defined in that Ordinance. Thus the obtaining of a mining licence will not excuse a person from the need to obtain planning permission for any operations in relation to which planning permission is required under the Planning Ordinance. Under *clause 7(2)* contains a statement that it is a condition of every licence that any necessary planning permission be obtained.

11. Under *clause 8(1)* a licence granted under section 5 of the existing Mining Ordinance and which was in effect immediately prior to the commencement of the new law would continue to

have effect as if it had been granted under *clause 11* of the Bill on the same terms and conditions on which it was granted. A breach of any of those terms and conditions would, under the provisions of *clause 8(1)*, if committed after the commencement of the new law constitute an offence and be punishable in the same way as contraventions of terms and conditions of a licence granted under *clause 11* are to be punishable. *Clause 8(2)* provides that any licence continuing to have effect by virtue of *clause 8(1)* may be revoked, renewed or varied under the provisions of the new law as if it had been granted under *clause 11*. Under *clause 9(1)* a person could apply to the Director in the form prescribed by regulations under *clause 12* for the grant to him of a licence under *clause 11*. If so prescribed by regulations under *clause 9(3)*, an application fee would be payable. *Clause 9(2)* enables the Director to require an applicant to provide in writing such further information, additional to that required by regulations under *clause 9(3)* or the Governor might have requested the Director to obtain. *Clause 9(3)* would enable the Governor to make regulations prescribing fees to be paid on the making of an application for the grant of a licence and information to be provided by applicants.

12. Allocation of licences by public tender is provided for by *clause 10*. An applicant for a licence offered by public tender would be required to send to the Director an application for a licence in the form prescribed by regulations under *clause 12*. The Director would be required by *clause 10(3)* to reject any tender which in a material manner did not comply with the requirements of the tender notice or any regulations made under *clause 12*.

13. Provision for the grant of licences is made by *clause 11*. *Clause 11(1)* provides that subject to *clause 11(2)* the Governor with the consent of the Secretary of State could grant any body corporate a prospecting licence, an exploration licence or a mining licence in respect of such Crown minerals and land as are specified in the licence and that such a licence would be subject to such conditions as are contained or referred to in it or are deemed to be conditions subject to which the licence is granted.

14. *Clause 11(2)* provides that a licence shall not be granted in respect of the five categories of land specified in that subclause. *Clause 11(3)* provides that every licence granted is to be deemed to be granted subject to the compliance by the licensee with the provisions of the Model Clauses (*defined*) (so far as they are applicable in respect of the licence concerned) except to the extent that they are expressly excluded or modified by the terms of the licence. *Clause 11(4)* provides that a licence may not be granted unless the Governor is satisfied that the applicant is able to and intends to comply with the conditions of the licence if granted. By *clause 11(5)* the terms of the licence may require the payment to the Crown of an annual rent or fee (which may be variable or subject to increase in accordance with the provisions of the licence), and in the case of a mining licence, a royalty calculated in such manner as may be specified in the licence and, in the case of a prospecting licence or an exploration licence, such of the foregoing as the Governor considers appropriate in the circumstances of the case.

15. *Clause 12* enables the Governor to make regulations prescribing—

- (a) conditions as to the size and shape of any area in respect of which a licence may be granted; and

(b) model clauses which must, unless he sees fit to exclude or modify them in any particular case, be incorporated in any such licence. Different regulations may be made in respect of different types of licence and in respect of different minerals. Model clauses not excluded from a licence are to be deemed to be conditions incorporated in that licence.

16. The Governor is prohibited by *clause 13(1)* from granting a licence under *clause 11* unless he believes that the applicant is likely to comply with and give proper effect to the licence. He can under *clause 13(2)* as a condition precedent to the grant of a licence under *clause 11* require the applicant to deposit with the Director or some other public officer such sum of money, bond or other document or thing by way of security for compliance with the conditions of the proposed licence as the Governor may direct. *Clause 13(3)* provides that, in particular, a requirement under *clause 13(2)* may be made in relation to the restoration by the holder of the licence of the land or part of the land the subject of the licence to which former state and condition or the carrying out of remedial or improvement works to that land at the conclusion of mining operations.

17. Under *clause 14* a duty is imposed on the Governor in the exercise of his powers to grant licence, to make regulations prescribing model clauses and, otherwise under the Bill, to balance the need to secure the effective and co-ordinated development of Crown minerals in any adjacent or neighbouring land with the need to secure as far as possible economic and other benefits to the residents of the Falkland Islands apart from enhancement of the Crown's revenues and the need to minimise any adverse effect upon the environment and to refuse to permit any activity which in his opinion would have an unacceptable degree of environmental impact but whether the Governor has, in any particular case, satisfactorily done so is not to be the subject of inquiry by any court, nor is anything in the Governor's duties stated in the clause to be construed as placing upon the Governor any obligation to grant or refuse a licence under *clause 11* to the applicant or any other person.

18. A general power for the Governor to impose conditions which the Governor considers reasonably necessary for the purpose of preventing or reducing, or making good, injury to the natural surface of the land in respect of which a licence was granted, or injury to anything on that natural surface, or consequential damage to any other land, is conferred by *clause 15(1)*. Such conditions may (*clause 15(2)*) include a condition that mining operations shall not be carried out within such distance of the natural surface of the land in respect of which the licence is granted as is specified in the condition. The Governor's powers under *clause 15* to impose conditions have effect without prejudice to the provisions of the Planning Ordinance (*clause 15(3)*).

19. *Clause 16* makes provision for the situation in which a further application or more than one further application is made for a licence in respect of all or part of the same piece of land, in respect of a common mineral, when an earlier application in respect of that land has not yet been decided. *Clause 16(1)* provides that the Governor may grant such of the applications received as he thinks fit, but shall not be obliged to grant any of them. *Clause 16(2)* makes provision in relation to applications for a licence where licences have been offered by tender.

20. *Clause 17(1)* enables a prospecting licence or an exploration licence to provide that the holder of such a licence shall have priority to all others to consideration of an application for the

grant to him of a mining licence in respect of the whole or part of the land comprised in the prospecting or exploration licence but, if his prospecting or exploration licence does not extend to all minerals, only in respect of the mineral or minerals to which his licence extends. Such a right is described as "a priority right". Subsequent provisions of *clause 17* make detailed provision in relation to the exercise and effect of a priority right.

21. Under *clause 18(1)*, a prospecting licence cannot be granted for, or remain current for, a period exceeding four years from and including the date on which it was granted. The object of this is to prevent an applicant hanging on to prospecting rights so as to prevent somebody else prospecting the land in question. For similar reasons, *clause 18(2)* prevents the former holder of, or any person who had an interest in the prospecting licence while it was current from applying for a new prospecting licence or an exploration licence in respect of the same land until after the expiry of six months from the date on which the former prospecting licence ceased to be current. An object of this provision is to force a person who holds a prospecting licence to apply for an exploration licence, if it is wanted, before the expiration of the prospecting licence. *Clause 18(3)* provides that the holding of shares in a company listed on the stock exchange in the United Kingdom or Australia or in any prescribed country shall not constitute an interest in a prospecting licence. *Clause 18(4)* makes provision, in certain circumstances, for the grant of an exploration licence on the surrender, before its expiry, of a prospecting licence.

22. *Clause 18(5)* provides that where an application for a mining licence is made by the holder of a prospecting licence which is still current, the prospecting licence will not expire until after the application for the mining licence is determined.

23. Under *clause 19(1)* an exploration licence is to remain in force for a period of five years from and including the date on which it was granted. However, *clause 19(2), (3) and (4)* make provision in relation to the extension of an exploration licence. *Clause 19(5)* provides that where an application for a mining licence is made by the holder of an exploration licence in respect of any land and the term of the exploration licence would otherwise expire, the exploration licence is to continue in force in respect of the land the subject of the application until the application for a mining licence is determined.

24. Provision in relation to applications for mining licences is made by *clause 20*. A single application for a mining licence cannot (*clause 20(1)*) be made in respect of an area greater than 10 square kilometres but concurrent application for more than one mining licence can be made. An applicant for a mining licence is required by *clause 19(2)* to give notice in writing of his application to the owners and occupiers of all land to which his application relates and to the owners and occupiers of any other land not comprised in the application and over which any ancillary rights (*defined*) are required. Notice of the application in the Gazette and one or more newspapers published in the Falkland Islands is also required. The application must describe the area of land in respect of which the licence is sought and must be accompanied by a map on which the boundaries of the land the subject of the application are shown and a copy of the written description and map are to be incorporated in the notice (*clause 20(3)*). The applicant must state in his application whether or not he has applied for planning permission in respect of the mining operations or in relation to any ancillary rights and whether that application has been decided and, if so, with what result.

25. Provision in relation to objections to the grant of mining licences is made by *clause 21*. Notice of objection must be given within 20 working days (*defined*) or such greater period as the Governor may allow of publication, or the latest date of publication of the notice of application under *clause 20(2)*. *Clause 21(2)* provides that it is not a valid ground of objection to an application for a mining licence that planning permission has not yet been granted, or has been refused. Under *clause 19(3)* the Governor is prohibited from granting a mining licence to the applicant, if any objection has been validly made, without first having given the objector and any other person, including the applicant, who wishes to be heard an opportunity of being heard by a person appointed by the Governor to inquire into and report to the Governor in relation to the matter ("the inspector"). *Clause 21(4)* enables the Governor to make regulations requiring a public inquiry into objections to be carried out into the grant of a mining licence when so directed by the Governor and the manner in which such an inquiry is to be carried out, the appointment of a person or persons as inspected to conduct such inquiry, the procedure at such an inquiry and the powers and duties of inspectors. If such an inquiry is directed by the Governor, the inspector is required by *clause 21(5)* to send to the Governor his report on the inquiry with his recommendation as to whether the Governor should grant or refuse the application for a mining licence. On receipt of the inspectors report (*clause 21(6)*), the Governor may with the consent of the Secretary of State grant or refuse a mining licence to the applicant, irrespective of whether the inspector has recommended the grant or refusal of it.

26. Under *clause 22(1)* it is provided that a mining licence is ordinarily to be current —

(a) for an initial period of 21 years; and

(b) where application for renewal is made within the final year of that 21 year period, as of right for a further period of 14 years as from the expiry of the initial period, provided that during the initial period the licensee has complied with all the terms and conditions of the licence.

27. *Clause 22(2)* enables the Governor to renew or further renew a mining licence for successive periods not exceeding 14 years. Where an application for the renewal of a mining licence is made by the holder of the licence and the term of that licence would otherwise expire under *clause 22(3)* the licence is to continue in force in respect of the land the subject of the application until the application for the renewal is decided. *Clause 23(1)* prevents an application being made by the former holder of a mining licence for a prospecting or exploration licence in respect of the same land within a period of twelve months from the date of the surrender, forfeiture, revocation or expiry of the mining licence within a period of twelve months from that date.

28. *Clause 24* makes provision in relation to the grant of gold fossicking permits and renders it unlawful to fossick for gold with any motorised machinery or machinery which is not hand held.

29. Provision for fossicking (*defined*) generally is made by *clause 25*. Fossicking, other than for gold, in land owned by the Crown would be lawful, except as provided by the clause.

30. The rights which would be conferred by prospecting licences, exploration licences and mining licences, respectively, are stated in *clauses 26, 27 and 28*. A prospecting licence would

authorise the holder to prospect for the mineral or minerals to which the licence relates but the holder would not be authorised without the prior consent of the Director to excavate, extract or remove any earth, soil, rock, stone, fluid or mineral bearing substance in an amount which exceeds the quantity prescribed by regulations or stated in the licence. A prospecting licence would not authorise the holder to extract any water or confer any right upon the holder to enter upon any land other than in accordance with the provisions of the Ordinance. An exploration licence would authorise the holder to prospect and explore for the mineral or minerals to which the licence relates. The restrictions mentioned in relation to a prospecting licence will also apply in relation to an exploration licence. "Prospecting" and "exploration" are both terms defined in *clause 4*. "Prospecting" permits the execution of geological, geochemical and geophysical surveys, the taking of samples by hand or hand held methods and aerial surveys. "Exploration" on the other hand includes any activity undertaken for the purpose of identifying mineral deposits or occurrences and evaluating the feasibility of mining particular deposits or occurrences of one or more minerals, including drilling, dredging or excavation, which is reasonably necessary to determine the nature and size of a mineral deposit or occurrence. A mining licence would authorise the holder and his agents and employees on his behalf to work and mine the land in respect of the which the licence was granted for the mineral or minerals to which the licence relates and to take and remove them from the land.

31. *Clause 29* prohibits the commencement of any mining operation by the holder of a mining licence until he has paid or tendered to the owner and occupier of that land the amount of any compensation he is required to pay under and in accordance with the provisions of the Bill.

Revocation and surrender of licences

32. The Governor would be given power by *clause 30* to revoke a licence if he believes, on a report from the Director or otherwise, that a licensee has contravened or is contravening any provision of Part II of the Bill (that is, the Part which relates to prospecting, exploration and mining of Crown minerals) or any regulations made under that Part or has contravened or is contravening any condition of his licence. In those circumstances the Governor may cause a notice to be served on him containing the particulars specified in *clause 30(1)*. If the Governor is later satisfied that the holder of the licence has failed to comply with that notice, the Governor may by notice under *clause 30(2)* revoke the licence. A right of appeal to the Supreme Court against revocation of the licence would be conferred by *clause 30(3)*.

33. *Clause 31* confers power upon a licensee to surrender his licence at any time upon giving six months notice in writing. Surrender of the licence does not excuse the licensee from any antecedent contravention of the licence or any of its conditions or any antecedent act or omission giving rise to a cause of action.

34. *Clause 32* contains detailed provisions in relation to transfers and assignments of licences. The transfer or assignment of a licence without the consent in writing of the Governor would be prohibited by *clause 32(1)*. Under *clause 32(2)* "assignment" is given an extended meaning. Under *clause 32(3)* the holder of the licence is prohibited from entering, without the consent of the Governor, into an agreement entitling another person to minerals or the proceeds of minerals yet to be mined.

Working facilities and support

35. Part III of the Bill (*clauses 34 to 70*) deals with the subject of working facilities and support in relation to mining operations.

36. *Clause 34* states the over-riding principle that subject to *clause 35* the granting of a licence under *clause 11* does not confer upon the holder a right of access to any land.

37. *Clause 35(1) and (2)* confer upon the Director, any public officer authorised by the Director, any consultant engaged by the Crown, a licensee and any employee, consultant or contractor of a licensee authorised by the licensee for the purpose, to enter on land for the subject of carrying out "minimum impact activity" (defined in *clause 2(1)*). This right of entry is subject to *clause 35(3) and clause 36*. *Clause 35(3)* requires notice of entry to be given and *clause 36(1)* would prohibit entry on certain classes of land specified in *clause 36(1)* unless entry is with the agreement of the owner and occupier of the land. Contravention of *clause 36(1)* is an offence under *clause 36(2)*.

38. Access to land for purposes other than minimum impact activity is the subject of *clause 37*. This requires either an access agreement agreed in writing between the licence holder and each owner and occupier of the land or the making of a compulsory rights order. However, it should be noted that under *clause 39*, prospecting, exploration or mining carried out below the surface of any land would not constitute prospecting, exploration or mining in or on land if the activity will not or is not likely to cause any damage to the surface of the land or any loss to the owner or occupier of the land, will not or is not likely to have any prejudicial effect in respect of the use and enjoyment of the surface of the land and will not or is not likely to have any prejudice or effect in respect of any possible future use of the surface of the land.

39. *Clause 40* would make provision in relation to dealing with disputes as to the classification of land or activities for the purposes of *clauses 35 and 36* and enable them to be referred to and dealt with by the Magistrate's Court.

40. *Clause 41* would make provision in relation to notices of request for an ancillary rights agreement. *Clause 41(2)* requires a person who wishes to obtain an ancillary rights agreement in his favour to endeavour to negotiate an agreement for such an arrangement with every owner and occupier of the relevant land. Notice must be given by the person wishing the ancillary rights to every owner and occupier in writing as to the matters specified in *clause 41(2)*.

41. The grant of ancillary rights by agreement is dealt with by *clause 42* which specify what an ancillary rights agreement must deal with. Under *clause 42(3)* an ancillary rights agreement may deal with such other matters as the parties may agree.

42. *Clause 43* deals with ancillary rights arrangements in relation to Crown land. It requires the Governor to have regard to matters specified in *clause 43(2)* and, additionally, requires the Governor to consult to the extent it is reasonably practicable to do so with those persons he believes to be representative of interests likely to be substantially affected by the ancillary rights agreement and, additionally, the Planning and Building Committee as to whether the

implementation of the ancillary rights agreement, if made, would involve doing anything by the grantee which would require planning permission.

43. It is of course, possible, that an ancillary rights agreement cannot be negotiated. For that reason *clause 44(1)* provides for an application to the Director for a declaration by the Governor that the making of a compulsory rights order would be in the public interest. An application under *clause 44(2)* would have to set out the circumstances alleged to justify the making of a compulsory rights order. Such an application would have to be forwarded to the Governor together with a statement of the Director's view (*clause 44(3)*) as to whether the making of a compulsory rights order would be in the public interest and would also require the Director to serve a copy of the application and of the statement on every owner and occupier of the land served with the notice. Under *clause 44(4)* before deciding whether or not to make a declaration that the making of a compulsory rights order would be in the public interest, the Governor would have to consider any written representations he might receive from any owner or occupier within 30 days of the service by the Director of the notice of the application. Under *clause 44(5)* if the Governor decides that making a compulsory rights order would be in the public interest he would be obliged to refer the matter to the Legislative Council and if that Council agreed could serve notice to that effect, giving reasons, on every owner or occupier affected. Any such owner or occupier would have the right, within 21 days of the service of the notice, to apply to the Supreme Court for an order that no such declaration be made. *Clause 44(6) and (7)* make provision with regard to the dealing with such applications by the Supreme Court.

44. Subject to no successful application to the Supreme Court having been made under *clause 44(5)* the Governor would have power to make a declaration that a compulsory rights order would be in the public interest. Such a declaration would be required to be published in the Gazette and would have effect to refer to the Magistrate's Court for determination the question as to whether a compulsory rights order should be made in favour of the applicant against the owner and occupier of any land affected.

45. *Clauses 46 and 47* make provision in relation to dealing with applications for a compulsory rights order by the Magistrate's Court. The Court would not be able to make a compulsory rights order until it has tried its best to get the parties to agree to a settlement acceptable to them. If the parties did come to such a settlement, the Court would have to make an order giving effect to that settlement. Otherwise the Magistrate's Court would conduct a hearing and, as soon as practicable after concluding the hearing, would under *clause 48(1)* (subject to *clause 49*) make a compulsory rights order in respect of the land concerned and would serve a copy of the order on each of the parties. *Clause 48(3)* requires that the Court's determination must specify the compensation as assessed by the Court, to which each owner or occupier of the land is entitled. Under *clause 48(4)* where the person desiring access has not obtained the required licence at the time of the meeting of the compulsory rights order, the Court must specify the compensation, as assessed by the Court, to which each owner and occupier would be entitled if the person requiring access has obtained the required licence: in such case the obligation to pay compensation is to be conditional upon the person desiring access obtaining the required licence.

46. Under *clause 49* the Court is not to make a compulsory rights order under *clause 48* unless:—

(a) it is satisfied that the arrangement is expedient in the public interest; and

(b) that it is not reasonably practicable to obtain the right by private arrangement for one or more of the reasons specified in *clause 49(1)(b)*.

47. If the Magistrate's Court refuses to make a compulsory rights order on the grounds that it is not satisfied that to do so is expedient to the public interest, the Governor or the applicant would have the right of appeal to the Supreme Court under *clause 49(2)*. A compulsory rights order granted under *clause 48* is, under *clause 50*, to take effect when a copy of the order has been served on each of the parties and the person desiring access is complied with any condition imposed under *clause 52(4)* where applicable (and subject to the order having been registered in the Land Charges Register those rights have effect as if the terms of the order were embodied in a deed duly executed by each of the parties and bind all subsequent owners and occupiers.

48. Variation of a compulsory rights order is dealt with by *clause 51*.

49. *Clause 52* makes general provision in relation to compensation. The criterion to be used in assessing compensation is what would be fair and reasonable between a willing grantor and a willing grantee having regard to the condition subject to which the compulsory rights order is made or the restriction is imposed (*clause 52(2)*). The subsequent provisions of *clause 52* and the subsequent provisions of *clauses 53 to 59*, where applicable, have effect subject to that overriding principle. Under *clause 52(4)* the Court would be able to impose as a condition on the determination of any ancillary rights arrangement or the imposition of any restriction that any compensation or consideration payable is to be paid, or the security to the satisfaction of the Court is to be given, before any right under the arrangement is commenced to be exercised or the restriction is enforced.

50. *Clauses 53 to 58* make provision in relation to the amount of compensation to be paid where agricultural land is to be the subject of a compulsory rights order.

51. *Clause 59* makes provision for compensation where the exercise of any easement or similar right over any land is prevented or injuriously affected by a compulsory rights order and *clause 60* makes provision for how the matter is to be dealt with where an owner or occupier of land with whom a person desiring access wishes to enter into an access arrangement is unknown or of unknown whereabouts and cannot after reasonable enquiry be discovered or found. In such a case an application is to be made to the Supreme Court for the appointment by the Court of a fit and proper person authorised to act on behalf of the owner or occupier as if he had been duly appointed by Power of Attorney to do so.

52. *Clause 61* enables a person to obtain the right of support by application to the Court. "Support" in this sense is the support to land or buildings necessary to prevent them collapsing or part collapsing and a person would need to make such an application if he does not already have a right of support to his land or buildings and fears that because of mining operations the land or buildings might be undermined. *Clause 63(1)* would enable the Magistrate's Court, if it sees fit to impose restrictions by order and by *clause 61(4)* the Court can order compensation to be paid or given in respect of the imposition of the restrictions. The restrictions, under *clause 61(5)*

could be either on the quantity or position of the minerals to be worked or on the methods of working or packing or otherwise as might be necessary to secure adequate support of the building or works to prevent or minimise damage to them.

53. *Clause 62(1)* would confer upon a person aggrieved a right of appeal against an order made under *clause 48 (Compulsory Rights Order)* or *clause 61 (Restriction on Working Minerals)*. The remaining provisions of *clause 62* make supplementary provision in relation to such appeals.

54. *Clauses 63 to 69* make provision in relation to the registration with the Registrar General of grants of licences, extensions of licences and access arrangements. Provision is also made for certified copies of licences registered with the Registrar General and for recorded documents to be open to search.

55. Under *clause 70* the Director is to keep a register of licences in such form as the Governor may approve. In this register brief particulars of all licences issued and all assignments of licences are to be recorded. The register is to be open to public inspection.

Part IV of the Bill: Health and Safety at Work and Protection of the Environment

56. *Clause 71* of the Bill makes provision in relation to the application by Order of provisions of Part 1 of the Health and Safety at Work etc. Act 1974 and regulations made under section 15(1) of that Act, with such modifications and exceptions as may be stated in the Order in relation to mines and quarries, operations connected with mines and quarries and to the processing, refining, smoking or treatment of any ore or rock and to associated matters. *Clause 74* enables the Governor to enter into an arrangements with the Health and Safety Executive of the United Kingdom to perform the same functions as they have there in connection with health and safety matters in mines and quarries.

57. *Clause 72* makes provision for civil liability for breach of a statutory duty under Part 1 of the Health and Safety at Work Act 1974 or any regulations made thereunder.

