

INDEX

to

FALKLAND ISLANDS GAZETTE

1979

Air Fares and Conditions of Carriage	123	Miranda, Augusto M., Application for Naturalization	61, 97
Anderson, E., Pilot	203	Montagu, R. W., Completion of Contract	61
Baker, F. E., Chief Secretary	109	Mountbatten, Earl - Exchange of telegrams on death of	203
Banking Companies treated as unregistered	2	Murphy, M. J., Engineman	53
Bennett, H., Inspector under Civil Aviation (Investigation of Accidents) Regs. 1959	54	New Year Honours 1979	1
Biggs, Frances - Transfer to Legal Department	203	ORDERS —	
Birthday Greetings 1979	109	1/79 Protection of Wrecks (Designation) Order 1979	89
Birthday Honours 1978	53	2/79 Evidence (Proceedings in Other Jurisdictions) Act 1975 (Commencement) Order 1979	89
Bleaney, Miss D. R., Clerk, Public Service	123	3/79 Fugitive Offenders (Designated Common- wealth Countries) (Amendment) Order 1979	116
Bleaney, Miss D. R., Resignation	241	4/79 British Nationality (Fees) Order 1979	188
Bonner, Miss M., Completion of Contract	241	5/79 Post Office (Amendment) Order 1979	230
Bonner Mrs. V. J., Clerk, Public Service	123	6/79 Maintenance Orders (Designation of Reciprocating Countries) Order 1979	231
Brands, Registration of	203	ORDINANCES, BILLS FOR	
Broadcasting - increase in fees for announcements and adverts	124	Appropriation (1979-80) Ordinance 1979	117
Carey, Mrs. G., Completion of Contract	241	Education (Amendment) Ordinance 1979	237
Caswell, Miss A., Acting Matron	97	Employment Tax Ordinance 1979	46
Caswell, Miss A., Resignation	155	Family Allowances (Amendment) Ordinance 1979	201
Clarke, Mrs. C., Telephone Operator	53	Firearms (Amendment) Ordinance 1979	121
COMMITTEES —		Gas Ordinance 1979	265
Cost of Living, Findings of	2, 98, 155, 229	Guardianship of Minors Ordinance 1979	102
Hospital Visiting	54	Income Tax (Amendment) Ordinance 1979	42
Currency Notes Rules	155	Income Tax (Amendment) (No. 2) Ordinance 1979	238
Cusworth, A. D., Resignation	115	Income Tax (Amendment) (No. 3) Ordinance 1979	251
Darts, Mrs. D. V., Resignation	61	Licensing (Amendment) Ordinance 1979	264
Dobbyns, Miss K. G., Promotion to Cashier	155	Loans Ordinance 1979	39
Dobbyns, T., Licence to market gas oil	97	Maintenance Orders (Reciprocal Enforcement) (Amendment) Ordinance 1979	239
Dog Inspectors, Appointment of	97, 109	Matrimonial Causes Ordinance 1979	3
Dunnett, Dr. K. E., Promotion to Senior Medical Officer	53	Non-Contributory Old Age Pensions (Amendment) Ordinance 1979	119
Dunnett, Dr. K. E., Completion of Contract	115	Non-Contributory Old Age Pensions (Amendment) (No. 2) Ordinance 1979	263
Earl Mountbatten - Exchange of telegrams on death of	203	Old Age Pensions (Amendment) Ordinance 1979	118
Efficiency Medals - F.I.D.F.	241	Pensions (Amendment) Ordinance 1979	35
Electricity - increase in tariff	123	Pensions (Unestablished Locally Recruited Government Employees) Ordinance 1979	262
Emsley, D. S., Resignation	123	Road Traffic (Amendment) Ordinance 1979	107
Evans, D. S., Appointment to Executive Council	123	Supplementary Appropriation (1977/78) Ord. 1979	100
Farming Statistics 1978/79	234	Stanley Rates (Amendment) (No. 2) Ord. 1979	240
F.I.D.F. - Efficiency Medals	241	Trespass (Amendment) Ordinance 1979	120
Ford, B. W., Resignation	53	ORDINANCES, COLONY —	
Gilding, P., Teacher	61	1/79 Maintenance Orders (Reciprocal Enforcement) Ordinance 1979	63
Goodwin, W. A. N., Acting Master, m.v. Forrest	109, 241	2/79 Stanley Rates (Amendment) Ordinance 1979	76
Goss, S. P. M., Technician	109	3/79 Christ Church Trust (Amend.) Ord. 1979	77
Goss, W. H., Member of Executive Council	1	4/79 Loans Ordinance 1979	79
Growcott, M. W., Assistant to the Governor	203	5/79 Pensions (Amendment) Ordinance 1979	82
Hazell, D. S., Promotion to Corporal	123	6/79 Appropriation (1979-80) Ordinance 1979	126
Hazell, D. S., Resignation	241	7/79 Supplementary Appropriation (1977-78) Ordinance, 1979	128
Hewitt, D. G., Resignation	61	8/79 Guardianship of Minors Ordinance 1979	131
Hewitt, Miss S., Resignation	109	9/79 Old Age Pensions (Amendment) Ord. 1979	137
His Excellency the Governor's return to Stanley	1, 61	10/79 Non-Contributory Old Age Pensions (Amendment) Ordinance 1979	138
Hodgkinson, J. C., Resignation	155	11/79 Firearms (Amendment) Ordinance 1979	139
Howatt, D., Promotion to Income Tax Officer	155	12/79 Trespass (Amendment) Ordinance 1979	140
INSTRUMENTS :		13/79 Medical Services Levy Ordinance 1979	141
Governor's Deputy - Massingham, J. D.	2, 55	14/79 Matrimonial Causes Ordinance 1979	157
Governor's Deputy - Baker, F. E.	99	ORDINANCES, DEPENDENCIES —	
Member of Executive Council - Evans, D. S.	123	DS 1/79 Income Tax (Amendment) Ordinance 1979	85
Member of Executive Council - Goss, W. H.	1	DS 2/79 Supplementary Appropriation (Dependencies) (1974/75) Ordinance 1979	86
Member of Executive Council - Jennings, Mrs. M. A.	205	DS 3/79 Supplementary Appropriation (Dependencies) (1977/78) Ordinance 1979	87
Jennings, Mrs. M., Resignation	249	DS 4/79 Appropriation (Dependencies) (1978/79) Ordinance 1979	88
Jennings, Mrs. M. A. H., Completion of Contract	53	ORDINANCES, NON-DISALLOWANCE OF — COLONY	
Jennings, Mrs. M. A. H., Member of Executive Council	205	1/78 Appropriation (1978/79) Ordinance 1978	249
Johnson, Miss E., Clerk, Public Service	155	2/78 Supplementary Appropriation (1976/77) Ordinance 1978	156
Jones, I. R., Teacher	53	3/78 Interpretation and General Clauses (Amendment) Ordinance 1978	156
Kanagasabai, B., Assessor under Civil Aviation (Investigation of Accidents) Regulations 1959	54		
Kersey, Mrs. D. J., Completion of Contract	97		
Kersey, R. J., Completion of Contract	97		
Lewis, M. P. D., Relief Magistrate, South Georgia	109		
Livestock Ordinance, Registration of Brands	203		
Luxton, H. T., Death of	241		
Magistrates & Justices, Revised List of	98		
McGill, T. R., Resignation	123		
McLeod, D., Police Constable	1		
McLeod, D., Resignation	203		
McMillan, D. H., Immigration Officer	123, 241		
McPhee, Mrs. M. M., Clerk, Public Service	123		
McPhee, O. H., Acting Officer in Charge, Posts & Tels.	123		
Ministers for Celebrating Marriages	1, 97, 156		

4/78 Christ Church Trust (Amend.) Ord. 1978	156	Rutterford, R. C., Teacher	53
5/78 Stanley Town Public Services (Amend.) Ordinance 1978	156	Rutterford V. A., Teacher	53
6/78 Protection of Wrecks (Amend.) Ord. 1978	156	RESOLUTIONS —	
7/78 Employment of Women, Young Persons and Children (Amendment) Ordinance 1978	156	1/79 Green Patch Farm Loan Resolution 1979	95
8/78 Registration of United Kingdom Patents (Amendment) Ordinance 1978	156	2/79 Housing Loan Resolution 1979	124
9/78 Family Allowances (Amendment) Ord. 1978	156	3/79 Customs (Amendment of Duties) Resolution 1979	125
10/78 Income Tax (Amendment) Ordinance 1978	156	RULES —	
11/78 Income Tax (Amendment) (No. 2) Ord. 1978	156	1/79 Savings Bank Rules 1979	95
12/78 Non-contributory Old Age Pensions (Amendment) Ordinance 1978	156	2/79 Administration of Estates (Amendment) Rules 1979	233
13/78 Income Tax (Amendment) (No. 3) Ord. 1978	156	3/79 Court Fees (Civil Cases) (Amend.) Rules 1979	243
14/78 Old Age Pensions (Amendment) Ord. 1978	156	4/79 Income Tax (Annual Values) Rules 1979	246
15/78 Licensing (Amendment) Ordinance 1978	156	School Terms 1979	1
16/78 British Nationality (Amendment) Ord. 1978	156	Spall, C. R., Storeman	155
17/78 Plant and Transport Authority Ord. 1978	156	STATUTORY INSTRUMENTS —	
ORDINANCES, NON-DISALLOWANCE OF - DEPENDENCIES		S.I. 1978 No. 782 The Extradition (Genocide) (Amendment) Order 1978	54
DS 1/78 Application of Colony Laws Ord. 1978	156	S.I. 1978 No. 1523 The Spain (Extradition) (Revocation) Order 1978	54
O'Reilly, F. P., Acting Superintendent of Education	109	S.I. 1978 No. 1624 The South Africa (Prohibited Exports and Transactions) (Overseas Territories) (Amendment) Order 1978	54
O'Reilly, F. P., Headmaster	229	S.I. 1978 No. 1894 The South Africa (Prohibited Exports and Transactions) (Overseas Territories) (Amendment) Order 1978	54
Pritchard, M. A., Assistant Teacher	155	S.I. 1978 No. 1623 The Israel (Extradition) (Amendment) Order 1978	54
Probate 98, 110, 204, 229, 249		S.I. 1978 No. 1886 The Extradition (Genocide) (Amendment No. 2) Order 1978	61
PROCLAMATIONS —		S.I. 1978 No. 1887 The Extradition (Hijacking) (Amendment) Order 1978	61
1/79 Legislative Council, sitting of 12.2.79	34	S.I. 1978 No. 1888 The Extradition (Protection of Aircraft) (Amendment) Order 1978	61
2/79 Legislative Council, sitting of 20.6.79	115	S.I. 1978 No. 1889 The Extradition (Tokyo Convention) (Amendment) Order 1978	61
3/79 Legislative Council, sitting of 20.12.79	250	S.I. 1979 No. 111 The Statute Law (Repeals) Act 1976 (Colonies) Order 1979	61
Determining the Specifications, and Designs for, and giving Currency to, Gold and Silver Coins in Our Colony of the Falkland Islands	206	S.I. 1978 No. 1891 The Evidence (Proceedings in Other Jurisdictions) (Falkland Islands and Dependencies) Order 1978	97
Modifying the Application of the Coinage Act 1870 to Our Colony of the Falkland Islands	207	S.I. 1979 No. 341 The Merchant Shipping (Ships Names) Regulation 1979	109
Public Holidays 1979	109	S.I. 1979 No. 577 The Copyright (International Conventions) (Amendment) Order 1979	242
Public Holidays 1980	241	Stephenson, J., Forecaster	123
Reid, R. G., Application for Naturalization	203, 229	Summers, Dr. P. G. H., Senior Medical Officer	115
Rediffusion Service, increase in fees	124	Summers, Mrs. P., Nurse	123
Register of Electors 1979	190, 219	Townsend, I. S., Teacher	203
Register of Electors, Registration Officers	124	Townsend, Mrs. V., Teacher	203
Registrars, Marriage Ordinance	109, 115, 249	United Kingdom Trade Marks, Registration of	147, 214
REGULATIONS —		Visiting Justices to the Prison, Board of	53
1/79 Wireless Telegraphy (Amend.) Regulations 1979	90	Wages Agreement	56
2/79 Road Traffic (Removal of Vehicles) Regs. 1979	112	Wallace, F., Clerk, Public Service	123
3/79 Electricity Supply (Amendment) Regs. 1979	114	Watson, N., 2nd Lieutenant F.I.D.F.	123
4/79 Harbour (Amendment) Regulations 1979	208		
5/79 Medical Fees Regulations 1979	209		
6/79 Registration (Amendment) Regulations 1979	212		
7/79 Wireless Telegraphy (Amendment) (No. 2) Regulations 1979	213		
8/79 Penguin and Albatross (Amend.) Regs. 1979	213		
9/79 Road Traffic (Amendment) Regulations 1979	232		
Robertson, Miss K. R. A., Resignation	123		
Robinson, Miss M. P., Resignation	123		
Royce, Miss E. M., Nursing Sister	155		



THE FALKLAND ISLANDS GAZETTE

PUBLISHED BY AUTHORITY

Vol. LXXXVIII

18 JANUARY 1979

No. 1

Appointment

David McLeod, Police Constable, Police and Prisons Department, 1.1.79.

NOTICES

No. 60. 22nd December 1978.

It is hereby notified for general information that in accordance with clause 3 (2) of the Royal Instructions of 1948, as amended, the Elected Members of the Legislative Council have elected the Honourable William Henry Goss, Esquire, M.B.E., J.P., to be a Member of the Executive Council until 21st November 1979, vice the Honourable William Edward Bowles, Esquire.

Ref. EXC/19/1C.

No. 1. 2nd January 1979.

Her Majesty the Queen has been graciously pleased to approve the award of the British Empire Medal to—

MRS. MAY ELIZABETH EVELYN BINNIE.

Ref. ROY/31/4.

No. 2. 11th January 1979.

With reference to the Instrument under the Public Seal of the Colony dated 4th January 1979, it is hereby notified that His Excellency the Governor returned to Stanley on Wednesday 10th January 1979.

Ref. GOV/19/1.

No. 3. 16th January 1979.

School Terms 1979

Stanley Schools and all recognized full-time schools in Camp

1st Term — 12th February to 11th May
2nd Term — 28th May to 31st August
3rd Term — 17th September to 14th December

Darwin Boarding School

1st Term — 14th February to 11th May
2nd Term — 4th June to 24th August
3rd Term — 17th September to 14th December

Recognized Camp Teachers

Tuition shall take place except during the following periods —

- (a) 16th December 1978 to 8th January 1979.
- (b) One week to coincide with the Annual Camp Sports Week or given station holiday in lieu of Sports Meeting.
- (c) 13th April — Good Friday
- (d) One week to coincide with the traditional May Ball Week.
- (e) 20th August to 26th August.
- (f) 8th December — Battle Day.

The school year shall end on Friday, 14th December 1979.

Ref. EDU/21/1.

No. 4. 16th January 1979.

Marriage Ordinance (Cap. 43) Section 5

The following are registered as Ministers for celebrating marriages —

THE REVEREND CANON JACK GOULD, *Honorary Canon of Christ Church Cathedral.*

THE REVEREND LIONEL A. N. GUBBINS, *Priest, Christ Church Cathedral.*

THE RIGHT REV. MONSIGNOR DANIEL SPRAGGON, M.B.E., *Prefect Apostolic of the Falkland Islands and Dependencies.*

THE REVEREND FATHER AUGUSTINE MONAGHAN, *Priest, St. Mary's Church.*

THE REVEREND ALEXANDER C. QUEEN, *Minister, The Tabernacle.*

Ref INT/39/1.

No. 5. 16th January 1979.

The findings of the Cost of Living Committee for the quarter ended 31st December 1978 are published for general information —

<i>Quarter ended</i>	<i>Percentage increase over 1971 prices</i>
31st December 1978	176.23%

2. In accordance with the principle of the Wages Agreement for Stanley the average increase over the last four quarters is 169.10% and a further wage award of 1p per hour is therefore payable with effect from 1st January 1979.

Ref. INT/2/3.

The Companies & Private Partnership Ordinance
(Chapter 13)

NOTICE IS HEREBY GIVEN pursuant to section 6B of the Companies and Private Partnership Ordinance that the following Companies shall be treated as unregistered —

COMMERCIAL BANK AND TRUST COMPANY LIMITED
CENTRAL BANK LIMITED
FEDERAL BANK LIMITED
MARITIME BANK LIMITED
THE PIONEER BANK LIMITED.

Dated this 30th day of October 1978.

H. BENNETT,
Registrar of Companies.

Appointment of Governor's Deputy and specification of powers and functions vested in the Governor which he may exercise and perform.

WHEREAS paragraph (1) of Article 8 of the Falkland Islands Letters Patent, 1948 to 1962, provides that whenever the Governor has occasion to be absent from the seat of Government but not from the Colony, or to be absent from the Colony for a period which he has reason to believe will be of short duration, or whenever by reason of illness which he has reason to believe will be of short duration he considers it desirable so to do, he may, by Instrument under the Public Seal, appoint any person in the Colony to be his Deputy during such absence or illness, and in that capacity to exercise and perform for and on behalf of the Governor during such absence or illness all such powers and functions vested in the Governor as shall be specified in such Instrument:

AND WHEREAS Article 3 of the Falkland Islands Dependencies Letters Patent, 1908, provides that the Officer for the time being Administering the Government of the Colony of the Falkland Islands shall be Governor for the time being of the Falkland Islands Dependencies:

AND WHEREAS I shall have occasion to leave Stanley on the 5th day of January 1979.

NOW, THEREFORE, under and by virtue of the powers aforesaid I, JAMES ROLAND WALTER PARKER, ESQUIRE, Companion of the Most Distinguished Order of Saint Michael and Saint George, Officer of the Most Excellent Order of the British Empire, Governor and Commander-in-Chief of the Colony of the Falkland Islands and its Dependencies, and Vice-Admiral of the same, do hereby appoint JOHN DUDLEY MASSINGHAM, ESQUIRE, to be Governor's Deputy in and for the Colony of the Falkland Islands and its Dependencies and in that capacity to exercise and perform for and on behalf of the Governor (except while and in so far as provision to the contrary made by the Governor under Article 8 of the said Letters Patent is operative) and subject always to the provisions of the said Letters Patent, all such powers and functions as are vested in the Governor other than those vested by sections 6, 18 and 21A, sub-section (1) of section 24 and sub-section (1) of section 26 of the Falkland Islands (Legislative Council) Orders, 1948 to 1977, by paragraph (1) of Article 10 and Articles 13, 15 and 16 of the said Letters Patent and by paragraph (b) of clause 3, sub-paragraph (a) of paragraph (1) of clause 5 and clause 22 of the Royal Instructions to the Governor dated the 13th day of December 1948.

This Instrument shall come into operation on the 5th day of January 1979 and shall remain in force until my return to Stanley.



GIVEN under my hand and the Public Seal of the Colony of the Falkland Islands at Government House, Stanley, this 4th day of January in the year of Our Lord One thousand Nine hundred and Seventy-nine.

J. R. W. PARKER,
Governor and Commander-in-Chief.

Matrimonial Causes Bill

Arrangement of Clauses

PART I

Clause

Preliminary

- 1 Short title and commencement
- 2 Interpretation

PART II

Divorce, Nullity and Other Matrimonial Suits

JURISDICTION OF COURT

- 3 Jurisdiction of Court

DIVORCE

- 4 Divorce on breakdown of marriage
- 5 Supplemental provisions as to facts raising presumption of breakdown
- 6 Restriction on petitions for divorce within three years of marriage
- 7 Divorce not precluded by previous judicial separation
- 8 Refusal of decree in five years separation cases on grounds of grave hardship to respondent
- 9 Provision to encourage reconciliation
- 10 Consideration by the Court of certain agreements or arrangements
- 11 Intervention of Proctor
- 12 Proceedings after decree nisi: general powers of Court
- 13 Proceedings after decree nisi: special protection for respondent in separation cases

NULLITY

- 14 Grounds on which a marriage is void
- 15 Grounds on which a marriage is voidable
- 16 Bars to relief where a marriage is voidable
- 17 Foreign marriages
- 18 Application of ss. 4 (5), 11 and 12 to nullity proceedings
- 19 Effect of decree of nullity in case of voidable marriage

OTHER MATRIMONIAL SUITS

- 20 Judicial separation
- 21 Effect of judicial separation
- 22 Presumption of death and dissolution of marriage

GENERAL

- 23 Relief for respondent in divorce proceedings

PART III

Financial relief for parties to marriage and children of family

FINANCIAL PROVISION AND PROPERTY ADJUSTMENT ORDERS

- 24 Financial provision and property adjustment orders

ANCILLARY RELIEF IN CONNECTION WITH DIVORCE PROCEEDINGS, ETC

- 25 Maintenance pending suit
- 26 Financial provision orders in connection with divorce proceedings, etc.
- 27 Property adjustment orders in connection with divorce proceedings, etc.
- 28 Matters to which court is to have regard in deciding how to exercise its powers under ss. 26 and 27
- 29 Commencement of proceedings for ancillary relief

FINANCIAL PROVISION IN CASE OF NEGLECT TO MAINTAIN

- 30 Financial provision orders, etc., in case of neglect by party to marriage to maintain other party or child of the family

ADDITIONAL PROVISIONS WITH RESPECT TO FINANCIAL PROVISION
AND PROPERTY ADJUSTMENT ORDERS

- 31 Duration of continuing financial provision orders in favour of party to marriage, and effect of remarriage
- 32 Duration of continuing financial provision orders in favour of children, and age limit on making certain orders in their favour
- 33 Direction for settlement of instrument for securing payments or effecting property adjustment

VARIATION, DISCHARGE AND ENFORCEMENT OF CERTAIN ORDERS, ETC.

- 34 Variation, discharge, etc., of certain orders for financial relief
- 35 Payment of certain arrears unenforceable without leave of court
- 36 Orders for repayment in certain cases of sums paid under certain orders

MAINTENANCE AGREEMENTS

- 37 Validity of maintenance agreements
- 38 Alteration of agreements by court during lives of parties
- 39 Alteration of agreements by court after death of one party

MISCELLANEOUS AND SUPPLEMENTAL

- 40 Avoidance of transactions intended to prevent or reduce financial relief
- 41 Orders for repayment in certain cases of sums paid after cessation of order by reason of remarriage
- 42 Settlements, etc., made in compliance with a property adjustment order may be avoided on bankruptcy of settler
- 43 Payments, etc., under order made in favour of persons suffering from mental derangement

PART IV

Protection, Custody, etc., of children

- 44 Restriction on decrees for dissolution, annulment or separation affecting children
- 45 Orders for custody and education of children in cases of divorce, etc., and for custody in case of neglect
- 46 Power to commit children to care of any other person
- 47 Power to provide for supervision of children

PART V

Recognition of Overseas Divorces and Legal Separations

- 48 Recognition in the Colony of overseas divorces and separations
- 49 Grounds for recognition
- 50 Cross-proceedings and divorce following legal separation
- 51 Proof of facts relevant to recognition
- 52 Existing common law and statutory rules
- 53 Non-recognition of divorce by third country no bar to re-marriage
- 54 Exceptions from recognition
- 55 Interpretation and transitional provisions

PART VI

Miscellaneous and Supplemental

- 56 Declaration of legitimacy, etc.,
- 57 Evidence
- 58 Parties to proceedings under this Ordinance
- 59 Matrimonial Causes rules
- 60 Repeal
- 61 Transitional provisions and savings

"court" means the Supreme Court;
 "custody", in relation to a child, includes access to the child;
 "education" includes training;
 "the Proctor" means the Chief Secretary.

(2) In this Ordinance —

- (a) references to financial provision orders, periodical payments and secured periodical payments orders and orders for the payment of a lump sum, and references to property adjustment orders, shall be construed in accordance with section 24 below; and
- (b) references to orders for maintenance pending suit and to interim orders for maintenance shall be construed respectively in accordance with section 25 and section 30 (5) below.

(3) For the avoidance of doubt it is hereby declared that references in this Ordinance to remarriage include references to a marriage which is by law void or voidable.

PART II

DIVORCE, NULLITY AND OTHER MATRIMONIAL SUITS

JURISDICTION OF COURT

Jurisdiction of court.
 1973 c. 45 s. 5

3. (1) The court shall have jurisdiction in —

- (a) proceedings for divorce, judicial separation or nullity of marriage; and
- (b) proceedings for death to be presumed and a marriage to be dissolved in pursuance of section 22 below.

(2) The court shall have jurisdiction to entertain proceedings for divorce or judicial separation if (and only if) either of the parties to the marriage —

- (a) is domiciled in the Colony on the date when the proceedings are begun; or
- (b) was habitually resident in the Colony throughout the period of one year ending with that date.

(3) The court shall have jurisdiction to entertain proceedings for nullity of marriage if (and only if) either of the parties to the marriage —

- (a) is domiciled in the Colony on the date when the proceedings are begun; or
- (b) was habitually resident in the Colony throughout the period of one year ending with that date; or
- (c) died before that date and either —
 - (i) was at death domiciled in the Colony; or
 - (ii) had been habitually resident in the Colony throughout the period of one year ending with the date of death.

(4) The court shall have jurisdiction to entertain proceedings for death to be presumed and a marriage to be dissolved if (and only if) the petitioner —

- (a) is domiciled in the Colony on the date when the proceedings are begun; or
- (b) was habitually resident in the Colony throughout the period of one year ending with that date.

DIVORCE

Divorce on breakdown of marriage.
 1973 c. 18 s. 1

4. (1) Subject to section 6 below, a petition for divorce may be presented to the court by either party to a marriage on the ground that the marriage has broken down irretrievably.

(2) The court hearing a petition for divorce shall not hold the marriage to have broken down irretrievably unless the petitioner satisfies the court of one or more of the following facts, that is to say —

- (a) that the respondent has committed adultery and the petitioner finds it intolerable to live with the respondent;
- (b) that the respondent has behaved in such a way that the petitioner cannot reasonably be expected to live with the respondent;
- (c) that the respondent has deserted the petitioner for a continuous period of at least two years immediately preceding the presentation of the petition;
- (d) that the parties to the marriage have lived apart for a continuous period of at least two years immediately preceding the presentation of the petition (hereafter in this Ordinance referred to as "two years' separation") and the respondent consents to a decree being granted;
- (e) that the parties to the marriage have lived apart for a continuous period of at least five years immediately preceding the presentation of the petition (hereafter in this Ordinance referred to as "five years' separation").

(3) On a petition for divorce it shall be the duty of the court to inquire, so far as it reasonably can, into the facts alleged by the petitioner and into any facts alleged by the respondent.

(4) If the court is satisfied on the evidence of any such fact as is mentioned in subsection (2) above, then, unless it is satisfied on all the evidence that the marriage has not broken down irretrievably, it shall, subject to sections 6 (3) and 8 below, grant a decree of divorce.

(5) Every decree of divorce shall in the first instance be a decree nisi and shall not be made absolute before the expiration of six months from its grant unless the court by general orders from time to time fixes a shorter period, or unless in any particular case the court from time to time by special order fixes a shorter period than the period otherwise applicable for the time being by virtue of this subsection.

5. (1) One party to a marriage shall not be entitled to rely for the purposes of section 4 (2) (a) above on adultery committed by the other if, after it became known to him that the other had committed that adultery, the parties have lived with each other for a period exceeding, or periods together exceeding six months.

Supplemental provisions
as to facts raising pre-
sumption of breakdown.
1973 c. 18 s. 2

(2) Where the parties to a marriage have lived with each other after it became known to one party that the other had committed adultery, but subsection (1) above does not apply, in any proceedings for divorce in which the petitioner relies on that adultery the fact that the parties have lived with each other after that time shall be disregarded in determining for the purposes of section 4 (2) (a) above whether the petitioner finds it intolerable to live with the respondent.

(3) Where in any proceedings for divorce the petitioner alleges that the respondent has behaved in such a way that the petitioner cannot reasonably be expected to live with him, but the parties to the marriage have lived with each other for a period or periods after the date of the occurrence of the final incident relied on by the petitioner and held by the court to support his allegation, that fact shall be disregarded in determining for the purposes of section 4 (2) (b) above whether the petitioner cannot reasonably be expected to live with the respondent if the length of that period or of those periods together was six months or less.

(4) For the purposes of section 4 (2) (c) above the court may treat a period of desertion as having continued at a time when the

deserting party was incapable of continuing the necessary intention if the evidence before the court is such that, had that party not been so incapable, the court would have inferred that his desertion continued at that time.

(5) In considering for the purposes of section 4 (2) above whether the period for which the respondent has deserted the petitioner or the period for which the parties to a marriage have lived apart has been continuous, no account shall be taken of any one period (not exceeding six months) or of any two or more periods (not exceeding six months in all) during which the parties resumed living with each other, but no period during which the parties lived with each other shall count as part of the period of desertion or of the period for which the parties to the marriage lived apart, as the case may be.

(6) For the purposes of section 4 (2) (d) and (e) above and this section a husband and wife shall be treated as living apart unless they are living with each other in the same household, and references in this section to the parties to a marriage living with each other shall be construed as references to their living with each other in the same household.

(7) Provision shall be made by rules of court for the purpose of ensuring that where in pursuance of section 4 (2) (d) above the petitioner alleges that the respondent consents to a decree being granted the respondent has been given such information as will enable him to understand the consequences to him of his consenting to a decree being granted and the steps which he must take to indicate that he consents to the grant of a decree.

Restriction on petitions
for divorce within three
years of marriage.
1973 c. 18 s. 3

6. (1) Subject to subsection (2) below, no petition for divorce shall be presented to the court before the expiration of the period of three years from the date of marriage (hereafter in this section referred to as "the specified period").

(2) The judge may, on an application made to him allow the presentation of a petition for divorce within the specified period on the ground that the case is one of exceptional hardship suffered by the petitioner or of exceptional depravity on the part of the respondent; but in determining the application the judge shall have regard to the interests of any child of the family and to the question whether there is reasonable probability of a reconciliation between the parties during the specified period.

(3) If it appears to the court, at the hearing of a petition for divorce presented in pursuance of leave granted under subsection (2) above, that the leave was obtained by the petitioner by any misrepresentation or concealment of the nature of the case, the court may —

- (a) dismiss the petition, without prejudice to any petition which may be brought after the expiration of the specified period upon the same facts, or substantially the same facts, as those proved in support of the dismissed petition; or
- (b) if it grants a decree, direct that no application to make the decree absolute shall be made during the specified period.

(4) Nothing in this section shall be deemed to prohibit the presentation of a petition based upon matters which occurred before the expiration of the specified period.

Divorce not precluded
by previous judicial
separation.
1973 c. 18 s. 4

7. (1) A person shall not be prevented from presenting a petition for divorce, or the court from granting a decree of divorce, by reason only that the petitioner or respondent has at any time, on the same facts or substantially the same facts as those proved in support of the petition, been granted a decree of judicial separation or an order under, or having effect as if made under, the Matrimonial Proceedings (Court of Summary Jurisdiction) Ordinance 1967.

(2) On a petition for divorce in such a case as is mentioned in subsection (1) above, the court may treat the decree or order as sufficient proof of any adultery, desertion or other fact by reference to which it was granted, but shall not grant a decree of divorce without receiving evidence from the petitioner.

(3) Where a petition for divorce in such a case follows a decree of judicial separation or an order containing a provision exempting one party to the marriage from the obligation to cohabit with the other, for the purposes of that petition a period of desertion immediately preceding the institution of the proceedings for the decree or order shall, if the parties have not resumed cohabitation and the decree or order has been continuously in force since it was granted, be deemed immediately to precede the presentation of the petition.

8. (1) The respondent to a petition for divorce in which the petitioner alleges five years' separation may oppose the grant of a decree on the ground that the dissolution of the marriage will result in grave financial or other hardship to him and that it would in all the circumstances be wrong to dissolve the marriage.

Refusal of decree in five year separation cases on grounds of grave hardship to respondent.

1973 c. 18 s. 5

(2) Where the grant of a decree is opposed by virtue of this section, then —

- (a) if the court finds that the petitioner is entitled to rely in support of his petition on the fact of five years' separation and makes no such finding as to any other fact mentioned in section 4 (2) above, and
- (b) if apart from this section the court would grant a decree on the petition, the court shall consider all the circumstances, including the conduct of the parties to the marriage and the interests of those parties and of any children or other persons concerned, and if of opinion that the dissolution of the marriage will result in grave financial or other hardship to the respondent and that it would in all the circumstances be wrong to dissolve the marriage it shall dismiss the petition.

(3) For the purposes of this section hardship shall include the loss of the chance of acquiring any benefit which the respondent might acquire if the marriage was not dissolved.

9. If at any stage of proceedings for divorce it appears to the court that there is a reasonable possibility of a reconciliation between the parties to the marriage, the court may adjourn the proceedings for such period as it thinks fit to enable attempts to be made to effect such a reconciliation.

Provision to encourage reconciliation.

1973 c. 18 s. 6 (2)

The power conferred by the foregoing provision is additional to any other power of the court to adjourn proceedings.

10. Provision may be made by rules of court for enabling the parties to a marriage, or either of them, on application made either before or after the presentation of a petition for divorce, to refer to the court any agreement or arrangement made or proposed to be made between them, being an agreement or arrangement which relates to, arises out of, or is connected with, the proceedings for divorce which are contemplated, or, as the case may be, have begun, and for enabling the court to express an opinion, should it think it desirable to do so, as to the reasonableness of the agreement or arrangement and to give such directions, if any, in the matter as it thinks fit.

Consideration by the court of certain agreements or arrangements.

1973 c. 18 s. 7

11. (1) In the case of a petition for divorce —

- (a) the court may, if it thinks fit, direct all necessary papers in the matter to be sent to the Proctor, who shall argue before the court any question in relation to the matter which the court considers it necessary or expedient to have fully argued;

Intervention of Proctor.

1973 c. 18 s. 8

- (b) any person may at any time during the progress of the proceedings or before the decree nisi is made absolute give information to the Proctor on any matter material to the due decision of the case, and the Proctor may thereupon take such steps as he considers necessary or expedient.

(2) Where the Proctor intervenes or shows cause against a decree nisi in any proceedings for divorce, the court may make such order as may be just as to the payment by other parties to the proceedings of the costs incurred by him in so doing or as to the payment by him of any costs incurred by any of those parties by reason of his so doing.

Proceedings after decree nisi: general powers of court.

1973 c. 18 s. 9

12. (1) Where a decree of divorce has been granted but not made absolute, then, without prejudice to section 11 above, any person (excluding a party to the proceedings other than the Proctor) may show cause why the decree should not be made absolute by reason of material facts not having been brought before the court; and in such a case the court may —

- (a) notwithstanding anything in section 4 (5) above (but subject to sections 13 (2) to (4) and 44 below) make the decree absolute; or
- (b) rescind the decree; or
- (c) require further inquiry; or
- (d) otherwise deal with the case as it thinks fit.

(2) Where a decree of divorce has been granted and no application for it to be made absolute has been made by the party to whom it was granted, then, at any time after the expiration of three months from the earliest date on which that party could have made such an application, the party against whom it was granted may make an application to the court, and on that application the court may exercise any of the powers mentioned in paragraphs (a) to (d) of subsection (1) above.

Proceedings after decree nisi: special protection for respondent in separation cases.

1973 c. 18 s. 10

13. (1) Where in any case the court has granted a decree of divorce on the basis of a finding that the petitioner was entitled to rely in support of his petition on the fact of two years' separation coupled with the respondent's consent to a decree being granted and has made no such finding as to any other fact mentioned in section 4 (2) above, the court may, on an application made by the respondent at any time before the decree is made absolute, rescind the decree if it is satisfied that the petitioner misled the respondent (whether intentionally or unintentionally) about any matter which the respondent took into account in deciding to give his consent.

(2) The following provisions of this section apply where —

- (a) the respondent to a petition for divorce in which the petitioner alleged two years' separation or five years' separation coupled, in the former case, with the respondent's consent to a decree being granted, has applied to the court for consideration under subsection (3) below of his financial position after the divorce; and
- (b) the court has granted a decree on the petition on the basis of a finding that the petitioner was entitled to rely in support of his petition on the fact of two years' or five years' separation (as the case may be) and has made no such findings as to any other fact mentioned in section 4 (2) above.

(3) The court hearing an application by the respondent under subsection (2) above shall consider all the circumstances, including the age, health, conduct, earning capacity, financial resources and financial obligations of each of the parties, and the financial position of the respondent having regard to the divorce, it is likely to be after the death of the petitioner should the petitioner die first; and,

subject to subsection (4) below, the court shall not make the decree absolute unless it is satisfied —

- (a) that the petitioner should not be required to make any financial provision for the respondent, or
- (b) that the financial provision made by the petitioner for the respondent is reasonable and fair or the best that can be made in the circumstances.

(4) The court may if it thinks fit make the decree absolute notwithstanding the requirements of subsection (3) above if—

- (a) it appears that there are circumstances making it desirable that the decree should be made absolute without delay, and
- (b) the court has obtained a satisfactory undertaking from the petitioner that he will make such financial provision for the respondent as the court may approve.

NULLITY

14. A marriage celebrated after the commencement of this Ordinance shall be void on the following grounds only, that is to say —

Grounds on which a marriage is void.
1973 c. 18 s. 11

- (a) that it is not a valid marriage under the provisions of the Marriage Ordinance (that is to say where —
 - (i) the parties are within the prohibited degrees of relationship;
 - (ii) either party is under the age of sixteen; or
 - (iii) the parties have intermarried in disregard of certain requirements as to the formation of marriage);
- (b) that at the time of the marriage either party was already lawfully married;
- (c) that the parties are not respectively male and female.

Cap. 43

15. A marriage celebrated after the commencement of this Ordinance shall be voidable on the following grounds only that is to say —

Grounds on which a marriage is voidable.
1973 c. 18 s. 12

- (a) that the marriage has not been consummated owing to the incapacity of either party to consummate it;
- (b) that the marriage has not been consummated owing to the wilful refusal of the respondent to consummate it;
- (c) that either party to the marriage did not validly consent to it, whether in consequence of duress, mistake, unsoundness of mind or otherwise;
- (d) that at the time of the marriage either party, though capable of giving a valid consent, was suffering (whether continuously or intermittently) from mental derangement within the meaning of the Mental Health Ordinance of such a kind or to such an extent as to be unfitted for marriage;
- (e) that at the time of the marriage the respondent was suffering from venereal disease in a communicable form;
- (f) that at the time of the marriage the respondent was pregnant by some person other than the petitioner.

Cap. 46

16. (1) The court shall not, in proceedings instituted after the commencement of this Ordinance, grant a decree of nullity on the ground that a marriage is voidable if the respondent satisfies the court —

Bars to relief where marriage is voidable.
1973 c. 18 s. 13

- (a) that the petitioner, with knowledge that it was open to him to have the marriage avoided, so conducted himself in relation to the respondent as to lead the respondent reasonably to believe that he would not seek to do so; and
- (b) that it would be unjust to the respondent to grant the decree;

(2) Without prejudice to subsection (1) above, the court shall not grant a decree of nullity by virtue of section 15 above on the grounds mentioned in paragraph (c), (d), (e) or (f) of that section unless it is satisfied that proceedings were instituted within three years from the date of the marriage.

(3) Without prejudice to subsections (1) and (2) above, the court shall not grant a decree of nullity by virtue of section 15 above on the grounds mentioned in paragraph (e) or (f) of that section unless it is satisfied that the petitioner was at the time of the marriage ignorant of the facts alleged.

Foreign marriages.
1973 c. 18 s. 14

17. (1) Where, apart from this Ordinance, any matter affecting the validity of a marriage would fall to be determined (in accordance with the rules of private international law) by reference to the law of a country outside the Colony, nothing in section 14, 15 or 16 (1) above shall —

- (a) preclude the determination of that matter as aforesaid; or
- (b) require the application to the marriage of the grounds or bar there mentioned except so far as applicable in accordance with those rules —

(2) In the case of a marriage which purports to have been celebrated under the Foreign Marriage Acts 1892 to 1947 or has taken place outside the Colony and purports to be a marriage under common law, section 14 above is without prejudice to any ground on which the marriage may be void under those Acts or, as the case may be, by virtue of the rules governing the celebration of marriages outside the Colony under common law.

Application of ss. 4 (5), 11
and 12 to nullity proceedings.
1973 c. 18 s. 15

18. Sections 4 (5), 11 and 12 above shall apply in relation to proceedings for nullity of marriage as if for any reference in those provisions to divorce there were substituted a reference to nullity of marriage.

Effect of decree of nullity
in case of voidable
marriage.
1973 c. 18 s. 16

19. A decree of nullity granted after the commencement of this Ordinance in respect of a voidable marriage shall operate to annul the marriage only as respects any time after the decree has been made absolute, and the marriage shall, notwithstanding the decree, be treated as if it had existed up to that time.

OTHER MATRIMONIAL SUITS

Judicial separation.
1973 c. 18 s. 17

20. (1) A petition for judicial separation may be presented to the court by either party to a marriage on the ground that any such fact as is mentioned in section 4 (2) above exists, and the provisions of section 5 above shall apply accordingly for the purposes of a petition for judicial separation alleging any such fact, as they apply in relation to a petition for divorce alleging that fact.

(2) On a petition for judicial separation it shall be the duty of the court to inquire, so far as it reasonably can, into the facts alleged by the petitioner and into any facts alleged by the respondent, but the court shall not be concerned to consider whether the marriage has broken down irretrievably, and if it is satisfied on the evidence of any such fact as is mentioned in section 4 (2) above it shall, subject to section 44 below, grant a decree of judicial separation.

(3) Sections 9 and 10 above shall apply for the purpose of encouraging the reconciliation of parties to proceedings for judicial separation and of enabling the parties to a marriage to refer to the court for its opinion an agreement or arrangement relevant to actual or contemplated proceedings for judicial separation, as they apply in relation to proceedings for divorce.

Effects of judicial separation.
1973 c. 18 s. 18

21. (1) Where the court grants a decree of judicial separation it shall no longer be obligatory for the petitioner to cohabit with the respondent.

(2) If while a decree of judicial separation is in force and the separation is continuing either of the parties to the marriage dies intestate as respects all or any of his or her real or personal property, the property as respects which he or she died intestate shall devolve as if the other party to the marriage had then been dead.

(3) Notwithstanding anything in section 4 (1) (a) of the Matrimonial Proceedings (Court of Summary Jurisdiction) Ordinance 1967, a provision in force under an order made, or having effect as if made, under that section exempting one party to a marriage from the obligation to cohabit with the other shall not have effect as a decree of judicial separation for the purposes of subsection (2) above.

10 of 1967.

22. (1) Any married person who alleges that reasonable grounds exist for supposing that the other party to the marriage is dead may present a petition to the court to have it presumed that the other party is dead and to have the marriage dissolved, and the court may, if satisfied that such reasonable grounds exist, grant a decree of presumption of death and dissolution of the marriage.

Presumption of death and
dissolution of marriage.
1973 c. 18 s. 19

(2) In any proceedings under this section the fact that for a period of seven years or more the other party to the marriage has been continually absent from the petitioner and the petitioner has no reason to believe that the other party has been living within that time shall be evidence that the other party is dead until the contrary is proved.

(3) Sections 4 (5), 11 and 12 above shall apply to a petition and a decree under this section as they apply to a petition for divorce and a decree of divorce respectively.

(4) It is hereby declared that neither collusion nor any other conduct on the part of the petitioner which has at any time been a bar to relief in matrimonial proceedings constitutes a bar to the grant of a decree under this section.

GENERAL

23. If in any proceedings for divorce the respondent alleges and proves any such fact as is mentioned in subsection (2) of section 4 above (treating the respondent as the petitioner and the petitioner as the respondent for the purpose of that subsection) the court may give to the respondent the relief to which he would have been entitled if he had presented a petition seeking that relief.

Relief for respondent in
divorce proceedings.
1973 c. 18 s. 20

PART III

FINANCIAL RELIEF FOR PARTIES TO MARRIAGE AND CHILDREN OF FAMILY

FINANCIAL PROVISION AND PROPERTY ADJUSTMENT ORDERS

24. (1) The financial provision orders for the purposes of this Ordinance are the orders for periodical or lump sum provision available (subject to the provisions of this Ordinance) under section 26 below for the purpose of adjusting the financial position of the parties to a marriage and any children of the family in connection with proceedings for divorce, nullity of marriage or judicial separation and under section 30 (6) below on proof of neglect by one party to a marriage to provide, or to make a proper contribution towards, reasonable maintenance for the other or a child of the family, that is to say —

Financial provision and
property adjustment
orders.
1973 c. 18 s. 21

- (a) any order for periodical payments in favour of a party to a marriage under section 26 (1) (a) or 30 (6) (a) or in favour of a child of the family under section 26 (1) (d), (2) or (4) or 30 (6) (d);
- (b) any order for secured periodical payments in favour of a party to a marriage under section 26 (1) (b) or 30 (6) (b) or in favour of a child of the family under section 26 (1) (e), (2) or (4) or 30 (6) (e); and

- (c) any order for lump sum provision in favour of a party to a marriage under section 26 (1) (c) or 30 (6) (c) or in favour of a child of the family under section 26 (1) (f), (2) or (4) or 30 (6) (f),

and references in this Ordinance to periodical payments orders, secured periodical payments orders, and orders for the payment of a lump sum are references to all or some of the financial provisions orders requiring the sort of financial provision in question according as the context of each reference may require.

(2) The property adjustment orders for the purposes of this Ordinance are the orders dealing with the property rights available (subject to the provisions of this Ordinance) under section 27 below for the purpose of adjusting the financial position of the parties to a marriage and any children of the family on or after the grant of a decree of divorce, nullity of marriage or judicial separation, that is to say —

- (a) any order under subsection (1) (a) of that section for a transfer of property;
- (b) any order under subsection (1) (b) of that section for a settlement of property; and
- (c) any order under subsection (1) (c) or (d) of that section for a variation of settlement.

ANCILLARY RELIEF IN CONNECTION WITH DIVORCE PROCEEDINGS, ETC

Maintenance pending suit.
1973 c. 18 s. 22

25. On a petition for divorce, nullity of marriage or judicial separation, the court may make an order for maintenance pending suit, that is to say, an order requiring either party to the marriage to make to the other such periodical payments for his or her maintenance and for such term, being a term beginning not earlier than the date of the presentation of the petition and ending with the date of the determination of the suit, as the court thinks reasonable.

Financial provision orders
in connection with divorce
proceedings, etc.
1973 c. 18 s. 23

26. (1) On granting a decree of divorce, a decree of nullity of marriage or a decree of judicial separation or at any time thereafter (whether, in the case of a decree of divorce or of nullity of marriage, before or after the decree is made absolute), the court may make any one or more of the following orders, that is to say —

- (a) an order that either party to the marriage shall make to the other such periodical payments, for such term, as may be specified in the order;
- (b) an order that either party to the marriage shall secure to the other to the satisfaction of the court such periodical payments, for such term, as may be so specified;
- (c) an order that either party to the marriage shall pay to the other such lump sum or sums as may be so specified;
- (d) an order that a party to the marriage shall make to such person as may be specified in the order for the benefit of a child of the family, or to such a child, such periodical payments, for such term, as may be so specified;
- (e) an order that a party to the marriage shall secure to such person as may be so specified for the benefit of such a child, or to such a child, to the satisfaction of the court, such periodical payments, for such term, as may be so specified;
- (f) an order that a party to the marriage shall pay to such person as may be so specified for the benefit of such a child, or to such a child, such lump sum as may be so specified;

subject, however, in the case of an order under paragraph (d), (e) or (f) above, to the restrictions imposed by section 32 (1) and (3) below on the making of financial provision orders in favour of children who have attained the age of twenty-one.

(2) The court may also, subject to those restrictions, make any one or more of the orders mentioned in subsection (1) (d), (e) and (f) above —

- (a) in any proceedings for divorce, nullity of marriage or judicial separation, before granting a decree; and
- (b) where any such proceedings are dismissed after the beginning of the trial, either forthwith or within a reasonable period after the dismissal.

(3) Without prejudice to the generality of subsection (1) (c) or (f) above —

- (a) an order under this section that a party to a marriage shall pay a lump sum to the other party may be made for the purpose of enabling that other party to meet any liabilities or expenses reasonably incurred by him or her in maintaining himself or herself or any child of the family before making an application for an order under this section in his or her favour;
- (b) an order under this section for the payment of a lump sum to or for the benefit of a child of the family may be made for the purpose of enabling any liabilities or expenses reasonably incurred by or for the benefit of that child before the making of an application for an order under this section in his favour to be met; and
- (c) an order under this section for the payment of a lump sum may provide for the payment of that sum by instalments of such amount as may be specified in the order and may require the payment of the instalments to be secured to the satisfaction of the court.

(4) The power of the court under subsection (1) or (2) (a) above to make an order in favour of a child of the family shall be exercisable from time to time; and where the court makes an order in favour of a child under subsection (2) (b) above, it may from time to time, subject to the restrictions mentioned in subsection (1) above, make a further order in his favour of any of the kinds mentioned in subsection (1) (d), (e) or (f) above.

(5) Without prejudice to the power to give a direction under section 33 below for the settlement of an instrument by the Registrar of the Supreme Court where an order is made under subsection (1) (a), (b) or (c) above on or after granting a decree of divorce or nullity of marriage, neither the order nor any settlement made in pursuance of the order shall take effect unless the decree has been made absolute.

27. (1) On granting a decree of divorce, a decree of nullity of marriage or a decree of judicial separation or at any time thereafter (whether, in the case of a decree of divorce or of nullity of marriage, before or after the decree is made absolute), the court may make any one or more of the following orders, that is to say —

- (a) an order that a party to the marriage shall transfer to the other party, to any child of the family or to such person as may be specified in the order for the benefit of such a child such property as may be so specified, being property to which the first mentioned party is entitled, either in possession or reversion;
- (b) an order that a settlement of such property as may be so specified, being property to which a party to the marriage is so entitled, be made to the satisfaction of the court for the benefit of the other party to the marriage and of the children of the family or either or any of them;
- (c) an order varying for the benefit of the parties to the marriage and of the children of the family or either or any of them any ante-nuptial or post-nuptial settlement (including such a settlement made by will or codicil) made on the parties to the marriage;

Property adjustment
orders in connection with
divorce proceedings, etc.

1973 c. 18 s. 24

(d) an order extinguishing or reducing the interest of either of the parties to the marriage under any such settlement, subject, however, in the case of an order under paragraph (a) above, to the restrictions imposed by section 32 (1) and (3) below on the making of orders for a transfer of property in favour of children who have attained the age of twenty-one.

(2) The court may make an order under subsection (1) (c) above notwithstanding that there are no children of the family.

(3) Without prejudice to the power to give a direction under section 33 below for the settlement of an instrument by the Registrar of the Supreme Court, where an order is made under this section on or after granting a decree of divorce or nullity of marriage, neither the order nor any settlement made in pursuance of the order shall take effect unless the decree has been made absolute.

Matters to which court is to have regard in deciding how to exercise its powers under ss. 26 and 27.

1973 c. 18 s. 25

28. (1) It shall be the duty of the court in deciding whether to exercise its powers under section 26 (1) (a), (b) or (c) or 27 above in relation to a party to the marriage and, if so, in what manner, to have regard to all the circumstances of the case including the following matters, that is to say —

- (a) the income, earning capacity, property and other financial resources which each of the parties to the marriage has or is likely to have in the foreseeable future;
- (b) the financial needs, obligations and responsibilities which each of the parties to the marriage has or is likely to have in the foreseeable future;
- (c) the standard of living enjoyed by the family before the breakdown of the marriage;
- (d) the age of each party to the marriage and the duration of the marriage;
- (e) any physical or mental disability of either of the parties to the marriage;
- (f) the contributions made by each of the parties to the welfare of the family, including any contribution made by looking after the home or caring for the family;
- (g) in the case of proceedings for divorce or nullity of marriage, the value to either of the parties to the marriage of any benefit (for example, a pension) which, by reason of the dissolution or annulment of the marriage, that party will lose the chance of acquiring;

and so to exercise those powers as to place the parties, so far as it is practicable and, having regard to their conduct, just to do so, in the financial position in which they would have been if the marriage had not broken down and each had properly discharged his or her financial obligations and responsibilities towards the other.

(2) Without prejudice to subsection (3) below, it shall be the duty of the court in deciding whether to exercise its powers under section 26 (1) (d), (e) or (f), (2) or (4) or 27 above in relation to a child of the family and, if so, in what manner, to have regard to all the circumstances of the case including the following matters, that is to say —

- (a) the financial needs of the child;
- (b) the income, earning capacity (if any), property and other financial resources of the child;
- (c) any physical or mental disability of the child;
- (d) the standard of living enjoyed by the family before the breakdown of the marriage;
- (e) the manner in which he was being and in which the parties to the marriage expected him to be educated or trained;

and so to exercise those powers as to place the child, so far as it is practicable and having regard to the considerations mentioned in

relation to the parties to the marriage in paragraph (a) and (b) of subsection (1) above, just to do so, in the financial position in which the child would have been if the marriage had not broken down and each of those parties had properly discharged his or her financial obligations and responsibilities towards him.

(3) It shall be the duty of the court in deciding whether to exercise its powers under section 26 (1) (d), (e) or (f), (2) or (4) or 27 above against a party to a marriage in favour of a child of the family who is not the child of that party and, if so, in what manner, to have regard (among the circumstances of the case) —

- (a) to whether that party had assumed any responsibility for the child's maintenance and, if so, to the extent to which, and the basis upon which, that party assumed such responsibility;
- (b) to whether in assuming and discharging such responsibility that party did so knowing that the child was not his or her own;
- (c) to the liability of any other person to maintain the child.

29. (1) Where a petition for divorce, nullity of marriage or judicial separation has been presented, then, subject to subsection (2) below, proceedings for maintenance pending suit under section 25 above, for a financial provision order under section 26 above, or for a property adjustment order may be begun, subject to and in accordance with rules of court, at any time after the presentation of the petition.

Commencement of proceedings for ancillary relief.

1973 c. 18 s. 26

(2) Rules of court may provide, in such cases as may be prescribed by the rules —

- (a) that application of any such relief as is mentioned in subsection (1) above shall be made in the petition or answer; and
- (b) that applications for any such relief which are not so made, or are not made until after the expiration of such period following the presentation of the petition or filing of the answer as may be so prescribed, shall be made only with the leave of the court.

FINANCIAL PROVISION IN CASE OF NEGLECT TO MAINTAIN

30. (1) Either party to a marriage may apply to the court for an order under this section on the ground that the other party to the marriage (in this section referred to as the respondent) —

Financial provision orders, etc., in case of neglect by party to marriage to maintain other party or child of the family.

1973 c. 18 s. 27

- (a) being the husband, has wilfully neglected —
 - (i) to provide reasonable maintenance for the applicant, or
 - (ii) to provide, or to make a proper contribution towards, reasonable maintenance for any child of the family to whom this section applies;
- (b) being the wife, has wilfully neglected to provide, or to make a proper contribution towards, reasonable maintenance —
 - (i) for the applicant in a case where, by reason of the impairment of the applicant's earning capacity through age, illness or disability of mind or body, and having regard to any resources of the applicant and the respondent respectively which are, or should properly be made, available for the purpose, it is reasonable in all the circumstances to expect the respondent so to provide or contribute, or
 - (ii) for any child of the family to whom this section applies.

(2) The court shall not entertain an application under this section unless—

- (a) the applicant or the respondent is domiciled in the Colony on the date of the application; or

- (b) the applicant has been habitually resident there throughout the period of one year ending with that date; or
- (c) the respondent is resident there on that date.

(3) This section applies to any child of the family for whose maintenance it is reasonable in all the circumstances to expect the respondent to provide or towards whose maintenance it is reasonable in all the circumstances to expect the respondent to make a proper contribution.

(4) Where the child of the family to whom the application under this section relates is not the child of the respondent, then, in deciding —

- (a) whether the respondent has been guilty of wilful neglect to provide, or to make a proper contribution towards, reasonable maintenance for the child, and
- (b) what order, if any, to make under this section in favour of the child,

the court shall have regard to the matters mentioned in section 28 (3) above.

(5) Where on application under this section it appears to the court that the applicant or any child of the family to whom the application relates is in immediate need of financial assistance, but it is not yet possible to determine what order, if any, should be made on the application, the court may make an interim order for maintenance, that is to say, an order requiring the respondent to make to the applicant until the determination of the application such periodical payments as the court thinks reasonable.

(6) Where on an application under this section the applicant satisfies the court of any ground mentioned in subsection (1) above, the court may make such one or more of the following orders as it thinks just, that is to say —

- (a) an order that the respondent shall make to the applicant such periodical payments, for such term, as may be specified in the order;
- (b) an order that the respondent shall secure to the applicant to the satisfaction of the court, such periodical payments, for such term, as may be so specified;
- (c) an order that the respondent shall pay to the applicant such lump sum as may be so specified;
- (d) an order that the respondent shall make to such person as may be specified in the order for the benefit of the child, to whom the application relates, or to that child, such periodical payments, for such term, as may be so specified;
- (e) an order that the respondent shall secure to such person as may be so specified for the benefit of that child, or to that child, to the satisfaction of the court, such periodical payments, for such term, as may be so specified;
- (f) an order that the respondent shall pay to such person as may be so specified for the benefit of that child, or to that child, such lump sum as may be so specified;

subject, however, in the case of an order under paragraph (d), (e) or (f) above, to the restriction imposed by section 32 (1) and (3) below on the making of financial provision orders in favour of children who have attained the age of eighteen.

(7) Without prejudice to the generality of subsection (6) (c) or (f) above, an order under this section for the payment of a lump sum —

- (a) may be made for the purpose of enabling any liabilities or expenses reasonably incurred in maintaining the applicant or any child of the family to whom the application relates before the making of the application to be met;

- (b) may provide for the payment of that sum by instalments of such amount as may be specified in the order and may require the payment of the instalments to be secured to the satisfaction of the court.

(8) For the purpose of proceedings on an application under this section adultery which has been condoned shall not be capable of being revived, and any presumption of condonation which arises from the continuance or resumption of marital intercourse may be rebutted by evidence sufficient to negative the necessary intent.

ADDITIONAL PROVISIONS WITH RESPECT TO FINANCIAL PROVISION AND PROPERTY ADJUSTMENT ORDERS

31. (1) The term to be specified in a periodical payments or secured periodical payments order in favour of a party to a marriage shall be such term as the court thinks fit, subject to the following limits, that is to say —

Duration of continuing financial provision orders in favour of party to marriage, and effect of remarriage.

1973 c. 18 s. 28

- (a) in the case of a periodical payments order, the term shall begin not earlier than the date of the making of an application for the order and shall be so defined as not to extend beyond the death of either of the parties to the marriage, or, where the order is made on or after the grant of a decree of divorce or nullity of marriage, the remarriage of the party in whose favour the order is made; and
- (b) in the case of a secured periodical payments order, the term shall begin not earlier than the date of the making of an application for the order, and shall be so defined as not to extend beyond the death or, where the order is made on or after the grant of a decree, the remarriage of the party in whose favour the order is made.

(2) Where a periodical payments or secured periodical payments order in favour of a party to a marriage is made otherwise than on or after the grant of a decree of divorce or nullity of marriage, and the marriage in question is subsequently dissolved or annulled but the order continues in force, the order shall, notwithstanding anything in it, cease to have effect on the remarriage of that party, except in relation to any arrears due under it on the date of the remarriage.

(3) If after the grant of a decree dissolving or annulling a marriage either party to that marriage remarries, that party shall not be entitled to apply, by reference to the grant of that decree, for a financial provision order in his or her favour, or for a property adjustment order, against the other party to the marriage.

32. (1) Subject of subsection (3) below, no financial provision order and no order for a transfer of property under section 27 (1) (a) above shall be made in favour of a child who has attained the age of eighteen.

Duration of continuing financial provision orders in favour of children, and age limit on making certain orders in their favour.

1973 c. 18 s. 29

(2) The term to be specified in a periodical payments or secured periodical payments order in favour of a child may begin with the date of the making of an application for the order in question or any later date but —

- (a) shall not in the first instance extend beyond the date of the birthday of the child next following his attaining the upper limit of the compulsory school age (that is to say, the age that is for the time being that limit by virtue of section 2 of the Education Ordinance 1967) unless the court thinks it right in the circumstances of the case to specify a later date; and
- (b) shall not in any event, subject to subsection (3) below, extend beyond the date of the child's eighteenth birthday.

14 of 1967

(3) Subsection (1) above, and paragraph (b) of subsection (2), shall not apply in the case of a child, if it appears to the court that —

- (a) the child is, or will be, or if an order were made without complying with either or both of those provisions would be, receiving instruction at an educational establishment or undergoing training for a trade, profession or vocation, whether or not he is also, or will also be, in gainful employment; or
- (b) there are special circumstances which justify the making of an order without complying with either or both of these provisions.

(4) Any periodical payments order in favour of a child shall, notwithstanding anything in the order, cease to have effect on the death of the person liable to make payments under the order, except in relation to any arrears due under the order on the date of the death.

Direction for settlement of instrument for securing payments or effecting property adjustment.

1973 c. 18 s. 30

33. Where the court decides to make a financial provision order requiring any payments to be secured or a property adjustment order —

- (a) it may direct that the matter be referred to the Registrar of the Supreme Court for him to settle a proper instrument to be executed by all necessary parties; and
- (b) where the order is to be made in proceedings for divorce, nullity of marriage or judicial separation it may, if it thinks fit, defer the grant of the decree in question until the instrument has been duly executed.

VARIATION, DISCHARGE AND ENFORCEMENT OF CERTAIN ORDERS, ETC

Variation, discharge, etc., of certain orders for financial relief.

1973 c. 18 s. 31

34. (1) Where the court has made an order to which this section applies, then, subject to the provisions of this section, the court shall have power to vary or discharge the order or to suspend any provision thereof temporarily and to revive the operation of any provision so suspended.

(2) This section applies to the following orders, that is to say —

- (a) any order for maintenance pending suit and any interim order for maintenance;
- (b) any periodical payments order;
- (c) any secured periodical payments order;
- (d) any order made by virtue of section 26 (3) (c) or 30 (7) (b) above (provision for payment of a lump sum by instalments);
- (e) any order for a settlement of property under section 27 (1) (b) or for a variation of settlement under section 27 (1) (c) or (d) above, being an order made on or after the grant of a decree of judicial separation.

(3) The powers exercisable by the court under this section in relation to an order shall be exercisable also in relation to any instrument executed in pursuance of the order.

(4) The court shall not exercise the powers conferred by this section in relation to an order for a settlement under section 27 (1) (b) or for a variation of settlement under section 27 (1) (c) or (d) above except on an application made in proceedings —

- (a) for the rescission of the decree of judicial separation by reference to which the order was made, or
- (b) for the dissolution of the marriage in question.

(5) No property adjustment order shall be made on an application for the variation of a periodical payments or secured periodical payments order made (whether in favour of a party to a marriage or in favour of a child of the family) under section 26 above, and no

order for the payment of a lump sum shall be made on an application for the variation of a periodical payments or secured periodical payments order in favour of a party to a marriage (whether made under section 26 or under section 30 above).

(6) Where the person liable to make payments under a secured periodical payments order has died, an application under this section relating to that order may be made by the person entitled to payments under the order or by the personal representatives of the deceased person, but no such application shall, except with the permission of the court, be made after the end of the period of six months from the date on which representation in regard to the estate of that person is first taken out.

(7) In exercising the powers conferred by this section the court shall have regard to all the circumstances of the case, including any change in any of the matters to which the court was required to have regard when making the order to which the application relates and, where the party against whom that order was made has died, the changed circumstances resulting from his or her death.

(8) The personal representative of a deceased person against whom a secured periodical payments order was made shall not be liable for having distributed any part of the estate of the deceased after the expiration of the period of six months referred to in subsection (6) above on the ground that they ought to have taken into account the possibility that the court might permit an application under this section to be made after that period by the person entitled to payments under the order; but this subsection shall not prejudice any power to recover any part of the estate so distributed arising by virtue of the making of an order in pursuance of this section.

(9) In considering for the purposes of subsection (6) above the question when representation was first taken out, a grant limited to settled land or to trust property shall be left out of account and a grant limited to real estate or to personal estate shall be left out of account unless a grant limited to the remainder of the estate has previously been made or is made at the same time.

35. (1) A person shall not be entitled to enforce through the court the payment of any arrears due under an order for maintenance pending suit, an interim order for maintenance or any financial provision order without the leave of that court if those arrears become due more than twelve months before proceedings to enforce the payment of them are begun.

Payment of certain arrears unenforceable without the leave of the court.

1973 c. 18 s. 32

(2) The court hearing an application for the grant of leave under this section may refuse leave, or may grant leave subject to such restrictions and conditions (including conditions as to the allowing of time for payment or the making of payment by instalments) as the court thinks proper, or may remit the payment of the arrears or of any part thereof.

(3) An application for the grant of leave under this section shall be made in such manner as may be prescribed by rules of court.

36. (1) Where on an application made under this section in relation to an order to which this section applies it appears to the court that by reason of —

Orders for repayment in certain cases of sums paid under certain orders.

1973 c. 18 s. 33

- (a) a change in the circumstances of the person entitled to, or liable to make, payments under the order since the order was made, or
- (b) the changed circumstances resulting from the death of the person so liable,

the amount received by the person entitled to payments under the order in respect of a period after those circumstances changed or after the death of the person liable to make payments under the order, as the case may be, exceeds the amount which the person so liable or his

or her personal representatives should have been required to pay, the court may order the respondent to the application to pay to the applicant such sum, not exceeding the amount of the excess, as the court thinks just.

(2) This section applies to the following orders, that is to say —

- (a) any order for maintenance pending suit and any interim order for maintenance;
- (b) any periodical payments order; and
- (c) any secured periodical payments order.

(3) An application under this section may be made by the person liable to make payments under an order to which this section applies or his or her personal representatives and may be made against the person entitled to payments under the order or her or his personal representatives.

(4) An application under this section may be made in proceedings in the court for —

- (a) the variation or discharge of the order to which this section applies, or
- (b) leave to enforce, or the enforcement of, the payment of arrears under that order.

(5) An order under this section for the payment of any sum may provide for the payment of that sum by instalments of such amount as may be specified in the order.

MAINTENANCE AGREEMENTS

Validity of maintenance agreements.

1973 c. 18 s. 34

37. (1) If a maintenance agreement includes a provision purporting to restrict any right to apply to the court for an order containing financial arrangements, then —

- (a) that provision shall be void; but
- (b) any other financial arrangements contained in the agreement shall not thereby be rendered void or unenforceable and shall, unless they are void or unenforceable for any other reason (and subject to sections 38 and 39 below), be binding on the parties to the agreement.

(2) In this section and in section 38 below —

“Maintenance agreement” means any agreement in writing made, whether before or after the commencement of this Ordinance, between the parties to a marriage, being —

- (a) an agreement containing financial arrangements, whether made during the continuance or after the dissolution or annulment of the marriage; or
- (b) a separation agreement which contains no financial arrangements in a case where no other agreement in writing between the same parties contains such arrangements;

“financial arrangements” means provisions governing the rights and liabilities towards one another when living separately of the parties to a marriage (including a marriage which has been dissolved or annulled) in respect of the making or securing of payments or the disposition or use of any property, including such rights and liabilities with respect to the maintenance or education of any child, whether or not a child of the family.

Alteration of agreements by court during lives of parties.

1973 c. 18 s. 35

38. (1) Where a maintenance agreement is for the time being subsisting and each of the parties to the agreement is for the time being either domiciled or resident in the Colony, then, subject to subsection (3) below, either party may apply to the court for an order under this section.

(2) If the court is satisfied either —

- (a) that by reason of a change in the circumstances in the light of which any financial arrangements contained in the agreement were made or, as the case may be, financial arrangements were omitted from it (including a change foreseen by the parties when making the agreement), the agreement should be altered so as to make different, or, as the case may be, so as to contain, financial arrangements, or
- (b) that the agreement does not contain proper financial arrangements with respect to any child of the family,

then subject to subsections (3), (4) and (5) below, the court may by order make such alterations in the agreement —

- (i) by varying or revoking any financial arrangements contained in it, or
- (ii) by inserting in it financial arrangements for the benefit of one of the parties to the agreement or of a child of the family,

as may appear to the court to be just having regard to all the circumstances, including, if relevant, the matters mentioned in section 28 (3) above; and the agreement shall have effect thereafter as if any alteration made by the order had been made by agreement between the parties and for valuable consideration.

(3) Where the court decides to alter, by order under this section, an agreement by inserting provision for the making or securing by one of the parties to the agreement of periodical payments for the maintenance of the other party or by increasing the rate of the periodical payments which the agreement provides shall be made by one of the parties for the maintenance of the other, the term for which the payments or, as the case may be, the additional payments attributable to the increase are to be made under the agreement as altered by the order shall be such term as the court may specify, subject to the following limits, that is to say —

- (a) where the payments will not be secured, the term shall be so defined as not to extend beyond the death of either of the parties to the agreement or the remarriage of the party to whom the payments are to be made;
- (b) where the payments will be secured, the term shall be so defined as not to extend beyond the death or remarriage of that party.