58. *Clause 73* makes provision for application in relation to mines and quarries and mining operations and the processing, refining, smoking or treatment of ore or rock and other operations in relation to mines of provisions of the Environmental Protection Act 1990, subject to such modifications and exceptions as are stated in the Order applying those provisions. It also enables an agreement or arrangement to be made with the Environment Agency for the exercise by that Agency of functions under the Environmental Protection Act in its application under the clause.

Part V: Miscellaneous

59. Part V of the Bill (*clauses 74 to 85*) contain a number of miscellaneous provisions. *Clause 74* requires the consent of the Governor for assignment of licences and specifies certain circumstances in which, for the purposes of the Bill if enacted, a licence is assigned. Failure to obtain the consent of the Governor to an assignment would, under *clause 74(3)* mean that the Governor would have power to terminate the licence and, additionally, except so far as it enabled the Governor to terminate the licence an assignment of a licence would have no effect until and unless the Governor consents in writing to the assignment.

60. *Clause 74* states that neither a licence nor an access arrangements confers on a licensee or applicant for a licence and an estate or interest in the land to which it relates. This has the effect that none of the complex provisions of land law in relation to estates and interests in land have any application to a mining licence. *Clause 76* makes detailed provision in relation to the service of notices and *clause 77* makes provision in relation to the appointment of person to receive such notices.

61. Under *clause 78* the obstruction, hindering, resistance or deception of any person in the execution of any powers conferred on that person by or under the Ordinance constitutes a criminal offence.

62. *Clause 79* provides that where a person acting as the agent or employee of another person commits an offence provided for by the Bill the principal is also liable in respect of the offence. *Clause 79(2)* provides for some defences in relation to such an offence. *Clause 79(3)* provides for a director or other person concerned in the management of the body corporate to be himself guilty of an offence committed by a body corporate if the act that constituted the offence took place with his authority, permission or consent or if he knew or could reasonably be expected to have known that the offence was to be or was being committed and failed to take all reasonable steps to prevent it or stop it.

63. Penalties for offences under the Bill would be provided for by *clause 80*. *Clause 81* would provide that it would not be necessary to prove that a defendant intended to do the act or acts or make the omission or omissions constituting an offence. *Clause 81(2)* would provide that it would be a defence to such a prosecution for the defendant to prove one or of a number of matters specified in the sub-clause. However, under *clause 81(3)* provides that ordinarily such a defence could not be relied on without having given 10 days written notice of the intention to rely upon that defence and with the facts alleged by the defendant to support that defence.

64. *Clause 82* provides that a prosecution for an offence under the Bill if enacted will be brought at any time within 12 months after the time when the contravention giving rise to the prosecution became known, or should have become known, to the director and that no prosecution for an offence could be commenced except by or with the consent of the Attorney General.

65. Under *clause 83* all offences under the Bill, if enacted, are to be tried summarily by the Magistrate's Court.

66. Powers to make regulations are contained in *clause 84* of the Bill. *Clause 85* of the Bill would repeal the present Mining Ordinance.

Mining Bill 2004

(No: of 2004)

ARRANGEMENT OF PROVISIONS

Clause

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SCHEDULE 1
PROVISIONS AS TO COMPENSATION BY WAY OF PAYMENT OF COST OF WORKS

MINING BILL 2004

(No: of 2004)

(*assented to:* 2004)
(*commencement: in accordance with section 1*)
(*published:* 2004)

A BILL

for

AN ORDINANCE

To make new provision in relation to the prospecting and exploration for and exploitation of minerals.

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

PART I
INTRODUCTORY

Short title and commencement

1. This Ordinance may be cited as the Mining Ordinance 2004 and comes into force on such date as may be fixed by the Governor by notice published in the *Gazette*.

Ordinance to bind Crown

2. Subject to section 5(2), this Ordinance binds the Crown.

Application of this Ordinance

3.—(1) This Ordinance —

(a) applies —

(i) to minerals belonging to the Crown in the Falkland Islands, including, subject to paragraph (b), minerals in or beneath the beds of rivers, lakes, ponds and pools of water in the Falkland Islands,

(ii) to mineral operations in relation to such minerals; but

(b) does not apply —

(i) to minerals in the controlled waters, or

(ii) to minerals in private ownership.

Interpretation

4.—(1) In this Ordinance, except where the context otherwise requires —

“ancillary rights” means in relation to minerals, any facility, right or privilege and, in particular, but without prejudice to the foregoing includes -

(a) a right to let down the surface;

(b) a right of airway, shaftway or underground way leave or other right for the purpose of access to or conveyance of minerals or the ventilation or drainage of mines;

(c) a right to use and occupy the surface for the erection of washeries, coke ovens, railways, by-product works or other works or of dwellings for persons employed in connection with the working of the minerals or with any such works as aforesaid;

(d) a right to obtain a supply of water or other substances in connection with the working of minerals;

(e) a right to dispose of water or other substances in connection with the working of minerals.

“ancillary rights agreement” means an agreement between a person desiring ancillary rights in relation to land for the purpose of carrying out mineral related activities and the owner or occupier of that land;

“bed”—

(a) in relation to any river, means the space of land which the waters of the river cover at their fullest extent without overtopping the banks of the river, and

(b) in relation to a lake pond or pool of water means the space of land which the waters of the lake, pond or pool of water cover at their highest level without exceeding its physical margin;

“compulsory rights order” means an order made under section 48;

“contravene”, in relation to any obligation or requirement, includes a failure to comply with it and “contravention” has a corresponding meaning;

“controlled waters” has the same meaning as that expression has under section 2(1) of the Offshore Minerals Ordinance 1994;

“crop” means plants grown on cultivated land the produce of which is to be harvested;

“Crown land” means all land whatsoever which is owned by the Crown, including any national park so far as it is comprised in land owned by the Crown, the foreshore of the sea and the bed of any lake, pond, pool or river which is owned by the Crown;

“Crown minerals” means -

- (a) all minerals in land belonging to the Crown which has never been alienated by the Crown;
- (b) all minerals reserved to the Crown by the terms of any Crown Grant or Crown Lease;
- (c) all minerals conveyed to the Crown by the owner of any land and which have not subsequent to such conveyance been granted by the Crown to any other person; and
- (d) gold and silver;

“current”, in relation to a licence, means that that licence has been granted and has not expired or been surrendered or revoked and “currency” has a corresponding meaning;

“Director” means the Director of Mineral Resources;

“discovery” means the discovery of a deposit of a mineral or minerals;

“dwellinghouse” means any building, whether permanent or temporary, that is occupied, in whole or in part, as a residence (and includes any structure or outdoor living area that is ancillary to, and used wholly or principally for the purposes of the residence, but does not include the land upon which any building is sited);

“enter” includes “re-enter” and “entry” has a corresponding meaning;

“exploration” includes any activity undertaken for the purpose of identifying mineral deposits or occurrences and evaluating the feasibility of mining particular deposits or occurrences of one or more minerals (and includes any drilling, dredging or excavations (whether surface or sub-surface) that are reasonably necessary to determine the nature and size of a mineral deposit or occurrence) and “to explore” has a corresponding meaning;

“exploration licence” means an exploration licence granted as such under section 11 of this Ordinance or continuing to have effect as if so granted;

“foreshore” means any land covered and uncovered by the flow and ebb of the tide at mean spring tides;

“fossicking” means to search for, extract and remove rock, ore or other minerals, except diamonds and (except under a permit granted under section 28(1) in a gold fossicking area) except gold, in quantities not exceeding the prescribed amount and by means not prohibited by this Ordinance, as samples or specimens for the purpose of a mineral collection, lapidary work or a hobby interest;

“gold” includes any substance containing gold or having gold mixed in it;

“gold fossicking area” means any area declared under section 28(1) to be a gold fossicking area;

“Governor”, except where specifically stated to the contrary, inconsistent with the context or inconsistent with any provision of the Constitution, means the Governor advised by the Executive Council;

“in”, in relation to land, means on or under the surface of land;

“land” includes land covered by water other than any water which is part of the controlled waters;

“licence” means a prospecting licence, exploration licence or a mining licence granted under, or continuing to have effect as if granted under, this Ordinance;

“mine”, as a noun, means any place in, on or under which mining operations are carried on and includes a quarry;

“mine”, as a verb, includes any manner or method of mining operations;

“mineral” means any substance, other than water, and whether that substance is in a solid, liquid or gaseous form, which has been formed by or is subject to geological process and any naturally occurring inorganic substance beneath or at the surface of the earth, and whether or not any such substance is under water;

“minimum impact activity” means any of the following —

- (a) geological, geochemical and geophysical surveying;
- (b) taking samples by hand or hand-held methods;
- (c) aerial surveying;
- (d) land surveying;
- (e) any activity prescribed as minimum impact activity;

(f) any lawful act incidental to any activity to which paragraphs (a) to (e) of this definition relate which does not include —

(i) the use of explosives,

(ii) the cutting, destroying, removing or injuring of any vegetation on any other than a minimal scale,

(iii) damage to improvements, stock or chattels on any land,

(iv) any breach of the provisions of this or any other Ordinance,

(v) any impacts prescribed as prohibited impacts, or

(vi) entry on land prescribed as prohibited land;

“mining licence” means a licence granted under section 11 of this Ordinance as a mining licence;

“mining operations” includes quarrying operations and means any mode or method of working whereby the earth or any rock structure, stone, fluid or mineral bearing substance may be disturbed, removed, washed, sifted, crushed, leached, roasted, distilled, evaporated, smelted or refined or dealt with for the purpose of obtaining any mineral therefrom whether it has been previously disturbed or not and includes —

(a) the removal of overburden by mechanical or other means and the stacking, deposit, storage and treatment of any substance believed to contain any mineral;

(b) operations by means of which salt or other evaporates may be harvested;

(c) operations by means of which mineral is recovered from any water supply or body of water;

(d) any acts reasonably incidental to or conducive to any of the foregoing,

“model clauses” and “the model clauses” mean one or model clauses prescribed by regulations made under section 12(1);

“non-exclusive licence” means a licence which confers a right to prospect or explore for, mine or quarry any Crown owned mineral which right is not exclusive to the holder of the licence;

“notice” means a notice in writing;

“occupier”, in relation to land, means a person who has a right to occupy the land by virtue of a lease, sub-lease, licence or any renewal of any of the foregoing, and includes the holder of an exploration licence or mining licence who has a right of access in respect of the land for the

purpose of carrying out a mining operation or mining operations or an activity (other than a minimum impact activity) under the licence;

“this Ordinance” means this Ordinance as from time to time amended and in force and includes any subsidiary legislation made, or continuing to have effect as if made, under this Ordinance as from time to time amended and in force;

“owner” means —

(a) in relation to Crown Land, Her Majesty the Queen in right and title of Her Government of the Falkland Islands; and

(b) in relation to any other land, the person or persons who holds the fee simple title to the land.

“person” includes a body corporate, an unincorporated body of persons and a partnership;

“prescribed” means prescribed by regulations made under this Ordinance;

“prospecting” means —

(a) any activity authorised to be carried out by or by virtue of a prospecting licence granted under the repealed Ordinance; and

(b) any activity undertaken for the purpose of identifying land likely to contain exploitable mineral deposits or occurrences; and includes —

(i) geological, geochemical and geophysical surveys,

(ii) the taking of samples by hand or hand held methods, and

(iii) aerial surveys,

and “to prospect” has a corresponding meaning;

“prospecting licence” means a licence granted as a prospecting licence under section 11 of this Ordinance or continuing to have effect as if so granted and which authorises prospecting;

“regulations” means regulations made, or continuing to have effect, under any provision of this Ordinance;

“right of access” means, in respect of land, the right of a licensee, his employees, agents and contractors, to enter use and occupy that land for the purpose of carrying out any lawful activity under a licence; and

“working day” means any day which is not a Saturday, Sunday or public holiday.

(2) A reference in this Ordinance to “the clauses of the licence” is a reference to the model clauses incorporated in a licence pursuant to regulations made under section 12(1) (and, if appropriate, subject to such exclusions and modifications of such model clauses as may have been made by the licence) together with any other clauses included in, or conditions imposed by, a licence, in addition to any such model clauses, on the grant of that licence or otherwise in accordance with this Ordinance.

(3) In this Ordinance so far as is consistent with the context —

(a) words and expressions of the masculine gender include the corresponding words of the feminine gender and the neuter gender and vice versa;

(b) words in and expressions used in the singular include the corresponding words in the plural and vice versa.

(4) Subject to this Ordinance, the Interpretation and General Clauses Ordinance (Title 67.2) applies to and in relation to this Ordinance and expressions used in this Ordinance.

(5) Nothing in the Land (Non-residents) Ordinance 1999 applies in respect of the grant or assignment of licences under this Ordinance.

PART II PROSPECTING, EXPLORATION AND MINING OF CROWN MINERALS

Prohibition of prospecting for, exploring for or mining of any Crown mineral

Certain operations unlawful without a licence

5.—(1) Subject to subsection (3) of this section and to section 6, it is unlawful for any person to prospect for, explore for or mine any Crown mineral unless he does so under and in accordance with the terms and conditions of a licence granted under this Ordinance or by virtue of section 8 having effect as if granted under this Ordinance.

(2) Subsection (1) does not bind the Crown.

(3) Subsection (1) does not prohibit prospecting for or exploring for, or mining, gold in a gold fossicking area other than by means of motorised machinery or machinery which is not hand held.

(4) A person who contravenes subsection (1) commits an offence.

Exception in favour of landowners to requirement to have licence

6.—(1) The owner or lessee of any land the minerals on or in which belong to the Crown may, for the purpose only of using the same upon the land or other land in the Falkland Islands in his ownership or occupation, without any licence under section 11 prospect for, explore for, mine, quarry or take stone, flint, chalk, gravel, sand or calcified seaweed in or on the land concerned.

(2) It is unlawful for the owner or lessee of any land who has lawfully quarried or taken any Crown mineral under the provisions of subsection (1) to sell or otherwise dispose of any of it to a third party without the permission of the Governor in writing or, if the Governor imposes any condition on granting such permission, without complying with every such condition which is for the time being current.

(3) A person who contravenes subsection (1) or (2) commits an offence.

Saving for other laws

Other legal requirements not affected

7.—(1) Nothing in this Ordinance, except in so far as may specifically be stated in it to the contrary, excuses any person from compliance with any other written law of the Falkland Islands, including in particular and without prejudice to the generality of the foregoing, the Planning Ordinance (Title 55.3).

(2) It shall be deemed to be a condition of every licence granted under this Ordinance (contravention of which constitutes contravention of section 5(1)) that nothing requiring the grant of planning permission under the Planning Ordinance shall be done except under and in accordance with such planning permission (including any conditions subject to compliance with which it was granted).

Transitional

Licences granted under repealed Ordinance

8.—(1) A licence which was granted under section 5 of the repealed Ordinance and which was current immediately prior to the commencement of this Ordinance shall continue to have effect as if it had been granted under section 11 of this Ordinance on the terms and conditions on which it was granted and contraventions of any of those terms and conditions committed after the commencement of this Ordinance shall constitute an offence and shall be punishable in the same way as contraventions of terms and conditions of a licence so granted are punishable.

(2) Any licence continuing to have effect by virtue of subsection (1) may be revoked, renewed or varied under the provisions of this Ordinance as if it had been granted under section 11.

Application for and grant of licence

Application for a licence

9.—(1) Any person may apply to the Director in the form prescribed by regulations under section 12 for the grant to him of a licence by the Governor under section 11. Every application shall be accompanied by such fee, if any, as is prescribed by regulations under subsection (3) of this section.

(2) Following receipt of such an application the Director may require the applicant to provide in writing such further information, additional to that required by such regulations, as the Director thinks fit or the Governor may have requested the Director to obtain.

(3) The Governor may make regulations prescribing fees to be paid on the making of an application for the grant of a licence and information to be provided by applicants (and such regulations may make different provision in relation to different minerals and different categories of licence).

Allocation by public tender

10.—(1) The Governor may from time to time by notice in the *Gazette* and such other publications as he thinks fit offer licences for allocation by public tender.

(2) Every notice for the purposes of subsection (1) must specify —

(a) the type of licence offered;

(b) the land and minerals to which the licence offered relates;

(c) the manner in which tenders must be submitted, and the time by which such tenders must be received by the Director in order for such tenders to be valid; and

(d) the conditions to which any licence granted pursuant to the tender will be subject (which must include the model clauses except in so far as they are varied or excluded by the notice)

and must require every tenderer to send to the Director an application for a licence in the form prescribed by regulations under section 12.

(3) The Director must reject any tender which in a material manner does not comply with the requirements of the notice or any such regulations.

(4) The Governor may decline to grant any licence pursuant to a tender, either to a particular tenderer or any tenderer.

(5) Any licence granted under section 11 pursuant to a tender under this section shall be granted subject to such conditions as were specified in the notice or subsequently agreed with the tenderer concerned.

Grant of licences

11.—(1) Subject to subsection (2), the Governor with the consent of the Secretary of State may grant to any body corporate a prospecting licence, an exploration licence or a mining licence in respect of such minerals (being Crown minerals) and land as are specified in the licence, subject to such conditions as are contained or referred to in the licence or are deemed to be conditions subject to which the licence is granted.

(2) The Governor shall not exercise his powers under subsection (1) in respect of —

(a) any land or substratum thereof which lies within 100 metres of any dwellinghouse or other building enjoyed in connection with any dwellinghouse and within the same curtilage as the dwellinghouse.

- (b) any land which forms part of Stanley Common;
 - (c) any land held by the Crown subject to any covenant or obligation that it be used as open space;
 - (d) any land within Stanley or within the apparent boundaries of any settlement;
 - (e) any land used as or within 30 metres of a building, cemetery, burial ground, waterworks, dam, yard, stockyard, orchard, plant nursery, tree plantation, shelterbelt, airstrip or aerodrome.
- (3) Every licence granted shall be deemed to be granted subject to the compliance by the licensee with the provisions of the model clauses (so far as they are applicable in respect of the licence concerned) except to the extent that they are expressly excluded or modified by the terms of the licence.
- (4) The Governor may not grant a licence under this section unless he is satisfied that the applicant is able to and intends to comply with the conditions of the licence if granted.
- (5) The Governor may by the terms of the licence require the payment to the Crown of —
- (a) an annual rent or fee, which may be variable or subject to increase in accordance with the provisions of the licence;
 - (b) in the case of a mining licence, a royalty calculated in such manner as may be specified in the licence;
 - (c) in the case of a prospecting licence or an exploration licence, any one or more of the foregoing the Governor considers appropriate in the circumstances of the case.
- (6) A licence shall specify whether it is granted as a prospecting licence, an exploration licence, or a mining licence.
- (7) The Governor may, with the approval of the Secretary of State, and with the consent of the holder of the licence, amend, vary, add to or augment the conditions of a licence he has granted under this section.

Other provisions in relation to the grant of licences

Model clauses

12.—(1) The Governor shall, before granting any licence under section 11 in respect of any mineral, make regulations under this section approved by the Secretary of State in relation to that mineral prescribing —

- (a) conditions as to the size and shape of any area in respect of which a licence may be granted;

(b) model clauses which must, unless he sees fit to exclude or modify them in any particular case, be incorporated in any such licence,

and different regulations may be made under this section in respect of different types of licence and in respect of different minerals.

(2) Model clauses not excluded from a licence shall be deemed to be conditions incorporated in that licence.

Further provisions as to grant of licence

13.—(1) The Governor shall not grant a licence under section 11 unless he believes that the applicant for the licence is likely to comply with and give proper effect to the licence.

(2) The Governor may as a condition precedent to the grant of a licence under section 11 require the applicant to deposit with the Director or some other public officer such sum of money, bond or other document or thing by way of security for compliance with the conditions of the proposed licence as the Governor may direct.

(3) Without prejudice to the generality of subsection (2), a requirement under that subsection may in particular be made in relation to the restoration by the holder of the licence of the land or part of the land to be the subject of a licence to its former state and condition or the carrying out of remedial or improvement works to that land at the conclusion of mining operations.

General duties of the Governor

14.—(1) It shall be the general duty of the Governor in the exercise of his powers —

(a) under section 11, to grant licences;

(b) under section 12, to make regulations prescribing model clauses;

(c) otherwise under this Ordinance to balance the need —

(i) in connection with any licence granted in relation to any Crown minerals in any land to secure the effective and co-ordinated development of Crown minerals of the like kind in any adjacent or neighbouring land with the need

(ii) to secure so far as may be possible economic and other benefits to the residents of the Falkland Islands apart from enhancement of the Crown's revenues and the need

(iii) to minimise any adverse effect upon the environment and to refuse to permit any activity which in his opinion would have an unacceptable degree of environmental impact,

but no court shall have jurisdiction to enquire as to whether the Governor has in any particular case failed satisfactorily to balance those needs.

(2) Nothing in subsection (1) shall be construed as placing upon the Governor any obligation to grant or refuse a licence under section 11 to the applicant or any other person.

Conditions for prevention or reduction of injury to land

15.—(1) On the grant of a mining licence or at any subsequent time, the Governor may impose on the licensee such conditions as the Governor reasonably considers to be necessary for the purpose of preventing or reducing, or making good, injury to the natural surface of the land in respect of which the licence was granted, or injury to anything on the natural surface of that land or consequential damage to any other land.

(2) Without prejudice to the generality of subsection (1), the Governor may, on the grant of the mining licence or at any subsequent time, impose a condition that mining operations shall not be carried out within such distance of the natural surface of the land in respect of which the licence is granted as is specified in the condition.

(3) This section has effect without prejudice to the provisions of the Planning Ordinance (Title 55.3)

Priority rights

Priority of applications

16.—(1) If a further application, or more than one further application, is made for a licence in respect of all or part of the same land and in respect of a common mineral as that in respect of which an earlier application which has not yet been determined was made, then unless under section 17 one of the applicants has a right to a licence in priority to all others, the Governor may grant such of the applications received as he thinks fit, but shall not be obliged to grant any of them.

(2) If his application was received by the Director on or after the date of publication of the notice of offer of the licence to which the tender relates then the applicant shall not have a right of priority over any tender made pursuant to that notice for a licence in respect of the same or partly the same land and a common mineral.

Right to consideration of application for mining licence in priority to all others

17.—(1) A prospecting licence or an exploration licence may provide that, subject to the provisions of that licence and to compliance by the licensee with the terms of that licence, the holder of that licence shall have the right in priority to all others to consideration of an application for the grant to him of a mining licence in respect of the whole or part of the land comprised in his prospecting or exploration licence ("a priority right"), but if his prospecting or exploration licence does not extend to all minerals, only in respect of the mineral or minerals to which his licence extends.

(2) A priority right must be exercised before the expiration of the prospecting licence or exploration licence (including any extension of that licence) and does not excuse the licensee under that licence from any provision of this Ordinance which he would not be excused from if that right did not exist.

(3) The Governor shall not be bound to grant a mining licence on the application of a person who has exercised a priority right, but if he refuses it shall not within three years grant a mining licence to any other person in respect of the same land and the same mineral or minerals to which the application relates unless he first gives an opportunity to the first-mentioned person, in accordance with subsection (4), to accept a mining licence on the same terms.

(4) Where the Governor is obliged by subsection (3) to give an opportunity to a person to accept a mining licence on the same terms as it would be otherwise offered to another person, he must give notice to the first-mentioned person ("the notifier") at his address last-known to the Governor —

(a) sufficiently specifying the terms on which the Governor proposes to issue the licence;

(b) informing him that, if he wishes to accept a licence on those terms, he must deliver to the Governor a notice in writing to that effect ("the notice of acceptance") within 60 days of the service upon him of that notice;

(c) that the Governor will be free to grant a licence on identical terms to any other person if he fails to so notify the Governor or to execute and return to the Governor so that it is received by the Governor within 30 days of its receipt from the Governor, a licence offered to him in accordance with subsection (5).