(4) Where the court decides to alter, by order under this section, an agreement by inserting provision for the making or securing by one of the parties to the agreement of periodical payments for the maintenance of a child of the family or by increasing the rate of the periodical payments which the agreement provides shall be made or secured by one of the parties for the maintenance of such a child, then, in deciding the term for which under the agreement as altered by the order the payments, or as the case may be, the additional payments attributable to the increase are to be made or secured for the benefit of the child, the court shall apply the provisions of section 32 (2) and (3) above as to age limits as if the order in question were a periodical payments or secured periodical payments order in favour of the child.

(5) For the avoidance of doubt it is hereby declared that nothing in this section or in section 37 above affects any power of the court before which any proceedings between the parties to a maintenance agreement are brought under any other enactment (including a provision of this Ordinance) to make an order containing financial arrangements or any right of either party to apply for such an order in such proceedings.

Alteration of agreements
by court after death of
one party.

1973 c. 18 s. 36 (1) (4)
(6)

39. (1) Where a maintenance agreement within the meaning of section 37 above provides for the continuation of payments under the agreement after the death of one of the parties and that party dies domiciled in the Colony, the surviving party or the personal representatives of the deceased party may, subject to subsections (2) and (3) below, apply to the court for an order under section 38 above.

(2) An application under this section shall not, except with the permission of the court, be made after the end of the period of six months from the date on which representation in regard to the estate of the deceased is first taken out.

(3) If a maintenance agreement is altered by the court on an application made in pursuance of subsection (1) above, the like consequences shall ensue as if the alteration has been made immediately before the death by agreement between the parties and for valuable consideration.

(4) The provisions of this section shall not render the personal representatives of the deceased liable for having distributed any part of the estate of the deceased after the expiration of the period of six months referred to in subsection (2) above on the ground that they ought to have taken into account the possibility that the court might permit an application by virtue of this section to be made by the surviving party after that period; but this subsection shall not prejudice any power to recover any part of the estate so distributed arising by virtue of the making of an order in pursuance of this section.

MISCELLANEOUS AND SUPPLEMENTAL

Avoidance of transactions
intended to prevent or
reduce financial relief.

1973 c. 18 s. 37

40. (1) For the purposes of this section "financial relief" means relief under any of the provisions of sections 25, 26, 27, 30, 34 (except subsection (5)) and 38 above, and any reference in this section to defeating a person's claim for financial relief is a reference to preventing financial relief from being granted to that person, or to that person for the benefit of a child of the family, or reducing the amount of any financial relief which might be so granted, or frustrating or impeding the enforcement of any order which might be or has been made at his instance under any of those provisions.

(2) Where proceedings for financial relief are brought by one person against another, the court may, on the application of the first-mentioned person —

- (a) if it is satisfied that the other party to the proceedings is, with the intention of defeating the claim for financial relief, about to make any disposition or to transfer out of the jurisdiction or otherwise deal with any property, make such order as it thinks fit for restraining the other party from so doing or otherwise for protecting the claim;
- (b) if it is satisfied that the other party has, with that intention, made a reviewable disposition and that if the disposition were set aside financial relief or different financial relief would be granted to the applicant, make an order setting aside the disposition;
- (c) if it is satisfied, in a case where an order has been obtained under any of the provisions mentioned in subsection (1) above by the applicant against the other party, that the other party has, with that intention, made a reviewable disposition, make an order setting aside the disposition;

and an application for the purposes of paragraph (b) above shall be made in the proceedings for the financial relief in question.

(3) Where the court makes an order under subsection (2) (b) or (c) above setting aside a disposition it shall give such consequential directions as it thinks fit for giving effect to the order (including directions requiring the making of any payments or the disposal of any property).

(4) Any disposition made by the other party to the proceedings for financial relief in question (whether before or after the commencement of those proceedings) is a reviewable disposition for the purposes of subsections (2) (b) and (c) above unless it was made for valuable consideration (other than marriage) to a person who, at the time of the disposition, acted in relation to it in good faith and without notice of any intention on the part of the other party to defeat the applicant's claim for financial relief.

(5) Where an application is made under this section with respect to a disposition which took place less than three years before the date of the application or with respect to a disposition or other dealing with property which is about to take place and the court is satisfied —

- (a) in a case falling within subsection (2) (a) or (b) above, that the disposition or other dealing would (apart from this section) have the consequence, or
- (b) in a case falling within subsection (2) (c) above, that the disposition has had the consequence,

of defeating the applicant's claim for financial relief, it shall be presumed, unless the contrary is shown, that the person who disposed of or is about to dispose of or deal with the property did so or, as the case may be, is about to do so, with the intention of defeating the applicant's claim for financial relief.

(6) In this section "disposition" does not include any provision contained in a will or codicil but, with that exception, includes any conveyance, assurance or gift of property of any description, whether made by an instrument or otherwise.

(7) The provisions of this section shall not apply to a disposition made more than three years before the commencement of this Ordinance.

41. (1) Where —

- (a) a periodical payments or secured periodical payments order in favour of a party to a marriage (hereafter in this section referred to as "a payments order") has ceased to have effect by reason of the remarriage of that party, and
- (b) the person liable to make payments under the order or his or her personal representatives made payments in accordance with it in respect of a period after the date of the remarriage in the mistaken belief that the order was still subsisting,

the person so liable or his or her personal representatives shall not be entitled to bring proceedings in respect of a cause of action arising out of the circumstances mentioned in paragraphs (a) and (b) above against the person entitled to payments under the order or her or his personal representatives, but may instead make an application against that person or her or his personal representatives under this section.

(2) On an application under this section the court may order the respondent to pay to the applicant a sum equal to the amount of the payments made in respect of the period mentioned in subsection (1) (b) above or, if it appears to the court that it would be unjust to make that order, it may either order the respondent to pay to the applicant such lesser sum as it thinks fit or dismiss the application.

(3) An application under this section may be made in proceedings in the court for leave to enforce, or the enforcement of, payment of arrears under the order in question.

(4) An order under this section for the payment of any sum may provide for the payment of that sum by instalments of such amount as may be specified in the order.

Orders for repayment in certain cases of sums paid after cessation of order by reason of remarriage.

1973 c. 18 s. 38

(5) No officer of the court to whom payments under an order to which this section applies are required to be made shall be liable for any act done by him in pursuance of the order after the date on which that order ceased to have effect by reason of the remarriage of the person entitled to payments under it, if, but only if, the act was one which he would have been under a duty to do had the order not ceased to have effect as aforesaid and the act was done before notice in writing of the fact that the person so entitled had remarried was given to him by or on behalf of that person, the person liable to make payments under the order or the personal representatives of either of those persons.

Settlement, etc., made in compliance with a property adjustment order may be avoided on bankruptcy of settler.

1973 c. 18 s. 39

Payments, etc., under order made in favour of persons suffering from mental derangement.

1973 c. 18 s. 40

(Cap. 46)

42. The fact that a settlement or transfer of property had to be made in order to comply with a property adjustment order shall not prevent that settlement or transfer from being a settlement of property to which section 42 (1) of the Bankruptcy Act 1914 (avoidance of certain settlements) applies.

43. Where the court makes an order under this part of this Ordinance requiring payments (including a lump sum payment) to be made, or property to be transferred to a party to a marriage and the court is satisfied that the person in whose favour an order is made is incapable, by reason of mental derangement within the meaning of the Mental Treatment Ordinance, of managing and administering his or her property and affairs then, the court may order the payments to be made, or as the case may be, the property to be transferred, to such persons having charge of that person as the court may direct.

PART IV

PROTECTION, CUSTODY, ETC., OF CHILDREN

Restrictions on decrees for dissolution, annulment or separation affecting children.

1973 c. 18 s. 41

44. (1) The court shall not make absolute a decree of divorce or of nullity of marriage, or grant a decree of judicial separation, unless the court, by order, has declared that it is satisfied —

- (a) that for the purposes of this section there are no children of the family to whom this section applies; or
- (b) that the only children who are or may be children of the family to whom this section applies are the children named in the order and that —
 - (i) arrangements for the welfare of every child so named have been made and are satisfactory or are the best that can be devised in the circumstances; or
 - (ii) it is impracticable for the party or parties appearing before the court to make any such arrangements; or
- (c) that there are circumstances making it desirable that the decree should be made absolute or should be granted, as the case may be, without delay notwithstanding that there are or may be children of the family to whom this section applies and that the court is unable to make a declaration in accordance with paragraph (b) above.

(2) The court shall not make an order declaring that it is satisfied as mentioned in subsection (1) (c) above unless it has obtained a satisfactory undertaking from either or both of the parties to bring the question of the arrangements for the children named in the order before the court within a specified time.

(3) If the court makes absolute a decree of divorce or of nullity of marriage, or grants a decree of judicial separation, without having made an order under subsection (1) above the decree shall be void but, if such an order was made, no person shall be entitled to challenge the validity of the decree on the ground that the conditions prescribed by subsections (1) and (2) above were not fulfilled.

(4) If the court refuses to make an order under subsection (1) above in any proceedings for divorce, nullity of marriage or judicial separation, it shall, on an application by either party to the proceedings, make an order declaring that it is not satisfied as mentioned in that subsection.

(5) This section applies to the following children of the family, that is to say —

- (a) any minor child of the family who at the date of the order under subsection (1) above is —
 - (i) under the age of fifteen, or
 - (ii) receiving instruction at an educational establishment or undergoing training for a trade, profession or vocation, whether or not he is also in gainful employment; and
- (b) any other child of the family to whom the court by an order under that subsection directs that this section shall apply; and the court may give such a direction if it is of opinion that there are special circumstances which make it desirable in the interest of the child that this section should apply to him.

(6) In this section “welfare”, in relation to a child, includes the custody and education of the child and financial provision for him.

45. (1) The court may make such order as it thinks fit for the custody and education of any child of the family who is under the age of eighteen —

- (a) in any proceedings for divorce, nullity of marriage or judicial separation, before or on granting a decree or at any time thereafter (whether, in the case of a decree of divorce or nullity of marriage, before or after the decree is made absolute);
- (b) where any such proceedings are dismissed after the beginning of the trial, either forthwith or within a reasonable period after the dismissal;

and in any case in which the court has power by virtue of this subsection to make an order in respect of a child it may instead, if it thinks fit, direct that proper proceedings be taken for making the child a ward of court.

(2) Where the court makes an order under section 30 above, the court shall also have power to make such order as it thinks fit with respect to the custody of any child of the family who is for the time being under the age of eighteen; but the power conferred by this subsection and any order made in exercise of that power shall have effect only as respects any period when an order is in force under that section and the child is under that age.

(3) Where the court grants or makes absolute a decree of divorce or grants a decree of judicial separation, it may include in the decree a declaration that either party to the marriage in question is unfit to have the custody of the children of the family.

(4) Where a decree of divorce or of judicial separation contains such a declaration as is mentioned in subsection (3) above, then, if the party to whom the declaration relates is a parent of any child of the family, that party shall not, on the death of the other parent, be entitled as of right to the custody or the guardianship of that child.

(5) Where an order in respect of a child is made under this section, the order shall not affect the rights over or with respect to the child of any person, other than a party to the marriage in question, unless the child is the child of one or both of the parties to that marriage and that person was a party to the proceedings on the application for an order under this section.

Orders for custody and education of children in cases of divorce, etc., and for custody in cases of neglect.

1973 c. 18 s. 42

(6) The power of the court under subsection (1)(a) or (2) above to make an order with respect to a child shall be exercisable from time to time; and where the court makes an order under subsection (1)(b) above with respect to a child it may from time to time until that child attains the age of eighteen make a further order with respect to his custody and education.

(7) The court shall have power to vary or discharge an order made under this section or to suspend any provision thereof temporarily and to revive the operation of any provision so suspended.

Power to commit children
to care of other person.
1973 c. 18 s. 43

46. (1) Where the court has jurisdiction by virtue of this Part of this Ordinance to make an order for the custody of a child and it appears to the court that there are exceptional circumstances making it impracticable or undesirable for the child to be entrusted to either of the parties of the marriage, the court may if it thinks fit make an order committing the care of the child to any other person.

(2) While an order made by virtue of this section is in force with respect to a child, the child shall continue in the care of the other person notwithstanding any claim by a parent or other person.

(3) An order made by virtue of this section shall cease to have effect as respects any child when he becomes eighteen, and the court shall not make an order committing a child to the care of any other person under this section after he has become seventeen.

Power to provide for
supervision of children.
1971 c. 18 s. 44

47. (1) Where the court has jurisdiction by virtue of this Part of this Ordinance to make an order for the custody of a child and it appears to the court that there are exceptional circumstances making it desirable that the child should be under the supervision of an independent person, the court may, as respects any period during which the child is, in exercise of that jurisdiction, committed to the custody of any person, order that the child be under the supervision of an independent person.

(2) Where a child is under the supervision of an independent person in pursuance of this section the jurisdiction possessed by the court to vary any financial provision order in the child's favour or any order made with respect to his custody or education under this Part of this Ordinance shall, subject to any rules of court, be exercisable at the instance of the court.

(3) The court shall have power from time to time by an order under this section to vary or discharge any provision made in pursuance of this section.

PART V

RECOGNITION OF OVERSEAS DIVORCES AND LEGAL SEPARATIONS

Recognition in the Colony
of overseas divorces and
legal separations.
1971 c. 53 s. 2

48. Sections 49 to 51 shall have effect, subject to section 54 below, as respects the recognition in the Colony of the validity of overseas divorces and legal separations, that is to say, divorces and legal separations which —

- (a) have been obtained by means of judicial or other proceedings in any country outside the Colony; and
- (b) are effective under the law of that country.

Grounds for recognition.
1971 c. 53 s. 3

49. (1) The validity of an overseas divorce or legal separation shall be recognised if, at the date of the institution of the proceedings in the country in which it was obtained —

- (a) either spouse was habitually resident in that country; or
- (b) either spouse was a national of that country.

(2) In relation to a country the law of which uses the concept of domicile as a ground of jurisdiction in matters of divorce or legal separation, subsection (1)(a) of this section shall have effect as if the reference to habitual residence included a reference to domicile within the meaning of that law.

(3) In relation to a country comprising territories in which different systems of law are in force in matters of divorce or legal separation, the foregoing provisions of this section (except those relating to nationality) shall have effect as if each territory were a separate country.

50. (1) Where there have been cross-proceedings, the validity of an overseas divorce or legal separation obtained either in the original proceedings or in the cross-proceedings shall be recognised if the requirements of paragraph (a) or (b) of section 49 (1) above, are satisfied in relation to the date of the institution either of the original proceedings or of the cross-proceedings.

Cross-proceedings and divorce following legal separation.

1971 c. 53 s. 4

(2) Where a legal separation the validity of which is entitled to recognition by virtue of the provisions of section 49 above or of subsection (1) of this section is converted, in the country in which it was obtained, into a divorce, the validity of the divorce shall be recognised whether or not it would itself be entitled to recognition by virtue of those provisions.

51. (1) For the purpose of deciding whether an overseas divorce or legal separation is entitled to recognition by virtue of this Part, any finding of fact made (whether expressly or by implication) in the proceedings by means of which the divorce or legal separation was obtained and on the basis of which jurisdiction was assumed in those proceedings shall —

Proof of facts relevant to recognition.

1971 c. 53 s. 5

- (a) if both spouses took part in the proceedings, be conclusive evidence of the fact found; and
- (b) in any other case, be sufficient proof of that fact unless the contrary is shown.

(2) In this section "finding of fact" includes a finding that either spouse was habitually resident or domiciled in, or a national of, the country in which the divorce or legal separation was obtained; and for the purpose of subsection (1) (a) of this section, a spouse who has appeared in judicial proceedings shall be treated as having taken part in them.

52. (1) In this section "the common law rules" means the rules of law relating to the recognition of divorces or legal separations obtained in the country of the spouses' domicile or obtained elsewhere and recognised as valid in that country.

Existing common law and statutory rules

1971 c. 53 s. 6

(2) In any circumstances in which the validity of a divorce or legal separation obtained in a country outside the Colony would be recognised by virtue only of the common law rules if either —

- (a) the spouses had at the material time both been domiciled in that country; or
- (b) the divorce or separation were recognised as valid under the law of the spouses' domicile,

its validity shall also be recognised if subsection (3) below is satisfied in relation to it.

(3) This subsection is satisfied in relation to a divorce or legal separation obtained in a country outside the Colony if either —

- (a) one of the spouses was at the material time domiciled in that country and the divorce or separation was recognised as valid under the law of the domicile of the other spouse; or
- (b) neither of the spouses having been domiciled in that country at the material time, the divorce or separation was recognised as valid under the law of the domicile of each of the spouses respectively.

(4) For any purpose of subsection (2) or (3) above "the material time", in relation to a divorce or legal separation, means the time of the institution of proceedings in the country in which it was obtained.

(5) Sections 48 to 51 above are without prejudice to the recognition of the validity of divorces and legal separations obtained outside the Colony by virtue of the common law rules (as extended by this section), or of any enactment other than this Ordinance; but, subject to this section, no divorce or legal separation so obtained shall be recognised as valid in the Colony except as provided by those sections.

Non-recognition of divorce by third country no bar to remarriage.

1971 c. 53 s. 7

53. Where the validity of a divorce obtained in any country is entitled to recognition by virtue of sections 48 to 51 or section 52 (2) above, or by virtue of any rule or enactment preserved by section 52 (5) above, neither spouse shall be precluded from re-marrying in the Colony on the ground that the validity of the divorce would not be recognised in any other country.

Exceptions from recognition.

1971 c. 53 s. 8

54. (1) The validity of a divorce or legal separation obtained outside the Colony shall not be recognised in the Colony if it was granted or obtained at a time when, according to the law of the Colony (including its rule of private international law and the provisions of this Part), there was no subsisting marriage between the parties.

(2) Subject to subsection (1) of this section, recognition by virtue of sections 48 to 51 or section 52 (2) above, or of any rule preserved by section 52 (5) thereof of the validity of a divorce or legal separation obtained outside the Colony may be refused if, and only if —

- (a) it was obtained by one spouse —
 - (i) without such steps having been taken for giving notice of the proceedings to the other spouse as, having regard to the nature of the proceedings and all the circumstances, should reasonably have been taken; or
 - (ii) without the other spouse having been given (for any reason other than lack of notice) such opportunity to take part in the proceedings as, having regard to the matters aforesaid, he should reasonably have been given; or
- (b) its recognition would manifestly be contrary to public policy.

(3) Nothing in this Part shall be construed as requiring the recognition of any findings of fault made in any proceedings for divorce or separation or of any maintenance, custody or other ancillary order made in any such proceedings.

Interpretation and transitional provisions.

1971 c. 53 s. 10 (3) & (4)

55. (1) In this Part, "country" includes a colony or other dependent territory of the United Kingdom but for the purposes of this Part a person shall be treated as a national of such a colony or dependent territory only if it has a law of citizenship or nationality separate from that of the United Kingdom and he is a citizen or national of that colony or dependent territory under that law.

(2) The provisions of this Part relating to overseas divorces and legal separations and other divorces and legal separations obtained outside the Colony apply to a divorce or legal separation obtained before the commencement of this Ordinance as well as to one obtained on or after that date and, in the case of a divorce or legal separation obtained before that date —

- (a) require, or, as the case may be, preclude, the recognition of its validity in relation to any time before that date as well as in relation to any subsequent time; but
- (b) do not affect any property rights to which any person became entitled before that date or apply where the question of the validity of the divorce or legal separation has been decided by the court before that date.

PART VI

MISCELLANEOUS AND SUPPLEMENTAL

56. (1) Any person who is a British subject, or whose right to be deemed a British subject depends wholly or in part on his legitimacy or on the validity of any marriage, may, if he is domiciled in the Colony or claims any real or personal estate situate in the Colony, apply by petition to the court for a decree declaring that he is the legitimate child of his parents, or that the marriage of his father and mother or of his grandfather and grandmother was a valid marriage or that his own marriage was a valid marriage.

Declaration of legitimacy,
etc.

1973 c. 18 s. 45

(2) Any person claiming that he or his parent or any remoter ancestor became or has become a legitimated person may apply by petition to the court in the manner prescribed by rules of court, for a decree declaring that he or his parent or remoter ancestor, as the case may be, became or has become a legitimated person.

In this subsection "legitimated person" means a person legitimated by the Legitimacy Act 1926, and includes a person recognised under section 8 of that Act as legitimated.

(3) Any person who is domiciled in the Colony or claims any real or personal estate situate in the Colony may apply to the court for a decree declaring his right to be deemed a British subject.

(4) Applications to the court under the preceding provisions of this section may be included in the same petition, and on any application under the preceding provisions of this section the court shall make such decree as it thinks just, and the decree shall be binding on Her Majesty and all other persons whatsoever, so however that the decree shall not prejudice any person —

- (a) if it is subsequently proved to have been obtained by fraud or collusion; or
- (b) unless that person has been given notice of the application in the manner prescribed by rules of court or made a party to the proceedings or claims through a person so given notice or made a party.

(5) A copy of every application under this section and of any affidavit accompanying it shall be delivered to the Chief Secretary at least one month before the application is made, and the Chief Secretary shall be a respondent on the hearing of the application and on any subsequent proceedings relating thereto.

(6) Where any application is made under this section, such persons as the court hearing the application thinks fit, shall, subject to rules of court, be given notice of the application in the manner prescribed by rules of court, and any such persons may be permitted to become parties to the proceedings and to oppose the application.

(7) No proceedings under this section shall affect any final judgment or decree already pronounced or made by the court.

(8) The court may direct that the whole or any part of the proceedings shall be heard in camera, and an application for a direction under this subsection shall be heard in camera unless the court otherwise directs.

57. (1) The evidence of a husband or wife shall be admissible in any proceedings to prove that marital intercourse did or did not take place between them during any period.

Evidence.

1973 c. 18 s. 48

(2) In any proceedings for nullity of marriage, evidence on the question of sexual capacity shall be heard in camera unless in any case the judge is satisfied that in the interests of justice any such evidence ought to be heard in open court.

Parties to proceedings
under this Ordinance.
1973 c. 18 s. 49

58. (1) Where in a petition for divorce or judicial separation, or in any other pleading praying for either form of relief, one party to a marriage alleges that the other has committed adultery, he or she shall make the person alleged to have committed adultery with the other party to the marriage a party to the proceedings unless excused by the court on special grounds from doing so.

(2) Rules of court may, either generally or in such cases as may be prescribed by the rules, exclude the application of subsection (1) above where the person alleged to have committed adultery with the other party to the marriage is not named in the petition or other pleading.

(3) Where in pursuance of subsection (1) above a person is made a party to proceedings for divorce or judicial separation, the court may, if after the close of the evidence on the part of the person making the allegation of adultery it is of opinion that there is not sufficient evidence against the person so made a party, dismiss him or her from the suit.

(4) Rules of court may make provision, in cases not falling within subsection (1) above, with respect to the joinder as parties to proceedings under this Ordinance of persons involved in allegations of adultery or other improper conduct made in those proceedings, and with respect to the dismissal from such proceedings of any parties so joined; and rules of court made by virtue of this subsection may make different provision for different cases.

(5) In every case in which adultery with any party to a suit is alleged against any person not made a party to the suit or in which the court considers, in the interest of any person not already a party to the suit, that that person should be made a party to the suit, the court may if it thinks fit allow that person to intervene upon such terms, if any, as the court thinks just.

Matrimonial causes rules.

59. The Governor in Council may make rules for the better carrying out of the purposes and provisions of this Ordinance and in particular, but without prejudice, may make rules —

- (a) as to all matters of procedure under this Ordinance;
- (b) prescribing the forms to be used under this Ordinance;
- (c) with regard to any matter as to which rules may be made under this Ordinance;
- (d) prescribing the fees and costs to be paid, charged or allowed under this Ordinance.

Repeal.

Cap. 44.

Transitional provisions
and savings.

60. The Matrimonial Causes Ordinance is repealed.

61. Without prejudice to the provisions of section 38 of the Interpretation Act 1889 (which relates to the effect of repeals) nothing in the repeal made by this Ordinance shall affect any application made, proceeding begun, or made or deemed to have been made, or direction given or deemed to have been given, under any provisions of the Matrimonial Causes Ordinance repealed by this Ordinance, and subject to the provisions of this Ordinance —

- (a) every such application or proceeding which is pending at the commencement of this Ordinance shall have effect as if made or begun under the corresponding provision of this Ordinance; and
- (b) every such order or direction shall, if in force at the commencement of this Ordinance, continue in force.

Cap. 44.

OBJECTS AND REASONS

This Bill is a reproduction of the United Kingdom Matrimonial Causes Act 1973 and the Recognition of Divorces and Legal Separations Act 1971 subject to such exceptions, adaptations and modifications as the circumstances of the Colony require.

It provides for matters relating to matrimonial proceedings, maintenance agreements, declarations of legitimacy, validity of marriage, British nationality and the recognition in the Colony of overseas divorces and legal separations and generally brings the divorce law of the Colony into line with the divorce law of the United Kingdom.

PROCLAMATION

No. 1 of 1979

IN THE NAME OF Her Majesty ELIZABETH II, by the Grace of God of the United Kingdom of Great Britain and Northern Ireland and of Her other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith.

BY HIS EXCELLENCY JAMES ROLAND WALTER PARKER, ESQUIRE, Companion of the Most Distinguished Order of Saint Michael and Saint George, Officer of the Most Excellent Order of the British Empire, Governor and Commander-in-Chief of the Colony of the Falkland Islands and its Dependencies, and Vice-Admiral of the same.

WHEREAS it is provided by subsection (1) of section 24 of the Falkland Islands (Legislative Council) Orders 1948 to 1977 that the sittings of the Legislative Council shall be held at such times and places as the Governor shall from time to time appoint by proclamation published in the Gazette:

NOW, THEREFORE, I, JAMES ROLAND WALTER PARKER, do hereby PROCLAIM that the next sitting of the Legislative Council of the Falkland Islands shall be held at 10.00 o'clock in the forenoon of Monday, the 12th day of February 1979 at the Court and Council Chambers in the town of Stanley in the Falkland Islands.

GIVEN under my hand and the Public Seal of the Colony of the Falkland Islands at Government House, Stanley, Falkland Islands this 16th day of January in the year of Our Lord One thousand nine hundred and seventy-nine.



J. R. W. PARKER,
Governor.

GOD SAVE THE QUEEN

Ref. LEG/35/1. II.



THE FALKLAND ISLANDS GAZETTE (Extraordinary)

PUBLISHED BY AUTHORITY

Vol. LXXXVIII

31 JANUARY 1979

No. 2

A Bill for An Ordinance

To amend the Pensions Ordinance to
provide for pensions to widows and children. Title.

(19) Date of commencement.

BE IT ENACTED by the Legislature of the Colony of the Falkland Islands, as follows — Enacting clause.

1. This Ordinance may be cited as the Pensions (Amendment) Ordinance 1979. Short title.

2. The principal Ordinance is amended by inserting before section 1 the following new heading — Insertion of new heading "Part I".

"PART I"

3. The principal Ordinance is amended by adding after section 18 the following new Part — Addition of new "Part II".
6 of 1965.

"PART II"

WIDOWS' AND CHILDREN'S PENSIONS

Pensions payable to widow and children of a male pensioner or pensionable officer.

18A. (1) On the death of a male pensioner, or of a male pensionable officer who has completed ten years' pensionable service, there shall be paid to his dependants (if any), a pension as set out in the following provisions of this section based on the amount of the pension he was drawing at the date of his death, or, as the case may be, that he would have been entitled to at the date of his death had he been retired in circumstances in which he would have been entitled to retire with a pension.

(2) If the male pensioner or pensionable officer leaves a widow but no children, the widow shall be entitled to one-half of his pension or, as the case may be, the pension to which he would have been entitled, until her re-marriage or death.

(3) If the male pensioner or pensionable officer leaves a widow and children by such widow or by a previous wife, the widow shall be entitled until her re-marriage or death to one-half of the amount of his pension or, as the case may be, the pension to which he would have been entitled, and the children shall be entitled to pensions in the following proportions, that is to say —

- (a) if three in number, or less, then each shall receive one-sixth of his pension or, as the case may be, the pension to which he would have been entitled; or
- (b) if more than three, then one-half of such pension shall be divided equally among the children:

Provided that where a male pensioner or pensionable officer dies leaving a widow and children by the widow or by a previous wife, it shall be lawful for the Governor either in the first instance or at any time while pensions are payable to the children, to direct the payment to the widow of part only of such pensions and to direct the payment of the balance of such pensions for or towards the maintenance of the children in such manner as the Governor thinks fit.

(4) If the male pensioner or pensionable officer leaves children and no widow such children shall be entitled to pensions in the following proportions, that is to say —

- (a) if three in number, or less, then each shall receive one-third of his pension or, as the case may be, the pension to which he would have been entitled; or
- (b) if more than three, then such pension shall be divided equally among the children.

Pensions payable to children of a female pensioner or pensionable officer.

18B. (1) On the death of a female pensioner, or of a female pensionable officer who has completed ten years' pensionable service, there shall be paid to her children (if any), who were wholly or mainly dependent on her for support, a pension as set out in the following provisions of this section based on the amount of the pension she was drawing at the date of her death, or, as the case may be, that she would have been entitled to at the date of her death had she been retired in circumstances in which she would have been entitled to retire with a pension.

(2) If the female pensioner or pensionable officer leaves children such children shall be entitled to pensions in the following proportions, that is to say —

- (a) if three in number, or less, then each shall receive one-third of her pension, or as the case may be, the pension to which she would have been entitled; or
- (b) if more than three, then such pension shall be divided equally among the children.

Payment and
administration
of children's
pensions.

18C. In all cases of children's pension under this Ordinance, the whole or any part of such pension may be paid either to the parent, or to the legal guardian of such children, or to the children, or to such person or persons as the Governor may in his discretion consider to be fit and proper persons, to apply the same for the benefit of such children, and after such payment the Government of the Colony shall be free of all responsibility in respect of such payment.

Cessation of
payment of
children's
pensions.

18D. Any pension to children shall cease on their attaining the age of seventeen years.

Non-entitlement
of widow
married to
officer over
sixty years
of age, etc., to
pension.

18E. No widow of an officer whose marriage is contracted with him after he has attained the age of sixty years or after he has left the public service, whichever of those events first happens, and no issue of such marriage, shall be entitled to a pension under this Part.

Commencement
and application
of Part II.

18F. This Part of this Ordinance shall be deemed to have effect from the 1st July 1977 and the provisions thereof shall apply to all officers in the public service under the Government of the Colony on or after the said date."

4. The principal Ordinance is amended by inserting after section 18F the following new heading —

Insertion of new heading
"PART III".

"PART III GENERAL".

5. The principal Ordinance is amended by adding, after section 19, the following new section —

Addition of new section
19A.

"Prohibition
against double
pensions.

19A. Not more than one pension under this Ordinance shall be payable to or in respect of any one person."

OBJECTS AND REASONS

Most Colonies and Territories under Her Majesty's jurisdiction have made provisions in their legislation for pensions to widows and children of pensioners on death. This amendment is necessary to bring our legislation into line with other Colonies and Territories.

Ref. TRE/10/3.

Loans Ordinance 1979

Arrangement of Clauses

Clause

- 1 Short title and commencement
- 2 Interpretation
- 3 Authority to raise loans
- 4 Mode of raising loans
- 5 Advance subscriptions to loans
- 6 Loans to be charge upon general revenues
- 7 Issue of stocks
- 8 Register of stocks
- 9 Stock certificates
- 10 Transfer of stock
- 11 Payment of interest
- 12 Redemption of stock
- 13 Interest to be charge upon general revenues
- 14 Creation of Sinking Fund
- 15 Exemption from stamp duty
- 16 Stock authorized investment for trust funds
- 17 Regulations

A Bill for
An Ordinance
To make provision for the raising of
loans and for matters connected therewith.

Title.

(19)

Date of commencement.

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

Enacting clause.

1. This Ordinance may be cited as the Loans Ordinance 1979
and shall come into operation on the day of 1979.

Short title and commence-
ment.

2. In this Ordinance unless the context otherwise requires—
“loan” means any loan issued under the provisions of this
Ordinance;
“register” means any book kept by the registering authority
under the provisions of this Ordinance;
“registering authority” means the Treasury, the Crown Agents
or any other agent appointed by the Financial Secretary;
“stock” means any stock issued under the provisions of this
Ordinance and any share or interest in such stock;
“stockholder” means any person holding stock and entered as
owner thereof in the register.

Interpretation.

3. (1) The Financial Secretary may, subject to the provisions
of this Ordinance, raise internally or externally loans of such sums
of money as the Legislative Council may from time to time authorize
by resolution, together with such further sums as are necessary to
defray the expense of issue.

Authority to raise loans.

(2) Any moneys borrowed under the provisions of this
Ordinance, shall be applied for the purposes specified in the author-
izing resolution.

- Mode of raising loans. 4. Loans may be raised —
 (a) by the creation and issue of registered or inscribed stock;
 (b) from Her Majesty's Government in the United Kingdom;
 (c) in such other manner as the Financial Secretary may decide.
- Advance subscriptions to loans. 5. Advance subscriptions may be taken on such terms and conditions as may be specified by the Financial Secretary once the raising of the loan is authorized.
- Loans to be charge upon general revenues. 6. The principal moneys and interest represented by loans issued under the provisions of this Ordinance are hereby charged upon and payable out of the general revenues of the Colony.
- Issue of stocks. 7. Falkland Islands stocks may from time to time be issued in the Falkland Islands or elsewhere upon the best and most favourable terms that can be obtained and to such amounts and on such conditions as the Financial Secretary may direct.
- Register of stocks. 8. (1) A register shall be kept in which —
 (a) all stock issues shall be registered or, in the case of inscribed stock, inscribed;
 (b) all transfers, transmissions and other dealings in such stock shall be registered.
 (2) The register shall be prima facie evidence of title of any person to any stock of which he is entered as stockholder.
 (3) the register shall be kept by the Treasury, the Crown Agents or any other appointed agent.
- Stock certificates. 9. Stock certificates shall be sent to the stockholder showing that stock to the value shown therein has been registered in the name of the stockholder. A stock certificate is prima facie evidence of title to the stock specified therein.
- Transfer of stock. 10. Stock may be transferred by an instrument of transfer approved by the Financial Secretary and shall be supported by the production to the registering authority of the original or a certified true copy of the stock certificate. If the registering authority is satisfied that the transfer is in order the name of the new stockholder shall be entered in the register.
- Payment of interest. 11. Interest shall be payable annually or half yearly as specified when the stock is issued at the rate fixed at the time of issue.
- Redemption of stock. 12. (1) Stock shall be redeemable at par on the date named when the stock is issued and no interest shall be payable after that date.
 (2) Stock may be redeemed before maturity provided that provision for this is made when the stock is issued.
- Interest to be charge upon general revenues. 13. So long as any portion of any loan remains outstanding the general revenues of the Colony shall be liable to pay current annual or half year's interest.
- Creation of Sinking Fund. 14. (1) Such amount of money as is required shall be taken from the general revenues of the Colony to create in each year a Sinking Fund to the amount specified in the prospectus.
 (2) The money in question shall be invested in the Colony, by the Crown Agents or other appointed agents in such manner as is approved by the Financial Secretary, and the dividends, interest or produce of such investment shall also be invested in like manner.
 (3) Investments on behalf of the Sinking Fund may be changed with the approval of the Financial Secretary. Investments in the Colony may not exceed 30 per centum of the total amount of the Sinking Fund at any one time.

(4) The Sinking Fund may be used for the redemption of stock by purchase. Any balance remaining after such redemption shall be credited to the Sinking Fund.

(5) If the Sinking Fund is insufficient, at the time of maturity of the loan, to redeem the loan in full, any balance shall be made good out of the general revenues of the Colony.

15. No stamp duty shall be payable on the issue or transfer of stock. Exemption from stamp duty.

16. Falkland Islands stock shall be an authorized investment for trust funds. Stock authorized investment for trust funds.

17. The Governor in Council may make such regulations as may be necessary for the carrying out of the provisions of this Ordinance. Regulations.

OBJECTS AND REASONS

It is considered desirable that the Colony should have general legislation for raising loans and this Bill is designed to enable Government borrowing externally or internally.

A Bill for An Ordinance To amend the Income Tax Ordinance.

Title.

Date of commencement.

(1st January 1979)

Enacting clause.

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

Short title and commencement.

1. This Ordinance may be cited as the Income Tax (Amendment) Ordinance 1979, and shall apply to assessments for the year of assessment commencing on the 1st day of January 1979 and to subsequent years of assessment.

Amendment of section 11.
Cap. 32.

2. Section 11 of the principal Ordinance is amended by inserting after "Sixth Schedule" the following —
"or the Seventh Schedule".

Amendment of section 21.

3. Section 21 of the principal Ordinance is amended by deleting subsection (2) and substituting the following new subsection —

“(2) The tax upon the chargeable income of a company shall be at the following rates —

Up to £30,000	—	42%
” ” 32,000	—	42·9%
” ” 34,000	—	43·8%
” ” 36,000	—	44·7%
” ” 38,000	—	45·6%
” ” 40,000	—	46·5%
” ” 42,000	—	47·4%
” ” 44,000	—	48·3%
” ” 46,000	—	49·2%
” ” 48,000	—	50·1%
” ” 50,000	—	51%
Over 50,000	—	52% ”.

4. The principal Ordinance is amended by adding after the Sixth Schedule the following Schedule—

Addition of
Seventh Schedule.

"SEVENTH SCHEDULE

Section 11.

DEPRECIATION

1. In this Schedule —

Interpretation.

"expenditure", in relation to the cost of a capital asset, means the amount spent upon the provision of that asset by the person claiming the depreciation deduction, reduced by the amount of any grant, subsidy or contribution towards that cost made by any other person or authority;

"written-down value", in relation to a capital asset, means the amount of the expenditure upon that asset less the sum of any wear and tear and depreciation deductions made in respect of that asset for all earlier years or which could have been made if the asset had been employed continuously since the expenditure was incurred in the production of income.

2. Where a person referred to in section 11 employs during the year immediately preceding the year of assessment in the course of his trade, business, profession or vocation any of the capital assets specified in paragraph 3 of this Schedule, there shall be allowed, upon his making a claim thereto, a deduction on account of the depreciation of such assets (in this Schedule referred to as a "*depreciation deduction*").

Deduction.

3. The following depreciation allowances shall be given for capital expenditure incurred on projects commenced after the 1st January 1978 —

Depreciation allowance.

- (a) on machinery or plant (other than a ship, aircraft, or a motor vehicle) - an initial allowance in the year in which the expenditure is incurred of up to 100%; where the full 100% is not claimed, in subsequent years a writing down allowance of 25% per annum of the written-down value of the asset shall be given;
- (b) on ships - an initial allowance of up to 50% and thereafter a writing down allowance of 10% per annum of the written-down value of the asset shall be given;
- (c) on aircraft - a writing down allowance of 15% per annum of the written-down value of the asset shall be given;
- (d) on motor vehicles - a writing down allowance of 25% per annum of the written-down value of the asset shall be given;
- (e) on industrial buildings used for the purpose of productive manufacturing or processing, mining or fishing - an initial allowance of up to 50% and thereafter a writing down allowance of 4% per annum of the written-down value of the asset shall be given;
- (f) on hotel buildings - an initial allowance of up to 20% and thereafter a writing down allowance of 4% per annum of the written-down value of the asset shall be given;
- (g) on agricultural buildings - an initial allowance of up to 30% and thereafter a writing down allowance of 4% per annum of the written-down value of the asset shall be given;
- (h) on other buildings - a writing down allowance of 10% per annum of the written-down value of the asset shall be given.

4. Where during the year immediately preceding the year of assessment a capital asset in respect of which a wear and tear or a depreciation deduction has been made is sold, scrapped or destroyed and the amount of the sale proceeds or insurance recoveries is less than the written-down value, there shall be made a deduction equal to the amount of the deficiency.

Balancing deduction.

Balancing charge.

5. Where during the year immediately preceding the year of assessment a capital asset in respect of which a wear and tear or a depreciation deduction has been made is sold or destroyed and the amount of the sale proceeds or insurance recoveries is more than the written-down value, the amount of the excess (or the total amount of all wear and tear and depreciation deductions made, if less) shall be additional income chargeable to tax for that year of assessment.

Buildings.

6. Where a building is bought or sold together with land the Commissioner shall make such apportionment of the total sum as is just for the purpose of arriving at the separate value of the building.

Agricultural buildings.

7. For the purposes of this Schedule agricultural buildings do not include housing, offices, shops on farm settlements, store-houses (except where they are used solely to store agricultural produce). The cost of a building shall not include the cost or value of the land on which it is built.

New ventures.

8. Where a company undertakes a new industrial, commercial or other venture, it shall, before qualifying for the allowance referred to in paragraph 3 of this Schedule, be required to form a separate company which shall be taxed separately from any existing company.”.

OBJECTS AND REASONS

This tax reform Bill introduces a scale for taxing Companies.

The new system is designed to obtain for the Colony a greater proportion of the tax payable by the larger overseas Companies. The Companies with relatively small profits will pay slightly less tax under the proposed system.

The Bill also provides a measure of encouragement for development of industries in the Colony by improving the depreciation allowances permitted under the Income Tax Ordinance, which apply to Companies, partnerships and other businesses.

Ref. INC/10/5.

Employment Tax Ordinance 1979

Arrangement of Clauses

Clause

- 1 Short title and commencement
- 2 Interpretation
- 3 Administration
- 4 Duty to regard documents, etc., as secret and to make declaration
- 5 Imposition of employment tax
- 6 Payment of employment tax
- 7 Exemptions
- 8 Payment of employment tax to Financial Secretary
- 9 Right of employer to deduct tax from emoluments
- 10 Employer, self-employed person, etc., failing to pay employment tax
- 11 Particulars to be provided by employer at end of year
- 12 Objections and appeals
- 13 Repayments
- 14 Tax payable to be debt due to the Government
- 15 Power to remit employment tax
- 16 Offences
- 17 Crown bound
- 18 Regulations
- 19 Approval of retirement schemes
- 20 Financial Secretary may vary times

A Bill for An Ordinance

Title.

To provide for the imposition and collection of a tax on emoluments in respect of employment and for matters incidental thereto and connected therewith.

Date of commencement.

(1st July 1979)

Enacting clause.

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

Short title and commencement.

1. This Ordinance may be cited as the Employment Tax Ordinance 1979 and shall come into operation on the 1st July 1979.

Interpretation.

2. In this Ordinance unless the context otherwise requires —

“approved retirement scheme” means a retirement scheme or provident fund or part thereof approved for the time being by the Governor in Council under section 19;

“certificate of assessment” means any certificate of assessment by the Financial Secretary under section 9 certifying the amount of employment tax due from an employer or self-employed person;

“employer” means any person paying emoluments whether on his own account or on behalf of another person;

“employment tax” means the tax imposed by section 5;

“payment” in all its grammatical forms includes, in respect of emoluments, allowances and credit of emoluments to an employee;

“self-employed person” means any person gainfully occupied who is not an employee;

“year” means the period of twelve months ending on the 30th day of June in any year;

3. (1) The administration of this Ordinance is vested in the Financial Secretary. Administration.

(2) The Financial Secretary may authorize any public officer to exercise any powers or to perform any duties conferred or imposed on the Financial Secretary by this Ordinance.

4. (1) Every person having any official duty or being employed in the administration of this Ordinance shall regard and deal with all documents, information, returns, relating to emoluments of any person, as secret and confidential and shall make and subscribe a declaration to that effect before a Magistrate. Duty to regard documents, etc., as secret and to make declaration.

(2) Every such person having possession of or control over any documents, information or returns relating to the emoluments of any person, who at any time communicates or attempts to communicate such information or anything contained in such documents or returns, to any person —

(a) other than a person to whom he is authorized by the Governor to communicate it;

(b) otherwise than for the purposes of this Ordinance;

shall be guilty of an offence.

5. There shall be paid a tax, to be known as employment tax, in respect of income arising in or derived from the sources specified in section 6 at the rate of 4%. Imposition of employment tax.

6. Employment tax shall be payable in respect of —

(a) the gross emoluments of every employee;

(b) the net profit before tax of self-employed persons (including individuals in business as partners or sole proprietors);

(c) in the case of persons not in employment, dividend income:

Provided that in no case shall the amount of tax paid exceed £250 in any one year and in the case of employees the employer shall be liable for three quarters of tax payable and the employee for one quarter of tax payable. Payment of employment tax.

7. There shall be exempt from employment tax —

(a) the official emoluments paid to the Governor;

(b) the official emoluments paid to Consuls, Vice-Consuls and members of the permanent Consular Services of foreign countries in respect of their offices or in respect of services rendered by them in their official capacity;

(c) the emoluments paid from United Kingdom funds to members of Her Majesty's Forces and to persons in the permanent service of the United Kingdom Government in respect of their offices under the United Kingdom Government;

(d) all pensions paid to retired persons for past services;

(e) the emoluments paid to a person under fifteen years of age who is in full time attendance at school;

(f) any sum received by way of commutation of pension under an approved retirement scheme or the Pensions Ordinance;

(g) the emoluments paid by the United Kingdom Government to Technical Co-operation officers employed in the Colony by the Ministry of Overseas Development except any such emoluments reimbursed to the United Kingdom Government from Colony funds;

(h) the salary and other emoluments received for services related to communications referred to in Notes exchanged between the United Kingdom and the Argentine Republic on the 5th August 1971 and in the Joint Statement referred to in those Notes by residents of the Argentine mainland from their Argentine employers; Exemptions.

- (i) pensions granted to dependents of deceased members of Her Majesty's Forces;
- (j) wound and disability pensions granted to members of Her Majesty's Forces;
- (k) gratuities granted to members of Her Majesty's Forces in respect of war services;
- (l) any allowance, grant or gratuity payable from United Kingdom funds to any officer in the service of the Colony who is a designated officer within the terms of the Overseas Service (Falkland Islands) (Continuance) Agreement 1971/77;
- (m) any allowance paid to any unofficial member of the Executive or Legislative Councils under the provisions of the Executive Council (Allowances) Ordinance 1977 or the Legislative Council (Allowances) Ordinance 1977 in respect of services as a member of council.

Payment of employment
tax to Financial Secretary.

8. (1) All amounts of employment tax which an employer and employees employed by him are liable under the provisions of this Ordinance to pay in respect of any payment of emoluments shall be paid by that employer to the Financial Secretary without any demand within fifteen days of the end of the month in which the payment of emoluments in question was made.

(2) The employer shall make a monthly statement and transmit the same to the Financial Secretary on such form as may be provided by the Financial Secretary which statement shall specify —

- (a) the gross amount of the total emoluments paid during the month and on which employment tax is payable; and
- (b) the amount of tax payable by the employer and each employee.

(3) All amounts of employment tax payable by a self-employed person or a person liable to pay tax in respect of dividend income shall be paid to the Financial Secretary without any demand not later than the 31st day of July in each year.

(4) Every self-employed person and every person liable to pay tax in respect of dividend income shall make an annual statement and transmit the same to the Financial Secretary on such form as may be provided by the Financial Secretary. The statement shall specify —

- (a) in the case of a self-employed person his net profit before tax for the preceding year;
- (b) in the case of a person liable to pay tax on dividend income, the gross amount of dividend income for the preceding year; and
- (c) the amount of tax payable.

(5) If —

- (a) within fifteen days of the end of any month the employer fails without reasonable cause, to transmit to the Financial Secretary the monthly statement and payment referred to, he shall be guilty of an offence;
- (b) within thirty-one days of the end of any year a self-employed person or a person liable to pay tax in respect of dividend income fails without reasonable cause to transmit to the Financial Secretary the annual statement and payment referred to, he shall be guilty of an offence;

and liable on summary conviction to a fine not exceeding £300 or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

(6) Where a company is guilty of a contravention of the provisions of this section, every director, manager, agent and officer of the company or corporate body in the Colony who is knowingly a party of the contravention shall be liable to the penalties specified in subsection (5).

9. (1) Every employer who pays emoluments to any employee may, on the occasion of any such payment of emoluments, and at no other time, deduct therefrom a sum of money not greater than the amount of employment tax which the employee is liable to pay under section 6, and the employee from whom such sum is deducted shall have no right of action for the repayment of such sum to him by the employer.

Right of employer to deduct tax from emoluments.

(2) Any employer failing to make deductions pursuant to subsection (1) shall, notwithstanding such failure, pay to the Financial Secretary the amount due under this Ordinance for employment tax in respect of his employees.

10. (1) If —

- (a) within fifteen days of the end of any month any employer has paid no amount of tax; or
- (b) within thirty-one days of the end of any year any self-employed person or any person liable to pay tax in respect of dividend income has paid no amount of tax;

Employer, self-employed person, etc., failing to pay employment tax.

to the Financial Secretary, the Financial Secretary may assess the amount of employment tax that he considers is payable by such employer, self-employed person or person liable to pay tax in respect of dividend income.

(2) The Financial Secretary shall certify his assessment of the amount of tax which —

- (a) the employer is liable to pay to him in respect of the month in question; or
- (b) the self-employed person or person liable to pay tax on dividend income in respect of the year in question;

and send notice thereof to the employer, self-employed person or person liable to pay tax on dividend income concerned.

(3) The certificate of assessment of the Financial Secretary under subsection (2) shall be sufficient evidence that the amount shown in the said certificate is the amount of tax which —

- (a) the employer is liable to pay to the Financial Secretary in respect of the month in question; or
- (b) the self-employed person or the person liable to pay tax on dividend income in respect of the year in question;

and any document purporting to be such a certificate as aforesaid shall be deemed to be such a certificate until the contrary is proved.

(4) A notice given by the Financial Secretary under subsection (2) may be in respect of two or more consecutive months or years, as the case may be, and the provisions of this Ordinance shall have effect as if the said consecutive months or years were one month or one year.

(5) An assessment by the Financial Secretary under subsection (1) may be made notwithstanding that an amount of employment tax has been paid to him by the employer under this Ordinance for any particular month, if the Financial Secretary is not satisfied that the amount so paid is the full amount which the employer is liable to pay to him for that month, and the provisions of this section shall have effect accordingly.

(6) An assessment by the Financial Secretary under subsection (1) may be made notwithstanding that an amount of employment tax has been paid to him by a self-employed person or a person liable

to pay dividend tax under this Ordinance for any particular year, if the Financial Secretary is not satisfied that the amount so paid is the full amount which the self-employed person or person liable to pay dividend tax is liable to pay to him for that year, and the provisions of this section shall have effect accordingly.

Particulars to be provided
by employer at end of
year.

11. (1) Not later than fifteen days after the end of the year the employer shall render to the Financial Secretary in such form as the Financial Secretary may approve a return showing the total amount of the emoluments paid by him during the year, and the total amount of employment tax paid by the employer in respect of such emoluments.

(2) After the end of the year or on the termination of any employment the employer shall give to the employee a certificate showing the total amount of the emoluments paid by the employer to the employee during the year, and the total tax deducted from the emoluments.

(3) If an employer without reasonable excuse fails to comply with the provisions of this section he shall be guilty of an offence.

Objections and appeals.

12. (1) If any person is aggrieved by an assessment referred to in a certificate of assessment he may give notice thereof to the Financial Secretary, stating the ground of his objection, within thirty days of the date of the certificate of assessment.

(2) On receipt of any such notice of objection the Financial Secretary on proof to his satisfaction, may agree with the employer, self-employed person or person liable to pay tax on dividend income as to the correct amount to be assessed and may thereupon amend the certificate of assessment. Notice of the amended certificate of assessment shall then be served on the employer, self-employed person or person liable to pay tax on dividend income by the Financial Secretary.

Cap. 32

(3) In default of agreement as aforesaid the employer, self-employed person or person liable to pay tax on dividend income, on giving notice to the Financial Secretary, may appeal to the Judge in Chambers, and the provisions of the Income Tax Ordinance relating to the determination of appeals against assessment shall apply accordingly.

(4) No notice of objection shall be valid unless the employer, self-employed person or person liable to pay tax on dividend income states what portion of the employment tax charged is in excess of his true liability and remits therewith an amount equal to the tax he does not dispute.

Repayments.

13. Where the employer, self-employed person or person liable to pay tax on dividend income shows to the satisfaction of the Financial Secretary that employment tax has been overpaid by him the Financial Secretary shall arrange for the tax overpaid to be refunded:

Provided that no application for repayment of tax overpaid shall be valid unless such application is made within twelve months of the end of the year to which the over-payment related.

Tax payable to be a debt
due to Government.

14. Any employment tax due from and payable by an employer, self-employed person or person liable to pay tax on dividend income under this Ordinance or under regulations made under this Ordinance shall be recovered by the Financial Secretary or any person duly authorized by the Financial Secretary to act on his behalf, as a debt due to the Government of the Colony.

Power to remit employ-
ment tax.

15. If the Governor in Council upon written application being made to him is satisfied that it would be just and equitable to do so he may remit the whole or any part of the employment tax payable by the person.

16. (1) Any person who, for the purpose of evading the payment of employment tax, knowingly makes any false statement or false representation shall be guilty of an offence and liable on summary conviction to a fine not exceeding £1,000 or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

Offences.

(2) Any person guilty of an offence against this Ordinance for which no specific penalty is otherwise provided shall be liable on summary conviction to a fine not exceeding £100 or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

17. This Ordinance shall bind the Crown.

Crown bound.

18. The Governor in Council may make regulations in regard to any matter or thing in respect of which it may be expedient to make rules to give effect to the provisions of this Ordinance.

Regulations.

19. Upon application in such manner as may be prescribed the Governor in Council may, for the purposes of this Ordinance, approve, either as a whole or in part, any retirement scheme or provident fund which, in his opinion, complies substantially with such requirements as may be prescribed, and may withdraw any approval so given.

Approval of retirement schemes.

20. The Financial Secretary may, for good cause shown by any employer, self-employed person or person liable to pay tax on dividend income, vary any of the times prescribed by this Ordinance.

Financial Secretary may vary times.

OBJECTS AND REASONS

The Bill seeks to introduce an employment tax of 4% on the wages and salaries of all employed persons; 3% payable by the employer and 1% by the employee. The tax would apply to self-employed persons and persons not in employment but in receipt of dividend income. The maximum amount payable in respect of any one person would be limited to £250 per annum.

The introduction of this tax, on 1st July 1979, will enable Government to abolish medical fees for residents.



THE FALKLAND ISLANDS GAZETTE

PUBLISHED BY AUTHORITY

Vol. LXXXVIII

22 FEBRUARY 1979

No. 3

Appointments

Robert Charles Rutterford, Teacher, Education Department, 24.1.79.

Mrs. Valerie Ann Rutterford, Teacher, Education Department, 24.1.79.

Michael James Murphy, Engineman, Public Works Department (Electrical), 8.2.79.

Re-appointment

Ian Robert Jones, Teacher, Education Department, 2.2.79.

Mrs. Camilla Clarke, Telephone Operator, Posts and Telecommunications Department, 9.2.79.

Promotion

Keith Edward Dunnett, M.B., B. chir., Medical Officer, to Senior Medical Officer, with effect from 1st January 1979.

Completion of Contract

Mrs. M. A. H. Jennings, Clerk, Public Service, 26.1.79.

Resignation

Barry William Ford, Assistant Printer, Printing Office, 28.1.79.

NOTICES

No. 6.

17th January 1979.

BIRTHDAY HONOURS 1978

Her Majesty the Queen has been graciously pleased to approve the following appointments —

LIONEL GEOFFREY BLAKE, ESQUIRE., J.P.

to be an Officer of the Most Excellent Order of the British Empire; and

WILLIAM HENRY GOSS, ESQUIRE., J.P.

to be a Member of the Most Excellent Order of the British Empire; and the award of the British Empire Medal to

MRS. VELMA MALCOLM.

Ref. ROY/31/4.

No. 7.

25th January 1979.

Prison Ordinance 1966

It is notified that the following have been appointed the Board of Visiting Justices for 1979 —

MR. R. H. CHECKLEY, J.P. (*Senior Member*)

MR. S. MILLER, O.B.E., J.P. (*Member*)

MRS. C. LUXTON, J.P. (*Member*)

Ref. POL/19/1.

No. 8. 30th January 1979.

Statutory Instruments

It is notified for general information that the following Statutory Instruments made by Her Majesty the Queen in Council apply to the Colony of the Falkland Islands and its Dependencies —

The Extradition (Genocide) (Amendment) Order
1978 S. I. 1978 No. 782

The Spain (Extradition) (Revocation) Order
1978 S. I. 1978 No. 1523.

2. Copies may be seen at the Chief Secretary's Office during normal office hours.

Ref. LEG/10/22.

No. 9. 7th February 1979.

Her Majesty the Queen in Council has made the following Orders —

S. I. 1978 No. 1624.

The South Africa (Prohibited Exports and Transactions) (Overseas Territories) (Amendment)
Order 1978.

S. I. 1978 No. 1894.

The South Africa (Prohibited Exports and Transactions) (Overseas Territories) (Amendment)
Order 1978.

2. Copies of the aforementioned Orders, made respectively on 15th November 1978 and 20th December 1978, may be seen at the Chief Secretary's Office during normal office hours. Both Orders are applicable to the Falkland Islands and Dependencies.

Ref. UN/7/16.

No. 10. 19th February 1979.

Public Health Ordinance Section 54.

The following have been appointed to be the Hospital Visiting Committee for the year 1979 —

MRS. NANETTE KING (*Chairman*)

MRS. JANET CHEEK

REVEREND A. C. QUEEN.

Ref. MED/19/2.

No. 11. 19th February 1979.

With reference to Gazette Notice No. 62 of 22nd November 1960, notification is hereby given that the Israel (Extradition) Order 1960 was amended on 15th November 1978 by the Israel (Extradition) (Amendment) Order 1978 (Statutory Instrument No. 1623 of 1978).

2. A copy of the amending Order may be seen at the Chief Secretary's Office during normal office hours.

Ref. LEG/10/22b.

No. 12. 20th February 1979.

**Civil Aviation (Investigation of Accidents)
Regulations 1959**

In accordance with section 7 of the above Regulations, His Excellency the Governor has appointed Mr. Harold Bennett, O.B.E., J.P., to be an Inspector, and Mr. Bala Kanagasabai an Assessor, to investigate the accident to Beaver aircraft VP-FAV at Bleaker Island on 25th January 1979.

Ref. AIR/2/1.

Appointment of Governor's Deputy and specification of powers and functions vested in the Governor which he may exercise and perform.

WHEREAS paragraph (1) of Article 8 of the Falkland Islands Letters Patent, 1948 to 1962, provides that whenever the Governor has occasion to be absent from the seat of Government but not from the Colony, or to be absent from the Colony for a period which he has reason to believe will be of short duration, or whenever by reason of illness which he has reason to believe will be of short duration he considers it desirable so to do, he may, by Instrument under the Public Seal, appoint any person in the Colony to be his Deputy during such absence or illness, and in that capacity to exercise and perform for and on behalf of the Governor during such absence or illness all such powers and functions vested in the Governor as shall be specified in such Instrument:

AND WHEREAS Article 3 of the Falkland Islands Dependencies Letters Patent, 1908, provides that the Officer for the time being Administering the Government of the Colony of the Falkland Islands shall be Governor for the time being of the Falkland Islands Dependencies:

NOW, THEREFORE, under and by virtue of the powers aforesaid I, JAMES ROLAND WALTER PARKER, ESQUIRE, Companion of the Most Distinguished Order of Saint Michael and Saint George, Officer of the Most Excellent Order of the British Empire, Governor and Commander-in-Chief of the Colony of the Falkland Islands and its Dependencies, and Vice-Admiral of the same, do hereby appoint JOHN DUDLEY MASSINGHAM, ESQUIRE, to be Governor's Deputy in and for the Colony of the Falkland Islands and its Dependencies and in that capacity to exercise and perform for and on behalf of the Governor (except while and in so far as provision to the contrary made by the Governor under Article 8 of the said Letters Patent is operative) and subject always to the provisions of the said Letters Patent, all such powers and functions as are vested in the Governor other than those vested by sections 18 and 21A, sub-section (1) of section 24 and sub-section (1) of section 26 of the Falkland Islands (Legislative Council) Orders, 1948 to 1977, by paragraph (1) of Article 10 and Articles 13, 15 and 16 of the said Letters Patent and by sub-paragraph (b) of paragraph (1) of clause 3, sub-paragraph (a) of paragraph (1) of clause 5 and clause 22 of the Royal Instructions to the Governor dated the 13th day of December 1948.

This Instrument shall come into operation whenever I have occasion to be absent from the seat of Government but not from the Colony, or to be absent from the Colony for a period which I have reason to believe will be of short duration, or whenever by reason of illness which I have reason to believe will be of short duration I am unable to perform my duties as Governor.



GIVEN under my hand and the Public Seal of the Colony of the Falkland Islands at Government House, Stanley, this 17th day of February in the year of Our Lord One thousand Nine hundred and Seventy-nine.

J. R. W. PARKER,
Governor and Commander-in-Chief.

WAGES AGREEMENT

The following agreement has been reached between the Government and the General Employees' Union. The agreement shall be effective for a period of one year from 1st January 1979 and shall apply to the hourly paid employees of Government in Stanley. (In recognition of the widely differing conditions of service offered by Government on the one hand and by the Falkland Islands Company on the other it has been agreed by all the parties concerned that, on this occasion and henceforward, a separate agreement should be made between the General Employees' Union and each of the respective Employers).

1. Basis of Wage Rates.

Wages shall be adjustable by negotiation except that any changes arising from fluctuations in the cost of living, except as provided below, shall be automatic and date from the first day of the month following the quarter to which a review relates.

In measuring the cost of living for the purpose of wage adjustments an average of the findings of the last four preceding quarters shall be used. If however in any quarter the Index should exceed the average figure for the last four quarters by six points then the excess points will be taken into immediate account for the cost of living award. The payment in respect of the excess points will be adjusted as necessary, in future quarterly reviews of the cost of living.

N.B. When calculating the advance payment in excess of the first six points, $\frac{1}{2}$ p advance will be made in any case where the excess not already taken into account reaches one point.

(a) CRAFTSMEN.

All Craftsmen shall be paid at the full basic rate and the following trades shall be recognised :—

Carpenters and Joiners	Masons
Blacksmiths	Plumbers
Painters	Electricians
Motor Mechanics	

The normal entry to a trade shall be by a full term of apprenticeship, but special arrangements shall be made for the absorption of men already practising trades without previously serving apprenticeships. These arrangements are laid down in the apprenticeship regulations.

(b) HANDYMEN.

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

(c) SLAUGHTERMEN AND LORRY DRIVERS.

Slaughtermen shall be provided with suitable protective clothing and footwear.

All drivers of petrol, steam or diesel engines, whether stationary or mobile, shall be paid for all working hours of the day on which the employee drives, irrespective of the period during which he is actually driving.

2. Prevailing Rates.

Class	Hourly Rate.
1. Tradesmen	£1.15
2. *Apprentices	1st year 0.81½p 2nd year 0.83p 3rd year 0.86½p 4th year 0.90p 5th year 0.98½p
* An apprenticeship should not commence before the 15th birthday.	
3. Handymen (according to ability)	0.95½p to 1.05p
4. Slaughtermen and tradesmen's mates	0.94½p
5. Lorry Drivers, including men tending stationary engines or boilers	0.95½p
6. Tractor Drivers	0.98½p
7. Labourers	Age 14-15 0.72½p 15-16 0.76½p 16-17 0.82p 17-18 0.87p 18 and over 0.93½p
8. Plant Operator or Fitter Grade I (P.A.T.A.)	1.15
9. Plant Operator or Fitter Grade II (P.A.T.A.)	97p to 1.06½p

The above hourly rates are minimum and employers may, if they so wish, offer higher rates, incentive bonuses, etc.

Cost of living awards, when authorised, should be paid in full to apprentices and young labourers.

CASUAL LABOUR. There is now no work which justifies a casual labour rate.

3. Extra Payments.

(a) "DIRT" MONEY.

As a general guide, "Dirt" money should only be paid when the work in hand is substantially dirtier than the work which an employee is normally called upon to do. The precise rate for each job shall be agreed between Employer and Employees except that the following jobs shall automatically qualify for 15p per hour: Handling - cement in bags, filtration plant chemicals, gas oil, tar or bitumen, fertilisers; and crushing stone, or cleaning blocked sewers.

"Dirt" money shall be adjusted annually to take into account cost of living awards made during the course of the last four quarters.

(b) HAZARDOUS WORK.

Employees working on isolated structures, such as masts, at heights over 20 feet from the ground or where the structure joins the main roof of a building, shall be paid from 8p to 15p per hour according to the risk involved. This does not apply to work on properly erected scaffolding or on roofs where the work can be carried out from a position where the workman's feet are on a secured ladder.

(c) INCONVENIENCE PAY.

Employees required, by the employer, to carry their midday meal shall receive 25p per day. Employees required to sleep away from home in a recognised camp house or cook-house shall have their board and lodgings paid for by their employer.

(d) EXTRA SKILL OR RESPONSIBILITY.

(i) Any employee specifically detailed to supervise the work of three or more other employees shall receive 3p per hour extra while taking this responsibility.

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

(e) PAINT SPRAYING.

Employees engaged on paint spraying shall be paid 5p per hour extra and no other allowance.

4. Working Hours.

The normal working hours shall be 40 hours per week made up as follows -

Monday to Friday - 7.30 a.m. to 4.30 p.m. with Dinner break from noon till 1 p.m.

A refreshment break of fifteen minutes shall be allowed between 08.30 and 09.30 a.m., the precise time being laid down by the employer.

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

5. - Overtime.

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

TIME AND A HALF.

- (i) Between the end of the normal day and midnight.
- (ii) From 6 a.m. to the start of the normal working day, provided that work did not start before 6 a.m.

DOUBLE TIME.

- (i) Between midnight and 6 a.m.
 - (ii) From 6 a.m. to the start of the normal working day, if work commenced before 6 a.m.
 - (iii) On Sundays and recognised Public Holidays.
 - (iv) For meal hours or parts thereof, if work continues through the normal working day without a full meal-hour break.
 - (v) Double time rates shall also be paid during normal working hours if, exceptionally, an employee starts work before midnight and continues without a break into normal working hours. Double time rates shall then continue to apply until there is an (unpaid) break from work exceeding four hours, after which the normal rates will again apply.
- (b) An unpaid meal hour shall be allowed at a reasonable time if overtime is expected to continue for more than two hours beyond normal finishing time, and a paid refreshment break of not more than fifteen minutes shall be allowed in each subsequent 4-hour period.
- (c) Overtime is voluntary and an employee shall not be dismissed if he objects to working outside normal working hours. However, certain jobs may require attendance at times outside the normal hours and in these cases employees shall be given the option of a 40-hour week by allowing time off during normal working hours, at a time to be agreed with the employer.

6. Public Holidays.

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

7. Holidays.

(a) ANNUAL HOLIDAYS.

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

<i>Earning rate per month of continuous service</i>	<i>Maximum accumulation</i>
1½ days	320 hours

In the event of an employee terminating his service prior to the completion of the first six months of service he shall forfeit any holiday entitlement not taken.

The maximum of 320 hours referred to above shall not apply to any excess over that amount accumulated as at 31st December 1976.

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

(b) PUBLIC HOLIDAYS.

These are days on which Government Offices are closed by notification in the Gazette and the following eight days shall be paid holidays for all employees :—

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

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

8. Sick Pay.

- (a) Employees who have not completed three months' service with their employer shall not be entitled to sick pay.
- (b) If sickness lasts for more than two working days an employee shall be entitled to the following sick pay commencing on the first day of sickness on the production of a medical certificate —
 - (i) Employees who have completed three months' service with their employer —
 - Full pay for the first two weeks.
 - Half pay for the third and fourth weeks.
 - (ii) Employees who have completed three years' service with their employer —
 - Full pay for the first four weeks.
 - Half pay for the following nine weeks.
- (c) Full pay shall be paid for any Public Holiday which falls during the first four weeks of sickness, provided that the employee, when he has recovered, returns to work for the same employer.
- (d) An employer may demand a medical certificate before making any payment in respect of sick pay.
- (e) The Workmen's Compensation Ordinance shall apply in cases of sickness resulting from accidents at work. The Foreman and the Union Delegate must confirm in writing any accident at work.

9. Termination of Employment.

Except in the case of misdemeanour, when an employee may be summarily dismissed, the following notice of termination of employment shall be given —

- (i) Employees who have completed ten years' service with their employer —
 - One months notice.
- (ii) Employees who have completed five years' service with their employer —
 - Two weeks' notice.
- (iii) All other employees —
 - One week's notice.

If desired employers may pay wages in (i), (ii) or (iii), as appropriate, in lieu of giving notice.

10. General.

- (a) When a party of employees are required to carry meals to their work, one employee shall be allowed reasonable time to heat meals for the rest of the party.
- (b) Individual employers may lay down the times when employees shall appear for their wages, provided that the payment is completed within ten minutes of the end of the normal working day.

- (c) An official or delegation of a recognised union may, with the employer's consent, attend at a job or shop at any time to interview workmen, but no meeting shall take place in working hours without the express permission of the employer. If a dispute arises, the employer or his nominee shall interview, by appointment, any official representative of his employees.
- (d) All employers shall display for the benefit of their employees copies of Regulations and Rules pertaining to wages and conditions of service of workers.
- (e) All employers shall ensure that tractors are fitted with safety cabs.

Separate agreements have been negotiated on this occasion, and will be negotiated in future, for employees of Government and of the Falkland Island Company, respectively, all the parties concerned consider there is some value in their continuing to negotiate such agreements jointly rather than separately so far as this proves possible.

Ref. TRE/2/9.



THE
FALKLAND ISLANDS GAZETTE
Supplement No. 1

22nd FEBRUARY 1979

Minutes of Meeting of Legislative Council
held 12th - 14th February 1979

MINUTES OF THE MEETING OF THE LEGISLATIVE COUNCIL
HELD IN STANLEY FROM 12TH - 14TH FEBRUARY 1979

The Council assembled at 10.00 a.m. on Monday 12th February 1979, His Excellency the Governor, Mr J R W Parker CMG OBE presiding.

PRESENT:

The Honourable the Chief Secretary (Mr J D Massingham)
The Honourable the Financial Secretary (Mr H T Rowlands OBE)
The Honourable W E Bowles (Elected Member for Stanley Division)
The Honourable W H Goss MBE JP (Elected Member for Stanley East)
The Honourable S B Wallace (Elected Member for Stanley West)

PRAYERS

Prayers were said by Mr S Bennett, lay-reader at Christ Church Cathedral.

The President then adjourned the meeting and directed that the Council should resume at 10.00 a.m. on Tuesday 13th February 1979 so that the Members from the Camp could be present.

The Council duly re-assembled at the prescribed time with all Members present with the exception of the Honourable D S Evans (Elected Member for West Falkland) who could not be present due to pressure of work.

CONFIRMATION OF MINUTES

The Minutes of the Meeting held from 20th June to 27th June 1978, having been previously circulated, were confirmed.

ADDRESS BY THE PRESIDENT

I welcome Honourable Members to this meeting of the Legislative Council. I formally and briefly opened the meeting yesterday, with the minimum of business, and then adjourned until this morning so as to give a little extra time for our farming colleagues to come in from Camp. I well understand that this is an exceedingly busy time for them, and that Legislative Council meetings at this season of the year do present them with difficulties. Unfortunately this meeting could not be postponed any later than this, partly because of the fact that much of our business concerns fiscal measures, and it seemed a useful idea to take advantage of the presence of Mr Harry Ritchie, our Fiscal Adviser, who will be returning to the United Kingdom at the end of this week. But, more importantly, we had to watch the timing for the passage of some of the revenue measures, if we were to get them appropriately into effect from the beginning of the current assessment year.

This has sadly meant that we do not have with us this morning the Honourable Member for West Falkland. When we were considering fixing the date of the meeting, he did warn me that, at this time, he might be heavily engaged in shearing at Packe Brothers, Port Howard. I considered whether we could make any adjustment in the date to accommodate this but found, for the reasons I have stated, that it would not be practicable. He has asked for the indulgence of the House in not being able to attend, as he would very much have wished, and I must take the blame entirely upon myself.

In fact, much of our business during this meeting will, in a sense, be formal and preparatory. As the Honourable the Financial Secretary will explain later, we need to make a start on those fiscal measures which are designed to improve our long term revenue position, and on which we have had the valuable and detailed advice of our Fiscal Adviser. They stem, in part, from the recommendations of the Shackleton Report which were that we should endeavour to retain in the Islands the maximum amount we could of taxation from income and profits rather than have it go into the United Kingdom coffers - something which, I must acknowledge, Mr Mitchell of the Falkland Islands Company has been advocating for some time.

We shall also be making provision for the Government to raise loans for development and other purposes, a new departure in this Colony. This will allow the Government to meet the purchase price, £170,000, which we have now agreed with the Falkland Islands Company for the purchase of Green Patch. We shall be completing this transaction within a week or so and can then embark on the long awaited scheme for the sub-division of this farm, into suitable units, for purchase by individual farmers working on their own account. Had we been able to complete the transaction with the Company earlier, it might have been possible to

/contemplate finalising

contemplate finalising the sub-division at the end of the current production season. However, the best advice that we have had is that there is not now time enough to do this without rushing at it in what could be a disastrous fashion. There is a good deal of work still to be done in the delimitation of the five units out of six which will initially be for sale, at fair valuations within the reach of applicants, in the allocation of stock, and in the selection of successful applicants. If we are to do all this properly we are advised we should wait until the next season. This will give the new farmers a chance to work out their own plans for the future, and to get to know the land they will take over. In the meantime, suitable arrangements are being made with the Company for the proper maintenance of the farm and its various Camp sections.

The Steering Committee, which has been set up under the Chairmanship of the Honourable Member for East Falklands, to supervise the sub-division, will shortly be issuing a prospectus of invitation to applicants, and I hope all those who wish to participate in the scheme will respond to this invitation in full realisation of what they will be taking on, and what it will mean to the benefit of themselves and their families in the future. One thing I perhaps might make clear, at this point, is that the scheme is designed to enable individual farmers and their families to live and work on their own land and to develop it to the best of their ability. It would not be within the spirit of the scheme if the owners became absentee landlords, or if the units were merely joined with other existing farms, or utilised in a way that would not lead to their long-term betterment. The scheme is, as I say, to enable working farmers to have the chance to live and work on their own land. Long-term mortgages or loans at a fixed and subsidised rate of interest will be available for the successful applicants to purchase their units. All this will be explained in the prospectus.

If this scheme is a success, as I sincerely hope - I think we all do - it will be, then other landowners may possibly consider instituting similar schemes of their own. While the system of large-scale ranching has stood the Colony well in the past, it may be that the future will require some adaptation of the system to new methods if we are to keep up with the demands presently being placed on our not over large force of work people, and possibly attract new immigrants into our farming community. But, again, I should stress the Green Patch scheme is for the benefit of Islanders who wish to branch out on their own and try to make a go of it. Government will give them all the help they can.

Turning to another aspect of our affairs, I should say a few words about the recent trip your colleagues and I made to Rio de Janeiro to meet the Minister of State, following the recent round of Anglo-Argentine talks at Geneva in December. This again being a busy farming season, only

/a few of us

a few of us were able to go. To those who did not, I can assure you it was by no means a jolly. Six 'plane journeys in as many days, with a whole day of talks with the Minister, was not, by any stretch of the imagination, a relaxing experience. But I think we found the meeting useful. We had a frank and full discussion with the Minister about what he had been trying to achieve at Geneva, and we had the opportunity to air our many problems and irritations to which he gave a sympathetic ear.

In brief, as we said when we reported back, the Minister has been endeavouring to reach an understanding with the Argentines on measures of co-operation to regulate the excessive exploitation of marine resources, particularly fish and krill, by third countries around the Dependencies, the main area of concentration of these resources. In the course of the Geneva talks an attempt was also made to draw up a scheme for scientific co-operation in the Dependencies. Frankly, as we heard at Rio, none of this has got very far and we were told there will be a further round of talks, at official level, in a few months' time. We can only wait to see what, if anything, emerges then.

While on the subject of maritime zones and fisheries development, one of the most useful visits we have had recently, amongst many others, was that of Drs Hall, Cole and Thorpe to investigate the potential for the establishment of an in-shore fishing industry - again, another of the Shackleton recommendations. Dr Hall and his colleagues arrived here in what seemed to me to be a sceptical mood, but left with the intention, as we understood it, of presenting a recommendation that a substantial pilot scheme should be instituted. We are now awaiting their report and hopefully this will lead to something that we desire above all else - a diversification of our economy away from its concentration on sheep farming which, nevertheless, must be, for as long as we can see, the mainstay of that economy. I have great hopes of this scheme, but we will need to press our interest in it to ensure it comes off.

Another useful visit was that of Mr Peirse, the Managing Director of the New Zealand Wool Board, who came to look at our marketing arrangements. We should be very grateful to such a distinguished adviser as Mr Peirse for giving up so much of his valuable time to look at our affairs. I found conversation with him very stimulating indeed, and while he did not hold out hopes that radical changes in our methods would be of possible advantage, we can, I am sure, look forward to the recommendations he will make in his report. At least it will help clear the air and remove what may be possible misconceptions about our marketing affairs.

Finally, in these few words, I notice on the Order Paper a number of Questions and Motions which seem to me to reflect a particular worry prevalent in the Islands. This is the protection of our territorial waters and our

/outlying islands,

outlying islands, particularly those which are uninhabited. This is all very understandable and derives, of course, from the decrease in confidence felt after the illegal incursion into Southern Thule. But Southern Thule is some 1,200 miles away. It is easier to keep an eye on what is happening, or is likely to happen, nearer at home. Naturally, one of my responsibilities is to assess, in the light of all the evidence and advice available to me, whether we are in any danger of illegal incursions on our own shores. I am reasonably certain there is little chance of anything happening which we would not quickly get to know about.

On general shipping movements in our waters we do seek the help of the Masters of our visiting friendly ships. So far they have reported very little activity within anything like near proximity to the Falklands, although, as I am told, sightings are from time to time made off our coast. We must, of course, be vigilant, and we do need to know how much fishing activity is taking place, whether within or outside our territorial waters. The co-operation of the public is greatly needed in this. We ought to be aware of anything that passes closely to our shores, whether engaged in fishing or on other passage. But it would be helpful if clear and accurate information only is passed to the Harbour Master giving, as far as possible, the point of observation, the distance involved, the type of vessel and similar details. It would be best if this information is based on positive sighting and not hearsay. The Harbour Master will, as he does already, collate such information as comes to hand, to pass to me. At the moment, however, we can be fairly certain that the maritime traffic in our waters is not very great. I wish it were otherwise and that our seas were busy with licensed trawlers bringing fish to our ports for profitable export. It will come.

If I may end on a personal note: if I wanted further proof that we needed a good road across the busy Camp track to Darwin, I got it the hard way on my two-day trip by Rover a couple of weeks or so back. It was an enormous relief to get to the excellent job Mr Basil Morrison and his team of enthusiasts are making of the road. So far it has been difficult going, but they are getting well into the swing of it, and I understand new techniques involving plastic matting to go over the peat, with prefabricated culverting for the streams, will soon be brought into use, together with a new source of building material from along the track which will put an end to the bashing the heavy trucks are giving our town roads. Some of the team are having to be withdrawn to the airport to begin on the foundations for the new land-plane hangar, but the rest will carry on and I wish them good progress. My aching back told me that we need that road through as soon as it can be done.

Now, turning to the business of the day, after replies to this Address, Questions down for reply and Motions to be moved, we have a number of Bills, some of which I have already referred to, the main ones of which will, as I have said, concern our fiscal affairs.

MOTION OF THANKS TO THE PRESIDENT ON HIS ADDRESS TO COUNCIL

The Hon S B Wallace

Your Excellency, Honourable Members

In rising to support this Motion of Thanks to Your Excellency's Address I would like to say how encouraged I have been to see a movement in several of our major projects recently - in fact since we last met. Inevitably this progress places additional strain on our community, both economically and, to some degree, socially. I am also encouraged by the commitment to our future which is increasingly evident in all sections of our community. There are still those who appear to enjoy criticism for its own sake, offering few alternatives or constructive ideas, although happily such people are very much in the minority and are generally recognised for what they are. Obviously we do not get it right all the time and need good constructive criticism. Ideas on how we can improve things are an essential ingredient of our achieving an improved quality of life for everyone here.

I feel that the all-weather track, despite the constraints of far from ideal equipment and a critical shortage of manpower, is making good progress and the members of PATA are doing well with the resources we have. This is the approach we must all have to the obstacles we face: it is totally non-productive to lament on the past and those who do so are not helping us to lay foundations for the future. Of course there will be mistakes made, but with the advice of our friends and the support of the people here these will surely be outweighed by our achievements.

I was relieved to hear recently that better progress was being made on the construction of the school hostel; frankly I was becoming increasingly worried about this project. The hostel is central to our plans for the further improvement of education in the Islands and any undue delay is most unwelcome.

Emigration remains one of our most urgent problems and if we do not address ourselves urgently to the appalling housing shortage in Stanley we shall see more of our people, young and old, leave the Islands simply because we can offer them nowhere to live. This situation becomes all the more unacceptable when one considers the number of houses in Stanley which are empty or lived in for one week a year. We must encourage owners of such houses to rent them to those without homes. As with many things however the responsibility for improving this situation does not rest solely with Government; we must also look to the private sector to do better in this regard.

Another factor in our emigration problem are the Royal Marines. It is a fact that with the departure of each detachment of Marines we lose people we can ill afford to see go. I feel we should investigate the possibility of future detachments being married accompanied postings. It may be possible; we should at least ask.

/Whenever the

Whenever the possibility of diversifying our economy is discussed, tourism potential is always high on the list; it is true to say, though, that generally there is no wild enthusiasm for the idea. However in my view we must direct our thoughts more to this potential; it is one of all too few initiatives we can take which stands a real chance of significantly benefiting our revenues. We must obviously approach this with caution and to this end it would be helpful perhaps if we had the advice of someone well experienced in the tourism industry.

I would like to turn now to some matters which primarily concern those of us who live in Stanley.

At a previous session I expressed my concern over the dilapidated state of our public greens, the playing field and the Town Hall. I am glad to see that at least some work has been done in the Hall and I see some work is also being done around the playing field. However the field is still a mess and is more used as a grazing ground for the cattle which roam around town and about which the Departments involved seem to be able to do little. I accept that it is impossible to do everything at once, but this problem should take some priority; there could well be a tragic accident.

It seems that we have the effects of years of neglect to contend with and the PWD must take the bulk of the load; for this reason I feel we should urgently consider the formation of a committee to look after some of the smaller affairs here in Stanley and thus free the Public Works Department for more major work. Such a committee obviously would not work miracles but it would have the added advantage of involving more people in our day to day concerns.

Many people here in Stanley now use paraffin in their homes. It therefore caused considerable inconvenience when YPF again managed to run out of fuel. This did not say much for the detailed record the Administration was going to keep or for YPF's efficiency; in fact I thought that the Administration had given an assurance that YPF would be required to maintain minimum fuel stocks of an adequate amount. I have found however that they are not in fact; they in fact gave no such assurance, which does not say much for me. I do feel though that YPF should be required to maintain adequate stocks of fuel. These shortages cause much inconvenience and could cause hardship.

It would be wrong to comment on one shortage without mentioning another which also caused people in town inconvenience. That YPF should run out of paraffin was bad but that the FIC should be unable to supply us with mutton was incredible. The one thing we are not short of is sheep, yet for almost a week, if one was not fortunate enough to have a well-stocked deep-freeze, there was no fresh meat available.

/As I have said,

As I have said, we have the result of years of neglect to repair and at the same time we must push ourselves forward. I feel that despite everything, we are tackling the problems well, aided as we are by the advice and financial help we receive from Her Majesty's Government. Ultimately however success or failure rests on the degree of commitment of the people here. Money on its own is not enough.

I would like to say a little now about our external affairs. Our efforts to improve the lives of everyone here will not succeed unless they are matched by a positive attitude to the threat presented to our community by Argentina. Obviously if we are to remove this threat, we must talk to the other side. I feel and I have said so before that until we have resolved the problem we must carefully consider any extension to the communication and commercial links we presently have with that country. We should not think for a second that it is possible for us to have a purely commercial relationship with Argentina. Like it or not we have a problem which must be faced; it will not just disappear if we ignore it. It was in my view never inevitable that the negotiations would carry on as they have. They could well have broken down as a result of Argentine actions or for other reasons, which in my view would have been a disaster. They did not however and we have now arrived at the stage where we, the elected representatives of the people here, have outline schemes to consider. Whatever the circumstances there is in fact only one question to answer: whether or not the acceptance or rejection of any proposal will further the wish of everyone here that the Falkland Islands and the Falkland Islanders remain British.

As Councillors, we know when we accepted our seats that we would not be in for a quiet time. We should not bleat now that it is also difficult; to do so is to admit that one is not up to the job. The people we represent rightly expect us to discharge our responsibilities properly, not just to sit and moan about how things ought to be and pass the buck. We must actively explore any possibility of removing this threat to our homes, and indignation and political paranoia are not in my view the answers to our situation.

Thank you.

The Hon A B Monk JP

Your Excellency, Honourable Members

I listened with great interest to Your Excellency's Address and also to the address of the Member from the West of Stanley and I think most things have already been said. I was very interested in Your Excellency's reference to our attempts to improve our long-term revenue position and the various Bills and schemes which are before us now and of which we will hear more later on. I think some of these schemes are long overdue and the reform to our tax system should have taken place long ago.

/With regard to

With regard to Stanley housing, which is obviously a very critical area, it does seem to me that if there are a lot of houses in Stanley which are only occupied, as the Hon Member said, for very short periods of time, why can't we by compulsory purchase take them over for people that deserve them. After all, it would be very much in the public interest to do that, surely.

Your Excellency referred to the Green Patch scheme at some length and obviously as the Chairman of the Committee that is supposed to untangle it all I am very interested as presumably if it fails or we have any problems it will be known for the rest of history as Monk's folly or something like that.

One mention I would like to make concerning Your Excellency's speech in which you referred to the sections for sale. I think possibly that might mislead members of the public slightly in that we are not intending to sell the freehold of the sections but to sell the long-term lease of the sections: 99 years being our idea, which virtually gives complete ownership to anyone purchasing the lease. Our idea is that we do not, as Your Excellency said, wish the sections to be re-sold to neighbouring large farms and merely joined on in that way. That is not our idea at all.

As Your Excellency said, this scheme is for the benefit of Islanders wishing to start farming, and we hope it will lead to other schemes. Your Excellency did refer to other farms perhaps considering similar schemes, and I think it is very unlikely that the owner or owners of a farm would happily sell it off to Government with the idea of it being divided up into smaller farms along the Green Patch lines.

In connection with that again, I think we owe a great debt to The Falkland Islands Company for allowing us to take the Green Patch area over and try this scheme, but I think it is unlikely that other farms would very readily fall in for that way of thinking. I do think they might fall in for a scheme of taking some tenants in certain areas of a farm. Now, knowing the Falkland Islander's mind, the words 'tenant' and 'tenancy' are rather dirty terms but if I may say so, the Falkland Islanders have not had experience of what a good tenancy agreement means - nor have the owners. In fact a good tenancy agreement, as those of us who know about it can say, is of great benefit to the tenants and of great benefit to the owner, and is also of benefit to the country itself as it leads to improvement.

Now I would like at this stage to say that most of the ideas about tenancy have been put into my head by a gentleman named Mr J Clement, who has recently returned to our midst. Mr Clement, too, is a great expert on Green Patch, having managed the area in conjunction with Fitzroy for many years and having arranged for it to become a separate section. Therefore, the Committee of which I am Chairman has proposed to Mr Clement that he should become an ex-officio or

/advisory member

advisory member so that we can get his expertise and perhaps proceed better. I am happy to say that he has accepted this, and I think as a Committee we are greatly strengthened by having his experience at our disposal.

Your Excellency mentioned the attempts of getting co-operation agreements with Argentina on the resources, especially in the Dependencies area, and scientific co-operation. I think any co-operation that we can get with Argentina must be of benefit to us, provided they don't mean any infringement whatsoever in our sovereignty position, and I think that Councillors who went to Rio and Councillors who went to other places and met Minister Ted Rowlands and other Ministers have made quite clear that that is our firm position here.

Your Excellency mentioned briefly wool marketing and I thought the visit of Mr Peirse was very important as there has been some disquiet that we were being taken for a ride with regard to wool marketing and so forth, and Mr Peirse was a very experienced man, we were very lucky to get him, and a very practical man indeed. It was quite evident from talks with him that in fact we are getting our marketing quite cheaply here, cheaper than New Zealand does, but we do possibly lack the information on market trends and I gather Mr Peirse is going to see whether that can't be rectified and so that we can get up-to-date information on market trends, which will of course hopefully enable us to sell at the right time at better prices.

I was very heartened to hear Your Excellency's reference to a Camp road, which I think is of paramount importance to any future development in the Colony and I must say I think enormous praise must go to Mr Basil Morrison for his efforts in that direction. I think that they've really done very well indeed considering the problems they've had and, as the Hon Member for West Stanley said, it was deplorable that Stanley should run out of mutton recently but probably if we'd had a Camp road system, a lorry-load of mutton could have been brought in quite easily at that time. Certainly we have plenty of mutton standing about at San Carlos which we would have been absolutely delighted to have got in had we been able to have done so.

I would like to thank Your Excellency for your Address.

The Hon W E Bowles

Your Excellency, Honourable Members

I would like to thank you for your Address to Council this morning, Sir, and for the various points you brought forward and the confidence you have in the future planning of the Colony as a whole.

/The pilot scheme

The pilot scheme for inshore fishing I think should go ahead as soon as possible. I think there is very good potential here and this is a project I would certainly like to see go ahead.

Your confidence in the Darwin road and in the people working on it is also very heartening and I too would like to join with my colleagues in wishing this project well. It's got a long way to go and I think with the teething troubles they've had, as they go on things will hopefully get better. And now that we know that when the road is finished we can get some mutton from San Carlos if we run out in Stanley, I think that, too, is a very reassuring factor!

The landplane hangar I think is also of paramount importance, because without the hangar we won't get the 'plane, and the diversion of labour to erect and lay the foundations for the hangar is naturally going to hold things back for a while, but I think we have to accept this. With all the problems we've had with the seaplanes recently, we'll need another 'plane to carry more passengers faster to the settlements which have already got strips on which the landplane can land. I am a little apprehensive as to whether a landplane is going to be better than a seaplane, but I'm afraid I have to take the advice from the CAA chaps who came down here and made an excellent report and it seems in theory that it's going to work and it's going to save an awful lot of problems in the future.

I also look forward to the outcome of the forthcoming meeting between the two parties involved in scientific co-operation and exploitation of natural resources in the South Atlantic and no doubt we'll be informed about this in due course.

I too would like to lend my blessing to the success of Green Patch and I hope all goes well there.

I would like to support the Motion.

The Hon T J D Miller

Your Excellency, Honourable Members

I would like to make the main theme of my reply to your Address that of development, in particular I am referring to constructive industrial development, rather than development of infrastructure. We have the road project going ahead, which we are all agreed we very badly need, and the road system is essential to the long-term future of these Islands. The same with the forthcoming changeover - or not actually changeover, but mixture - of land and seaplanes for the Air Service: this also is something which we very much need and will make life a lot easier in the future.

/Similarly

Similarly the hostel project, which we need for long-term improvements to the educational system in these Islands. But the fact remains that neither of these things will produce revenue in the near future: a road system we hope and we expect in the long term would produce revenue indirectly. But all these projects are going to incur us in more expenditure in their recurrent costs of maintenance etc and while we only have one industry there is a limit to the amount of revenue through taxation and other means which we can get from that source. We are doing very well with our postage stamps, which is now our second industry, so to speak, but even that, if we wish to maintain the high standards that we do, has its limits. Therefore it is of primary importance that we seek new sources of revenue in these Islands, and the two which seem most promising are those of tourism and fishing.

At this stage tourism is the only one on which we have a definite proposal, that of the Fitter venture. I was pleased therefore when last October we felt ourselves able to give this project the go-ahead and see if the people concerned, the commercial organisations concerned, can get it off the ground. I certainly very much hope that they can.

I was very much interested in what you said, Your Excellency, regarding an inshore fishing industry. I am quite sure this is going to come and we need it as soon as possible, because otherwise in a few years' time, the way our expenditure is increasing on our social services - which we need in order not only to keep the people that are here but also to encourage further immigration from the United Kingdom and elsewhere - but these social services are getting more and more expensive to run each year and our present situation regarding revenue has its limitations. Therefore I think it's essential that we look for development - revenue producing development - wherever we can. In this connection I am pleased that we have some taxation proposals coming up now, and more I believe are in the pipeline, to improve the situation regarding the money that is produced in these Islands.

There are too few people in these Islands, and I don't think we are ever going to manage to develop until we can stop the emigration and encourage immigration. We very badly need a constructive immigration policy. I understand that there are labour problems in the British Islands of St Helena in the South Atlantic; it would be very interesting to see what these problems are and if in fact there are people there who can be of some use in these Islands, who have skills that are needed here and who might be prepared to come.

We can't afford to be pessimistic about our future; pessimism is the road to defeat. The indications are in fact that things are beginning to look optimistic. We have these infrastructure projects starting, there are, as I've said, the

/possibilities

possibilities of tourism and fishing: things are starting to look optimistic. Development is starting to happen here, albeit slowly. I know some members of our community are very critical of the road project and even of the Islander aircraft project; but these people don't seem to have much to offer in their place. In fact one even hears stories of "Ah, but the road is a trick on behalf of the British Government to depopulate the Islands"...No doubt other people have experienced the same as I have, over the past few months I've received letters from people in England, people that used to work here, people who visited here, and quite a number of them say "I hear that things are starting to happen in the Falklands", and that's quite right: things are starting to happen. It will take a long while, but we have made a start. No doubt there will be mistakes made, obviously we can't do everything right. We are trying to make a start.

Your Excellency, regarding our external affairs and our relations vis-a-vis Argentina, I am far less preoccupied with this now than I was last year. The talks are slowly proceeding; it will be some time before any major result, if any, comes out or before there is any major agreement possible. If and when that happens I assume that if there is a major agreement that we consider worthwhile it will be put in the form of a referendum or an election to the Islanders to have their say in it. I have been very reassured by the frequent assurances that we have received from the British Government and from the Minister of State about our future. I believe that the British Government has no intention of transferring sovereignty or agreeing to a diminution of British sovereignty over the Falkland Islands at any time in the future should it be against our wishes.

I am also very grateful for the openness with the Minister of State; we are continually being kept fully in the picture with the state of play of the negotiations. Nobody can say that something is being done behind our backs. I know a lot of people are wondering what went on in Geneva, why nothing has been said, but as you yourself said, Sir, it is because things are in a preparatory stage. There is nothing definite yet, there is nothing for anybody to get excited about, and discussions between us on this Council and the Foreign Office on these various aspects of the Geneva talks are continuing. We don't want to rush into any hasty decisions. I certainly don't think that there is any chance whatsoever of this Council agreeing to any proposal that in any way represented a diminution of British sovereignty over the Falkland Islands or the Dependencies. I think people can rest assured that there is nothing to get worried about.

I am particularly interested in the fishing that is going on around the Dependencies. So far as we know at present, third countries other than Britain and Argentina are taking somewhere between 500,000 and three quarters of a million tons of fish a year from the waters around the Dependencies, and this figure is likely to increase greatly in the not too distant future. It is essential that we get some sort of co-operation agreement with Argentina to restrict and

/control this fishing

control this fishing by third party countries, even if we can't actually agree between us and Argentina who those waters belong to. Surely, I would hope, that we could agree who they don't belong to, and both sides would be able to benefit from an agreement.

Turning to some of our internal problems, particularly the Air Service; everybody in Camp and I think in Stanley, is very well aware of the Air Service and the problems that they've experienced with their aircraft recently and are still experiencing, and bad weather doesn't help very much either when they have only one 'plane and are trying to get as many flying hours in as possible, and we are all very grateful for the work that not only the pilots but particularly the ground staff in the Air Service are doing, and the long hours that I know are worked in that hangar to keep one or the other of those aircraft in the air. The sooner we can get the landplane (the Islander) the better. There is one thing, though, concerning the Islander; a number of the smaller farms I know have airstrip sites that have been picked out, but for obvious reasons those farms, many of them small family farms, have neither the manpower nor the machinery to prepare the strips, and I would hope that Government can find one way or another to co-operate with those farms where possible to enable them to borrow machinery and manpower from wherever they can - possibly if they can borrow machinery from a neighbouring farm, Government could help with the transportation of tractors and rotavators and such like with M.V. "Forrest" where it can fit in with the Marines' programme; possibly we might ask future Marine detachments if they might be able to assist from time to time to actually work on these airstrips on some of the smaller farms which, through no fault of their own, cannot prepare them themselves.

I was pleased to hear constructive news about the Green Patch project and I think we are certainly doing the right thing in not rushing into it this year and then finding out too late that serious mistakes have been made, because we cannot let this project fail. I don't think it will fail, I am quite sure it is going to succeed, and if it succeeds it will be very hard for some of the major landowners in the future to resist the demand for sub-division of the land and for small farming, be it on a sale basis or on a tenancy basis.

Your Excellency, I would like to support the Motion.

The Hon W H Goss MBE JP

Your Excellency, Honourable Members

Just a few words, I don't intend to say a lot. Regarding Green Patch, you are probably right in restricting this to Islanders only initially, but should this prove a success and if there are further sub-divisions, I don't think it should be restricted solely to Islanders. Here again, we'll

/have to define

have to define who or what an Islander is: is it someone just born here, is it somebody who's lived here for a period of time. With the Green Patch project, if the people who take the farm over - or the units - have ideas of ranching as it has always been done in the Colony, this will be of no benefit; it will not be development. It will have to be people who intend farming - it's got to be a break-away from the old ranching system. When it comes to farming, then, there has got to be some way of the produce being able to get out if they diversify.

Inshore fishing I think is a long way off, I may be wrong. We can't get labour into the Colony to support the farming industry, or to build the road, or to build the school hostel, or the various other projects. So where are you getting the labour for the inshore fishing, and the factory that is going to have to process the fish that are caught?

As has been mentioned in the past by one of your predecessors, there ought to be plenty to keep us on our toes; we should not stagnate. I think stagnation is one of the downfalls of the Colony; the Colony's been stagnating for a long time, you've only got to look at the farming industry for that. And we are still in a state of stagnation.

You didn't mention education, Sir. I think education is one of the most important things in this Colony regarding keeping people here, and I am very encouraged and very pleased that education, I think, is now on the right track; I think it is doing well, and let us hope that it continues. If it does you will I think keep more people in the Colony, provided they are not chased out afterwards if they learn too much. It has happened.

Regarding the school and Darwin road, I am afraid I totally disagree with other Members on the state of their progress. I think that admittedly it is due largely to shortage of labour and expertise perhaps, or leadership. But I'm not at all satisfied with the progress of either, particularly the Darwin road. I went along there on Sunday to have a look and I have grave reservations about what has been done so far. I hope there will be a switch to a different method to all that clay that is piled up on to the road with a ditch right alongside of it; in my opinion a few heavy rains like the one we've just had, and frost this winter, you'll find the road - or a great part of it - going on to the football pitch.

The airfields in the Camp have been mentioned, and the transport of equipment that could be lent for hire to other farms. One thing we've got to realise is that we haven't got anything in the Colony that could transport equipment, beyond two tons, unless it can be run off the ship and run on and the stability of both "Forrest" and "Monsumen" leaves a margin on just how much you could carry on the hatch-tops of the ships. Besides, you need a good solid jetty where they come on to the ship and a good solid jetty where they come off again. When it comes to islands improving airstrips, there's just not the means of transport here to get any machinery to or from the islands.

I beg to support the Motion.

The Hon the Financial Secretary

Your Excellency, I would like to confine my remarks to the finances of the Colony and I take the point made by the Hon Elected Member for East Falkland when he said that much of the tax reform legislation was overdue. He is quite right. At last we are getting somewhere in this direction; much work has been done by the Fiscal Adviser already and he is still continuing to keep my desk fully covered, and although in many ways I'll be sorry to see him leave on Friday, he's such a wonderful colleague and has great experience, at last I'll be able to see my desk!

What we have for this meeting mainly relates to Company Tax and Employment Tax, which are the two large items affecting revenue and now we have got them on the Table I trust Hon Members will not wish to defer them to the next meeting. However, we'll not push them too hard and ensure that every clause is considered very carefully and if need be we will go into Select Committee and Mr Ritchie is standing by to offer his services to Members of Council.

The Bills are very important because they affect, I think, just about everybody in the Islands and I think the intentions of them are exceptionally good. Obviously I must leave the explanations for later in the day.

We do have a challenge in our economic problems and we will certainly do our best to overcome them. We have already circulated this morning to Hon Members the papers on budget preparations, budget projections for the next three years, various methods for raising revenue, and although these at this stage are confidential, we trust to have all these matters before Council at the Budget meeting next May or June.

I beg to support the Motion.

The Hon the Chief Secretary

Sir, in rising to associate myself with the Motion of Thanks for your Address this morning, I have always had from my Honourable Colleagues around the Table a rich quarry of ideas on which the Administration can draw when contemplating and planning for the future, everything from possible compulsory purchasing of houses, a tourism adviser, a committee to look after town affairs, and a variety of other things; this is all immensely useful to us.

I think there are one or two points that I would like to enlarge on, and I think my Hon Colleague the Financial Secretary touched on it when he said that this morning a number of papers had been distributed to Members which are, in the jargon of Government, "think-pieces". I think that this is the important stage we are beginning to reach in Government now: we are getting sufficient support and advice of very high quality to enable us to sit back and think about what we are doing and where we are going rather than responding simply to the day-to-day crises which inevitably happen, and I think this is an important element which from where the Financial Secretary and I sit is very reassuring.

/In particular

In particular you and my Colleague for East Falkland have touched on the visit of Mr Peirse. He was a man of very high calibre and great pragmatism and I think that he represented something more: he was the second person who came to us under the auspices of the Commonwealth Technical Co-operation Fund, and I think it is important that we remark this because here is yet another source of expertise. We do well from the British Ministry of Overseas Development but we have been well served by the Commonwealth Fund both in Mr Peirse and with Mr Kanagasabai, who leaves us at the beginning of March after a very successful assignment. If we could get people of this calibre from the Commonwealth I think this will enrich us not just technically but in our social and political links with our sister countries of the Commonwealth.

A number of points were made by the Honourable Member for Camp opposite me about the importance of industrial development and I sympathise with all the points he made. This is clearly the next stage we have to grapple with but it is very important for people at large to remember that we are not going to succeed in encouraging any industrial development here till we get our infrastructure right, and in particular a question which a number of Members have touched on, about housing. All our problems are inter-related. We can't encourage industrial development until there is the infrastructure which will encourage commercial companies to look at us. We can't have a viable immigration policy until we have got housing - sufficient housing, particularly in Stanley. We can't have sufficient housing until we've got the labour to construct it. These are not insoluble problems. That is what Government is about, not to create problems but to solve them, and the great merit of some of the development projects - notably the road - is that it is teaching us the skills we need in tackling the problems. I do not share the despondency of my Colleague from Stanley East about the road construction; there is an immense enthusiasm in the gang for this but more important they are learning techniques and skills which we can put to use when we tackle the other projects which are inevitably going to attain, because development is a growth and an inevitable growth; we build upon foundations we are laying, and I think this is the spirit, which is the important thing. It is the confidence and a mood and a will to succeed, and if we can build on this we will achieve it.

I think there is only one other point that I need to mention here, Sir, and this is the question of the pilot study for the inshore fishing. This is as you rightly stressed a key, the next key, together with the Grasslands Trials Unit, in developing the natural resources that we have here. But I think we must realise that before we move into exploitation of resources we have to identify exactly what they are, and this is what the first stage of this scheme will be - a rather long process, a thorough

/process, of

process, of identifying precisely what fish lie close inshore here, for this is something which none of us know and then, having identified it, to ensure that we can exploit it. Because we are looking for particular types of fish - fish of low bulk and high value - and we have reason to believe that we have these, but just where they are and in what quantities, we have to determine, and so all of us share your hope and expectation that we shall hear very soon from Dr Hall and his colleagues and have some proposals with which to grapple.

Having said that, Sir, I think I can say no more. Thank you.

PAPERS LAID ON THE TABLE BY THE HON THE CHIEF SECRETARY

Copies of subsidiary legislation made or approved by the Governor in Council since 27th June, 1978.

Medical and Sanitary Report 1976.

QUESTIONS FOR ORAL REPLY

No 1 of 1979 by the Hon S B Wallace

What response has Her Majesty's Government made to the Motion carried at the June 1978 meeting of this House requesting that Falkland Islanders be granted the right of abode in the United Kingdom?

Chief Secretary

Sir, as a result of the Motion last June, appropriate representations were made without delay to the British Government through the Foreign and Commonwealth Office, who have confirmed to us that they have submitted the matter to the Home Office for formal consideration in the course of the review of the British Nationality Act, but a formal response is still awaited and it is my understanding this may yet take some considerable time. Meanwhile Government have been encouraged to receive advice from the Foreign and Commonwealth Office about how best they might pursue this matter with the Home Office and, in the light of this advice, a further submission is being prepared as a matter of urgency.

No 2 of 1979 by the Hon S B Wallace

What plans are there for improving the housing situation in Stanley?

Chief Secretary

Sir, the Administration are exploring a number of possible ways of tackling this problem, which may fairly be said to be one which is crucial for the well-being and development of the Colony. As Honourable Members no doubt realise,

/the main constraint

the main constraint upon our building of houses is the acute shortage of labour. Consequently we are trying to identify a type of easily constructed house that both suits local conditions and is also within a reasonable price range. The design which we asked the British Building Research Establishment to prepare especially for us unfortunately did not meet our criteria. However we believe we may now have identified a possible housing unit. The basic cost of this is £16,100 Freight on Board in Britain, and with shipping and erection costs the total cost will be something over £20,000 for a basic three-roomed terraced house. This is rather more than we had hoped to pay so we are still searching for something rather cheaper. At the same time we have been having discussions with the Ministry of Overseas Development about the problem of financing the building of houses. There are two distinct and separate aspects of these discussions: firstly we are examining the possibility of the Ministry providing funds to build houses exclusively for the use of Technical Co-operation officers; the erection of such houses would then free some existing ones for the use of local people, and eventually add of course to our basic housing stock. Additionally we are exploring the possibility of floating a special loan with which to fund the purchase and erection of houses for purely local purposes.

There is one other point I ought to mention - as Honourable Members are aware, we are converting No.1 Moody Street into four self-contained housing units. The Public Works Department are already looking into the possibility of converting other similar Government properties into similar units to augment our existing housing stock.

Finally, having described what Government is trying to do, I might perhaps place on formal record the hope and the expectation of Government that the private sector and the sheep industry would also consider how best they can help us tackle this fundamental problem.

S B Wallace

I thank the Hon the Chief Secretary for his most excellent reply. Could he tell me whether or not Alginat Industries have been approached regarding the purchase or selling of their hostel on Racecourse Road?

Chief Secretary

Sir, we haven't yet approached Alginat Industries about this but we have it very much in mind and indeed we received yesterday from the Foreign and Commonwealth Office a message confirming that Alginat Industries have been taken over by a foreign company and they are promising further information about this, because this lends a new aspect to this particular problem. But the point which the Hon Member I think is making is something which we do have very much in mind.

A B Monk

Your Excellency, we hear that there are a lot of houses empty in Stanley, or very infrequently occupied. If all these houses were available to the public, would that in fact take care of our housing position, would we then not have to look around for ways of building expensive new houses?

/Chief Secretary

Chief Secretary

It would certainly ease the situation, Sir, if these houses could be made available, but I doubt if it would solve the problem because the houses which are empty are very often used by people or they have plans for their use, but I think it would go some way to solving the short-term problem if more housing could be made available; I doubt that it would solve the problem, and certainly not if we initiate a policy of immigration.

No 3 of 1979 by the Hon S B Wallace

Which airlines were approached regarding the possibility of their operating to the Falkland Islands and what responses were received ?

Chief Secretary

I regret, Sir, that I am unable to provide the details of the actual airlines that were approached; those are not on the record. But with your permission I shall read the written reply given by my Honourable predecessor in response to a similar question which was asked in this House in June 1976. That answer should serve to clarify why my own has had to be negative. I quote:

"Through Her Majesty's Government and Her Majesty's Embassies, the Falkland Islands Government has approached several countries on the Latin American mainland to enquire if their respective airlines would have any interest in operating between the mainland and the Falklands, it being understood the normal criterion of economic feasibility would apply. I regret that I am not able to be specific as to the exact number of airlines, as the approach was made on a government to government basis. The Governments in Latin America sometimes operate or participate in the operation of more than one airline. You should know that none of these approaches has resulted in any positive response and British Caledonian has intimated to the Foreign and Commonwealth Office that they do not contemplate a direct link to the Colony."

T J D Miller

Sir, would it be possible for this Government to ask non-South American airlines if they would be interested in coming here at all - European or African airlines as well ?

Chief Secretary

It would certainly be possible for this Government to make exploratory approaches but to the best of my knowledge the commercial constraints which inhibited airlines in 1976 still apply and my understanding, having indeed had some exploratory discussions with members of the British Civil Aviation Department who were here, is that any commercial airline which makes Stanley the terminal point on its

/route

route, would have to face the capital and recurrent costs of providing a service hangar, a ground maintenance crew and certainly a permanent station manager, but the possibilities of our making an approach certainly exist.

T J D Miller

Your Excellency, have the approaches been made to airlines asking them if they would be interested to operate a commercial service to the Falklands or would they be interested as an alternative to operate a charter service to the Falklands ?

Chief Secretary

I am not certain that I understand the distinction between a charter and a commercial service, because a charter service unless it is commercially viable would not succeed, but I think the same constraints apply; if you are going to operate here as a terminal point you've got to have the terminal facilities.

No 4 of 1979 by the Hon A B Monk

Will the Chief Secretary please tell me briefly what are the present regulations with regard to the importation of single and married Chilean labour ?

Chief Secretary

Sir, Chilean workers whether married or single are subject to exactly the same regulations as all other persons entering the Colony to work, that is to say the Immigration Officer may issue an employment permit to any immigrant who has entered into a contract of service, provided that person is not a prohibited immigrant. Applications for such permits are normally sought before the person arrives in the Colony. However the Immigration regulations also make provision for the issue of a Special Permit to allow someone seeking work to enter the Colony provisionally. All applications for permits, Sir, of whatever category, are judged on their merits.

A B Monk

Thank you. Has the Honourable Member any knowledge of a private agreement being made between the General Employees' Union and the Falkland Islands Company about the importation of Chilean labour which would allow quite large numbers to come into the Camp, but not into Stanley ?

Chief Secretary

Yes, Sir, I can confirm that Government has knowledge of this. In fact Government itself received a joint representation from the Falkland Islands Sheepowners' Association and from the General Employees' Union, indicating that the present acute shortage of labour in Camp might be alleviated by the importation of Chilean labour. The Government regards this as a palliative measure rather than a solution to the Colony's basic labour problem. Nonetheless

/it did not feel

it did not feel able, or did not want, to stand in the way of employers who wish to bring in Chileans as contract labour, a practice which has I believe been continued for many many years.

A B Monk

Thank you. Is it not a fact that this private agreement in fact specified that the Chilean labour would not be brought into Stanley ?

Chief Secretary

The letter I recall, Sir, was not specific. It just said it was "up to 70 workers for Camp", it didn't specify Stanley at all.

A B Monk

Thank you. Does not the Administration think that this policy is wrong and that any employer anywhere who can give good reason for wanting to employ foreign nationals should be allowed to do so subject to the persons being of suitable character ?

Chief Secretary

I'm not certain that I have understood that supplementary question, Sir. The Administration does not take a view of the merits on things, it offers advice to Government on how any policy should be perhaps regarded. I think if the Hon Member is saying that would it not be possible to get labour from other sources, I think everybody would welcome this, but the Administration's view, if it has one, is that it is not able to stand in the way of farms recruiting people from Chile if they need them.

A B Monk

Thank you. I think the Honourable Member misunderstood my question. What I am trying to say is that apparently the private agreement differentiated between Camp and Stanley. Does not the Administration think that this policy is wrong and that any employer, whether in Stanley or the Camp, should be allowed to import foreign nationals if he can make a good case for their employment and if the persons he wants to bring in are suitable.

Chief Secretary

I am grateful to the Honourable Member for clarifying the point. I certainly had misunderstood. I think he is right, yes, if there is a labour shortage in Camp which can be alleviated by bringing in foreign nationals, I think the same is true for Stanley. I ought perhaps to clarify that this is not an agreement; it was simply an approach by the Sheepowners and the Union to sound out Government for a view on the proposal, but I think his basic point is correct: if it's good for Camp, it's probably no less good for Stanley.

/ A B Monk

A B Monk

Does not the Honourable gentleman think that the importation of large numbers of Chileans to one section of the Colony will have the effect of lowering standards in that area and further emphasise the regrettable division between Camp and Stanley ?

Chief Secretary

I find it hard to judge what the effect would be, Sir, in lowering standards, because I am not a farmer and I have virtually no experience of Camp, but I think I understand the point that the Hon Member is trying to make.

A B Monk

Thank you. Does not the Hon Member think that by importing large numbers of Chilean labour to the Camp or to Stanley or to anywhere into the Colony, in fact we are in effect diluting one of the main planks of our sovereignty position, in that this is an old British Colony ?

Chief Secretary

I think that if there were dilution of the Colony population in this way, Sir, the point the Hon Member is making is a valid one. My understanding of this is that this would be a short-term way of solving a current problem, not a long term one.

No 5 of 1979 by the Hon A B Monk

There have been complaints by local tourist operators that the fare rate for visitors flying by FIGAS is far too high and that it is inhibiting the growth of tourism. Can the Administration tell the House whether these fare rates cover the costs of flying tourists to the far West; if not does the extra revenue that Government presumably gets from profits on tourism, fill the gap ?

Chief Secretary

Sir, it is impossible for FIGAS to calculate whether or not its fare rates cover the full cost of flying tourists, since so much depends upon the load factor on any particular flight. FIGAS calculate the actual operating costs at a little over £100 per flying hour. If I may take an example, the average return flight time to New Island is 2½ hours and the actual operating cost therefore £252. With a Beaver fully loaded, receipts from flying four adult passengers to New Island at non-resident rates would be £163. With no inbound traffic at all an operating loss of £90 would be incurred, but with a full return load at non-resident rates an operating profit of £73 would be made. By comparison, receipts for the same flight both ways at resident rates and fully loaded, would be £116.40, an operating loss of £135.88. Operating costs do not at

/present take into account

present take into account the depreciation of the aircraft, cost of pensions, gratuities, administration and other related costs. The Fiscal Adviser estimated last year that taking these elements into account also FIGAS operations were subsidised to the extent of about 64% from general revenue.

In answer to the second part of the Hon Member's question, it is again not possible for Government to calculate what profits it may derive from tourism, since this accrues almost exclusively from the direct taxation of profits of companies and to individuals and tax returns naturally do not show any split between residents and non-residents. I cannot of course comment on whether the rate for non-residents is too high or not because it was set at the last Budget Meeting of this Council by the Select Committee on Expenditure on which both the Hon Member and I served. I might perhaps add that the whole fare structure of FIGAS will be scrutinised by the Management Consultant who will be provided by the Ministry of Overseas Development to help us introduce the Islander service. Nevertheless, Mr Davis, the Economic Adviser to the Directorate of Overseas Operational Services, of the Civil Aviation Authority, who visited the Islands last August, commented in his official report that the fares policy, with its differential between residents and non-residents, was in his view structurally correct.

No 6 of 1979 by the Hon A B Monk

The value of the land through which the Camp road will run will be greatly enhanced as a result. Some share of the additional wealth created should accrue to the general taxpayer. What steps have been taken to ensure this happens?

Chief Secretary

Sir, whilst informal discussions have already begun with the appropriate landowners about the question of what is generally termed "the betterment value" which might accrue to the public interest, just how to achieve this equitably is a problem which has confounded governments with considerably more expert advisers than we possess. Accordingly we are seeking advice from Britain about how we might best proceed with this significant matter.

A B Monk

Why is it that our Legal Adviser can draft multi-paged Bills such as the Interpretation and General Clauses Bill, and Matrimonial Causes Bill, and yet we cannot get on with a piece of legislation which is of vital importance to the Colony?

Chief Secretary

I did not wish to imply in my answer any criticism of the abilities of our Legal Adviser to draft legislation. I think what we need advice on is how the legislation should be framed, and this is a matter, as I pointed out in my

/original answer,

original answer, of considerable difficulty of the way forward. I think if we provide our Legal Adviser with the appropriate instructions he can no doubt frame the appropriate legislation.

No 7 of 1979 by the Hon T J D Miller

What would be the increased running costs of Stanley Airport if the runway were extended by 1,000 metres, strengthened if necessary and the airport building enlarged, to handle a charter 707 with a 50% passenger payload ?

Chief Secretary

Sir, with the best will in the world, there are too many imponderable factors in the Honourable Member's question for me to give him any precise answer. For example, the recurrent costs of heating, lighting and staffing any enlarged terminal building, would be entirely dependent upon just how that extension were designed and constructed. Moreover, if any such extension were built, it would need to accommodate not just half the payload of a Boeing 707 but the full complement of 180 passengers and indeed even the potentially larger number of passengers that more modern short take-off aircraft are capable of carrying. It has therefore not been possible to calculate just what these extra costs might be without having exact designs.

Similarly, the cost of handling increased passengers would largely depend upon the frequency with which larger aircraft were landing at the airport. Additionally, an extended runway would need to be maintained and protected as well as fitted with more and certainly more sophisticated landing aids to accommodate commercial aircraft.

Until some specialist designs were available to Government the calculation of any costs would simply have to be guesswork. Nevertheless the Airport Superintendent has reckoned that it could be as much as £75,000 a year. I regret, Sir, that I have not been able to give the Hon Member a more precise reply.

T J D Miller

The Civil Aviation Authority in London, I understand, accept that the present facilities in Stanley Airport are capable of handling larger aircraft. Could the Hon Member confirm that this is so or if he cannot confirm it could he enquire what the situation is ?

Chief Secretary

I can't confirm the view of the Civil Aviation Authority because I have not discussed it with them or seen any comment that they have made. The constraint of our present airport is that it is barely large enough to take the full passenger complement, even then operating under limits, of an F28. No doubt if we did get 90 people off a Boeing 707 we would manage to get them through the airport in its present building, but it would cause a great deal of difficulty, I think.

No 8 of 1979 by the Hon T J D Miller

How much revenue would Stanley Airport have received from LADE for landing and parking fees in 1978 if LADE were not exempt from such fees ?

Chief Secretary

During the period 1st January to 31st December 1978 there were a total of 109 landings by LADE aircraft at Stanley Airport, 60 by the F27, 41 by the F28 and 8 by the Guarani. The total fees payable for such landings would have been £5,485, with parking charges of a further £345. The total figure that could have been recovered from LADE would therefore have been £5,830.

No 9 of 1979 by the Hon T J D Miller

When did m.v. "Forrest" last carry out a routine inspection of Beauchene Island and the Jason Islands ? Will inspections of these isolated islands be carried out at intervals ?

Chief Secretary

Sir, because of the many other tasks which the "Forrest" undertakes, it is unable to make regular inspections of either Beauchene Island or the Jason Islands. They can only be considered as the opportunities occur. However as you yourself have indicated in your Address to us, Sir, the most reasonable assessment is that nothing untoward is on present evidence likely to happen on those islands. However the Hon Member may be reassured to know that the Masters of all ships regularly using our waters have been asked to keep a watch-out and to report any unusual activity that they may observe on any of the uninhabited islands. The Lindblad Explorer on a recent voyage has been close to Beauchene and to the Jasons and saw nothing except prolific wildlife. The "Forrest" did in fact visit Elephant and South Jason on the 30th of September last year, and will I understand be leaving tomorrow for Steeple and Grand Jason.

QUESTIONS FOR WRITTEN REPLY

Appendix I.

MOTIONS

Motion by the Honourable the Financial Secretary:

That it be resolved that the Report of the Standing Finance Committee for the period 24 June 1978 to 13 December 1978 be adopted.

Financial Secretary

Your Excellency, the Standing Finance Committee of this House met on four occasions between June and December of

/1978

1978 and approved the following additional provision: for the financial year 1977/78 £1,715,202 and for 1978/79 £331,708.

I should explain that these very large sums relate mainly to the development of the Colony. Of the very large sum in 1977/78 of £1.7 million, £1.6 million related to the construction of the permanent airfield. This was the year in which we had to settle the claim with the construction firm, and this was reimbursed in full by Her Majesty's Government.

With regard to the £331,000 approved for 1978/79, this again relates largely to development expenditure, mainly that proportion of expenditure required to be met from Colony funds for development projects financed by Her Majesty's Government - for instance the local costs of the hangar, £41,000, and a mobile stone crusher, £20,000.

We also had heavy expenditure in refunding tax which we overcharged due to late presentation of accounts - we had to refund some £50,000. It also covers £77,000 from a grant from HMG for the rehabilitation and storage of the PWD equipment acquired under the Airport Contract.

As the Report does not contain any items of expenditure not approved, I beg to move that the Report be adopted without debate.

The Motion was seconded by the Honourable the Chief Secretary and carried.

Motion by the Hon S B Wallace:

That this House would welcome a declaration by Her Majesty's Government of a 200-mile maritime zone around the Falkland Islands and Dependencies.

S B Wallace

Your Excellency, Hon Members, I would like to make it clear at the outset that this is in no way a demand for immediate action; I think that would be ridiculous. The aim of this Motion is to underline a concern which I have and I hope other Members share, for the continued harvesting by vessels of other nations of what should be our resources. As things stand we don't even have the power to protest about it. It is said that we could not police such a zone and that of course is true; but there is also a very real possibility that we could gain some revenue from issuing licenses. At present we are forced to stand by helplessly while we see our resources plundered without receiving a penny. Any degree of control would be better than this.

/I do not intend to go

I do not intend to go into the political dimensions of this matter but it must be obvious that Her Majesty's Government would have to take this into account in considering such a declaration.

To summarise, it is my view that due regard should be taken of a special situation; Her Majesty's Government should waste no time ensuring that the resources around the Falkland Islands and Dependencies benefit our revenues, not solely those of other countries, as is happening now.

I propose the Motion.

W H Goss

I beg to support the Motion. In rising to do so I don't think the problem of policing really comes into it to any great extent; we control the waters, control the 200-mile zone. That would automatically be policed to a great extent by the other countries or ships that are licensed to fish in the waters. They would report any other ships that they saw in the waters. I don't think anybody can one hundred percent police a maritime zone, no matter how big the country is.

T J D Miller

Your Excellency, I wish to support this Motion very strongly. The present situation in fact is that Argentina claims and has declared a number of years ago a 200-mile maritime zone around the Falkland Islands and the Dependencies, and it is becoming increasingly serious that we, or rather Britain on our behalf, has not done so around the Falklands.

I quite agree with what the previous speaker has said about policing it. No country polices their own zone effectively; no country can. But what practical experience has shown is that once you have a zone that has been declared and agreed to, it is more or less self-policing, in particular the countries which fish around here, the Eastern European countries, have one of the best records of paying up when they are fishing in other people's waters.

I would like to support the Motion.

A B Monk

Your Excellency, Honourable Members, I would like to support the Motion strongly. I do think that there must be some confusion between ourselves and the British Government about our present position; I think when we get enquiries - I believe there was an enquiry recently - from some fishing organisations, we tell them that we only have a three-mile limit here. I find it rather extraordinary that we've got that attitude, while in the House of Lords, on 5 February, in reply to a question from Lord Harner

/Nichols -

Nichols - the question being did the Government regard the sovereignty over the continental shelf around the Falklands as being British, without any sort of qualification, so that we know where we stand, Lord Goronwy Roberts said quite clearly, "Yes, my Lord." And I know the continental shelf is not a 200-mile limit, but it's a heck of a size bigger than a three-mile limit. I think we should get our wires uncrossed and find out from the British Government exactly how far our sovereignty does in fact extend.

The President

I don't like to intervene in the debates, but perhaps I could clarify the point. My guess is that Lord Goronwy Roberts was referring to the continental shelf as it is defined in the 1958 Continental Shelf International Convention. There is a distinction in international law, in international practice, between the continental shelf and maritime zones or fishing zones. In point of fact our continental shelf in the Falkland Islands extends up to the 100-fathom line.

H B Bowles

I too would like to support the Motion made by my colleague and I can also see some problem with the median line between our coast and that of Patagonia, but I am sure this can be overcome and I think we should put this Motion forward without any delay.

S B Wallace

Your Excellency, I think our debate has fulfilled its purpose.

The President

The Motion has the approval of the House.

Motion by the Hon T J D Miller:

That this House requests Her Majesty's Government to carry out a feasibility study of enlarging Stanley Airport by 1,000 metres to allow charter aircraft such as the Boeing 707 and Britannia to operate on a daylight visual landing basis.

T J D Miller

Your Excellency, my reason for putting forward this Motion is the hope that if the Motion is passed and if the feasibility study comes about, it would at least end the arguments that are still going on in the Falklands and in Britain as to whether we need this extension, whether we can afford to run an extended airport and if there is anyone around who would use an extended airport. Officially

/we understand

we understand that nobody is interested, yet I understand from correspondence that I have with the Falkland Islands Committee in London that they have two airlines definitely interested in operating flights here on a charter basis; one airline, Redcar Air Services, uses Britannia aircraft I understand, on charter services to West Africa and are very interested in extending their services to the Falklands, probably a fortnightly service - a flight every two weeks - and they have quoted, assuming a 50% passenger payload, a return air fare to London from Port Stanley of £600, which is half the present fare. Whether that of course may come about remains to be seen and would possibly come out in this feasibility study.

Also I understand that British Caledonian have expressed recently an interest in operating a charter service to the Islands with a 707. A charter service which would not be part of their existing South American service.

I think the whole business of extending the airport or not needs clarifying and needs looking into to see whether it is or is not possible. If it is possible of course one of the main benefits of it would be that we would no longer be tied to travelling through Argentina and we would no longer be tied to restrictions of white cards, travel visas and so on. I am not suggesting that we should ban any communications with Argentina supposing this extension came about, no doubt LADE might well wish to continue a service to the Islands from Comodoro but less frequent than now, say twice a month, so that you would have two ways of coming in and out of these Islands.

There is also the possibility that with a direct link with the United Kingdom there would be a lot more air freight developed with a quicker and more reliable service than at present. Alternative foodstuffs could be flown in, particularly in the fruit line, from Africa.

I would like to propose the Motion.

W H Goss

Your Excellency, I have opposed this sort of thing in the past but on this occasion I rise to support this Motion. I think it's time that we did look into another way out. I have said that I'm quite sure that if the potential was there, the British Government would do just that: they would lengthen that runway. There again, perhaps nobody's come forward with proof that they'll make use of the airport if it is lengthened. I think this should be given further investigation.

I beg to support the Motion.

W E Bowles

Your Excellency, I too would support the Motion, if only to carry out a feasibility study, and I think without a feasibility study we won't know whether or not people will

/or will not fly

or will not fly here, until this is done this point will not be cleared up.

I willingly support the Motion.

S B Wallace

Somewhat to my own surprise, Sir, I find myself supporting the Motion. I agree that there is a need for such a study. It would certainly put an end to much arguing.

I don't quite see the need for us to get involved at this stage with aircraft types and landing procedures, that's what we want a feasibility study for. Really I don't feel qualified to go into all that might happen if the feasibility study suggests that an extension is a good thing. I simply support the Motion.

Chief Secretary

There's really nothing for me to say, Sir. I would have been much happier if the Motion had stopped after the words "Stanley Airport", because I think we should leave it to those people who do the feasibility study to work out the options and I am not certain I understand fully what a day-light visual landing basis is because I think if we did it on that basis in fact it would defeat the very purpose for which the Honourable proposer suggested, because an aircraft coming in has to have an alternative base, which would have to be in Argentina; this is a regulation, I understand. But I think the spirit of the House has been well understood and look forward to conveying it to the British authorities.

The President

The Motion then is adopted.

Motion by the Hon T J D Miller:

That this House is grateful for the continuing support for our case by the United Kingdom Falkland Islands Committee.

T J D Miller

Your Excellency, the reason for putting forward this Motion again - it has come before this House a number of times and has been supported - is basically because I have been concerned recently on hearing that there is a very strong possibility that the Falkland Islands Committee may be closing down because of lack of support from within these Islands. There have been and there still are differences from time to time between Government and the Falkland Islands Committee regarding what we need and what we don't need and how we should go about it, but I think basically our objects are the same for the future of the Falklands, and

/we are very grateful

we are very grateful for the support that the Falkland Islands Committee have obtained for us in the United Kingdom, and we hope that this support will continue and that the Committee will continue.

S B Wallace

I beg to second the Motion.

W E Bowles

I would like to support this Motion, we are most grateful for the continuing support for our case by the United Kingdom Falkland Islands Committee; I think they've done quite a lot of good for us.

A B Monk

Your Excellency, I support the Motion as it's written, it's pretty innocuous, it doesn't say we must pay out money or anything like that; they've done some pretty good work and I support the Motion.

W H Goss

I beg to support the Motion.

The President

Clearly the House is grateful for the good work of the Committee and we shall arrange for this to be conveyed to the Committee.

The House was then adjourned until 14:30 hours.

ORDERS OF THE DAY

BILLS

Maintenance Orders (Reciprocal Enforcement) Bill 1978

Chief Secretary

Although the Bill before the House is formidable in size and perhaps even daunting in its contents for those of us who are unfamiliar with the handling and enforcing of maintenance orders, its intention is quite simple: to improve the handling of orders of this sort.

In 1972 the British Government replaced its own 50-year-old Act on which our own present Ordinance is based. This Bill then seeks to repeal and replace the present Ordinance by extending reciprocity to any country or territory. Our existing legislation applies only to Commonwealth countries and actually excludes Scotland. Moreover, the Bill will provide and improve the machinery for the transmission and enforcement of maintenance orders and within

/an extended

an extended definition of that term will also now include affiliation orders.

This is an essentially technical piece of legislation but one which I commend to this Council as a significant improvement.

Honourable Members will already have familiarised themselves with the contents of the Bill and I therefore need do no more, Sir, than to move that the Bill be read a first time.

At the Committee stage the alteration of the date from 1978 to 1979 in clause 1 was agreed and the Bill proceeded through its remaining stages without debate or further amendment and was passed.

Stanley Rates (Amendment) Bill 1978

Financial Secretary

Your Excellency, representations have been made to the Administration for the amendment of the Stanley Rates Ordinance to exclude the properties known as the Parish Hall, belonging to Christ Church Cathedral, and St Mary's Annex, from the Rates Assessment List.

The reasons for this request arise from the fact that these are two buildings which are used by the public. They are used for many purposes, particularly for the younger generation and the older citizens of the Falklands, and it is felt that consideration should be given for both buildings to be exempt from rates.

The second point regarding the Stanley Rates (Amendment) Bill which we have before us is a point which was brought to our attention by the Hon W E Bowles at the last meeting of the Legislative Council, when he pointed out, with the support of all Councillors, that the limit for paying rates was too restrictive and that penalties were being imposed very harshly; on occasions people were out of the Colony for a very short time and when they came back having forgotten to pay their rates before they left, they were subject to the 5% penalty. It is now proposed that the penalty should not be imposed before the 1st of October, rather than 1st of July. This I welcome, not only for the fact that it is a reasonable and just request from Hon Members, but it will also make life in the Treasury much easier because we find it very difficult within one month trying to advise people of their rates and by the time the post gets to some people in the Camp, especially with our internal communications problem, we find out that we have on occasions to bring before yourself a request for remission of the penalty. I therefore commend this Bill to Council and propose that the Bill be read a first time.

At the Committee stage the alteration of the date from 1978 to 1979 in clause 1 was agreed and the Bill proceeded through its remaining stages without debate or further amendment and was passed.

Christ Church Trust (Amendment) Bill 1979

Chief Secretary

In rising to introduce this Bill, Sir, I shall aim to make my remarks as brief as the text of the Bill itself. In October of last year some minor amendments to the Constitution of Christ Church Cathedral were brought into effect to take account of the changes that had been made in 1977 in its ecclesiastical jurisdiction. Appropriate reference now needs to be made to this revised constitution within the text of the main Ordinance, and the Bill before us seeks to do that by two small textual amendments. Sir, it is as simple as that and I therefore beg to move the first reading of the Bill.

The Bill then proceeded through its remaining stages without debate, or amendment, and was passed.

Income Tax (Amendment) Bill 1979

Financial Secretary

Your Excellency, this morning we mentioned that we had the good fortune of having our Fiscal Adviser, Mr Harry Ritchie, with us. He has put forward recommendations to Government for retaining more of the wealth of the Colony in the territory.

Councillors have previously brought this matter to Government's attention and a considerable amount of work has gone into this Bill to try and achieve a greater proportion of the tax for the Colony rather than going to the British Exchequer. The proposal is simply that we should change the present rate of Company Tax from 45% up to a rate of 52% for the larger company, the company with profits of over £50,000; the tax rate for companies with smaller profits than £50,000 would be reduced .9% steps of £2,000 until reaching a profit of £30,000, which would attract 42% tax. This would mean that some of the smaller companies would be paying a little less tax than at present and larger companies would be paying a greater amount of tax. This would not affect the UK companies to any great extent because of the double taxation arrangement which we have with Great Britain.

The Bill is also designed to encourage more investment in the Colony and the provisions which we propose are much the same as the current depreciation rates in Britain. For instance on machinery or plant we are now willing to give an initial allowance of 100% if this Bill is passed; on ships an initial allowance of up to 50% and thereafter there would be a writing down allowance of 10%. On aircraft there would be a straight writing down allowance of 15%; on industrial buildings we propose an initial allowance

/of 50% with a

of 50% with a writing down allowance of 4% per annum. On hotel buildings an initial allowance of 20% with a writing down allowance of 4% per annum and on agricultural buildings an initial allowance of 30% with a writing down allowance of 10% per annum.

One of the provisions of the Bill requires companies which undertake new industrial, commercial or other ventures in the Colony, to form a separate company. They would be taxed as completely separate entities. The description of agricultural buildings is set out in clause 7, which states that they do not include houses, offices, shops on farm settlements, store-houses, except when they are used solely for agricultural projects, and the cost of a building does not include the value of land.

These are the main points of the Bill, but this Bill is rather involved and it will have quite an effect on the revenues of the Colony. I therefore would propose perhaps if Hon Members wish to have further details of it that we may go into Select Committee. However I will leave it and hear the comments of Councillors first. I propose the first reading of the Bill.

Hon Members then spoke to the Motion for the second reading as follows:

A B Monk

Your Excellency, Hon Members, I haven't had very long to study the Bill and I welcome the suggestion from the Chief Financial Secretary that we might refer it to Select Committee so that it can be properly examined. But there are several other things about the Bill which occur to me, and with reference to the actual tax scale, it does seem to me that it might encourage larger units to divide up, form separate companies say for each farm and thus only pay tax on each smaller company and the profits would not be up to as much as £30,000. I dislike at first sight the method of grading tax payments; I'd much prefer a slice system or perhaps some other system even better. I realise that the rates would have to be altered if this particular system was not adopted because otherwise we'd get less tax. But it seems to be grossly unfair that a company earning £30,001 should pay £270 more tax than one earning £30,000, and a company earning £32,001 pays £288 more tax than a company earning £32,000 and so on up the scale. I think that's nonsense and should not be adopted.

I am not altogether happy with clause 7 and this refers really to agricultural buildings, clauses 3(g) and 3(h); I don't see why, as far as the farming community is concerned, housing should not have the same depreciation rates as buildings used solely for agricultural purposes. We are not in the same position as farming is in the United Kingdom or

/other developed countries

other developed countries, where the workers on the farms rent the buildings, or where they have alternative accommodation they can go to. If I want an outside shepherd in a certain area of the farm, I've got to provide the building for him and therefore it is a very necessary part of the farming operation's expense. Therefore I think that farm buildings should attract the same depreciation allowances.

I have various other doubts but I would certainly welcome the chance to be able to discuss this fully with Mr Ritchie and my colleagues and the Financial Secretary in Committee. Subject to that, I welcome the Bill.

S B Wallace

Your Excellency, Hon Members, my Honourable Friend the Member for East Falkland has almost listed the reservations I have on this Bill. However we should not forget that the aim of this Bill is to ensure that we get the benefit from taxation of profits which are made by concerns here. In particular I had reservations about the aspects of the Bill which indicate that there is a possibility of companies fragmenting themselves to avoid tax and I look forward to discussing this in Select Committee. Subject to that, Sir, I support the Motion.

T J D Miller

I too support the feeling that this Bill should be referred to Select Committee for further discussion with the Fiscal Adviser.

The parts that I am particularly concerned with are ones which have already been once referred to, the seventh schedule, the depreciation allowances. It seems to me unfair to a certain extent that industrial buildings should attract an initial allowance of up to 50% and agricultural buildings used for agricultural purposes, an initial allowance of 30%. This is done in the United Kingdom of course where there are many varying industries, of which agriculture is one of the smaller industries, but here at the moment and for the foreseeable future, agriculture, be it sheep farming, dairy farming, market garden or whatever, is our only industry and we should be doing all we can to encourage as much investment as possible within that industry.