(5) If the Governor receives a notice of acceptance under subsection (3), he must send to the notifier within 30 days thereafter a form of licence in triplicate for execution by the notifier incorporating the terms specified in the notice under that subsection, and no other terms to be complied with by the notifier save only such as the notifier may have agreed with the Governor. If the Governor receives within the period mentioned in subsection (4)(c) both copies of the form of licence executed by the notifier, he shall himself execute all three copies under the Public Seal and return one copy to the notifier.

(6) If a person served with a notice under subsection (3) —

(a) informs the Governor in writing that he does not wish to take up the offer of a licence upon the terms specified in that notice;

(b) fails to deliver a notice of acceptance to the Governor in accordance with that notice; or

(c) fails to return in accordance with subsection (5) both copies of the form of licence and make at the same time any deposit of money or lodge with the Governor any bond required pursuant to section 13(2),

the Governor may grant a licence to any other person on terms identical to those offered in accordance with this section to the person having the priority right.

(7) The preceding provisions of this section shall have effect as often as may be necessary until the priority right is extinguished by effluxion of time or by the grant of a mining licence in accordance with this section.

Prospecting licences

Term of prospecting licence and right to be granted exploration licence

18.—(1) Subject to this Ordinance, a prospecting licence shall not be granted for, or remain current for, a period exceeding 4 years from and including the date on which it was granted.

(2) When a prospecting licence is surrendered, forfeited or expires the land the subject of the prospecting licence and any part of that land shall not be applied for as the subject of a proposed prospecting licence or exploration licence —

(a) by or on behalf of the person who was the holder of the prospecting licence immediately prior to the date of the surrender, revocation or expiry;

(b) by or on behalf of any person who had an interest in the prospecting licence while it was current,

until after the expiry of 6 months from the date on which it ceased to be current.

(3) For the purposes of subsection (2)(b), the holding of shares in a company listed on a stock exchange in the United Kingdom or Australia or in any prescribed country does not of itself constitute an interest in a prospecting licence.

(4) Subject to sections 12 to 14, and unless the prospecting licence expressly provides otherwise, if the holder of such a licence satisfies the Governor that the results of his prospecting under the prospecting licence justify the grant of an exploration licence in respect of any land and mineral to which the prospecting licence relates, the holder shall have the right, on applying under section 11 before the expiry of the prospecting licence, to surrender that licence so far as it relates to that land and to be granted in exchange an exploration licence in respect of that land or mineral.

(5) Where an application for a mining licence is made by the holder of a prospecting licence in respect of any land in respect of which that licence is at that time still current and the term of the prospecting licence would but for this subsection expire, that licence shall continue in force in respect of the land the subject of that application until the application for the mining licence is determined.

Exploration licences

Term of exploration licence

19.—(1) Subject to this Ordinance, an exploration licence shall remain in force for a period of 5 years from and including the date on which it was granted, and shall then expire.

(2) Notwithstanding subsection (1), but subject to subsection (3), the Governor with the consent of the Secretary of State may extend on such terms and conditions as he thinks fit an exploration licence as to an area of land, being an unbroken area not exceeding one half of the area comprised in the licence.

(3) The Governor shall not extend an exploration licence —

(a) for a period exceeding four years; or

(b) at all unless the applicant has submitted with his application a proposed programme of work to be carried out which the Governor is satisfied will provide for the satisfactory exploration of the land in respect of which the extension is sought and the Governor is satisfied that that land is so situated that it will not prevent or seriously hinder the exploration by any other of any part of the remainder of the land comprised in the exploration licence as originally granted.

(4) Without prejudice to subsection (3), the Governor is not bound to extend the term of any exploration licence.

(5) Where an application for a mining licence is made by the holder of an exploration licence in respect of any land and the term of the exploration licence would but for this subsection expire, that licence shall continue in force in respect of the land the subject of that application until the application for a mining licence is determined.

Mining licences

Applications for mining licences

20.—(1) An application for a mining licence shall not be made in respect of an area greater than 10 square kilometres in area, but a person may concurrently apply for the grant of more than one mining licence. The application shall —

(a) describe all works which are intended to be carried out under the authority of the licence if granted;

(b) state whether and, if so what, ancillary rights over any land (whether comprised within the area in respect of which an application for a licence is made or not) are required in connection with the licence if granted;

(c) describe all works which are intended to be carried out in connection with those ancillary rights.

(2) An applicant for a mining licence shall give notice in writing of his application to the owners and occupiers of all land to which his application relates and to the owners and occupiers of any other land not comprised in the application and over which any ancillary rights are required, and shall publish notice of his application in the *Gazette* and one or more newspapers published in the Falkland Islands.

(3) The application shall be made by reference to a written description of the area of the land in respect of which the licence is sought and shall be accompanied by a map on which are clearly delineated the boundaries of the area and a copy of such written description and map shall be incorporated in the notice published in accordance with subsection (2).

(4) The applicant shall state in his application whether or not application has been made for planning permission—

(a) in relation to mining operations;

(b) in relation to any ancillary rights,

and whether that application has yet been determined and, if so, with what result.

Objections to grant of mining licences

21.—(1) A person who wishes to object to the grant of a mining licence shall lodge with the Director a notice of objection within 20 working days or such greater period as the Governor may allow from the date of the later of publication, pursuant to section 20(2), of notice of the application in the *Gazette* or date of the publication of the notice in a newspaper circulating in the Falkland Islands and, if more than one such publication, the latest of them.

(2) It is not a valid ground of objection to an application for a mining licence that planning permission has not yet been granted, or has been refused, in respect of any development required to enable, or to facilitate, mining under the licence applied for.

(3) If any objection is validly made to the grant of a mining licence the Governor shall not grant a mining licence to the applicant without first having given the objector and any other person, including the applicant, who wishes to be heard an opportunity of being heard by a person appointed by the Governor to inquire into and report to the Governor in relation to the matter (“the inspector”).

(4) The Governor may make regulations requiring a public inquiry into objections to be carried out into the grant of a mining licence when so directed by the Governor and the manner in which such an inquiry is to be carried out, the appointment of a person or persons as inspector to conduct such an inquiry, the procedure at such an inquiry and the powers and duties of inspectors.

(5) After the inquiry has been concluded the inspector shall send to the Governor his report thereon with his recommendation as to whether the Governor should grant or refuse the application for a mining licence and the reasons for that recommendation.

(6) On receipt of the inspector’s report the Governor may, with the consent of the Secretary of State grant or refuse a mining licence to the applicant, irrespective of whether the inspector has recommended the grant or refusal of it.

Terms of mining licences, options and renewals

22.—(1) Subject to this Ordinance, a mining licence shall be current —

(a) for an initial period of 21 years;

(b) where application for renewal is made during the final year of that 21 year period, as of right for a further period of 14 years as from the expiry of the initial period, provided that during the initial period the licensee has complied with all the terms and conditions of the licence but subject in respect of that further term to the provisions of this Ordinance in force on or after the date of renewal.

(2) Subject to subsection (1), the Governor may, if he thinks fit and with the consent of the Secretary of State renew or further renew a mining licence for successive periods but so that no such period exceeds 14 years. In respect of any such period the provisions of this Ordinance in force on or after the date of the renewal shall apply as they do in respect of a further period to which paragraph (b) of subsection (1) applies.

(3) Where an application for the renewal of a mining licence is made by the holder of the licence and the term of that licence would but for this subsection expire, that licence shall continue in force in respect of the land the subject of that application until the application is determined.

Holder of surrendered, forfeited, revoked or expired mining licence not be granted new licence for a period in respect of same land

23. Where a mining licence is surrendered, forfeited, revoked or expires, a prospecting or exploration licence shall not be granted in respect of the land the subject of the former mining licence or any part of that land —

(a) to or on behalf of the person who was the holder of the mining licence immediately prior to the date of the surrender, forfeiture or expiry; or

(b) to any person who had an interest in the mining licence immediately prior to that date,

within a period of 12 months from and including that date.

Fossicking

Gold fossicking permits

24.—(1) The Governor may by Order declare any area of land owned by the Crown and not leased to or in the occupation of any other person to be a gold fossicking area and may by regulations provide for the issue of gold fossicking permits, permitting persons to fossick for gold in such an area and providing for the conditions of, and the fees chargeable for such permits.

(2) It is unlawful to fossick for gold with any motorised machinery or machinery which is not hand held.

(3) The designation of any area as a gold fossicking area does not prevent the granting of a licence under section 11 in respect of that area.

Fossicking generally

25.—(1) Subject to this section, it is lawful for any person to fossick, other than for gold, in an area of land owned by the Crown which is —

(a) outside the boundaries of Stanley and of any settlement;

(b) further than 100 metres from any dwellinghouse and any building enjoyed in connection with a dwellinghouse and within the same curtilage.

(2) It is unlawful to fossick upon or in —

(a) any land which forms part of Stanley Common;

(b) any land held by the Crown subject to any covenant or obligation that it be used as open space;

(c) any land which is a reserve to which the Conservation of Nature and Wildlife Ordinance applies;

(d) any land which is under crop or is in use at the time in question as a lambing paddock;

(e) any land within Stanley or within the apparent boundaries of any settlement;

(f) any land used as or within 30 metres of a building, cemetery, burial ground, waterworks, dam, yard, stockyard, garden, orchard, plant nursery, tree plantation, shelterbelt, airstrip or aerodrome;

(g) any land leased to or in the occupation of any other person;

(h) any land held by the Crown subject to any covenant or obligation that it be used as open space;

(i) any Crown land which is prescribed by regulations as being land in which fossicking is not permitted.

Rights conferred by licences

Rights conferred by prospecting licence

26.—(1) A prospecting licence authorises the holder, subject to this Ordinance, and in accordance with any conditions to which the licence is subject, to prospect for the mineral or minerals to which the licence relates in the land comprised in the licence.

(2) The holder of a prospecting licence shall not without the prior written consent of the Director excavate, extract or remove any earth, soil, rock, stone, fluid or mineral bearing substance in an amount which, in total during the period for which the licence remains in force, exceeds such quantity as is prescribed by regulations or, if not so prescribed, is stated in the licence.

(3) Nothing in any prospecting licence shall have effect so as to authorise the holder of a prospecting licence any right to take any water whatsoever from any spring, lake, pond, pool, river or stream or any right to take water from any underground aquifer or source of water.

(4) The grant of a prospecting licence does not confer upon the holder of a prospecting licence or any person claiming under him any right to enter upon any land other than in accordance with the subsequent provisions of this Ordinance.

(5) A person who contravenes subsection (2) commits an offence.

Rights conferred by exploration licence

27.—(1) An exploration licence authorises the holder, subject to this Ordinance, and in accordance with any conditions to which the licence is subject —

(a) to prospect for the mineral or minerals to which the licence relates in the land comprised in the licence;

(b) to explore for the mineral or minerals to which the licence relates in the land comprised in the licence.

(2) Subsections (2) to (5) of section 26 apply in relation to an exploration licence as they do in relation to a prospecting licence but with the replacement of the words “prospecting licence”, wherever they appear in those subsections, with the words “exploration licence”.

Rights conferred by mining licences

28.—(1) Subject to this Ordinance, a mining licence authorises the holder and his agents and employees on his behalf —

(a) to work and mine the land in respect of which the licence was granted for the mineral or minerals to which the licence relates; and

(b) to take and remove from the land any mineral or minerals to which the licence relates and to dispose of them.

(2) All minerals lawfully mined by the holder or on his behalf under the authority of the mining licence belong to the holder.

(3) Subsections (2) to (5) of section 26 apply in relation to a mining licence as they do in respect of a prospecting licence but with the replacement of the words “prospecting licence” wherever they appear in those subsections with the words “mining licence”.

Compensation to be agreed upon or determined before mining operation commences

29.—(1) The holder of a mining licence shall not commence any mining operation on any land unless he has paid or tendered to the owner and the occupier of that land the amount of the compensation, if any, that he is required to pay under and in accordance with this Ordinance or he has made an agreement with the owner and the occupier as the amount, times and mode of the compensation, if any.

(2) “Owner” and “occupier” in subsection (1) include the Crown where the Crown is the owner or, as the case may be, the occupier of the land in question.

(3) Where any person to whom compensation is payable under this section —

(a) cannot be found;

(b) is, without a grant of personal representation having been made to his estate, dead; or

(c) is for any reason incapacitated at law from dealing with his property without a person having been lawfully appointed by him as his attorney or by a court of competent jurisdiction to act on his behalf,

any payment of compensation required by this section may be made to the Director in trust for that person or his attorney, personal representative or person appointed by a court of competent jurisdiction to act on his behalf, as the case requires.

Revocation and surrender of licences

Revocation of licence

30.—(1) If the Governor, on receipt of a report from the Director or otherwise, has reason to believe that a licensee has contravened or is contravening any provision —

(a) of this Part of this Ordinance or of any regulations made under this Part; or

(b) of any condition of his licence (including any model clause deemed to be a condition of his licence),

the Governor may cause to be served on him a notice —

(a) specifying the alleged contravention;

(b) requiring him, within 20 working days after the service of the notice or such longer time as the Governor may specify in the notice, to remedy the contravention, if capable of remedy (or, if not remediable to take such steps as are available to mitigate the consequences of the contravention) or show that the contravention complained of has not in fact occurred; and

(c) stating that failure to comply with the requirements of the notice may result in the revocation of the licence.

(2) If the Governor is satisfied that the holder of a licence has failed to comply with the requirements of a notice served under subsection (1), the Governor may, by notice served on the holder, revoke the licence on such date, not being less than 20 working days after the date of service of the notice as is specified in it, and, subject to subsection (4), the licence on the expiry of that period shall be revoked.

(3) A licensee who has been served with notice under subsection (2) may, not later than 20 working days after the date of service appeal against the Governor's decision to the Supreme Court.

(4) Where the licensee has appealed against the revocation of the licence, the licence remains in force until the determination of the appeal unless it sooner expires.

(5) The revocation of a licence does not release the holder from any liability in respect of —

(a) any antecedent contravention of the licence or any of its conditions; or

(b) any antecedent act or omission giving rise to a cause of action.

Surrender of licence

31.—(1) Subject to subsection (2), a licensee may surrender a licence or any part of it by giving six months' notice in writing to the Director of his intention to do so.

(2) Where a licence is surrendered, the licensee is not excused from —

(a) any antecedent contravention of the licence or any of its conditions; or

(b) any antecedent act or omission giving rise to a cause of action.

Transfers and assignments of licences

32.—(1) The holder of a licence 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, any right granted by the 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.

(2) Without prejudice to the generality of subsection (1), an agreement or arrangement of any kind between the holder of the licence and any other person permitting the carrying out in the licensed area or in any part thereof any operation which the holder of the licence is permitted to carry out only by virtue of the licence is to be treated as an assignment of the licence.

(3) The holder of a licence shall not enter into any agreement providing for a person other than the holder to become entitled to, or to the proceeds of sale of, any mineral which, at the time the agreement is made, has not been but may be won and saved under the licence unless the terms of the agreement have been approved in writing by the Governor either conditionally or subject to conditions, but the preceding provisions of this subsection do not apply to an agreement for the

sale of any mineral or minerals under which the price is payable after the mineral or minerals has or have been won and saved.

(4) The holder of a licence shall not, without the consent of the Governor, dispose of any mineral won and saved under the licence in such a manner that the disposal, to the knowledge of the holder of the licence or without such knowledge, fulfils or enables another person to fulfil obligations which a person who controls the holder is required to fulfil by an agreement of which the terms require approval by virtue of subsection (3): and subsections (2) to (4) and (6) of section 416 of the Income and Corporation Taxes Act 1988 of the United Kingdom shall apply for the purpose of determining whether one person has control of another 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”; and

(b) in the said subsection (6), for the word “may” there shall be substituted the word “shall”, and the words “from such attribution” 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 618(4) of that Act) of which he is a beneficiary.

(5) Where the holder of a licence is two or more persons, then without prejudice to the preceding provisions of this section, 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 the licence;

(b) any mineral or minerals won and saved under the licence;

(c) any proceeds of sale of such mineral or minerals,

unless the terms of the agreement have been approved in writing by the Governor.

(6) In so far as and to the extent that the provisions of any clause of the licence (including the model clauses incorporated therein) imposes any greater burden upon the licensee than is imposed by the foregoing subsections of this section (including characterising the sale or transfer of control of any shares in a licensee, being a company, as an assignment or partial assignment of the licence which is prohibited without the consent of the Governor) those provisions shall apply in addition to those subsections.

Unit development

33.—(1) If the Governor is satisfied that —

(a) the land to which any 2 or more licences relate or any part of such land forms part of a single deposit of a mineral (a “mineral deposit”); and

(b) in order to prevent waste or to secure the most economical and efficient extraction and to secure the maximum ultimate recovery of the mineral, the mineral deposit should be worked as a unit in co-operation by all relevant licensees whose licences comprise any part thereof,

the Governor may, of his own motion or at the request of any one or more of the licensees, by notice in writing require all the licensees to co-operate in the preparation of a scheme (a "development scheme") for the working and development of the mineral deposit as a unit by the licensees in co-operation and to submit the scheme jointly for the approval of the Governor.

(2) A notice under subsection (1) must specify the land in respect of which, and the period within which, the Governor requires a development scheme to be submitted.

(3) If the Governor withholds his approval of a development scheme under subsection (1), the Governor shall notify the licensees that he has withheld approval and of his reasons for doing so and shall invite the licensees to submit a modified development scheme for his approval within such time as the Governor specifies in the notice given under this subsection.

PART III WORKING FACILITIES AND SUPPORT

General principle

Licence does not give right of access to land

34. Subject to section 35, the granting of a licence under section 11 does not confer upon the holder a right of access to any land.

Access to land for minimum impact activity

Entry on land for minimum impact activity

35.—(1) Subject to subsection (3) and to section 36 —

- (a) the Director and any public officer authorised by the Director;
- (b) any consultant engaged by the Crown;
- (c) any employee or contractor of such a consultant authorised specifically or generally for that purpose,

may during the daytime enter any land in which the Crown owns the minerals, with such assistance as he thinks fit, and carry out minimum impact activity.

(2) Subject to subsection (3) and to section 41, a licensee and any employee, consultant or contractor of a licensee authorised by the licensee for the purpose may enter any land to which the licence relates and carry out minimum impact activity.

(3) Notwithstanding sections (1) and (2), no person may enter any land under either of those subsections without the consent of every owner and every occupier of that land unless not less than 10 working days' notice has been given to every owner and every occupier of the land of —

(a) the date of intended entry;

(b) the type and duration of any works to be carried out, and

(c) a telephone number in the Falkland Islands of the person who intends to enter the land.

(4) Every person who enters land under this section shall, if required by any owner or occupier to do so, produce a copy of the authorisation or licence which gives rise to entry under this section.

(5) A person who enters land under this section shall not carry out any activity on or in the land other than a minimum impact activity.

(6) A person who contravenes any provision of this section commits an offence.

Entry on certain classes of land prohibited

36.—(1) Unless otherwise agreed between each owner and occupier of the land and the person requiring access, no person may under section 35 enter —

(a) any land which forms part of Stanley Common;

(b) any land held by the Crown subject to any covenant or obligation that it be used as open space;

(c) any land which is under crop or is in use at the time in question as a lambing paddock;

(d) any land within Stanley or within the apparent boundaries of any settlement;

(e) any land used as or within 30 metres of a building, cemetery, burial ground, waterworks, dam, yard, stockyard, garden, orchard, plant nursery, tree plantation, shelterbelt, airstrip or aerodrome,

for the purpose of carrying out any minimum impact activity.

(2) A person who contravenes subsection (1) commits an offence.

Access to land for other than minimum impact activity

Access to land other than for minimum impact activity

37.—(1) This section does not apply in respect of minimum impact activities.

(2) The holder of a licence shall not prospect, explore or mine in land to which his licence relates otherwise than in accordance with an access agreement which has been agreed in writing between the holder of the licence and each owner and occupier of the land or a compulsory rights order.

Effect of access agreement etc.

38.—(1) Where an owner or occupier has entered into an access agreement, the agreement shall be binding on that owner or occupier, and subject to access agreement having been registered in the Land Charges Register, on that owner or occupier's successors in title.

(2) On entering into an access arrangement which is of more than 6 months duration from the date of its commencement, the holder of the licence, applicant for a licence or prospective applicant for a licence who entered into the agreement shall forthwith lodge with the Registrar General 3 copies of particulars of the agreement together with an application for its registration pursuant to the Land Charges Ordinance and a remittance for the fee payable on such registration.

(3) The placing by the Registrar General or by any other person acting by his authority of an entry in the Land Charges Register or any other register or record maintained by him of particulars of an access agreement shall operate as notice of that agreement and shall not operate to create any estate or interest in any land to which the access agreement relates (and accordingly the Land (Non-residents) Ordinance shall not apply in respect of it).

Meaning of entry on land

39. For the purposes of section 37 only, prospecting, exploration or mining carried out below the surface of any land do not constitute prospecting, exploration or mining in or on land if the activity in question —

(a) will not or is not likely to cause any damage to the surface of the land or any loss to the owner or occupier of the land;

(b) will not or is not likely to have any prejudicial effect in respect of the use and enjoyment of the surface of the land; or

(c) will not or is not likely to have any prejudicial effect in respect of any possible future use of the surface of the land.

Dispute as to classification of land or activities

40.—(1) If any dispute arises as to whether or not —

(a) any land is included in any class referred to in section 36;

(b) any activity is a minimum impact activity; or

(c) prospecting, exploration or mining carried out below the surface of any land constitutes prospecting, exploration or mining on or in land for the purposes of section 37,

a party to the dispute may apply to the Magistrate's Court for that court to determine the matter.

(2) At least 10 working days' notice in writing of any such application shall be given by the applicant to every other party to the dispute.

(3) On receipt of any such application, the Courts Administrator shall give notice of the time and place fixed for the hearing of the application to the applicant and every other party to the dispute.

(4) The applicant and every other party to the dispute shall be entitled to be present at and heard in person or through his legal practitioner at the hearing of the application.

Notice of request for ancillary rights agreement

41.—(1) Any person who wishes to obtain ancillary rights in his favour ("the applicant") in order to prospect, explore or mine on or in land, or to erect or put in place or construct any necessary buildings, pipes or cables, roads or other access ways or discharge waste water or other waste on land shall endeavour to negotiate an agreement for such an arrangement with every owner and occupier of the relevant land.

(2) The applicant shall notify every such owner and occupier in writing as to the following matters —

(a) the land affected;

(b) the purpose or purposes for which the ancillary rights are required;

(c) the proposed programme of work including the type and the duration of work to be carried out and the likely adverse effect on the land or the owner or occupier of the land;

(d) the compensation and safeguards against any likely adverse affects proposed;

(e) the type of licence held or applied for by the applicant;

(f) details of any planning permission applied for or obtained by the applicant or any other person in relation to any of the work referred to in (c), including any planning permission obtained in relation to the construction of any road or other access way or in relation to the construction of any buildings, pipes, cables or other works ; and

(g) any matter in relation to a request for an ancillary rights agreement of which the applicant is required to give notice by regulations.

Grant of ancillary rights by agreement

42.—(1) An ancillary rights agreement in relation to land reached by negotiation between the parties shall encompass such of the matters mentioned in subsection (2) as —

(a) are relevant in the circumstances of the case;

(b) are agreed between the parties; or

(c) one of the parties requests shall be included in it.

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

(a) the period or periods during which the licensee is to be permitted access, to erect lay and construct and maintain buildings, pipes cables or other works;

(b) the route or routes over which and the means by which the licensee is to be permitted access to lay and construct pipes or cables;

(c) the siting of any roads or access ways, buildings, pipes, cables, drainage or other works;

(d) the part or parts of the land on or in which the licensee may explore, prospect or mine;

(e) the kinds of prospecting, exploration or mining operation that may be carried out on or in land;

(f) any obligations of the licensee in relation to the protection of the environment while having access or erecting or maintaining any building laying or maintaining any pipe or laying erecting or maintaining any cable or other works under the ancillary rights agreement and prospecting, exploring or mining in or on the land;

(g) any compensation payable by the licensee as a consequence of prospecting, exploring or mining on the land;

(h) the manner of resolving any dispute arising in connection with the agreement;

(i) the manner of varying the agreement.

(3) An ancillary rights agreement may deal with such other matters, not mentioned in subsection (2), as the parties may agree.

(4) In this section “licensee” means the applicant, and where the relevant licence has been granted, includes the person who for the time being holds that licence, if that person is not the applicant.

Ancillary rights arrangements in relation to Crown land

43.—(1) The Governor may, by agreement, enter into an ancillary rights agreement in respect of Crown land, including Crown land forming part of a national park.

(2) In considering whether to enter into an ancillary rights agreement in relation to Crown land, the Governor shall have regard to —

- (a) the purpose for which the land is held and the purpose for which the land is presently used (if there is no identifiable purpose for which the land is held);
- (b) any policy statement or management plan of the Crown in relation to the land;
- (c) the safeguards against potential adverse environmental effects of carrying out the proposed programme of work,

and the Governor may have regard to any other matter he considers relevant.

(3) Before deciding to enter into an ancillary rights agreement in relation to any Crown land the Governor must consult to the extent it is reasonably practicable to do so those persons he believes to be representative of interests likely to be substantially affected by the ancillary rights agreement and must consult the Planning and Building Committee, whether or not the implementation of the ancillary rights agreement, if made, would involve the doing of anything by the grantee which would constitute development requiring planning permission.

Application for a declaration that a compulsory rights order would be in public interest

44.—(1) If the owner or occupier of any land in respect of which a licence has been granted under section 11 fails or refuses within 60 days of the service of a notice upon him under section 41(2) to enter into an ancillary rights agreement with the applicant, the applicant may apply in writing to the Director for a declaration by the Governor that the making of a compulsory rights order would be in the public interest.

(2) The application for a declaration shall set out the circumstances alleged to justify the making of a compulsory rights order, and shall be in such form and accompanied by such information as the Director may require.

(3) On receiving an application under subsection (1) the Director shall forward it to the Governor together with a statement of the Director's view as to whether the making of a compulsory rights order would be in the public interest and shall serve a copy of the application and such statement on every owner or occupier of land served with the notice under section 41(2) and notice of the effect of subsection (4).

(4) Before deciding whether or not to make a declaration that the making of a compulsory rights order would be in the public interest the Governor shall consider any written representations he may receive from any owner or occupier of the land affected within 30 days of the service by the Director of notice under subsection (3).

(5) If the Governor is minded, after considering any such written representations, to make a declaration that the making of a compulsory rights order would be in the public interest he shall so advise the Legislative Council and if the Legislative Council, on considering the Governor's advice so agrees and informs the Governor accordingly, the Governor may serve notice to that effect, stating the reasons for making a declaration on every owner or occupier affected and every such owner or occupier may, within 21 days of the service of that notice, apply by petition to the Supreme Court for an order that no such declaration be made.

(6) The Supreme Court, on hearing any such petition, may —

(a) dismiss the petition;

(b) order that the Governor shall not make a declaration that the making of a compulsory rights order would be in the public interest;

(c) make any other order, including an order as to costs, it considers necessary or expedient in the circumstances of the case,

but the Supreme Court shall dismiss the petition unless it is satisfied that the making of a compulsory rights order would not be in the public interest.

(7) The Governor, the applicant and the owner and occupier of the land affected shall be entitled to be heard personally or by legal practitioner on the hearing of the petition.

(8) In this and the following section, “the applicant” has the same meaning as it has in section 41.

Declaration that a compulsory rights order would be in public interest: publication, etc

45.—(1) The Governor may make a declaration that a compulsory rights order would be in the public interest if, after he has complied with section 44(4) and (5) in relation to an application for such a declaration, he is of the view that such a declaration would be in the public interest and either —

(a) no person has, within the time limited by section 44(5), petitioned the Supreme Court for an order that no such declaration shall be made; or

(b) the Supreme Court has dismissed any such petition or petitions affecting the land the subject of the application.

(2) Any such declaration shall be by Notice published in the *Gazette* and a copy of the Notice shall be sent to the Magistrate’s Court, the applicant and the owner and any occupier of the land affected.

(3) A Notice under subsection (2) shall have effect to refer to the Magistrate’s Court for determination the question as to whether a compulsory rights order should be made in favour of the applicant against the owner and any occupier of any land affected.

Fixing time and place for conducting hearing

46.—(1) The Magistrate’s Court shall as soon as possible after appointment pursuant to the preceding section —

(a) fix a time and place for conducting a hearing into the question of ancillary rights in or over the land concerned;

(b) cause notice of the time and place fixed for conducting the hearing to be given to the person desiring access and to each of the owners and occupiers of the land.

(2) The court may, by further notice served on the person desiring access and on each of the owners and occupiers of the land concerned (whether on the application of the person seeking the compulsory rights order or of any owner or occupier of that land or otherwise) vary the time and place fixed for conducting the hearing.

(3) The court shall, at the time and place fixed under this section, conduct a hearing into the question of whether a compulsory rights order should be made.

Further provisions as to determination

47.—(1) The court shall not make a compulsory rights order until it has brought, or used its best endeavours to bring, the parties to a settlement acceptable to them but if the parties come to such a settlement, the court shall make an order which gives effect to that settlement.

(2) At any hearing by the court into the question of the making of a compulsory rights order, a person desiring ancillary rights to the land concerned, and each of the owners and occupiers of that land are entitled to appear and be heard either personally or by a person representing him.

(3) Except as otherwise provided by this Ordinance, the procedure at a hearing shall be as determined by the court.

(4) The court shall act according to equity, good conscience and the substantial merits of the case without regard for legal technicalities or forms.

(5) The court may conduct a hearing even though one or more of the parties to the hearing fails to attend the hearing and may from time to time adjourn a hearing to a date time and place fixed by him.

(6) The costs of all parties to the proceedings shall be borne by the person desiring the grant of the compulsory rights order and, if not agreed, shall be fixed by the court on the application of the person desiring that order.

(7) The parties may, at any time before the conclusion of the hearing, terminate the hearing by notice in writing, signed by all of the parties, delivered to the court, but the delivery of such a notice shall not affect the liability under subsection (6) of the person desiring the compulsory rights order to bear the costs of all parties thereto to the proceedings.

Making of compulsory rights order, etc.

48.—(1) As soon as practicable after concluding the hearing, subject to section 49, the court shall make a compulsory rights order in respect of the land concerned giving such ancillary rights as it considers necessary on such terms and subject to such conditions, and for such period, as the court thinks fit and on such a determination being made the court shall reduce it to writing and serve a copy of it on each of the parties.

(2) In determining the duration of any right to be granted the court shall have regard to the time reasonably necessary to enable the minerals to be fully worked, and shall have regard to the duration of the applicant's licence, if already granted.

(3) Such a determination must specify the compensation as assessed by the court, to which each owner or occupier of the land is entitled under this Part.

(4) Where the person desiring access has not obtained the required licence under this Ordinance at the time of the making of the compulsory rights order, the court shall specify the compensation, as assessed by the court, to which each owner and occupier would be entitled under this Part if the person desiring access had obtained the required licence; and in any such case the obligation to pay compensation shall be conditional upon the person desiring access obtaining the required licence.

Limitation on grant of rights

49.—(1) The court shall not make a compulsory rights order under section 48 unless it is satisfied

(a) that the arrangement is expedient in the public interest;

(b) that it is not reasonably practicable to obtain the right by private arrangement for any of the following reasons —

(i) that the persons with power to grant the right are numerous or have conflicting interests;

(ii) that the persons from whom the right must be obtained, or any of them, have not the necessary powers of disposition, whether by reason of defect of title, legal disability or otherwise; or

(iii) that the person with power to grant the right unreasonably refuses to grant it or demands terms which, having regard to the circumstances, are unreasonable.

(2) An appeal lies to the Supreme Court at the instance of the Governor or the applicant from and against any refusal by the Magistrate's Court to make an order under section 48 on the ground that it is not satisfied that to do so is expedient in the public interest.

Effect of compulsory rights order

50. Subject to section 52(4), rights granted by an order under section 48 —

(a) take effect when a copy of the order has been served on each of the parties and the person desiring access has complied with any condition imposed under section 52(4) if that section is applicable;

(b) subject to the order having been registered in the Land Charges Register, have effect as if its terms were embodied in a deed that had been duly executed by each of the parties; and

(c) run with the land affected and bind all subsequent owners and occupiers.

Variation of compulsory rights order

51.—(1) Rights conferred by an order under section 48 may be varied by the court with the consent of all the parties to the proceedings, or their successors.

(2) Subsection (1) has effect without prejudice to any other power the court has to vary the order.

Compensation: general

52.—(1) Where an order is made under section 48 or any restriction is imposed under section 61, the court shall determine the amount or nature of compensation or consideration to be paid or given at the time when it decides whether to make the order or whether the restrictions should be imposed.

(2) The compensation or consideration in respect of any right, including a right to enforce restrictions and any compensation payable by reason of injurious affectation occasioned by the exercise of any right, shall be assessed by the court on the basis of what would be fair and reasonable between a willing grantor and a willing grantee, having regard to the conditions subject to which the compulsory rights order is made or restriction is imposed, and the subsequent provisions of this section and the provisions of sections 53 to 59, where applicable, have effect subject to that over-riding principle.

(3) In assessing compensation or consideration under that subsection in relation to the determination of an ancillary rights arrangement, the court shall have regard —

(a) not only to the value of the land taken or occupied by the ancillary rights but also to the damage, if any, to be sustained by the owner or occupier of the land by reason of the severing of the land from the other land of the owner or occupier or otherwise injuriously affecting such other land by the grant of the compulsory rights order ; and also

(b) to any monetary or non-monetary compensation offered to the owner or occupier of the land by the person desiring ancillary rights.

(4) Without prejudice to sections 53 to 59, the court may impose as a condition on the determination of any ancillary rights arrangement or the imposition of any restriction that any compensation or consideration payable in respect thereof shall be paid, or that security to the satisfaction of the court shall be given, before any right under the arrangement is commenced to be exercised or the restriction is enforced.

Compensation in respect of agricultural land

General provision as to annual compensation

53.—(1) For the purposes of this Part, where land immediately before an order under section 48 comes into effect —

(a) was occupied as a unit, and

(b) was so occupied wholly or mainly for the purposes of agriculture carried on by way of a trade or business,

the entirety of that land (excluding Crown minerals) shall be taken for those purposes to constitute a holding to which this section applies.

(2) Where an order under section 48 affects the whole or part of such a holding, unless the court orders to the contrary, compensation shall be payable in respect of that holding—

(a) for each year beginning with the operative date, and

(b) for each subsequent year which begins with the anniversary of that date and falls wholly or partly within the period of occupation.

(3) Subject to subsection (4), the person entitled to any compensation payable for any year by virtue of this section in respect of a holding shall be the person who—

(a) in respect of so much (if any) of the holding as is not affected by the order is for the time being entitled to occupy the holding, and

(b) in respect of so much of the holding as is affected by the order, would be entitled for the time being to occupy it if the order had not been made.

Calculation of compensation under section 53

54.—(1) The compensation payable for any year in respect of a holding to which section 53 applies shall, subject to any determination to the contrary of the Supreme Court on appeal under section 62, be a sum equal to the annual borrowing cost for that year of the value of the rights conferred by the compulsory rights order in relation to the holding.

(2) For the purposes of this section, the value is such amount as would be fair and reasonable between a willing grantor and a willing grantee having regard to the conditions subject to the conditions contained in or referred to in the order.

(3) For the purposes of subsection (1), the annual borrowing cost for any year of any amount (“the value”) is the aggregate sum which would fall to be paid in that year by way of payments of interest and repayments of capital if the value had been borrowed on the date on which the ancillary rights arrangement was made on terms which—

(a) required interest to be paid and capital to be repaid by way of the relevant number of equal annual instalments; and

(b) provided for interest on outstanding capital to become due immediately before the time for payment of each instalment, at an annual rate equal at that date to three per cent per annum above the minimum lending rate of Standard Chartered Bank Stanley branch at the date on which the compulsory rights order was made;

and in this subsection “the relevant number” means the number of years for which, when it was determined, the ancillary rights arrangement was to have effect.

Terminal compensation

55.—(1) Where an order under section 48 relates to the whole or part of a holding to which this section applies, the provisions of this section and of sections 56 and 57 have effect as to the compensation payable in respect of that holding by the person who immediately before the period of occupation is the person entitled to the rights conferred by the order.

(2) Section 53(1) has effect in relation to this section as it has in relation to that section, and references to a holding to which this section applies shall be construed accordingly.

(3) Compensation payable in respect of a holding under the provisions referred to in subsection (1) of this section shall consist of either or both of the following —

(a) compensation by way of payment of cost of works, and

(b) compensation by reference to the diminution in value of the holding.

Compensation by way of payment of cost of works

56.—(1) Subject to the following provisions of this section, compensation by way of the cost of works shall, in the case of an order under section 48, be payable in respect of a holding to which section 55 applies if —

(a) at the end of the period of occupation, any land forming part of the holding and comprised in the arrangement has not been restored to the condition in which it was immediately before the date of entry, and

(b) after the end of the period of occupation, expenses are reasonably incurred by any person in respect of work carried out (over and above the ordinary use and maintenance of land) for the purpose of further restoring that land to or towards that condition or a condition substantially similar thereto.

(2) Where in accordance with subsection (1) compensation by way of payment of cost of works is payable —

(a) the person entitled thereto shall be the person by whom the expenses in question are incurred; and

(b) the compensation shall be payable from time to time as the expenses are incurred and shall be of an amount equal to the amount of the expenses.

(3) The provisions of Schedule 1 to this Ordinance have effect with respect to compensation by way of payment of cost of works under this section.

Compensation by reference to the diminution in value of a holding

57.—(1) Compensation by reference to a diminution in value of a holding to which section 55 applies shall be payable to the owner if the value of a freehold interest in the holding, computed in accordance with paragraph (a) of subsection (2), or in accordance with paragraph (b) of that subsection, as the case may be, but (in either case) with the benefit of any prospective right to compensation by way of payment of cost of works in respect of the holding, is less than the value of such an interest computed in accordance with paragraph (c) of that subsection.

(2) For the purposes of subsection (1) there shall be computed the following values —

(a) where the entirety of the holding is affected by the order under section 48, the value at the end of the period of occupation of a freehold interest in the holding;

(b) where part of the holding is not affected by the order, the value which a freehold interest in the holding would have at the end of the period of occupation if that part of the holding were in the state in which it was immediately before the date of entry, the remainder of the holding being taken to be in the state in which it was at the end of the period of occupation;

(c) in either case, the value which a freehold interest in the holding would have at the end of the period of occupation if that part of the holding were in the state in which it was immediately before the date of entry.

(3) Where in accordance with subsection (1) compensation by reference to the diminution in value of a holding is payable, the amount of the compensation shall be the difference between the values mentioned in that subsection, and the person entitled to that compensation shall be the person who at the end of the period of occupation is the owner of the holding.

(4) In computing value as mentioned in any of paragraphs (a), (b) and (c) of subsection (2), it shall be assumed that a freehold interest in the holding is, in the circumstances mentioned in the paragraph in question, being offered for sale on the open market by a willing seller immediately after the end of the period of occupation, with vacant possession of the holding and free from incumbrances, other than any easement or similar right, any right restrictive of the use of the land and any licence under this Ordinance conferring working rights, affecting the holding or any part thereof at that time.

Additional compensation on re-occupation

58.—(1) Subject to the following provisions of this section, with a view to furthering the resumption of agriculture on land formerly affected by an order under section 49, a person shall be entitled to compensation by virtue of this section in respect of a holding to which section 55 applies if he is in occupation of the holding at the end of the period of occupation or if he enters into occupation of the holding at or after the end of that period, provided that he is occupying the holding or (as the case may be) he enters into occupation of the holding wholly or mainly for the purposes of agriculture carried on by way of trade or business.

(2) No compensation shall be payable by a person by virtue of this section unless he is either the person who, immediately before the order under section 49, was entitled to occupy the holding

(in this subsection called “the original occupier”) or a person who, before the end of the period of occupation, became entitled to the relevant interest in the holding in accordance with the disposition of the original occupier’s estate effected by his will, or the law relating to intestacy, or the combination of his will and that law.

(3) In subsection (2) —

(a) “the relevant interest”, in relation to any person, means the interest by virtue of which he became entitled to occupy the holding (or would have become entitled to occupy the holding (or would have become so entitled if the compulsory rights order had not been made); and

(b) “will” includes codicil.

(4) The compensation payable in respect of a holding by virtue of this section shall be payable by the person who immediately before the end of the period of occupation is the person entitled to the rights conferred by the ancillary rights arrangement and, subject to the following provisions of this section, shall be an amount equal to the compensation payable in respect of that holding under section 53 for the last twelve months of the period of occupation.

(5) Subject to the following provisions of this section, in any case where the compensation payable in respect of a holding under section 53 was in fact payable by reference to a period of less than twelve months, the compensation payable in respect of that holding by virtue of this section shall be an amount equal to the compensation which was so payable under section 53, multiplied by the fraction of which the denominator is 365 and the numerator is the number of days in the period by reference to which the compensation was so payable under that section.

(6) Where the person entitled, immediately after the end of the period of occupation, to occupy the holding concerned ceases, before he enters into occupation, to be entitled to occupy some part of it then, subject to subsection (7) —

(a) his entry into occupation of the part which he remains entitled to occupy shall be treated for the purposes of subsection (1) as entry into occupation of the holding; but

(b) the compensation payable to him by virtue of this section shall be such proportion of the compensation which would have been so payable had he remained entitled to enter into occupation of the whole of the holding as properly attributable to the part of the holding which he remains entitled to occupy.

(7) If, immediately before the end of the period of occupation, only part of the holding concerned (in this subsection referred to as “the compensatable portion”) was comprised in the ancillary rights arrangement and (after the end of the period of occupation) subsection (6) applies, then —

(a) if the holding which the person concerned ceased to be entitled to occupy comprises the whole of the compensatable portion, no compensation shall be payable to him by virtue of this section,

(b) if the person concerned remains entitled to occupy the whole of the compensatable portion, the compensation so payable to him shall not be reduced under paragraph (b) of subsection (6) above; and

(c) in any other case, for the purpose of determining the proportion of the compensation properly attributable to any part of the holding under paragraph (b) of subsection (6), the holding shall be treated as consisting of the compensatable portion only.

Compensation in respect of other matters

Compensation in respect of easements and other rights

59.—(1) The provisions of this section shall have effect where, by reason of an order under section 48 or anything done in the exercise of rights conferred thereby, the exercise of an easement or similar right over any land comprised in the arrangement, or any right restrictive of the use of any such land, is prevented or injuriously affected.

(2) For the year beginning with the date on which the rights under the order took effect, and for each subsequent year which begins with the anniversary of that date and falls wholly or partly within the period of occupation, the person for the time being entitled to the easement or right in question shall be entitled to compensation of an amount equal to the loss (if any) suffered by him by reason that the exercise of the easement or right is prevented or injuriously affected as mentioned in the preceding subsection.

(3) The liability to pay compensation under subsection (2) falls upon the person who, for the whole or any part of the year in question, has been entitled to the rights conferred by the order.

(4) Where, after the end of the period of occupation, the exercise of the easement or right continues to be prevented or injuriously affected by reason of anything done during that period in the exercise of the rights conferred by the by the compulsory rights order —

(a) if that easement or right is appurtenant to, or the benefit of it is in any other way annexed to, any land, the person who, at the end of the period of occupation, is the owner of that land shall be entitled to compensation from the person who immediately before the end of the period of occupation is the person entitled to the rights conferred by the order if an amount equal to the diminution (if any) in the value of that land, in so far as any such diminution is attributable to the fact that the exercise of the easement or right is so prevented or injuriously affected;

(b) in any other case, the person who at the end of the period of occupation is entitled to the right in question shall be entitled to compensation from the person who immediately before the end of the period of occupation is the person who immediately before the end of the period of occupation is the person entitled to the rights conferred by the order of an amount equal to the market value which the right would then have if its exercise were not so prevented or affected, reduced by the amount of any market value which the right actually has at the end of that period.

(5) For the purposes of paragraph (a) of subsection (4) the value of the land in question shall be taken to have been diminished if (and to the extent to which) the value of the freehold interest in that land at the end of the period of occupation is less than the value which such interest would then have if the land affected by the order, over which the easement or right is exercisable, were in the state in which it was immediately before the date of entry; and for the purpose of computing those values the provisions of section 57(4) shall apply as they apply for the purposes of section 57(2), but with the substitution, for the references to the holding, of references to the land to which the benefit of the easement or right is annexed.

Unknown owner of land

60.—(1) Where an owner or occupier of land with whom a person desiring access wishes to enter into an access arrangement under this Part is unknown or of unknown whereabouts and cannot after reasonable enquiry be discovered or found, the person desiring access may by originating application in the Supreme Court to which the Attorney General shall be the respondent apply for the appointment by the court of a fit and proper person authorised to act on behalf of the owner or occupier as if he had been duly appointed by power of attorney to do so, and the court may, if it thinks fit, by order appoint such a person.

(2) The court, whether or not it appoints such a person, shall order the applicant to bear the Attorney General's costs of the application which, if not agreed, shall be assessed by the court.

(3) If the court appoints a person in exercise of its powers under subsection (1), that person shall for the purposes of this Part have and may exercise all the powers of the owner or occupier in respect of whom he was appointed and may, in particular, enter into an access arrangement on his behalf.

(4) Any compensation payable under an access arrangement to an owner or occupier in respect of whom an order under subsection (1) applies shall be paid into court and held by the court upon trust for the owner or occupier concerned.

(5) Where any doubt or dispute arises in relation to the right of any person to receive any compensation paid into court in accordance with subsection (4), the Supreme Court may, upon the application of any interested person, make such order in relation thereto as it thinks fit.

Restrictions on working minerals required for support

61.—(1) If any person having an interest in land is not entitled to support or sufficient support, whether vertical or lateral, for any buildings or works, whether on or below the surface, and alleges that it is not reasonably practicable to obtain a right to such support by private arrangement for any of the reasons mentioned in section 49(3), he may apply to the Magistrate's Court for such restrictions to be imposed on the working of the minerals under that land and the land adjacent thereto as he may consider necessary to secure sufficient support to the building or works.

(2) An application under this section shall set out the circumstances alleged to justify the imposition of the restrictions, and shall be in such form, and accompanied by such information, as may be required by rules of court.

(3) Where any application is made to the Magistrate's Court under subsection (1), the court if satisfied that the requirements of this section are complied with in the case of the applicant and that it is expedient in the public interest that restrictions should be imposed, may, by order, impose such restrictions, on such terms and subject to such conditions and for such period as it may think just, and upon such order being made the right to enforce the restriction imposed by the order shall, subject to the following provisions, vest in the applicant.