One other point that I am not too sure of - I don't quite see where fencing on farms comes into depreciation allowances. I am particularly thinking of sub-divisional fences, not renewing existing fences but putting up new fences to sub-divide sections of land to allow more intensive grazing and more intensive stocking. With those reservations, Sir, I support the Bill.

/N E Bowles

W E Bowles

I look forward to Select Committee on this Bill. I think in principle the Bill is good and after we have deliberated in Select Committee I shall make my decision on whether I support it or not, but from the outset I think it's a good Bill and a step forward.

The Bill was referred to a Select Committee of the whole House under the Chairmanship of the Hon the Chief Secretary.

Loans Bill 1979

Financial Secretary

Your Excellency, this Colony doesn't have any general legislation or the authority to raise loans internally or externally. The Bill now before us proposes that the Financial Secretary, with a Resolution passed in Council, should be able to raise loans externally or internally for the purposes of Government.

There are a number of ways in which we can raise loans: we can raise loans from Her Majesty's Government, or we can raise loans internally by the issue of stock. We have now to consider raising a loan of £170,000 for the purchase of Green Patch. This is what has necessitated the urgency of bringing this Bill before Council. We propose that the purchase price of Green Patch should be paid by a loan which Government should borrow from the Government Savings Bank.

Once this legislation is through we will be able to pass a Resolution to pay it but generally we are going to have to look further ahead. Our financial position, although not desperate, has to be carefully considered. We have projections forward and while they are not alarming they are of some concern, and we must consider how we are going to meet the Colony's element of development from local finances. One way in which we can probably do this is to obtain loans internally. We propose that probably later in this forthcoming financial year we could test the market and see whether there's any possibility of raising money locally - we do have the Savings Bank, which can always contribute so much towards financing development, rather than investing it in stocks overseas.

The main sections of the Bill relate to the issue of certificates and are generally of a technical nature. I don't think those require much explaining, but one thing I should mention is that the Bill does provide for the creation of sinking funds; whenever we raise a loan we have to provide a sinking fund, so that we know we have the money available at the date of maturity of the stock.

I feel that the main points have now been explained and I move that the Bill be read a first time.

/Hon Members then spoke

Honourable Members then spoke to the Motion for the second reading as follows:

S B Wallace

Your Excellency, Hon Members, I welcome this Bill. I have to admit that when I first heard of the idea of Government raising loans I had some doubts, but on thinking about it, if this Bill is passed it will give an opportunity should they wish for many people here to put their money where their mouths are. Thank you. I support the Bill.

A B Monk

I certainly hope this Bill gets referred to a Select Committee because I think there's a lot to consider about it. I think in principle it's a most excellent idea. I must admit at first I thought the haste in putting the Bill through was because we wanted to float stock to buy Green Patch, but I see the Preamble says that Government is going to buy that from the Savings Bank, so in fact this insofar as the public is concerned, it doesn't seem that they are involved in borrowing the money for Green Patch except insofar as they may have an account in the Savings Bank and it's their money. I am a little hazy about the need for the great haste.

There is some mention in the Preamble about rates of interest - it talks about a 9% rate of interest for ten years or something like that. I'm no financial expert but at the present moment you can get 10½% on a deposit account in the United Kingdom and I just wonder how many people or firms with some thousands of pounds available would lend it to Government for 9% when they can get more somewhere else. Maybe there is some aspect of it which has escaped me completely, maybe this would come to light in Committee. I think it's a worthwhile Bill.

W E Goss

I support the Bill, Your Excellency. If we are ever going to get any form of internal development in the Colony we just have to have the means of raising money to finance it and I beg to support the Bill.

Financial Secretary

The Bill certainly is required for Government to raise any loans; Government will be raising £170,000 from the Savings Bank and then on-lending it to the successful applicants for Green Patch farm. I don't think that we need concern ourselves over this legislation too much; it gives the Council power to raise loans. As far as the interest rate of 9% mentioned, this was a guide at the time when we were thinking of what rate should be applied to the Green Patch loan, but we would raise loans for whatever rate we could get; if we could get them for 9%

/well and

well and good, but we probably would have to go higher than that, especially bearing of the recent minimum lending rate in Britain.

I would therefore ask that the Bill be referred to a Select Committee of the House as we don't wish to give the appearance that we are rushing it through without understanding all the clauses, and therefore I propose it be referred to a Select Committee under the Chairmanship of the Hon the Chief Secretary.

The Bill was referred to a Select Committee.

Pensions (Amendment) Bill 1979

Financial Secretary

Your Excellency, the recent report which we received from the Salaries Commissioner made a recommendation that pensions should be granted to widows and children of officers.

The proposal is that the widow of a male pensioner or pensionable officer should draw 50% of the officer's pension and, in the case of children, there would be various additions to the pension.

There are some points which we would like to discuss with the Financial Adviser and I don't wish to add to the workload of the Select Committee too much, we are going to be quite busy, but I am afraid it's one we should refer there to clear up some details.

The Bill itself has been welcomed by the Civil Servants' Association, who did make very strong representations to the Salaries Commissioner when he visited here for his review. I therefore would wish to ask that the Bill be considered in detail, especially with regard to the pensions payable in respect of children, before we go into any detailed discussions. I think there are points which we can sort out better, they are points of detail. I propose at this stage that the Bill be read a first time.

After the second reading the Bill was referred to a Select Committee of the whole House under the Chairmanship of the Hon the Chief Secretary.

Employment Tax Bill 1979

Financial Secretary

Your Excellency, the Senior Medical Officer, that is Dr Dunnett at present, and before him his predecessor, Dr Cox, have made very strong recommendations that we

/should have

should have a system of charges for medicines and in-patient fees similar to other territories, in other words just about a national health insurance scheme.

We have considered this in the light that the present charges are unfortunate in that those who pay most are those who often can least afford it.

It is felt that we should have another form of financing or contributing towards the financing of the medical costs of this Colony and after recommendations put forward by the Shackleton team, also later by Mr Pepper, and now more recently in more detail by our present Fiscal Adviser, Mr Ritchie, we have prepared a Bill based on legislation in other territories for an employment tax and it is proposed that we should now consider a percentage of emoluments of each employed person and a percentage paid by the employer; it is proposed that we should charge 4% of the person's emoluments: 3% would be payable by the employer and 1% by the employee. In the case of self-employed persons, they would be required to pay the full 4% but in no case would tax paid exceed £250 in any one year.

At first sight we feel that there are other ways in which we could have raised this money; it has been mentioned to me that we could just add another percentage on to income tax, or we should add it on to the Old Age Pensions contributions. These have all been considered in depth and for one reason or another it was felt that the fairest system would be to introduce a completely separate employment tax.

It will create more work in certain cases, particularly a little more for employers and also it will create a little more work in the Treasury. However it is something that if we are going to develop we must face up to the fact and progress.

The Member for East Falklands has often mentioned that we raise all the time many little niggling charges which annoy people, and that we should do it in a more refined manner and one that is more modern a manner of raising fees. I think we are probably one of the few territories now without some system of national health insurance.

There are certain exemptions to the tax which is proposed in the Bill and they are the normal ones common to such legislation as the Income Tax Ordinance, such as Consuls, Members of Her Majesty's Forces, whose salaries are paid from United Kingdom Government funds; it is proposed that all pensions paid to retired persons for past services should be exempt. In the Committee stage I will be making a proposal also which will exempt Old Age Pensions, which I am afraid was an oversight at the time of preparation: it is intended that Old Age Pensions should not be subject to employment tax.

/The remainder

The remainder of the sections, or the clauses of the Bill, refer largely to the collection of the tax, the time of submitting payments, and the statements that are required. There are so many different kinds of employment in the Colony and with the difficulties in getting the mail from one station to the other and particularly to outlying islands, we will need to vary the time limits in some cases quite considerably. Our Legal Adviser Mr Bennett suggests that we put in a clause which Members will see as clause 20, and I will read it for the information of Members:

"The Financial Secretary may for good cause shown by any employer, self-employed person or person liable to pay tax on dividend income, vary any of the times prescribed by this Ordinance."

Therefore it gives some latitude, especially in the early days, as it will obviously have teething troubles, it's an Ordinance that will be amended, there is no doubt about that, in the light of experience. But we cannot forecast all the difficulties that will arise from this new legislation at the moment.

If this Bill is passed, it is intended to abolish all medical fees, possibly with the exception that some charge may have to be levied for spectacles, which can be considered as a supplementary supply. But all other charges for residents we will be abolishing. In the case of non-residents they will be required to pay the fees which are currently in force under the Medical Fees Regulations. I would like to repeat that the maximum that anyone will be required to pay is \$250 in any one year in respect of any one person.

There is also another point for employers and self-employed persons to note; that is the fact that it is intended that the tax should be tax-deductible - they should be able to show it against their income tax. For example the farms will show it against their profits; they will be able to deduct the 3%. In the case of self-employed persons, they will be able to deduct 3% - they will not be able to offset the 1% which every employee will be required to pay.

Another point which we must face, if this legislation does not go through - and I don't intend this as a threat in any case - but it is a fact that we must realise that we have to increase our medical fees and the only reason why I didn't last year bring them forward was the fact of the comments made by the Elected Member who said that people were getting rather annoyed with these niggling little charges that we were putting out. I therefore delayed it for that reason, but I'm afraid I would not be able to delay it any further because they are becoming very low and the amount of paper work in sending out and collecting these small charges is absolutely unbelievable.

/We therefore must

We therefore must have some way of arranging to have a new method for the medical service and the fairest system of all the ones that I have seen illustrated seems to be this new Employment Tax.

I propose that the Bill be read for the first time.

Honourable Members then spoke to the Motion for the second reading as follows:

S B Wallace

Your Excellency, Hon Members, at first I thought this was a rather complicated way to do away with medical bills, but it has I feel the major advantage of making those who can best afford it contribute most. Some sort of stamp system would not do this.

In addition I am told this system requires less time to administer and since we are continually shouting about the number of staff in the Administration, that is an important consideration.

I have one reservation about this Bill: as it stands people who invest in shares or whatever during their working life do not pay tax on any dividends whilst employed but as I understand it when they retire on a pension they must then commence paying employment tax on their dividends, just when they need the money most. This seems wrong to me. Subject to that reservation I support the Bill, which I think distributes the load on those best able to pay.

V B Bowles

Your Excellency, Hon Members, when I read this Bill through I was unsure whether to support it or not. After Select Committee I should know.

The one piece of wording I don't like is the word "tax"; I think when you see the word "income" in front of it it's enough to shake you for a start; but the word "employment" in front of it doesn't help. I think it should be "contribution" and not "tax". It's only a small point, but it would make it sound a little more reasonable to the people involved. If you can make an employment contribution towards the medical services, which will enable people here who are seriously ill to become well again, I think it's so much more satisfying a result. I think if the word "tax" can be ruled out of the Ordinance altogether, this would be more palatable.

I think this is a good way of distributing the cost of medical services for residents and I think in general, after we've gone through Select Committee, all measures could be welcomed. But I too have a lot of questions to ask Mr Ritchie. Thank you.

W H Goss

I'm afraid I have very little to say on the Bill, Sir, at this stage; there may be plenty to say when we get into Select Committee. As the Bill stands I beg to support it.

A B Monk

Your Excellency, Hon Members, I've been squarely put in my place by the Chief Financial Secretary for my remarks from some other meeting...In principle I think the Bill is right. I can't see personally why it is unwise to introduce a comprehensive national health scheme because we pay for the health service here anyway, whether it is through tax or whatever way - we are all paying in the end through taxation. Therefore it's beyond me why it's unwise; it's not going to cost us any more money and it seems to me that if we do it by sticking on stamps instead of by this method it would in fact result in far less book-keeping.

This present proposal in fact will place a lot of extra book-keeping on to employers; employers by and large do the Government's tax for them anyway. I actually do all the tax computations for the employees on the farm and I know other people do it too. I shall have to do some others now. It's really just transferring the work from Government clerks to privately employed people.

I have other reservations but I think we can discuss them in Select Committee because there are all sorts of things which are going to occur to me. One serious reservation I have about the Bill is that although it is in principle to raise money to partly defray the expenses of the Medical Department, nowhere does it actually commit Government to using that money for the support of the Medical Department; in fact the money simply goes into General Revenue and could be used for any other purpose and there is nothing in fact to stop Government from raising another form of tax or endeavouring to next year to pay for medical services. I think we could find ourselves in somewhat the same situation as the British taxpayer paying road tax and very little of his road tax in fact goes to improving the quality of the roads. Maybe we can alter the title of the Bill so that it is made clear that this Employment Tax is to defray part of the cost of the Medical Service - maybe we can insert a clause which says that is the reason and object of the Bill - but I would like it in some way or another to be tied to the Medical Services far more definitely than it is now. Subject to those reservations I support the Bill in principle.

The Bill was referred to a Select Committee of the whole House under the Chairmanship of the Hon the Chief Secretary.

Council adjourned at 15.40 hours and resumed at 14.00 hours on Wednesday 14th February 1979.

REPORT OF THE SELECT COMMITTEE ON THE INCOME TAX (AMENDMENT)
BILL 1979

Chief Secretary

Sir, I rise to report the proceedings of the Select Committee, of which I was Chairman, which met yesterday afternoon to consider the Income Tax (Amendment) Bill 1979. The Committee first heard from the Hon the Financial Secretary that he will be introducing a drafting amendment to make more precise the wording of section 2 of the Bill which at present may be slightly ambiguous.

The Committee then moved on to consider section 3, about which Members, notably the Hon Member for East Falkland, had expressed some misgivings. After considerable discussion the Fiscal Adviser was asked to prepare some new figures for consideration since the Committee felt that there were certain inequitable features in the present table of rates that could be open for adjustment. Hon Members had, on the floor of this House, expressed some doubts whether a system of variable rates, as proposed in section 3 of the Bill, might not induce, perhaps, some of the larger companies to fragment in order to avoid a higher taxation figure. Whilst this danger was acknowledged, the Committee accepted that it was inescapable with any system of differing tax rates. The Committee felt, too, that the danger was more apparent than real and that if there were to be any signs of companies seeking to avoid tax by forming a series of smaller companies then there were alternative new measures which could be introduced to control such a form of tax avoidance. The Committee then addressed itself to the consideration of the Depreciation Allowances in the proposed new Seventh Schedule. In particular, the question of the relative allowances for agricultural buildings was considered in detail. It was finally agreed that the following rates should apply:

Section 3(e) of the Schedule: Allowance for industrial buildings should be reduced from 50% to 30% but the writing down allowance thereafter should be 10% per annum;

Section (f) : The initial allowance for hotel buildings should remain at 20% but the writing down allowance thereafter should be increased from 4% to 10% p.a.; and in

Section (g) : The initial allowance for agricultural buildings should remain at 30% but the writing down allowance thereafter should be increased from 4% to 10% per annum.

The Hon Member for the Camp had raised, during the second reading of the Bill, the question of fencing and whether it would also attract a depreciation allowance.

/My Hon colleague,

My Hon colleague, the Financial Secretary, was able to give an assurance that fencing is deemed to be "Machinery or Plant" as specified in section 3(a) of the proposed Seventh Schedule.

Finally, the Select Committee discussed the point raised by the Hon Member for East Falkland during the second reading about the exclusion of housing from the definition of agricultural buildings in section 7 of the Bill.

You will recall, Sir, that he had argued that the provision of housing on a farm was an essential and inescapable part of the business of farming, and that the houses should therefore be deemed to attract a depreciation allowance along with other agricultural buildings.

The Select Committee accepted the Hon Member's point and, therefore, the wording of section 7 will be revised by the deletion of the word "housing", and section 3(g) will be re-written to specify the inclusion of housing, subject to an upper limitation of the initial allowance. The Committee took the view that the depreciation allowance should be claimed only up to a certain limit, since Hon Members did not feel that there should be active encouragement for companies to construct extravagant properties.

Because of the need to re-consider the tables of rates in section 3 of the Bill, the Select Committee stands adjourned and will finally report at the next meeting of Council.

I therefore propose, Sir, that the Committee stage of this Bill be taken at the next meeting.

Council concurred.

REPORT OF THE SELECT COMMITTEE ON THE LOANS BILL 1979

Chief Secretary

The Select Committee on the Loans Bill met under my Chairmanship yesterday afternoon. This meeting of the Select Committee provided the opportunity to emphasise something which perhaps had not been sufficiently stressed in the public debate on this Bill, and that is that we cannot proceed with the acquisition of Green Patch until there is some statutory provision for the Government to raise the necessary loan. I think that Hon Members now better appreciate the purpose of this Bill and discussion on it was relatively brief. At the Committee stage my Hon colleague, the Financial Secretary, will be proposing two small amendments to the Bill. The first will be in the section "Short Title and Commencement" and will be that the Ordinance should come into operation as of today;

/and the second

and the second amendment, a small textual correction, will be the inclusion of the definite article in the final phrase of clause 13.

At the Committee stage the following amendments were agreed:

Clause 1 Insert the date "14th February"

Clause 13 Insert after the word "pay" the following -
"the"

The Bill then proceeded through its remaining stages without further debate, or amendment, and was passed.

REPORT OF THE SELECT COMMITTEE ON THE PENSIONS (AMENDMENT) BILL 1979

Chief Secretary

As Chairman of the Select Committee on the Pensions (Amendment) Bill 1979 I rise to report the proceedings of the Committee which met early yesterday evening.

You may recall, Sir, that it was my Hon colleague, the Financial Secretary, who, as proposer of this Bill, suggested that we might examine it in Select Committee because he had himself certain doubts about some of the proposals within it. I ought to amplify that remark, Sir, by saying that the Hon the Financial Secretary's doubts did not include the principle of the Bill but rather that he felt that he should seek confirmation that the proposals being made in respect of the pensions had been suitably assessed, notably in sections 18(a) 3 and 4 of the proposed Bill. Hon Members, having given due consideration to the points raised by the Hon the Financial Secretary, declared themselves satisfied that the proposals were equitable and just and there is now, therefore, no impediment to our proceeding to take the Bill to its Committee stage.

The Bill then proceeded through its remaining stages without further debate, or amendment, and was passed.

REPORT OF THE SELECT COMMITTEE ON THE EMPLOYMENT TAX BILL

Chief Secretary

Sir, in reporting the proceedings of the Select Committee on the Employment Tax Bill I ought to begin by emphasising that Hon Members are entirely satisfied of the principle behind the Bill and that it is right, a point that a number of them made themselves during the second reading of the Bill. So it was with points of detail that

/Hon Members

Hon Members dealt yesterday. Generally it was felt that the title might be misleading and ought perhaps to be expanded to give some indication of the actual purpose for which the money is being levied. This would also go some way to meeting the point that the Hon Member for East Falkland had made on the floor of this House - to ensure that the funds were actually used for the purposes for which they are raised. Accordingly the Select Committee will be proposing an amplification of the title, the exact terms of which have yet to be finally determined.

There were two other major points to which the Select Committee addressed themselves. The first was the point made at the second reading by the Hon Member for West Stanley about the inclusion amongst those obliged to pay the tax of persons not in employment but in receipt of dividend income. The Select Committee accepted that a good case had been made for the exemption of such persons and the Bill will be appropriately amended.

Another point of substance, and one upon which Members had touched during the second reading, was that an insufficient period of time had been allowed for employers and self-employed persons to make their returns and payments. Despite the discretionary powers given to the Hon the Financial Secretary in clause 20, it was judged essential to vary the grace period from 15 to 30 days for employers and to adjust that for self-employed persons accordingly.

And now these amendments will require substantial textual emendations and deletions in the present text of the Bill and a revised text will be prepared.

There were several other points that were also dealt with. In section 7(d) the words "and annuities" will be added to "pensions", that is, amongst the list of tax exemptions, and a further exemption will be added as section 9(m) to include Old Age Pensions which are not sufficiently dealt with in the section I have already quoted. Furthermore, the requirement in section 11(2) for an employer to provide an annual statement to an employee will be dropped, though possibly the obligation to provide such a statement on termination of employment may remain.

Finally, consideration was given to the point that had been made during the second reading by the Hon Member for Stanley - that this measure would be more palatable if it were called something other than a tax. While the Select Committee did not challenge the point made by the Hon Member, it did not feel it necessary to select an alternative word such as "levy". It has been Government's intention to introduce this new tax on the 1st July, so the Select Committee now stands adjourned, and it is proposed, Sir, that the new tax should be submitted to Council for consideration at the Committee stage at its next meeting; that is, of course, the Budget Session.

/That should also provide

That should also provide sufficient time for the necessary amendments to be made both in the Medical Fees Regulations and for an appropriate amendment to the Income Tax Ordinance to be prepared and introduced.

I propose, Sir, that the Select Committee should stand adjourned till the next meeting of this Council.

Council concurred.

Financial Secretary

Your Excellency, following the approval of the Loans Bill we now have authority to raise loans both internally and externally. For the purpose of purchasing Green Patch farm we propose raising a loan of £170,000 from the Government Savings Bank, and it is necessary for this Council to pass a Resolution to that effect. Repayment terms and rate of interest will have to be confirmed after consultation with the Crown Agents. Therefore I propose that the following Resolution be passed:

BE IT RESOLVED, in exercise of the powers conferred by section 3 of the Loans Ordinance 1979, that the Financial Secretary be authorised to raise an internal loan, not exceeding in total £170,000, for the purpose of purchasing Green Patch farm.

Chief Secretary

I beg to second the Motion.

The President

May I say, before I put the Motion to Council, that I shall give my assent to this Bill also today. Therefore the Resolution can be passed. Does any Honourable Member wish to speak to the Motion?

A B Monk

Your Excellency, I should like to say just a few words on the subject. It gives me enormous pleasure to speak to this Resolution because it does seem a long time since we conceived the Green Patch project and sometimes people have expressed doubts that we'd ever get it off the ground at all. The passing of this Resolution is going to make it possible and I think it has opened the door of opportunity to some of our younger and more forward-looking citizens. I beg to support the Motion.

The President

I take it there is no objection. The Resolution is adopted.

/Chief Secretary

Chief Secretary

Your Excellency, I beg to move that this House stands adjourned sine die.

A. B. Monk

Your Excellency, Honourable Members, I won't say I was literally caught with my pants down, but I haven't completed my thoughts on the subject. But I would like to say just a few words, and this meeting, in my view, has been very much concerned with practical matters, and I often think this sort of thing is rather dull perhaps to listen to and won't make very good reading in print. But nevertheless it is a very necessary part of our housekeeping, as it were; getting one's finances and so forth in order is a very essential part of Government's business, and in spite of frequent criticism by many, I think this Colony has been more successful than most other countries in this matter, with no external debt and a high standard of living by world standards, no unemployment and a healthy community. I think a lot of countries would give a lot for these conditions. I suppose our main problem is to attract more people, even to retain those we have.

I hope the Green Patch scheme will, by offering some opportunity to a few, be a start to arresting this population decline. I hope our road scheme which, in spite of criticism, I think has got off to a very good start, considering the lack of labour and suitable plant, I hope this will improve our communications and lay the foundation for development which I think must eventually come. And I hope and believe that the new school hostel will enable more children to take advantage of improved education standards which have become so evident since our able Superintendent of Education, Tom Lamin, took charge.

There are many doubts, doubting people and critical people amongst us who delight in deriding any project their grandfathers did not conceive. In a small community such as this I think it is a great pity that a lot of our very able people spend so much of their time and energy in criticism but very little in telling us and offering us ideas of improving the community. I would hope that persons who are critical of Council's work at this meeting will speak or write to their Councillors with their doubts and objections. Legislation can always be amended if it is shown to be wrong or that it can be made better by some adjustment. But we can only learn by people communicating with us - where we have, perhaps, made a mistake.

Finally, I would like to say a word about the Hon the Chief Secretary, Mr John Massingham. This is, I understand, his last Council here. I would like to say that I consider the Honourable Gentleman has been an able Councillor and a very able Chief Secretary, and I for one have enjoyed working with him. I would like to wish him every success and happiness in the future.

I beg to support the Motion for the adjournment.

/ S B Wallace

S B Wallace

Your Excellency, Honourable Members, the Hon Member for East Falkland has as usual managed to devastate my list of topics. I too feel that in this meeting we have begun to deal with matters which are of immediate concern to all of us here. We cannot, in the course of our development, bear still heavier burdens and at the same time allow absentee landlords and anonymous shareholders to live off the fat of our land. In this we have been extremely grateful for the advice of the Fiscal Adviser: that advice was certainly very helpful in the last few days and I am sure will continue to be so. There are many things which require attention. While we should direct notice to them, we should not be distracted by them from our aim to build a prosperous and vibrant community.

I will close my few words by saying thank you to the Chief Secretary for the phenomenal amount of work he has done in the relatively short time he has been here. I am certainly sorry to see him go. There has been a new sense of purpose evident in the Administration for some time which is, in my view, due entirely to his efforts. I wish him well in the future and I am sure that wherever he goes the good wishes of many people here go with him.

I beg to support the Motion.

T J D Miller

Your Excellency, most of the points that I wished to cover have already been very well stated.

However, I would like to refer briefly to the Philatelic Bureau. Stamps are very important to these Islands; I believe that the present policy is on the right lines but there is still, I think, room for some improvement. It is a pity that our Philatelic Bureau does not appear in any of the philatelic magazines, advertising its existence to further the sale of Falkland Islands stamps. I would hope that we should be able to rectify this in the future. Also, we now have stamp booklets on sale. The present one, I believe, will soon be going off sale as stocks are virtually sold out. I hope that plans are well advanced for printing another booklet with, say, a slightly different cover to encourage further sales. All this is honest philately and is perfectly legal so long as it is not overdone. Our stamps, as we all know, are virtually the second industry in these Islands and I think we should do all we can to increase their potential.

I also would like to add my support to the feelings expressed by my colleague the Member for East Falkland, to the Member opposite me, the Hon the Chief Secretary. We will all be sad to see him go and I know that since he has been here he has done a lot for these Islands and has done a lot of good work on our behalf with his contacts, in the Ministry for Overseas Development particularly.

Your Excellency, I support the Motion.

/N E Bowles

W E Bowles

Your Excellency, Honourable Members, I too would like briefly to concur with my colleagues to wish Mr Massingham every good wish and prosperity in the future. We are very grateful for what he has done, what he has triggered off, and I hope, too, that he will be able to hear of the aims and more of the work getting completed. I wish him well and every happiness in the future.

W H Goss

Your Excellency, Honourable Members, I think in the coming year we should seriously concentrate on development and diversification. In my mind if we meet with a major disaster with our farms - with our stock - with disease, anything like that, we would really be in a serious position. As we stand at the moment we've got all our eggs in one basket and if such happened the Colony would not be viable without a terrific amount of money being ploughed back in. And we must seriously think about another basket to put eggs in.

I would also like to add my appreciation to the Chief Secretary for the good work he has done here and I wish him all the best in the future.

I beg to support the Motion.

Financial Secretary

Your Excellency, I would like to pay tribute to the Legislative Council Members for participating this morning in a very useful seminar on our finances along with the Fiscal Adviser. We found this extremely useful and it has certainly been a great deal of help to us. Much will arise at the next meeting from this brief discussion we had this morning.

I would like to associate myself with the feelings expressed for the Chief Secretary. I have found him a wonderful colleague and I will miss him very much.

I support the Motion.

Chief Secretary

Sir, I shall endeavour to be as brief as my colleagues in speaking to my own Motion. I think I mentioned in the reply to the Address what a valuable opportunity it provides the Administration to quarry on all the ideas that Councillors lay before us, particularly in answering your Address, Sir. But in particular it is valuable because it provides one of the sustained opportunities for the senior members of the Administration to talk with Councillors, and we have all too few opportunities for that. I think I ought to add how very pleased I was that my colleague opposite, the Hon Member for the Camp, made reference to philately, because it is something in which we are taking a keener interest and he is right to draw attention to the fact

/that the Philatelic

that the Philatelic Bureau is not yet functioning as well as we could wish it to. But we are, of course, still awaiting the arrival of a specialist adviser to guide our footsteps in this new enterprise, and we have been promised help - it will be funded by the Ministry of Overseas Development, and the likely person to help us will either come from a retired person from a senior firm or from the Crown Agents. The stamp booklet has been a most encouraging development and, in fact, we got an order for no less than £2,300 worth the other day. And plans are in hand to issue a second one and I hope too for them to be issued continuously as a regular feature because, as the Hon Member himself stressed, this is a viable postal issue and it is not just a philatelic issue; it is a postage instrument - I think I've got my phrases right - and indeed I have suggested to the Postmaster that we should now think in terms of issuing a booklet containing 3p stamps for internal use in the Islands, because this is a gap in the present one.

Many generous things have been said, Sir, about me. I think that without disrespect, the Hon the Financial Secretary and myself are a part of a dying and extinct race and in spite of the preservation and conservation efforts that we make in the Falklands, I suppose that this Council will go the way of all others and official members will disappear. You asked not so very long ago, Sir, for indulgence on my behalf at my first meeting here, and that I received continuously from you and all the other Members in full measure. I shall look back with pride upon my membership of this Council, and if I am part of the dying race it would be nice to be classed with something as famous as dinosaurs and other famous monsters. I am most grateful to you, Sir, and to all my colleagues.

The President

Well, Honourable Members, we have now got through our Agenda in very good time without rushing through any of the work we had to do. I think it has been a very useful and valuable meeting. A good many ideas and comments have been put forward by Hon Members which will be useful guidelines for the Administration in the future. And if I might say so, on your behalf, I think that this Council gives a sound and wise lead to the Colony in all its affairs.

Now, perhaps, I might say something about the necessity for the Council occasionally to adjourn to go into Select Committee. It seems that we reach a point in our deliberations in this Chamber in full and open Government and then we suddenly disappear. I disappear more completely than anybody else because you reject my chairmanship on those occasions. Now the reason for this is that when we are dealing with Bills of some complexity, the formal procedure for this House, as laid down in our Standing Rules and Orders, would not easily allow the

/sort of detailed

sort of detailed point-by-point examination and explanation that some clause of the legislation require. If Members are to be completely satisfied they are giving their concurrence to these matters of major importance. If we were to take the matters in open committee of the whole House, which the Standing Rules and Orders would normally require us to do, we would either be at it for days, or would miss something of vital moment. In other words what we are doing in Select Committee is only what happens behind the Speaker's Chair, as it were, in the United Kingdom Parliament, when points of detail over Bills are thrashed out in the corridors and lobbies, the formal debate on them then taking place in the House committees.

Now this brings me to the point I seem always to be making at the end of the adjournment debates, and that is to ask if our procedures as laid down in the Rules are not too elaborate for so small a Parliament, meeting as infrequently as ours does. All these procedures were designed for a very much larger Parliament with many conflicting interests to reconcile, and meeting almost daily throughout the year. The Clerk and I and the Official Members do seem to go through quite a little pantomime every so often, even over Bills which are totally uncontroversial and procedural. Now without detracting in any way from the dignity of the House and its responsibilities, I am wondering whether we cannot devise a rather shorter and less archaic procedure for getting Bills passed through their first, second, committee, and third readings, and perhaps, if you will allow it, the Clerk will have discussions with our legal authorities and any Members who might wish to discuss this with him to see whether, in the light of other precedents, we can streamline things a bit.

When we adjourn today I should like to suggest to Members that they might like to accompany me on a tour of some of our construction projects to see what progress is being made and to assure ourselves that when we get to the road project we shall not all slip down into the football field, which I must say would be a most awkward thing, not only for our internal communications but also for the safety of the teams engaged in this season's Football League programme, all unaware of the terrible dangers hanging over their heads. Now I have done something which I said once I would not do sitting in this chair, and that's make a joke.

I should like to add to the tributes Hon Members have made to John Massingham, our Hon Chief Secretary, who will not be with us at our mid-winter Budget Session. Since the first Legislative Council meeting, when he was suddenly plunged into the business, he has done a first-class job in leading Government affairs during his tour of duty here. He arrived at, I think, a most difficult time for anyone to take over. We were just beginning to embark on

/our development

our development programme with an enormous amount of work to do in that connection. The Government had to be re-gearred to that effort and some parts of it were, at the time, in a very creaky state indeed. Much of what has been achieved since then, as I have seen, sitting where I do in Government House, has been due to the energy, tact and cheerfulness with which John Haddingham threw himself into his tasks. We owe a great debt to him and, as Hon Members have said, we are all sorry that his time here will shortly come to an end. And if I might echo the good wishes of fellow Councillors, we wish him well in the future.

I look forward to the resumption of Council at our next meeting, and meanwhile - in fact next week - I shall be embarking on "Endurance" for my annual tour of the rest of my parish, going first to South Georgia and then to our Antarctic bases at Faraday and Rothera in the Peninsula. We will just about, apparently, be able to get this programme in within the three weeks I shall be away, but it will unfortunately mean that I shall miss the West and East Falkland Sports this year and the pleasure of presenting my cups to the worthy winners of the Governor's events. I am hoping that I may be able to persuade the Hon the Chief Secretary as one of his last functions here, to present them on my behalf.

Thank you, Honourable Members, for the good work put in at this meeting, and I adjourn the Council sine die.

LEGISLATIVE COUNCIL

12th February, 1979.

QUESTIONS FOR WRITTEN REPLY

Question No. 1/79 by Hon. S. B. Wallace

"What measures are being taken to prevent animals straying into Stanley?"

Reply by Hon. Chief Secretary

The Agricultural Department try to ensure that, so far as is possible, fences on the Common are regularly checked and kept in repair. The Police Department and the Public Works Department have also been doing as much as they can to prevent cattle and horses straying in the town.

Unfortunately a number of animals may be entering Stanley mainly by the gateway leading to Sapper Hill where it would be impracticable to keep the gate closed during the day while work on the Darwin road is in progress. PWD are, however, trying to ensure, so far as it is possible, that this gateway is closed at all other times, and are examining the possibility of constructing a strong enough cattle grid at this point.

Straying cattle are a perennial problem. While Government will continue to do what it can to insulate the town from the Common, I must repeat a point made by my Hon. Predecessor in answer to a similar question eighteen months ago (7/77) that the responsibility in common law for the control of these animals rests with the cattle owners. It is their responsibility to ensure that their beasts do not stray and cause damage to another's property. Any person who suffers damage from a straying animal may sue its owner for the damage.

Question No. 2/79 by Hon. S. B. Wallace

"What advice was received following the Motion carried at the last meeting of Council regarding the quarantine period for dogs?"

Reply by Hon. Chief Secretary

While the Veterinary Officer was on leave he had discussions in Britain with the Ministry of Agriculture about all aspects of our Quarantine Regulations but notably about the period for which imported dogs ought to be held. Subsequently we received a visit at the end of October by Mr. Boyle, a Veterinary Officer of the Ministry of Agriculture, Fisheries and Food, and his Report is still awaited. When this is received the Veterinary Officer expects to be able to make recommendations to Government for the amendment of the existing Regulations to determine clearly the period of quarantine of all dogs according to their origin and source of importation.

Question No. 3/79 by Hon. C. B. Wallace

"What is the situation regarding the proposed improvements to the internal radio network?"

Reply by Hon. Chief Secretary

During the past year a total of 16 new single side-band transceivers have been installed on the remote and isolated islands, mainly in the far west at a cost of around £17,000. As well as markedly improving communications with those particular areas this has released a number of the old r/t sets which can be refurbished and used as replacements for the worst of the mainland installations. Equipment has been installed in conjunction with the r/t sets at Stanley and Fox Bay to enable connections to be made between the radio circuits and the respective telephone systems.

In response to public demand Government has introduced the necessary subsidiary legislation to permit the 2-metre amateur band to be used for limited social and business purposes as well as normal amateur activities. The object of this is to take full advantage of the relatively inexpensive equipment which is coming into wide use in the Colony. Government is in the process of acquiring similar equipment to enable tests to be carried out to establish the best site for the Stanley station and, eventually, to enable other licence holders to work into the Government r/t station if they are able and wish to do so. This will give those within VHF range direct access to the r/t station and through it to the Stanley telephone exchange. It will also enable Government to obtain practical experience of VHF before committing more extensive investment in, perhaps, a fully commercial system later on.

Government is taking into account that the FIC are planning a VHF network to link their farms with each other and with their Stanley Office.

Future improvements to internal telecommunications will inevitably involve considerable expenditure and it would be imprudent to embark on this before Government has had a chance to make a practical assessment of VHF capabilities on a Colony-wide basis. Meanwhile the broadly based R/T Committee which has had its terms of reference widened to enable it to make recommendations concerning lease rates for equipment provided by Government, licence fees and the level of subsidy, continues to advise Government on all aspects of possible improvements in the present system.

Question No. 4/79 by Hon. S. B. Wallace

"What explanation is offered by YPF for increasing the price of paraffin when the value of the Argentine peso continues to fall?"

Reply by Hon. Chief Secretary

The price of paraffin (Kerosene) and all other products supplied by YPF is governed by Section 12 of the Exchange of Notes of September 1974 on the Supply and Marketing in the Falkland Islands of Argentine Petroleum-based Products (YPF Agreement) which stipulates that:-

"The price of these products in Port Stanley shall be those in force on the Argentine Mainland".

Question No. 5/79 by Hon. S. B. Wallace

"When will Stanley Airport be opened officially, and what is causing the delay?"

Reply by Hon. Chief Secretary

The delay in the formal opening of Stanley Airport has been the result of difficulties in identifying either a suitable occasion or an appropriate person to perform the ceremony.

It is now hoped that the Airport can be opened at the end of April or in early May, during the expected visit of HMS "Ashanti". An appropriate announcement will be made in due course

Question No. 6/79 by Hon. D. S. Evans

"What arrangements are made to keep a periodical check on the outer uninhabited islands to make sure we haven't any unwelcome visitors? Is it true Forrest and FIGAS have instructions not to go there?"

Reply by Hon. Chief Secretary

I refer the Hon. Member to my reply to a similar Oral Question, No. 2/70, put to me by the Hon. Member for the Camp. The basis for the Hon. Member's second question is not understood, but if he is able to give the source for what appears to be misleading information, this will be looked in to.

Question No. 7/79 by Hon. D. S. Evans

"Could Government please give a list of all Government reserves and land in Camp with approximate acreages?"

Reply by Hon. Chief Secretary

The following are Crown Reserves so declared by the Land Ordinance or by the Governor in exercise of the power conferred on him by Section 21 of that Ordinance:

Iafonia, Bull Point	1,280 acres
West Cove Section 221 (map reference)	1,540 "
Pebble Island	160 "
Keppel Island, Bold Point	160 "
Row Island, Tigre Harbour	160 "
Stanley Harbour, Navy Point	145 "
South Jason and adjacent islets	
Flat Jason and adjacent islets	
Elephant Jason and adjacent islets	
North Fur and adjacent islets	
South Fur and adjacent islets	

Acreages of the last five named are not available.

The following are areas of Crown Land outside Stanley:

Arch Islands	600 acres
Albemarle	100 "
Hair Creek/Sparrow Cove	2,897 "
Mary Valley Farm	3,570 "
Gullet Creek Farm	4,521 "
Bird Island	
Kidney Island	
Cochon Island	
Dauchene Island	

Acreages of the last four named are not available.

Question No. 8/79 by Hon. D. S. Evans

"What steps have Government taken to implement recommendations made in the Horticultural report?"

Reply by Hon. Chief Secretary

Government have been unable to take any further steps towards implementing the recommendations made in the Horticultural Possibility Study prepared by Mrs. Margaret Davidson, for which we were grateful to her.

There are a number of contributory and inter-related reasons for this. Government submitted the Report for consideration by the specialist advisers at the Ministry of Overseas Development. Whilst they acknowledged that there is such useful information in the Study their overall view is probably best summed up in the phrase "We would need to be much more

convinced about long-term commercial viability of a market garden enterprise near Stanley". At about the same time that this cautious advice was received, the most promising potential site in Stanley was allocated for another project: the Stanley Dairy. Moreover, the report itself engendered little or no interest at the time of its distribution and Mr. and Mrs. Davidson themselves, who has originally shown interest in developing such a project near Stanley, had made arrangements to continue their enterprise at West Point Island. In all the circumstances, and with the continuing lack of professional staff in the Agricultural Department and the priority that has had to be given to other and more essential development projects, Government felt it was not possible to pursue this particular project for the time being.

Question No. 9/79 by Hon. D. S. Evans

"What steps are Government taking to try to ease the housing situation in Stanley?"

Reply by Hon. Chief Secretary

I refer the Hon. Member to my oral reply (No. 1/79) to the Hon. Member for Stanley West.

Question No. 10/79 by Hon. D. S. Evans

"As no satisfactory reply was given at the last Legco session I would like to ask again what is Government doing to introduce a more positive immigration policy?"

Reply by Hon. Chief Secretary

Government are discussing both with the Falkland Islands Sheep-owners' Association and with the Falkland Islands General Employees' Union the problems connected with the need for more work-people in stimulating the impetus of the economy, and ways in which these can be overcome. But one of the most severe constraints upon encouraging newcomers - at least in Stanley - continues to be the lack of housing. Until immigrants can be satisfactorily housed, it might be self-defeating to launch upon any concerted campaign to attract newcomers. Nevertheless, this is just one of the many reasons why Government is attaching so much importance to tackling the housing situation as a matter of urgency.

Question No. 11/79 by Hon. D. S. Evans

"Are there any airstrips left that are still considered suitable for the Islander aircraft?"

Reply by Hon. Chief Secretary

In his Report of September 1978 on Land Aerodromes in the Falkland Islands, Mr. R. J. Mainwright, a Senior Operations Officer of the Directorate of Operational Services Overseas at the Civil Aviation Authority, reported that there were seven aerodromes that can be used immediately: these are Port Stanley, Darwin, Chartres, Pebble Island, Fox Bay East, North Arm, and Salvador. He also

considered that regular use aerodromes can eventually be developed at, at least, a total of thirteen sites. The situation has in no way changed since Mr. Wainwright made his Report and certain aerodromes are therefore available for limited use now.

Question No. 12/79 by Hon. D. S. Evans

"What steps have Government taken to implement the request by Legislative Councillors that steps should be taken immediately to make sure that Government has the necessary legal power to acquire land for development along the first stage of the Islands road system?"

Reply by Hon. Chief Secretary

The Government is not yet ready to put forward proposals for the compulsory acquisition of land for development purposes. But it already has, under Section 31 of the Land Ordinance, sufficient powers to acquire any land that may be needed for what may be deemed a "public purpose".

Question No. 13/79 by Hon. D. S. Evans

"Are Government doing everything they can to make sure that the Green Patch scheme is implemented as soon as possible as this is extremely important?"

Reply by Hon. Chief Secretary

Government is well aware of the significance of this scheme for the future of the Colony. Negotiations are well advanced with the Falkland Islands Company for the purchase of Green Patch and, with the agreement of the Falkland Islands Sheeppowners' Association - whose help in this Government gratefully acknowledges - the Steering Committee for the implementation of the Scheme has been strengthened by the appointment of Mr. J. T. Clement as Executive Co-ordinating Member.

Question No. 14/79 by Hon. T. J. D. Miller

"When foreign fishing vessels are sighted close to the Falklands does M.V. Forrest visit and inspect the area to ensure that such vessels do not infringe our territorial limits? If not why does she not do so?"

Reply by Hon. Chief Secretary

M.V. Forrest is neither designed, equipped, manned, nor has the speed to assume the specialist task of a Fisheries Patrol Vessel. On the few occasions when Government has received reliable reports that foreign fishing vessels have been sighted reasonably close to the Falkland Islands it has therefore been judged unavailing to deploy the Forrest specifically in such a role. On her routine voyages about the Islands the vessel can, as I hope would others of our ships, keep an eye open for infringements of our territorial sea, at least so they can be

Question No. 15/79 by Hon. T. J. D. Miller

"Construction of the Darwin-Stanley section of the Colony road system is now to take longer than anticipated and will be more costly. Is it correct that the Falkland Islands Government's contribution to the project has been fixed at a maximum of £120,000?"

Reply by Hon. Chief Secretary

I can confirm that the Falkland Islands Government's contribution to the capital costs of this project has been fixed at £120,000.

Question No. 16/79 by Hon. T. J. D. Miller

"Will the Administration consider, in consultation with the Royal Marines, experimenting with the use of m.v. Forrest as a vehicle ferry across the Falkland Sound from time to time, for example during the February camp holiday and also before and after Christmas? It would be natural to charge a small fee per vehicle for such a service."

Reply by Hon. Chief Secretary

A preliminary assessment of this interesting suggestion indicates that it is more attractive than practicable. m.v. Forrest can only take one vehicle at a time on deck and to load vehicles in the hold would mean dismantling all the present hold fittings on each and every occasion that the vessel were used as a ferry. Such work, together with the inescapable costs of fuel oil, crew's wages, insurance, etc., would also mean that it would be necessary to charge a fee very much in excess of the "small" one that the Hon. Member had envisaged. Unloading the vehicles on East Falkland, at Brenton Loch or elsewhere, would also present difficulties. In the circumstances the matter is not being pursued further.



THE FALKLAND ISLANDS GAZETTE

PUBLISHED BY AUTHORITY

Vol. LXXXVIII

21 MARCH 1979

No. 4

Re-appointment

Peter Bernard Gilding, Teacher, Education Department, 21.2.79.

Completion of Contract

Robin William Montagu, Assistant Teacher, Education Department, 18.3.79.

Resignations

David George Hewitt, Engineman, Public Works Department (Electrical), 23.2.79.

Mrs. Darlene Valentina Darts, Clerk, Public Service, 15.3.79.

NOTICES

No. 13. 23rd February 1979.

Notice is hereby given that MR. AUGUSTO MIRANDA MANCILLA of Stanley is applying to the Home Secretary for naturalisation, and that any person who knows any reason why naturalisation should not be granted should send a written and signed statement of the facts to the Chief Secretary, Secretariat, Stanley.

Ref. LEG/10/19D.

No. 14. 28th February 1979.

Notification is hereby given that Her Majesty the Queen in Council has made the following Orders —

The Extradition (Genocide) (Amendment No. 2) Order 1978 (S.I. 1978/1886)

The Extradition (Hijacking) (Amendment) Order 1978 (S.I. 1978/1887)

The Extradition (Protection of Aircraft) (Amendment) Order 1978 (S.I. 1978/1888)

The Extradition (Tokyo Convention) (Amendment) Order 1978 (S.I. 1978/1889).

2. Copies of the amending Orders may be seen at the Chief Secretary's Office during normal office hours.

Ref. LEG/10/22D.

No 15. 13th March 1979.

With reference to the Instrument under the Public Seal of the Colony dated 17th February 1979 it is hereby notified that His Excellency the Governor returned to Stanley on Tuesday, 13th March, having departed on 20th February 1979 for the purpose of visiting the Dependencies and the British Antarctic Territory.

Ref. GOV/19/1.

No. 16. 20th March 1979.

Notification is given that Her Majesty the Queen in Council has made the following Order which is applicable to the Colony —

The Statute Law (Repeals) Act 1976 (Colonies) Order 1979 S.I. 1979 No. 111.

2. Copies of the Order may be seen at the Chief Secretary's Office during normal office hours.

Ref. LEG/10/40.

Maintenance Orders (Reciprocal Enforcement) Ordinance 1979

SECTIONS

1. Short title.
2. Interpretation.
3. Orders designating reciprocating countries.
4. Transmission of maintenance orders made in the Colony for enforcement in reciprocating country.
5. Power of Magistrate's Court or Summary Court to make provisional maintenance order against person residing in reciprocating country.
6. Variation and revocation of maintenance order made in the Colony.
7. Registration in Colony court of maintenance order made in reciprocating country.
8. Confirmation by Colony court of provisional maintenance order made in reciprocating country.
9. Enforcement of maintenance order registered in the Colony court.
10. Variation and revocation of maintenance order registered in the Colony.
11. Cancellation of registration and transfer of order.
12. Steps to be taken by the Governor where payer under certain orders is not residing in the Colony.
13. Appeals.
14. Admissibility of evidence given in reciprocating country.
15. Obtaining of evidence needed for purpose of certain proceedings.
16. Order, etc., made abroad need not be proved.
17. Payment of sums under orders made abroad: conversion of currency.
18. Application to certain orders and proceedings under the Maintenance Orders (Facilities for Enforcement) Ordinance.
19. Maintenance Orders registered in Supreme Court under the Maintenance Orders (Facilities for Enforcement) Ordinance.
20. Proceedings in Magistrate's Court or Summary Court.
21. Rules.
22. Repeal.

Assented to in Her Majesty's name this 19th day of March 1979.

J. R. W. PARKER,
Governor.



No. 1



1979

Colony of the Falkland Islands

IN THE TWENTY-EIGHTH YEAR OF THE REIGN OF
Her Majesty Queen Elizabeth II.

JAMES ROLAND WALTER PARKER, C.M.G., O.B.E.
Governor.

An Ordinance

To make provision for the reciprocal enforcement of maintenance orders. Title.

(21st March 1979)

ENACTED by the Legislature of the Colony of the Falkland Islands, as follows —

1. This Ordinance may be cited as the Maintenance Orders (Reciprocal Enforcement) Ordinance 1979. Short title.

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

“affiliation order” means an order (however described) adjudging, finding or declaring a person to be the father of a child, whether or not it also provides for the maintenance of the child;

“certificate of arrears”, in relation to a maintenance order, means a certificate certifying that the sum specified in the certificate is to the best of the information or belief of the officer giving the certificate the amount of the arrears due under the order at the date of the certificate, or, as the case may be, that to the best of his information or belief there are no arrears due thereunder at the date;

“certified copy”, in relation to an order of a court, means a copy of the order certified by the proper officer of the court to be a true copy;

“court” includes any tribunal or person having power to make, confirm, enforce, vary or revoke a maintenance order;

"maintenance order" means an order (however described) of any of the following descriptions, that is to say —

- (a) an order (including an affiliation order) which provides for the periodical payment of sums of money towards the maintenance of any person, being a person whom the person liable to make payments under the order is, according to the law applied in the place where the order was made, liable to maintain; and
- (b) an affiliation order which provides for the payment by a person adjudged, found or declared to be a child's father of expenses incidental to the child's birth or, where the child has died, of his funeral expenses,

and, in the case of a maintenance order which has been varied, means that order as varied;

"payee", in relation to a maintenance order, means the person entitled to the payments for which the order provides;

"payer", in relation to a maintenance order, means the person liable to make payments under the order;

"provisional order" means (according to the context) —

- (a) an order made by a court in the Colony which is provisional only and which has no effect unless and until confirmed, with or without alteration, by a competent court in a reciprocating country; or
- (b) an order made by a competent court in a reciprocating country which is provisional only and which has no effect unless and until confirmed, with or without alteration, by a court in the Colony having power under this Ordinance to confirm it;

"reciprocating country" means a country or territory designated in an order made by the Governor under section 3 of the Ordinance to the extent which it is so designated;

"registered order" means a maintenance order which is for the time being registered in a court in the Colony under this Ordinance;

"registering court", in relation to a registered order, means the court in which that order is for the time being registered under this Ordinance;

"the responsible authority", in relation to a reciprocating country, means any person who in that country has functions similar to those of the Governor under this Ordinance.

(2) For the purposes of this Ordinance an order shall be taken to be a maintenance order so far (but only so far) as it relates to the periodical payment of sums of money as mentioned in paragraph (a) of the definition of "maintenance order" in subsection (1) above or to the payment by a person adjudged, found or declared to be a child's father of any such expenses as are mentioned in paragraph (b) of that definition.

(3) Any reference in this Ordinance to the payment of money for the maintenance of a child shall be construed as including a reference to the payment of money for the child's education.

Orders designating
reciprocating countries.
1972 c. 18 s. 1.

3. (1) If the Governor is satisfied that, in the event of the benefits conferred by this Ordinance being applied to, or to particular classes of, maintenance orders made by the courts of any country or territory other than the Colony, similar benefits will in that country or territory be applied to, or to those classes of, maintenance orders made by the courts of the Colony, he may by Order-in-Council, designate that country or territory as a reciprocating country for the purposes of this Ordinance.

(2) A country or territory may be designated under subsection (1) above as a reciprocating country either as regards maintenance orders generally, or as regards maintenance orders other than those of any specified class, or as regards maintenance orders of one or more specified classes only; and a country or territory which is for the time being so designated otherwise than as regards maintenance orders generally shall for the purposes of this Ordinance be taken to be a reciprocating country only as regards maintenance orders of the class to which the designation extends.

4. (1) Subject to subsection (2) below, where the payer under a maintenance order made, whether before or after the commencement of this Ordinance, by a court in the Colony is residing in a reciprocating country, the payee under the order may apply for the order to be sent to that country for enforcement.

Transmission of maintenance order made in the Colony for enforcement in reciprocating country.

1972 c. 18 s. 2.

(2) Subsection (1) above shall not have effect in relation to a provisional order.

(3) Every application under this section shall be made in the prescribed manner to the prescribed officer of the court which made the maintenance order to which the application relates.

(4) If, on an application duly made under this section to the prescribed officer of a court in the Colony, that officer is satisfied that the payer under the maintenance order to which the application relates is residing in a reciprocating country, the following documents, that is to say —

- (a) a certified copy of the maintenance order;
- (b) a certificate signed by that officer certifying that the order is enforceable in the Colony;
- (c) a certificate of arrears;
- (d) a statement giving such information as the officer possesses as to the whereabouts of the payer;
- (e) a statement giving such information as the officer possesses for facilitating the identification of the payer; and
- (f) where available, a photograph of the payer,

shall be sent by that officer to the Governor with a view to their being transmitted by the Governor to the responsible authority in the reciprocating country if he is satisfied that the statement relating to the whereabouts of the payer gives sufficient information to justify that being done.

(5) Nothing in this section shall be taken as affecting any jurisdiction of a court in the Colony with respect to a maintenance order to which this section applies, and any such order may be enforced, varied or revoked accordingly.

5. (1) Where a complaint is made to the Magistrate's Court or a Summary Court against a person residing in a reciprocating country and the complaint is one of which such court would have jurisdiction by virtue of any enactment to make a maintenance order if —

- (a) that person were residing in the Colony;
- (b) a summons to appear before the court to answer to the complaint had been served on him,

such court shall have jurisdiction to hear the complaint and may, subject to subsection (2) below, make a maintenance order on the complaint.

(2) A maintenance order made by virtue of this section shall be a provisional order.

Power of Magistrate's Court or Summary Court to make provisional maintenance order against person residing in reciprocating country.

1972 c. 18 s. 3.

(3) If the court hearing a complaint to which subsection (1) above applies is satisfied —

- (a) that there are grounds on which a maintenance order containing a provision requiring the making of payments for the maintenance of a child may be made on that complaint; but
- (b) that it has no jurisdiction to make that order unless it also makes an order providing for the legal custody of that child, then, for the purpose of enabling such court to make the maintenance order, the complainant shall be deemed to be the person to whom the legal custody of that child has been committed by an order of such court which is for the time being in force.

(4) No enactment empowering the Magistrate's Court or a Summary Court to refuse to make an order on a complaint on the ground that the matter in question is one which would be more conveniently dealt with by the Supreme Court shall apply in relation to a complaint to which subsection (1) above applies.

(5) Where a court makes a maintenance order which is by virtue of this section a provisional order, the following documents, that is to say —

- (a) a certified copy of the maintenance order;
- (b) a document, authenticated in the prescribed manner, setting out or summarising the evidence given in the proceedings;
- (c) a certificate signed by the prescribed officer of the court certifying that the grounds stated in the certificate are the grounds on which the making of the order might have been opposed by the payer under the order;
- (d) a statement giving such information as was available to the court as to the whereabouts of the payer;
- (e) a statement giving such information as the officer possesses for facilitating the identification of the payer; and
- (f) where available, a photograph of the payer,

shall be sent by that officer to the Governor with a view to their being transmitted by the Governor to the responsible authority in the reciprocating country in which the payer is residing if he is satisfied that the statement relating to the whereabouts of the payer gives sufficient information to justify that being done.

(6) A maintenance order made by virtue of this section which has been confirmed by a competent court in a reciprocating country shall be treated for all purposes as if the Magistrate's Court or Summary Court which made the order had made it in the form in which it was confirmed and as if the order had never been a provisional order, and, subject to section 6 of this Ordinance, any such order may be enforced, varied or revoked accordingly.

Variation and revocation
of maintenance order
made in the Colony.
1972 c. 18 s. 5.

6. (1) This section applies to a maintenance order a certified copy of which has been sent to a reciprocating country in pursuance of section 4 of this Ordinance and to a maintenance order made by virtue of section 5 thereof which has been confirmed by a competent court in such country.

(2) A court in the Colony having power to vary a maintenance order to which this section applies shall have power to vary that order by a provisional order.

(3) Where the court hearing an application for the variation of a maintenance order to which this section applies proposes to vary it by increasing the rate of the payments under the order then, unless either —

- (a) both the payer and the payee under the order appear in the proceedings; or

(b) the applicant appears and the appropriate process has been duly served on the other party,
the order varying the order shall be a provisional order.

(4) Where a court in the Colony makes a provisional order varying a maintenance order to which this section applies, the prescribed officer of the court shall send in the prescribed manner to the court in a reciprocating country having power to confirm the provisional order a certified copy of the provisional order together with a document, authenticated in the prescribed manner, setting out or summarising the evidence given in the proceedings.

(5) Where a certified copy of a provisional order made by a court in a reciprocating country, being an order varying or revoking a maintenance order to which this section applies, together with a document, duly authenticated, setting out or summarising the evidence given in the proceedings in which the provisional order was made, is received by the court in the Colony which made the maintenance order, that court may confirm or refuse to confirm the provisional order and, if that order is an order varying the maintenance order, confirm it either without alteration or with such alterations as it thinks reasonable.

(6) For the purpose of determining whether a provisional order should be confirmed under subsection (5) above, the court shall proceed as if an application for the variation or revocation, as the case may be, of the maintenance orders in question, had been made to it.

(7) Where a maintenance order to which this section applies has been varied by an order (including a provisional order which has been confirmed) made by a court in the Colony or by a competent court in a reciprocating country, the maintenance order shall, as from the date on which the order was made, have effect as varied by that order and, where that order is a provisional order, as if that order had been made in the form it was confirmed, and as if it had never been a provisional order.

(8) Where a maintenance order to which this section applies has been revoked by an order made by a court in the Colony or by a competent court in a reciprocating country, including a provisional order made by the last-mentioned court which has been confirmed by a court in the Colony, the maintenance order shall, as from the date on which the order was made, be deemed to have ceased to have effect except as respects any arrears due under the maintenance order at that date.

(9) Where before a maintenance order made by virtue of section 5 of this Ordinance is confirmed a document, duly authenticated, setting out or summarising evidence taken in a reciprocating country for the purpose of proceedings relating to the confirmation of the order is received by the court in the Colony which made the order, or that court, in compliance with a request made to it by a court in such a country, takes the evidence of a person residing in the Colony for the purpose of such proceedings, the court in the Colony which made the order shall consider that evidence and if, having done so, it appears to it that the order ought not to have been made—

- (a) it shall, in such manner as may be prescribed, give the person on whose application the maintenance order was made an opportunity to consider that evidence, to make representations with respect to it and to adduce further evidence; and
- (b) after considering all evidence and any representations made by that person, it may revoke the maintenance order.

7. (1) This section applies to a maintenance order made, whether before or after the commencement of this Ordinance, by a court in a reciprocating country, including such an order made by

Registration in Colony
court of maintenance
order made in recipro-
cating country.
1972 c. 18 s. 6.

such a court which has been confirmed by a court in another reciprocating country but excluding a provisional order which has not been confirmed.

(2) Where a certified copy of an order to which this section applies is received by the Governor from the responsible authority in a reciprocating country, and it appears to the Governor that the payer under the order is residing in the Colony, he shall send the copy of the order to the prescribed officer of the appropriate court.

(3) Where the prescribed officer of the appropriate court receives from the Governor a certified copy of an order to which this section applies, he shall, subject to subsection (4) below, register the order in the prescribed manner in that court.

(4) Before registering an order under this section an officer of a court shall take such steps as he thinks fit for the purpose of ascertaining whether the payer under the order is residing within the Colony, and if after taking those steps he is satisfied that the payer is not so residing he shall return the certified copy of the order to the Governor with a statement giving such information as he possesses as to the whereabouts of the payer.

Confirmation by Colony
court of provisional main-
tenance order made in
reciprocating country.
1972 c. 18 s. 7.

8. (1) This section applies to a maintenance order made, whether before or after the commencement of this Ordinance, by a court in a reciprocating country being a provisional order.

(2) Where a certified copy of an order to which this section applies together with —

- (a) a document, duly authenticated, setting out or summarising the evidence given in the proceedings in which the order was made; and
- (b) a statement of the grounds on which the making of the order might have been opposed by the payer under the order,

is received by the Governor from the responsible authority in a reciprocating country, and it appears to the Governor that the payer under the order is residing in the Colony, he shall send the copy of the order and documents which accompanied it to the prescribed officer of the appropriate court, and that court shall —

- (i) if the payer under the order establishes any such defence as he might have raised in the proceedings in which the order was made, refuse to confirm the order; and
- (ii) in any other case, confirm the order either without alteration or with such alterations as it thinks reasonable.

(3) In any proceedings for the confirmation under this section of a provisional order, the statement received from the court which made the order of the grounds on which the making of the order might have been opposed by the payer under the order shall be conclusive evidence that the payer might have raised a defence on any of those grounds in the proceedings in which the order was made.

(4) For the purpose of determining whether a provisional order should be confirmed under this section the court shall proceed as if an application for a maintenance order against the payer under the provisional order had been made to it.

(5) The prescribed officer of a court having power under this section to confirm a provisional order shall, if the court confirms the order, register the order in the prescribed manner in that court, and shall, if the court refuses to confirm the order, return the certified copy of the order and the documents which accompanied it to the Governor.

(6) If a summons to appear in the proceedings for the confirmation of the provisional order cannot be duly served on the payer under that order the officer by whom the certified copy of the order

was received shall return that copy and the documents which accompanied it to the Governor with a statement giving such information as he possesses as to the whereabouts of the payer.

9. (1) Subject to subsection (2) below, a registered order may be enforced in the Colony as if it had been made by the registering court and as if that court had had jurisdiction to make it; and proceedings for or with respect to the enforcement of any such order may be taken accordingly.

Enforcement of maintenance order registered in the Colony court.
1972 c. 18 s. 8.

(2) Any person for the time being under an obligation to make payments in pursuance of a registered order shall give notice of any change of address to the prescribed officer of the court, and any person failing without reasonable excuse to give such notice shall be liable on summary conviction to a fine not exceeding £10.

(3) An order which by virtue of this section is enforceable by the Magistrate's Court or a Summary Court shall be enforceable as if it were an affiliation order made by such court; and the provisions of any enactment with respect to the enforcement of affiliation orders (including enactments relating to the accrual of arrears and the remission of sums due) shall apply accordingly.

(4) The Magistrate's Court or a Summary Court shall take all such steps for enforcing the order as may be prescribed.

(5) In any proceedings for or with respect to the enforcement of an order which is for the time being registered in any court a certificate of arrears sent to the prescribed officer of the court shall be evidence of the facts stated therein.

(6) Subject to subsection (7) below, sums of money payable under a registered order shall be payable in accordance with the order as from the date on which the order was made.

(7) The court having power under section 8 of this Ordinance to confirm a provisional order may, if it decides to confirm the order, direct that the sums of money payable under it shall be deemed to have been payable in accordance with the order as from such date, being a date later than the date on which the order was made, as it may specify; and subject to any such direction, a maintenance order registered under the said section 8 shall be treated as if it had been made in the form in which it was confirmed and as if it had never been a provisional order.

10. (1) Subject to the provisions of this section, the registering court —

Variation and revocation of maintenance order registered in the Colony.
1972 c. 18 s. 9.

- (a) shall have the like power, on an application made by the payer or payee under a registered order, to vary or revoke the order as if it had been made by the registering court and as if that court had had jurisdiction to make it; and
- (b) shall have power to vary or revoke a registered order by a provisional order.

(2) The registering court shall not vary a registered order otherwise than by a provisional order unless —

- (a) both the payer and the payee under the registered order are for the time being residing in the Colony; or
- (b) the application is made by the payee under the registered order; or
- (c) the variation consists of a reduction in the rate of the payments under the registered order and is made solely on the ground that there has been a change in the financial circumstances of the payer since the registered order was made or, in the case of an order registered under section 8 of this Ordinance, since the registered order was confirmed,

and the courts in the reciprocating country in which the maintenance order in question was made do not have power, according to the law in force in that country, to confirm provisional orders varying maintenance orders.

(3) The registering court shall not revoke a registered order otherwise than by a provisional order unless both the payer and the payee under the registered order are for the time being residing in the Colony.

(4) On an application for the revocation of a registered order the registering court shall, unless the payer and the payee under the registered order are for the time being residing in the Colony, apply the law applied by the reciprocating country in which the registered order was made; but where by virtue of this subsection the registering court is required to apply that law, that court may make a provisional order if it has reason to believe that the ground on which the application is made is a ground on which the order could be revoked according to the law applied by the reciprocating country, notwithstanding that it has not been established that it is such a ground.

(5) Where the registering court makes a provisional order varying or revoking a registered order the prescribed officer of the court shall send in the prescribed manner to the court in the reciprocating country which made the registered order a certified copy of the provisional order together with a document, authenticated in the prescribed manner, setting out or summarising the evidence given in the proceedings.

(6) Where a certified copy of a provisional order made by a court in a reciprocating country, being an order varying a registered order, together with a document, duly authenticated, setting out or summarising the evidence given in the proceedings in which the provisional order was made, is received by the registering court, that court may confirm the order either without alteration or with such alteration as it thinks reasonable or refuse to confirm the order.

(7) For the purpose of determining whether a provisional order should be confirmed under subsection (6) above the court shall proceed as if an application for the variation of the registered order had been made to it.

(8) Where a registered order has been varied by an order (including a provisional order which has been confirmed) made by a court in the Colony or by a competent court in a reciprocating country, the registered order shall, as from the date on which the order was made, have effect as varied by that order and, where that order was a provisional order, as if that order had been made in the form in which it was confirmed and as if it had never been a provisional order.

(9) Where a registered order has been revoked by an order made by a court in the Colony or by a competent court in a reciprocating country, including a provisional order made by the court in the Colony which has been confirmed by a competent court in a reciprocating country, the registered order shall, as from the date on which the order was made, be deemed to have ceased to have effect except as respects any arrears due under the registered order at that date.

(10) The prescribed officer of the registering court shall register in the prescribed manner any order varying a registered order other than a provisional order which is not confirmed.

11. (1) Where —

- (a) a registered order is revoked by an order made by the registering court; or

- (b) a registered order is revoked by a provisional order made by that court which has been confirmed by a court in a reciprocating country and notice of the confirmation is received by the registering court; or
- (c) a registered order is revoked by an order made by a court in such a country and notice of the revocation is received by the registering court,

the prescribed officer of the registering court shall cancel the registration; but any arrears due under the registered order at the date when its registration is cancelled by virtue of this subsection shall continue to be recoverable as if the registration had not been cancelled.

(2) Where the prescribed officer of the registering court is of opinion that the payer under a registered order has ceased to reside within the jurisdiction of that court, he shall cancel the registration of the order and shall send the certified copy of the order to the Governor.

12. (1) If it appears to the Governor that the payer under a maintenance order, a certified copy of which has been received by him from a reciprocating country, is not residing in the Colony, or, in the case of an order which subsequently became a registered order, has ceased to reside therein, he shall send to the responsible authority in that country or, if having regard to all the circumstances he thinks it proper to do so, to the responsible authority in another reciprocating country —

Steps to be taken by the Governor where payer under certain orders is not residing in the Colony.

1972 c. 18 s. 11.

- (a) the certified copy of the order in question and a certified copy of any order varying that order;
- (b) if the order has at any time been a registered order, a certificate of arrears signed by the prescribed officer;
- (c) a statement giving such information as the Governor possesses as to the whereabouts of the payer; and
- (d) any other relevant documents in his possession relating to the case.

(2) Where the documents mentioned in subsection (1) above are sent to the responsible authority in a reciprocating country other than that in which the order in question was made, the Governor shall inform the responsible authority in the reciprocating country in which that order was made of what he has done.

13. (1) No appeal shall lie from a provisional order made in pursuance of any provision of this Ordinance by a court in the Colony.

Appeals.

1972 c. 18 s. 12.

(2) Where in pursuance of any such provision any such court confirms or refuses to confirm a provisional order made by a court in a reciprocating country, whether a maintenance order or an order varying or revoking a maintenance order, the payer or payee under the maintenance order shall have the like right of appeal (if any) from the confirmation of, or refusal to confirm, the provisional order as he would have if that order were not a provisional order and the court which confirmed or refused to confirm it had made or, as the case may be, refused to make it.

(3) Where in pursuance of any such provision any such court makes, or refuses to make, an order varying or revoking a maintenance order made by a court in a reciprocating country then subject to subsection (1) above, the payer or payee under the maintenance order shall have the like right of appeal (if any) from that order or from the refusal to make it as he would have if the maintenance order had been made by the first-mentioned court.

(4) Nothing in this section (except subsection (1) above) shall be construed as affecting any right of appeal conferred by any other enactment.

Admissibility of evidence
given in reciprocating
country.

1972 c. 18 s. 13.

14. (1) A statement contained in —

- (a) a document, duly authenticated, which purports to set out or summarise evidence given in proceedings in a court in a reciprocating country; or
- (b) a document, duly authenticated, which purports to set out or summarise evidence taken in such a country for the purpose of proceedings in a court in the Colony under this Ordinance, whether in response to a request made by such a court or otherwise; or
- (c) a document, duly authenticated, which purports to have been received in evidence in proceedings in a court in such a country or to be a copy of a document so received,

shall in any proceedings in a court in the Colony relating to a maintenance order to which this Ordinance applies be admissible as evidence of any fact stated therein to the same extent as oral evidence of that fact is admissible in those proceedings.

(2) A document purporting to set out or summarise evidence given as mentioned in subsection (1) (a) above, or taken as mentioned in subsection (1) (b) above, shall be deemed to be duly authenticated for the purposes of that subsection if the document purports to be certified by the judge, magistrate or other person before whom the evidence was given, or, as the case may be, by whom it was taken, to be the original document containing or recording, or, as the case may be, summarising, that evidence or a true copy of that document.

(3) A document purporting to have been received in evidence as mentioned in subsection (1) (c) above, or to be a copy of a document so received, shall be deemed to be duly authenticated for the purposes of that subsection if the document purports to be certified by a judge, magistrate or officer of the court in question to have been, or to be a true copy of a document which has been, so received.

(4) It shall not be necessary in any such proceedings to prove the signature or official position of the person appearing to have given such a certificate.

(5) Nothing in this section shall prejudice the admission in evidence of any document which is admissible in evidence apart from this section.

Obtaining of evidence
needed for purpose of
certain proceedings.

1972 c. 18 s. 14.

15. (1) Where for the purpose of any proceedings in a court in a reciprocating country relating to a maintenance order to which this Ordinance applies a request is made by or on behalf of that court for the taking in the Colony of the evidence of a person residing therein relating to matters specified in the request, such court in the Colony as may be prescribed shall have power to take that evidence and, after giving notice of the time and place at which the evidence is to be taken to such persons and in such manner as it thinks fit, shall take the evidence in such manner as may be prescribed.

Evidence taken in compliance with such a request shall be sent in the prescribed manner by the prescribed officer of the court to the court in the reciprocating country by or on behalf of which the request was made.

(2) Where any person, not being the payer or the payee under the maintenance order to which the proceedings in question relate, is required by virtue of this section to give evidence before a court in the Colony, the court may order that there shall be paid such sums as appear to the court reasonably sufficient to compensate that person for the expense, trouble or loss of time properly incurred in or incidental to his attendance.

(3) Section 77 (1), (3) and (4) of the Magistrate's Court Act 1952 (which provides for compelling the attendance of witnesses, etc)

shall apply in relation to the Magistrate's Court or a Summary Court having power under subsection (1) above to take the evidence of any person as if the proceedings in the court in a reciprocating country for the purpose of which a request for the taking of the evidence has been made were proceedings in the Magistrate's Court or a Summary Court and had been begun by complaint.

(4) A court in the Colony may for the purpose of any proceedings in that court under this Ordinance relating to a maintenance order to which this Ordinance applies request a court in a reciprocating country to take or provide evidence relating to such matters as may be specified in the request and may remit the case to that court for that purpose.

16. For the purposes of this Ordinance, unless the contrary is shown —

- (a) any order made by a court in a reciprocating country purporting to bear the seal of that court or to be signed by any person in his capacity as a judge, magistrate or officer of the court, shall be deemed without further proof to have been duly sealed or, as the case may be, to have been signed by that person;
- (b) the person by whom the order was signed shall be deemed without further proof to have been a judge, magistrate or officer, as the case may be, of that court when he signed it and, in the case of an officer, to have been authorized to sign it; and
- (c) a document purporting to be a certified copy of an order made by a court in a reciprocating country shall be deemed without further proof to be such a copy.

Order, etc., made abroad
need not be proved.

1972 c. 18 s. 15.

17. (1) Payment of sums due under a registered order shall, while the order is registered in a court in the Colony, be made in such manner and to such person as may be prescribed.

Payment of sums under
orders made abroad;
conversion of currency.

1972 c. 18 s. 16.

(2) Where the sums required to be paid under a registered order are expressed in a currency other than the currency of the Colony, then, as from the relevant date, the order shall be treated as if it were an order requiring the payment of such sums in the currency of the Colony, as, on the basis of the rate of exchange prevailing at that date, are equivalent to the sums so required to be paid.

(3) Where the sum specified in the statement, being a statement of the amount of any arrears due under a maintenance order made by a court in a reciprocating country, is expressed in a currency other than the currency of the Colony, that sum shall be deemed to be such sum in the currency of the Colony, as, on the basis of the rate of exchange prevailing at the relevant date, is equivalent to the sum so specified.

(4) For the purpose of this section a written certificate purporting to be signed by the Financial Secretary certifying that a specified rate of exchange prevailed between currencies at a specified date and that at such rate a specified sum in the currency of the Colony is equivalent to a specified sum in another specified currency shall be evidence of the rate of exchange so prevailing on that date and of the equivalent sums in terms of the respective currencies.

(5) In this section "the relevant date" means —

- (a) in relation to a registered order or to a statement of arrears due under a maintenance order made by a court in a reciprocating country, the date on which the order first becomes a registered order or (if earlier) the date on which it is confirmed by a court in the Colony;
- (b) in relation to a registered order which has been varied, the date on which the last order varying that order is registered in a court in the Colony or (if earlier) the date on which the last order varying that order is confirmed by such a court.

Application to certain orders and proceedings under the Maintenance Orders (Facilities for Enforcement) Ordinance. (Cap. 42)

1972 c. 18 s. 24.

18. Where the Governor makes an order under section 3 of this Ordinance designating as a reciprocating country a country or territory to which, at the commencement of this Ordinance, the Maintenance Orders (Facilities for Enforcement) Ordinance as repealed by this Ordinance extended, that order may contain such provisions as the Governor considers expedient for the purposes of securing —

- (a) that the provisions of this Ordinance apply, subject to such modifications as may be specified in the order, to maintenance orders, or maintenance orders of a specified class —
 - (i) made by a court in the Colony against a person residing in that country or territory; or
 - (ii) made by a court in that country or territory against a person residing in the Colony,

being orders to which immediately before the date of the coming into operation of the order of the said Ordinance applied, except any order which immediately before that date is registered in the Supreme Court;

- (b) that any maintenance order, or maintenance order of a specified class, made by a court in that country or territory which has been confirmed by a court in the Colony under section 6 of the said Ordinance and is in force immediately before that date is registered under section 8 of this Ordinance;
- (c) that any proceedings brought under or by virtue of a provision of the said Ordinance in a court in the Colony which are pending at the date, being proceedings affecting a person resident in that country or territory, are continued as if they had been brought under or by virtue of the corresponding provision of this Ordinance.

Maintenance orders registered in Supreme Court under the Maintenance Orders (Facilities for Enforcement) Ordinance.

1972 c. 18 s. 23.

19. (1) Where a country or territory, being a country or territory to which at the commencement of this Ordinance the Maintenance Orders (Facilities for Enforcement) Ordinance extended, becomes a reciprocating country, then, if immediately before the said Ordinance was repealed any maintenance order made by a court in that country or territory was registered in the Supreme Court, the Supreme Court may, on application by the payer or the payee under the order or of its own motion, transfer the order to the Magistrate's Court or a Summary Court for all the circumstances it thinks appropriate, with a view to the order being registered in the Magistrate's Court or a Summary Court under this Ordinance.

(2) Where the Supreme Court transfers an order to the Magistrate's Court or a Summary Court under this section it shall —

- (a) cause a certified copy of the order to be sent to the prescribed officer of that court; and
- (b) cancel the registration of the order in the Supreme Court.

(3) The prescribed officer of the Magistrate's Court or a Summary Court on receiving a certified copy of an order sent to him under this section shall register the order in the prescribed manner in that court.

Proceedings in Magistrate's Court or a Summary Court.

1972 c. 18 s. 17.

20. (1) Subject to subsection (2) below, the proceedings which are domestic proceedings within the meaning of the Magistrate's Court Act 1952 shall include all proceedings in a Magistrate's Court or a Summary Court under this Ordinance other than proceedings for the variation or enforcement of a maintenance order.

(2) The Magistrate's Court or a Summary Court on hearing any proceedings for the variation of a maintenance order to which this Ordinance applies may, if it thinks fit, order that those proceedings and any other proceedings being heard therewith shall be treated for the purposes of the said Act of 1952 as domestic proceedings.

(3) The said Act of 1952 shall have effect in accordance with subsections (1) and (2) above notwithstanding anything in subsection (1) of section 56 thereof.

(4) Any application which by virtue of a provision of this Ordinance is made to the Magistrate's Court or a Summary Court shall be made by complaint.

(5) Where the defendant to a complaint for the variation or revocation —

- (a) of a maintenance order made by the Magistrate's Court or a Summary Court being an order to which section 6 of this Ordinance applies; or
- (b) of a registered order,

does not appear at the time and place appointed for the hearing of the complaint, but the court is satisfied that the defendant is residing in a reciprocating country, the court may proceed to hear and determine the complaint at the time and place appointed for the hearing or for any adjourned hearing in like manner as if the defendant had appeared at that time and place.

21. The Governor in Council may make rules generally for the carrying out of the purposes or provisions of this Ordinance or any matters incidental or consequential thereto as may appear to him to be necessary and without prejudice to the generality of the foregoing rules may be made for any of the following purposes —

Rules.
1972 c. 18 s. 18.

- (a) the orders made, or other things done, by the Magistrate's Court or a Summary Court, or an officer of such court, under this Ordinance, or by a court in a reciprocating country, notice of which is to be given to such persons as the rules may provide and the manner in which such notice shall be given;
- (b) the cases and manner in which courts in reciprocating countries are to be informed of orders made, or other things done; by the Magistrate's Court or a Summary Court under this Ordinance;
- (c) the cases and manner in which a prescribed officer may take evidence needed for the purpose of proceedings in a court in a reciprocating country relating to a maintenance order to which this Ordinance applies;
- (d) the circumstances and manner in which cases may be remitted by the Magistrate's Court or a Summary Court to courts in reciprocating countries;
- (e) the circumstances and manner in which the Magistrates Court or a Summary Court may for the purpose of this Ordinance communicate with courts in reciprocating countries.

22. The Maintenance Orders (Facilities for Enforcement) Ordinance is repealed.

Repeal.
(Cap. 42)

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.

W. A. ETHERIDGE,
Clerk of Councils.

Ref. LEG/10/34.

Assented to in Her Majesty's name this 19th day of March 1979.

J. R. W. PARKER,
Governor.



No. 2



1979

Colony of the Falkland Islands

IN THE TWENTY-EIGHTH YEAR OF THE REIGN OF

Her Majesty Queen Elizabeth II.

JAMES ROLAND WALTER PARKER, C.M.G., O.B.E.
Governor.

An Ordinance

Title.

Further to amend the Stanley Rates
Ordinance 1973.

Date of commencement.

(21st March 1979)

ENACTED by the Legislature of the Colony of the Falkland Islands, as follows —

Short title.

1. This Ordinance may be cited as the Stanley Rates (Amendment) Ordinance 1979.

Amendment of section 7.
(5 of 1973)

2. Section 7 of the principal Ordinance is amended —

- (a) in the proviso to paragraph (c) by deleting the full stop at the end thereof and substituting a semicolon; and
- (b) by adding the following new paragraph —
“(d) The church buildings known as the Parish Hall, St. Mary's Hall and St. Mary's Annexe.”.

Repeal and replacement of
section 11.

3. Section 11 of the principal Ordinance is repealed and replaced by the following —

“When rate
payable.

11. Every rate shall be due on the 1st day of July and must be paid before the 1st day of October in the year in respect of which such general rate is made.”.

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.

W. A. ETHERIDGE,
Clerk of Councils.

Ref. TRE/2/20.

Assented to in Her Majesty's name this 19th day of March 1979.

J. R. W. PARKER,
Governor.

LS

No. 3



1979

Colony of the Falkland Islands

IN THE TWENTY-EIGHTH YEAR OF THE REIGN OF
Her Majesty Queen Elizabeth II.

JAMES ROLAND WALTER PARKER, C.M.G., O.B.E.
Governor.

An Ordinance

Further to amend the Christ Church Trust Ordinance.

Title.

(21st March 1979)

Date of commencement.

ENACTED by the Legislature of the Colony of the Falkland Islands, as follows —

1. This Ordinance may be cited as the Christ Church Trust (Amendment) Ordinance 1979. Short title.
2. The preamble to the principal Ordinance is amended by inserting after "1974", the following —
"and further amended and re-published on the 1st day of October 1978,". Amendment of preamble.
(Cap. 9)
3. Section 2 of the principal Ordinance is amended by deleting "clause 5 of the said New Constitution" and substituting the following —
"clause 6 of the said amended New Constitution". Amendment of section 2.

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.

W. A. ETHERIDGE,
Clerk of Councils.

Ref. INT/39/2.

Loans Ordinance 1979

Arrangement of Sections

Section

- 1 Short title and commencement
- 2 Interpretation
- 3 Authority to raise loans
- 4 Mode of raising loans
- 5 Advance subscriptions to loans
- 6 Loans to be charge upon general revenues
- 7 Issue of stocks
- 8 Register of stocks
- 9 Stock certificates
- 10 Transfer of stock
- 11 Payment of interest
- 12 Redemption of stock
- 13 Interest to be charge upon general revenues
- 14 Creation of Sinking Fund
- 15 Exemption from stamp duty
- 16 Stock authorized investment for trust funds
- 17 Regulations

Assented to in Her Majesty's name this 14th day of February 1979.

J. R. W. PARKER,
Governor.



No. 4



1979

Colony of the Falkland Islands

IN THE TWENTY-EIGHTH YEAR OF THE REIGN OF
Her Majesty Queen Elizabeth II.
JAMES ROLAND WALTER PARKER, C.M.G., O.B.E.
Governor.

An Ordinance

To make provision for the raising of
loans and for matters connected therewith.

Title.

(14th February 1979)

Date of commencement.

ENACTED by the Legislature of the Colony of the Falkland Islands, as follows —

1. This Ordinance may be cited as the Loans Ordinance 1979 and shall come into operation on the 14th day of February 1979.

Short title and commencement.

2. In this Ordinance unless the context otherwise requires—
“loan” means any loan issued under the provisions of this Ordinance;

Interpretation.

“register” means any book kept by the registering authority under the provisions of this Ordinance;

“registering authority” means the Treasury, the Crown Agents or any other agent appointed by the Financial Secretary;

“stock” means any stock issued under the provisions of this Ordinance and any share or interest in such stock;

“stockholder” means any person holding stock and entered as owner thereof in the register.

3. (1) The Financial Secretary may, subject to the provisions of this Ordinance, raise internally or externally loans of such sums of money as the Legislative Council may from time to time authorize by resolution, together with such further sums as are necessary to defray the expense of issue.

Authority to raise loans.

(2) Any moneys borrowed under the provisions of this Ordinance, shall be applied for the purposes specified in the authorizing resolution.

- Mode of raising loans. 4. Loans may be raised —
 (a) by the creation and issue of registered or inscribed stock;
 (b) from Her Majesty's Government in the United Kingdom;
 (c) in such other manner as the Financial Secretary may decide.
- Advance subscriptions to loans. 5. Advance subscriptions may be taken on such terms and conditions as may be specified by the Financial Secretary once the raising of the loan is authorized.
- Loans to be charge upon general revenues. 6. The principal moneys and interest represented by loans issued under the provisions of this Ordinance are hereby charged upon and payable out of the general revenues of the Colony.
- Issue of stocks. 7. Falkland Islands stocks may from time to time be issued in the Falkland Islands or elsewhere upon the best and most favourable terms that can be obtained and to such amounts and on such conditions as the Financial Secretary may direct.
- Register of stocks. 8. (1) A register shall be kept in which —
 (a) all stock issues shall be registered or, in the case of inscribed stock, inscribed;
 (b) all transfers, transmissions and other dealings in such stock shall be registered.
 (2) The register shall be prima facie evidence of title of any person to any stock of which he is entered as stockholder.
 (3) the register shall be kept by the Treasury, the Crown Agents or any other appointed agent.
- Stock certificates. 9. Stock certificates shall be sent to the stockholder showing that stock to the value shown therein has been registered in the name of the stockholder. A stock certificate is prima facie evidence of title to the stock specified therein.
- Transfer of stock. 10. Stock may be transferred by an instrument of transfer approved by the Financial Secretary and shall be supported by the production to the registering authority of the original or a certified true copy of the stock certificate. If the registering authority is satisfied that the transfer is in order the name of the new stockholder shall be entered in the register.
- Payment of interest. 11. Interest shall be payable annually or half yearly as specified when the stock is issued at the rate fixed at the time of issue.
- Redemption of stock. 12. (1) Stock shall be redeemable at par on the date named when the stock is issued and no interest shall be payable after that date.
 (2) Stock may be redeemed before maturity provided that provision for this is made when the stock is issued.
- Interest to be charge upon general revenues. 13. So long as any portion of any loan remains outstanding the general revenues of the Colony shall be liable to pay the current annual or half year's interest.
- Creation of Sinking Fund. 14. (1) Such amount of money as is required shall be taken from the general revenues of the Colony to create in each year a Sinking Fund to the amount specified in the prospectus.
 (2) The money in question shall be invested in the Colony, by the Crown Agents or other appointed agents in such manner as is approved by the Financial Secretary, and the dividends, interest or produce of such investment shall also be invested in like manner.
 (3) Investments on behalf of the Sinking Fund may be changed with the approval of the Financial Secretary. Investments in the Colony may not exceed 30 per centum of the total amount of the Sinking Fund at any one time.

(4) The Sinking Fund may be used for the redemption of stock by purchase. Any balance remaining after such redemption shall be credited to the Sinking Fund.

(5) If the Sinking Fund is insufficient, at the time of maturity of the loan, to redeem the loan in full, any balance shall be made good out of the general revenues of the Colony.

15. No stamp duty shall be payable on the issue or transfer of stock. Exemption from stamp duty.

16. Falkland Islands stock shall be an authorized investment for trust funds. Stock authorized investment for trust funds.

17. The Governor in Council may make such regulations as may be necessary for the carrying out of the provisions of this Ordinance. Regulations.

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.

W. A. ETHERIDGE,
Clerk of Councils.

Ref. TRE/10/8.

Assented to in Her Majesty's name this 19th day of March 1979.

J. R. W. PARKER,
Governor.

LS

No. 5



1979

Colony of the Falkland Islands

IN THE TWENTY-EIGHTH YEAR OF THE REIGN OF
Her Majesty Queen Elizabeth II.
JAMES ROLAND WALTER PARKER, C.M.G., O.B.E.
Governor.

An Ordinance

Title. **To amend the Pensions Ordinance to
provide for pensions to widows and children.**

Date of commencement. *(1st July 1977)*

ENACTED by the Legislature of the Colony of the Falkland
Islands, as follows —

Short title. **1. This Ordinance may be cited as the Pensions (Amendment)
Ordinance 1979.**

Insertion of new heading
"Part I". **2. The principal Ordinance is amended by inserting before
section 1 the following new heading —
"PART I"**

Addition of new "Part II".
6 of 1965. **3. The principal Ordinance is amended by adding after section
18 the following new Part —
"PART II
WIDOWS' AND CHILDREN'S PENSIONS**

Pensions
payable to
widow and
children of
a male
pensioner
or pensionable
officer.

**18A. (1) On the death of a male pensioner, or of
a male pensionable officer who has completed ten
years' pensionable service, there shall be paid to his
dependants (if any), a pension as set out in the
following provisions of this section based on the
amount of the pension he was drawing at the date of
his death, or, as the case may be, that he would have
been entitled to at the date of his death had he been
retired in circumstances in which he would have been
entitled to retire with a pension.**

(2) If the male pensioner or pensionable officer leaves a widow but no children, the widow shall be entitled to one-half of his pension or, as the case may be, the pension to which he would have been entitled, until her re-marriage or death.

(3) If the male pensioner or pensionable officer leaves a widow and children by such widow or by a previous wife, the widow shall be entitled until her re-marriage or death to one-half of the amount of his pension or, as the case may be, the pension to which he would have been entitled, and the children shall be entitled to pensions in the following proportions, that is to say—

- (a) if three in number, or less, then each shall receive one-sixth of his pension or, as the case may be, the pension to which he would have been entitled; or
- (b) if more than three, then one-half of such pension shall be divided equally among the children:

Provided that where a male pensioner or pensionable officer dies leaving a widow and children by the widow or by a previous wife, it shall be lawful for the Governor either in the first instance or at any time while pensions are payable to the children, to direct the payment to the widow of part only of such pensions and to direct the payment of the balance of such pensions for or towards the maintenance of the children in such manner as the Governor thinks fit.

(4) If the male pensioner or pensionable officer leaves children and no widow such children shall be entitled to pensions in the following proportions, that is to say—

- (a) if three in number, or less, then each shall receive one-third of his pension or, as the case may be, the pension to which he would have been entitled; or
- (b) if more than three, then such pension shall be divided equally among the children.

Pensions payable to children of a female pensioner or pensionable officer.

18B. (1) On the death of a female pensioner, or of a female pensionable officer who has completed ten years' pensionable service, there shall be paid to her children (if any), who were wholly or mainly dependent on her for support, a pension as set out in the following provisions of this section based on the amount of the pension she was drawing at the date of her death, or, as the case may be, that she would have been entitled to at the date of her death had she been retired in circumstances in which she would have been entitled to retire with a pension.

(2) If the female pensioner or pensionable officer leaves children such children shall be entitled to pensions in the following proportions, that is to say—

- (a) if three in number, or less, then each shall receive one-third of her pension, or as the case may be, the pension to which she would have been entitled; or
- (b) if more than three, then such pension shall be divided equally among the children.

Payment and
administration
of children's
pensions.

18C. In all cases of children's pension under this Ordinance, the whole or any part of such pension may be paid either to the parent, or to the legal guardian of such children, or to the children, or to such person or persons as the Governor may in his discretion consider to be fit and proper persons, to apply the same for the benefit of such children, and after such payment the Government of the Colony shall be free of all responsibility in respect of such payment.

Cessation of
payment of
children's
pensions.

18D. Any pension to children shall cease on their attaining the age of seventeen years.

Non-entitlement
of widow
married to
officer over
sixty years
of age, etc., to
pension.

18E. No widow of an officer whose marriage is contracted with him after he has attained the age of sixty years or after he has left the public service, whichever of those events first happens, and no issue of such marriage, shall be entitled to a pension under this Part.

Commencement
and application
of Part II.

18F. This Part of this Ordinance shall be deemed to have effect from the 1st July 1977 and the provisions thereof shall apply to all officers in the public service under the Government of the Colony on or after the said date."

Insertion of new heading
"PART III".

4. The principal Ordinance is amended by inserting after section 18F the following new heading —

"PART III
GENERAL".

Addition of new section
19A.

5. The principal Ordinance is amended by adding, after section 19, the following new section —

"Prohibition
against double
pensions.

19A. Not more than one pension under this Ordinance shall be payable to or in respect of any one person."

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.

W. A. ETHERIDGE,
Clerk of Councils.

Ref. TRE/10/3.

Assented to in Her Majesty's name this 26th day of January 1979.

J. R. W. PARKER,
Governor.



No. DS 1



1979

Falkland Islands Dependencies

IN THE TWENTY-SEVENTH YEAR OF THE REIGN OF
Her Majesty Queen Elizabeth II.
JAMES ROLAND WALTER PARKER, C.M.G., O.B.E.
Governor.

An Ordinance To amend the Income Tax Ordinance.

(1st January 1979)

WHEREAS the Income Tax Ordinance, an Ordinance of the Colony of the Falkland Islands, applies to the Dependencies of the Colony of the Falkland Islands by virtue of subsection (1) of section 6 of the Application of Colony Laws Ordinance:

AND WHEREAS it is desirous to amend the said Ordinance in its application to the Dependencies of the Colony of the Falkland Islands:

ENACTED for the Dependencies of the Colony of the Falkland Islands by the Governor of the Colony of the Falkland Islands and the Dependencies thereof, as follows —

1. This Ordinance may be cited as the Income Tax (Amendment) Ordinance 1979, and shall apply to assessments for the year of assessment commencing on the 1st day of January 1979 and to the subsequent years of assessment.

2. Section 21 of the Income Tax Ordinance is amended in subsection (1) by deleting from "On every" to "50 per cent" and substituting the following —

"On every pound of —

the first £3,000 ...	...	15 per cent
the remainder ...	...	20 per cent."

Promulgated by the Governor on the 26th day of January 1979.

JOHN MASSINGHAM,
Chief Secretary.

Ref. LEG/10/37.

Title.

Date of commencement.

Preamble.

Cap. 1 D.S.

Short title and commencement.

Amendment of section 21.
Cap. 32.

No. DS 2

1979



Falkland Islands Dependencies

IN THE TWENTY-EIGHTH YEAR OF THE REIGN OF

Her Majesty Queen Elizabeth II.

JAMES ROLAND WALTER PARKER, C.M.G., O.B.E.

Governor.

An Ordinance

Title.

To legalise certain payments made in the year 1974/75 in excess of the Expenditure sanctioned by Ordinance No. DS 4 of 1974.

Preamble.

WHEREAS it is expedient to make further provision for the service of the Falkland Islands Dependencies for the period first day of July 1974 to the thirtieth day of June 1975.

ENACTED for the Dependencies of the Colony of the Falkland Islands by the Governor of the Colony of the Falkland Islands and the Dependencies thereof, as follows —

Short title.

1. This Ordinance may be cited for all purposes as the Supplementary Appropriation (Dependencies) (1974/75) Ordinance 1979.

Appropriation of excess expenditure for the period 1st July 1974 to 30th June 1975.

2. The sums of money set forth in the Schedule hereto having been expended for the services therein mentioned beyond the amounts granted for those services by the Ordinance providing for the service for the period first day of July 1974 to the thirtieth day of June 1975, the same are hereby declared to have been duly laid out and expended for the service of the Dependencies in that period, and are hereby approved, allowed and granted in addition to the sum mentioned for those services in the said Ordinance.

Schedule.

SCHEDULE

Head of Service				Amount
South Georgia Expenditure				
A.	Personal Emoluments	...	...	81
B.	Other Charges	...	...	3,961
				£ 4,042

Enacted this 19th day of March 1979.

J. R. W. PARKER,
Governor.



No. DS 3

1979



Falkland Islands Dependencies

IN THE TWENTY-EIGHTH YEAR OF THE REIGN OF
Her Majesty Queen Elizabeth II.
JAMES ROLAND WALTER PARKER, C.M.G., O.B.E.
Governor.

An Ordinance

To legalise certain payments made in the year 1977/78 in excess of the expenditure sanctioned by Ordinance No. DS 4 of 1977.

Title.

WHEREAS it is expedient to make further provision for the service of the Falkland Islands Dependencies for the period first day of July 1977 to the thirtieth day of June 1978.

Preamble.

ENACTED for the Dependencies of the Colony of the Falkland Islands by the Governor of the Colony of the Falkland Islands and the Dependencies thereof, as follows —

1. This Ordinance may be cited for all purposes as the Supplementary Appropriation (Dependencies) (1977-78) Ordinance 1979.

Short title.

2. The sums of money set forth in the Schedule hereto having been expended for the services therein mentioned beyond the amounts granted for those services by the Ordinance providing for the service for the period first day of July 1977 to the thirtieth day of June 1978, the same are hereby declared to have been duly laid out and expended for the service of the Dependencies in that period, and are hereby approved, allowed and granted in addition to the sum mentioned for those services in the said Ordinance.

Appropriation of excess expenditure for the period 1st July 1977 to 30th June 1978.

SCHEDULE

Schedule.

Head of Service	Amount
South Georgia Expenditure	
B. Other Charges	22,395
	£ 22,395

Enacted this 19th day of March 1979.

J. R. W. PARKER,
Governor.



No. DS 4

1979



Falkland Islands Dependencies

IN THE TWENTY-EIGHTH YEAR OF THE REIGN OF
Her Majesty Queen Elizabeth II.
JAMES ROLAND WALTER PARKER, C.M.G., O.B.E.
Governor.

An Ordinance

Title.

To provide for the service between the first day of July 1978 and the thirtieth day of June 1979.

Date of commencement.

(1st July 1978)

ENACTED for the Dependencies of the Colony of the Falkland Islands by the Governor of the Colony of the Falkland Islands and the Dependencies thereof, as follows —

Short title.

1. This Ordinance may be cited for all purposes as the Appropriation (Dependencies) (1978-79) Ordinance 1979.

Appropriation of £93,685 for the service of the year ending 30th June 1979.

2. The Governor may cause to be issued out of Public Revenue and other funds of the Dependencies and applied to the service of the period ending the thirtieth day of June 1979 a sum not exceeding Ninety-three thousand, six hundred and eighty-five pounds which sum is granted and shall be appropriated for the purposes and to defray the charges of the several services expressed and particularly mentioned in the Schedule hereto which will come in course of payment during the period from the first day of July 1978 to the thirtieth day of June 1979.

Schedule.

SCHEDULE

Head of Service					Amount
A.	Personal Emoluments	...	...	...	690
B.	Other Charges	...	...	...	42,995
C.	Special Expenditure	...	...	...	50,000
Total Expenditure					£ 93,685

Enacted this 19th day of March 1979.

J. R. W. PARKER,
Governor.



PROTECTION OF WRECKS ORDINANCE 1977
(No. 12 of 1977)

Protection of Wrecks (Designation) Order 1979

No. 1 of 1979.

IN EXERCISE of the powers conferred by section 3 (1) of the Protection of Wrecks Ordinance 1977 the Governor's Deputy has made the following order —

1. This order may be cited as the Protection of Wrecks (Designation) Order 1979. Citation.

2. An area within 100 yards of the centre of the site of the vessel Capricorn lying wrecked in Stanley Harbour, Falkland Islands, is hereby designated as a restricted area within the meaning of section 3 of the Protection of Wrecks Ordinance 1977. Designation of restricted area.

By Command,

D. R. MORRISON,
for Chief Secretary.

23rd February 1979.

Ref. LEG/10/45.

Evidence (Proceedings in Other Jurisdictions) Act 1975
(1975 c. 34)

ORDER

(under section 10 (3) of the Act)

No. 2 of 1979.

J. R. W. PARKER,
Governor.

IN EXERCISE of the powers conferred by section 10 (3) of the Evidence (Proceedings in Other Jurisdictions) Act 1975 and the Evidence (Proceedings in Other Jurisdictions) (Falkland Islands and Dependencies) Order 1978, the Governor with the approval of the Secretary of State, has made the following order — 1975 c. 34 S.I. 1891 of 1978.

1. This order may be cited as the Evidence (Proceedings in Other Jurisdictions) Act 1975 (Commencement) Order 1979.

2. The said Act shall come into force on 21st March 1979 for the purposes of sections 1 to 3 and 5 to 10 of, and Schedules 1 and 2 to, the said Act, with the exceptions, adaptations and modifications specified in the Schedule to the said Order.

By Command,

J. D. MASSINGHAM,
Chief Secretary.

19th March 1979.

EXPLANATORY NOTE

(This Note is not part of the Order)

This Order provides that the Evidence (Proceedings in Other Jurisdictions) Act 1975 shall come into force on 21st March 1979 for the purposes of all such provisions thereof as have by Order of Her Majesty the Queen in Council been extended to the Colony and its Dependencies.

Ref. LEG/10/46.

WIRELESS TELEGRAPHY ORDINANCE
(Chapter 78)

Wireless Telegraphy (Amendment) Regulations 1979

No. 1 of 1979.

J. R. W. PARKER
Governor.

IN EXERCISE of the powers conferred by section 4 of the Wireless Telegraphy Ordinance, the Governor in Council has made the following regulations —

Citation and commencement.

1. These regulations may be cited as the Wireless Telegraphy (Amendment) Regulations 1979, and shall be deemed to have come into operation on the 1st day of January 1979.

Amendment of regulation 10.
Cap. 78 sub. leg.

2. Regulation 10 of the principal regulations is amended by —
(a) deleting the full stop at the end of paragraph (vi) and substituting a semicolon; and
(b) by inserting after paragraph (vi) the following new paragraph —
“(vii) in the form of Schedule 1 c for a special 2-metre band licence.”.

Amendment of regulation 11.

3. Regulation 11 of the principal regulations is amended by —
(a) deleting the full stop at the end of paragraph (vii) and substituting a semicolon; and
(b) by inserting after paragraph (vii) the following new paragraph —
“(viii) five pounds for a special 2-metre band licence.”.

Addition of new Schedule 1c.

4. The principal regulations are amended by the addition after Schedule 1b of the following new Schedule —

“SCHEDULE 1 c
FORM W. T. 1 c
FALKLAND ISLANDS
Wireless Telegraphy Ordinance
SPECIAL 2-METRE BAND LICENCE

No.

.....
of

is hereby licensed, subject to the conditions as from time to time approved by the Governor in Council —

- (a) to possess and operate the following equipment —
- | CALL SIGN | MANUFACTURER | MODEL | SERIAL NUMBER |
|-----------|--------------|-------|---------------|
|-----------|--------------|-------|---------------|
- (b) to use the station for the purpose of communicating, within the Colony, with other persons similarly licensed, amateur stations or the Government radio telephone service.

CONDITIONS

This licence is valid for one year.

Dated this day of 19.....

Chief Secretary.”.

Made by the Governor in Council this 24th day of January 1979.

W. A. ETHERIDGE,
Clerk of Councils.

Ref. TEL/10/2.

SAVINGS BANK ORDINANCE
(Chapter 61)

Savings Bank Rules 1979

No. 1 of 1979.

J. R. W. PARKER,
Governor.

IN EXERCISE of the powers conferred by section 14 of the Savings Bank Ordinance, the Governor in Council has made the following rules —

1. These rules may be cited as the Savings Bank Rules 1979 and shall come into operation on the 1st day of April 1979. Citation and commencement.

2. In these rules, unless the context otherwise requires — Interpretation.

“charitable society” means any charitable or provident institution or society and includes a charitable donation or bequest for the maintenance, education or benefit of the poor and any fund of such a nature as the Financial Secretary in his absolute discretion shall deem proper to be deposited in the Savings Bank;

“friendly society” means a society legally registered in the manner required by law or Ordinance in force relating to friendly societies.

3. The Savings Bank shall be at the Public Treasury, Stanley, and shall be open daily each week (Saturdays, Sundays, Christmas Day, Good Friday and Public Holidays excepted) for the transaction of business from 8.30 a.m. to noon and from 1.15 p.m. to 3.00 p.m. Situation of office and hours of business.

4. (1) Deposits may be of any amount, provided that — Limit of deposits.

- (a) the total amount standing in the name of any one depositor in the books of the Savings Bank shall not exceed £35,000; and
- (b) the permission of the Financial Secretary shall be obtained for the Deposit of fractions of one pound.

(2) The Governor in Council may approve of the said limit being exceeded in the case of deposits made by local societies and provident funds.

BY WHOM DEPOSITS MAY BE MADE

5. Deposits may be made by and in the name of —

- (a) a person of full age and not under legal disability;
- (b) a married woman; and
- (c) a minor of seven years of age and upwards.

General description of depositor.

6. Deposits may be made on behalf and in the name of an infant under seven years of age by one of the parents of such infant or by any other person. Infants under seven.

7. Deposits may be made in the joint names of two or more persons entitled to make a deposit. Joint accounts.

8. Deposits may be made in the name of one or more persons as trustees for another person or persons whose names shall also be entered in the title of the account. Trust accounts.

9. Deposits may be made by a friendly society through its trustees either in the name of such society or in the names of such trustees, the full name of the society being entered in the title of the account. Friendly societies.

Charitable societies.

10. Deposits may be made, subject to the approval of the Financial Secretary in each case, by the trustees or treasurer of a charitable society.

Corporations.

11. Deposits may be made, subject to the approval of the Financial Secretary in each case, in the name of a body corporate.

Deposits to the credit of more than one account.

12. (1) No depositor in the Savings Bank shall, without the approval of the Financial Secretary, make deposits to the credit of more than one account in the Bank.

(2) This rule shall not apply to deposits made in the name of any person as trustee for another person also named in the title of the account nor to friendly societies.

(3) Any person offending against this rule shall be liable to forfeit any amount illegally deposited either as to the whole thereof, or to such extent as the Governor may think just in the circumstances of the case.

PROCEDURE ON MAKING DEPOSITS

Declaration.

13. (1) Subject to the provisions of these rules, a depositor on making a first deposit and whenever thereafter he is required so to do, shall specify his christian name and surname, occupation and residence and shall make and sign a declaration in duplicate in the proper form.

(2) Where a first deposit is made by a friendly society, charitable society or corporation, the declaration aforesaid shall be made by the trustees or other proper officials, as the case may be, of such society or corporation and shall contain such signatures and any other information that the Financial Secretary may require, including the persons by whom the deposits of the society or corporation are to be withdrawn. The Trustees or other proper officials, as the case may be, may from time to time by such notice as the Financial Secretary deems sufficient strike off the names of any persons by whom the deposits of such society or corporation may be withdrawn and may specify other persons in lieu thereof or in addition thereto and such other persons shall sign the said notice.

(3) Such declaration shall be witnessed by one of the following persons —

- (a) the Savings Bank official receiving the deposit;
- (b) some other Savings Bank official;
- (c) a minister of any religious denomination;
- (d) a justice of the peace;
- (e) a commissioner for oaths; or
- (f) any other person appointed by the Financial Secretary in that behalf.

Declaration in case of infant under seven.

14. (1) When a first deposit is made on behalf and in the name of an infant under seven years of age, such declaration as aforesaid shall be made by the person making the deposit, and such person shall specify at the foot of such declaration the day on which the said infant will attain the age of seven years.

(2) When deposits are made in the name of an infant under seven years of age, as soon as such infant attains the age of seven years he shall, when required by the Financial Secretary, make such declarations as aforesaid.

Declaration in case of trust accounts.

15. When the first deposit is made in the name of one person as trustee for another person whose name is also entered in the title of the account such declaration as aforesaid shall be made by the trustee.

16. (1) When a first deposit is made a numbered book (in these rules referred to as the pass book) shall be handed to the depositor. Depositor's book.

(2) The amount of every deposit shall be entered by the officer receiving the same in the pass book.

(3) No charge shall be made for a pass book except where expressly provided by these rules.

(4) Every pass book shall be deemed to be the property of the Financial Secretary and shall be delivered up as and when required by the Financial Secretary.

WITHDRAWALS

17. (1) Subject to the provisions of these rules, any depositor wishing to withdraw the whole or any part of the sum deposited by him — Procedure.

(a) shall make application at the Savings Bank on the proper form, which in the case of a person who cannot write, shall be attested by some person authorized by these rules to witness a declaration on first deposit, or if the depositor be resident out of the Colony, then by some duly constituted authority of the place in which he resides;

(b) may authorize payment to be made to a third person by cheque in the proper form and in such a case payment shall be made to no person other than the person named therein.

(2) A printed copy of the proper withdrawal form may be obtained from the Savings Bank.

(3) Cheque books may be obtained from the Savings Bank on the payment of a fee approved by the Financial Secretary.

(4) The paying officer shall make a receipt on the withdrawal form or cheque, as the case may be, for the sum therein specified from the depositor or the person named in the cheque to receive the said amount, and such receipt shall be a good discharge to the Financial Secretary for the sum specified in the form or cheque.

(5) Payment of a withdrawal may be delayed for four days except in the case of amounts of £5,000 or under.

(6) The paying officer shall enter the amount repaid in the depositor's pass book.

(7) Where the person wishing to make a withdrawal cannot write, he shall, when he presents the withdrawal form for payment, affix his mark to the receipt at the foot of the form, in the presence of some person who is known to the paying officer, and who can identify the person applying for the money or the person named in the form.

(8) In any case in which the Financial Secretary considers it to be desirable and expedient to do so, he may at his discretion vary the procedure of withdrawal and the method of payment described by these rules and dispense with all or any of the requirements therein contained and may effect payment by means of such document as he may think fit.

18. An application for the withdrawal of money deposited by or in the name of a minor shall be made by such minor if he is fourteen years of age or upwards and his receipt shall be a good discharge to the Financial Secretary for the sum specified in the withdrawal form. Withdrawals from accounts of minors.

19. (1) An application to withdraw money deposited in the joint names of two or more persons shall be made by all such persons or the survivor among such persons. Withdrawals from joint accounts.

(2) The Financial Secretary may require proof of survivorship to his satisfaction.

(3) The withdrawal form issued on such application shall be made in the names of the applicants, and their receipt shall be a good discharge to the Financial Secretary for the sum stated in the warrant.

Withdrawals from trust accounts.

20. (1) An application to withdraw money deposited in the name of one or more persons as trustees shall be made jointly by all the persons named in the title of the account, or by the survivor among such persons.

(2) The Financial Secretary may require proof of survivorship to his satisfaction.

(3) The withdrawal form issued on such application shall be made out in the names of the applicants, and their receipt shall be a good discharge to the Financial Secretary for the sum so paid.

Payments out from account of minors under fourteen.

21. Where it is proved to the satisfaction of the Financial Secretary that any deposit standing in the name of an infant under the age of fourteen years is urgently needed for the maintenance, education or benefit of such infant, or that from any other circumstances it is expedient that such deposit or any part thereof be withdrawn, the Financial Secretary may pay such deposit or any part thereof to any person who may satisfy the Financial Secretary that he will apply such money for the benefit of such infant, and the receipt of such person shall be a good discharge to the Financial Secretary for sums so paid.

Payments out from accounts of insane and incapacitated depositors.

22. Where a depositor has become insane or otherwise incapacitated, but no order of court as to the application of his property has been made, the Financial Secretary may, when it is proved to his satisfaction that it is just and expedient so to do, pay the deposit standing in the name of the depositor, or any part thereof, to any suitable person whom he shall judge proper to dispose of it for the benefit of the insane or incapacitated person, and the receipt of such person shall be a good discharge to the Financial Secretary for the sum so paid.

MISCELLANEOUS

Transmission of pass books.

23. Every depositor shall once a year, on the 30th day of June, and at any other time when required by the Financial Secretary, forward his pass book to the Financial Secretary, in order that the entries in the books of the Financial Secretary, and that the interests due to the depositor may be inserted in the book.

Lost pass books.

24. If any depositor shall lose his pass book, application shall be made by him to the Financial Secretary who may, if he thinks fit, make a charge for the new pass book.

Forms.

25. The Financial Secretary may draw up and put into use all such forms as may be necessary for the proper carrying out of the business of the Savings Bank.

Revocation.
(Cap. 61 sub. leg.)

26. The Savings Bank Rules are revoked.

Made by the Governor in Council this 24th day of January 1979.

W. A. ETHERIDGE,
Clerk of Councils.

Ref. TRE/10/2.

LOANS ORDINANCE 1979

Resolution of the Legislative Council

No. 1 of 1979.

J. R. W. PARKER,
Governor.

RESOLUTION made and passed by the Legislative Council under section 3 of the Loans Ordinance 1979 on the 14th day of February 1979.

THIS RESOLUTION may be cited as the Green Patch Farm Loan Resolution 1979 and shall come into operation on the 14th day of February 1979.

RESOLVED, in exercise of the powers conferred by section 3 of the Loans Ordinance 1979, that the Financial Secretary be authorized to raise an internal loan, not exceeding in total £170,000, for the purpose of purchasing Green Patch Farm.

W. A. ETHERIDGE,
Clerk of Councils.

Ref. TRE/10/8.



THE FALKLAND ISLANDS GAZETTE

PUBLISHED BY AUTHORITY

Vol. LXXXVIII

23 APRIL 1979

No. 5

Acting Appointment

Miss Ann Caswell, Matron, Medical Department, 23.2.79-20.3.79.

Completion of Contracts

Robert John Kersey, Certificated Teacher, Education Department, 28.3.79.

Denise Jane Kersey, Certificated Teacher, Education Department, 28.3.79.

NOTICES

No. 17. 21st March 1979.

Her Majesty the Queen in Council has made the following Order —
1978 No. 1891.

The Evidence (Proceedings in Other Jurisdictions) (Falkland Islands and Dependencies) Order 1978.

2. Copies of the Order, made on 29th December 1978, may be seen at the Chief Secretary's Office during normal office hours.

Ref. LEG/10/46.

No. 19. 27th March 1979.

His Excellency the Governor has been pleased to appoint —

MR. STANLEY BENNETT,

Lay Reader, Christ Church Cathedral, to be a Registrar under section 4 of the Marriage Ordinance (Cap. 43) for the purpose of celebrating the marriage of Kenneth Andrew McKay, bachelor, and Josephine Ann Stewart, spinster, both of Stanley, at Christ Church Cathedral.

Ref. LEG/19/2.

No. 20. 30th March 1979.

Notice is hereby given that MR. AUGUSTO MIRANDA MANCILLA of Stanley is applying to the Home Secretary for naturalisation, and that any person who knows any reason why naturalisation should not be granted should send a written and signed statement of the facts to the Chief Secretary, Secretariat, Stanley.

Ref. LEG/10/19d.

No. 21. 6th April 1979.

Marriage Ordinance (Cap. 43) (Section 5)

With reference to Gazette Notice No. 4 of 16th January 1979, the following name is added to the list of Ministers of Religion registered for celebrating marriages in the Colony —

THE RIGHT REVEREND RICHARD S. CUTTS

*Commissary in the Falkland Islands
of the Archbishop of Canterbury.*

Ref. INT/39/1.

No. 22. 5th April 1979.

Hydatid Eradication (Dogs) Order 1975

(Under Section 12A of the Dogs Ordinance, Cap 21.)

The Governor has appointed the following persons to be Inspectors for the purpose of this Order —

MR. R. E. BINNIE — FITZROY

MR. D. WHITNEY — FITZROY.

Ref. AGR/7/16.

No. 23. 5th April 1979.

In connection with the hydatid eradication campaign, the duties of Mr. Sydney Miller, O.B.E., J.P., have been extended by Government. Mr. Miller will be undertaking visits to the various farms in the Colony in an advisory capacity, with particular regard to advising farm managements on suitable arrangements for the disposal of offal.

Ref. AGR/7/16.

No. 24. 9th April 1979.

Petroleum Products Ordinance 1973

(Section 4)

Notification is hereby given that His Excellency the Governor has authorized Mr. Timothy John Dobbys, of 7, Fitzroy Road, Stanley, to supply, market and transport gas oil from the YPF Depot in Stanley, and to keep gas oil in the said Depot wholly or partly for sale in the Colony.

Ref. FUE/10/1.

No. 25. 9th April 1979.

The findings of the Cost of Living Committee for the quarter ended 31st March 1979 are published for general information —

Quarter ended	Percentage increase over 1971 prices
31st March 1979	184.06%

2. In accordance with the principle of the Wages Agreement for Stanley the average increase over the last four quarters is 174.84% and a further wage award of 2p per hour is therefore payable with effect from 1st April 1979.

Ref. INT/2/3.

In the Supreme Court of the Falkland Islands
Notice under the Administration of Estates Ordinance
(Cap. 1)

IN THE MATTER of William John Coutts, deceased, of Stanley, who died at Stanley, Falkland

Islands, on the 29th day of August 1978, intestate.

WHEREAS Evelyn May Poole of 31 Fitzroy Road, Stanley, Falkland Islands, sister of the above-named deceased, has applied for Letters of Administration to administer the estate of the said deceased in the Colony.

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

R. H. CHECKLEY,
Registrar.

Stanley,
Falkland Islands.
9th April 1979.
S. C. 31/78.

No. 18.

23rd March 1979.

The following revised list of Magistrates, Justices of the Peace and Commissioners for Oaths at present resident in the Colony and Dependencies is published for general information.

MAGISTRATES AND JUSTICES OF THE PEACE

C. H. Robertson, J.P.	...	...	...	27.11.36	...	...	...	Stanley
H. Bennett, O.B.E., J.P., <i>Senior Magistrate</i>	...	...	...	22.7.46	...	...	...	Stanley
J. Bound, E.D., J.P.	...	...	...	3.1.53	...	...	...	Stanley
W. H. Clement, J.P.	...	...	...	5.10.54	...	...	...	Stanley
S. Miller, O.B.E., J.P.	...	...	...	3.6.55	...	...	...	Stanley
Mrs. C. Luxton, J.P.	...	...	...	17.9.57	...	...	...	Stanley
Hon. A. B. Monk, J.P.	...	...	...	2.5.60	...	...	...	San Carlos
H. L. Bound, M.B.E., J.P.	...	...	...	11.7.63	...	...	...	Stanley
Mrs. J. Booth, J.P.	...	...	...	5.8.67	...	...	...	Stanley
Hon. W. H. Goss, M.B.E., J.P.	...	...	...	12.7.69	...	...	...	Stanley
L. G. Blake, O.B.E., J.P.,	...	...	...	12.7.69	...	...	...	Hill Cove
J. D. Barton, J.P.	...	...	...	12.7.69	...	...	...	Teal Inlet
M. R. Pawley, <i>Magistrate</i>	...	...	...	18.12.73	...	...	...	South Georgia
B. Hardcastle, J.P.	...	...	...	30.10.74	...	...	...	Darwin
R. H. Checkley, J.P.	...	...	...	8.11.78	...	...	...	Stanley

COMMISSIONERS FOR OATHS

J. R. Cockwell	...	...	...	8.2.71	...	...	...	Fox Bay East
G. O. Evans	...	...	...	8.2.71	...	...	...	Pebble Island
R. J. Ferguson	...	...	...	8.2.71	...	...	...	Weddell Island
Hon. W. R. Luxton	...	...	...	8.2.71	...	...	...	Chartres
A. C. Miller	...	...	...	8.2.71	...	...	...	Port San Carlos
S. R. Miller	...	...	...	8.2.71	...	...	...	Keppel Island
K. J. McPhee	...	...	...	8.2.71	...	...	...	Green Patch
R. B. Napier	...	...	...	8.2.71	...	...	...	West Point Island
R. M. Pitaluga, O.B.E.	...	...	...	8.2.71	...	...	...	Salvador
J. R. Robertson	...	...	...	8.2.71	...	...	...	Fox Bay West
O. R. Smith	...	...	...	8.2.71	...	...	...	Johnson's Harbour
L. Grant	...	...	...	23.3.71	...	...	...	Port Louis
A. Pole-Evans	...	...	...	23.3.71	...	...	...	Saunders Island
A. T. Blake	...	...	...	5.7.73	...	...	...	North Arm
P. C. Robertson	...	...	...	23.11.73	...	...	...	Port Stephens

Ref. LEC/19/5c.

Appointment of Governor's Deputy and specification of powers and functions vested in the Governor which he may exercise and perform.

WHEREAS paragraph (1) of Article 8 of the Falkland Islands Letters Patent, 1948 to 1962, provides that whenever the Governor has occasion to be absent from the seat of Government but not from the Colony, or to be absent from the Colony for a period which he has reason to believe will be of short duration, or whenever by reason of illness which he has reason to believe will be of short duration he considers it desirable so to do, he may, by Instrument under the Public Seal, appoint any person in the Colony to be his Deputy during such absence or illness, and in that capacity to exercise and perform for and on behalf of the Governor during such absence or illness all such powers and functions vested in the Governor as shall be specified in such Instrument:

AND WHEREAS Article 3 of the Falkland Islands Dependencies Letters Patent, 1908, provides that the Officer for the time being Administering the Government of the Colony of the Falkland Islands shall be Governor for the time being of the Falkland Islands Dependencies:

NOW, THEREFORE, under and by virtue of the powers aforesaid I, JAMES ROLAND WALTER PARKER, ESQUIRE, Companion of the Most Distinguished Order of Saint Michael and Saint George, Officer of the Most Excellent Order of the British Empire, Governor and Commander-in-Chief of the Colony of the Falkland Islands and its Dependencies, and Vice-Admiral of the same, do hereby appoint FRANCIS EUSTACE BAKER, ESQUIRE, Officer of the Most Excellent Order of the British Empire, to be Governor's Deputy in and for the Colony of the Falkland Islands and its Dependencies and in that capacity to exercise and perform for and on behalf of the Governor (except while and in so far as provision to the contrary made by the Governor under Article 8 of the said Letters Patent is operative) and subject always to the provisions of the said Letters Patent, all such powers and functions as are vested in the Governor other than those vested by sections 18 and 21A, subsection (1) of section 24 and subsection (1) of section 26, of the Falkland Islands (Legislative Council) Orders, 1948 to 1977, by paragraph (1) of Article 10 and Articles 13, 15 and 16 of the said Letters Patent and by sub-paragraph (b) of paragraph (1) of clause 3, sub-paragraph (a) of paragraph (1) of clause 5 and clause 22 of the Royal Instructions to the Governor dated the 13th day of December 1948.

This Instrument shall come into operation whenever I have occasion to be absent from the seat of Government but not from the Colony, or to be absent from the Colony for a period which I have reason to believe will be of short duration, or whenever by reason of illness which I have reason to believe will be of short duration I am unable to perform my duties as Governor.

The Instrument given under my hand and the Public Seal of the Colony on the 17th day of February 1979 is cancelled.



GIVEN under my hand and the Public Seal of the Colony of the Falkland Islands at Government House, Stanley, this 23rd day of April in the year of Our Lord One thousand Nine hundred and Seventy-nine.

J. R. W. PARKER,
Governor and Commander-in-Chief.

A Bill for An Ordinance

Title. To legalise certain payments made in the year 1977-78 in excess of the Expenditure sanctioned by Ordinance No. 1 of 1977.

Preamble. WHEREAS it is expedient to make further provision for the service of the Colony for the period 1st July 1977 to 30th June 1978.

Enacting clause. BE IT ENACTED by the Legislature of the Colony of the Falkland Islands, as follows —

Short title. 1. This Ordinance may be cited for all purposes as the Supplementary Appropriation (1977-78) Ordinance 1979.

Appropriation of excess expenditure for the period 1st July 1977 to 30th June 1978. 2. The sums of money set forth in the Schedule hereto having been expended for the services herein mentioned beyond the amounts granted for those services by the Ordinance providing for the service for the period 1st July 1977 to 30th June 1978, the same are hereby declared to have been duly laid out and expended for the service of the Colony in that period, and are hereby approved allowed and granted in addition to the sum mentioned for those services in the said Ordinance.

Schedule.

SCHEDULE

Number	HEAD OF SERVICE	Amount
	FALKLAND ISLANDS	£
III.	Aviation	17,788
VI.	Medical	1,987
VII.	Meteorological	542
IX.	Miscellaneous	7,058
X.	Pensions & Gratuities	9,736
XII.	Posts & Telecommunications	47,759
XIII.	Public Works	4,881
XIV.	Public Works Recurrent	20,007
		£ 109,758
XXI.	Transfer to Development Fund	290,000
	Development B	
	Expenditure to be met from U.K. Aid	1,115,053
		£ 1,514,811

Ref. TRE/14/10.

Guardianship of Minors Ordinance 1979

Arrangement of Sections

Sections

PART I Preliminary

1. Short title.
2. Interpretation.

PART II General Principles

3. Principles on which questions relating to custody, upbringing, etc.
of minors are to be decided.
4. Equal right of mother to apply to court.

PART III Appointment, Removal and Powers of Guardians

5. Rights of surviving parent as to guardianship.
6. Power of parent to appoint testamentary guardian.
7. Power of court to appoint guardian for minor having no parent, etc.
8. Power of Supreme Court to remove or replace guardian.
9. Disputes between joint guardians.
10. Guardian's powers of management.

PART IV Orders for Custody and Maintenance

11. Orders for custody and maintenance on application of parent.
12. Orders for custody and maintenance where person is guardian
to exclusion of surviving parent.
13. Orders for custody and maintenance where joint guardians disagree.
14. Power of court as to production of minor.
15. Power of court to order repayment of costs of bringing up minor.
16. Court in making order to have regard to conduct of parent.
17. Power of court as to minors religious education.
18. Person subject to maintenance order to notify change of address.

PART V Illegitimate Children

19. Application to illegitimate children.

PART VI Appeals and Procedure

20. Appeals and procedure.

PART VII Miscellaneous

21. Saving for powers of Supreme Court.
22. Rules.
23. Repeal (3 of 1958).

A Bill for An Ordinance

To consolidate and amend the law
relating to the guardianship of minors.

Title.

Date of commencement.

(19)

Enacting clause.

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

PART I

PRELIMINARY

Short title.

1. This Ordinance may be cited as the Guardianship of
Minors Ordinance 1979.

Interpretation.

2. In this Ordinance, unless the context otherwise requires—
“court” means the Supreme Court or the Magistrate’s Court;
“maintenance” includes education;
“parent” means father or mother.

PART II

GENERAL PRINCIPLES

Principles on which
questions relating to
custody, upbringing, etc.,
of minors are to be
decided.

1971 c.3, s.1.

3. Where in any proceedings before any court (whether or
not a court as defined in section 2)—

- (a) the custody or upbringing of a minor; or
- (b) the administration of any property belonging to or held on
trust for a minor or the application of the income thereof,

is in question, the court, in deciding that question, shall regard the
welfare of the minor as the first and paramount consideration, and
shall not take into consideration whether from any other point of
view the claim of the father, or any right at common law possessed
by the father, in respect of such custody, upbringing, administration
or application is superior to that of the mother, or the claim of the
mother is superior to that of the father.

Equal right of mother to
apply to court.

1971 c.3, s.2.

4. The mother of a minor shall have the like powers to apply
to the court in respect of any matter affecting the minor as are
possessed by the father.

PART III

APPOINTMENT, REMOVAL AND POWERS OF GUARDIANS

5. On the death of a parent of a minor, the surviving parent, if any, shall, subject to this Ordinance, be guardian of the minor either alone or jointly with any guardian appointed by the deceased parent; and —

Rights of surviving parent as to guardianship.
1971 c.3, s.3.

- (a) where no guardian has been appointed by the deceased parent; or
- (b) in the event of the death or refusal to act of the guardian or guardians appointed by the deceased parent,

the court may, if it thinks fit, appoint a guardian to act jointly with the surviving parent.

6. (1) A parent of a minor may by deed or will appoint any person to be guardian of the minor after his death.

Power of parent to appoint testamentary guardian.
1971 c.3, s.4.

(2) Any guardian so appointed shall act jointly with the surviving parent, if any, unless the surviving parent objects to his so acting.

(3) If the surviving parent so objects, or if the guardian so appointed considers that the surviving parent is unfit to have the custody of the minor, the guardian may apply to the court, and the court may either —

- (a) refuse to make any order (in which case the surviving parent shall remain sole guardian); or
- (b) make an order that the guardian so appointed —
 - (i) shall act jointly with the surviving parent; or
 - (ii) shall be the sole guardian of the minor.

(4) Where guardians are appointed by both parents, the guardians so appointed shall, after the death of the surviving parent, act jointly.

(5) If under section 5 a guardian has been appointed by the court to act jointly with the surviving parent, he shall continue to act as guardian after the death of the surviving parent; but, if the surviving parent has appointed a guardian, the guardian appointed by the court shall act jointly with the guardian appointed by the surviving parent.

7. Where a minor has no parent, no guardian of the person, and no other person having parental rights with respect to him, the court, on the application of any person, may, if it thinks fit, appoint the applicant to be the guardian of the minor.

Power of court to appoint guardian for minor having no parent, etc.
1971 c.3, s.5 (1).

8. The Supreme Court may, in its discretion, on being satisfied that it is for the welfare of the minor, remove from his office any testamentary guardian or any guardian appointed or acting by virtue of this Ordinance, and may also, if it deems it to be for the welfare of the minor, appoint another guardian in place of the guardian so removed.

Power of Supreme Court to remove or replace guardian.
1971 c.3, s.6.

9. Where two or more persons act as joint guardians of a minor and they are unable to agree on any question affecting the welfare of the minor, any of them may apply to the court for its direction, and the court may make such order regarding the matters in difference as it may think proper.

Disputes between joint guardians.
1971 c.3, s.7.

10. (1) A guardian of the estate of a minor shall, subject to the rights and powers of any personal representative or trustee in whom the minor's estate may be vested, have in addition to such other rights as may be granted to him, the right to —

Guardian's power of management.
1971 c.3, s.8.

- (a) receive the rents and profits of the lands of the minor;

- (b) manage the personal estate of the minor;
- (c) bring legal proceedings to enforce the rights expressed in paragraphs (a) and (b).

(2) The guardian shall account to the minor for any rents, profits or income received by him under subsection (1).

PART IV

ORDERS FOR CUSTODY AND MAINTENANCE

Orders for custody and maintenance on application of parent.

1971 c.3, s.9.

11. (1) The court may, on the application of a parent of a minor (who may apply without next friend), make such order regarding —

- (a) the custody of the minor; and
- (b) the right of access to the minor of either parent,

as the court thinks fit having regard to the welfare of the minor and to the conduct and wishes of the parents.

(2) Where the court makes an order under subsection (1) giving the custody of the minor to any person (whether or not one of the parents), the court may make a further order requiring payment to that person by the parent or either of the parents excluded from having that custody of such weekly or other periodical sum towards the maintenance of the minor as the court thinks reasonable having regard to the means of the parent.

(3) An order may be made under subsection (1) or (2) notwithstanding that the parents of the minor are then residing together, but —

- (a) no such order shall be enforceable, and no liability thereunder shall accrue while they are residing together; and
- (b) any such order shall cease to have effect if for a period of three months after it is made they continue to reside together:

Provided that, unless the court in making the order directs otherwise, paragraphs (a) and (b) above shall not apply to any provision of the order giving the custody of the minor to a person other than one of the parents or made with respect to a minor of whom custody is so given.

(4) An order under subsection (1) or (2) may be varied or discharged by a subsequent order made on the application of either parent or after the death of either parent on the application of any guardian under this Ordinance, or (before or after the death of either parent) on the application of any other person having the custody of the minor by virtue of an order under subsection (1).

Orders for custody and maintenance where person is guardian to exclusion of surviving parent.

1971 c.3, s.10.

12. (1) Where the court makes an order under section 6 (3) (b) (ii) that a person shall be the sole guardian of a minor to the exclusion of his surviving parent, the court may —

- (a) make such order regarding —
 - (i) the custody of the minor; and
 - (ii) the right of access to the minor of his surviving parent, as the court thinks fit, having regard to the welfare of the minor; and
- (b) make a further order requiring the surviving parent to pay to the guardian such weekly or other periodical sum towards the maintenance of the minor as the court thinks reasonable having regard to the means of the surviving parent.

(2) The powers conferred by subsection (1) may be exercised at any time and include power to vary or discharge any orders previously made under those powers.

13. The powers of the court under section 8 shall, where one of the joint guardians is the surviving parent of the minor, include power —

Orders for custody and maintenance where joint guardians disagree.
1971 c.3, s.11.

- (a) to make such order regarding —
 - (i) the custody of the minor; and
 - (ii) the right of access to the minor of the surviving parent, as the court thinks fit having regard to the welfare of the minor;
- (b) to make an order requiring the surviving parent to pay such weekly or other periodical sum towards the maintenance of the minor as the court thinks reasonable having regard to the means of the surviving parent;
- (c) to vary or discharge any order previously made under that section.

14. Where the parent of a minor applies to the court for an order for the production of the minor, and the court is of opinion that the parent has abandoned or deserted the minor or that he has otherwise so conducted himself that the court should refuse to enforce his right to the custody of the minor, the court may, in its discretion, decline to make the order.

Power of court as to production of minor.
1891 c.3, s.1.

15. If at the time of the application for an order for the production of the minor, the minor is being brought up by another person, the court may, in its discretion, if it orders the minor to be given up to the parent, further order that the parent shall pay to such person the whole of the costs properly incurred in bringing up the minor, or such portion thereof as shall seem to the court to be just and reasonable, having regard to the circumstances of the case.

Power of court to order repayment of costs of bringing up minor.
1891 c.3, s.2.

16. Where the parent has —

- (a) abandoned or deserted the minor; or
- (b) allowed the minor to be brought up by another person at that person's expense for such a length of time and under such circumstances as to satisfy the court that the parent was unmindful of his parental duties,

Court in making order to have regard to conduct of parent.

1891 c.3, s.3,

the court shall not make an order for the delivery of the minor to the parent, unless the parent has satisfied the court that, having regard to the welfare of the minor, the parent is a fit person to have the custody of the minor.

17. (1) Upon an application by the parent for the production or custody of a minor, if the court is of the opinion that the parent ought not to have the custody of the minor, and that the minor is being brought up in a different religion to that in which the parent has a legal right to require that the minor should be brought up, the court shall have power to make such order as it may think fit to secure that the minor be brought up in the religion in which the parent has a legal right to require the minor should be brought up.

Power of court as to minor's religious education.
1891 c.3, s.4.

(2) Nothing contained in this section or sections 14 to 16 (inclusive) shall interfere with or effect the power of the court to consult the wishes of the minor in considering what order ought to be made under this section, or diminish the right which any minor now possesses to the exercise of its own free choice.

18. (1) Any person for the time being under an obligation to make payments in pursuance of any order for the payment of money under this Ordinance shall within fourteen days of a change of address give notice of his new address to such person, if any, as may be specified in the order.

Person subject to maintenance order to notify change of address.
1971 c.3, s.13(2).

(2) Any person who fails without reasonable excuse to give a notice, which he is required by subsection (1) to give, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding £10.

PART V

ILLEGITIMATE CHILDREN

Application to illegitimate children.
1971 c.3, s.14(1), (2), (3).

19. (1) Subject to this section, section 11 (1) shall apply in relation to a minor who is illegitimate as it applies in relation to a minor who is legitimate, and reference in section 11 (1), and in any other provision of this Ordinance so far as it relates to proceedings under section 11 (1), to the father or mother or parent of a minor shall be construed accordingly.

(2) No order shall be made by virtue of subsection (1) of this section under subsection (2) of the said section 11.

(3) For the purposes of sections 5, 6, 7 and 12 a person —

(a) being the natural father of an illegitimate child; and

(b) being entitled to the child's custody by virtue of an order in force under section 11 (1) as applied by this section,

shall be treated as if he were the lawful father of the minor; but any appointment of a guardian made by virtue of this subsection under section 6 (1) shall be of no effect unless the appointer is entitled to the custody of the minor as under paragraph (b) immediately before his death.

PART VI

APPEALS AND PROCEDURE

Appeals and procedure.
1971 c.3, s.16.

20. (1) Where any application has been made under this Ordinance to the Magistrate's Court, the Supreme Court shall, at the instance of any party to the application, order the application to be removed to the Supreme Court and there proceeded with on such terms as to costs as it thinks proper.

(2) An appeal shall lie to the Supreme Court from any order made by the Magistrate's Court under this Ordinance.

(3) Subject to subsection (4), where on an application to the Magistrate's Court under this Ordinance the court makes or refuses to make an order an appeal shall lie to the Supreme Court.

(4) Where an application is made to the Magistrate's Court under this Ordinance, and the court considers that the matter is one which would more conveniently be dealt with by the Supreme Court, the Magistrate's Court may refuse to make an order, and in that case no appeal shall lie to the Supreme Court.

PART VII

MISCELLANEOUS

Saving for powers of Supreme Court.
1971 c.3, s.17(1).

21. Nothing in this Ordinance shall restrict or affect the jurisdiction of the Supreme Court to appoint or remove guardians or otherwise in respect of minors.

Rules.

22. The Governor in Council may make rules directing the manner in which applications to the court are to be made and dealing generally with all the matters of procedure and incidental matters arising out of this Ordinance, and of carrying this Ordinance into effect.

Repeal.
3 of 1958.

23. The Guardianship and Custody of Children Ordinance 1958 is repealed.

OBJECTS AND REASONS

This Bill brings up to date and consolidates certain enactments relating to the guardianship and custody of minors — i.e., principally the Guardianship and Custody of Children Ordinance 1958, the Guardianship and Maintenance of Infants Act 1951 and the Guardianship Act 1973.

Ref. LEG/10/14.

A Bill for
An Ordinance
Further to amend the Road Traffic
Ordinance. Title.

(19) Date of commencement.

BE IT ENACTED by the Legislature of the Colony of the Falkland Islands, as follows — Enacting clause.

1. This Ordinance may be cited as the Road Traffic (Amendment) Ordinance 1979 and shall come into operation on the day of 1979. Short title and commencement.