(4) Where restrictions are imposed, such compensation or consideration as in default of agreement may be determined by the court shall be paid or given by the applicant in respect of the imposition of the restrictions to such persons as the court may determine to be entitled hereto.

(5) The restrictions may be either on the quantity or position of the minerals to be worked, or on the methods of working or packing, or otherwise as may be necessary to secure adequate support of the buildings or works or to prevent or minimise damage to them.

(6) In determining whether restrictions should be imposed the court shall have regard to the value of the buildings or works or the cost of repairing damage likely to be caused to them by subsidence, as compared with the value of the minerals, or to the importance in the public interest of the erection or preservation of the buildings or works, as compared with the importance in the public interest of the working of the minerals.

Appeal to Supreme Court against determination

62.—(1) Subject to subsection (2), an appeal lies to the Supreme Court at the instance of a person aggrieved against any order made by the Magistrate's Court under section 48 or grant of a restriction under section 61. Any such appeal must be commenced by notice in writing lodged in the Supreme Court within 21 days of the service upon the person aggrieved of the copy of the order made under section 48 or 61, as the case may be, and the notice must specify the ground or grounds on which the appellant is aggrieved by the Magistrate's Court's determination.

(2) No appeal to the Supreme Court lies against the making of an order under section 47(1) (order giving effect to settlement agreed between the parties).

(3) Any person appealing pursuant to subsection (1) must serve a copy of the notice lodged under that subsection upon every other party to the access arrangement or the person or persons affected by the restriction, as the case may be.

(4) When an appeal is lodged under subsection (1), the access arrangement or restriction shall not take effect, unless otherwise ordered by the Supreme Court, until the appeal is determined and shall then take effect as confirmed or varied by the Supreme Court.

(5) Except as otherwise provided by this Ordinance and by any rules of court made for the purpose, the procedure in and relating to appeals under this section shall be such as the Supreme Court may determine.

(6) In relation to an appeal under this section, the Supreme Court —

(a) shall have and may exercise all or any of the powers of the Magistrate's Court under any of the previous provisions of this Part;

(b) may vary the determination of the Magistrate's Court in such manner as it thinks fit or quash it and proceed to determine the matter (including any compensation payable) afresh; and

(c) may order the costs of and relating to the appeal to be borne by such of the parties and in such proportions as it thinks fit.

(7) No further appeal shall lie at the instance of any person to any tribunal or authority from and against a determination by the Supreme Court of an appeal under this section.

*Notification to Registrar General of grants of a licence,
extensions of a licence, access arrangements etc*

Lodging and registration of licences

63.—(1) When a licence is granted the Director shall forthwith send four copies of the licence to the Registrar General, each of which copies shall have attached to or incorporated in it a plan identifying the land to which it relates and a schedule identifying the relevant Crown Grant number or numbers in relation to that land.

(2) On receipt of the documents referred to in subsection (1) and the prescribed fee the Registrar General shall —

(a) record and file one of the copies in the Register of Deeds;

(b) enter in the register of every Crown Grant affected by the licence particulars of the entry relating to it in the Register of Deeds and the nature of the licence and its date of expiry;

(c) return the remaining copies to the Director, endorsed with particulars of the registration of the licence in the Register of Deeds and the registers of Crown Grants.

(3) On the return to the Director in accordance with subsection (2)(c) of the copies of the licence the Director shall —

(a) file one copy in the Director's records of licences granted;

(b) send one copy to the Attorney General; and

(c) send the remaining copy to the licensee.

(4) The Director may recover from the licensee the amount of any prescribed fee paid by the Director to the Registrar General on or in connection with the lodging of copies of a licence under this section.

(5) For the purposes of subsection (2), the prescribed fee is £200 or such higher fee as is prescribed by regulations under this Ordinance.

Lodging of certificates of extension

64. Section 63 applies to the extension of land to which a licence relates as if the granting of the extension were the granting of a licence in respect of the land subject to the extension and, except where the context otherwise requires, every reference in section 63 to "licence" shall, in the case of an extension of land to which the licence relates, be deemed to be a reference to the certificate of extension.

Notification of access rights

65.—(1) If he enters into an access arrangement which is of more than 6 months in duration, or of indefinite duration, from its date of commencement, the licensee or applicant for a licence who entered into the arrangement shall forthwith lodge with the Registrar General four copies of a notice of the arrangement or, in the case of a compulsory rights order made by the court under section 49, of the order together with the prescribed fee.

(2) On receipt of the documents referred to in subsection (1) and the prescribed fee the Registrar General shall —

(a) record and file one of the copies in the Register of Deeds;

(b) enter in the register of every Crown Grant affected by the access arrangement particulars of the entry relating to it in the Register of Deeds and the nature of the licence and its date of expiry;

(c) register notice of the arrangement as such class of in the Land Charges Register as may be prescribed under the Land Charges Ordinance 1996;

(d) return one of the remaining copies to the licensee or applicant for a licence, endorsed with particulars of the registration of the access arrangement in the Register of Deeds and the registers of Crown Grants.

(e) send one copy so endorsed to the Director for the Director to retain with the Director's records of licences;

(f) send one copy so endorsed to the Attorney General; and

(g) retain the last copy with his own records.

Entry of licences and access arrangements to be notice only

66.—(1) The entry by the Registrar General in any register in his custody of the particulars of a licence or access arrangement operates only as notice of the licence or access arrangement and does not create any estate or interest in land whatsoever and, accordingly, nothing in the Land (Non-residents) Ordinance applies thereto.

(2) Nothing in the Lands Ordinance or any statute of or having effect in the Falkland Islands in relation to land shall have effect in any way to limit or affect any right title or interest held under a licence, access arrangement compulsory rights order or order under section 61 which has been recorded or entered in any register by the Registrar General under the provisions of section 64 or section 65.

Certified copies of licences, certificates and other documents to be evidence

67.—(1) The Registrar General shall on payment of any fee prescribed under this or any other Ordinance provide to any person applying for it a certified copy of any licence or other document recorded or registered by the Registrar General under this Part.

(2) Any such certified copy which is signed by the Registrar General and sealed with his seal shall be received in evidence for all purposes for which the original licence or other document might be received in evidence.

Recorded documents to be open to search

68. Any person may, on payment of any fee prescribed under this or any other Ordinance, inspect and take copies of any document recorded or registered by the Registrar General under any provision of this Part.

Revision of records and registers

69. The Registrar General shall, on receiving any notice of revocation of a licence or surrender of a licence, discharge the record or registration of the licence, and note the particulars of the notice in his records, or, as the case may be, registers.

Register of licences

70.—(1) The Director shall keep a register of licences in such form as the Governor may approve in which there shall be entered brief particulars of all licences issued under this Ordinance and all assignments of licences.

(2) There shall be open to public inspection at the office of the Director, during the hours that office is open for business and on payment of such fee as may be prescribed by regulations —

(a) a copy of every licence granted under this Ordinance or continuing to have effect as if granted under this Ordinance;

(b) the register kept under subsection (1);

(c) such other documents as may from time be prescribed by regulations.

(3) A certificate under the hand of the Director as to —

(a) the contents of the register maintained under subsection (1); or

(b) that on the date specified in the certificate the name of any person did not appear in the register as the holder of any licence

shall, in the absence of proof to the contrary, be sufficient evidence in accordance with its tenor.

PART IV
HEALTH AND SAFETY AT WORK AND PROTECTION OF THE ENVIRONMENT

Health and safety at work

Application of Health and Safety at Work etc. Act 1974

71.—(1) The Governor may by an Order under this subsection apply the provisions of Part I of the Health and Safety at Work etc Act 1974 and any regulations made under section 15(1) of that Act, with such modifications and exceptions as may be stated in the Order —

- (a) to mines and quarries in the Falkland Islands and any plant or machinery used thereat or in connection therewith;
- (b) to operations specified in such an Order undertaken or carried out in connection with the construction, operation, maintenance, repair, dismantling or decommissioning of mines and quarries in the Falkland Islands and any plant or machinery used thereat or in connection therewith;
- (c) to the maintenance in a safe state of any former mine or quarry;
- (d) to the processing, refining, smelting or treatment in any manner whatsoever of any ore or rock obtained from any mine or quarry in the Falkland Islands;
- (e) to operations specified in such an Order undertaken or carried out in connection with the construction, operation, maintenance, repair of any plant or machinery used in or in connection with the processing, refining, smelting of any ore or rock obtained from any mine or quarry in the Falkland Islands; and
- (f) without prejudice to the generality of the preceding paragraphs, to any premises, apparatus, equipment, or machinery used in or in connection with the supply of power to any premises, apparatus, equipment plant, machinery comprised within the foregoing paragraphs.

(2) If an Order has been or is about to be made under subsection (1) the Governor may —

- (a) enter into an agreement or arrangement with the Health and Safety Executive for and relating to the exercise on behalf of the Crown in the Falkland Islands of the like functions in the application of Part I of that Act under subsection (1) as it has under that Part in the United Kingdom;
- (b) make such Order as it appears to him necessary or convenient to make to give effect in the law of the Falkland Islands to any such agreement or arrangement.

(3) Where any person has a right of action arising out of the act or default of the Health and Safety Executive in the performance or purported performance of any function under and by virtue of any such agreement or arrangement as is referred to in subsection (2), that right of action shall lie against Her Majesty in right of Her Government of the Falkland Islands and not (except so far as may be required by or under the law of the United Kingdom) against Her Majesty in right of Her Government of the United Kingdom.

Civil liability for breach of statutory duty

72.—(1) Breach of a duty imposed on a person by virtue of the application by an Order under section 71(1) of this Ordinance of Part I of the Health and Safety at Work etc Act 1974 or of any regulations made thereunder shall be actionable so far, and only so far, as the breach causes personal injury, and references in Part I of the Fatal Accidents Act 1846 in its application to the Falkland Islands to a wrongful act, neglect or default shall include references to any such breach which is so actionable.

(2) Nothing in subsection (1) of this section precludes any action which lies apart from the provisions of that subsection.

Environmental protection

73.—(1) The Governor may by Order under this subsection apply any provisions specified in that Order of the Environmental Protection Act 1990, as amended from time to time, and any regulations made under that Act, subject to such modifications and exceptions to that Act or those regulations as are stated in that Order to and in respect of the like premises, operations, matters and things as an Order under section 71(1) may be made.

(2) If an Order has been or is about to be made under subsection (1) the Governor may —

(a) enter into an agreement or arrangement with the Environment Agency for and relating to the exercise on behalf of the Crown in the Falkland Islands of the like functions in the application of that Act and those regulations under subsection (1) as it has in the United Kingdom;

(b) make such Order as it appears to him necessary or convenient to make to give effect in the law of the Falkland Islands to any such agreement or arrangement.

(3) Where any person has a right of action arising out of the act or default of the Environment Agency in the performance or purported performance of any function under and by virtue of any such agreement or arrangement as is referred to in subsection (2), that right of action shall lie against Her Majesty in right of Her Government of the Falkland Islands and not (except so far as may be required by or under the law of the United Kingdom) against Her Majesty in right of Her Government of the United Kingdom.

PART V
MISCELLANEOUS

Miscellaneous provisions as to licences and access arrangements

Consent required for assignment of licences

74.—(1) A licence may not be assigned without the consent of the Governor in writing.

(2) For the purposes of this Ordinance, a licence is assigned if —

(a) the licensee does anything whereby under the law (including the rules of equity) of the Falkland Islands or of the law of the place of incorporation of the licensee, any right granted by the licence or derived from a right so granted (other than by sale in the course of business of any mineral extracted under the licence) becomes exercisable by or for the benefit or partly for the benefit of or in accordance with the directions of another person; or

(b) the control of the licensee becomes vested in a person or persons different from the person or persons stated in the application for the licence to control the applicant.

(3) If without the consent of the Governor the holder of a licence does anything which by virtue of subsection (2) is for the purposes of this Ordinance an assignment of that licence —

(a) the Governor may terminate that licence by notice in writing served upon the holder of the licence;

(b) the transaction amounting to an assignment of the licence has no effect whatsoever (except to enable the Governor to terminate the licence) until and unless the Governor consents in writing to that assignment of the licence.

Licences and access arrangements not to confer estate or interest in land

75.—(1) Neither a licence nor an access arrangement confers on a licensee or applicant for a licence an estate or interest in the land to which it relates.

(2) A right of access obtained by a licensee, whether before or after the licence was granted, may, subject to the terms of the access arrangement, be enjoyed by the holder for the time being of the licence.

Notices

76.—(1) Any notice or other communication authorised or required to be given by any provision of this Ordinance may be sent —

(a) by post;

(b) by electronic mail;

(c) by facsimile transmission; or

(d) delivered to the addressee.

(2) Subject to subsection (6), any notice or other communication sent by post within the Falkland Islands to an addressee in the Falkland Islands shall be deemed to be received by the addressee, unless the contrary is proved, on the third business day following the day on which it is proved to have been posted.

(3) Subject to subsection (6), any notice or other communication sent by post where either the sender or addressee are not within Stanley shall be deemed to be received by the addressee, unless the contrary is proved on the tenth business day following the day on which it is proved to have been posted.

(4) Any notice or other communication sent by electronic mail shall be deemed to have been received by the addressee at nine in the morning on the business day following the day on which it is proved to have been received by the addressee's receiving equipment or, if earlier acknowledged by or on behalf of the addressee, at the time on the day the sender of the notice or communication received the acknowledgement.

(5) Where under the provisions of section 77(1)(a) or of regulations made under section 77(1)(b) an agent has been appointed and a notice or other communication has been posted, sent by electronic mail or facsimile transmission or delivered to that agent on account or in respect of the person appointing him, that person shall be deemed to have received that notice or communication at the same time as he would, in accordance with the foregoing provisions of this section be taken to have received it if he himself were the agent he has appointed.

(6) Subsections (2) and (3) shall not operate in favour of the sender of a notice or communication unless the notice or other communication is shown to be correctly addressed, and the same applies in respect of a notice or communication to an agent sent by post to an agent (to which subsection (5) applies).

Appointment of person to receive notices

77.—(1) The Governor may

(a) by a condition of a licence granted under this Ordinance; or

(b) by regulations under this subsection,

require any licence or permit holder who is not —

(i) a living person ordinarily resident in the Falkland Islands;

(ii) a company incorporated under the laws of the Falkland Islands and having a usual place of business in Stanley; or

(iii) an oversea company registered under Part X of the Companies Act 1948 in its application to the Falkland Islands;

to appoint a person of a kind mentioned in sub-paragraph (i) as his or its agent and so often as may be necessary to appoint another such person in place of the first-mentioned person.

(2) Where a company has —

- (i) pursuant to Part X of Companies Act 1948;
- (ii) pursuant to a condition of a licence granted to it under this Ordinance; or
- (iii) pursuant to regulations made under subsection (1) of this section,

appointed a person for the purpose of accepting or receiving service of any notice or proceedings which might otherwise have been given or served upon the licensee or permit holder, any notice or communication under this Ordinance or process civil or criminal shall for all purposes be taken to have been duly served or given to the company if it is shown to have been served upon or given to the person appointed as mentioned in this subsection.

Offences and criminal proceedings

Obstruction etc.

78. A person commits an offence who wilfully obstructs, hinders, resists, or deceives any person in the execution of any powers conferred on that person by or under this Ordinance.

Liability of principal for acts of agents, corporate liability, liability of directors etc.

79.—(1) Where an offence under this Ordinance is committed by any person acting as the agent or employee of another person, that other person is, without prejudice to the liability of the first-mentioned person and subject to subsection (2) of this section, liable in the same manner and to the same extent as if he had personally committed that offence.

(2) It is a defence to any prosecution brought by virtue of subsection (1) for the defendant to prove —

(a) if the defendant is a natural person —

- (i) that he did not know and could not reasonably have been expected to know that the offence was to be or was being committed; and
- (ii) that he took all steps which he reasonably could have taken to prevent the commission of the offence or stop it;

(b) if the defendant is a body corporate —

- (i) that neither the directors nor any person involved in the management of the body corporate knew or could reasonably be expected to have known that the offence was to be or was being committed; and

(ii) that the body corporate took all steps it reasonably could have taken to prevent the commission of the offence.

(3) Where a body corporate is convicted of an offence against any provision of this Ordinance, every director and every person concerned in the management of the body corporate has committed and is liable to be convicted of the like offence if it is proved —

(a) that the act that constituted the offence took place with his authority, permission or consent; or

(b) that he knew or could reasonably be expected to have known that the offence was to be or was being committed and failed to take all reasonable steps to prevent it or stop it.

Penalties

80.—(1) A person who is convicted of an offence of contravening section 5(1) of this Ordinance (prospecting, exploring or mining without a licence) is liable to imprisonment for a term not exceeding 2 years and to a fine not exceeding the maximum of level 12 on the standard scale and, if the offence is a continuing one, to a further fine of £25,000 for every day or part of a day during which the offence continues.

(2) A person who is convicted of an offence against any other provision of this Ordinance is liable to imprisonment for a term not exceeding six months and to a fine not exceeding the maximum of level 8 on the standard scale and, if the offence is a continuing one, to a further fine not exceeding £5,000 for every day or part of a day during which the offence continues.

(3) The continued existence of anything which constitutes an offence against any provision of this Ordinance or the intermittent repetition of any action which constitutes an offence against any provision of this Ordinance shall for the purposes of subsections (1) and (2) of this section be deemed to be a continuing offence.

Strict liability

81.—(1) In any prosecution for any offence of contravening any provision of this Ordinance, it is not necessary to prove that the defendant intended to do the act or acts or make the omission or omissions, or both such act or acts and omission or omissions, as constitute the offence.

(2) Subject to subsection (3), it is a defence to such a prosecution if the defendant proves —

(a)—

(i) that the action or event to which the prosecution relates was necessary for the purpose of saving or protecting life or health, or preventing serious damage to property or avoiding an actual or likely serious adverse effect on the environment;

(ii) that the conduct of the defendant was reasonable in the circumstances; and

(iii) that the effects of the action or event were as far as they reasonably could have been adequately mitigated by the defendant after it occurred; or

(b) that the action or event to which the prosecution relates was due to an event beyond the control of the defendant, including natural disaster, mechanical failure, or sabotage and, in each case —

(i) that the action or event could not reasonably have been foreseen or provided against by the defendant; and

(ii) that the effects of the action or event were as far as they reasonably could have been adequately mitigated by the defendant after it occurred.

(3) Except with the leave of the court, the defendant shall not be permitted to rely upon a defence afforded by subsection (2) of this section unless within 10 days after the service of the summons or such further time as the Court may within 10 days thereafter upon application to it allow the defendant delivers to the prosecutor a written notice specifying —

(a) the defence under subsection (2) of this section upon which the defendant intends to rely; and

(b) the facts alleged by the defendant to support that defence.

Time limit and authority for bringing proceedings

82.—(1) Notwithstanding any provision of the law of the Falkland Islands which has effect to the contrary a prosecution under this Ordinance may be brought at any time within 12 months after the time when the contravention giving rise to the prosecution became known, or should have become known, to the Director.

(2) No prosecution for an offence under this Ordinance shall be commenced except by or with the consent of the Attorney General.

Jurisdiction to try offences

83. All offences under this Ordinance shall be tried summarily by the Magistrate's Court which has power on conviction of any person for such an offence to impose any sentence which this Ordinance provides may be imposed on that person.

Regulations

Power to make Regulations

84.—(1) The Governor may, without prejudice to any power under any antecedent provision of this Ordinance to make regulations, make regulations —

(a) prescribing or making provision for forms of applications, licences, permits, notices and other documents for the purposes of this Ordinance;

- (b) prescribing the information to be provided with applications for licences;
- (c) prescribing conditions on which licences may be applied for, granted, changed or extended;
- (d) prescribing the manner in which licences may be surrendered;
- (e) prescribing registers to be kept under this Ordinance, the form of such registers, the matters to be entered therein and the means whereby entries shall be verified;
- (f) providing for the keeping and provision of records, returns, reports and information by licensees for any of the purposes of this Ordinance;
- (g) providing for the keeping by a holder of a licence of cores, specimens or samples obtained in the course of activities carried out under the licence;
- (h) prescribing matters in relation to which fees are to be payable under this Ordinance, the amount of the fees, the time and manner of their payment, and the persons liable to pay them, and providing for charges for late payment of fees;
- (i) providing for a contravention of any provision of the regulations specified for the purpose to constitute a criminal offence punishable in such manner as is prescribed not exceeding a maximum term of imprisonment of three months or a fine not exceeding the maximum of level 5 on the standard scale or both such imprisonment and such fine;
- (j) providing for or prescribing any other matter or thing necessary or convenient to be prescribed for the purposes of this Ordinance.

(2) Any regulations made under subsection (1) may provide for different regulations to apply to different types of licence, licensees or activities or in respect of the same type of licence, licensees or activities in different circumstances.

Repeal

85. The Mining Ordinance (Title 53.2) is repealed.

SCHEDULE

(section 56)

PROVISIONS AS TO COMPENSATION BY WAY OF PAYMENT OF COST OF WORKS

1. In this Schedule —

“compensation” means compensation under section 56 of this Ordinance;

“final operator” means the person who immediately before the end of the period of occupation is the person entitled to the rights conferred by the order;

“former use”, in relation to any land, means the use for which it was used immediately before the operative date of the order in question;

“proper cost”, in relation to any work, means such cost as is reasonable, having regard to the prices of materials and rates of remuneration for services current at the time when the work is carried out.

2.—(1) The final operator shall not be required to pay compensation in respect of expenses incurred in carrying out any work unless —

(a) not less than the prescribed length of time before the work was begun, the person incurring the expenses gave to the final operator in the prescribed manner, notice in writing containing adequate particulars of the work, together with a statement of the time when it was proposed to carry out the work and estimate of the cost of the work, and

(b) at all reasonable times after the service of that notice, that person afforded to the final operator reasonable facilities to inspect the land to which the notice related, in so far as he was in a position to afford such facilities.

(2) In the following provisions of this Schedule “the applicant”, in relation to a notice under this paragraph, means a person who gave that notice.

3. Where a notice has been given under the last preceding paragraph the final operator within the prescribed time after the giving of that notice, may serve on the applicant a counter-notice, stating —

(a) that the final operator objects to the work specified in the applicant’s notice, or to such one or more items thereof as may be specified in the counter-notice, and

(b) that the final operator objects thereto on such one or more grounds as may be specified in the counter-notice, being one or more of the grounds mentioned in the next following paragraph.

4. Subject to the next following paragraph, the said grounds, in relation to any work specified in a notice under paragraph 2 of this Schedule, are the following, that is to say —

(a) that the work could not reasonably be regarded as work falling within section 56(1)(b) of this Ordinance;

(b) that the work is likely to be ineffective, or is by its nature unsuitable to the land in question, or is proposed to be carried out in an unsuitable way;

(c) that the estimated cost of the work is grossly disproportionate to any prospective increase attributable to the work in the value of the land;

(d) that the work, in a case where the former use of the land in question was agricultural, would not be appropriate to the use of that land for agriculture, or, in any other case, would not be appropriate to the use of that land for its former use;

(e) that the work would not be required but for dilapidation, deterioration or damage which has occurred since the end of the period of occupation and is attributable to default on the part of the owner or of an occupier of the land;

(f) that the work if carried out at the time specified in the applicant's notice, would be premature;

(g) that the work, if carried out at the time specified in the applicant's notice, would not have been carried out at the first reasonable opportunity after the end of the period of occupation, or within a reasonable time after that opportunity arose.

5.—(1) In so far as a notice given under paragraph 2 of this Schedule (in this paragraph referred to as "the current notice") specifies any work (in this paragraph referred to as "the new work") in a case where the applicant has previously given one or more notices under that paragraph specifying similar work which he proposed to carry out in respect of the same land, the last preceding paragraph shall apply in relation to the new work with the substitution, for sub-paragraph (c) of that paragraph, of the following sub-paragraph (in this paragraph referred to as "as the substituted sub-paragraph (c)") —

"(c) that the aggregate cost of that work and of all relevant work specified in previous notices relating to the same land is grossly disproportionate to the aggregate increase attributable to all such work in the value of the land."

(2) In the substituted sub-paragraph (c) the reference to the aggregate cost of the new work and of all other relevant work specified in previous notices relating to the same land is a reference to the aggregate of —

(a) the estimated cost of the new work, and

(b) the estimated cost of any similar work specified in any previous notice given by the applicant which is still outstanding on the relevant date, and

(c) the proper cost of any similar work specified in any previous notice given by the applicant in respect of which a claim for compensation has been allowed before the relevant date or is still outstanding on that date.

(3) In the substituted sub-paragraph (c) the reference to the aggregate increase attributable to all such work as is therein mentioned in the value of the land is a reference to the aggregate of —

(a) the prospective increase in that value attributable to the new work, and

(b) the prospective increase in that value attributable to any similar work specified in any previous notice given by the applicant which is still outstanding on the relevant date, and

(c) the increase in that value attributable to any similar work specified in any compensation has been allowed before the relevant date or is still outstanding on that date.

(4) For the purposes of sub-paragraphs (2) and (3) of this paragraph —

(a) a previous notice specifying similar work shall be taken to be outstanding on the relevant date if —

(i) such a notice has been given before the relevant date and has not been withdrawn, and

(ii) either the final operator has not before that date served a counter-notice objecting to that work, or, if the final operator has served such a counter-notice, that objection has before that date been withdrawn or determined by the Court not to be well-founded, and

(iii) no claim for compensation has before the relevant date been made in respect of expenses incurred in carrying out that work;

(b) a claim for compensation in respect of any work shall be taken to have been allowed before the relevant date if before that date —

(i) a claim for compensation has been made in respect of expenses incurred in carrying out that work, and

(ii) it has been agreed by the final operator, or determined by the Court, that compensation is payable in respect of those expenses, whether the amount of compensation so agreed or determined to be payable was the amount claimed or a different amount;

(c) a claim for compensation in respect of any work shall be taken to be still outstanding on the relevant date if at that date —

(i) a claim for compensation has been made in respect of expenses incurred in carrying out that work, and

(ii) that claim has not been withdrawn, and it has not been determined by the Court that no compensation is payable in respect of those expenses, but

(iii) it has not been agreed by the final operator, or determined by the Court, that compensation is payable in respect of those expenses.

(5) In this paragraph “similar work”, in relation to the new work, means work directed to the same aspect of restoration as the new work; “previous notice”, in relation to the current notice,

means a notice given under paragraph 2 of this Schedule before the date on which the current notice was given; and "the relevant date", in relation to the current notice, means the date on which the final operator serves a counter-notice objecting to the new work, or the date on which the time for serving such a counter-notice expires, whichever is the earlier.

(6) In the following provisions of this Schedule (except where the contrary is expressly provided) any reference to sub-paragraph (c) of the last preceding paragraph, in relation to work to which that paragraph applies in accordance with sub-paragraph (1) of this paragraph, shall be construed as a reference to the substituted sub-paragraph (c), and any reference in this Schedule to the grounds mentioned in the last preceding paragraph shall be construed accordingly.

6. For the purpose of determining whether an objection on the grounds mentioned in sub-paragraph (c) of paragraph 4 of this Schedule is well-founded, the estimated cost of any work shall be taken to be such amount as may be agreed, or determined by the court, to be a fair estimate of the cost of the work, whether the amount is equal to, or greater or less than, the estimated cost of the work as stated in the applicant's notice specifying that work.

7.—(1) In sub-paragraph (e) of paragraph 4 of this Schedule, the reference to default on the part of the owner or of an occupier of the land shall be construed in accordance with the following provisions of this paragraph.

(2) In relation to agricultural land, the reference to default on the part of the owner shall be construed as a reference to failure on his part to manage the land in accordance with the rules of good estate management, and the reference to default on the part of an occupier of the land shall be construed as a reference to failure on the part of such an occupier to fulfil his responsibilities to farm the land in accordance with the rules of good husbandry.

(3) In relation to any other land, the reference to default on the part of the owner shall be construed as a reference to failure on his part to deal with the land in a proper and due course of arrangement, and the reference to default on the part of an occupier of the land shall be construed as a reference to failure on the part of such an occupier to maintain and use the land in a reasonable manner.

8. Where a notice has been given under paragraph 2 of this Schedule, and the applicant has incurred expenses in carrying out any of the work specified in that notice, and claims compensation in respect of those expenses —

(a) if the final operator has not served a counter-notice under paragraph 3 of this Schedule in respect of that notice, he shall not be entitled to object to that claim on any of the grounds mentioned in paragraph 4 of this Schedule;

(b) if the final operator has served such a counter-notice, he shall not be entitled to object to that claim on any of the grounds mentioned in paragraph 4 of this Schedule, except in so far as the claim relates to items which were specified in the counter-notice and the objection is on grounds which were so specified in relation to those items.

9.—(1) Where a notice has been given under paragraph 2 of this Schedule, and the final operator has served a counter-notice objecting to the work specified in the notice, or to one or more items thereof, the applicant, before beginning to carry out any item to which such an objection relates, may require the question whether the objection is well-founded to be referred to the Magistrate's Court.

(2) If on such a reference the Court determines that the objection is not well-founded, and the applicant incurs expenses in carrying out any of the work to which the objection relates and claims compensation in respect of those expenses, then (in addition to any grounds on which the final operator is precluded by the last preceding paragraph from objecting to that claim) the final operator shall not be entitled to object to that claim on any of the grounds which were the grounds of that objection.

(3) If on such a reference the Court determines that the objection is well-founded, and the applicant incurs expenses in carrying out any of the work to which the objection relates, and claims compensation in respect of those expenses —

(a) if the objection was on the grounds mentioned in any of sub-paragraphs (a), (b), (c), (d) and (e) of paragraph 4 of this Schedule, no compensation shall be payable in respect of those expenses;

(b) if the objection was on the grounds mentioned in sub-paragraph (f) of the said paragraph 4, no compensation shall be payable in respect of those expenses by virtue of the notice referred to in sub-paragraph (1) of this paragraph, but without prejudice to the service of a further notice under paragraph 2 of this Schedule in respect of the work in question;

(c) if the objection was on the grounds mentioned in sub-paragraph (g) of the said paragraph 4, the expenses shall be disallowed by virtue of this sub-paragraph in so far as (but no further than) they were greater than they would have been if the work to which the objection related had been carried out at the first reasonable opportunity after the end of the period of occupation.

10.—(1) If, in a case where a notice has been given under paragraph 2 of this Schedule, and the final operator has served a counter-notice objecting to the work specified in the notice, or to one of more items thereof —

(a) the applicant incurs expenses in carrying out work to which the objection relates, without having required the question whether the objection is well-founded to be referred to the Magistrate's Court, and claims compensation in respect of those expenses;

(b) on a reference to the Magistrate's Court with respect to that claim the final operator maintains the objection; and

(c) on that reference the Court determines that the objection is well-founded,

the provisions of heads (a) to (c) of sub-paragraph (3) of the last preceding paragraph shall apply (subject to the following provisions of this paragraph) as they apply in the circumstances mentioned in that sub-paragraph.

(2) Where the objection was on the grounds mentioned in sub-paragraph (c) of paragraph 4 of this Schedule (otherwise than in a case falling within paragraph 5 of this Schedule) so much of the preceding sub-paragraph as relates to the maintenance of the objection, and to a determination that the objection is well-founded, shall apply as if, in the said sub-paragraph (c), the reference to the estimated cost of the work were a reference to the proper cost of the work.

(3) Where the objection was on the grounds mentioned in the substituted sub-paragraph (c), within the meaning of paragraph 5 of this Schedule, so much of sub-paragraph (1) of this paragraph as relates to the maintenance of the objection, and to a determination that the objection is well-founded, shall apply as if, in the said paragraph 5, any reference to the relevant date were a reference to the date on which the question whether compensation is payable in respect of expenses incurred in carrying out the new work (within the meaning of that paragraph) falls to be determined by the Court, and the objection had been formulated accordingly.

11.—(1) Subject to the next following sub-paragraph, expenses incurred in carrying out any work shall not be treated as having been reasonably incurred as mentioned in paragraph (b) of subsection (1) of section 22 of this Ordinance, if the work was begun more than fifteen years after the end of the period of occupation.

(2) The preceding sub-paragraph shall not apply to any work required for making good damage caused by the settlement of soil replaced in the course of restoring the land or any other damage to the land caused by subsidence which is attributable to anything done in the exercise of rights conferred by the compulsory rights order in question.

12. Where it is shown that the expenses incurred in carrying out any work exceeded the proper cost of the work, any claim for compensation in respect of those expenses shall (without prejudice to any other grounds on which the claim may be liable to be disallowed, wholly or in part) be disallowed to the extent of the excess.

13.—(1) Except in so far as objection is made to any work on the grounds mentioned in sub-paragraph (c) of paragraph 4 of this Schedule, and subject to the provisions of this Schedule relating to any such objection, expenses incurred in carrying out any work shall not be disallowed (wholly or in part) on the grounds that the proper cost of that work (or of that work together with any other work) is greater than any increase attributable thereto in the value of the land.

(2) Subject to the preceding sub-paragraph, nothing in the preceding provisions of this Schedule shall be construed as precluding the final operator from maintaining any objection to a claim for compensation, in so far the objection is on any grounds other than those mentioned in paragraph 4 of this Schedule.



**THE
FALKLAND ISLANDS GAZETTE
Supplement**

PUBLISHED BY AUTHORITY

Vol. 15

15th November 2004

No. 19

The following are published in this Supplement -

Registration of Charities (Exemption) Order 2004 (S.R.&O. No:38 of 2004);

Education (Amendment) Bill 2004;

Explanatory Memorandum, Electoral (Amendment) Bill 2004;

Electoral (Amendment) Bill 2004;

Explanatory Memorandum, Taxes (Amendment) Bill 2004;

Taxes (Amendment) Bill 2004;

Media Trust (amendment) Bill 2004.

SUBSIDIARY LEGISLATION

CHARITIES

Registration of Charities (Exemption) Order 2004

(S. R. & O. No: 38 of 2004)

Made:.....2 November 2004

Published: 15 November 2004

Coming into force: in accordance with article 1

IN EXERCISE of my powers under section 4(4) of the Charities Act 1960(a) in its application to the Falkland Islands, and of all other powers enabling me in that behalf, I make the following Order —

Citation and Commencement

1. This Order may be cited as the Registration of Charities (Exemption) Order 2004 and shall be deemed to have come into force on 1st January 2004.

Charities Exempt from the Requirement to Register

2. The charities mentioned in the Schedule to the Order are exempt from the requirement to be registered in the Register of Charities established and maintained in the Falkland Islands pursuant to the Charities Act 1960 in its application to the Falkland Islands but only until 31 December 2004 or such later date as may be specified by the Governor by Notice published in the Gazette.

Made this 2nd day of November 2004

H. J. S. Pearce C.V.O.,
Governor

SCHEDULE

Flying Santa Appeal
KEMH Colonic Cancer Screening Fund
KEMH Day Centre Fund
KEMH Eye Fund
King Edward VII Memorial Hospital Fund.

EXPLANATORY NOTE

(not forming part of the above Order)

This Order temporarily exempts from registration, under section 4 of the Charities Act 1960 in its application to the Falkland Islands, charitable bodies established in the Falkland Islands.

Education (Amendment) Bill 2004

(No: of 2004)

ARRANGEMENT OF PROVISIONS

Clause

1. Short title and commencement
2. Repeal and replacement of section 57 of the Education Ordinance

EDUCATION (AMENDMENT) BILL 2004

(No: of 2004)

(assented to: 2004)
(commencement: in accordance with section 1)
(published: 2004)

A BILL

for

AN ORDINANCE

To repeal and replace section 57 of the Education Ordinance (Title 29.1).

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

Short title and commencement

1. This Ordinance may be cited as the Education (Amendment) Bill 2004 and comes into force on 1st September 2005.

Repeal and replacement of section 57 of the Education Ordinance

2. Section 57 of the Education Ordinance is repealed and is replaced by the following section —

“Academic year and terms

57.—(1) The academic year is a period of twelve months beginning on 1st September in each calendar year.

(2) Each academic year shall be divided into three terms, beginning and ending on such dates as shall be fixed by notice published by the Director in the *Gazette* and each such term shall be divided into two portions, which need not be of equal length, by a half-term holiday of such duration and between such dates as shall be fixed by the same notice.

(3) The effect of a notice published under subsection (2) shall be that, without prejudice to the Governor's powers under section 58 (occasional holidays), there shall be not less than 190 days in every academic year on which children of compulsory school age enrolled at a Government School are required to attend that school unless they are for any reason lawfully excused from attendance.

(4) Public holidays, Saturdays and Sundays falling within a term are not days on which a child of compulsory school age may be required to attend school and cannot be taken into account in calculating the 190 days mentioned in subsection (3)."

EXPLANATORY NOTE

It is necessary to replace the existing section 57 of the Education Ordinance so as to enable effect to be given to the widespread wish that the school summer vacation shall begin closer to Christmas, and be a little longer than it can be under the present section 57. That would mean that adjustments will need to be made to the commencement and ending dates of all the school terms. It is intended that Camp Sports Week will be the half-term holiday in the second term of the academic year (the first in the calendar year). This will mean that that term will be divided into two unequal portions. Inevitably, some public holidays which at present fall within school vacations or half-term holidays will fall within term time.

EXPLANATORY MEMORANDUM

Electoral (Amendment) Bill 2004

Introductory

1. The Electoral (Amendment) Bill 2004 proposes a number of important amendments to Electoral Ordinance which it is hoped will be enacted, if approved, so as to amend the law before the Electoral Registers are prepared in relation to the General Election in late 2005 and also so as to have effect in relation to that General Election.

Principal Amendments

2. The principal amendments which would be made by the Bill deal with the following matters:-

- (a) qualifications for appearance on the Electoral Register and entitlement to be registered as an elector;
- (b) new provisions as to the preparation of the Register, its publications and provisions for a "rolling register";
- (c) provision for postal voters who are in the United Kingdom to send their ballot papers to Falkland House, London;
- (d) provision for a polling station in Stanley on the occasion of Camp by-elections when there is no by-election in Stanley at which voting will take place.

Detail

3. The proposed amendments to the Electoral Ordinance are contained in the Schedule to the Bill. Section 2 of the existing Ordinance would be amended by inserting a new definition of "qualifying address" which is necessary by reason of later amendments to the Bill and the existing definition of "the qualifying period" will be slightly amended to reflect the replacement of the existing section 4 by later provision of the Bill.

4. The existing section 3 would be repealed as would section 5. They are in effect replaced by the new section 4 and sections 8, 8A, 8B and 8C which would be inserted by the Bill.

5. Under the new section 8, a person will be regarded as having been resident in the Falkland Islands for the qualifying period if he has been or under sections 8A to 8C is to be treated as having been resident at an address or addresses in the Falkland Islands aggregating to a continuous period of not less than 12 months immediately preceding the qualifying date. The cumulative effect of the new sections 8 and 8A to 8C, read together, will be that, if enacted, they will replace the present somewhat "tick the box" approach to residence (and permitted absences which are to be counted as residence) with a much more flexible system, the effects of which will be to enable persons away from the Falkland Islands for reasons not stipulated in a list of permitted absences to be treated as being present at an address in the Falkland Islands (and thus qualify for inclusion in the Electoral Register). An example of such persons includes people who

are away for an indefinite period of years obtaining experience in their profession or trade before returning to the Falkland Islands. The questions to be asked under the new provisions will, basically, be "why is the person away?", "if he were not away would he be living at a permanent address in the Falkland Islands?" and "does the person intend to return to the Falkland Islands?". It will be the registration officer who will have to decide these questions, but an appeal to the Senior Magistrate against the registration officer's decision is provided for by the new section 19 (see paragraph 20).

6. Under the present provisions of the Electoral Ordinance "Qualifying Date" means 15 March in the year in which the Electoral Ordinance is prepared. The effect of that is that if a person is not qualified on 15 March in the year in which the Electoral Register has been prepared his name cannot appear on the Electoral Register until the next Electoral Register is prepared and comes into force. The new section 8(2) proposed by the Bill would alter the definition of "Qualifying Date" so that it means the date on which an application for registration as an elector is made by a person or by virtue of the new section 11(2) proposed by the Bill is treated as having been made by him. The new section 11(2) provides that where a person's name appears on a canvass form on a canvass under section 10 and the person is not for the time being registered in the Register in respect of that address he is to be treated as having been made an application for registration in the Register in respect of that address.

7. The new section 8A which would be inserted in the Ordinance has the effect that in deciding whether a person is resident at a particular address on the Qualifying Date or has been resident in the Falkland Islands for the qualifying period the provisions of section 8A are to have effect. The new section 8A(2) states that in deciding those questions regard is to be had in particular to the purpose and circumstances as well as to the fact of a persons presence or absence from the particular address and his absence from the Falkland Islands at any time during the qualifying period where a person is away from that address he may in all the circumstances to be taken to be at the time in question to be resident there if he has no home elsewhere or not resident there if he does have a home elsewhere. Under section 8A(3) a person's residence in a dwelling is not to be taken to have been interrupted by reason of his absence in the performance in the Falkland Islands or elsewhere of any duty arising from or incidental to any office, service or employment held or undertaken by him if he intends to resume actual residence and the dwelling serves as a permanent place of residence whether for himself or for himself and other persons and he would be in actual residence there but for his absence in the performance of that duty. That provision will also apply in relation to a person's absence by reason of his attendance at a course provided by an educational institution. To be treated as resident during a period in which he is not actually resident a person must intend to resume actual residence in the dwelling and the dwelling must serve as his permanent place of residence and he would be in actual residence there but for his absence in the performance of a duty of his employment or for educational reasons.

8. Under the new section 8A(6) a person in legal custody is not to be treated as resident at the place he was detained but at the address at which he would under the foregoing provisions of section 8A be treated as being resident if he had not been detained in legal custody.

9. The new section 8B will provide that a merchant seaman is to be treated as being resident at any place in the Falkland Islands at which he would have been resident but for the nature of his occupation. A "merchant seaman" is any person other than a member of Her Majesty's Services or the Armed Services of any other country whose employment or the greater part of it is carried out on board sea-going ships and includes any such person while temporarily without employment.

10. The new section 8C would make provision (similar to that which would be made by the new section 8A(6) in respect of persons who are serving a sentence of imprisonment) in respect of persons remanded in custody.

11. The existing sections 9 to 22 would all be repealed and replaced by new sections 9 to 20. The new section 9 impose duties upon the registration officer in relation to the maintenance of the Register of Electors for each Constituency. Where persons are absent from an address at which they would otherwise be resident and are registered under the proceeding provisions their names are to appear in relation to their qualifying addresses. Under section 10 the registration officer is to conduct an annual canvass for the purpose of ascertaining the persons who are for the time being entitled to be, or to remain, registered as electors in relation to a Constituency. The canvass is to be conducted by reference to residence on 15th March. However, as has been explained, the Registers are to be "rolling registers". A person whose name does not appear on the Electoral Register by reason of the annual canvass can, as will be seen, make application for the Register to be altered to include his name under the new section 13. The annual canvass is likely to be conducted by a form being sent to every dwelling in the Falkland Islands. It will be important for the householder to ensure that the names of all persons who are entitled to be registered in respect of that address (including persons who are away) are mentioned on the form, and that that form is returned to the registration officer.

12. It will be the duty of the registration officer under the new section 11 to decide all applications for registration which are made to him or are to be treated as being made to him by virtue of names being included on the canvass form. Once a persons name appears on a Register, it will remain there until the registration officer decides to remove the persons name from the Register for one of the reasons specified in the new section 11(5).

13. A revised Register is to be published each year under the provision of the new section 12. This revised version will include all the alterations made as a result of the annual canvass and any alterations made by virtue of section 13. Under the new section 11(3) the registration officer can publish a revised edition of the Register for either of the Constituencies at any time.

14. The subject of alteration of the Registers is dealt with by the new section 13. This applies if after publication of a revised version of the Register the registration officer:-

(a) receives an application for registration;

(b) is required by virtue of any provision to remove a person's entry from the Register;

(c) is notified of any decision on appeal under section 19 which requires any alteration in the Register; or

(d) the registration officer decides that the Register contains any clerical error.

15. In any of those events the registration officer must ordinarily publish a notice setting out the alterations to the Register and the alteration in question has effect as from the beginning of the day on which the notice is issued. The notice must be issued on the first day of the month or if that is less than 14 days after the time on which the registration officer was bound to alter the Register, on the first day of the following month. Under subsection (3) the registration officer does not have to issue an alteration notice if a revised version of the Register is due to be published in that month under section 12(1) or (3) (the annual month of publication of the Register) or a month in which the registration officer intends to publish a revised version of the Register. It is also not required to issue a notice altering the Register if a revised version of the Register is next due to be published under section 12(1) within two months. In any of those cases the alteration is to be made in the revised version of the Register. Additionally the registration officer is not required to issue an alteration notice in certain circumstances after the final nomination day in a pending election.

16. The new section 14 deals with alterations to the Register where there is a pending election. Ordinarily no alteration in the Register is to be made after the final nomination day in a case of a pending election. Exceptionally it is to be made if the alteration results from a decision on an appeal under section 19 or is to correct a clerical error, provided that the alteration takes effect on or before the tenth day before the date of the poll.

17. Under the new section 15 a person whose name appears on an electoral register is not to be excluded from voting on the grounds that he is not of voting age or that he is not or was not on the relevant date or the date of his appointment as a proxy (as the case may be) a person who has Falkland Islands status or a person whose name appeared on the Register of Electors for a Constituency in force on 1st September 1997 or is not a Commonwealth citizen or is not qualified to be registered as an elector. This does not however prevent the rejection of his vote on scrutiny or effect his liability to any penalty for voting.

18. The new section 16 deals with the effect of misdescriptions in a register of electors or in any list, record, proxy paper, nomination paper, ballot paper, notice or other document required for the purposes of the Ordinance. These will not effect the operation of the document with respect to that person or place if the description or place is such as to be commonly understood.

19. The new section 17 would enable the Governor to give general special directions to the registration officer in relation to the carrying out of his functions under the Ordinance. Such directions may include directions in relation to the maintenance of the Register with the assistance of a computer. The new section 18 enables Regulations to be made in relation to registers of electors and their preparation.

20. Under the new section 19 an appeal would lie to the Magistrate's Court from any decision of the registration officer on an application for registration or objection to a person's registration

made to and considered by him or from any decision of the registration officer disallowing a persons application to vote by proxy or by post as elector or to vote by post or as proxy in any case where the applications is not made for a particular election only.

21. The new section 20 relates to the preparation of disqualification lists.

22. Paragraph 11 of the Schedule to the Bill would amend the existing section 23(3)(b) in relation to witnessing of applications made overseas.