2. Section 8 of the principal Ordinance is amended by inserting after subsection 2 the following new subsection — Amendment of section 8. (Cap. 60)

“(2A) A police officer may arrest without warrant a person committing an offence under subsection (2) of this section.”.

OBJECTS AND REASONS

The object of this Bill is to authorize a police officer to arrest without warrant any person driving or attempting to drive a motor vehicle whilst under the influence of drink.

Ref. POL/10/5.



THE FALKLAND ISLANDS GAZETTE

PUBLISHED BY AUTHORITY

Vol. LXXXVIII

22 MAY 1979

No. 6

Appointments

Francis Eustace Baker, Chief Secretary, 28.3.79.
Simon Peter Miller Goss, Technician, Posts and Telecommunications Department, 5.5.79.

Acting Appointments

Francis Paul O'Reilly, Acting Superintendent of Education, Education Department, 18.4.79.

William Andrew Nutt Goodwin, Acting Master m.v. Forrest, 9.5.79.

Resignation

Miss Sharon Hewitt, Clerk, Legal Department, 9.5.79

NOTICES

No. 26. 17th April 1979.

With reference to Gazette Notice No. 56 of 30th November 1978, it is notified for general information that Tuesday, 1st May 1979 has been added to the list of Public Holidays in Stanley, to commemorate the official opening of Stanley Airport.

Ref. INT/21/5.

No. 27. 26th April 1979.

Statutory Instruments

The Secretary of State, in conjunction with the Commissioners of Customs and Excise, has made the following Regulations —

S. I. 1979 No. 341

THE MERCHANT SHIPPING (SHIPS' NAMES)
REGULATIONS 1979.

2. Copies of the Regulations, which came into operation on 18th April 1979, may be seen at the Chief Secretary's Office during normal office hours.

Ref. CUS/34/1.

No. 28.

10th May 1979.

Hydatid Eradication (Dogs) Order 1975

(Under section 12A of the Dogs Ordinance, Cap. 21)

The Governor has appointed the following person to be an Inspector for the purposes of this Order —

MR. D. W. HURST — Fox Bay East

Ref. AGR/7/16.

No. 29.

11th May 1979.

The following telegrams exchanged between His Excellency the Governor and the Right Honourable the Secretary of State for Foreign and Commonwealth Affairs are published for general information —

From His Excellency the Governor to the Right Honourable the Secretary of State for Foreign and Commonwealth Affairs

"On the occasion of Her Majesty's birthday, I should be grateful if you would convey to Her Majesty the Queen the loyal and affectionate greetings of Her subjects in the Falkland Islands and Dependencies. With humble duty, I ask Her Majesty to accept our most respectful good wishes."

From the Right Honourable the Secretary of State for Foreign and Commonwealth Affairs to His Excellency the Governor

"Your telegram has been laid before the Queen. I am commanded to convey Her Majesty's sincere appreciation and thanks to you and to all who associated themselves with your message of loyal greetings on the occasion of Her Majesty's birthday."

Ref. INT/21/6.

No. 30.

21st May 1979.

It is hereby notified for general information that Mark Peter David Lewis assumed the office of Relief Magistrate for the Falkland Islands Dependency of South Georgia on 30th April 1979 on the departure of the substantive Magistrate, Michael Raymond Pawley.

Ref. SG/19/1.

In the Supreme Court of the Falkland Islands
NOTICE UNDER THE ADMINISTRATION OF ESTATES ORDINANCE
(Cap. 1)

IN THE MATTER of David John Duncan, deceased of Roy Cove, Falkland Islands, who died at Roy Cove, on the 21st day of September 1978.

WHEREAS Ellen Brenda Whitney, a daughter of the above-named deceased, has applied for Letters of Administration to administer the estate of the said deceased in the Colony.

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

R. H. CHECKLEY,
Registrar.

Stanley,
Falkland Islands.
26th April 1979.
S. C. & L 29/78.

In the Supreme Court of the Falkland Islands
NOTICE UNDER THE ADMINISTRATION OF ESTATES ORDINANCE
(Cap. 1)

IN THE MATTER of Agnes Mary Ann Short, deceased, of Stanley, who died at Stanley, Falkland Islands, on the 11th day of February 1979, intestate.

WHEREAS Sandra May Winifred Hirtle of German Camp, Stanley, Falkland Islands, daughter of the above-named deceased, has applied for Letters of Administration to administer the estate of the said deceased in the Colony.

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

R. H. CHECKLEY,
Registrar.

Stanley,
Falkland Islands.
22nd May 1979.
S. C. 10/79.

Road Traffic (Removal of Vehicles) Regulations 1979.

Arrangement of Regulations.

Regulation

1. Citation and commencement.
2. Interpretation.
3. Removal of vehicles from roads, parking places and public places.
4. Duties of police officers.
5. Method of removal of vehicle.
6. Charges for removal and custody of vehicle.
7. Application of proceeds of sale.
8. Recoupment of unpaid expenses.
9. Disposal of unclaimed funds.
10. Penalty.

ROAD TRAFFIC ORDINANCE
(Chapter 60)

Road Traffic (Removal of Vehicles) Regulations 1979.

No. 2 of 1979.

J. R. W. PARKER,
Governor.

IN EXERCISE of the powers conferred by section 18 of the Road Traffic Ordinance, the Governor in Council has made the following regulations —

Citation and commencement.

1. These regulations may be cited as the Road Traffic (Removal of Vehicles) Regulations 1979, and shall come into operation on the 1st day of June 1979.

Interpretation.

2. (1) In these regulations, unless the context otherwise requires —

“vehicle” shall include any load carried thereby.

(2) References to the removal of a vehicle from a road, parking or other public place are references to the removal of that vehicle from that road, parking place or other public place to a place on a road, parking place or other public place where that vehicle may lawfully be parked and does not cause unnecessary obstruction or danger to other persons using that road, parking place or other public place.

(3) References to the removal or making arrangements for the safe custody of a vehicle shall respectively include references to removing or making arrangements for the safe custody of any load carried by the vehicle.

Removal of vehicles from roads, parking places and public places.

3. (1) It shall be the duty of the owner, driver or other person in charge of any vehicle —

- (a) when the vehicle has broken down on a road in such circumstances that the defects cannot be remedied within a reasonable time or the presence of the vehicle is likely unnecessarily to obstruct or to cause danger to the other persons using the road; or
- (b) when required to do so by a police officer on the ground that the vehicle has been permitted to remain at rest on a road, parking place or other public place in such a position or in such condition or in such circumstances as to be likely to cause danger or obstruction to other persons using the road, parking place or other public place, or has been permitted to remain at rest on a road, parking place or other public place in contravention of any relevant statutory prohibition or restriction,

to remove or take all reasonable steps to secure the removal of such vehicles as soon as possible.

(2) For the purpose of sub-paragraph (b) of paragraph (1) of this regulation a vehicle which has broken down or has remained at rest for any period in any position on a road, parking place or other public place shall be treated as if it had been permitted to remain at rest in that position throughout that period.

Duties of police officers.

4. It shall be the duty of a police officer or any person duly authorized by the Chief Police Officer to take all reasonable steps to remove or to employ some other person to remove, and, where necessary, to provide for the safe custody or (with the approval of the Chief Police Officer) for the destruction, sale or disposal of any vehicle,

if he has reason to believe —

- (a) that the owner or the driver or other person in control or in charge thereof has failed to take all reasonable steps to remove it or cause it to be removed in accordance with the provisions of regulation 3; or
- (b) that the vehicle has been abandoned:

Provided that a vehicle shall not be destroyed or sold or disposed of as aforesaid until notice of the intended destruction, sale or disposal thereof shall have been given by the Chief Police Officer in the Gazette and unless such vehicle be not removed within two days after the date of publication of such notice.

5. Any person removing a vehicle under these regulations may do so by towing or driving the vehicle or in such other manner as he may think necessary to enable him to remove it as aforesaid.

Method of removal of vehicle.

6. (1) The fixed charge for the removal of a vehicle shall be £5.

Charges for removal and custody of vehicle.

(2) The scale of charges, by reference to which the charge payable in respect of any period during which a vehicle is in the custody of the police shall be ascertained, is the following, that is to say, £2 for each period of twenty-four hours or part of such period reckoned from noon on the day following the day on which the vehicle was removed in pursuance of these regulations:

Provided that where a vehicle is in the custody of the police in a place which is closed on the day following the day on which the vehicle was removed as aforesaid up to noon, then for the purpose of calculating the said scale it shall be reckoned from noon on the first day on which the said place is open at any time before noon for the claiming of any vehicle held in custody at that place.

7. Upon the sale of a vehicle with the approval of the Chief Police Officer, the proceeds of sale shall be applied in or towards the satisfaction of any costs incurred in connection with the disposal thereof and of any charge payable in respect of the vehicle under these regulations.

Application of proceeds of sale.

8. In the event of any such costs incurred in connection with the disposal of the vehicle not being satisfied by virtue of regulation 7, the Chief Police Officer may recoup those costs so far as not satisfied from the person who was the last owner of the vehicle before it was removed in pursuance of these regulations.

Recoupment of unpaid expenses.

9. Any sums received by the Chief Police Officer on a sale of the vehicle, after deducting any sum applied thereout by virtue of regulation 7, shall be payable within a period of one year from the date of the sale of the vehicle to any person to whom, but for such sale, the vehicle would have belonged, and in so far as any such sums are not claimed within the said period they shall be paid into general revenue.

Disposal of unclaimed funds.

10. Any person who contravenes any of the provisions of regulation 3 shall be guilty of an offence and liable on summary conviction to a fine of £50.

Penalty.

Made by the Governor in Council this 27th day of March 1979.

W. A. ETHERIDGE,
Clerk of Councils.

ELECTRICITY SUPPLY ORDINANCE

(Chapter 23)

Electricity Supply (Amendment) Regulations 1979

No. 3 of 1979.

J. R. W. PARKER,
Governor.

IN EXERCISE of the powers conferred by section 3 of the Electricity Supply Ordinance, the Governor in Council has made the following regulations —

Citation.

1. These regulations may be cited as the Electricity Supply (Amendment) Regulations 1979.

Amendment of regulation 2.

2. Regulation 2 of the principal regulations is amended in the definition of "public safety" by deleting "or by the Stanley Town Council".

Amendment of regulation 18.

3. Regulation 18 of the principal regulations is amended by deleting "Power and Electrical Department" and substituting the following —

"Public Works Department".

Amendment of regulation 23.

4. Regulation 23 of the principal regulations is amended by deleting "Power and Electrical Department" and substituting the following —

"Public Works Department".

Amendment of regulation 25.

5. Regulation 25 of the principal regulations is amended by deleting "£5" and substituting the following —

"£10.00".

Amendment of regulation 29.

6. Regulation 29 of the principal regulations is amended by deleting "ten shillings" and substituting the following —

"£2.00".

Amendment of regulation 34.

7. Regulation 34 of the principal regulations is amended —

(a) by deleting "£50" and substituting the following —

"£100.00"; and

(b) by deleting "£10" wherever it occurs and substituting the following—

"£20.00".

General amendment.

8. The principal regulations are amended by deleting "Superintendent" wherever it occurs and substituting the following —

"Director".

Made by the Governor in Council this 27th day of March 1979.

W. A. ETHERIDGE,
Clerk of Councils.

Ref. ELE/10/1.



THE FALKLAND ISLANDS GAZETTE

PUBLISHED BY AUTHORITY

Vol. LXXXVIII

10 JUNE 1979

No. 7

Appointment

Dr. Peter George Hubert Summers, F.R.C.S.(Ed),
D.A., Senior Medical Officer, Medical Department,
30.5.79.

Completion of Contract

Dr. Keith Edward Dunnett, M.B., B.Chir., Senior
Medical Officer, Medical Department, 30.5.79.

Resignation

Alan David Cusworth, Clerk, Public Service,
12.5.79.

NOTICE

No. 31.

24th May 1979.

His Excellency the Governor has been pleased
to appoint —

MR. PETER CHARLES ROBERTSON

of Port Stephens, West Falkland, to be a Registrar
under section 4 of the Marriage Ordinance (Cap. 43)
for the purpose of celebrating the marriage of
Richard Winston McRae, bachelor, and Marlane
Rose Berntsen, divorcee, both of Port Stephens,
at Port Stephens.

Ref. LEG/19/2.

PROCLAMATION

No. 2 of 1979

IN THE NAME OF Her Majesty ELIZABETH II, by the Grace of God of the United Kingdom of Great Britain and Northern Ireland and of Her other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith.

BY HIS EXCELLENCY JAMES ROLAND WALTER PARKER, ESQUIRE, Companion of the Most Distinguished Order of Saint Michael and Saint George, Officer of the Most Excellent Order of the British Empire, Governor and Commander-in-Chief of the Colony of the Falkland Islands and its Dependencies, and Vice-Admiral of the same.

WHEREAS it is provided by subsection (1) of section 24 of the Falkland Islands (Legislative Council) Orders 1948 to 1977 that the sittings of the Legislative Council shall be held at such times and places as the Governor shall from time to time appoint by proclamation published in the Gazette:

NOW, THEREFORE, I, JAMES ROLAND WALTER PARKER, do hereby PROCLAIM that the next sitting of the Legislative Council of the Falkland Islands shall be held at 10.00 o'clock in the forenoon of Wednesday, the 20th day of June 1979 at the Court and Council Chambers in the town of Stanley in the Falkland Islands.

GIVEN under my hand and the Public Seal of the Colony of the Falkland Islands at Government House, Stanley, Falkland Islands this 28th day of May in the year of Our Lord One thousand nine hundred and seventy-nine.



J. R. W. PARKER,
Governor.

GOD SAVE THE QUEEN

Ref. LEG/35/1. II.

FUGITIVE OFFENDERS ACT 1967
(1967 c. 68)

Fugitive Offenders (Designated Commonwealth Countries)
(Amendment) Order 1979.

No. 3 of 1979.

J. R. W. PARKER,
Governor.

IN EXERCISE of the powers conferred by section 2(1) of the Fugitive Offenders Act 1967, (as modified and adapted by the Fugitive Offenders (Falkland Islands and Dependencies) Order 1968) the Governor, with the approval of the Secretary of State, has made the following order —

Citation.

1. This order may be cited as the Fugitive Offenders (Designated Commonwealth Countries) (Amendment) Order 1979.

Amendment of Schedule.
(1 of 1977)

2. The Schedule to the principal Order is amended —

- (a) by inserting after "The Republic of Cyprus" the following —
"Commonwealth of Dominica";
- (b) by inserting after "Singapore" the following —
"Solomon Islands"; and
- (c) by inserting after "Trinidad and Tobago" the following —
"Tuvalu".

By Command,

F. E. BAKER,
Chief Secretary.

14th May 1979.

Ref. LEG/10/22/C.

A Bill for An Ordinance To provide for the service of the year 1979-80.

Title.

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

Enacting clause.

1. This Ordinance may be cited for all purposes as the Appropriation (1979-80) Ordinance 1979.

Short title.

2. The Governor may cause to be issued out of the Public Revenue and other funds of the Colony and applied to the service of the period 1st July 1979 to 30th June 1980, a sum not exceeding Three million, six hundred and seventeen thousand, two hundred and thirty-two pounds, which sum is granted and shall be appropriated for the purposes and to defray the charges of the several services expressed and particularly mentioned in the Schedule hereto which will come in course of payment during the year 1979-80.

Appropriation of
£3,617,232 for the service
of the year 1979-80.

SCHEDULE

Schedule.

Number	HEAD OF SERVICE	£
I.	The Governor	44,573
II.	Agriculture	14,596
III.	Aviation	199,086
IV.	Customs and Harbour	45,440
V.	Education	233,003
VI.	Medical	256,350
VII.	Meteorological	14,285
VIII.	Military	7,223
IX.	Miscellaneous	32,854
X.	Pensions and Gratuities	40,736
XI.	Police and Prisons	34,289
XII.	Posts and Telecommunications	174,776
XIII.	Public Works	263,371
XIV.	Public Works Recurrent	217,590
XV.	Public Works Special	80,870
XVI.	Secretariat, Treasury and Central Store	185,485
XVII.	Overseas Passages	102,213
XVIII.	Social Welfare	90,756
XIX.	Supreme Court and Legal	16,086
XX.	Training	15,000
XXI.	Transfer to Oil Stocks Replacement Fund	56,000
	Total Ordinary Expenditure	2,124,582
Development A	Expenditure to be met from Colony funds	475,210
Development B	Expenditure to be met from U.K. Aid	1,017,440
	Total Expenditure	£ 3,617,232

A Bill for
An Ordinance
To amend the Old Age Pensions
Ordinance 1952.

Title.

Enacting clause.

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

Short title and commencement.

1. (1) This Ordinance may be cited as the Old Age Pensions (Amendment) Ordinance 1979.

(2) The provisions of section 2 of this Ordinance shall come into operation on the 2nd day of July 1979 and the provisions of section 3 shall come into operation on the 9th day of July 1979.

Amendment of section 6.
(3 of 1952)

2. Section 6 (2) of the principal Ordinance is amended —

(a) in paragraph (a) by deleting “£1.00” and substituting the following —

“£1.20”;

(b) in paragraph (b) by deleting “£1.50” and substituting the following —

“£1.80”; and

(c) in paragraph (c) by deleting “£2.50” and substituting the following —

“£3.00”.

Amendment of Schedule.

3. The Schedule to the principal Ordinance is amended by deleting “£13.50”, “£9.00”, “£9.00” and “£9.00” and substituting the following respectively —

“£15.00”, “£10.00”, “£10.00” and “£10.00”.

OBJECTS AND REASONS

The objects of this Bill are —

(a) to increase weekly contributions paid by —

(i) an employed person from £1.00 to £1.20;

(ii) an employer of an employed person from £1.50 to £1.80; and

(iii) a self-employed person from £2.50 to £3.00.

(b) to increase weekly pensions —

(i) for a married couple from £13.50 to £15.00; and

(ii) for a single person from £9.00 to £10.00.

Ref. TRE/2/1.

A Bill for
An Ordinance
To amend the Non-contributory Old
Age Pensions Ordinance 1961.

Title.

(2nd July 1979)

Date of commencement.

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

Enacting clause.

1. This Ordinance may be cited as the Non-contributory Old Age Pensions (Amendment) Ordinance 1979 and shall come into operation on the 2nd day of July 1979.

Short title and commencement.

2. The Schedule to the principal Ordinance is amended by deleting "£11.00", "£8.00" and "£8.00" and substituting the following respectively —

Amendment of Schedule.
(7 of 1961)

"£12.00", "£9.00" and "£9.00".

OBJECTS AND REASONS

The object of this Bill is to increase non-contributory old age pensions —

- (a) for a married couple from £11.00 to £12.00 per week; and
- (b) for a single person from £8.00 to £9.00 per week.

Ref. TRE/2/2.

A Bill for An Ordinance To amend the Trespass Ordinance.

Title.

Date of commencement.

(1st January 1980)

Enacting clause.

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

Short title and commencement.

1. This Ordinance may be cited as the Trespass (Amendment)
Ordinance 1979 and shall come into operation on the 1st day of
January 1980.

Repeal and replacement
of Schedule.
(Cap. 74)

2. The Schedule to the principal Ordinance is repealed and
replaced by the following new Schedule —

SCHEDULE

s.8.

Commonage in respect of	Fee for any period not exceeding one month	Fee for one year
	£	£
(a) Any cow	0.10	1.00
(b) Any horse or mule	0.10	1.00
(c) Any heifer between one and two years old	0.05	0.50
(d) Any calf or foal not exceeding one year old	0.03	0.25

OBJECTS AND REASONS

The object of this Bill is to increase the fees for grazing animals on
Stanley Common. The fees have not been increased over the past 75 years.

Ref. LEG/10/23.

A Bill for
An Ordinance
To amend the Firearms Ordinance 1965.

Title.

(1st January 1980)

Date of commencement.

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

Enacting clause.

1. This Ordinance may be cited as the Firearms (Amendment) Ordinance 1979 and shall come into operation on the 1st day of January 1980.

Short title and commencement.

2. Section 4 of the principal Ordinance is amended in subsection (4) by deleting “£1.00” and substituting the following —
“£2.00”.

Amendment of section 4.
(12 of 1965)

OBJECTS AND REASONS

This Bill provides for an increase in the fee for the granting or renewal of a firearms licence from £1.00 to £2.00.

Ref. POL/10/3.



THE FALKLAND ISLANDS GAZETTE

PUBLISHED BY AUTHORITY

Vol. LXXXVIII

27 JULY 1979

No. 8

Appointments

Mrs. Vera Joan Bonner, Clerk, Public Service, 30.3.78.

Mrs. Pamela Summers, Nurse, Medical Department, 1.10.77.

Mrs. Marjorie May McPhee, Clerk, Public Service, 1.6.79.

Neil Watson, Second Lieutenant, Falkland Islands Defence Force, 11.6.79.

Fraser Wallace, Clerk, Public Service, 14.6.79.

Miss Deborah Rachael Bleaney, Clerk, Public Service, 1.7.79.

Re-appointment

James Stephenson, Forecaster, Meteorological Department, 13.6.79.

Acting Appointments

Owen Horace McPhee, Officer-in-Charge and Postmaster, Posts and Tels. Department, 13.6.79.

Donald Hugh McMillan, Immigration Officer, 9.7.79.

Promotion

David Slaven Hazell, to Corporal, Falkland Islands Police Force, 25.6.79.

Resignations

David Smith Emsley, Pilot, Aviation Department, 14.6.79.

Miss Teresa Rose McGill, Clerk, Public Service, 7.7.79.

Miss Marilyn Patricia Robinson, Teacher, Education Department, 10.7.79.

Miss Kim Rita Anne Robertson, Clerk, Public Service, 16.7.79.

NOTICES

No. 32. 26th June 1979.

The Electricity Supply Regulations 1969
(Regulation 10)

Notice is hereby given that the rate charged for the supply of electrical energy by the Stanley Power Station has been reviewed in accordance with the Regulations and will be 6.5p per unit with effect from 1st July 1979.

Ref. ELE/2/1.

No. 33. 29th June 1979.

It is hereby notified for general information that in accordance with clause 3 (2) of the Royal Instructions of 1948, as amended, the Elected Members of the Legislative Council have elected the Honourable Derek Stanley Evans, Esquire, to be a Member of the Executive Council until 20th June 1980, vice the Honourable Timothy John Durose Miller, Esquire.

Ref. EXC/19/1C.

No. 34. 29th June 1979.

Falkland Islands Government Air Service

Air Fares and Conditions of Carriage

1. Part I of the Air Fares and Conditions of Carriage which came into operation on 1st July 1977 (Gazette Notice No. 46 of 1977) is amended by the insertion after paragraph (8) of the following new paragraph —

“(9) A surcharge of 20 per cent shall be charged on every fare payable in respect of every person normally resident in the Colony.”

2. This amendment shall come into operation on the 1st July 1979.

Ref. AIR/2/1.

No. 35. 9th July 1979.

Register of Electors 1979

It is notified for general information that under section 5 of the Legislative Council (Elections) Ordinance His Excellency the Governor has appointed Registration Officers for the Constituencies shown against their names —

Mr. C. Maddocks	West Falkland
Mr. P. Gaskins	East Falkland
Mr. J. S. Smith	West Stanley
Mrs. S. Halford	West Stanley
Mr. N. K. Bennett	West Stanley
Miss L. M. Lyse	East Stanley
Miss S. Livermore	East Stanley
Mr. Robert King	East Stanley

Ref. LEC/20/4.

No. 36. 10th July 1979.

Rediffusion Service – Stanley

Notice is hereby given that the annual rediffusion fee will be increased from £5 to £7 with effect from 1st April 1980. The rental for each loudspeaker will remain £1 per annum.

Ref. P & T/2/7C.

No. 37. 10th July 1979.

Charges for Broadcasting Announcements and Advertisements

Notice is hereby given that the charges for announcements and advertisements will be at the rate of 3p per word with a minimum charge of 50p.

The new rate is effective from 1st August 1979.

Ref. P & T/2/7C.

LOANS ORDINANCE 1979**Resolution of the Legislative Council**

No. 2 of 1979.

J. R. W. PARKER,
Governor.

RESOLUTION made and passed by the Legislative Council under section 3 of the Loans Ordinance 1979 on the 25th day of June 1979.

THIS RESOLUTION may be cited as the Housing Loan Resolution 1979.

RESOLVED, in exercise of the powers conferred by section 3 of the Loans Ordinance 1979, that the Financial Secretary be authorized to raise an internal loan for the purpose of purchasing and erecting dwelling houses not exceeding in total £100,000.

W. A. ETHERIDGE,
Clerk of Councils.

Ref. HOU/13/7.

CUSTOMS ORDINANCE

(Chapter 16)

Resolution of the Legislative Council

J. R. W. PARKER,
Governor.

No. 3 of 1979.

RESOLUTION made and passed by the Legislative Council under section 5 of the Customs Ordinance on the 25th day of June 1979.

THIS RESOLUTION may be cited as the Customs (Amendment of Duties) Resolution 1979 and shall come into operation on the 25th day of June 1979. Citation and commencement.

IT IS HEREBY RESOLVED in exercise of the powers conferred by section 5 of the Customs Ordinance that paragraph 2 of the Customs Ordinance be amended — Amendment of paragraph 2.

- (a) in item 1 by deleting "33p" and substituting the following —
"40p";
- (b) in item 5 (b) by deleting "£3.30" and substituting the following —
"£3.50"; and
- (c) in item 5 (c) by deleting "£2.80" and substituting the following —
"£3.10".

W. A. ETHERIDGE,
Clerk of Councils.

Ref. CUS/10/1.

Assented to in Her Majesty's name this 12th day of July 1979.

J. R. W. PARKER,
Governor.



No. 6



1979

Colony of the Falkland Islands

IN THE TWENTY-EIGHTH YEAR OF THE REIGN OF
Her Majesty Queen Elizabeth II.

JAMES ROLAND WALTER PARKER, C.M.G., O.B.E.
Governor.

An Ordinance

Title.

To provide for the service of the year
1979-80.

Enacting clause.

ENACTED by the Legislature of the Colony of the Falkland Islands, as follows —

Short title.

1. This Ordinance may be cited for all purposes as the Appropriation (1979-80) Ordinance 1979.

Appropriation of
£3,484,728 for the service
of the year 1979-80.

2. The Governor may cause to be issued out of the Public Revenue and other funds of the Colony and applied to the service of the period 1st July 1979 to 30th June 1980, a sum not exceeding Three million, four hundred and eighty-four thousand, seven hundred and twenty-eight pounds, which sum is granted and shall be appropriated for the purposes and to defray the charges of the several services expressed and particularly mentioned in the Schedule hereto which will come in course of payment during the year 1979-80.

SCHEDULE

Schedule.

Number	HEAD OF SERVICE	£
I.	The Governor	37,773
II.	Agriculture	14,369
III.	Aviation	189,826
IV.	Customs and Harbour	45,415
V.	Education	218,373
VI.	Medical	237,101
VII.	Meteorological	13,885
VIII.	Military	6,570
IX.	Miscellaneous	32,854
X.	Pensions and Gratuities	40,736
XI.	Police and Prisons	32,913
XII.	Posts and Telecommunications	171,440
XIII.	Public Works	235,164
XIV.	Public Works Recurrent	212,825
XV.	Public Works Special	48,810
XVI.	Secretariat, Treasury and Central Store	173,969
XVII.	Overseas Passages	102,213
XVIII.	Social Welfare	90,756
XIX.	Supreme Court and Legal	16,086
XX.	Training	15,000
XXI.	Transfer to Oil Stocks Replacement Fund	56,000
Total Ordinary Expenditure		1,992,078
Development A		
	Expenditure to be met from Colony funds	475,210
Development B		
	Expenditure to be met from U.K. Aid	1,017,440
Total Expenditure		£ 3,484,728

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.

W. A. ETHERIDGE,
Clerk of Councils.

Ref. TRE/14/14.

Assented to in Her Majesty's name this 12th day of July 1979.

J. R. W. PARKER,
Governor.



No. 7



1979

Colony of the Falkland Islands

IN THE TWENTY-EIGHTH YEAR OF THE REIGN OF
Her Majesty Queen Elizabeth II.

JAMES ROLAND WALTER PARKER, C.M.G., O.B.E.
Governor.

An Ordinance

Title.

To legalise certain payments made in the year 1977-78 in excess of the Expenditure sanctioned by Ordinance No. 1 of 1977.

Preamble.

WHEREAS it is expedient to make further provision for the service of the Colony for the period 1st July 1977 to 30th June 1978.

Enacting clause.

ENACTED by the Legislature of the Colony of the Falkland Islands, as follows —

Short title.

1. This Ordinance may be cited for all purposes as the Supplementary Appropriation (1977-78) Ordinance 1979.

Appropriation of excess expenditure for the period 1st July 1977 to 30th June 1978.

2. The sums of money set forth in the Schedule hereto having been expended for the services herein mentioned beyond the amounts granted for those services by the Ordinance providing for the service for the period 1st July 1977 to 30th June 1978, the same are hereby declared to have been duly laid out and expended for the service of the Colony in that period, and are hereby approved allowed and granted in addition to the sum mentioned for those services in the said Ordinance.

SCHEDULE

Schedule.

Number	HEAD OF SERVICE						Amount
	FALKLAND ISLANDS						£
III.	Aviation	...	...	...	...	...	17,788
VI.	Medical	...	...	...	...	...	1,987
VII.	Meteorological	...	...	...	...	...	542
IX.	Miscellaneous	...	...	...	...	...	7,058
X.	Pensions & Gratuities	...	...	...	...	...	9,736
XII.	Posts & Telecommunications	...	...	...	...	...	47,759
XIII.	Public Works	...	...	...	...	...	4,881
XIV.	Public Works Recurrent	...	...	...	...	...	20,007
							£ 109,758
XXI.	Transfer to Development Fund	...	...	...	...	...	290,000
Development B							
	Expenditure to be met from U.K. Aid	...	...	...	...	...	1,115,053
							£ 1,514,811

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.

W. A. ETHERIDGE,
Clerk of Councils.

Ref. TRE/14/10.

Guardianship of Minors Ordinance 1979

Arrangement of Sections

Sections

PART I

Preliminary

1. Short title.
2. Interpretation.

PART II

General Principles

3. Principles on which questions relating to custody, upbringing, etc.
of minors are to be decided.
4. Equal right of mother to apply to court.

PART III

Appointment, Removal and Powers of Guardians

5. Rights of surviving parent as to guardianship.
6. Power of parent to appoint testamentary guardian.
7. Power of court to appoint guardian for minor having no parent, etc.
8. Power of Supreme Court to remove or replace guardian.
9. Disputes between joint guardians.
10. Guardian's powers of management.

PART IV

Orders for Custody and Maintenance

11. Orders for custody and maintenance on application of parent.
12. Orders for custody and maintenance where person is guardian
to exclusion of surviving parent.
13. Orders for custody and maintenance where joint guardians disagree.
14. Power of court as to production of minor.
15. Power of court to order repayment of costs of bringing up minor.
16. Court in making order to have regard to conduct of parent.
17. Power of court as to minors religious education.
18. Person subject to maintenance order to notify change of address.

PART V

Illegitimate Children

19. Application to illegitimate children.

PART VI

Appeals and Procedure

20. Appeals and procedure.

PART VII

Miscellaneous

21. Saving for powers of Supreme Court.
22. Rules.
23. Repeal (3 of 1958).

Assented to in Her Majesty's name this 12th day of July 1979.

J. R. W. PARKER,
Governor.



No. 8



1979

Colony of the Falkland Islands

IN THE TWENTY-EIGHTH YEAR OF THE REIGN OF
Her Majesty Queen Elizabeth II.
JAMES ROLAND WALTER PARKER, C.M.G., O.B.E.
Governor.

An Ordinance
To consolidate and amend the law Title.
relating to the guardianship of minors.

(27th July 1979) Date of commencement.

ENACTED by the Legislature of the Colony of the Falkland Islands, as follows — Enacting clause.

PART I
PRELIMINARY

1. This Ordinance may be cited as the Guardianship of Minors Ordinance 1979. Short title.
2. In this Ordinance, unless the context otherwise requires — Interpretation.
“court” means the Supreme Court or the Magistrate’s Court;
“maintenance” includes education;
“parent” means father or mother.

PART II
GENERAL PRINCIPLES

3. Where in any proceedings before any court (whether or not a court as defined in section 2) — Principles on which questions relating to custody, upbringing, etc., of minors are to be decided.
(a) the custody or upbringing of a minor; or
(b) the administration of any property belonging to or held on trust for a minor or the application of the income thereof, 1971 c.3, s.1.
is in question, the court, in deciding that question, shall regard the welfare of the minor as the first and paramount consideration, and shall not take into consideration whether from any other point of view the claim of the father, or any right at common law possessed

by the father, in respect of such custody, upbringing, administration or application is superior to that of the mother, or the claim of the mother is superior to that of the father.

Equal right of mother to apply to court.
1971 c.3, s.2.

4. The mother of a minor shall have the like powers to apply to the court in respect of any matter affecting the minor as are possessed by the father.

PART III

APPOINTMENT, REMOVAL AND POWERS OF GUARDIANS

Rights of surviving parent as to guardianship.
1971 c.3, s.3.

5. On the death of a parent of a minor, the surviving parent, if any, shall, subject to this Ordinance, be guardian of the minor either alone or jointly with any guardian appointed by the deceased parent; and —

(a) where no guardian has been appointed by the deceased parent; or

(b) in the event of the death or refusal to act of the guardian or guardians appointed by the deceased parent,

the court may, if it thinks fit, appoint a guardian to act jointly with the surviving parent.

Power of parent to appoint testamentary guardian.
1971 c.3, s.4.

6. (1) A parent of a minor may by deed or will appoint any person to be guardian of the minor after his death.

(2) Any guardian so appointed shall act jointly with the surviving parent, if any, unless the surviving parent objects to his so acting.

(3) If the surviving parent so objects, or if the guardian so appointed considers that the surviving parent is unfit to have the custody of the minor, the guardian may apply to the court, and the court may either —

(a) refuse to make any order (in which case the surviving parent shall remain sole guardian); or

(b) make an order that the guardian so appointed —

(i) shall act jointly with the surviving parent; or

(ii) shall be the sole guardian of the minor.

(4) Where guardians are appointed by both parents, the guardians so appointed shall, after the death of the surviving parent, act jointly.

(5) If under section 5 a guardian has been appointed by the court to act jointly with the surviving parent, he shall continue to act as guardian after the death of the surviving parent; but, if the surviving parent has appointed a guardian, the guardian appointed by the court shall act jointly with the guardian appointed by the surviving parent.

Power of court to appoint guardian for minor having no parent, etc.
1971 c.3, s.5 (1).

7. Where a minor has no parent, no guardian of the person, and no other person having parental rights with respect to him, the court, on the application of any person, may, if it thinks fit, appoint the applicant to be the guardian of the minor.

Power of Supreme Court to remove or replace guardian.
1971 c.3, s.6.

8. The Supreme Court may, in its discretion, on being satisfied that it is for the welfare of the minor, remove from his office any testamentary guardian or any guardian appointed or acting by virtue of this Ordinance, and may also, if it deems it to be for the welfare of the minor, appoint another guardian in place of the guardian so removed.

Disputes between joint guardians.
1971 c.3, s.7.

9. Where two or more persons act as joint guardians of a minor and they are unable to agree on any question affecting the welfare of the minor, any of them may apply to the court for its direction, and the court may make such order regarding the matters in difference as it may think proper.

10. (1) A guardian of the estate of a minor shall, subject to the rights and powers of any personal representative or trustee in whom the minor's estate may be vested, have in addition to such other rights as may be granted to him, the right to —

Guardian's power of management.
1971 c.3, s.8.

- (a) receive the rents and profits of the lands of the minor;
- (b) manage the personal estate of the minor;
- (c) bring legal proceedings to enforce the rights expressed in paragraphs (a) and (b).

(2) The guardian shall account to the minor for any rents, profits or income received by him under subsection (1).

PART IV

ORDERS FOR CUSTODY AND MAINTENANCE

11. (1) The court may, on the application of a parent of a minor (who may apply without next friend), make such order regarding —

Orders for custody and maintenance on application of parent.
1971 c.3, s.9.

- (a) the custody of the minor; and
- (b) the right of access to the minor of either parent,

as the court thinks fit having regard to the welfare of the minor and to the conduct and wishes of the parents.

(2) Where the court makes an order under subsection (1) giving the custody of the minor to any person (whether or not one of the parents), the court may make a further order requiring payment to that person by the parent or either of the parents excluded from having that custody of such weekly or other periodical sum towards the maintenance of the minor as the court thinks reasonable having regard to the means of the parent.

(3) An order may be made under subsection (1) or (2) notwithstanding that the parents of the minor are then residing together, but —

- (a) no such order shall be enforceable, and no liability thereunder shall accrue while they are residing together; and
- (b) any such order shall cease to have effect if for a period of three months after it is made they continue to reside together;

Provided that, unless the court in making the order directs otherwise, paragraphs (a) and (b) above shall not apply to any provision of the order giving the custody of the minor to a person other than one of the parents or made with respect to a minor of whom custody is so given.

(4) An order under subsection (1) or (2) may be varied or discharged by a subsequent order made on the application of either parent or after the death of either parent on the application of any guardian under this Ordinance, or (before or after the death of either parent) on the application of any other person having the custody of the minor by virtue of an order under subsection (1).

12. (1) Where the court makes an order under section 6 (3) (b) (ii) that a person shall be the sole guardian of a minor to the exclusion of his surviving parent, the court may —

Orders for custody and maintenance where person is guardian to exclusion of surviving parent.
1971 c.3, s.10.

- (a) make such order regarding —
 - (i) the custody of the minor; and
 - (ii) the right of access to the minor of his surviving parent, as the court thinks fit, having regard to the welfare of the minor; and
- (b) make a further order requiring the surviving parent to pay to the guardian such weekly or other periodical sum towards the maintenance of the minor as the court thinks

reasonable having regard to the means of the surviving parent.

(2) The powers conferred by subsection (1) may be exercised at any time and include power to vary or discharge any orders previously made under those powers.

Orders for custody and maintenance where joint guardians disagree.

1971 c.3, s.11.

13. The powers of the court under section 8 shall, where one of the joint guardians is the surviving parent of the minor, include power —

- (a) to make such order regarding —
 - (i) the custody of the minor; and
 - (ii) the right of access to the minor of the surviving parent, as the court thinks fit having regard to the welfare of the minor;
- (b) to make an order requiring the surviving parent to pay such weekly or other periodical sum towards the maintenance of the minor as the court thinks reasonable having regard to the means of the surviving parent;
- (c) to vary or discharge any order previously made under that section.

Power of court as to production of minor.

1891 c.3, s.1.

14. Where the parent of a minor applies to the court for an order for the production of the minor, and the court is of opinion that the parent has abandoned or deserted the minor or that he has otherwise so conducted himself that the court should refuse to enforce his right to the custody of the minor, the court may, in its discretion, decline to make the order.

Power of court to order repayment of costs of bringing up minor.

1891 c.3, s.2.

15. If at the time of the application for an order for the production of the minor, the minor is being brought up by another person, the court may, in its discretion, if it orders the minor to be given up to the parent, further order that the parent shall pay to such person the whole of the costs properly incurred in bringing up the minor, or such portion thereof as shall seem to the court to be just and reasonable, having regard to the circumstances of the case.

Court in making order to have regard to conduct of parent.

1891 c.3, s.3.

16. Where the parent has —

- (a) abandoned or deserted the minor; or
- (b) allowed the minor to be brought up by another person at that person's expense for such a length of time and under such circumstances as to satisfy the court that the parent was unmindful of his parental duties,

the court shall not make an order for the delivery of the minor to the parent, unless the parent has satisfied the court that, having regard to the welfare of the minor, the parent is a fit person to have the custody of the minor.

Power of court as to minor's religious education.

1891 c.3, s.4.

17. (1) Upon an application by the parent for the production or custody of a minor, if the court is of the opinion that the parent ought not to have the custody of the minor, and that the minor is being brought up in a different religion to that in which the parent has a legal right to require that the minor should be brought up, the court shall have power to make such order as it may think fit to secure that the minor be brought up in the religion in which the parent has a legal right to require the minor should be brought up.

(2) Nothing contained in this section or sections 14 to 16 (inclusive) shall interfere with or effect the power of the court to consult the wishes of the minor in considering what order ought to be made under this section, or diminish the right which any minor now possesses to the exercise of its own free choice.

18. (1) Any person for the time being under an obligation to make payments in pursuance of any order for the payment of money under this Ordinance shall within fourteen days of a change of address give notice of his new address to such person, if any, as may be specified in the order.

Person subject to maintenance order to notify change of address.

1971 c.3, s.13(2).

(2) Any person who fails without reasonable excuse to give a notice, which he is required by subsection (1) to give, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding £10.

PART V

ILLEGITIMATE CHILDREN

19. (1) Subject to this section, section 11 (1) shall apply in relation to a minor who is illegitimate as it applies in relation to a minor who is legitimate, and reference in section 11 (1), and in any other provision of this Ordinance so far as it relates to proceedings under section 11 (1), to the father or mother or parent of a minor shall be construed accordingly.

Application to illegitimate children.

1971 c.3, s.14(1), (2), (3).

(2) No order shall be made by virtue of subsection (1) of this section under subsection (2) of the said section 11.

(3) For the purposes of sections 5, 6, 7 and 12 a person —

(a) being the natural father of an illegitimate child; and

(b) being entitled to the child's custody by virtue of an order in force under section 11 (1) as applied by this section,

shall be treated as if he were the lawful father of the minor; but any appointment of a guardian made by virtue of this subsection under section 6 (1) shall be of no effect unless the appointer is entitled to the custody of the minor as under paragraph (b) immediately before his death.

PART VI

APPEALS AND PROCEDURE

20. (1) Where any application has been made under this Ordinance to the Magistrate's Court, the Supreme Court shall, at the instance of any party to the application, order the application to be removed to the Supreme Court and there proceeded with on such terms as to costs as it thinks proper.

Appeals and procedure.

1971 c.3, s.16.

(2) An appeal shall lie to the Supreme Court from any order made by the Magistrate's Court under this Ordinance.

(3) Subject to subsection (4), where on an application to the Magistrate's Court under this Ordinance the court makes or refuses to make an order an appeal shall lie to the Supreme Court.

(4) Where an application is made to the Magistrate's Court under this Ordinance, and the court considers that the matter is one which would more conveniently be dealt with by the Supreme Court, the Magistrate's Court may refuse to make an order, and in that case no appeal shall lie to the Supreme Court.

PART VII

MISCELLANEOUS

21. Nothing in this Ordinance shall restrict or affect the jurisdiction of the Supreme Court to appoint or remove guardians or otherwise in respect of minors.

Saving for powers of Supreme Court.

1971 c.3, s.17(1).

22. The Governor in Council may make rules directing the manner in which applications to the court are to be made and

Rules.

dealing generally with all the matters of procedure and incidental matters arising out of this Ordinance, and of carrying this Ordinance into effect.

Repeal.
3 of 1958.

23. The Guardianship and Custody of Children Ordinance 1958 is repealed.

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.

W. A. ETHERIDGE,
Clerk of Councils.

Ref. LEG/10/14.

Assented to in Her Majesty's name this 12th day of July 1979.

J. R. W. PARKER,
Governor.

LS



No. 9

1979

Colony of the Falkland Islands

IN THE TWENTY-EIGHTH YEAR OF THE REIGN OF
Her Majesty Queen Elizabeth II.

JAMES ROLAND WALTER PARKER, C.M.G., O.B.E.
Governor.

An Ordinance To amend the Old Age Pensions Ordinance 1952.

ENACTED by the Legislature of the Colony of the Falkland Islands, as follows —

1. (1) This Ordinance may be cited as the Old Age Pensions (Amendment) Ordinance 1979.

(2) The provisions of section 2 of this Ordinance shall come into operation on the 2nd day of July 1979 and the provisions of section 3 shall come into operation on the 9th day of July 1979.

2. Section 6 (2) of the principal Ordinance is amended —

(a) in paragraph (a) by deleting “£1.00” and substituting the following —

“£1.20”;

(b) in paragraph (b) by deleting “£1.50” and substituting the following —

“£1.80”; and

(c) in paragraph (c) by deleting “£2.50” and substituting the following —

“£3.00”.

3. The Schedule to the principal Ordinance is amended by deleting “£13.50”, “£9.00”, “£9.00” and “£9.00” and substituting the following respectively —

“£15.00”, “£10.00”, “£10.00” and “£10.00”.

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.

W. A. ETHERIDGE,
Clerk of Councils.

Ref. TRE/2/1.

Assented to in Her Majesty's name this 12th day of July 1979.

J. R. W. PARKER,
Governor.



No. 10



1979

Colony of the Falkland Islands

IN THE TWENTY-EIGHTH YEAR OF THE REIGN OF
Her Majesty Queen Elizabeth II.
JAMES ROLAND WALTER PARKER, C.M.G., O.B.E.
Governor.

An Ordinance

To amend the Non-contributory Old
Age Pensions Ordinance 1961.

Title.

Date of commencement.

(2nd July 1979)

Enacting clause.

ENACTED by the Legislature of the Colony of the Falkland Islands, as follows —

Short title and commencement.

1. This Ordinance may be cited as the Non-contributory Old Age Pensions (Amendment) Ordinance 1979 and shall come into operation on the 2nd day of July 1979.

Amendment of Schedule.
(7 of 1961)

2. The Schedule to the principal Ordinance is amended by deleting "£11.00", "£8.00" and "£8.00" and substituting the following respectively —
"£12.00", "£9.00" and "£9.00".

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.

W. A. ETHERIDGE,
Clerk of Councils.

Ref. TRE/2/2.

Assented to in Her Majesty's name this 12th day of July 1979.

J. R. W. PARKER,
Governor.



No. 11



1979

Colony of the Falkland Islands

IN THE TWENTY-EIGHTH YEAR OF THE REIGN OF
Her Majesty Queen Elizabeth II.
JAMES ROLAND WALTER PARKER, C.M.G., O.B.E.
Governor.

An Ordinance To amend the Firearms Ordinance 1965.

(1st January 1980)

Title.

Date of commencement.

ENACTED by the Legislature of the Colony of the Falkland Islands, as follows —

Enacting clause.

1. This Ordinance may be cited as the Firearms (Amendment) Ordinance 1979 and shall come into operation on the 1st day of January 1980.

Short title and commencement.

2. Section 4 of the principal Ordinance is amended in subsection (4) by deleting "£1.00" and substituting the following —

Amendment of section 4.
(12 of 1965)

"£2.00".

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.

W. A. ETHERIDGE,
Clerk of Councils.

Ref. POL/10/3.

Assented to in Her Majesty's name this 12th day of July 1979.

J. R. W. PARKER,
Governor.



No. 12



1979

Colony of the Falkland Islands

IN THE TWENTY-EIGHTH YEAR OF THE REIGN OF
Her Majesty Queen Elizabeth II.

JAMES ROLAND WALTER PARKER, C.M.G., O.B.E.
Governor.

An Ordinance To amend the Trespass Ordinance.

Title.

Date of commencement.

(1st January 1980)

Enacting clause.

ENACTED by the Legislature of the Colony of the Falkland Islands, as follows —

Short title and commencement.

1. This Ordinance may be cited as the Trespass (Amendment) Ordinance 1979 and shall come into operation on the 1st day of January 1980.

Repeal and replacement of Schedule.
(Cap. 74)

2. The Schedule to the principal Ordinance is repealed and replaced by the following new Schedule —

SCHEDULE

s.8.

Commonage in respect of	Fee for any period not exceeding one month	Fee for one year
	£	£
(a) Any cow	0.10	1.00
(b) Any horse or mule	0.10	1.00
(c) Any heifer between one and two years old	0.05	0.50
(d) Any calf or foal not exceeding one year old	0.03	0.25

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.

W. A. ETHERIDGE,
Clerk of Councils.

Ref. LEG/10/23.

Medical Services Levy Ordinance 1979

Arrangement of Sections

Sections

- 1 Short title and commencement
- 2 Interpretation
- 3 Administration
- 4 Duty to regard documents, etc., as secret and to make declaration
- 5 Imposition of medical services levy
- 6 Payment of medical services levy
- 7 Exemptions
- 8 Payment of medical services levy to Financial Secretary
- 9 Right of employer to deduct tax from emoluments
- 10 Employer or self-employed person failing to pay medical services levy
- 11 Objections and appeals
- 12 Repayment
- 13 Tax payable to be a debt due to Government
- 14 Power to remit medical services levy
- 15 Offences
- 16 Crown bound
- 17 Regulations
- 18 Approval of retirement schemes
- 19 Financial Secretary may vary times or periods

Assented to in Her Majesty's name this 19th day of July 1979.

J. R. W. PARKER,
Governor.



No. 13



1979

Colony of the Falkland Islands

IN THE TWENTY-EIGHTH YEAR OF THE REIGN OF

Her Majesty Queen Elizabeth II.

JAMES ROLAND WALTER PARKER, C.M.G., O.B.E.
Governor.

An Ordinance

Title.

To provide for the imposition and collection of a tax, called the medical services levy, on emoluments in respect of employment and for matters incidental thereto and connected therewith.

Date of commencement.

(1st July 1979)

Enacting clause.

ENACTED by the Legislature of the Colony of the Falkland Islands, as follows —

Short title and commencement.

1. This Ordinance may be cited as the Medical Services Levy Ordinance 1979 and shall come into operation on the 1st day of July 1979.

Interpretation.

2. In this Ordinance unless the context otherwise requires —
 “approved retirement scheme” means a retirement scheme or provident fund or part thereof approved for the time being by the Governor in Council under section 18;
 “certificate of assessment” means any certificate of assessment by the Financial Secretary under section 10 certifying the amount of medical services levy due from the employer or self-employed person;
 “emoluments” mean any wages, salary, commission, bonuses, allowances (including a housing allowance or other like allowance) or other emoluments paid in cash by or on behalf of an employer to an employee, and includes leave pay;
 “employer” means any person paying emoluments whether on his own account or on behalf of another person;
 “medical services levy” means the tax imposed by section 5;

"net profits" mean net profits as assessed under the provisions of the income tax ordinance.

"payment" in all its grammatical forms includes, in respect of emoluments, allowances and credit of emoluments to an employee;

"self-employed person" means any person gainfully occupied who is not an employee;

"year" means the period of twelve months ending on the 31st day of December in any year.

3. (1) The administration of this Ordinance is vested in the Financial Secretary. Administration.

(2) The Financial Secretary may authorize any public officer to exercise any powers or to perform any duties conferred or imposed on the Financial Secretary by this Ordinance.

4. (1) Every person having any official duty or being employed in the administration of this Ordinance shall regard and deal with all documents, information or returns relating to emoluments of any person, as secret and confidential and shall make and subscribe a declaration to that effect before a justice of the peace. Duty to regard documents, etc., as secret and to make declaration.

(2) Every person having possession of or control over any documents, information or returns relating to the emoluments of any person, who at any time communicates or attempts to communicate such information or anything contained in such documents or returns, to any person —

(a) other than a person to whom he is authorized by the Governor to communicate it;

(b) otherwise than for the purposes of this Ordinance;

shall be guilty of an offence.

5. There shall be paid a tax, to be known as the medical services levy, in respect of emoluments arising or derived from the sources specified in section 6 at the following rates — Imposition of medical services levy.

(a) by every employer at the rate of $1\frac{1}{2}\%$;

(b) by every employee at the rate of 1% ;

(c) by every self-employed person at the rate of $1\frac{1}{2}\%$.

6. Medical services levy shall be payable in respect of —

(a) the gross emoluments of every employee, by the employer;

(b) the gross emoluments of every employee, by the employee;

(c) the net profits before tax of every self-employed person (including individuals in business as partners or sole proprietors). Payment of medical services levy.

7. There shall be exempt from the medical services levy — Exemptions.

(a) the official emoluments of the Governor;

(b) the official emoluments paid to Consuls, Vice-Consuls and members of the permanent Consular Services of foreign countries in respect of their offices or in respect of services rendered by them in their official capacity;

(c) the emoluments paid from United Kingdom funds to members of Her Majesty's Forces and to persons in the permanent service of the United Kingdom Government in respect of their offices under the United Kingdom Government;

(d) all pensions and annuities paid to retired persons for past services;

(e) the emoluments paid to a person under fifteen years of age who is in full time attendance at school;

(f) any sum received by way of commutation of pension under an approved retirement scheme or the Pensions Ordinance;

- (g) the emoluments paid by the United Kingdom Government to Technical Co-operation officers employed in the Colony by the Ministry of Overseas Development except any such emoluments reimbursed to the United Kingdom Government from Colony funds;
- (h) the salary and other emoluments received for services related to communications referred to in Notes exchanged between the United Kingdom and the Argentine Republic on the 5th August 1971 and in the Joint Statement referred to in those Notes by residents of the Argentine mainland from their Argentine employers;
- (i) pensions granted to dependents of deceased members of Her Majesty's Forces;
- (j) wound and disability pensions granted to members of Her Majesty's Forces;
- (k) gratuities granted to members of Her Majesty's Forces in respect of war services;
- (l) any allowance, grant or gratuity payable from United Kingdom funds to any officer in the service of the Colony who is a designated officer within the terms of the Overseas Service (Falkland Islands) (Continuance) Agreement 1971/77;
- (m) any allowance paid to any unofficial member of the Executive or Legislative Councils under the provisions of the Executive Council (Allowances) Ordinance 1977 or the Legislative Council (Allowances) Ordinance 1977 in respect of services as a member of council.
- (n) pensions paid under the provisions of the Old Age Pensions Ordinance 1952 or the Non-contributory Old Age Pensions Ordinance 1961;
- (o) the salary and other emoluments of residents of the Argentine mainland employed by Yacimientos Petroliferos Fiscales in the Colony.

Payment of medical services levy to Financial Secretary.

8. (1) All amounts of medical services levy which an employer and employee employed by him are liable under the provisions of this Ordinance to pay in respect of any payment of emoluments shall be paid by that employer to the Financial Secretary without any demand within 90 days of the end of the year in which the payment of the emoluments in question was made.

(2) The employer shall make an annual statement and transmit the same to the Financial Secretary on such form as may be approved by the Financial Secretary, which statement shall specify —

- (a) the gross amount of the total emoluments paid during the year and on which medical services levy is payable; and
- (b) the amount of medical services levy payable by the employer and the employee.

(3) All amounts of medical services levy payable by a self-employed person shall be paid to the Financial Secretary without demand not later than 90 days of the end of the year in which the net profit in question was made.

(4) Every self-employed person shall make an annual statement and transmit the same to the Financial Secretary on such form as may be approved by the Financial Secretary, which statement shall specify —

- (a) his net profit before income tax for the preceding year;
- (b) the amount of medical services levy payable.

(5) If within 90 days of the end of any year the employer or self-employed person fails without reasonable cause, to transmit to the Financial Secretary the annual statement and payment referred to he

shall be guilty of an offence and liable on summary conviction to a fine not exceeding £300 or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

(6) Where a company is guilty of a contravention of the provisions of this section, every director, manager, agent and officer of the company or corporate body in the Colony who is knowingly a party of the contravention shall be liable to the penalties specified in subsection (5).

9. (1) Every employer who pays emoluments to any employee may, on the occasion of any such payment of emoluments, and at no other time, deduct therefrom a sum of money not greater than the amount of medical services levy which the employer is liable to pay under section 8 (1) in respect of the employee, and the employee from whom such sum is deducted shall have no right of action for the repayment of such sum to him by the employer.

Right of employer to deduct tax from emoluments.

(2) Any employer failing to make deductions pursuant to subsection (1) shall, notwithstanding such failure, pay to the Financial Secretary the amount due under this Ordinance for medical services levy in respect of his employee.

10. (1) If within 90 days of the end of any year any employer or self-employed person has paid no amount of medical services levy to the Financial Secretary, the Financial Secretary may assess the amount of medical services levy that he considers payable by such employer or self-employed person.

Employer or self-employed person failing to pay medical services levy.

(2) The Financial Secretary shall certify his assessment of the amount of medical services levy which the employer or self-employed person is liable to pay to him in respect of the year in question and send notice thereof to the employer or self-employed person concerned.

(3) The certificate of assessment of the Financial Secretary under subsection (2) shall be sufficient evidence that the amount shown on the said certificate is the amount of medical services levy which the employer or self-employed person is liable to pay to the Financial Secretary in respect of the year in question and any document purporting to be such a certificate as aforesaid shall be deemed to be such a certificate until the contrary is proved.

(4) A notice given by the Financial Secretary under subsection (2) may be in respect of two or more consecutive years, and the provisions of this Ordinance shall have effect as if the said consecutive years were one year.

(5) An assessment by the Financial Secretary under subsection (1) may be made notwithstanding that an amount of medical services levy has been paid to him by the employer or self-employed person under this Ordinance for any particular year, if the Financial Secretary is not satisfied that the amount so paid is the full amount which the employer or self-employed person is liable to pay to him for that year, and the provisions of this section shall have effect accordingly.

11. (1) If any person is aggrieved by an assessment referred to in a certificate of assessment he may give notice thereof to the Financial Secretary, stating the ground of his objection, within thirty days of the date of the certificate of assessment.

Objections and appeals.

(2) On receipt of such notice of objection the Financial Secretary on proof to his satisfaction, may agree with the employer or self-employed person as to the correct amount to be assessed and may thereupon amend the certificate of assessment. Notice of the amended certificate of assessment shall then be served on the employer or self-employed person.

Cap. 32

(3) In default of agreement as aforesaid the employer or self-employed person, on giving notice to the Financial Secretary, may appeal to the Judge in Chambers, and the provisions of the Income Tax Ordinance relating to the determination of appeals against assessment shall apply accordingly.

(4) No notice of objection shall be valid unless the employer or self-employed person states what portion of the medical services levy charged is in excess of his true liability and remits therewith an amount equal to the medical services levy he does not dispute.

Repayment.

12. Where the employer or self-employed person shows to the satisfaction of the Financial Secretary that medical services levy has been overpaid by him the Financial Secretary shall arrange for the tax overpaid to be refunded:

Provided that no application for repayment of medical services levy overpaid shall be valid unless such application is made within twelve months of the end of the year to which the over-payment related.

Tax payable to be a debt due to Government.

13. Any medical services levy due from and payable by an employer or self-employed person under this Ordinance or under regulations made under this Ordinance shall be recovered by the Financial Secretary or any person duly authorized by the Financial Secretary to act on his behalf, as a debt due to the Government of the Colony.

Power to remit medical services levy.

14. If the Governor in Council upon written application being made to him is satisfied that it would be just and equitable to do so he may remit the whole or any part of the medical services levy payable.

Offences.

15. (1) Any person who, for the purpose of evading the payment of medical services levy, knowingly makes any false statement or false representation shall be guilty of an offence and liable on summary conviction to a fine not exceeding £1,000 or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

(2) Any person guilty of an offence against this Ordinance for which no specific penalty is otherwise provided shall be liable on summary conviction to a fine not exceeding £100 or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

Crown bound.

16. This Ordinance shall bind the Crown.

Regulations.

17. The Governor in Council may make regulations in regard to any matter or thing in respect of which it may be expedient to give effect to the provisions of this Ordinance.

Approval of retirement schemes.

18. Upon application in such manner as may be prescribed the Governor in Council may, for the purposes of this Ordinance, approve, either as a whole or in part, any retirement scheme or provident fund which, in his opinion, complies substantially with such requirements as may be prescribed, and may withdraw any approval so given.

Financial Secretary may vary times or periods.

19. Notwithstanding the provisions of this Ordinance the Financial Secretary may, for good cause shown by any employer or self-employed person, vary any of the times or periods prescribed by this Ordinance.

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.

Ref. TRE/10/9.

W. A. ETHERIDGE,
Clerk of Councils.

Registration of United Kingdom Trade Marks Ordinance (Cap. 59)

The following list of Trade Marks Registered in the Falkland Islands during the period 1st January 1977 to 31st December 1978 is published for general information. The Trade Marks Register may be inspected at the Office of the Registrar General, Stanley.

R. H. Checkley,
Registrar General.

Registration No.	Date of Registration	Proprietor	Description of Goods
6325	15th February 1977	Gallaher Limited	Manufactured tobacco.
6330	3rd March 1977	Citicorp	Advertising media included in Class 16; printed matter, newspapers, periodical publications, books, instructional material (other than apparatus), cheques, stationery, brochures, and office requisites (other than furniture); but not including office machines.
6334	15th March 1977	Appendagez Inc.	Trousers, slacks, shirts, pants, trunks, shorts, jackets, skirts and hats.
6335	15th March 1977	Appendagez Inc.	Trousers, slacks, shirts, pants, trunks, shorts, jackets, skirts and hats.
6339	15th March 1977	Rothmans of Pall Mall Limited	Tobacco, snuff, and smoker's articles, all included in Class 34; cigarettes, cigars, cigarillos, cheroots, and matches, all being goods for export from the United Kingdom to and sale in all countries of the world except the Channel Islands, the Republic of Ireland, Fiji and Malta.
6345	6th April 1977	John Dewar & Sons Limited	Scotch Whisky.
6356	18th April 1977	Uncle Ben's Inc.	All goods included in Class 30 (coffee, tea, etc.).
6370	20th May 1977	Reckitt & Colman (Overseas) Limited	Pharmaceutical, veterinary and sanitary preparations; medicated preparations for the treatment of the scalp and skin; deodorants; air freshening preparations; insecticides; disinfectants, germicides and antiseptics; infants' and invalids' foods; dietetic foods; medicated beverages and preparations included in Class 5 for making such beverages, all being goods for export to the Irish Republic.
6374	27th May 1977	Clarks Overseas Shoes Limited	Boots, shoes, and slippers.
6386	11th July 1977	Interlight	Allides included in Class 14 made of precious metal or alloys thereof or coated therewith, but not including bracelets or bangles or the like goods.
6388	26th July 1977	Joseph Lucas (Industries) Limited	Pressed and welded fabrications included in Class 6; metal pipes (not being boiler tubes or parts of machines).
6389	26th July 1977	Joseph Lucas (Industries) Limited	Dynamos, alternators, starters for stationary internal combustion engines; fuel filters being parts of engines, of motors or of machines; hydraulic transmission gear (none for land vehicle propulsion), hydraulic motors, etc. and parts included in Class 7 for all such goods.
6390	26th July 1977	Joseph Lucas (Industries) Limited	Search lights, integrated electric circuits, solenoids, ammeters, voltmeters, distance recording instruments, rheostats, rectifiers (electric current), voltage and electric current control regulators, capacitors, etc. and parts included in Class 9 of all such goods.
6391	26th July 1977	Joseph Lucas (Industries) Limited	Heat exchangers (not being parts of machines); electric lamps for land vehicles, for watercraft and for aircraft; air and gas purifying apparatus, etc. and parts included in Class 11 of all such goods.
6392	26th July 1977	Joseph Lucas (Industries) Limited	Motor horns and audible warning devices for vehicles malfunction; direction indicators, etc. and parts included in Class 12 of all such goods.

Registration No.	Date of Registration	Proprietor	Description of Goods
6415	11th October 1977	Nippon Gakki Seizo Kabushiki Kaisha	Electronic and electrical apparatus and instruments, all included in Class 9, radio apparatus and instruments; sound recording and sound reproducing apparatus; photographic, optical, weighing, measuring, checking (supervision), life-saving and teaching apparatus and instruments and parts and fittings included in Class 9 for all such goods.
6416	11th October 1977	Nippon Gakki Seizo Kabushiki Kaisha	Musical instruments and parts and fittings therefor included in Class 15.
6417	11th October 1977	Nippon Gakki Seizo Kabushiki Kaisha	Sporting articles (other than clothing).
6418	11th October 1977	Nippon Gakki Seizo Kabushiki Kaisha	Electrical musical instruments.
6419	11th October 1977	Nippon Gakki Seizo Kabushiki Kaisha	Electronic and electrical instruments and apparatus, all included in Class 9; and magnetic recording tape.
6420	11th October 1977	Nippon Gakki Seizo Kabushiki Kaisha	All goods included in Class 15.
6421	11th October 1977	Nippon Gakki Seizo Kabushiki Kaisha	Sporting articles (other than clothing).
6454	18th January 1978	Texwood Limited	Articles of underclothing, shirts, sleeping garments, overcoats, jackets, blazers, skirts, pullovers, sweaters, boots, shoes and slippers.
6455	18th January 1978	Texwood Limited	Articles of clothing.
6457	18th January 1978	Tootal Limited	Tissues (piece goods): bed and table covers; textile articles not included in other classes.
6459	18th January 1978	Texwood Limited	Jeans being articles of clothing, jackets, trousers, shorts, boiler suits and overalls.
6460	18th January 1978	Tootal Limited	Articles of clothing, all made from textile materials.
6461	19th January 1978	Cadbury Limited	Cocoa, chocolate, chocolates and non-medicated confectionery; biscuits (other than biscuits for animals); and tea.
6473	21st February 1978	Castrol Limited	Industrial oils and greases (other than edible oils and fats and essential oils) and lubricants and fuels.
6474	21st February 1978	Castrol Limited	Anti-freezing preparations in fluid form.
6475	21st February 1978	Castrol Limited	Hydraulic fluids (not being oils).
6476	21st February 1978	Castrol Limited	Chemical products for use in industry, etc. and chemical products included in Class 1 used in agriculture, horticulture, and forestry.
6477	21st February 1978	Castrol Limited	Compositions (in the nature of paint) for use in making traffic lines on roads and the like surfaces, etc.
6478	21st February 1978	Castrol Limited	Preparations and substances for laundry use; cleaning, polishing, scouring and abrasive preparations; soaps.
6479	21st February 1978	Castrol Limited	Oils included in Class 4 and lubricants.
6480	21st February 1978	Castrol Limited	Lubricating greases.
6481	21st February 1978	Castrol Limited	Pharmaceutical substances; surgical and medical plasters; materials prepared for bandaging; disinfectants all for first aid use or for inclusion in first aid tests
6482	21st February 1978	Castrol Limited	Cash boxes, key fobs, and key rings, all made of common metal.
6483	21st February 1978	Castrol Limited	Apparatus incorporating compressors (not being parts of vehicles), for inflating vehicle tyres, and parts included in Class 7 of such apparatus.
6484	21st February 1978	Castrol Limited	Transportable machines for dispensing oil and grease; pumps included in Class 7 for dispensing oil and grease; compressors (machinery); lifts; and parts included in Class 7 of all the aforesaid goods.
6485	21st February 1978	Castrol Limited	Pen-knives and letter opening knives included in Class 8.
6486	21st February 1978	Castrol Limited	Protective helmets for motor cyclists.

Registration No.	Date of Registration	Proprietor	Description of Goods
6487	21st February 1978	Castrol Limited	Apparatus for testing lubricants, etc.
6488	21st February 1978	Castrol Limited	Installations for dispensing measured quantities of oil and grease, etc.
6489	21st February 1978	Castrol Limited	Torches (electric).
6490	21st February 1978	Castrol Limited	Shaped covers for motor vehicle lamps.
6491	21st February 1978	Castrol Limited	Mud flaps, gear lever knobs, windscreen wipers, anti-dazzle strips for application to wind-screens, all the aforesaid goods being part of motor land vehicles.
6492	21st February 1978	Castrol Limited	Watches and clocks, etc.
6493	21st February 1978	Castrol Limited	Printed publications relating to motoring and lubrication, etc.
6494	21st February 1978	Castrol Limited	Waxed paper, packing paper and wrapping paper.
6495	21st February 1978	Castrol Limited	Non-metallic hose.
6496	21st February 1978	Castrol Limited	Plastics in the form of sheets, blocks, rods, tubes and shaped sections, all for use in manufactures.
6497	21st February 1978	Castrol Limited	Umbrellas and parasols; travelling bags, key fobs and holdalls, all made of leather or of imitation leather.
6498	21st February 1978	Castrol Limited	All goods included in Class 19.
6499	21st February 1978	Castrol Limited	Camping stools and mirrors included in Class 20.
6500	21st February 1978	Castrol Limited	Inserts made of plastics for the reception of screens, rails and the like.
6501	21st February 1978	Castrol Limited	Vacuum flasks and drinking glasses.
6502	21st February 1978	Castrol Limited	Small domestic utensils and portable containers, etc.
6503	21st February 1978	Castrol Limited	Vehicle covers.
6504	21st February 1978	Castrol Limited	Towels, handkerchiefs, flags and bunting, all made from textile materials.
6505	21st February 1978	Castrol Limited	Jackets, jerkins, shirts; ties, caps and gloves, all for wear; and articles of clothing for motor cyclists.
6506	21st February 1978	Castrol Limited	Jackets, jerkins, overalls, jump-suits, waterproof trousers, shirts; ties, belts, caps and gloves, all for wear; articles of sports clothing.
6507	21st February 1978	Castrol Limited	Badges (for wear), not of precious metal or coated therewith.
6508	21st February 1978	Castrol Limited	Embroidered badges.
6509	21st February 1978	Castrol Limited	Carpets and rugs (floor coverings), table mats (not being table linen).
6510	21st February 1978	Castrol Limited	Golf balls and toy motor vehicles.
6511	21st February 1978	Castrol Limited	Games (other than ordinary playing cards), and toys.
6512	21st February 1978	Castrol Limited	Non-medicated sugar confectionery.
6513	21st February 1978	Castrol Limited	Beer and ale.
6514	21st February 1978	Castrol Limited	Pyrophoric lighters for smokers, smokers ashtrays (not of precious metal or coated therewith), and matches.
6515	21st February 1978	Reckitt & Colman (Overseas) Limited	Pharmaceutical preparations and substances.
6516	21st February 1978	Reckitt & Colman (Overseas) Limited	Pharmaceutical preparations and substances.
6522	22nd March 1978	Lucas Industries Limited	Pipes and tubes, etc.
6523	22nd March 1978	Lucas Industries Limited	Dynamos, electric alternators, electric generators, etc.

Registration No.	Date of Registration	Proprietor	Description of Goods
6524	22nd March 1978	Lucas Industries Limited	Searchlights, integrated electric circuits, solenoids, etc.
6525	22nd March 1978	Lucas Industries Limited	Heat exchangers (not being parts of machines) etc.
6526	22nd March 1978	Lucas Industries Limited	Motor horns and audible warning devices, etc.
6527	22nd March 1978	Lucas Industries Limited	Books, printed publications and printed matter.
6528	22nd March 1978	Lucas Industries Limited	Synthetic materials and flexible hoses, all included in Class 17.
6529	22nd March 1978	Lucas Industries Limited	Containers included in Class 21 for dispensing liquids into batteries.
6542	6th April 1978	The Coca-Cola Company	Non-alcoholic beverages and preparations for making such beverages, all included in Class 32.
6561	18th May 1978	Glaxo Laboratories Limited	Pharmaceutical and veterinary preparations and substances.
6580	10th July 1978	Mars Limited	Chocolate sweetmeats (not medicated).
6581	10th July 1978	Mars Limited	Food for animals.
6582	10th July 1978	Mars Limited	Dog foods.
6583	10th July 1978	Mars Limited	Food for animals and for birds.
6584	10th July 1978	Mars Limited	Foodstuffs for animals and for birds.
6585	10th July 1978	Mars Limited	Food for cats.
6586	10th July 1978	Mars Limited	Food for animals.
6587	10th July 1978	Mars Limited	Non-medicated confectionery.
6588	10th July 1978	Mars Limited	All goods included in Class 30, but not including coffee, cocoa, or tea, or any goods of the same description as tea.
6589	10th July 1978	Mars Limited	Chocolate coated nougat confectionery in the form of bars.
6590	10th July 1978	Mars Limited	Non-medicated sugar confectionery and toffee.
6591	10th July 1978	Mars Limited	Food for animals
6592	10th July 1978	Mars Limited	Foodstuffs for animals, and animal litter.
6593	10th July 1978	Mars Limited	Chocolate biscuits, chocolate, sweetmeats and confectionery.
6597	18th July 1978	Mars Limited	Non-medicated confectionery.
6598	18th July 1978	Mars Limited	Non-medicated confectionery containing chocolate.
6599	18th July 1978	Mars Limited	Food for cats.
6600	25th July 1978	Visa International Service Association	Printed cards related to banking and to credit services.
6626	27th September 1978	Joseph E. Seagram & Sons Inc.	Wines, spirits (beverages) and liqueurs.
6627A	28th September 1978	Converted Rice Inc.	Coffee, tea, cocoa, sugar, rice, tapioca, sago, coffee substitutes; flour and preparations made from cereals; bread, biscuits, cakes; pastry and confectionery, ices; honey, treacle, yeast, baking powder; salt, mustard, pepper, vinegar, sauces; spices; ice.
6628	28th September 1978	Mars Limited	Non-medicated confectionery and biscuits (other than biscuits for animals).
6629	28th September 1978	Mars Limited	Rice and prepared rice dishes, pasta, pasta dishes, flour, preparations made from cereals for food for human consumption, potato flour, spices (other than poultry spices), coffee, mixtures of coffee and chicory, and chicory mixtures, all for use as substitutes for coffee, non-medicated confectionery, bread, biscuits other than biscuits for animals, cakes and pastry.
6638	16th October 1978	Chesebrough - Ponds, Inc.	Non-medicated toilet preparations; cosmetic preparations; perfumes; soaps; shampoos and preparations for the hair; anti-perspirants; all being goods for export from the United Kingdom other than for export to the Republic of Ireland and the Channel Islands.

Registration No.	Date of Registration	Proprietor					Description of Goods
6639	16th October 1978	Chesebrough - Ponds, Inc.	...	...	...		Non-medicated toilet preparations; cosmetic preparations; perfumes; soaps; shampoos and preparations for the hair; anti-perspirants; all being goods for export from the United Kingdom and the Channel Islands.
6640	16th October 1978	Chesebrough - Ponds, Inc.	...	...	...		Non-medicated toilet preparations, cosmetic preparations; perfumes; soaps; shampoos and preparations for the hair; anti-perspirants; all being goods for export from the United Kingdom and the Channel Islands.
6641	16th October 1978	Chesebrough - Ponds, Inc.	...	...	...		Toilet preparations (not medicated), cosmetic preparations, dentifrices, depilatory preparations, toilet articles included in Class 3, sachets for use in waving the hair, soaps and essential oils, all being goods for export from the United Kingdom other than for export to the Republic of Ireland and the Channel Islands.
6642	16th October 1978	Chesebrough - Ponds, Inc.	...	...	...		Perfumes; non-medicated toilet preparations, cosmetic preparations, dentifrices, depilatory preparations, toilet articles included in Class 3, sachets for use in waving the hair, shampoos, soaps and essential oils, anti-perspirants.
6643	16th October 1978	Reckitt & Colman (Overseas) Limited	...	...	...		Mustard, mustard preparations and condiment sauces all being goods included in Class 42.
6646	19th October 1978	Carreras Limited	...	...	...	...	Cigarettes.
6653	26th October 1978	Varian Associates, Inc.	...	...	...	...	Electron discharge tubes for generating and amplifying electro-magnetic waves; electrical rectifying and gas discharge tubes; electron image intensifiers; radio communication apparatus and instruments, etc.

NOTE: Where the description of goods is particularly lengthy it is not set out at length and the expression "etc." is added after a description sufficient to indicate the general nature of the goods. The full description can be ascertained from the original registration in the office of the Registrar General.

GALLAHER

Reg. No. 6325

CITICORP

Reg. No. 6330

FADED GLORY

Reg. No. 6334

"FADED GLORY" by APPENDAGEZ

Reg. No. 6335

(ROTHMANS INTERNATIONAL PACKET DESIGN)

Reg. No. 6339



Reg. No. 6345

UNCLE BEN'S

Reg. No. 6356

(CIRCLE AND SWORD DESIGN)

Reg. No. 6370

Clarks

Reg. No. 6374

(POST AND CABLE DESIGN)

Reg. No. 6386

LUCAS

Reg. No's. 6388 - 6392

(ARROWS DESIGN)

Reg. No's. 6415 - 6417

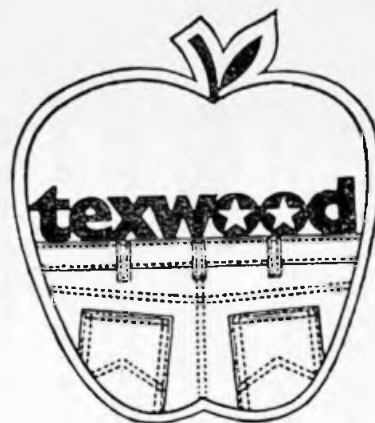
YAMAHA ELECTONE

(SPECIAL SCRIPT)

Reg. No. 6418

YAMAHA

Reg. No's. 6419 - 21



Reg. No's. 6454 and 6459

TEXWOOD

Reg. No. 6455

TOOTAL

Reg. No. 6457 and 6460

Cadbury's

Reg. No. 6461



Reg. No's. 6473 - 6512

CASTROL

Reg. No's. 6513 - 6514

FLENAC

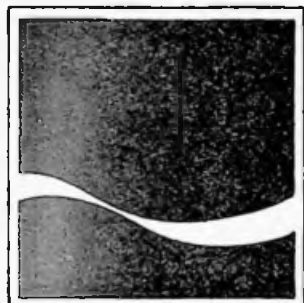
Reg. No. 6515

TEMGESIC

Reg. No. 6516



Reg. No's. 6522 - 6529



Reg. No. 6542

ZINACEF
Reg. No. 6561BOUNTY
Reg. No. 6580CHAPPIE
Reg. No. 6581CHUM
Reg. No. 6582FROLIC
Reg. No. 6583KAL KAN
Reg. No. 6584KIT-E-KAT
Reg. No. 6585LOYAL
Reg. No. 6586MARATHON
Reg. No. 6587MARS
Reg. No. 6588MILKY WAY
Reg. No. 6589OPAL
Reg. No. 6590PAL
Reg. No. 6591PEDIGREE
Reg. No. 6592SNICKERS
Reg. No. 6593SPANGLES
Reg. No. 6597TREETS
Reg. No. 6598WHISKAS
Reg. No. 6599VISA
Reg. No. 6600FOUR ROSES
Reg. No. 6626UNCLE BEN'S
Reg. No. 6627A3 MUSKETEERS
Reg. No. 6628M&M/MARS
Reg. No. 6629PRINCE MATCHABELLI
Reg. No. 6638WIND SONG
Reg. No. 6639(PROPHECY AND STAR DESIGN)
Reg. No. 6640CACHET BY MATCHABELLI
Reg. No. 6641AVIANCE
Reg. No. 6642SAVORA
Reg. No. 6643(RED OVAL PACKET DESIGN)
Reg. No. 6646VARIAN
Reg. No. 6653



THE
FALKLAND ISLANDS GAZETTE
Supplement No. 2

27th JULY 1979

Minutes of Meeting of Legislative Council
held 20th - 25th June 1979

MINUTES OF THE MEETING OF THE LEGISLATIVE COUNCIL

HELD IN STANLEY FROM 20TH - 25TH JUNE 1979

The Council assembled at 10.00 a.m. on Wednesday 20th June 1979, His Excellency the Governor, Mr J R W Parker CMG OBE presiding.

PRESENT:

The Honourable the Financial Secretary (Mr H T Rowlands, OBE)
The Honourable A B Monk JP (Elected Member for East Falkland)
The Honourable W E Bowles (Elected Member for Stanley Division)
The Honourable W H Goss MBE JP (Elected Member for East Stanley)
The Honourable S B Wallace (Elected Member for West Stanley)
The Honourable D S Evans (Elected Member for West Falkland)
The Honourable T J D Miller (Elected Member for Camp Division)

Clerk: Mr W A Etheridge

PRAYERS

Prayers were said by the Reverend Peter Godwin, visiting Priest at Christ Church Cathedral.

ADMINISTRATION OF OATHS

After taking the prescribed oaths Mr F E Baker OBE took his seat as a Member of the Council.

CONFIRMATION OF MINUTES

The Minutes of the Meeting held from 12th to 14th February 1979, having been previously circulated, were confirmed.

ADDRESS BY THE PRESIDENT

Honourable Members I welcome you to this, our major session of the year, when our most important task will be to review our financial situation, and to lay down the framework for our revenue and expenditure in the budget proposals for the ensuing year. As Honourable Members will know, we had to delay our meeting for a week or so because of the sudden indisposition of the Honourable the Financial Secretary, just at a time when the workload in preparing the budget was beginning to press heavily on him. Both while he was laid up in hospital, and since, he has gallantly persevered for long hours in the day, in producing the papers and figures we need, and we owe him a great debt for enabling us to come to this meeting so well prepared as we are. I am sure we are all delighted to see he has made good progress towards a full recovery to his customary energy, but in the circumstances of his somewhat reduced mobility - temporary, I hope - I am sure we will be only too ready to allow him to speak from his seat, whenever he wishes, and not to rise as often as he might normally have to.

We have also to extend a welcome to the Honourable the Chief Secretary, Councillor Dick Baker, whose first Legislative Council session this is, and who has just been sworn in to our proceedings. Since his arrival here in March we have all had the opportunity, on other occasions, of getting to know him well, and to appreciate his very active interest in absorbing himself as quickly and as fully as possible into our affairs - as well as adjusting to a very considerable change of climate, from the tropical South Seas to these much cooler oceans. The warmth of our welcome to Councillor and Mrs Baker will, I am sure, make up more than a little for the change.

It is also customary for me, on this occasion, to review briefly the work of the several departments in the Administration. It can fairly be said, in spite of a few ups-and-downs, that they have had a good year. But more importantly they are now able to proceed on forward looking lines; not by any means just trying to keep things going as they are, but planning on a sound basis for expanded progress. I am impressed by the enthusiasm with which the needs of the future are being tackled, within the constraints of our resources. The mood is certainly not one of resignation to static standards but eagerness for a progressive improvement in them. Complaints there will be, some well, some ill founded, but I am sure they will be met in good part either as a spur to better endeavour, or accepted as the inevitable lot of public servants doing their best in difficult circumstances which are not always quite appreciated. It must be remembered that members of the general public feel they are paying a good deal of money in taxes, and so forth, for the services they are getting, and like everyone else they want value for their money. I firmly believe they do get good value, within the power of officials to give it.

I am very impressed by the dedication and conscientiousness of the whole public service and grateful for the support given me by the Administration. No doubt soon Honourable Members will put a number of questions pointing to shortcomings. But I am sure, beneath it all, there is an acceptance that everyone is acting for the best, even if a better best might be found in somewhat different ways. Your constructive suggestions, Honourable Members, based on your close understanding of your constituents hopes and problems, are an invaluable help in the search for these better ways. If I might use an old constitutional precept, my role as Governor is to act with the advice and consent of my Councillors. This is the essence of our democracy, one of the clearest

/anywhere in the

anywhere in the world, and this is the spirit which will govern our deliberations today and throughout the rest of this session.

I have digressed from my account of departmental activities, but taking the Public Works Department first it is here that the main thrust of our development is at present being borne. I am sure everyone will be aware of the revitalization that is taking place in this Department under its new Director, Mr Alan Mason. The whole establishment has been reorganised, not only to cope with the major development projects and the creation of the Plant and Transport Authority, but also to take care of all on-going maintenance and repair work. With ODM's assistance - and, I should say, the generous help of the Royal Engineers - the cadre of senior technical staff has been increased. There are still, however, shortages in the general work force which it is hoped to overcome to some extent by the engagement of contract labour. Even with this assistance, it will still be difficult to maintain targets, and to overcome the consequences of neglect in the past.

One of the services maintained by the PWD is, of course, Stanley's water supply. The treatment of raw water at the Filtration Plant has now been reorganised, and it is expected that considerable savings in the purchase of chemicals will result. Of concern is the condition of the town's main distribution network; many of the older lines will have to be replaced on a yearly replacement programme. The cost in money and labour will be considerable but the job must be tackled by the 1980/81 financial year to guarantee water supplies throughout Stanley. The tanks and reservoirs are also scheduled for painting and renovation in the forthcoming year. We were fortunate to have Mr Arthur Smith, the Crown Agents water engineer, visit us for three weeks in February this year. Mr Smith's guidance and advice was invaluable in the installation of the new equipment at the Filtration Plant, and upon the water supply in general. Mr Smith did, however, point out that thought must very soon be given to the planning, design and installation of a new plant, to cope with the present and foreseeable demands of development, and which will be required to be in operation some five years from now. If we are to develop, and new industries and enterprises are to come in, water will be one of the first services they will demand.

The Power Station continued to give a good supply of electricity in spite of shortages of skilled staff. The number of units consumed over the year remained, as in the previous two years, at an average of $2\frac{1}{4}$ million, but a careful watch is being maintained nevertheless over demand trends, and we must bear in mind the potential effect that increases in the price of our diesel fuel will have for the future cost of generating electricity. We are therefore still hopeful that the tentative scheme for the utilisation of wind power will be pursued.

We turn now to roads. A small repair and maintenance unit has been built up to start upon the rehabilitation of the Stanley roads, and it is not before its time as everyone will be aware. Damage was caused to Ross Road West by the transport over it of approximately 39,000 tons of fill material from the butchery quarry to the Stanley/Darwin road, and until now the unit has concentrated its efforts on this section. With the onset of mid-winter, the road unit will now have to be diverted to other work until the spring.

Plans are in hand to provide the Stanley Airport road with a complete re-seal in the coming summer months. Patching work has been

/undertaken to

undertaken to prevent any undue disintegration, but it is essential to re-seal the surfacing before the 1980 winter. Some four kilometres of the Stanley/Darwin road have now been completed to sub-grade level and a large quarry has been established at Pony's Pass to provide material for the next section of the road. A three unit "Armco" culvert has been completed over the Pony's Pass stream and pipe culverts are being laid on the next section of the road to be tackled. The approximate expenditure on the road to date amounts to some £77,000, plus the cost of culverting material bought in for the total length. With experience gained in overcoming the problems on the initial section, the work will speed up considerably during the next summer but the constraints of plant and labour will have to be overcome.

The repair and maintenance of government property, and the extensive refurbishing of the dairy at Ross Road East, have occupied the efforts of the building section of the Department. The next job to be tackled is a survey of possible housing sites in Stanley for the construction of a number of new prefabricated houses suitable for local conditions.

A Plant and Transport Authority - PATA - was established in October last year under the Chairmanship of the Financial Secretary, and it has now taken over responsibility for all ex-Johnston Construction civil engineering plant and transport, the new plant provided out of ODM's grant, and the existing PWD plant and transport. Remaining Government transport will be taken over by the Authority on 1st July next. PATA is a self-financing organisation, deriving its income from the hire of its holdings, and provision for these hire charges has been made in general Departmental estimates.

The Fire Brigade also received attention during the year and new armoured hoses, replacement foam charges, items for the breathing apparatus and small fire extinguishers were ordered and received. The Brigade, a mostly volunteer force, was called out on nine occasions during the year.

The Education Department. During the past year this Department was almost fully staffed. Some contracts are coming to an end, and indents for replacement teachers have gone forth to London. The Superintendent of Education, Mr Tom Lamin, is at present on mid-tour leave in Britain and it is expected that while there he will be able to attend candidates interviews and so assist in selecting staff who will be suitable for the broader education programme which has been set in motion in the Colony.

For various reasons, most of which will be known to Honourable Members, progress on the school hostel has been extremely disappointing. I am, however, in close touch with Mr Ted Needham, who visited us earlier this year and who, as Managing Director of Coalite Limited, has a concern in the project through his Company's subsidiary, the Falkland Islands Company, which is a partner in the joint venture which undertook the contract for the hostel. And we have had useful discussions with Mr Lawrie Browne, the consultant engineer, and with Mr Eric Riley, ODM's architectural adviser. If work can re-start fairly soon in the late winter or spring, the estimated completion date for the project is now, I am told, early 1980. We very much hope this target can be met as the broader secondary school programme, and the increased extra-curricular activity, is dependent on the completion of the complex.

/Mrs Joan Bird

Mrs Joan Bird and Mr Jim Randell from the Education Department of the Brighton Polytechnic visited the Colony in January this year and ran successful courses on pre-school education for mothers, and environmental studies on locally based topics for all the teachers.

Mr Gerard Robson has returned from his technical training course with the British Council and Brighton Polytechnic and is engaged on preparing taped and duplicated material to support the basic cassette programme.

In June 1978 and January 1979 13 students gained a total of 31 'O' level passes. In June 1979 only 4 'O' levels will be attempted, but by next year the number of subjects should be over 30. The Department is now looking ahead to possibilities for continued study to 'A' level.

Further grants for books and audio visual material for use in the Education Department have been received from the British Council.

In the Medical Department, Dr Peter Summers has now taken over as Senior Medical Officer from Dr Keith Dunnett, who filled-in following the departure last year of Dr Derek Cox, and a further replacement is expected shortly to bring the senior medical staff up to cadre level of three doctors, which, with a full nursing staff, should allow the continuation of good medical care.

The re-equipping of the hospital with modern medical appliances continues. A new Land-Rover ambulance has been acquired, and new x-ray equipment has been ordered and should be installed by the end of this year.

Efforts are being made to improve the standard of comfort in the hospital. All the beds have now been equipped with new mattresses. More carpet tiles - a gift from the Red Cross Society - have been laid in corridor areas and we hope to instal new vinyl tiles in some of the main wards next year.

A very valuable visit was made by Miss Rosemary Weedon, a senior nursing administrator from the Nottingham Hospitals group, to advise us on local nursing training.

The hospital now has a well equipped library, and a new tape/slide projector which was a gift from the Royal Marines and which can be used for teaching purposes.

Camp settlements are currently being issued with new medicine chests which have been enlarged to provide a very comprehensive range of drugs and equipment.

As an indication of the work of the Department, during the year there were 2,526 attendances at hospital general clinics and 297 admissions to hospital; 140 operations were performed. There were 120 medical visits to camp settlements when 768 patients were seen.

So far as the Posts and Telecommunications Department is concerned, the most important aspect in the communications field has been the installation of AEL transceivers on some of the out-lying Islands. These, together with the influx of 2-metre VHF sets into the Colony have much

/improved communications

improved communications in the Camp. An adviser from the Ministry of Overseas Development is expected in the Falklands next September or October, and he will further study and make recommendations regarding the future of the VHF network.

Our stamp sales have kept to a high level and form an important source of revenue, and business at the Philatelic Bureau continues to increase. Four special issues of stamps are scheduled for next year.

Because of problems in the acquisition of spares and other difficulties, only one Beaver aircraft was available for use with the Air Service for some six months of the past year. This unfortunately had to reduce, for a time, the carriage of tourist traffic, but 3,425 passengers were carried in the year and 1,041 hours flown.

Both our Beavers are now fully serviceable, but Alpha Victor will have to be withdrawn from service in approximately two months time for a major overhaul. This should be completed before the commencement of the next tourist season when we expect our new Islander to be in operation. Incidentally, Chief Technician Bill Hughes, who has now arrived to replace Chief Technician Alec Clark, had the opportunity during his familiarisation course to see our Islander aircraft being "customarised" at Bembridge in the Isle of Wight.

Turning to the smaller departments, the Meteorological Department has continued to give us good service.

The Police Force is up to better strength and a police cadet was appointed to the establishment in August last year, the first time in the history of the Force that such an appointment has been made.

The arrival of Mr Ray Checkley to take up the post of Registrar has meant that the very heavy legal work load previously shouldered by Mr Harold Bennett, the Senior Magistrate, can now be shared. Mr Checkley has given invaluable help in drawing up the Prospectus for the Green Patch sub-division scheme, applications in connection with which are now coming in.

The Harbour Master has reported a considerable increase in shipping activity. At the end of May some 105 vessels had been entered by his Department since the beginning of this year and of this number 73 were foreign fishing vessels. The Financial Secretary will be commenting later on the revenue in harbour dues from this source.

The Printing Department, which still turns out work of a traditionally high standard, had a visit from Mr Alan Roberts, who is Vice-Principal and Director of Studies at the London College of Printing, to advise on the possible introduction of new processes to help speed up output. We await his report with interest.

The programme of work of the Grasslands Trials Unit has been revised as a result of the visits of Mr Bob Waddell and Mr John Eadie in February last year, and of Mr Tom Davies and Professor George Dunnet in February this year. Phase One of the work has now passed into Phase Two, and greater emphasis is being placed on re-seeding with grasses other than Yorkshire Fog; on the possibility of establishing plants such as clover; on the effect of more intensive grazing of white grasses; and on the production capabilities of Falkland Islands sheep.

/The effect of

The effect of this different re-seeding method is being studied at five farms; Teal Inlet, Chartres, Darwin, Roy Cove and Hill Gove - and also at the two main experiments at Salvador and Brenton Loch.

A great deal more about the Upland Goose and the Brent Goose is now known and it is planned that the Grasslands Trials Unit will shortly issue a booklet for general information. The competitive aspects of the geese on the new re-seed are now being studied. A practical scheme for sheep production improvement has been circulated by the Unit for comment by farmers and stock-men.

Close co-operation has been maintained with the Sheep Owners' Association and the farm managements, without which all this work could not proceed, and the Grasslands Trials Unit, and indeed the Administration, is grateful for all the assistance rendered during the past year.

And now, without wishing to pre-empt the budget speech which the Honourable the Financial Secretary will be making to Council later today, I should like to refer in general terms to the Colony's financial position.

As the Financial Secretary will be explaining, the recurrent expenditure and revenue account, which has been well in balance in the current year, is unlikely to be in quite so happy a state next year. This is not the first time this has happened, and our reserves are fortunately strong enough to meet the strain of any deficit that might occur, certainly in the next and probably in ensuing years, should it be necessary. On the credit side there will be an increasing capital aid inflow, which indirectly will boost revenue considerably, and while we have thoroughly explored most measures to increase our taxation revenue, without at the same time imposing an intolerable burden on tax payers, there is still a little we can do to pull back some of the outflow of funds which has traditionally resulted from the structure of our economy. But we are facing a situation where our revenue, if not entirely static, will be unable to increase sufficiently to meet the rising costs of imported goods and services, in other words, imported inflation, even if we restrain inflationary pressures which are within our own control.

Our main concern is over the impending increase in fuel oil costs. Thanks to the generosity of the Admiralty in London we have this year had a stay of execution, as it were, of the heavily increased cost we might otherwise have had to face now. But eventually we will have to pay a higher fuel bill. As a result of recent events in the main oil producing and consuming countries, we are in no worse a position in this regard than the rest of the world, particularly the small countries; we are in fact better off than some as our supplies of our primary fuel, diesel, are guaranteed and our stock position is good. More, by the generosity I have mentioned, we can take steps to cushion to some extent the impact of the inevitable price increase when it arises. We shall be no worse off, and probably marginally better, than others. But for a small country, mainly dependent on a single crop industry, the price of whose product is determined entirely by world marketing factors which at the moment do not look likely to allow for much of an increase in returns, any increase in import costs, leading to an increase in the cost of production, can only bear heavily on our revenue. We do not have a balance of payments problem; ours is healthy enough for the foreseeable future. It is the narrowing gap between revenue income and

/essential services

essential services expenditure which is worrying. We are in no dramatic difficulty yet, and have been through worse in the past. But we shall need to strive for the greatest economy, without carrying it to a stage which would be detrimental to the maintenance and necessary improvement in our services.

We must look ahead to the position in a year or two hence. We can pay our way, but it will put an increasingly heavy burden on us which no such small community ought to be expected alone to bear for its maintenance. Until larger development can bring us in additional income, which will almost certainly eventually come, we shall need sympathetic assistance. This would require a new concept of aid, more in the form of block grant subvention, and not just project aid, generous though that is now. I touch on this only lightly here, but we shall hope to be able to develop these views in future discussions with the Ministry of Overseas Development.

What, however, we most need for the long-term future is a further source of revenue income. As I have implied, without an upsurge in the world wool price we are near to the limit of what can be got off the sheep's back, if we are to allow our farmers enough profit to plough back into production investment. We are doing extremely well in the sales of our stamps and coins to collectors and, as I think the Financial Secretary will confirm, we are beginning to see a significant degree of income working through our revenues from tourism. It is, however, in the marine resources of the seas around us where lies our best chance for the future. We earnestly hope it will soon be possible to devise a regime for the controlled exploitation of these resources which will give us at least a licence income far and away above the small fees and duties which is all we presently receive from the foreign vessels coming into our harbours for occasional shelter or hospital care.

I might add, on a separate but somewhat connected topic, that we are awaiting with great interest the report of the team of experts who came here under ODM auspices some while ago to examine the possibility of an in-shore fisheries industry. It is apparently held up for the evaluation of certain technical data, but we are promised we will have it soon.

Another problem in the minds of all of us lately concerns the labour shortages we are constantly encountering in every aspect of our development, and which are also affecting the sheep farming industry. Our first concern must be to encourage our young people to stay by every possible improvement in our community services; the grass is not, as many would-be emigrants would soon discover, all that much greener on the other side of the fence.

Next there is the matter of getting additional willing hands. The Administration is managing, with ODM's assistance to recruit most of the technical and professional personnel we need, and immigration in that sphere has not done too badly during the past year.

But immigration generally is another thing. I would have thought we had a reasonably flexible immigration policy - we have more or less an open door, subject only to certain necessary conditions. I notice there is a motion on our Agenda which will allow for a useful debate on this question, and I look forward with close interest to hearing the

/proposals and

proposals and suggestions of Honourable Members whereby we might step up and encourage immigration within the limits of our financial and other resources.

Another debate I look forward to will be on the Motion regarding constitutional modification. As I have said on earlier occasions, our standing constitutional arrangements and practices do seem at times rather cumbersome for so small a community, which has so much to do in so little time; the same thought was raised in the Shackleton Report. I will be interested to hear Honourable Members' proposals, and whether, on their basis, a new working party is called for.

Other matters before us are Bills to bring our Matrimonial Causes - our divorce law - and Guardianship of Minors legislation up to date. And there are other Bills deriving from the Budget provisions.

Finally, before I close, I should perhaps at least briefly refer to the fact that we do now, of course, have a new Administration in Britain following the recent General Election. I have little doubt that, in due time, Her Majesty's Ministers in London will wish to acquaint themselves more closely with Islanders' views, problems and wishes. I am sure we shall all welcome that opportunity when the time comes.

MOTION OF THANKS TO THE PRESIDENT ON HIS ADDRESS TO COUNCIL

The Hon W E Bowles

Your Excellency, Honourable Members

It is my privilege today to open up this discussion and in doing so, like yourself, I would like to wish the Financial Secretary well in his recovery from what at the present time might be called 'financial arthritis'. I too, like all Councillors, would like to welcome Mr Dick Baker, our new Chief Secretary, and his family, his wife Connie and his two little girls, Helen and Karen.

Now to get on to more specific matters, I have only got a few points here today, I am not going to go into anything in detail but like yourself I am going to mention a few. It was good news that the Water Filtration Plant will now be renewed in five years' time. It gives us five years in which to do some very thorough research to get the right type of equipment and get something which will give us the long-standing service that the equipment we have now installed has done so well.

The power supply and electricity. You mentioned wind power and wind generation. This study we should follow up very closely and if there is any possibility we should do our best to get and seek financial aid in order to assist our power supply with a natural resource which very seldom seems to run out.

I was very heartened to hear that the Airport Road will be completely re-sealed before the winter of 1980. I think that is excellent news because I well remember the construction team from Johnston Construction warned us at the time that it should be re-sealed within a few years, after some use.

/The Darwin Road,

The Darwin Road, which I have still a lot of faith in, I think will continue, and if we get a summer like we had in the past, should be speeded up and be well along and well away from Stanley by the time the re-scaling of the Airport Road is done. I know too that our present Director of Public Works is as concerned as anyone is about the state of the Stanley roads, and when he has got the team and the labour available I feel certain he is going to carry on and do what he can as and when he can.

It was heartening to hear that a survey of housing sites around and near Stanley is to take place. I think this is of vital importance, not only because of the urgent need for houses but also in connection with our immigration and the need for more labour.

I am not going to say too much about the School Hostel; my own personal opinion is, at the present moment, that it is a pity. But I have confidence because I too, like yourself, had a long chat with Mr Ted Needham of Coalite, who had an assurance to a certain extent and he said the hostel will be built. It must be built, and despite the fact that it is a new type of construction, quite unfamiliar to us, I sincerely hope the end product will be much better than the start being made, and will be indeed supplemented. Many people have said that we should have a timber building but I think that perhaps in the long run that is wrong because with this system of spray concrete, provided it works satisfactorily, which I don't know, will be less of a fire hazard and a smaller loss should such a disaster occur.

The new processes in the printing rather interested me because no matter how new or how old they are I think our present process of printing is going to be very difficult to beat, but be that as it may let's find out.

I was heartened to hear too that we are soon going to have some more concrete results from the Grasslands Trials Unit which will help our sheep-farming industry. I am sorry I cannot say any more on this because it is totally out of my field.

I think the financial interest is very important at the moment, and the outflow of cash, especially in the case of liquid fuels, is something which worries me.

The other important point you mentioned was encouraging the young people to stay here. This is vitally important, but in order to do this we have got to find better opportunities and better entertainment and in this respect I would like to comment on the work that the youth organisations are doing here. I think Government could help in this field because it is so important, and personally I would like to see more apprenticeships offered, not only in the technical field but also in the industrial field.

Immigration is a very important factor but with immigration we have four other factors: housing, people, jobs and facilities, and these four things have got to be solved along with the policy on immigration. There is no point in bringing anyone here without offering them something to come for, somewhere to live, and a job to do, a job they can get here. I think the other three factors are probably more important.

/And I look forward,

And I look forward, in conclusion, to close liaison with our new Conservative Government in the United Kingdom and the goodwill that should prevail as it did with the previous one.

Sir, I beg to support the Motion of Thanks.

The Hon A B Monk JP

Your Excellency, Honourable Members

In speaking to the Motion of Thanks I would like to discuss in general terms our economy, the fragile nature of our economy, and the desperate need for broadening our industrial base and the reversal of the population drain. That is my main theme.

Before I do that I would like to welcome the Honourable the Chief Secretary, Mr Dick Baker, to our Council, and I am sure we will have a long and happy association. I would also like to endorse Your Excellency's remarks about the Hon the Financial Secretary, and though one cannot say that he is absolutely essential to our survival, one can truly say that he is extremely important and we hope he quickly gets better.

With regard to our economy, well, let's try to illustrate briefly how fragile it is. The increased ordinary annual expenditure averaged over the last four years increases around about 25% per annum. It is about 29% in the case of 1978/79 and will be estimated about 18½% for 1979/80 and the large part of this increase - most of it, in fact I estimate around 75% of it - is entirely without our control: imported inflation and the like. But I estimate that some 25% of it is within our control and some of it is caused by improvements to services; but a lot of it in my view is caused by 'cosmetic' expenditure made by attempting to transplant United Kingdom metropolitan conditions to a small, isolated, rural island community, in the mistaken belief that unless you lush people up they won't come here.

Our estimated revenue will fall short of expenditure by a large amount, probably not quite as large as our Hon Chief Financial Secretary estimates, because he is a very conservative man, but nevertheless quite a large amount. The estimated expenditure in fact will be roughly £1,200 per head for every man, woman and child resident here and since, as I will try and show, we have virtually no control at all over 25% of our revenue, that in itself is a very worrying figure.

Some 25% of our revenue comes from four sources over which we have virtually no control whatsoever. Some of these sources in fact are virtually 'one off' operations. For instance gold coins, expected to yield something like 8% of the revenue. We only get this bonus because of some wildlife society celebrating something or other - I'm afraid I can't remember what it is. It is not reasonable to suppose that we will ever do it again.

We have little control over stamp sales, which are expected to yield somewhere around 8¾% of our revenue. If Major Spafford or some other philatelic naybob decides we have done something wrong and recommends that we should be 'black-balled', our revenue will be virtually stopped from stamp sales.

/Harbour dues

Harbour dues are expected to yield 3% of our revenue and this is mostly from fishing fleets anchoring in Port William. They suddenly found us convenient for this purpose but they could just as equally find us inconvenient and go somewhere else and the revenue departs.

We expect to levy a tax on the Savings Bank contributors of around about £80,000, which is a very naughty business anyway, as I have many times said, but we can only levy that sum on them if Government stock prices and shares remain in a satisfactory condition. If in fact there is a major stock and share market slump, far from fetching in £80,000 from the Government Savings Bank, we might even have difficulty in finding the 5% interest on contributors' deposits.

Over the main items of revenue on which we can be said to have a large measure of control - income tax and company tax, electricity charges and that sort of thing - these items contribute in fact less than 50% of our revenue. These are items which we can be said to have a fair measure of control over, not complete control because if the wool prices go down, which they are doing and the signs are not at all hopeful for the next year or so, our company tax slumps with it. We have expenditure rising at more than 20% annually; revenue tagging along only because of windfall revenue; and a falling population providing an ever smaller base from which to get tax. I think it can be truly said that our financial affairs are balanced on a knife edge.

However, against that gloomy picture I think can be offset the fact that we have a small but very resolute, determined and hard working population; also, we have potentially large maritime resources waiting to be developed or licensed by us. Only Her Majesty's Government can define the limits of our exclusive economic zones in consultation with our neighbour, Argentina, and I think we must continually press them to do so. Although defining the areas is not a direct responsibility of ours as I have said, I believe that we can help or hinder by our attitude. If we recognise our geographical position and the limits that this and our small population places upon us, then I believe we will realise that negotiations and commercial co-operation are the only possible reasonable approaches to take, subject always to the position that there is no dilution of our sovereignty. I believe that if we take this attitude and not tub-thumping, sabre-rattling stance, and obviously our sabre is rather small anyway, I believe we shall get the development of our maritime resources which is so essential to our long-term survival.

Your Excellency referred to many matters, and I would like to join in your remarks about Government Departments, who I think have given us exceedingly good service over the last twelve months, and I would like to make one or two small remarks about Departments - small points which I think are rather worrying to people. Take the Broadcasting service: there seems to be a very casual attitude sometimes in the Broadcasting department as to whether the station is tuned properly or whether it's even transmitting, whether they have even got the piece of paper with the news on it. Considering we do not get many hours of broadcasting I think there could be more determination to see that what we do get is of good quality.

/In the case of the Camp

In the case of the Camp medical service we have, it is true, new medicine chests, but I think most people who have had any dealings with these chests will agree when I say that a lot of 'cosmetic' expense has gone into them, like labels for bottles and nice little pill cases, supposedly child-proof, and all this sort of thing; but there is almost nothing in the way of big dressings and the like if somebody cuts himself badly, and it is very difficult to get more items out of the Medical Department. Things like that annoy people.

The R/T service is a worry to a lot of people in the Camp. We virtually have three systems going now. Owing to interference by the Sheep Owners' Association and acquiescence by the Administration at that time, the provision of AEL sets was halted, and we now have AEL sets in some places and 'black boxes' in others, and everybody is fiddling about with VHF. The 'black boxes' cannot talk very happily to the AEL sets because the AEL sets sound like a sort of gobbly group thing; the operator in here has an AEL set and periodically she goes on to Channel 3 to talk to Joe Bloggs, and as I have a 'black box' I can't even call her until she switches back again. I do think we must try and get one system for everybody - maybe have a VHF system; I'm all in favor of a VHF system as a back-up or as an extra, but let's have one ordinary system on which we can all talk.

With reference to the revision of the Constitution, I suppose it is a bit cumbersome but I do not see that it is working too badly and, frankly, I'm a little at a loss to know why we need to do anything about it. We have got the most important thing, and that is an elected majority in Council.

There is a lot more I would like to say but I can see a lot of other Members are waiting to make some important points so I will sit down, and I would like to support the Motion of Thanks.

The Hon S B Wallace

Your Excellency, Honourable Members

I would first like to extend a welcome to the Hon the Chief Secretary, Mr Baker, and his family, and in supporting the Motion of Thanks to Your Excellency's Address I would like first to talk about our various major projects - not so much each one individually, but rather about what we are trying to achieve as a whole. The Estimates, as has been pointed out, show all too clearly the costs in economic terms to the community of these undertakings; what won't be shown, of course, is what would be the consequence of not pushing forward with these things now.

Everyone realises that we have a grave emigration problem. Those who leave give more or less the stock reasons for going: better educational facilities, improved communications and a wider variety of recreational facilities available elsewhere. These are the most often quoted. If we are to halt this exodus we must begin now to improve those things for people here. We are not beckoning them with the moon. Reasonable communications, a decent standard of education and the possibility of Islanders owning their own land, is surely not more than most communities would aspire to, or have long ago attained.

/ In the past eighteen months

In the past eighteen months we have seen a start on the road system, plans to improve the Air Service brought forward, the School hostel commenced and an entire farm become available for Falkland Islanders. Whatever the temporary setbacks, I feel this is not a bad start.

On the emigration problem, the departure of each detachment of Royal Marines is followed by a few more Falkland Islanders - and generally the prettier ones. I believe that we will shortly be unable to afford, because of this, to have single detachments here. If new barracks are to be built I believe that we should urgently investigate the possibility of them being married quarters and that further detachments be married and accompanied by their wives. If this were to happen it would certainly decrease the problem.

I will not dwell on the Bills which will come before us now, I think that is better done at the appropriate stage in our meeting. I am disappointed, though, that as yet there are no signs of measures to halt the flow of money leaving the Colony. I hope that any complications will be sorted out as soon as possible. If we are to continue to have even our present services, we must improve the revenue situation. We are receiving advice from our Fiscal Adviser and have a reasonable picture of our economic prospects for the next few years, but we should consider what best course we might take. There will, I think, have to be some hard decisions made, but we must appreciate that there is no point whatsoever in seeking advice and obtaining lip service about our desire to improve things only to disregard or ignore the advice we receive. No one enjoys paying tax but the fact remains that without it, in one form or another, we would be unable to enjoy any of the services we have now, far less plan for the future. There is a small group of vociferous people who, to protect their own interests, or those of their masters, would be more than content to delay certain fiscal measures. I think all of us are aware of the need to broaden our revenue base and we would all like to see diversification of industry here. Right now, however, all we have is the sheep industry, and it worries me when I am told that we are not in many cases making the best use of the land we have. I don't feel at all qualified to talk about sheep or wool, and probably some of my colleagues will shoot me down for saying this, but I do think that we cannot afford to allow any area to be badly farmed or improperly managed, and if that is in fact happening, then we must consider ways of stopping it.

Your Excellency mentioned the high cost of our Administration and that the public rightly expect a service for their money. I agree that by and large our Civil Servants are a competent and hard-working group of people. In my opinion it is insufficiently appreciated that the function of the Administration is generally to implement decisions of Council and Standing Finance Committee, and in other circumstances decisions are made with the advice of Committees comprised of taxpayers. It does not make for harmony if people believe wrongly, that all the popular decisions come from Council and all the unpopular but necessary measures are the work of the Administration.

Your Excellency underlined the dangers of our reliance on oil. I am concerned by the increasing use of imported fuel in the Islands and with our economic situation it does not make sense to encourage people to use an expensive import when we have a local fuel available. I believe we should investigate the possibility of offering an incentive to people who use our natural fuel.

/We are fortunate

We are fortunate to have it even if it is not the cleanest or easiest to exploit.

We must give our housing programme adequate emphasis. We cannot consider seriously asking people to come here and live if we cannot accommodate them, neither can we have much expectation that young people will remain if they cannot ultimately expect a reasonable standard of housing. There are I know plans to construct flats in some of the larger Government properties but these plans should in my view have a high degree of priority and if possible be brought forward and begin immediately.

Your Excellency touched on the change in the Government in the U.K. and I share your hope that we shall be able to build a relationship with Her Majesty's new Government that will be as we had with the past Labour Government. It is important that people who will now be dealing with our affairs fully appreciate and understand our attitudes and feelings to our external affairs.

I wish to support the Motion.

The Hon T J D Miller

Your Excellency, Honourable Members

In rising to support this Motion I would initially also like to welcome the new Chief Secretary and his family to the Falklands and to Council. I fully support in general the views expressed by the Member for the East Falklands emphasising the delicate financial position that faces us here and I would like to talk a bit more about this. I feel that to quite a large extent this is caused by the dispute we have with Argentina and I would like to refer to the state of relations between us and Argentina. As I have said before I am satisfied that no British Government will even consider a change in sovereignty without our full consent and our views are well known to them. Bilateral talks however have been going on at various levels for more than two years and have got us absolutely nowhere at all. I accept that these talks have cooled the atmosphere a bit, but the important, the vital thing is that they have done nothing to increase revenue by allowing the licensing of off-shore fishing and oil exploration and, even more important, they have done nothing to stem the rate of emigration. It appears that the Argentine Government are holding up any joint agreements on trade and economic development in order to force us into a more serious financial position. They are deliberately attempting to hold the Falkland Islanders to ransom. The last two years have shown that negotiations have got us nowhere, and are not likely to in the future, unless there is a major change of attitude by one party. We have no quarrel with the Argentine people, we want to co-operate and get on with them as our neighbours, as trading partners, but we are not prepared to become subservient to the so-called goodwill of a police state. It is reliably estimated that some four thousand people have been imprisoned in Argentina, eight thousand killed and fifteen thousand have simply disappeared in the last few years. That doesn't show much respect for freedom and human rights. Reading in a newspaper recently I find that even Argentine sources have recently admitted to 5,750 disappearances since 1975, each one verified by habeas corpus petitions.

/I would hope

I would hope that in the future the United Nations would pay a little bit more attention to the facts and a little bit less to pointless verbal rethoric when considering our case.

Your Excellency, as we all know we now have a new Government in Britain and I look forward to meeting the new Minister responsible for our affairs in due course when hopefully he manages to come out here and get the facts first hand from the people of the Islands.

There is a lot of talk about money leaving the Colony. I wonder just what the people mean when they say 'money leaving the Colony'. Do they mean United Kingdom-owned farm profits going overseas and not coming back, do they mean Falkland Islands locally-earned farm profits going overseas and not coming back, because this happens also, if not to a larger extent, do they refer to ordinary members of the public who have their money in a bank or building society or such like in U.K. They are equally as guilty as any big farm. We must remember though that we are a democracy, to a certain extent people have a right to do with their money as they please, we are not a communist state.

The crux of our future is that of development and I refer to what may be called industrial development rather than Government infrastructure development, which although initially generously financed by Britain, and temporarily boosting our wealth, seems to leave us with an ever-increasing maintenance bill, to be financed from somewhere. Where? the sheep's back and we taxpayers, of course.

Your Excellency, we urgently need new industries, new jobs of different forms to encourage people to stay here and to encourage others to come to the Falklands. In this I particularly welcome the Fitter tourism venture. It is not going to produce a fortune overnight but then no new industry does, but if it does come off it will lead to a much better system of communications within the Islands and overseas, new and different jobs, and at the same time will, after a couple of years, start producing some very useful revenue to these Islands in general and to those who take part in this venture. But this industry, as any other, is not going to get going unless all of us here in the Islands are prepared to invest a little bit of money in it. We cannot continually expect this Government or the British, or any other outside interest, to back these sort of projects unless the people here are prepared to do so as well. If we can show our willingness to improve things here, then we will have a very good case to argue for outside investment as well.

Whilst on the subject of new industries I think that the time has come for us to consider bringing in legislation for some kind of tax holiday or other incentive for new enterprises for the first year or so. There is nothing new in this. It is done and gets good results so I understand in many other countries. The big revenue earner that we need of course is a two hundred mile maritime zone to license fishing. This you yourself, Sir, and other Members, have referred to and no doubt we will be hearing more about it later on, as there is a Motion on this matter before the House.

Last summer we had an Overseas Development Administration team here investigating inshore fishing, a possible new revenue-producing industry, yet what have we heard? Nothing. A year or more ago we

/had the off-shore

had the off-shore oil survey; again we have heard nothing. Last year we had the visit of Mr Peirse to examine and advise on our wool marketing system, to see if the system was right, to see if we were getting the best returns and so on, and what have we heard? Nothing. All of these could mean more income for the Islands yet we hear nothing. Nearly every month another expert arrives to look at or advise on the School Hostel, a project which, the last time I saw it, looked like a partially built nuclear bomb shelter that had received a direct hit. There appears to be little hope of completion for another year yet. By comparison, the Darwin Boarding School was, I understand; put up in about three months by five local handymen with little outside help and still appears to be a sound building. Having expressed my misgivings about the construction of the Hostel I sincerely hope that the new TCT team will get on with the job, finish the building and prove me wrong.

We still await the results of the off-shore oil survey, but in the meantime, Your Excellency, I feel that we know all too little about the land and inshore geology of the Falklands. The last land survey was carried out in the 1920s I believe, and I am quite sure that technology has improved a lot since then. After all, fifty years ago who would have thought that there was oil under the North Sea? Any on-shore find here could be readily developed regardless of our neighbour, although we would probably have to up-date our Minerals Ordinances.

New industries and development of course would not get far without new people to live and work here. It is therefore essential that we look at our Immigration Ordinances and see if we can make it easier for people from overseas to settle here, and in particular to make it easier for existing employers to bring in people from overseas. Naturally we would run the risk of admitting some people who would not fit in and get on here but then I feel that we are not in a position to be too choosy and there is after all no reason why anyone who comes to the Islands should be a burden on the social services. We neither want nor need such things as unemployment benefit in the welfare state. Our problem is that of under-employment. You only need to look at the slowness of the Camp road project and the lack of maintenance work on many farms to see that no one in the Falklands need be out of a job.

At the moment the world is faced with the problem of Chinese refugees from Vietnam. I don't know but maybe we would be able to help in a small way. It might be worth finding out to see if we have any suitable employment we could offer.

One final item, Your Excellency; I feel that there is a need for some form of prices commission to investigate our local retail and industry price mark-ups. Many prices generally reflect the cost of the item with a reasonable profit margin. But, alas, not all, particularly some items which are from time to time in short supply. Not all our inflation is imported; a fair amount of it appears to be home-grown.

Your Excellency, I wish to support the Motion.

/The Hon W H Goss MBE JP

The Hon W H Goss MBE JP

Your Excellency, Honourable Members

I am afraid I have very little to say. I would like to join my colleagues in welcoming the Honourable the Chief Secretary and his good lady to the Islands and wishing a speedy recovery to our Financial Secretary.

Your speech this morning, Sir, was a lot more encouraging than I expected it would be. The picture as most of us see it is very, very black but let's hope that what you have told us will bear fruit. It is right to say as you said, that in the past we have run into situations such as we are in now and have got over them; and I think we will this one.

I beg to support the Motion.

The Hon D S Evans

Your Excellency, Honourable Members

I would like to thank Your Excellency for the Address and I would like to welcome the new Hon Chief Secretary and his wife; I hope they enjoy their stay with us.

I think there has been quite a range of things covered by the speeches so far; nobody seems to have clashed with anybody else - quite remarkable.

I have had a chance to have a look at the development projects for the first time properly. The road I thought was very good, I was quite interested in going down the road. The surface isn't brilliant but then I understand the final dressing has yet to go on, which will make a big difference. I'm quite happy about the road.

The Hostel - obviously, nobody's happy about that, but we are talking about that at a later time. I saw the dairy and the new concrete work and the new fence on the North side, very strongly made; I thought that work had been well done. I had a look at the dairy, too, and I think we all hope Malcolm Ashworth returns a fit man. The quality of the milk is excellent, I was quite surprised at that, and it's one project that seems to be going very well and we just hope that it doesn't come to an end and hope everything is all right. It was nearly dark when I saw the hangar but it seems to be going on quite well. It did look as though the ends of the alloy girders have been slightly deformed over the grass bogs, I could certainly see bends in them and I hope it's not going to affect anything when they start putting it up. But altogether I thought it was quite satisfactory; I know things aren't moving quickly, but they are moving.

Regarding financial affairs, I can't possibly do any better than our Honourable Member for East Falklands, it was an excellent speech. I think that our affairs are in a fairly healthy condition, nobody likes a fairly big deficit but at the moment I'm not over-worried. As long as we are very careful and we realise the situation, and in that respect I welcome very much your remarks on what you call block aid, I'm not really quite sure what that is but I think it would be better than aid on individual projects. I hope that we get somewhere with that.

Green Patch - well, first I would like to congratulate the Steering Committee, I think they made an excellent job of the Prospectus. It's clear, I can understand it, it's not couched in legal language which I was expecting; it's quite understandable and it's quite obvious that Government have bent over backwards to create favourable conditions for anybody applying. I didn't realise that there were six sections up for sale or lease, I thought GTU were getting one and I'm quite sorry they are not in a way, but it does make an extra section for somebody else to have. I would stress how vitally important it is that this scheme succeeds. Green Patch really is a key to the future as far as farming goes. If we are going to change the farming system and possibly break some of it up into small units, then Green Patch has to succeed. If it fails it will put us back ten or even twenty years. So I would ask people here to back the scheme in any way they can. Only six people can get portions of this, we couldn't possibly satisfy everybody, but what I would ask people is that they do support the six people who are given patches of Green Patch (horrible way of saying it). If they fail, we fail, and I think we must remember that it is not just the owners of the new sections of Green Patch - it's important for all of us. We all have a tendency to pick out all the faults in anything to give a hundred reasons why something won't work. But that attitude leads to despondency, despondency leads to failure, and failure in this case we cannot afford so let's give them as big a chance as we possibly can.

I back what the Hon Member for East Falklands said about internal communications; I am very disappointed that Government are not installing more AELs. This is the system that we started on and I think we should complete that system, at least for the West and the remote parts of the East. I don't think we should have stopped and I don't think we should be even bothering to await the results of VHF. If we can help out with VHF then, fine, but that is essentially an amateur link that we have broken into and we are really riding on the backs of the amateurs in this and I am not very happy about it. I think our system is the AEL system; it's proved to be good, it's working well except for the few people who have 'black boxes'. We still cannot get through to Stanley from some farms on 2 megs. at night and that is one of the main reasons for appraising the system, so that people could get through in emergencies. Those people with 'black boxes' on the West certainly can't get through and on some parts of the East they can't either, so we failed to carry out what we said we would do. I think if we cash in on the amateur system, the VHF, then we should at least instal a repeater link to town. I think we owe them that much.

On communications I should like to say something about Fox Bay Wireless Station. I think that is an excellent example of how the Administration has forgotten about Camp. I went there and visited it, a while ago now, and it is in a deplorable state, and yet if we are developing, I assume we also need to develop on the West; I hope so, in which case communications are important and we can't allow Fox Bay to run down. Apart from the communications aspect there is also a philately aspect and Fox Bay has an excellent reputation in philatelic circles. Mainly due to the conscientiousness of the Postmaster there, a lot of people would rather send to Fox Bay than to town, and we do need more than one official stamp. I think from that point alone Fox Bay is important. I would like to bring something personal in here and mention the

/wife of the

wife of the operator at Fox Bay, Mrs May Maddocks. She keeps a listening watch all day, every day, and certainly on the West we have all used her help, we have all called her up, and all had her help; the ships that go around the coast all use Fox Bay, they all listen, they all call, she is there all the time without fail, and now she has got an extra job of collecting the weather in the morning at a very, very awkward time. She's paid a pittance, £40 a year I think it is. Forty pounds a year, and if that's not somebody being forgotten I don't know what is. At least six months ago I asked for something to be done about this and as yet nothing has been done about it. I hope that we soon remedy that.

I often appears that the Administration forgets that Camp is the life blood of these Islands. We rely still on sheep. We can't afford to forget Camp or make conditions any harder than necessary, obviously we tighten our belts. There's not a lot we can do but we can't afford to make conditions any harder than we absolutely have to. A lot of people think in town that you do live very well in Camp, but the wages are much lower, so really in the end it breaks even or maybe we might even come out a little bit worse, certainly not much better.

Camp education: this is a thing that is very, very important to everybody in Camp and something has come up recently that is bothering me quite a lot. I have had reported to me from various sources, and this involves a lot of people, that the Education Department say they will not supply a teacher where there is only one child, and especially in the case where that one child is just approaching school age, and in fact they are quoting the Education Committee as having made that ruling. I dispute that. We talked about it and what we did say was if we were short of Camp teachers then we could not guarantee that a one-child house would get a Camp teacher, but we laid emphasis on the fact that the new system was to be tried. If it worked then we would reduce Camp teachers; we didn't say that we would reduce Camp teachers first and then try out the system. This appears to be unfortunately the action which the Education Department are taking; they are refusing to give any consideration to a request for a Camp teacher to an outside house where one child has just started school. At the moment we are not short of Camp teachers and we can afford to help out in these cases, and we must help out in these cases. We are very short of outside shepherds, we can't afford to give them yet another reason for going into town or going into the settlements. If we can help we must do so, until a system is working so well that everybody is quite confident that we can do without Camp teachers. We have a problem with Camp teachers, and we are going to have more and more trouble recruiting them. The next set of Camp teachers we recruit will have to be qualified teachers and that means a lot more money, and already we are spending a quarter of a million pounds on education. We haven't got much more money and we must do what we can. When eventually Darwin School goes, I am very willing that the Administration should attempt to abolish the post of Headmaster, Darwin School, or that grade of post. I feel very strongly that such a level of responsibility must be given to the person in charge of Camp education, especially if we are going to introduce this new system. His position will be a very responsible position and I wouldn't like to down-grade it, I think it would be a bad mistake. Accordingly we must try to do everything in our power to stop the population drain from Camp and in that respect it is vital that education is not relegated to a secondary role.

/Far from

Far from withdrawing from the outer regions, I feel we should be encouraging the use of every piece of land we have. We should be using the considerable amount of land the Government has, more effectively. We should find a way of penalising those who allow land to lie idle and won't let others farm it.

In town I am extremely encouraged by the work done by the schools to involve children in the community. To me it is vital that they learn that we all have responsibilities towards each other, and to learn at an early age that we can't sit back and leave it all to others.

I am pleased that the Sheep Owners' Association is beginning to shake itself and make itself known by becoming more peace apparent, I think that's a very good thing. It's vital that it doesn't just become an opposition to Government and become destructive rather than constructive.

Cheese expert - I have been asking for a cheese expert for eighteen months. We don't seem to be getting anywhere with getting this cheese expert, yet to me that is one way of reducing imports. There are a lot of people in Camp interested in making cheese and it would be worth sending somebody out to show them how to do it properly. That person should be out for more than a few weeks - he or she should be out for quite a while. I hope that we can get a cheese expert.

Oil pollution - now this is something I would like to put before the House just as a warning. Oil pollution on the West side of the Falklands is increasing. I noticed it at New Island when I was there and I have just been told that at Beaver Island there is a whole bay which is absolutely covered in large globules of oil. It is an increasing problem. I don't know what we can do about it, except to note that the problem is there. It has been suggested to me that Sir Peter Scott's Conservation Trust might have somebody that could kick up a bit of a stink to help, but it could become serious over the next few years and it certainly is on the increase.

Marines - I would like to echo what the Honourable Member for Stanley West said. I think we ought to push very hard to have this new accommodation built for families rather than for single people and if possible to see Royal Engineers down here.

I was very interested that the benefits of tourism are beginning to be felt. The Administration has always given me the impression that they thought that tourism was of little benefit to the Islands; I always found that hard to believe so I welcome that piece of news and I hope that now we will begin more actively to encourage tourism, because I am sure there is a lot more we can do to encourage tourism. It could be a small second industry. At the same time, I think we must take steps now to preserve our assets in the form of wildlife.

Your Excellency, I beg to support the Motion of Thanks.

The Hon the Financial Secretary

Your Excellency,

I wondered if I was going to be able to rise to support the Motion after the comments which were made about me, some very kind things, but I can assure you that the problem is not too great and I am sure that I will be able to continue through the Meeting with quite a strong opposition.

/I must say that

I must say that the preparation for the Budget this year went along smoothly. The staff that I have are exceptionally good and there were no problems. Also as far as the Hospital was concerned, I found that we have a first class Medical Department!

Secondly, I would like to welcome the Chief Secretary and his family to the Islands and look forward to spending many hours working with him.

Again I find that it is rather surprising that I am in agreement with the Honourable Member for East Falklands on most points. I think he has identified all the problems that I had lined up, and I am able to reduce the Budget speech by at least fifty per cent. I felt as though I was a school master checking his arithmetic, and he has got it 100% correct.

I disagree with him entirely on his remarks about the Savings Bank revenue. The Falkland Islands Government are not doing any more than any other organisation that is running a bank. As far as I know other bank profits go to the shareholders of the bank, but ours come into the Falkland Islands Government; I see nothing wrong with that whatsoever. He is quite right to say that we are living on 'windfall' revenue, or unreliable revenue. We have succeeded in doing this for a long time but I am pleased to note that there are much brighter prospects ahead if we can introduce revenue from industries such as fishing.

I think that the Elected Member for the East of Stanley has brought a very important point to our attention and that is that in the past quite often we have been rather gloomy and the strength and resilience of the economy have been under-estimated. I don't think that we should despair at this stage; we should now work hard and quickly to endeavour to obtain as much revenue for the Colony as possible. We are fortunate to have Mr Harry Ritchie already working on this and I can give an assurance to the Elected Member for the West of Stanley that outflow of funds is being looked at with some urgency.

I feel that I should say no more until the Budget comes around, and I join in supporting the Motion.

The Hon the Chief Secretary

Your Excellency, Honourable Members

In rising to associate myself with this Motion I am very conscious above all things of my status as a newcomer both to the Falkland Islands and to this Council. Perhaps therefore I may first of all on this occasion of my first public utterance here be allowed to take advantage of this to express appreciation for all the very kind things that have been said in welcoming myself and my family to the country and of course to this august assembly. I will certainly do my very best to uphold the traditions and standards of this assembly.

As a newcomer therefore it might appear somewhat presumptuous of me to attempt to make any in-depth comments on the matters which Your Excellency has so ably described this morning, especially perhaps in view of the very cogent remarks made by all other Honourable Members.

/Nevertheless,

Nevertheless, as Your Excellency was kind enough to remark this morning, I have attempted to absorb myself as quickly and as fully as possible in Falkland affairs. Frankly the time since we arrived here has flown past so quickly that I feel all we have really absorbed is a conclusive proof of one factor that everybody agreed on when telling us all about the Falkland Islands before we came here, namely, that the people of this country are most welcoming, most hospitable.

I do indeed, though, count ourselves as most fortunate in having arrived here at what appears to be a very interesting time. A large number of projects are in train, projects which we all hope will have a profound effect on the life of this country. I must confess when I first began serious briefing for this new post in London before coming here, to being very surprised to learn the breadth and the scope of the projects with which we are all involved. Your Excellency has mentioned all of them of course this morning. They won't all progress and proceed as rapidly and as successfully as we would wish - indeed it would be very surprising if they did - and yet I feel certainly that there is an air of dynamism and purposefulness abroad at the moment with which it is very invigorating to be associated. It is very refreshing for me to be grappling with concrete matters rather than somewhat more obtruse matters with which one is sometimes concerned. Indeed, Sir, I think if I am not careful I shall be physically grappling with concrete matters down in the Public Works Department unless we can find some way of overcoming the chronic shortage of labour, which we all agree is one of our most serious problems.

Apart from the Budget itself, the main preoccupation of this Session, not only have Honourable Members covered most points very adequately, but indeed a number of the points mentioned in Your Excellency's Address are in fact the subject of most things to be laid before this House later in the day, to which I look forward with great interest.

Sir, I beg to support the Motion of Thanks on Your Excellency's Address.

ANNOUNCEMENT

The President

I have just one announcement to make - a very pleasurable one - and that is to announce the results of the election which the Elected Members of this Council carried out last night, to elect one of their Members to take the seat on Executive Council which is being vacated in rotation by Hon Councillor Miller. I was informed after the white and black smoke had gone up at the end of Government House, that the Hon Member for West Falklands, Councillor Derek Evans, has been elected by his colleagues to Executive Council, and I would like to welcome him very much to the I won't say the upper or lower Council, shall we say the House next door; it is only semi-detached, we do have a fair amount of communication between one and the other. We shall be glad to see more of him in Exco and of course we shall also see more of him in Joint Council and in Standing Finance Committee as well. My congratulations, and at this point in time I express my thanks to Councillor Miller for all the help and advice he has given me on Exco in his eighteen months' term. Thank you very much.

PAPERS LAID ON THE TABLE BY THE HONOURABLE THE CHIEF SECRETARY

Copies of subsidiary legislation made or approved by the Governor in Council since 14th February 1979; and

The Medical and Sanitary Report for 1977.

QUESTIONS FOR ORAL REPLY

No 10 of 1979 by the Hon S B Wallace

What is the extent of the deterioration of the Stanley/Darwin Road which necessitated the recent announcement to motorists who drive on that road ?

Chief Secretary

Sir, in answering this Question I would like to make it quite clear to Honourable Members that the road surface in question is not the final surface. It is intended that a further layer of material, known as a wearing course, will be applied later. The present running surface of the Stanley/Darwin Road is the top of the sub-grade fill, and consists of a sandy clay material excavated from the Butchery quarry. A three-to four-inch course, consisting of a suitable gravel material, will need to be laid on this. The temporary runway is a probable source of such suitable wearing course material and steps are under way to utilise this material on the road in the Spring. In the meanwhile, when weather permits, steps will be put in hand to mix beach sand in the more sticky sections of the road in order to reduce the slipperiness. While the road is still in the construction stage, and I would like to emphasise the construction stage, it is prudent to counsel caution in its use, particularly as regards speed.

No 11 of 1979 by the Hon S B Wallace

Can the Administration advise on the progress made by farms in preparing airstrips for the 'Islander' aircraft operation ?

Chief Secretary

Sir, it is felt that in the circumstances adequate progress has been made with 'Islander' airstrip preparations. Although the Director of Civil Aviation has not received continuous information in the form of formal reports of work carried out, FIGAS pilots are aware of the state of advancement of most of the planned airfields. At a recent meeting of the FIGAS Committee an account was given on the situation concerning a number of sites and it was concluded that, and I quote, "some seven strips could be used at the present time and another four or five should be operational early in the New Year". Inspection visits by Civil Aviation staff will be stepped up, particularly when the Operations Management Adviser arrives, and the Director of Public Works will also be inspecting airfield sites, as and when opportunities occur. Meantime it is hoped that farms will be encouraged to persevere with the work of preparation, and in this connection it is noteworthy that the Royal Marines of Naval Party 8901 are available to assist for example with rock blasting where necessary.

No 12 of 1979 by the Hon W E Bowles

Sir, how much revenue has been raised since the 1st of January 1979 from foreign vessels anchored in Port William ?

Chief Secretary

Sir, the amount collected from foreign fishing vessels during the period 1st January 1979 to 10th June 1979 was £14,570.30. By the end of June when the supply vessel 'Pomoza' is due to leave, it is estimated that the total amount collected will be between £16,000 and £17,000.

Mr W E Bowles

Has this amount, or at the time of estimating, presumed amount, been considered in calculating the Budget ?

Chief Secretary

Yes, Sir.

No 13 of 1979 by the Hon W E Bowles

Sir, with the world increased price of oil, would the Administration give serious consideration to a further study and utilisation of our natural resources.

Chief Secretary

Sir, the Administration shares the Hon Member's concern about the rising level of oil prices throughout the world and agrees that all possible study should be given to the utilisation of our own natural resources. The existence of vast resources of peat in these Islands, although admittedly not always in the most convenient of locations, is a case in point, and recent rises in fuel oil prices, together with the threat of eventual world-wide shortages, have certainly caused a resurgence in consideration as to how this fuel source might be more widely and more efficiently exploited. While it would be perhaps unrealistic in view of the fact that we already have the Shackleton Report to think of any further study on a major scale, it is nevertheless agreed that we should do all we can to encourage further constructive examination and evaluation of our natural resources.

Mr W E Bowles

Will consideration be given to calculated percentage inducement and rebates for utilisation of the natural resources ?

Chief Secretary

Sir, I am afraid I cannot answer that question immediately, but I am sure that it is something that could be taken into consideration in due course with the co-operation of Honourable Councillors.

Mr W E Bowles

Could the Administration perhaps launch a cost study for building houses in local stone as compared to conventional materials, most of which have to be imported.

/The President

The President

I must point out to the Hon Councillor that he is departing rather from his original question, which was related to the price of fuel, was it not ?

Mr W E Bowles

To natural resources, Sir.

The President

I see , well, all right.

Chief Secretary

Sir, I think I could say that the Administration will certainly look into that matter.

Mr W E Bowles

One further question: should not the use of peat be encouraged to assist the economy if liquid fuel assets are not retained ?

Chief Secretary

Sir, the Administration entirely agrees.

No 14 of 1979 by the Hon W E Bowles

Sir, will the Financial Secretary explain for public information what criteria constitute the receipt of a Non-contributory Old Age Pension ?

Financial Secretary

Sir, there are two main qualifications. First there is an income qualification: the income of a married couple must not exceed a rate of £3,100 per annum, and the income of a single person must not exceed a rate of £800 per annum. Then the age qualifications, which are: a spinster who has attained the age of 65 years on or before 1st July 1970; in the case of a widow on attaining the age of 65 and her husband having died before the 1st of July 1952, or if he was excluded from contributing under the contributory scheme and died before reaching pensionable age, or the widow of a person who had attained the age of 72 before the 1st of July 1974 but did not buy himself into the OAP contributory scheme, she is then entitled to receive a pension at the age of 65. A man is entitled to receive a non-contributory pension if he attained the age of 72 before the 1st of July 1974 and did not buy himself into the contributory scheme. All other persons must have attained the age of 74 on or before the 1st of July 1961, the date of the Non-contributory Old Age Pensions Ordinance. As this reply is rather technical, I would like to forward a copy of my reply to each Member of Council.

Mr W E Bowles

I would like to thank the Financial Secretary for his very specific reply and I look forward to having this in writing. Thank you very much indeed. I have one further supplementary question, can anyone who considers him or herself to be in need of a pension make application to the Treasury ?