23. Paragraph 12 of the Schedule to the Bill would insert a new section 23A which would enable the Governor by Order to make provision enabling an elector to make application to the registration officer to be registered as a postal voter at an address in the United Kingdom to which the postal ballot papers for completion by the elector may be sent. Such an Order could only be made if the Order also provided for the Falkland Islands Government Office in the United Kingdom as a place to which the postal ballot papers sent to an addressed in the United Kingdom could be sent when completed.

24. Paragraphs 13 to 16 would make consequential amendments and paragraph 17 of the Schedule would amend section 47(2) of the Electoral Ordinance so as to provide that unless any other person were specifically appointed the Chief Executive would be the returning officer.

25. Paragraph 18 of the Schedule to the Bill would update section 53(2) of the Electoral Ordinance. Paragraphs 19 and 20 would make amendments to sections 58 and 59 of the Electoral Ordinance necessary to provide for a polling station being required in Stanley at which Camp voters could vote at a By-Election for the Camp Constituency if no By-Election were being held on the same day in the Stanley Constituency (when an election is being held in both Constituencies on the same day any voter, under the existing provisions of the Ordinance, can vote at any polling station in the country).

Electoral (Amendment) Bill 2004

(No: of 2004)

ARRANGEMENT OF PROVISIONS

Clause

1. Short title
2. Amendment of Electoral Ordinance

Schedule

ELECTORAL (AMENDMENT) BILL 2004

(No: of 2004)

(assented to: 2004)

(commencement: upon publication)

(published: 2004)

A BILL

for

AN ORDINANCE

To amend the Electoral Ordinance (Title 30.1)(a).

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

Short title

1. This Ordinance may be cited as the Electoral (Amendment) Ordinance 2004.

Amendment of Electoral Ordinance

2. The Electoral Ordinance is amended in the manner specified in the Schedule to this Ordinance.

(a) the Electoral Ordinance has previously been amended by No 2 of 1997, No 7 of 2000 and No 8 of 2001

Schedule
Amendments to the Electoral Ordinance

1. In this Schedule, any reference to a section or subsection or other provision is a reference to the section, subsection or other provision of the Electoral Ordinance as amended immediately preceding the enactment of this Ordinance.

2. Section 2 is amended —

(a) by inserting the following definition immediately preceding the definition of “qualifying date” —

“ “qualifying address”, in relation to a person registered in a register of electors, is the address in respect of which he is entitled to be so registered;”,

(b) the definition of “the qualifying period” is amended by replacing the words “section 4(1)” with the words “section 4”.

3. Section 3 is repealed.

4. Section 4 is repealed and is replaced by the following section —

“Meaning of “resident for the qualifying period”

4. A person is to be regarded as having been resident in the Falkland Islands for the qualifying period if he has been or under sections 8A to 8C he is to be treated as having been resident at an address or addresses in the Falkland Islands aggregating to a continuous period of not less than 12 months immediately preceding the qualifying date.”

5. Section 5 is repealed.

6. The following cross-heading is inserted immediately prior to section 8 —

“Entitlement to registration”.

7. Section 8 is repealed and replaced by the following section —

“Entitlement to be registered as an elector

8.—(1) A person is entitled to be registered in the Register of Electors for a constituency if on the relevant date he —

(a) is resident or is under sections 8A to 8C to be treated as being resident at an address in the constituency on the qualifying date and has been resident in the Falkland Islands for the qualifying period;

(b) is qualified under the provisions of section 27 of the Constitution to be registered as an elector for the purpose of the election of members of the Legislative Council.

(2) For the purposes of section 27 of the Constitution “qualifying date”, in relation to a person, means the date on which an application for registration is made (or, by virtue of section 11(2), is treated as having been made) by him.”

8. The following sections are inserted after section 8 —

“Residence: general

8A.—(1) This section applies where the question whether a person is—

(a) is resident at a particular address on the qualifying date;

(b) has been resident in the Falkland Islands for the qualifying period,

for the purposes of section 8 falls to be determined for the purposes of that section.

(2) Regard shall be had, in particular, to the purpose and other circumstances, as well as to the fact of —

(a) his presence at, or absence from, the particular address on the date;

(b) his absence from the Falkland Islands at any time during the qualifying period

By way of example, where at a particular time a person is staying at any place (whether within or outside the Falkland Islands) otherwise than on a permanent basis, he may in all the circumstances to be taken to be at that time —

(i) resident there if he has no home elsewhere, or

(ii) not resident there if he does have a home elsewhere.

(3) For the purpose of determining whether a person is resident in a dwelling on the qualifying date for the purposes of section 8 and whether on that date he had been resident within the Falkland Islands for the qualifying period, his residence in the dwelling shall not be taken to have been interrupted by reason of his absence in the performance, in the Falkland Islands or elsewhere, of any duty arising from or incidental to any office, service or employment held or undertaken by him if —

(a) he intends to resume actual residence,

(b) the dwelling serves as a permanent place of residence (whether for himself or for himself and other persons) and he would be in actual residence there but for his absence in the performance of that duty.

(4) For the purposes of subsection (3) any temporary period of unemployment shall be disregarded.

(5) Subsection (3) shall also apply in relation to a person's absence by reason of his attendance on a course provided by an educational institution, whether in the Falkland Islands or elsewhere, as it applies in relation to a person's absence in the performance of any duty such as is mentioned in that subsection.

(6) Subject to the subsequent provisions of this Part, a person who is detained at any place in legal custody, whether in the Falkland Islands or elsewhere, shall not, by reason of his presence there, be treated for the purposes of section 8 as resident there but as being resident at the address at which he would under the foregoing provisions of this section be treated as being resident if he had not been detained in legal custody.

Residence: merchant seamen

8B. At any time when a merchant seaman is not resident in the Falkland Islands and who would have been resident there but for the nature of his occupation, he shall be treated for the purposes of section 8 as being resident at any place in the Falkland Islands at which he would have been resident but for the nature of his occupation. For this purpose "merchant seamen" means any person other than a member of Her Majesty's Services or the armed services of any other country whose employment or the greater part of it is carried out onboard seagoing ships, and includes any such person while temporarily without employment.

Residence: persons remanded in custody etc

8C.—(1) This section applies to a person who is detained at any place and is so detained otherwise than after —

(a) being convicted of any offence, or

(b) a finding in criminal proceedings that he did the act or made the omission charged.

(2) A person to whom this section applies shall be regarded for the purposes of section 8 as being resident in the dwelling house in which, under section 8A, he would be treated as being resident if his absence therefrom were an absence in the performance of a duty arising from or incidental to any office, service or employment held or undertaken by him and to which section 8(3)(b) applied."

9. There is inserted after section 8C the following centred heading —

"Registration of Electors".

10. Sections 9 to 22 are repealed and are replaced by the following sections —

"Registers of Electors

9.—(1) The Registration Officer shall maintain a Register of Electors for each constituency.

(2) Each Register shall contain —

(a) the names of the persons appearing to the Registration Officer to be entitled to be registered in it (subject to their complying with any prescribed requirements);

(b) insofar as it is practicable to do so and subject to any prescribed exceptions, the qualifying addresses of the persons registered in it; and

(c) in relation to each such person, that person's electoral number.

(3) A person's electoral number is such number (with or without any letters) as is for the time being allocated by the Registration Officer to that person as his electoral number for the purposes of the Register in question and those numbers shall be allocated by the Registration Officer in such a way as to ensure, so far as is reasonably practicable, that the numbers run consecutively.

(4) The Registration Officer's duty under subsection (1) includes the duty to take reasonable steps to obtain information required by him in connection with the performance of his duty under that subsection (without prejudice to any specific requirement of this Ordinance or Regulations under it).

Maintenance of Registers: annual canvass

10.—(1) The Registration Officer shall conduct an annual canvass for the purpose of ascertaining the persons who are for the time being entitled to be, or to remain, registered as electors in relation to a constituency.

(2) The canvass for any year shall be conducted by reference to residence on the 15th March in that year.

(3) The form to be used for the purposes of a canvass shall be either a form prescribed for those purposes or a form to the same effect.

(4) In connection with a canvas the Registration Officer may, for the purpose of —

(a) supplementing the information obtained by the use of any such form or

(b) where any such form has not been returned, obtaining any information designed to be obtained by the use of the form,

make such further enquiries as he thinks fit.

(5) On the conclusion of a canvas a Registration Officer shall make such alterations in his registers as fall to be made in accordance with section 11 as a result of the canvass.

(6) In this section “residence” means residence for the purposes of section 8.

Maintenance of the Registers: registration of electors

11.—(1) The Registration Officer shall determine all applications for registration which are—

- (a) made to him in accordance with the prescribed requirements, or
- (b) treated as made to him by virtue of subsection (2) of this section.

(2) Where —

- (a) in connection with the canvass under section 10, the form completed in respect of any address specifies any person as a person who is entitled to be registered in a Register, and
- (b) that person is not for the time being registered in the Register in respect of that address,

he shall be treated as having made, on the 15th March in the year in question, an application for registration in the Register in respect of that address.

(3) The Registration Officer shall also determine all objections to a person’s registration made in accordance with the prescribed requirements by another person whose name appears in the Register in question.

(4) Subsections (1) and (3) of this section apply to applications and objections asking —

- (a) for the omission, insertion or alteration of a date as that on which a person will become of voting age and entitled to registration, or
- (b) for the alteration of the qualifying address in respect of which a person is registered,

as they apply to applications for registration and objections to a person’s registration respectively.

(5) Where the name of a person (“the elector”) is duly entered in a Register in respect of any address, the elector is entitled to remain registered in the Register in respect of that address until such time as the Registration Officer —

- (a) determines, on the conclusion of a canvass under section 10, that the elector was not resident at that address on the 15th March in question, or that because —
 - (i) the form mentioned in section 10(4) was not returned in respect of that address, or
 - (ii) for any other reason, insufficient information was obtained as to whether the elector was resident at that address,

the Registration Officer is unable to satisfy himself that the elector was then so resident at that address, or

(b) determines in any prescribed circumstances, that the elector has ceased to be resident at that address or has otherwise ceased to satisfy the conditions for registration set out in section 8.

(6) Where the entitlement of a person to remain registered in a Register in respect of any address terminates by virtue of subsection (5) of this section, the Registration Officer shall remove that person's entry from the Register once the Officer has satisfied any prescribed requirements applying in relation to the removal of that entry.

(7) Subsection (6) does not apply if, or to the extent that, regulations so provide in relation to any prescribed circumstances; and regulations may, in particular, authorise the Registration Officer to retain entries in his Registers for the prescribed period if he thinks fit in cases where the form mentioned in section 10(4) has not been returned in respect of any address.

(8) In this section —

“determines” means determines in accordance with regulations; and

“resident” means resident for the purposes of section 8.

Publication of Registers

12.—(1) Following the conclusion of the canvass conducted by the Registration Officer for any year under section 10, the Registration Officer shall publish a revised version of the Register for both constituencies by the 1st May in that year or by such later date as Regulations may prescribe.

(2) The revised versions of the Register for each constituency shall incorporate —

(a) all the alterations which are required to be made in them as mentioned in section 10(5); and

(b) any alterations which are required to be made by virtue of section 13(3).

(3) The Registration Officer may in addition, if he thinks fit, publish a revised version of the Register for either of the constituencies at any time between —

(a) the time when the Register was last published in accordance with subsection (1) of this section, and

(b) the time when it is due to be next so published,

and the Registration Officer, if he proposes to publish a revised version of a Register in accordance with this subsection, must publish notice of his intention to do so by such time and in such manner as may be prescribed.

(4) When revising a Register for publication under this section the Registration Officer shall make such changes affecting the electoral numbers of persons registered in the Register as he considers necessary in order to comply with section 9(4).

(5) Where a revised version of a Register is published at any time under this section, the Register has effect in the form in which it is so published as from that time until the time when —

(a) a revised version is next so published, or

(b) if earlier, any alteration to the Register takes effect under section 14 or 15.

(6) Any reference in this section or section 14 to the publication of a revised version of the Register is to its publication in accordance with regulations made in pursuance of section 209.

Alteration of Registers

13.—(1) This section applies where, at any time (“the relevant time”) after the publication of a revised version of the Register by the Registration Officer under section 12, the Registration Officer —

(a) on an application for registration being made by any person in accordance with the prescribed requirements, determines that that person is entitled to be registered;

(b) is required by virtue of any provision of this Part, to remove a person’s entry from the Register;

(c) is notified of any decision on an appeal by virtue of section 19 which requires any such alteration in the Register as is mentioned in subsection (4) of that section; or

(d) determines that the Register contains any clerical error.

(2) In such a case the Registration Officer shall (subject to subsection (3)) issue, in the prescribed manner, a notice specifying the appropriate alteration in the Register and —

(a) the notice shall be so issued by him —

(i) on the first day of the month which follows that in which the relevant time falls, or

(ii) if that day is less than 14 days after that time, on the first day of the month immediately following that month; and

(b) (subject to section 14(1)) the alteration in question shall have effect as from the beginning of the day on which the notice is issued.

(3) Subsection (2) does not require the Registration Officer to issue a notice under that subsection in a case where (apart from this subsection) that subsection would require the notice to be issued —

(a) at the beginning of the month containing the date on which a revised version of the Register is next due to be published in accordance with section 12(1) or (3), or

(b) at the beginning of either of the two months preceding that containing the date on which a revised version of the Register is next due to be published in accordance with section 12(1),

and in such a case the alteration in question shall be made in that revised version of the Register.

(4) Subsection (2) also does not require the Registration Officer to issue a notice under that subsection in a case where section 14(3) requires him to issue a notice under that provision.

(5) No alteration affecting a published version of the Register of Electors shall be made otherwise than in accordance with this section and section 14.

(6) For the purposes of subsection (1) of this section “determines” means determines in accordance with regulations.

Alteration of Registers: pending elections

14.—(1) An alteration in a published version of a Register of Electors which takes effect under section 13(2) after the final nomination day in the case of an election to which this section applies shall not have effect for the purposes of that election unless the alteration —

(a) is made in consequence of a decision or determination falling within section 13(1)(c) or (d); and

(b) takes effect on or before the tenth day before the date of the poll.

(2) Subsection (3) of this section applies where —

(a) at any time before the appropriate publication date in the case of an election to which this section applies, section 13 applies to the Registration Officer, by virtue of subsection (1) of that section, in connection with a decision or determination —

(i) falling within subsection (1)(c) or (d) of section 13, and

(ii) in consequence of which a person's name falls to be entered in (or removed from) the Register in respect of an address; and

(b) no alteration made in consequence of that decision or determination —

(i) has already taken effect, or

(ii) is due to take effect, under subsection (2) of that section on or before the tenth day before the date of the poll.

(3) In such a case the Registration Officer shall issue, in the prescribed manner, a notice specifying the appropriate alteration in the Register and —

(a) the notice shall be so issued by him on the appropriate publication date; and

(b) the alteration shall take effect as from the beginning of that day.

(4) In this section —

“the appropriate publication date”, means either the eleventh or the tenth day before the date of the poll, as the Registration Officer may determine;

“the final nomination day”, in relation to an election, means the last day on which nomination papers may be delivered to the Returning Officer for the purposes of the election.

Supplemental provisions as to elections

Effect of Registers

15.—(1) A person registered as an elector, or entered into the list of proxies, shall not be excluded from voting on any of the following grounds (but this shall not prevent the rejection of the vote under scrutiny, or affect his liability to any penalty for voting).

The grounds are —

(a) that he is not of voting age;

(b) that he is not, or, on the relevant date or the date of his appointment as a proxy (as the case may be), was not —

(i) a person who enjoys Falkland Islands Status; or

(ii) is not a person whose name appeared on the Register of Electors for a constituency in force on 1st September 1997; or

(iii) a Commonwealth citizen; or

(c) that he is, or, on the relevant date or the date of his appointment as a proxy (as the case may be), was, otherwise not qualified to be registered as an elector.

(2) In subsection (1) “the relevant date” means —

(a) in relation to a person registered in the Register in question as published in accordance with section 12(1), the 15th March immediately preceding the date of publication of the Register;

(b) in relation to any other person registered in the Register in question, the relevant date for the purposes of section 4.

Effect of misdescription

16. No misnomer or inaccurate description of any person or place named —

(a) in a register of electors, or

(b) in any list, record, proxy paper, nomination paper, ballot paper, notice or other document required for the purposes of this Ordinance

affects the full operation of the document with respect to that person or place in any case where the description of the person or place is such as to be commonly understood.

Discharge of registration duties

17.—(1) The Registration Officer shall comply with any general or special directions which may be given by the Governor with respect to the arrangements to be made by the Registration Officer for carrying out his functions under this Ordinance.

(2) Without prejudice to the generality of subsection (1), the directions which may be given under that provision include directions requiring the Registration Officer to maintain Registers in a specified electronic form; and any such directions may in particular specify —

(a) the software which is to be used in connection with the maintenance of the Registers in that form;

(b) the standards in accordance with which that software is to be maintained and updated;

(c) how information required (by or under any enactment) to be included in the Registers is to be recorded and stored in that form.

(3) Any of the duties and powers of a Registration Officer may be performed or exercised by any deputy for the time being approved by the Chief Executive, and the provisions of this apply to any such deputy so far as respects any duties or powers to be performed or exercised by him as they apply to the Registration Officer.

(4) Any acts authorised or required to be done by or with respect to the Registration Officer may, in the event of his incapacity to act or of a vacancy, be done by the Chief Executive or any other public officer authorised by the Chief Executive to do that act.

Power to make regulations as to registration etc

18. Without prejudice to the generality of the power of the Governor under section 209 of this Ordinance to make regulations, provision may be made by regulations made under that section —

(a) with respect to the form of the Register of Electors and any special lists or records required by this Ordinance in connection with the Register or with any election;

(b) with respect to —

(i) the procedure to be followed in the preparation of the Register and the place and manner of its publication, and

(ii) the procedure to be followed in the preparation of any such special lists or records, and the time, place and manner of their publication; and

(c) generally with respect to any matters incidental to the provisions of this Ordinance so far as those provisions relate to the registration of electors or to voting by post or proxy.

Registration appeals

19.—(1) An appeal lies to the Magistrate's Court —

(a) from any decision under this Ordinance of the Registration Officer on any application for registration or objection to a person's registration made to and considered by him,

(b) from any decision under this Ordinance of the Registration Officer disallowing a person's application to vote by proxy or by post as elector or to vote by post as proxy, in any case where the application is not made for a particular election only,

but an appeal does not lie where a person desiring to appeal has not availed himself of a prescribed right to be heard by or make representations to the Registration Officer on the matter which is the subject of the appeal, or has not given the prescribed notice of appeal within the prescribed time.

(2) Subject to the Constitution, no appeal shall lie from a decision of the Magistrate's Court under this section, except that an appeal shall lie as of right to the Supreme Court against any order for the payment of costs.

(3) An appeal to the Magistrate's Court by virtue of this section which is pending when notice of an election is given shall not prejudice the operation as respects the election of the

decision appealed against, and anything done in pursuance of the decision shall be as good as if no such appeal had been brought and shall not be affected by the decision of the appeal.

(4) Notice shall be sent to the Registration Officer of the decision of the Magistrate's Court on any appeal by virtue of this section, and the Registration Officer shall in accordance with the preceding provisions of this Part make such alterations in the Register as may be required to give effect to the decision.

(5) Where, as a result of the decision on an appeal, an alteration in the Register made in pursuance of subsection (4) of this section takes effect under section 12(5), 13(2) or 14(3) on or before the last day on which nomination papers nominating candidates at an election may be delivered to the Returning Officer, subsection (3) of this section does not apply to that appeal as respects that election.

(6) The Registration Officer shall undertake such duties in connection with appeals brought by virtue of this section as may be prescribed and shall on any such appeal be deemed to be a party to the proceedings.

Disqualification list

20.—(1) The Registration Officer shall on or after the 15th day of March in each year compile a list of such persons appearing to him to be otherwise qualified to be registered as electors for the relevant constituency and who, in his opinion, are by virtue of any provision of section 27(2) of the Constitution disqualified from being so registered ("the disqualification list").

(2) The disqualification list shall not be open to inspection by the public, but the Registration Officer shall upon the application of any person inform him, and if so requested, in writing, whether his name appears on the disqualification list.

(3) The Registration Officer may require the Chief Medical Officer, the Chief Police Officer or any other person who, in the opinion of the Registration Officer, may have information relevant to the preparation of the disqualification list to provide such information to him and any person so required shall provide that information to the Registration Officer within seven days.

(4) An appeal lies to the Magistrate's Court at the instance of any person whose name appears on the disqualification list against the decision of the Registration Officer to include his name upon that list but such an appeal does not lie where the person desiring to appeal has not availed himself of a prescribed right to be heard by or make representations to the Registration Officer in relation to the appearance of that person's name upon the disqualification list. Subsections (2) to (6) of the preceding section apply in relation to an appeal under subsection (4) of this section as they do in relation to an appeal under subsection (1) of the preceding section."

11. Section 23(3)(b) is amended by the insertion after the words “a Justice of the Peace” of the words “or, if the applicant is overseas at the time he makes the application, by such a person or by a minister of religion, bank manager, commissioner for oaths, police officer or any other person approved by the Registration Officer for the purpose.”.

12. The following section is inserted after section 23 —

“Facilities for voting overseas

23A.—(1) The Governor may by Order make provision enabling an elector to make application to the Registration Officer to be registered as a postal voter at an address in the United Kingdom to which postal ballot papers for completion by the elector may be sent.

(2) No such provision as is referred to in subsection (1) shall be made by Order unless that order appoints a Falkland Islands Government Office in the United Kingdom as the place to which postal ballot papers for completion by electors sent postal ballot papers to at an address in the United Kingdom may send such ballot papers when completed.

(3) An Order under subsection (1) shall make provision requiring the electronic transmission to the Returning Officer of a true copy of any postal ballot paper and prescribed document accompanying the postal ballot paper to the Recording Officer.

(4) An Order under this section may contain such further provisions as are necessary or expedient and in particular such provisions as may be necessary or expedient to enable and require copy postal ballot papers received by the Recording Officer and transmitted under the provisions of the Order to be counted in the same way as if they were original postal ballot papers in respect of the same constituency and received by the Returning Officer in the Falkland Islands.

(5) An Order under subsection (1) may make such consequential amendments as may be required to any provision of this Ordinance insofar as it relates to postal voting, postal ballot papers or the counting of postal ballot papers.”

13. Section 41 is repealed.

14. Section 42 is amended as follows —

(a) in paragraph (c) of subsection (1), by replacing the words “the preliminary list” with the words “a register of electors”;

(b) by inserting the following paragraph after paragraph (c) of subsection (1) —

“(ca) as to the manner, and the times of which, a person may make application for his name to be included in an electoral register and the qualifications for such inclusion;” and

(c) in subsection (2) by replacing all words appearing after the word “given” with the words “in the month of May and in the month”.

15. Section 43(1) is amended by omitting the words “in the preliminary list or”.

16. Sections 44 and 46 are repealed.

17. Section 47 is amended —

(a) in subsection (2) by replacing the words “Registrar General” with the words “Chief Executive”;

(b) by inserting the following subsection after subsection (2) —

“(2A) The returning officer may appoint a public officer to be the deputy returning officer and any person so appointed may perform such of the functions of the returning officer under this Ordinance as the returning officer may have delegated to him”; and

(c) in subsection (4) by inserting the words “or the deputy returning officer” after the words “the returning officer”.

18. Section 53(2) is amended —

(a) by omitting the words “Director of Agriculture”;

(b) by inserting the words “Director of Health and Social Services” after the words “Director of Fisheries”;

(c) by replacing the words “Director of Oil” by the words “Director of Minerals and Agriculture”.

19. Section 58 is amended by inserting the following subsection after subsection (1)—

“(1A) At an election or referendum being held in the Camp constituency, when no election is taking place or referendum is being held on the same day in the Stanley constituency, an elector who is permitted to vote at a polling place on that day may do so at any polling place appointed under section 59(3) or (3A).”.

20. Section 59 is amended by inserting the following subsection—

“(3A) When a poll is to be taken in an election or a referendum in relation to the Camp constituency on any day, but no poll is to be taken at an election or a referendum in the Stanley constituency on the same day, at least one polling place within the Stanley constituency shall be appointed at which persons permitted to vote at a polling place in respect of the Camp constituency may vote in that election or referendum.”.

EXPLANATORY MEMORANDUM

Taxes (Amendment) Bill 2004

General

This Bill introduces miscellaneous amendments to the Taxes Ordinance 1997 ("the 1997 Ordinance") to rationalise the charge to tax in the Falkland Islands.

Clause 1

This clause contains the formal parts of the Bill. It provides the short title to the Bill, "the Taxes (Amendment) Ordinance 2004", and allows the use of the short form "the 1997 Ordinance" instead of the full title of the original Ordinance "the Taxes Ordinance 1997".

This clause will come into force on publication of the Ordinance in the Gazette. There is no generally applicable commencement date as each clause comes into force on a different date.

Clause 2

The purpose of Clause 2 is to prevent forestry from being taxed as if it were a trade like any other trade. Forestry is not a trade and provides difficulties for the tax regime in that the profits if any do not arise for many years, there is no business activity for many years and much of the investment is capital in nature. However because the investment has to be made at the beginning when the trees are planted, forestry commonly throws up losses which if treated as ordinary trading losses can distort a person's tax position. Other income of the owner of the timber can in effect be taken out of the tax charge by use of the losses arising on the investment in forestry. But the tax office has to wait many years before seeing any profits accruing from the forestry enterprise.

Although forestry is not a major concern in the Falkland Islands themselves it is possible for people resident in the Falkland Islands to have foreign investments including forestry. Accordingly in order to prevent a loss to the Falkland Islands Exchequer, it is proposed that forestry should cease to be treated as a business for Falkland Islands tax purposes. This means that the losses accruing from a forestry business will not be allowable against any income taxable in the Falkland Islands. But importantly any profits arising from forestry will not be taxable here either. This follows similar provision made some years ago in the United Kingdom.

Subsections (2) and (3) amend the definition of "business" to exclude forestry so that it ceases to be within the charge to tax in the Falkland Islands. However coppicing and growing short life trees like Christmas trees are not excluded: these activities are comparable to other trades and, unlike long term investment in timber, generate income and losses year on year.

Growing trees as part of another business, for example growing shelter belts on farms, is not considered to be a forestry enterprise, but is treated as part of the other business.

Subsection (4) amends section 125 of the 1997 Ordinance, which is concerned with loss relief, to ensure that losses accruing before the change in the law comes into force are not carried forward and used against income arising thereafter.

The changes will apply as respects income and losses arising or accruing on or after 1st January 2005.

Clause 3

Clause 3 changes the time-frame within which employers are required to give the "end of year" certificate to employees and the Taxation Office under section 88(7) of the 1997 Ordinance. This certificate states the amount of POAT deductions made from the employee's salary during the year and at present has to be given to the employee and the Taxation Office by 7th January in the following year. This is a very short time for employers and the Taxation Office, in practice, allow some leeway. The clause will give the employer the whole of January to send out the certificates which will help employers without prejudicing the interests of employees. The change will come into force on 1st January 2005.

Clause 4

Clause 4 introduces a formal requirement to keep records to support entries in tax returns and deductions of tax on royalties due under section 61.

At present there is a power to require the holder of a petroleum licence to keep records relating to certain transactions and emoluments. This power is intended to assist the Taxation Office in the taxation of contractors in the oil industry and is not of general application. It is not the same as the provisions introduced by clause 4 as it is intended to be used to acquire information relating to the contractors and their employees, as well as the licensees/taxpayers. For that reason it is not being replaced by clause 4 which is concerned with information relating to the taxpayer.

Clause 4 inserts a new section in the 1997 Ordinance requiring persons liable to tax to keep sufficient records to substantiate the figures in their tax return. This will mean that they must keep accounting records to substantiate their accounts where the income or loss stated is based on accounts, and they must keep other records necessary to substantiate the figures in their tax computation, if any. The tax computation may include, for example, any adjustments necessary where capital allowances are claimed or where the transfer pricing provisions apply.

The requirement also extends to cases where a person is required to make a deduction of tax under section 61, where a payment of royalty is made to a non-resident. The records will need to include the agreement or arrangement under which the royalty is payable and details of the payee and of payments made.

The records will have to be kept, as a general rule, for 6 years from the end of the year in which the tax was deducted or to which the accounts relate. The obligation does not end when an assessment to tax for that year is made. The 6 year period reflects the period during which an assessment may be made without any allowance for extensions where an additional assessment may be made or where an assessment on grounds of fraud may be made. It is a compromise to ensure that taxpayers are not overburdened with record-keeping requirements and to provide reasonable protection for the Falkland Islands Exchequer.

There is a power to extend the 6 years, except in a section 61 case. This power is not expected to be used very frequently but it may be necessary where there is an investigation into a taxpayer's

affairs which starts late due to the taxpayer's lack of openness. In such a case the Commissioner will be able to require the taxpayer to preserve the records until the Taxation Office has completed the investigation and an assessment or additional assessment has been made.

There are civil and criminal sanctions for failure to keep proper records. Record keeping is fundamental to an efficient tax system. It helps the taxpayer make accurate returns and keeps compliance costs to a minimum. Investigations by the Taxation Office can be carried out far more efficiently where proper records are kept which results in a saving both to government and to the taxpayer.

The sanctions included in the new provisions are, in the case of a criminal conviction, a fine not exceeding level 7 on the standard scale, £12,500 at present. In the case of a civil penalty the maximum will be the greater of £5,000 or double the amount of tax due for the chargeable period to which the records relate or double the amount of the tax required to be deducted under section 61 for the year in which the default occurred (as the case may be). This maximum is deliberately set fairly high to encourage compliance and deter defaulters: in serious cases lack of records can lead to the failure to recover substantial amounts of tax.

The new provisions will apply from the date the Bill for the Ordinance is published. This unusual commencement is considered to be necessary to avoid taxpayers being tempted to destroy papers and other records when they see the new provision before it comes into effect. There is no question of retrospection here: the clause will just apply to whatever is in existence at the time it comes into force. Taxpayers will not be required to bring any records relating to past times or transactions into existence nor be penalised for not having such records.

Clause 5

Clause 5 makes new provision with respect to the taxation of government employees recruited in the Falkland Islands and working in the Falkland Islands Government Office in London (FIGO). The taxation of these individuals is dealt with specifically in the Double Tax Relief Arrangement between the Falkland Islands and the UK which provides that their FIGO salary although paid in the UK will only be taxable in the Falkland Islands. At present the position of these employees under the 1997 Ordinance is governed in the main by sections 8, 13 and 200. The result is that for substantial periods of time the FIGO employees are neither resident nor ordinarily resident in the Falkland Islands while working in FIGO. An anomaly arises since although the FIGO employees will generally be resident in the UK while they are not resident in the Falkland Islands, they cannot be taxed in the UK because of the DTRA. To regularise the situation clause 5 ensures that these employees will be deemed to be temporarily absent from the Falkland Islands for the purposes of section 200. In consequence, they will be taxed as residents however long their absence may be so that not only will their earnings at FIGO be taxable in the Falkland Islands but all the allowances available to Falkland Islands residents will be available to these employees in full.

This section is deemed to have come into force on 1st January 2004 so that it will apply for the charge to tax in the year of assessment beginning on 1st January 2005 and later years.

Taxes (Amendment) Bill 2004

(No: of 2004)

ARRANGEMENT OF PROVISIONS

1. Short title, commencement and interpretation
2. Forestry
3. POAT: end of year certificates
4. Record keeping
5. FIG employees working in London

TAXES (AMENDMENT) BILL 2004

(No: of 2004)

(assented to:2004)

(commencement: see individual clauses)

(published:2004)

A BILL

for

AN ORDINANCE

To amend the Taxes Ordinance 1997.

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

Short title, commencement and interpretation

1.—(1) This Ordinance may be cited as the Taxes (Amendment) Ordinance 2004.

(2) In this Ordinance “the 1997 Ordinance” means the Taxes Ordinance 1997.

(3) This section shall come into force on the date this Ordinance is published in the Gazette.

Forestry

2.—(1) This section has effect in relation to income tax for the year of assessment 2006 and subsequent years and in relation to corporation tax for corporation tax year 2005 and subsequent years.

(2) In section 2 of the 1997 Ordinance (interpretation) in the definition of “business” for “subsection (9)” there shall be substituted “subsections (9) and (11)”.

(3) In that section after subsection (10) there shall be added —

“(11) For the purposes of this Ordinance “business” does not include any forestry enterprise.

(12) In subsection (11) “forestry enterprise” means the occupation of woodlands or any other land for the purpose of growing trees, except the occupation of land, whether in the Falkland Islands or elsewhere —

(a) where the growing of trees is incidental to the carrying on of another business;

(b) for coppicing, or

(c) for growing Christmas trees or for growing other trees for sale as living trees and not as timber.”

(4) In section 125 of the Ordinance (restrictions on loss relief) after subsection (2) there shall be added —

“(3) Any loss accruing in the course of carrying on any forestry enterprise which at the time the loss accrued was regarded as a business for the purposes of this Ordinance shall not be carried forward and set-off against any income arising or accruing at a time when the enterprise is not so regarded.”

POAT: end of year certificates

3.—(1) In section 88(7) of the 1997 Ordinance (end of year certificate to be given to the employee and the Commissioner) for “within 7 days of 31st December” substitute “not later than 31st January after the relevant date”.

(2) This section shall come into force for all purposes on 1st January 2005.

Record keeping

4.—(1) After section 192 there shall be inserted —

“Preservation of records

Accounting records etc to be kept

192A.—(1) Any person within the charge to tax or required to deduct tax from any payment under section 61 (royalties) shall preserve all accounting records and documents necessary to explain —

(a) any accounts required to be submitted under section 12 or 30,

(b) the computation of an amount of taxable income stated in any return required to be made under section 12 or 30, and

(c) any deduction made under section 61,

for at least six years after the end of the chargeable period to which the accounts or return relate or in which the deduction under section 61 was made.

(2) The Commissioner may by notice direct any person to keep records and documents relating to such chargeable period or periods as maybe specified in the notice preserved in accordance with subsection (1)(a) or (b) for such longer period as may be so specified.

(3) A chargeable period may not be specified in a direction given to any person under subsection (2) if that person has submitted a return under section 12 or 30 for that period and no objection or appeal is pending in relation to that return and no enquiry is being made under section 175 in relation to that person as respects that chargeable period.

(4) Any person who fails to comply with subsection (1) or with a notice under subsection (2) commits an offence and shall be liable on conviction to a fine not exceeding level 7 on the standard scale.

(5) Any person who fails to comply with subsection (1) or with a notice under subsection (2) as respects accounting records or other documents relevant to the accounts or return for a chargeable period or to any deduction required to be made under section 61 in a chargeable period shall be liable to a penalty equal to —

(a) double the tax which the person is liable to pay for that period, or double the amount of the deduction, or

(b) £5,000,

whichever is the greater.”

(2) This section shall be deemed to have come into force on the date the Bill for this Ordinance was published in the Gazette (*date to be supplied later*) and accordingly section 192A of the 1997 Ordinance shall apply to accounting records or other documents in existence or coming into existence on or after that date.

FIG employees working in London

5.—(1) In section 200 of the Taxes Ordinance 1997 (residence of individuals) after subsection (1) there shall be inserted —

“(1A) A person shall be regarded for the purpose of subsection (1) as being temporarily absent from the Falkland Islands for any period during which that person is employed in the service of the government of the Falkland Islands and carries out the duties of that employment in the United Kingdom.”

(2) This section shall be deemed to have come into force on 1st January 2004.

Media Trust (Amendment) Bill 2004

(No: of 2004)

ARRANGEMENT OF PROVISIONS

Clause

1. Short title
2. Amendment of section 4(1) of the Media Trust Ordinance

MEDIA TRUST (AMENDMENT) BILL 2004

(No: of 2004)

(assented to: 2004)

(commencement: upon publication)

(published: 2004)

A BILL

for

AN ORDINANCE

To amend section 4 of the Media Trust Ordinance (Title 59.1).

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

Short title

1. This Ordinance may be cited as the Media Trust (Amendment) Ordinance 2004.

Amendment of section 4 of the Media Trust Ordinance

2. Section 4(1) of the Media Trust Ordinance is amended by replacing the words “five persons” with the words “not less than five and not more than nine”.

OBJECTS AND REASONS

It is desired to increase the number of persons who may be appointed to be trustees of the Media Trust from five persons to not more than nine persons. To enable this to be done, section 4(1) of that Ordinance needs to be amended in the manner provided in clause 2 of this Bill.



**THE
FALKLAND ISLANDS GAZETTE
Supplement**

PUBLISHED BY AUTHORITY

Vol. 15

17th December 2004

No. 20

The following are published in this Supplement -

Education (Amendment) Ordinance 2004 (No: 20 of 2004);

Media Trust (Amendment) Ordinance 2004 (No: 21 of 2004);

Taxes (Amendment) Ordinance 2004 (No: 22 of 2004);

Dogs (Licensing Authority) Resolution 2004 (No: 2 of 2004);

Stanley Common (Commonage Fees)(Amendment) Rules 2004 (S.R.&O. No: 39 of 2004); and

Dogs (Amendment) Rules 2004 (S.R.&O. No: 40 of 2004).

ELIZABETH II



FALKLAND ISLANDS

HOWARD JOHN STREDDER PEARCE C.V.O.,
Governor.

Education (Amendment) Ordinance 2004

(No: 20 of 2004)

ARRANGEMENT OF PROVISIONS

Section

1. Short title and commencement
2. Repeal and replacement of section 57 of the Education Ordinance

ELIZABETH II



FALKLAND ISLANDS

HOWARD JOHN STREDDER PEARCE C.V.O.,
Governor.

EDUCATION (AMENDMENT) ORDINANCE 2004

(No: 20 of 2004)

(assented to: 7 December 2004)

(commencement: in accordance with section 1)

(published: 17 December 2004)

AN ORDINANCE

To repeal and replace section 57 of the Education Ordinance (Title 29.1).

ENACTED by the Legislature of the Falkland Islands as follows —

Short title and commencement

1. This Ordinance may be cited as the Education (Amendment) Bill 2004 and comes into force on 1st September 2005.

Repeal and replacement of section 57 of the Education Ordinance

2. Section 57 of the Education Ordinance is repealed and is replaced by the following section —

“Academic year and terms

57.—(1) The academic year is a period of twelve months beginning on 1st September in each calendar year.

(2) Each academic year shall be divided into three terms, beginning and ending on such dates as shall be fixed by notice published by the Director in the *Gazette* and each such term shall be divided into two portions, which need not be of equal length, by a half-term holiday of such duration and between such dates as shall be fixed by the same notice.

(3) The effect of a notice published under subsection (2) shall be that, without prejudice to the Governor's powers under section 58 (occasional holidays), there shall be not less than 190 days in every academic year on which children of compulsory school age enrolled at a Government School are required to attend that school unless they are for any reason lawfully excused from attendance.

(4) Public holidays, Saturdays and Sundays falling within a term are not days on which a child of compulsory school age may be required to attend school and cannot be taken into account in calculating the 190 days mentioned in subsection (3)."

Passed by the Legislature of the Falkland Islands this 26th day of November 2004.

C. ANDERSON M.B.E.,
Clerk of Councils.

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

C. ANDERSON M.B.E.,
Clerk of Councils.

ELIZABETH II



FALKLAND ISLANDS

HOWARD JOHN STREDDER PEARCE C.V.O.,
Governor.

Media Trust (Amendment) Ordinance 2004

(No: 21 of 2004)

ARRANGEMENT OF PROVISIONS

Section

1. Short title
2. Amendment of section 4(1) of the Media Trust Ordinance

ELIZABETH II



FALKLAND ISLANDS

HOWARD JOHN STREDDER PEARCE C.V.O.,
Governor.

MEDIA TRUST (AMENDMENT) ORDINANCE 2004

(No: 21 of 2004)

(assented to: 7 December 2004)

(commencement: upon publication)

(published: 17 December 2004)

AN ORDINANCE

To amend section 4 of the Media Trust Ordinance (Title 59.1).

ENACTED by the Legislature of the Falkland Islands as follows —

Short title

1. This Ordinance may be cited as the Media Trust (Amendment) Ordinance 2004.

Amendment of section 4 of the Media Trust Ordinance

2. Section 4(1) of the Media Trust Ordinance is amended by replacing the words “five persons” with the words “not less than five and not more than nine”.

Passed by the Legislature of the Falkland Islands this 26th day of November 2004.

C. ANDERSON M.B.E.,
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ELIZABETH II



FALKLAND ISLANDS

HOWARD JOHN STREDDER PEARCE C.V.O.,
Governor.

Taxes (Amendment) Ordinance 2004

(No: 22 of 2004)

ARRANGEMENT OF PROVISIONS

Section

1. Short title, commencement and interpretation
2. POAT: end of year certificates
3. Record keeping
4. FIG employees working in London

ELIZABETH II



FALKLAND ISLANDS

HOWARD JOHN STREDDER PEARCE C.V.O.,
Governor.

TAXES (AMENDMENT) ORDINANCE 2004

(No: 22 of 2004)

(assented to: 7 December 2004)

(commencement: see individual clauses)

(published: 17 December 2004)

AN ORDINANCE

To amend the Taxes Ordinance 1997.

ENACTED by the Legislature of the Falkland Islands as follows —

Short title, commencement and interpretation

1.—(1) This Ordinance may be cited as the Taxes (Amendment) Ordinance 2004.

(2) In this Ordinance “the 1997 Ordinance” means the Taxes Ordinance 1997.

(3) This section shall come into force on the date this Ordinance is published in the Gazette.

POAT: end of year certificates

2.—(1) In section 88(7) of the 1997 Ordinance (end of year certificate to be given to the employee and the Commissioner) for “within 7 days of 31st December” substitute “not later than 31st January after the relevant date”.

(2) This section shall come into force for all purposes on 1st January 2005.

Record keeping

3.—(1) After section 192 there shall be inserted —

“Preservation of records

Accounting records etc to be kept

192A.—(1) Any person within the charge to tax or required to deduct tax from any payment under section 61 (royalties) shall preserve all accounting records and documents necessary to explain —

- (a) any accounts required to be submitted under section 12 or 30,
- (b) the computation of an amount of taxable income stated in any return required to be made under section 12 or 30, and
- (c) any deduction made under section 61,

for at least six years after the end of the chargeable period to which the accounts or return relate or in which the deduction under section 61 was made.

(2) The Commissioner may by notice direct any person to keep records and documents relating to such chargeable period or periods as maybe specified in the notice preserved in accordance with subsection (1)(a) or (b) for such longer period as may be so specified.

(3) A chargeable period may not be specified in a direction given to any person under subsection (2) if that person has submitted a return under section 12 or 30 for that period and no objection or appeal is pending in relation to that return and no enquiry is being made under section 175 in relation to that person as respects that chargeable period.

(4) Any person who fails to comply with subsection (1) or with a notice under subsection (2) commits an offence and shall be liable on conviction to a fine not exceeding level 7 on the standard scale.

(5) Any person who fails to comply with subsection (1) or with a notice under subsection (2) as respects accounting records or other documents relevant to the accounts or return for a chargeable period or to any deduction required to be made under section 61 in a chargeable period shall be liable to a penalty equal to —

(a) double the tax which the person is liable to pay for that period, or double the amount of the deduction, or

(b) £5,000,

whichever is the greater.”

(2) This section shall be deemed to have come into force on the date the Bill for this Ordinance was published in the Gazette (that is to say 15th November 2004) and accordingly section 192A

of the 1997 Ordinance shall apply to accounting records or other documents in existence or coming into existence on or after that date.

FIG employees working in London

4.—(1) In section 200 of the Taxes Ordinance 1997 (residence of individuals) after subsection (1) there shall be inserted —

“(1A) A person shall be regarded for the purpose of subsection (1) as being temporarily absent from the Falkland Islands for any period during which that person is employed in the service of the government of the Falkland Islands and carries out the duties of that employment in the United Kingdom.”

(2) This section shall be deemed to have come into force on 1st January 2004.

Passed by the Legislature of the Falkland Islands this 26th day of November 2004.

C. ANDERSON M.B.E.,
Clerk of Councils.

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

C. ANDERSON M.B.E.,
Clerk of Councils.

LEGISLATIVE COUNCIL OF THE FALKLAND ISLANDS

Dogs (Licensing Authority) Resolution 2004

RESOLUTION OF THE LEGISLATIVE COUNCIL

No: 2 of 2004

RESOLVED by the Legislative Council on the 26th day of November 2004, pursuant to section 55 of the Interpretation and General Clauses Ordinance (Title 67.2), that the functions of the Postmaster under section 4 of the Dogs Ordinance (Title 5.2) be exercised by the Director of Agriculture instead of by the Postmaster.

This Resolution may be cited as the Dogs (Licensing Authority) Resolution 2004 and comes into effect on the 26th day of November 2004.

C. ANDERSON M.B.E.,
Clerk of Councils

SUBSIDIARY LEGISLATION

TRESPASS

Stanley Common (Commonage Fees)(Amendment) Rules 2004

S. R. & O. No: 39 of 2004

Made: 7 December 2004

Published: 17 December 2004

Coming into force: 1 January 2005

IN EXERCISE of my powers under section 11 of the Trespass Ordinance (Title 5.6) and of all other powers enabling me in that behalf, I make the following Rules —

Citation and commencement

1. These Rules may be cited as the Stanley Common (Commonage Fees)(Amendment) Rules 2004 and shall come into force on 1 January 2005.

Replacement of Schedule to Trespass Ordinance

2. The Schedule to the Trespass Ordinance is repealed and replaced by the following —

“Schedule

1. Commonage on Stanley Common (except Cape Pembroke Peninsula): £25 per animal for eight months from October to May.

2. Commonage on Cape Pembroke Peninsula or Moody Valley: £80 per animal for four months from June to September.”

Made this 7th day of December 2004

H. J. S. Pearce C.V.O.,
Governor

EXPLANATORY NOTE
(not forming part of the above Rules)

These Rules set revised grazing fees for Stanley Common.

SUBSIDIARY LEGISLATION

ANIMALS

Dogs (Amendment) Rules 2004

S. R. & O. No: 40 of 2004

Made:7 December 2004

Published: 17 December 2004

Coming into force: 1 January 2005

IN EXERCISE of my powers under section 14 of the Dogs Ordinance (Title 5.2) and of all other powers enabling me in that behalf, I make the following Rules —

Citation and commencement

1. These Rules may be cited as the Dogs (Amendment) Rules 2004 and shall come into force on 1 January 2005.

Amendment of Dogs Rules

2. The Dogs Rules (Title 5.2.1) are amended —

(a) in rule 3(a) by replacing the symbol and figures “£15” with the symbol and figures “£25”; and

(b) in rule 3(b) by replacing the figure and symbol “5p” with the words “No Fee”.

Made this 7th day of December 2004

H. J. S. Pearce C.V.O.,
Governor

EXPLANATORY NOTE
(not forming part of the above Order)

These Rules amend the prescribed fees in relation to the issue of dog licences.

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