/Financial Secretary

Financial Secretary

Sir, there is no objection to anybody making application to the Treasury. There are some people who do not qualify under either the contributory or the non-contributory scheme, and for your information, Sir, I would like to mention that this matter was raised at a recent meeting of the Executive Council, and the Administration is now looking into it. The matter will be further reviewed in Executive Council shortly.

No 15 of 1979 by the Hon D S Evans

Sir, what steps have been taken to acquire another Development Officer?

Chief Secretary

Sir, since the unfortunate retirement due to ill health of Mr Sloman we have been in consultation about a suitable replacement with the Ministry of Overseas Development, which normally deals with such recruitment. When it became apparent that the identification of a suitably experienced and mature candidate with suitable temperament for this key post was likely to take some considerable time, it was decided that an interim solution might be considered. To this end, the Ministry of Overseas Development offered to seek from amongst its own personnel a more junior officer who would be interested in a short-term secondment probably of about six months. Such an officer, being younger and more junior, would obviously not have all the qualities which would be expected of the substantive holder of this post. However, it was thought that he could fulfill a most useful role in carrying out the more routine aspects of the post, and in maintaining momentum and interest. The Ministry has recently sent us details of a candidate who appears to be very well qualified to carry out these duties on this basis. We have now accepted him and it is hoped that he will arrive shortly. Meantime our long-term requirements for the post of Development Officer will continue to be pursued.

No 16 of 1979 by the Hon D S Evans

Sir, are the Government taking any further action on the possibility of making loans available generally for development purposes?

Financial Secretary

Yes, Sir. Government set aside £50,000 in the 1978/79 Estimates for loans, principally for housing and services; however, development loans were not excluded from the scheme and Standing Finance Committee considers all applications received. The Committee distributed in the region of 60% of the £50,000 during the year. The 1979/80 Estimates include an allocation of £50,000 for loans. This sum is now for consideration by the Legislative Council, and it is the intention of the Administration that applications for development loans should not be excluded from this allocation. Also in the field of development, Government will be making available finance on loan terms for the successful applicants of sections of Green Patch farm. The total of these sums is substantial within the context of the Colony's finances. I might add that we are also providing £25,000 for the Fitter tourism venture. Nobody should be inhibited from applying for a loan for development purposes, but I am sure the Hon Member will appreciate the need for a very thorough examination of any application. Government's finances are not elastic and the scope to raise funds for loans is also limited.

/No 17 of 1979

No 17 of 1979 by the Hon A B Monk JP

With reference to a Motion I proposed at a recent Council Meeting which was unanimously supported by Members. The Motion was that the Colony should be the sole beneficiary of the betterment value that would accrue to those lands through which the new road will pass. The Administration was requested to enter into urgent negotiations with those land owners concerned, with a view to an agreed resumption to the Crown etc. Have these negotiations started?

Chief Secretary

Yes, Sir. Initial discussions on this subject have been opened with the major company concerned. At the same time we have sought advice from the Ministry of Overseas Development on this rather complex matter; to this end we are in correspondence with the Land Tenure Adviser for Overseas Development, Mr J Laurence, with whom incidentally I have had the opportunity of working before, in other territories. It is hoped that with his assistance and that of our Legal Advisers, we will soon be in a position to proceed to the next stage of negotiations. Meanwhile the road works concerned are still within the area of Crown Land.

No 18 of 1979 by the Hon A B Monk JP

Can the Administration tell Honourable Members what is the cost to the Colony to date of the Goose Study carried out by Messrs Harradine and Summers?

Financial Secretary

Costs of approximately £4,000 have been incurred from local Government sources. All local funds for the Goose Study have been approved by this Legislative Council.

Mr A B Monk

Have any findings been reached which indicate the wild goose population is seriously competing with the ranching industry vis-a-vis grazing or vice-versa?

Financial Secretary

I am advised by the Leader of the Grasslands Trials Unit that to date the ecological survey has been successful and that the Unit will be in a position to make recommendations which would prove of benefit to the Colony in general and the sheep farming industry in particular.

No 19 of 1979 by the Hon A B Monk JP

The Falkland Islands Company are the Admiralty fuel agents and both the private sector and the industry depend on them for gas-oil, which is of paramount importance to both. Is the Administration satisfied that the agents' price mark-up is reasonable?

Chief Secretary

Sir, this mark-up is based on operational and commercial factors. These have been subject to some discussion recently, as a result of the changes in certain oil prices, of which Hon Members will be only too

/well aware

well aware. From these discussions it has emerged that there are a number of complications not readily apparent to the general public, for example that there is a minimum charge for lighterage. Fluctuations in the fuel oil price in recent years have occasionally involved the Company in a risk of incurring heavy losses, this being largely due to the invoicing system used in London. A typical example of this situation occurred earlier this year. However, these arrangements are under review and the Company will be giving further consideration to the calculation of mark-ups in the near future, when it is hoped that the price of oil will be in a more stable situation as a result of these new arrangements.

Mr A B Monk

Do I understand that there is no fixed percentage mark-up always made ?

Chief Secretary

Sir, I am not sure of the answer to that question, which I feel is a commercial matter which could be taken up with the Management of the Company.

Mr A B Monk

Does not the Chief Secretary agree that the matter is of great importance to the industry and the population and that we should try and ensure that there is no excess percentage mark-up ?

Chief Secretary

Sir, the Administration entirely agrees and the negotiations and discussions which are at present in progress are in fact directed to that end.

No 20 of 1979 by the Hon T J D Miller

With reference to the answer given to Question No 7 of 1979, what is the breakdown of the £75,000 estimated extra cost to run an extended Stanley Airport ?

Chief Secretary

Sir, in framing the reply to Question No 7 of 1979 at an earlier Meeting of this Council my predecessor, Mr J Massingham, found difficulty in giving any precise answer, in view, he said, of the many imponderable factors involved in the question. Nevertheless, the reply he did give was based on the best possible advice available to us, namely that of the then Airport Superintendent, whose expert services were provided by the Commonwealth Fund for Technical Co-operation. I regret, Sir, that as the circumstances have not changed since then, I am not really in a position to add anything to what has already been said on this subject, except perhaps to say that the Honourable Member's question is one which could only satisfactorily be answered in the context of a proper feasibility study, if such a study were ever to be carried out.

Mr T J D Miller

Will the Administration enquire from the authorities in the United Kingdom whether such a feasibility study would be possible ?

/Chief Secretary

Chief Secretary

Sir, as Honourable Members will be aware, my predecessor did in fact send a very comprehensive letter on 21st February last, referring a Motion of this House to the Ministry of Overseas Development. This was answered on 13th March; it might perhaps not be proper for me to read the answer in this public Session but the answer was, so I am assured - and it is noted on the file - brought to the attention of Joint Councillors on 27th March. If the Hon Member would like to suggest that the matter should be proceeded with further, then the Administration could once again write to London about this if necessary.

No 21 of 1979 by the Hon T J D Miller

It has now been nearly a year since the Immigration Committee has been without a Chairman. Why was the new Chairman not elected months ago and what proposals have Government in mind to make immigration to the Falklands more flexible and realistic ?

Chief Secretary

Sir, it is quite true that since the sad loss of Lt Col Goss, who fulfilled the duties so ably, the Administration has experienced considerable difficulty in finding someone to replace him as Chairman of the Immigration Advisory Committee. Although an obvious successor as Chairman of this body was available in the person of the Senior Magistrate, the Hon H Bennett, OBE, JP, it was felt that it would be unfair to appoint him until such time as a Registrar of the Supreme Court was at post to relieve him of some of his legal duties, and indeed to act as an alternative Magistrate in any Court action which might arise from immigration matters. Now that Mr Ray Checkley has taken up his duties as Registrar and has had some time in which to assume the full responsibilities of this post, it has been possible to consider burdening the Senior Magistrate with additional duties, and I am glad to be able to report to Hon Members that Mr Bennett has recently been appointed Chairman of the Immigration Advisory Committee. In addition to its more routine duties of advising on applications for entry and employment permits, we now look forward to receiving further advice from this Committee on the draft legislation provided by our Legal Adviser, Mr Frederick Cooke, which might become the basis of a revision of the Immigration Ordinance. This draft legislation is of course already under active consideration by the Administration and has been the subject of advice from other persons and bodies concerned.

No 22 of 1979 by the Hon T J D Miller

What plans have Government for the introduction of a Pay-As-You-Earn (PAYE) form of income tax collection to private individuals now that the system has been introduced to the public service ?

Financial Secretary

Sir, a voluntary income tax deduction scheme was introduced last year, after a request had been received from employees in the Public Works Department. It was first restricted to PWD employees; later the scheme was extended for the benefit of all Government employees. Briefly,

/the Departments

the Departments deduct the amounts authorised by the employees; the amounts are then deposited in the Treasury, and at the end of December the amounts are paid over to the Income Tax Office. Should an employee leave the Colony before the end of December, the funds are paid over prior to the employee's departure. The scheme appears to be working reasonably well. There is no objection to other employers following Government's lead, in fact it is understood that some other employers and employees have already come to agreement between themselves for regular, voluntary deductions of income tax. Government has been strongly advised against the introduction of a mandatory PAYE scheme, similar to the one operated in the United Kingdom, by various advisers. It is understood that such a scheme could probably cause a considerable burden on the employers and Government, and may also be costly.

Mr T J D Miller

I would like to thank the Hon the Financial Secretary for his very useful reply and I hope that it is something that employers and employees will be able to follow up. I quite agree with his views on a mandatory PAYE form of income tax collection, but I am pleased that the way is now open for a voluntary system.

Financial Secretary

If there is any way ⁱⁿ which we in the Treasury can assist any employer to arrange, or help or advise, on a PAYE system, we would be delighted to do so.

QUESTIONS FOR WRITTEN REPLY

Appendix I.

MOTIONS

Motion by the Hon the Financial Secretary:

"That it be resolved that the Report of the Standing Finance Committee for the period ending 28th March 1979 be adopted."

Financial Secretary

Your Excellency, the Standing Finance Committee met on two occasions since the last Legislative Council meeting and approved £72,187 of additional provision. Details of the additional provision are given in the Report and there were no items not approved. I beg to move that the Report be adopted without debate.

The Motion was seconded by the Hon the Chief Secretary and carried.

Motion by the Hon S B Wallace:

"That this House wishes it to be conveyed to Her Majesty's Government that it is the wish of the people of the Falkland Islands to have the Falkland Islands remain British."

Mr S B Wallace

Your Excellency, Honourable Members. Simply with the change in Her Majesty's Government I thought it advisable at this time to keep our views known to those who may now be dealing with our affairs.

/There is little more

There is little more to it than that. I do not wish to bang any tubs, rather simply put down a marker at this time so that it will not be forgotten and that we are not prepared to compromise on our basic sovereignty position.

Mr D S Evans

Your Excellency, Honourable Members, I would like to second this Motion. I think that the fact that we wish to remain British is a crucial thing that is keeping us British. Once we weaken that resolve we will be in a very serious position and I think it is a very good thing to keep reminding the British Government that we do wish to remain British.

Mr T J D Miller

Sir, I wish strongly to support the Motion. There is an awful lot that could be said but it has already been said time and time again previously. Thank you.

The President

I imagine there can be no dissent on this Motion so it can be granted as carried and conveyed to Her Majesty's Government.

Motion by the Hon D S Evans:

"That this House recognises that there is an urgent need to change the immigration policy of this Colony so that it more actively encourages immigration."

Mr D S Evans

Your Excellency, Honourable Members, I introduced this Motion because I think we are not doing enough about immigration and at the last two Council meetings we have had questions on this subject and I thought they were answered rather unsatisfactorily. I thought it would be a good idea to have it out in the open and thrash it out. We are all worried about the number of people who are leaving these Islands, and I feel that we haven't got an active immigration policy. The reason that has always been given for this is that we have no housing so we can't really get anybody until we have housing. I am inclined to disagree with that; it is very important and it is a stumbling block but it is a chicken-and-egg situation again. I think we should go ahead and encourage people here and we could catch up with the housing afterwards. I don't think we can afford to sit back and say 'there is a shortage of housing, we can't do anything about it'. There is something I would like to propose - it's just a thought, we can discuss it in this Council and throw it out, but I think we have to discuss this kind of thing - I think we should have an office in Britain of our own, possibly part-time and not necessarily in London, but I think we should have our own Falkland Islands Office, independent of the Crown Agents. I realise this is an expensive undertaking, I realise that we might not have the funds, but this is a serious business. We are going to have to step up on immigration or we are going to find ourselves with insufficient people to keep the Colony running. I could think of someone who could do that job, or somebody who could be approached to do that job - our former Development Officer would be an excellent man for that position.

/And if we can

And if we can set up an office there in the first place I think probably to deal out information, a centre where somebody who is interested in coming to the Falkland Islands can go and find out all he wants about the Falkland Islands quickly, and somewhere where he can get in touch with the Falklands if there is any problem, or any help needed. At this end I think we should all get together and decide who we want here, if we want trades people, or what kind of people we want. Nobody seems to be sure. I would like to see the Sheep Owners' Association and Government get together on this and come to a decision. I don't know if we can afford to help with passages but we should be talking about it. I actually think that there are enough people in Britain and elsewhere who are so fed up with their way of life that they would pay their own passages down, but they don't know where to go, or who to ask. I think this is what we should remedy soon. The one thing that I must stress in all this, is that if we do relax control on who we do have in here to an extent, we must be very careful that we don't dilute the wish to remain British. I think we must remember this at all times; it is a vital thing. If we dilute the wish to remain British I think we are finished, certainly at the moment, it might not be the case in the future, but right now we can't afford to do that. I would just like us all to have a general re-think on immigration policy and see if there is anything we can do actively to encourage the right people to come here before it's too late. I even think there is some merit in the suggestion made by the Hon Member for Camp that we think about one or two refugees from Vietnam. It would be interesting to have a Chinese laundry here!

Mr T J D Miller

Sir, in rising to second this Motion I would like to say how pleased I am to hear that the Hon Harold Bennett has now been appointed Chairman of the Immigration Committee, and that the Administration is now planning to review our immigration policy and regulations. I also feel that it is about time we had our own Falkland Islands Office in London controlled from here, from the Falkland Islands Government, to reflect the views of the Falkland Islands Government and people. There is a Falkland Islands Office in London, as we all know, at the moment, but sometimes they do, sometimes they don't, reflect the views of this end. I support what my colleague the Proposer said about housing here in Stanley. Yes, to a certain extent there is a housing problem to immigration, but not necessarily in Camp; in many parts of the Camp houses are lying vacant because there is nobody to fill them. I think the sooner we can have a re-think about immigration policy, the better. I wish to support the Motion.

Mr S B Wallace

Your Excellency, Honourable Members, I support this Motion insofar as I agree that we should make more opportunities for people to hear what the Falklands have to offer, if they are interested in coming here to live. It should also be remembered, though, that we already have quite a few applications from tradesmen, skilled people, who wish to come here and live and are prepared to go to Camp, but our commercial concerns seem to feel unable to offer employment, and, as it has already been said, there is certainly no shortage of housing in Camp. I fully agree that we need more people, but I also feel that one of the things which actively encourages immigration is to show a community which is prosperous and which offers at least some of the benefits of modern

/society.

society. A basic provision must be for houses. It's fine to start discussing the necessity for a new emphasis on immigration but I also think that the formation of any comprehensive immigration policy would not be a simple matter. Do we accept people of every colour, race, and creed? There would be no problem if we placed an advertisement in the Ho Chi Min City Times. We would probably have thousands, but do we want these people? I think possibly the best approach to this would be to form some sort of working party to look into it and make recommendations. However, I do support the Motion.

Mr. A B Monk

Your Excellency, I rise to support this Motion. I think we do want to look into our whole immigration policy very thoroughly. It does seem to me that sometimes in the past, even though there was an Immigration Advisory Board, the policy seemed to be largely in the hands of one man who decided in a rather arbitrary manner who did and who didn't come in. I think we have got to adopt a more liberal policy if we are going to attract people here. I don't personally think that there is any fear of the desire to remain British being diluted by taking in immigrants. Very often the most newly converted are by far the most fervent supporters, and the immigrants are probably coming from some area where they have discovered what it's like not being British. The Hon Councillor Wallace made some reference to craftsmen trying to get into the Colony and that the Camp won't accept them and all the rest of it, saying that the Camp have spare houses. Well, of course, most of the spare houses in Camp are outside houses and though I as a Manager in the Camp have had a few names put before me of craftsmen wanting to come in I have occasionally, not very often, at San Carlos had a spare house, it has always been an outside house, and I wondered what I could do with a stone mason in an outside house twelve miles from the Settlement. Another one was a mechanical engineer, and I wondered what I would do with him out there as well, and since I had a mechanic I couldn't really do much about it. But that is really very often the situation in the Camp: though there are houses available, outside houses are really only suitable for shepherds. But I seriously think that we want to look into the whole immigration policy very seriously. I do think we want to take a more liberal view of it. I think in some cases our views tend to be far too rigid, and I think we need to move into the modern age a bit if we want people to come here.

Mr W E Bowles

Your Excellency, Honourable Members, I too would like to support the Motion and I would also like to extend my congratulations to the new Chairman of the Immigration Advisory Committee. I think that this Council should do everything it can to assist him and the Members of the Board to do what we think is best for the Colony. With regard to having an office in Britain, a chap there to help with recruitment presumably, I think this would be very difficult for people you want to recruit for the Camp, because it is difficult to try and sell a job in the Camp in the Falkland Islands to someone living in a large city in the United Kingdom. I certainly wouldn't like to try it, and the more successful ones I have heard of have been sold by persons who have lived in Camp and who will be living close to the person when he arrives. I think that chap holding that office would have a devil of a job trying to

/convince the client

convince the client who wants to come that he is going to be happy, and indeed in convincing his employer that he has the right man. Although the idea may sound all right, I think it is far better if it is done the opposite way around, where if you want people for the Camp, as most Camp Managers are fortunate enough to go on leave every three or four years, there is nothing to stop them doing their own recruitment on the spot and coming back and living with the person they have recruited. It makes the job so much easier. (Not that I wish to condemn them in any way for this, I think it is an excellent arrangement). Apart from looking forward to our new immigration policy and Board of Management that is all I have to say. I wish to support the Motion.

Mr. W H Goss

In rising to support this Motion, Sir, I would not agree that the door should be thrown wide open, as has been suggested in the past. I think that there has got to be a very, very strict control on who comes in to a small community like this. If we had a recruitment officer in Britain it may serve a useful purpose, but I very much doubt it. We hear, mainly from the Secretariat, of people who have applied for work in the Colony; they are prepared virtually to work anywhere by the sound of them, but we never hear of any takers. We don't even hear anything about people making enquiries about them. It might be that there is a labour shortage here but that labour shortage is only on the projects that Government's got on. The number of men that farms would employ I think is very limited, otherwise they would take these men, or these people who are applying for work. They would take them if somebody else will pay their passage here, but they are not prepared to go to the expense of bringing the people in to work here and I think that, as it was said by the Hon Member for Stanley, the most sound way of recruiting people would be by the Managers themselves when they go on leave, and they go quite frequently. We have seen the recruitment that has been done by the Company, the London Office and all those people who are interviewing those men have had a lot of dealings with the Falklands in the past, they have had a lot of experience with people and farms, and it wasn't too successful. I beg to support the Motion.

Chief Secretary

Your Excellency, I wish first of all to express the thanks of the Administration to Honourable Elected Members for bringing up this subject and also for making known their ideas on it. We have of course, as I said in answer to an earlier question, drafted new legislation but I don't myself see us getting much further ahead with it until we can get clear ideas of what the people of this country wish. I have here in fact a rather battered and rather disreputable looking copy of the draft which has been through many hands in the last few months, and it is now sitting on my desk waiting to see which way it is going next. And which way it goes next I think will depend entirely on what the people of the Falklands wish, which is only right and proper; I don't know what we already have with the Immigration Advisory Committee now that it is reconstituted, we have an advisory body, but I wonder if perhaps its constitution may be a little limited. It was born out of a suggestion of Executive Council, some two years ago I think, and its terms of reference have always seemed to me to be a little

/undefined.

undefined. It has very open terms of reference and it has always been held that in addition to a Chairman it should consist of the Chairman and Secretary of the Sheep Owners' Association, and the Chairman and Secretary of the General Employees' Union, and it has been customary for the Immigration Officer also to sit on this Committee. I wonder if we are, as you all hope, going to receive some advice from it in the next few weeks or next few months about the formulation of policy, whether we ought not to consider augmenting the Committee with possibly two Councillors or something like that, to give us a wider range of interest represented on it. For myself I can see that almost everything one touches here comes back to that sort of problem, and I for one would be very grateful if we could get such a working group going and if we could then push ahead with this new legislation. Thank you, Sir..

Mr D S Evans

I haven't really got much, it's been discussed and that's what I wanted; I put up an idea but it didn't seem to get a lot of support. I'll leave that idea there because I think it's quite a good one - it will be a bit expensive; I must admit, but I am interested in increasing the population here generally; all the speakers seemed to think it just applied to Camp but I wasn't thinking of Camp in particular. I hope we can come to some clear understanding of exactly what we do want with regard to immigration. We still seem to be a bit woozy even after this discussion, and I think we have to make an effort to clear it up, talk to everybody concerned and make sure what we do want and then aim for it. At the moment we don't seem to be aiming in any particular direction. Thank you, Your Excellency.

The President

I think it has been a very useful debate and everybody seems to have support for the Motion.

Motion by the Hon D S Evans:

"That this House discusses the necessity for further changes in the Constitution."

Mr D S Evans

Your Excellency, Honourable Members, I have brought up this Motion because during the last two or three Legislative Council meetings you, Sir, have asked us to think about the Constitution to see if there could be any changes which we thought could be useful. I feel rather guilty that we have done nothing about it so I put this Motion in but unfortunately I don't think you are going to like the end of it because I am rather happy with the Constitution as it stands. I think the main idea that has been brought up is that we should have one Council rather than two. I would be against that idea because I feel that there would be a loss in our democracy and it would lead to a more autocratic Government. If there was one Council, even if it was all Elected Members, I don't know how it would be constituted but with all elected members even, that would be the policy decision making body and once that policy has been decided what would be the use of a Legislative Council session, because all the work would have

/been done.

been done. A Legco session would then be a farce, and so would Standing Finance Committee, as all the decisions would have been taken by the same people; I think that these two bodies are useful because mainly it is a different set of people considering the facts, which gives a little bit of extra time to consider facts. We have seen once or twice quite recently that in Executive Council things have been rushed and people have second thoughts after Executive Council. Under the present system, if you had second thoughts, then you have another chance to thrash it out. I don't think that could happen with one Council, or not so easily. The other possibility that has been mentioned is that we have a full-time elected member - at least one full-time elected member - and he takes on more responsibility, say, for education. You would have something like an education minister, and he would spend his time in the Secretariat, working within the Secretariat, working within Government. The idea has got merit but I don't think you could recruit anybody for the job who is going to give up a job and take on four years in Council, and know at the end of that time that he hasn't got a job to go back to. Very few people would even stand for election under those circumstances and the few who did stand would probably be the wrong people. I can't see that I can really improve on our present system; the system has been evolved over a number of years and probably by a large number of Colonies. We have had time to iron out all the faults and this is a democratic system of which I am quite proud and I don't think I would like to see it change. I would very much like to see the procedure change in Council here. I would like to see all this bobbing up and down stopped. I don't know if you can streamline that, if you can, I would be very grateful. Perhaps they could amalgamate the first and second readings or something like that, or it might even be best to put them all together. I would certainly like to see something done about that. Thank you.

Mr S B Wallace

Your Excellency, Honourable Members, I rise to support the Motion because I think it is a healthy sign that any Council discuss the possibility of changing the Constitution so that more democracy prevails. Like the Mover of the Motion, I am not unhappy with the system we have, although like him I would like to see this bobbing up and down stopped. Now and then it gives a sadistic satisfaction to see the CS and the FS leap up and down but generally it rather detracts from the dignity of the proceedings...Another thing which I would investigate is the Elections Ordinance. I think that the division of Stanley into three is unnecessary and I think possibly that could be one change which we could investigate. I don't really feel that I have any more to say on the Constitution. I wish to support the Motion.

Mr T J D Miller

Your Excellency, I too wish to support this Motion, but in general I am very happy with the general Constitution. It was after all the Constitution which had the consent of the majority of the people of the Islands when the Constitutional survey was carried out, about six or seven years ago. The two things I would like to see reviewed are the Elections Ordinance, where we have this rather complicated top heavy system of double elections; I think perhaps we ought to look into ways of having both the regional and area elections in the

/same go on the

same go on the same day with simply two sets of ballot papers and candidates stand for one or the other. It would make the whole system a lot easier, and speed up the actual election itself, particularly for the Camp. I am not really too sure as to how we can streamline the procedure of the House without losing the democracy in the way that we handle our legislation. I wish to support the Motion.

Mr A B Monk

Your Excellency, Hon Members, my thoughts were fragmented about this; I didn't really think I had anything to say at all but I find I have now. I agree with the Councillor for the Camp that the present election process is cumbersome in that we have two separate elections in order to get three people. If somehow or another we could get three Members from the Camp and three Members from Stanley without going through this very cumbersome process, I think that would be an improvement. It must cost extra money and I think people tend to lose interest a bit after the first one's over, and you also get the problem where the beggar gets a shilling for the Camp and what's he doing in my bed, stirring up trouble - you know the sort of thing. I think that ought to be looked into, to see if we can streamline that part.

Personally I think we need two separate Councils or two separate bodies. I sometimes wonder whether we couldn't do with one elected Council and then have two committees, a Management Committee and a Finance Committee, say with three members each, and merely hold plenary sessions twice a year to see that the beggars were doing their job properly or hadn't had their hands in the till or something. I have wondered if that might be a more streamlined way of doing it instead of having two separate Councils. But I think there is one very important point which must be looked into, and that is the fact that people who have - I am not quite sure of the exact wording - an office of profit under the Crown, are not eligible to stand as candidates. I think in this small place particularly, we are doing without the advice and knowledge of a large section of the community, a very knowledgeable large section of the community. I do think we should take a serious look at this point to see if we can't get that rule altered and allow at least some of these people, obviously not those in the very top brackets, but a large proportion of these people, to stand for election. I beg to support the Motion.

Mr W E Bowles

Sir, the Motion reads that this House discusses the necessity of further changes in the Constitution. None of my constituents have come to me to say there was a necessity for any changes in the Constitution; if they had I would naturally support the Motion. I'm not sure now that I can. There is no harm in discussing any further changes in procedure with Council business, because although it may reflect on the Constitution, the Constitution was discussed very thoroughly with the general public, and this is what they wanted, and what they got. Admittedly it was seven years ago now, and there may be a change of thoughts in many fields, and perhaps there is a need for a discussion on further changes. But as regards a necessity for it, I'm not so sure, and I'm not too sure exactly what the Proposer means in the wording of his Motion. I would like to support it inasmuch as I feel there is no harm in discussing it, which I think is probably what he means, but whether there is a necessity for further changes, I would like to say no to that, because I have never heard of any. Thank you.

/Mr W H Goss

Mr W H Goss

Sir, in rising to speak to this Motion I would like to say there are some parts of the Constitution with which I didn't agree at the start, but I think we should have made our point then. It hasn't been seven years, it has only been two as far as I know since this Constitution was introduced; it may be that we started talking about it seven years ago, but the new Constitution has only been in force two years. We are half way through our term as Councillors and I think we are being a bit hasty in thinking about going to the expense of a change in the Constitution right now. The procedure in Council, the bobbing up and down, is pretty good, it stimulates the circulation, and I can't really see too much from the back. I'm afraid I could not support the Motion at this stage.

Mr D S Evans

Well, it has been discussed, which was the object, even if the word 'necessity' has been discussed more than anything else. I think the two points that have really come out of this are that it would be better to have one election rather than two if we can work it, and - I would agree again with the Councillor for East Falklands - if we could see a way to let officers serving under the Crown become eligible as candidates for election then we ought to; I agree that we are wasting too much talent. We have got very little and we can't afford to waste any.

The President

Well if I might, as I have been said to be the main inspirer with my remarks of the past, of this Motion, I would like to make quite clear that what I have been saying was should we talk about enlisting any changes in our Constitutional arrangements and procedures, and I think it has been a very useful debate. I have heard some Members get up and say they are quite content, that they don't want any change, and then promptly proceed to suggest changes! I think some of these suggestions are probably quite useful. What I think has basically come of it is that we are content with our basic Constitution but there are ways maybe whereby we can simplify the procedure on the question of elections and of our procedure in this House. So it has given us some food for thought and if anybody has any more concrete ideas would they please let us know. I take it that there is no feeling that there should be another working party such as I gather took place about seven years ago, and took up an awful lot of time; I think most are content with the Constitution as it stands, but there are ways in which we might simplify it and in which we can revise it.

Motion by the Hon T J D Miller:

"That the Government of the Falkland Islands requests Her Majesty's Government to declare a two hundred mile economic zone around the Falkland Islands, South Georgia and the Dependencies, at an early date."

Mr T J D Miller

Your Excellency, I am not quite sure if I have used the correct terminology in the Motion, whether we should be referring to an economic or a maritime zone, but I am sure that Her Majesty's Government will know what it is that we mean. The Motion is really just a follow-up

/to a similar one

to a similar one passed by this House at the session last February. One cannot expect immediate action, but as we have a new Government in Britain I think we should again bring our requests and needs to their attention. We have almost daily evidence in Port William of the number of ships fishing in what should be our waters, and of the tonnages caught. The last freezer freighter in Port William left, I believe, with a cargo of some four and a half thousand tons of squid, valued at 1.8 million pounds. Almost the same as our Budget, and that was just one ship that we know about. Policing the zone is not that big a problem if the zone is accepted, as results in many countries have shown that maritime zones are largely self-controlled. Without the revenue from licensing vessels and catches in our waters we will not be able to survive as a viable economic community for much longer, and people will continue to think of emigration. Many of the vessels fishing around here would, I am sure, be interested in using us as a re-fuelling and stores depot once we get a decent jetty in the right place. We could become a place where the crews could get a bit of shore leave and, who knows, if our runway was lengthened, they could use Stanley as a centre for exchanging crews, instead of the expensive and time-consuming voyage to South America for this. Some of these thoughts may or may not be viable but one thing is certain: none of them will be viable, and neither shall we, unless we can get a maritime zone around these Islands in the near future.

Mr W H Goss

I beg to support this Motion, Sir. It is not something new, it has been raised in this House and raised in Council on many occasions before, and I think it is paramount that we do something or get HMG to do something about the maritime zone and enable us to gain control of it. It will be a time before anything really materialises, before we get any real benefit. I don't think we'd be sunk if it didn't happen, but we have a lot to gain by gaining control over the seas. Every country in this world that I know of has a recognised area that she controls, and we have that right in my opinion.

Mr W E Bowles

Your Excellency, Honourable Members, I too wish to support the Motion as I did in February, and I would like to reiterate what I said then, that I thought there would be a problem with the median line of the east coast of Patagonia and that of our extreme West Falkland. Apart from that, Sir, I would like to support the Motion.

Mr S B Wallace

I would just like to say that I strongly support the Motion, Sir.

Mr A B Monk

I beg to support the Motion.

Mr D S Evans

I beg to support the Motion also.

Financial Secretary

I would welcome the opportunity of supporting the Motion wholeheartedly and I see it as one of the ways in which we may obtain a considerable amount of revenue some time in the future. I would strongly urge that this matter be taken up as soon as possible as opportunity may present itself.

/The President

The President

There is no dissent, I take it, and we all support the Motion. Certainly we will press the point the first opportunity that we have.

Motion by the Hon D S Evans:

"That this House is dismayed at the lack of progress in erecting the new School Hostel. This development project is of the utmost importance and this House wishes to press upon Her Majesty's Government the urgent necessity of bringing the hostel into operation at the earliest possible moment."

Mr D S Evans

Your Excellency, Honourable Members, I think both myself and the Hon Member for Stanley West had Questions in on this but I thought it would be better if we had a Motion. In fact there is not a lot you can say about it, there's a lot I could say about it not fit for the consumption. Last time I was at the Hostel was nine months ago; I went there the other day and I can't see any change, or very, very little change, appalling. I have been telling people that at least the foundations are there but they're not; apparently it is the footings which are there. You can just see them through a sea of mud. The hostel was supposed to be in operation, working, at Easter time. It is one of the most urgent things, or urgent development, we have got. Camp education, or education, is of prime importance in these Islands if we want to keep people here, especially Camp people, and we can't afford to wait too long. I put this Motion in so that we can press as hard as possible and show the British Government how strong we feel about this hostel. I don't know if it is a case of standing back and saying that it's never going to be put up by these people, wash our hands and start again; I don't think it is. It sounds very much as if things will begin to move but it depends how much longer we can go on listening to promises that don't seem to change anything. The hostel is vital, we all realise that, and we must impress on the British Government how strongly we feel.

Mr S B Wallace

I rise to second the Motion, Sir. I have been told that only children or fools laugh at partially finished constructions. The school hostel, however, does not make me feel like laughing, quite the opposite. It is a mess. There is no sign of progress and the project is months behind schedule. As a result many of the plans for improving our education and, just as important, making the best and most efficient use of our limited resources, have been delayed. We cannot use the capability we have to the best advantage until the hostel is complete. There is usually little point in recrimination but I do feel obliged to remark the fact that no one here is happy with the progress made by that construction company. I would imagine that Her Majesty's Government is none too pleased either, but I don't know. I did not have the opportunity to meet their Architectural Adviser, Mr Riley, when he visited, and therefore have little idea of how he views progress to date. I would have thought that any construction firm having the support and back-up of The Falkland Islands Company Ltd would do a quick job. An efficient construction company would certainly be an asset to the community.

/Instead we have this

Instead we have this miserable fiasco. Presumably Her Majesty's Government still has confidence in the contractors. I can only hope that it is not misplaced and that when Summer comes we shall see some progress and that when completed the Hostel is satisfactory.

Mr W H Goss

It gives me great pleasure, Your Excellency, to rise to support this Motion, and I should imagine the words that I was requested to swallow in our last Session have now been coughed back up for me by others. I strongly support the Motion.

Mr A B Monk

I beg to support the Motion.

Mr W E Bowles

I have already spoken to the Motion of Thanks for Your Excellency's Address and I think I said my piece then.

Mr T J D Miller

Sir, I too expressed my views during the Motion of Thanks, and I strongly support this Motion. Parents of children in Camp are rapidly becoming very disillusioned with the idea and the concept of the School Hostel, and unless we can get this building completed, we will have a hard job to persuade parents of children to put their faith again in the concept of centralised education.

Chief Secretary

Your Excellency, I feel that I should say at least a word; the Administration of course has great sympathy with the Motion. We must be very careful what we say about this in such public circumstances, since of course contractual obligations are involved, but I would simply like to say that we have had a visit of Mr Riley, the Architectural Adviser for the Ministry of Overseas Development and, even though he may not have had the chance of talking to Honourable Elected Members, he did have lengthy discussions with the managerial staff of the Company involved and of course with His Excellency, with the Director of Public Works, myself, and all other public servants involved. And we did very firmly get the impression that he went away in quite an optimistic frame of mind about what might be the future of the project. He certainly wasn't in any way satisfied with present progress, and of course nor are most people. Also about the same time we did have the arrival of Mr Laurie Browne, who is not Manager or even a Director of TCT, he is a Consultant to the Company, but I feel from discussions with him, and I know he has had more with His Excellency, that he has done his best to take a firm grip on the situation and realises only too well how difficult things are, and how far behind it's all got, and he has gone away, as Hon Members will be aware, for a few weeks, but will be back in the not too distant future, and he himself expressed great optimism about the possibility of pushing things ahead towards the possibility of an opening early in the New Year, which we hope very much will come to pass.

The President

We very much hope that this project will get moving, and I quite sympathise with everybody in Camp and everywhere about the deplorable slowness which has been implemented. I think it would be very unhappy if parents did lose faith in the concept of the centralised educational

system which in the end, when the hostel is built - and it will get built - can only be of benefit to education in the Colony. Let us hope that it will come very soon.

The House then adjourned at 17:15 on 20th June 1979 and resumed at 10:05 on 21st June 1979.

ORDERS OF THE DAY

BILLS

The Appropriation (1979/80) Bill 1979

Financial Secretary

Mr President, Honourable Members

In introducing the Budget for 1979/80 I first must acknowledge the financial planning which Mr Harry Ritchie has been undertaking, both here and in London. Some progress has already been made and more will be coming before Councillors very shortly, within the next few months. Many of his recommendations, particularly those relating to revenue, are proposed in the 1979/80 Budget. I will be referring to these proposals later.

Since the presentation of last year's Budget there has been a considerable number of changes, both in Expenditure and Revenue, appearing in the Estimates relating to the current year 1978/79. In spite of these variations the target of a surplus of Revenue over Expenditure at the close of the 1978/79 year should be achieved. The revised estimated surplus is about £28,000. Tax from companies operating in the Colony proved to be over-estimated. The shortfall is largely attributable to the under-estimation of operating costs. The revised estimate of revenue in respect of Stanley rates is also lower; this arises through the recent amendment to the Stanley Rates Ordinance extending the period prior to the imposition of a penalty for late payment of rates. On the other hand, income from investments in 1978/79 is now forecast to be much higher than the original estimate. A significant increase in expenditure in 1978/79 appears in the Aviation Department Estimates. The new item of additional expenditure arose from the need urgently to purchase a new under-carriage for the Beaver aircraft. It was also necessary during the year to provide additional funds for the repayment of a company's tax over-collected, and to refund certain revenue in respect of stamps returned to the Crown Agents Stamp Bureau. Reserves supporting the Colony's ordinary revenue and expenditure are estimated to stand at £600,000 at the commencement of the new financial year, that is 1st July 1979.

The Ordinary Expenditure budgeted for 1979/80 is £2,120,000; Ordinary Revenue is estimated at £1,965,000. There is therefore an estimated deficit of £155,000.

Before going into the detailed Revenue/Expenditure proposals, I would like to remind you that, in the light of the very recent news that Government's oil supply will be issued at current rates for the next twelve months, adjustments will be made in the Select Committee to the 1979/80 Estimates of Expenditure, to show an improved amount in

/the above mentioned deficit

the above mentioned deficit of £155,000. Owing to the fact that the confirmation of the oil prices was only received a matter of days ago, it was impossible to adjust down the various Departments' fuel votes prior to issuing the Estimates to Honourable Members.

Revenue proposals for 1979/80, which include, I reiterate, a number of the recommendations of Mr Ritchie, are as follows:

It is proposed that the residents rebate under the FIGAS air fares be reduced from 20p to 15p per mile for adults, and from 10p to 7½p per mile for children between the ages of one and seven.

The abolition of medical fees for residents is proposed from the date of introduction of the Employment Tax, the Bill for which is under consideration of this Council at the present time. Mr Ritchie in his Report has proposed up-dating minor fees and charges; these cannot be strictly classified as budgetary measures, but the opportunity is taken to include them for consideration. The fees include: grazing fees, Crown land rentals, driving licences and fees for vehicle driving tests, firearm licences, penguin-egg licences, wireless licences, re-diffusion fees, radio and advertising fees, library fees, printing charges, land line rentals, and registration fees. The rent of Government R/T sets is also to be reviewed.

It is proposed to increase postage on aerogrammes, small size, from 8p to 9p, large size, from 9p to 10p. Sale of water, which at present is sold at £1 per ton, is recommended to be increased to £2 per ton. An approximate increase at the rate of 20% in the rent of Government quarters is proposed. It is proposed that the electricity tariff be increased from 5.25p to 6.5p per unit. Stanley rates will be reviewed by Standing Finance Committee at their next meeting, in accordance with the Stanley Rates Ordinance.

It is proposed to increase harbour fees and impose an additional daily charge on vessels using the port for every 24 hours after the first 24 hours. The yield of revenue from this source is estimated to be £50,000. Mr Ritchie has drawn attention to the need to increase the charter fee for m.v. 'Forrest' from £48,000: a fee of £58,000 is to be proposed to the Ministry of Defence to cover the costs.

The contribution from the Dependencies in respect of services performed by the Colony on behalf of the Dependencies and the British Antarctic Territory now requires updating from £15,000 to £27,000.

Some minor increases on import duties are proposed: on beer it is proposed that the duty be increased from 33p to 40p per gallon - about ½p per can; the duty on cigarettes to be increased from £3.30 to £3.50 per lb - that is, less than 1p per packet; tobacco, to be increased from £2.80 to £3.10 - approximately an increase of 2p on a 50g tin.

Some £120,000 is forecast to accrue to the Colony in 1979/80 in respect of the issue of coins. It is expected that there will be two releases, the World Wildlife Issue scheduled for release in September; later in the year a Year of the Child Commemorative Coin should be due for release. Another important source of revenue is from philatelic sales. The following stamp issues are proposed in 1979/80: Sir Rowland

/Hill Commemorative

Hill Commemorative issue, Universal Postal Union issue, Dolphins and Porpoises issue, and Postmarks issue.

It is forecast that £80,000 will be available for transfer to Colony revenue from surplus Savings Bank income. The tax yield from companies is expected to amount to £300,000. This is based on the 1977/78 wool clip having been sold at an average price of 115.05 pence per kilo.

Commenting on the Personal Income Tax structure, Mr Ritchie states that there are some unsatisfactory features, which are namely, the tax threshold at which tax becomes payable being too low. He says where tax is payable on lower incomes the amount payable is usually in the high bracket. The provision for Earned Income Relief is generally considered to be out-moded and has been replaced by more generous Personal Allowances. The Wife Allowance is too low, with the result that the differential in tax paid by single persons and married men is too small. Tax paid on middle and higher incomes is on the low side. As Mr Ritchie goes on to say that there is no provision for separate assessments of husband and wife. He says since housing, particularly for the elderly, is a problem, it might assist if tax relief on interest paid on loans of up to, say, £10,000 for housing were granted. It is proposed to have legislation drawn up for the implementation of Mr Ritchie's tax reform in order that the proposals will take effect from assessments due for issue next January.

I give a brief summary of the proposals which will be put to Executive Council for referral to the Legislative Council meeting which will be held nearer the end of the calendar year:

Earned income relief will be abolished; there will be provision for separate assessment of husband and wife; interest on housing loans up to a maximum of £10,000 to be tax deductible; the personal allowance to be increased from £400 to £850 on the abolition of the Earned income relief; wife allowance to be increased to £500; the rates of tax to be changed as follows:

the first £500 of chargeable income at 20%
the next £500 at 25%
the following £500 at 30%
the next £500 at 35%;

the tax rate then goes into £1,000 at 40% and another £1,000 at 45%, the balance at 50%. The effect of these proposals is, I repeat, to raise the threshold at which tax becomes payable, reduce tax payable by persons in the lower income brackets as compared to the present structure, tax married persons relatively less heavily than single persons, and to get rid of the recent rather odd jump in present taxation from 27½% to 35%, making the progression even.

The proposed provisions for the separate assessment of husband and wife and for interest on housing loans to be tax deductible would of course reduce tax liability in certain cases. Full details of these proposals will be available when the tax reform bill is published.

Before referring to new items in the Government Expenditure programme for the forthcoming year, I draw attention to the framing of the Expenditure Estimates.

/Under each

Under each Government Department requiring transport, provision has been made for the hire of vehicles from the newly-formed Plant and Transport Authority. It is intended that PATA will take over all Government vehicles and plant on 1st July; vehicles will then be hired to the various Departments. The hire charge includes an element of depreciation and therefore in future Government expenditure will not show wide fluctuations from year to year in expenditure on vehicle replacements, as PATA will fund the depreciation element of hire fees for purchasing replacement vehicles.

The Estimates contain provision to cover inflation, both for imported goods and projected wage awards under the automatic salary and wages adjustment schemes.

In the FIGAS division of the Estimates, increased provision has been made for aircraft hull insurance cover. Provision is also made for a third engineer for FIGAS.

Higher expenditure is also forecast on the Stanley Airport, in particular spares required for communication aids and maintenance of telecommunications.

Under the Customs and Harbour section of the Estimates, provision is made for new beacons in the Port William area.

The Superintendent of Education has repeated last year's bid for a handyman for Stanley schools. The Education estimates also include provision for motor transport, principally for use at the School Hostel. Hon Members will note the drop in the provision under overseas scholarships vote; this arises from the recent decision taken by Councils to end the overseas scholarship scheme.

A variety of improvements are contemplated in the Medical Department: funds are included for improvements to the hospital kitchen and the food store. It is also proposed to re-stock the hospital with new linen. It is planned that the Public Works Department should undertake a number of improvements, including new floor covering for the wards. Consideration is also to be given to purchasing a portable X-ray machine which on occasions is necessary in the wards. The portable machine would also prove extremely useful during the period the new X-ray is being installed. Other notable increases in the Medical Dept vote arise from the decision reached for the Medical Dept to charter the FIGAS aircraft on occasions.

The Miscellaneous head of expenditure provides for delegates to be sent to the Commonwealth Parliamentary Association (CPA) Conferences.

In addition to the major development projects, a wide variety of items are planned to be undertaken by the Public Works Department in 1979/80. The Public Works estimates contain substantial sums for improvements to the Stanley Junior and Senior Schools, the Police Station and other major buildings, including the FIDF Drill Hall and the Gymnasium. A sum of £10,000 has been inserted for the dismantling and crating of the sectional buildings from Darwin Boarding School to Stanley for erection at the Stanley School Hostel. It is also planned to make renovations to the Public Jetty and £8,000 are included for this project.

/Plans are also being

Plans are also being made to convert one of the large houses in Ross Road West into two semi-detached houses.

The maintenance cost of the Airport road for 1979/80 is estimated at £8,000.

The Estimate head Secretariat, Treasury and Central Store contains an up-grading of one storeman and, on the recommendation of the auditors, a proposal is made to recruit an assistant for training in the Income Tax office.

And finally under Ordinary Expenditure two important proposals are shown under Social Welfare. The first is an increase of 25% in Family Allowances, and the second is an increase in Non-contributory Old Age Pensions. It is proposed to increase the pension for a married couple from £11 to £12 per week, and for a single person from £8 to £9 per week. At this point I would like to draw the attention of Hon Members to the increase in pensions proposed under the Contributory scheme: for a married couple it is proposed to raise the weekly pension from £13.50 to £15.00 and in the case of a single person from £9 to £10. To finance the increase it is proposed that contributions to the Old Age Pensions Equalisation Fund be increased for employed persons from £1 to £1.20 per week, the employer contributing £1.80 instead of £1.50 per week, and self-employed persons, increase the contribution from £2.50 to £3.00 per week.

A considerable sum of money is to be allocated for development projects in 1979/80. Over one million pounds from United Kingdom Development Aid; over £200,000 from the Colony's Development Fund. In addition £270,000 has been borrowed from the Savings Bank (this latter source has only been used on one occasion previously for local investment). It is planned to spend £212,000 in 1979/80 on the Stanley to Darwin section of the Camp roads system, of which the United Kingdom Government will bear £167,000. The sum of £290,000 is provided for the 'Islander' aircraft and hangar. The British Government will contribute £260,000 and in the forthcoming financial year the Colony will spend £30,000 for the hangar erecting costs and ground work.

The sum of £250,000 of UK Aid has been inserted for the School Hostel, and £268,000 for the causeway and berth for off-loading oil products. Colony funds amounting to £23,484 are allocated to the Julian Fitter tourism venture. Local expenses relating to Technical Assistance are estimated at £26,000, with the Grasslands Trials Unit having the largest share of this sum. Also from Colony funds, an allocation of £50,000 is made for loans. UK aid to the order of £32,500 is provided for X-ray equipment, and £5,000 from local funds for its installation and dark-room equipment. An allocation of local funds amounting to £17,000 is included for rehabilitation of Stanley roads.

The loans to be raised from the Savings Bank are for the purchase of Green Patch farm, and £100,000 for housing in Stanley. A sum of £12,000 is also included under Development for hospital theatre equipment. This is the first allocation of aid that the Colony will be receiving from the European Development Fund.

/Turning now to the

Turning now to the economic situation and the outlook, we heard yesterday about some of the difficulties that the Colony is likely to face some time in the future. We also have difficulties at present, but we are managing to overcome these with what was described as "unreliable revenue". Well, we can look at it in this way, there is so much unreliable revenue - for instance, we have no control over the price of wool. We have lived on that for a very long time now. We have also lived on stamps for a considerable time; it has been known as our second industry for the last probably fifty or sixty years. Coins are a new form of revenue; but at the same time, when we do come into a difficult period, I don't think there is any harm, so long as we bear in mind that we are using revenue which we cannot expect to get in every year. We are getting more revenue from tourism now: the amount is not large but it is important, and it is growing. We have in mind bringing a legislation before this Council later in the year to impose withholding tax. First it is necessary to negotiate with the United Kingdom Government a new tax treaty; this will take some time, we have always been advised that it takes up to a year. We have now notified the British Government that we wish to re-negotiate our tax treaty, and all efforts will be put on this item by Mr Ritchie and the Treasury here in Stanley to ensure that it comes in at the earliest possible date. We may face some problems before getting it in but we will make every endeavour to have legislation ready for Councils in the shortest possible time.

I would also like to refer to the spin-off that we are getting from the development projects; this is becoming very important to us. In fact, we would probably find it difficult, for instance, if the road project did not continue. It is most important, even for our recurrent revenue, that we continue with such projects as the road. And we can look upon the road also to produce a spin-off after it has been constructed. I know there are many who will argue, what spin-off? It is difficult to see until the time comes. I feel certain that we will be able to reduce our internal transport costs.

The one big area to which we all look forward is fishing, and I know that there is not much that we can do here at present about that, but we can only be ready for it if and when it comes.

It was also said yesterday that we do not have control over our finances. That is quite true. Inflation is imported, we must pay for our machinery from the United Kingdom, we must also pay for our food from the United Kingdom, and so forth and so on. But there are many things which we can do and everybody in this Colony can contribute - for instance, the way in which machinery is handled. Large amounts of money are spent on machinery if it is not handled properly; admittedly this will add to the expense.

I think it is up to every man, woman and child now to do what we can for the country. You, Sir, have already set the lead in your efforts to produce a far better fuel price for the last twelve months.

I beg to move the first reading of the Bill:

On the Motion being passed, the Bill was read a first time. Hon Members then spoke to the Motion for the second reading as follows -

Mr S B Wallace.

Your Excellency, Honourable Members, I would first like to congratulate the Hon the Financial Secretary and his staff on the production of the Estimates. They do not however make very pleasant reading. I would like to touch on one or two of the small matters in the Estimates.

It is good to see that contained in the Estimates now are provision for repairs and maintenance to the Airport road, and funds for the repair of Stanley roads. I was also pleased by the provision for the renewal and maintenance of our plant and machinery. For too long our vehicles fleet has simply run into the ground with no provision made at all for maintenance. In passing, I would like to know how the hire charge for the vehicles is calculated; it does seem rather steep.

Generally now, Hon Members have already commented on our precarious financial position. I can add little to what has already been said. I would say, though, that we must, when we go into Select Committee, avoid falling into the trap of taking tax proposals - or any other proposals - on their own, in isolation. We have before us the beginning of a comprehensive review of the financial structure. If changes are made, as possibly they will be, they must not be made without regard to their effect on the whole structure. We may well destroy any possibility of being able to get to grips with our financial problems.

A point that I would like to make is that in my opinion there is more to representing people than to oppose every increase in charges which would affect that section of the community. Certainly there are services which we should subsidise from General Revenue, but we must carefully consider in the light of our financial position, if the community, the whole community, can afford to subsidise the services to the extent which we have in the past or, in fact, to any extent at all.

Finally, I would like to echo the sentiments of the Hon the Financial Secretary regarding the need for every person here to help build for the future. There is, in my view, not enough public pressure on those involved in the major projects to do the best they can. I have even heard people boast about fiascos in which they have been involved on these major projects. Destruction of large pieces of equipment is regarded by certain members of the community as a huge joke. That attitude will not get us anywhere.

Mr D S Evans

Your Excellency, Honourable Members, I would like to thank the Hon the Financial Secretary for his Budget speech and also for his efforts to paint a bright picture for our future. I think we have achieved a balance now, the Hon Member for East Falklands has rightly pointed out the frailty of our situation. It is fragile, but on the other hand it doesn't have to be gloomy, as the Hon the Financial Secretary was trying to point out. We have got to watch things, we have got to be careful. Development costs money, we all knew that when we started development. We can't develop without incurring quite a lot

/of expense.

of expense. So we must have all been ready to accept the fact that we could end up with a deficit at some time or another. What we have to do is carefully to watch for any opportunity to increase revenue, not to waste the revenue we've got. I would like to echo the remarks of the Hon Member for Stanley West about that. One particular example comes to everybody's mind, I think, where the whole project has been put back two or three months because of one person's carelessness, and we can't afford that kind of thing. I think if we are going to develop then we have got to work together. We haven't got to hinder it or think it's funny that things aren't going right. It's a matter of everybody pulling their weight, which I think several Members of Council have tried to say.

Price increases are inevitable so this kind of Budget is no surprise to anyone. I don't really want to kick over it except for two things: air fares: I wouldn't be doing my job as representative for West Falklands unless I say something about the proposed increases in air fares. The way it's been proposed is that it virtually means an increase in mileage rate, or a drop in the rebate on mileage rate, which will affect the West Falklands far more than the East Falklands. I would like to give an example! Stanley to Darwin - the air fare there for an adult will go up by £2.15, 21%, whereas from Stanley to Port Stephens the air fare will go up by £5.75, which is a 65% increase. So if you have got a family travelling it's increased tremendously - well over a hundred pounds for the family to go to Stanley and back again, which makes things harder on the West. I would much prefer to see an overall surcharge on the boarding fee or something like that, rather than a mileage increase.

Another point concerns electricity rates. I think we must consider, or carefully look into the thought, of having a two tier system, whereby you've got one rate for businesses and one rate for domestic consumption. I don't know if we have the spare capacity to encourage a heavier domestic consumption, but I think we must look into it carefully to see if this is a feasible possibility.

I don't think I have any comments on any other things; we will sort it all out when we get to Select Committee.

Mr T J D Miller

Your Excellency, Honourable Members, I too would like to thank the Hon the Financial Secretary for his excellent presentation of the Budget for the forthcoming year. Nobody these days can really expect not to have increases with inflation; one has to have increases if one is going to try and pay one's way. I am pleased to hear that the original proposed deficit of £155,000 is now likely to come down a bit, in view of the reduction in the oil price increase for the Falklands, for which I know all of us have you to thank, Sir, for largely negotiating it on our behalf.

One or two things do stick out a bit; I would like to echo the remarks of the Member for West Falklands on the FIGAS air fares. Those of us in Camp I think would accept reluctantly that air fares have to go up but I would be against the proposed method of increase and I would favour a surcharge, not necessarily just on the boarding fee, but a surcharge on the cost per passage. The present proposal would mean that if a husband and wife and a family of two kids living at

Fox Bay came into Stanley for a holiday, it would cost them £112 return, which is a lot of money; and they have no other way of travelling other than on the aircraft; whereas those of us living on the East, we have at least got an alternative if we own a vehicle. I would certainly prefer to see a percentage increase overall, rather than this proposed system which hits particularly at those who have no alternative but to use the air service. We know the air service is expensive to run, and we must try to find ways of reducing the subsidy element in it, but I think we must realise that certain members of the community have to rely on the air service; they have no alternative.

I notice in the Estimates there is a sum of £12,000 for oil-fired central heating; I would think that is one figure which needs careful examination, in view of the fact that we know oil is not going to get any cheaper in the future, and, as we heard yesterday, we want to think a lot more about using our natural resources.

Perhaps there are ways we can streamline the Civil Service a bit. We seem to be hearing continually of posts being advertised here and there in the Civil Service. Of course Government needs more staff if we are going to develop and expand, but perhaps, under close scrutiny, one or two departments may be a little bit top heavy, I don't know. I look forward to going into some of these details in Select Committee.

I would like to comment on the increase in rents of the Government R/T sets. I think it's fair enough for the new R/T sets which are giving improved service, but some of the old ones are getting a little bit past it; I don't really know if we could expect somebody who has a 'black box' and can only get through to Stanley on odd occasions, to have to pay more for the service. However, we shall see in Select Committee.

Mr A B Monk

Your Excellency, Honourable Members, I have not got an awful lot to say about the Budget at this time, except to congratulate the Financial Secretary for his very clear explanation of it all, and I would like to be associated with his remarks about us all caring more for the job we are doing. I think that applies to industry as well, because obviously if people are careless with industrial machinery used by industry it means that less tax finally comes to Government, because we've got to buy something else to replace it.

It is slightly misleading to say we have a little list here of items of substantial increases in Expenditure, and it is a little misleading to say that the charter of the aircraft by the Medical Department is an item of substantial increase in expenditure; it is also a substantial increase in revenue on the other side, and the same goes for increased contributions to the air service by the Post Office. I think this is a little misleading, to put it in as an increase in expenditure, because there must be a balancing increase in revenue from the other side.

I must say I do not agree with the reference that the £80,000 extracted from the Savings Bank is merely a payment to shareholders. The suggestion is that the general public are the shareholders in the Government Savings Bank, and so they are in a way, but not of course when one says that you get a return; all banks pay a return to their

/shareholders

shareholders but other banks have a lot more activities and provide a lot more facilities and more than risk facilities. Shareholders establishing banks providing these facilities, putting their money into it, are entitled to some return; but our bank unfortunately only provides very limited facilities, although I think I am right in saying that we are going to have current account facilities and all this sort of thing shortly.

I would like to talk briefly about taxation. I must say the personal income tax schedule worries me considerably. I can't see much alternative to it but it amounts, in fact, to this: that people virtually up to a figure of about £10,000 per annum are paying more tax here than they are in the UK in income tax, and I think it particularly affects those in the five, six, seven, eight thousand pound bracket and the people in those tax brackets are the sort of people, like professional people, whom we have to attract from abroad into our Administration. I just wonder quite how attractive it will be if they know they are going to be taxed more heavily out here than they were from where they come. I know in the United Kingdom of course they have a large VAT tax indeed now - I think it is 14% or something like that; but of course in the case of VAT, you don't necessarily have to purchase that lawn-mower which has £20 VAT added to it, or something like that. You do have a choice. You have no choice whatsoever as far as income tax is concerned. I think 15% VAT tax, according to my arithmetic, which I admit is a bit shaky, roughly can be equated to a 7½% income tax on ordinary tax-payers' level of income and, presuming an average sort of expenditure pattern. So that even with their large VAT tax the average tax-payer in the United Kingdom in that sort of income bracket is better off than they are here.

I am very unhappy that the company tax proposals have been shelved for a while and not brought forward; by making minor adjustments in the proposed scale we could have overcome objections from out here, and it is a pity that objections from elsewhere seem to have stalled the thing. I hope the Financial Secretary, in conjunction with Mr Ritchie and Spain Brothers and the tax people in the UK, will be able to overcome these objections, and that we can get this company tax proposal in, because it should be beneficial to everybody. I was disappointed that we haven't got withholding tax in now, and I would have thought that if we took the step of insisting that all companies which operated out here were registered here, we would not have to worry too much about a double taxation agreement insofar as that tax is concerned. Perhaps I am mistaken but that is the way I look at it. I can't see that the withholding tax is what we have to worry about in double taxation agreements when we are talking about straight transfers of surplus cash from here, company profits and so forth from here being invested elsewhere; I can't see why we have to worry about whether we have got a double taxation agreement or not for that sort of thing.

The Employment Tax I think is possibly a slightly contentious issue but quite obviously we are going to pass some sort of tax to yield that sort of money, so I suppose the estimate in that respect can be accepted.

Concerning the £100,000 for housing loans, I wonder if we might not be better to try to form a building society, as it were, and finance from there in the initial stages of the loan, rather than make

/straight loans

straight loans, but that is something we can talk about also. However, I would like to congratulate the Hon the Financial Secretary on the very great deal of work he has done on our behalf.

Mr W E Bowles

Your Excellency, Honourable Members, I too would like to congratulate the Financial Secretary on his Budget. It is much more pleasant than I expected, to be quite honest, and I am not going to talk for very long - just mention a few odd pet subjects.

I am delighted to hear the review on the Old Age Pensions, and I think that will go down very well indeed. The electricity tariff is a contentious issue with me, and not because my workshop is totally propelled by electricity either, mainly because of the domestic issue. On several occasions last winter I went into various people's houses and the elderly couples were literally sitting in the dark, listening to the radio, because they felt that the tariff was a bit high. If we jump it up again, with all these thousands of figures we have been presented to prove that we have to do it, it could cause a lot of dismay to a lot of people, and I would concur with my friend from West Falklands that, on the domestic side, this dismay is genuine. Electricity is something which people will use more of if the price has not risen, thus taking a risk - which the Administration never seems to be prepared to do. Thus it would yield equally as much cash as it would if the tariff is put up, because with the economy view of switching off the electricity instead of switching it on, the metre will not carry on spinning and we will not carry on getting our revenue. Admittedly it is a risk, but all those figures do not convince me that we will not get the money; but if we are going to put it up another penny I don't mind personally, but I think there are a lot of people who will object to it and it might cause a lot of dismay. We should consider this very carefully in Select Committee before we decide what we are going to do with it. If we don't take a risk for one year we are never going to know; if we are not prepared to take the risk then I want it publicly known that I am prepared to take it.

I am delighted, too, that the purchase is proposed of a portable X-ray unit until our modern X-ray unit gets under way. I think that for the serious patients and the ones who bring in quite a bit of revenue to us by unfortunate accidents at sea, this X-ray unit is a very valuable asset to the Senior Medical Officer.

It delighted me that the Public Jetty was going to be repaired. I remember about ten years ago that was going to be done, and a few pieces of flat iron have been nailed on the top and a new hand-rail was put on the steps, but a major operation on the jetty is vital.

I am very hopeful about our fishing and I think that if we get this economic zone worked out first, the revenue from fishing should come very shortly after.

The Financial Secretary touched on machinery and its handling. I would wholeheartedly agree with him that the handling of machinery is vital to any economy. Fortunately the machinery I have bites back at you if you handle it badly, and you just can't afford to do that.

/But the misuse of

But the misuse of vehicles can cause a terrific amount of unnecessary expenditure and to a certain extent a danger to the public. I think anybody handling any Government vehicle should treat it as his own because, after all, he did pay for it. I think all of us should work for our Islands; they're ours, let's keep them that way. What is public expenditure I feel is everybody's expenditure.

Mr W H Goss

Your Excellency, I rise to congratulate the Financial Secretary on his excellent speech. It's gloomy as we all know, but we have had our backs to the wall before and we were able to get away from it, and I think we will again this time. It is most encouraging that some people are now trying to think along the lines that I wanted to think some time ago, regarding the misuse and abuse of Government and public machinery. That is one of the things which is going to be very costly to the Colony and, as the point was rightly made by the Financial Secretary, it is up to everybody to put their shoulders to the wheel and go forward, and not drag our feet behind. I think there has been a lot of foot-dragging. I am a very coarse speaker, when I see something I am not afraid to speak about it, but a lot are; they will run away from it and leave it to. That is the wrong attitude; if we see something wrong we have got to face the issue.

Financial Secretary

Sir, I have one or two replies which I am able to give to Hon Members at the moment, but I would like first of all to mention the work behind the scenes that is done in preparing the Estimates; it is not only in the Treasury but by all Heads of Departments. Heads of Departments this year have taken note particularly of the Colony's financial position and I think they should be congratulated for making their bids for expenditure. No doubt all the Heads of Departments will be seen by the Committee, and so far I have been quite impressed by the presentation of their estimates to me. I would also like to pass on my thanks to the Treasury staff, who have had to bear the bulk of the work this year, and I must say that I think we have some very promising young officers in the Service.

The hire charge to which the Hon Member for Stanley West referred, just to quote one or two of the popular vehicles: the hire charge by PATA for a Landrover - short-wheel-base - is 85p per hour, and for a long-wheel-base 90p, which works out to £6.50 for a short-wheel-or £7 for a long-wheel-base per day; that includes depreciation, maintenance and fuel.

Regarding the oil-fired central heating to which one Hon Member referred, I feel that this is one item which is a carry-over from last year's Estimates. However, you will need to examine it carefully in Select Committee.

I still disagree entirely with the Hon Elected Member for East Falklands on his view on the Savings Bank; however, we will continue the argument in another place. Referring to bank facilities, cheque books have now been ordered through the Crown Agents and they are

/due for delivery

due for delivery in early July; we would hope that they will be in the Colony a short time after that.

On the matter of the delay of company tax proposals, it is not now possible to introduce them and to give them retroactive effect. We have been advised by our income tax agents in London that this could create some problems, and, too, it would be wrong to impose them at this stage. However, now we have six months before us before the next tax year to work out any problems. A double taxation treaty is necessary before we can impose withholding tax. It is a very technical subject and I will discuss this further with the Hon Member for East Falklands during the course of the meetings. The question of registration of companies here in the Falklands will not make any difference to their tax position, as the companies are taxed where they are controlled, not where they are registered. I therefore now look forward to the meeting of the Select Committee.

The Bill was referred to a Select Committee of the whole House, under the Chairmanship of the Hon the Chief Secretary.

Council adjourned, and resumed at 14.43 hours on 25th June, 1979.

REPORT OF THE SELECT COMMITTEE ON THE APPROPRIATION (1979/80) BILL 1979

Chief Secretary

Your Excellency, as Chief Secretary and under the Standing Orders of this House, I find myself in the position of Chairman of the Select Committee on the Appropriation Bill. However, as is very well known, the Chief Secretary on such an occasion only has very minor duties - I think the only decisions I made were with regard to what time we met and what time we had coffee and that sort of thing! Traditionally, Sir, the Financial Secretary reports the actual proceedings of this Committee and with respect, Sir, may I ask if my Honourable Colleague may be allowed to do that.

Financial Secretary

Your Excellency, the Committee appointed by you considered the Estimates in detail and the Revenue and Expenditure proposals for the forthcoming year 1979/80. The deficit which was forecast amounted to £155,000, has now resulted in a much lower deficit, reduced to £27,133. This has been brought about by the improved position regarding oil prices, which is the major item affecting the reduction in the deficit.

There were certain items in the Estimates deferred because of the limitations in the ability of our Works Department to cope with these jobs, because of manpower difficulties. Council therefore considered the items in the order in which they are important to the Colony.

Referring to items of Revenue, the majority were accepted, but some consideration was given to air fares in particular and, although we intend to raise virtually the same amount from air fares, it has been decided that the more equitable method, particularly for those in the distant parts of the Colony, would be to add a 20% surcharge to

/every account.

every account. So therefore in future FIGAS air fares will be subject to a 20% surcharge for residents.

We are finding it difficult to impose an increase on the rental of R/T sets, in particular on the very small farms with only perhaps one or two thousand sheep. It is felt that an economic charge on such a small unit would be detrimental to the sheep farmer; therefore this matter is to be referred to Standing Finance Committee, to be taken at a further meeting, after consideration has been given to this matter by the Administration.

The following amendments have been made to the Estimates in Select Committee:

Expenditure Estimates, under

Head I - The Governor

Item 2. Heat, Light & Power -
Decrease from £15,200 to £10,500

Item 3. Maintenance of Vehicles -
Decrease from £2,700 to £600.

Head II - Agriculture

Item 6. Vehicle Hire -
Decrease from £2,600 to £2,373

Head III - Aviation

Item 1. Personal Emoluments (Stanley Airport),
Airport Superintendent -
Decrease from £4,707 to £10.

I should explain at this point that the Consultant who is to arrive in the Colony shortly will be considering the future of this particular post, and we have therefore left it in, with a token provision.

Internal Air Service,

Item 4. Heat, Light & Power -
Decrease from £2,600 to £2,500

Item 12. Hire of Vehicles -
Decrease from £4,000 to £3,637

Stanley Airport,
Item 18. Fuel for Heat & Light -
Decrease from £8,700 to £6,000

Item 22. Vehicle Hire -
Decrease from £4,400 to £4,000

Head IV - Customs & Harbour

Item 10. Vehicle Hire -
Decrease from £275 to £250

Head V - Education

Item 13. Heat, Light & Power -
Decrease from £28,000 to £19,300

Item 25. Transport -
Increase from £30 to £1,000

/Item 27.

Head V - Education (cont)

Item 27. Duplicator & Equipment -
Decrease from £600 to £200

Item 28. Departmental Transport -
To be deleted.

Head VI - Medical

Item 13. Heat, Light & Power -
Decrease from £37,800 to £26,000

Item 31. Hire of PATA Vehicles -
Decrease from £6,100 to £5,576

Item 33. Cubicle curtain rail -
Decrease from £1,225 to £400

Item 35 - Three Cots -
This item to be amended to read
Item 35 . Two Cots -
Decrease from £450 to £350

Item 41. Inflammable Store -
To be deleted.

Head VII - Meteorological

Item 5. Heat, Light & Power -
Decrease from £1,300 to £900

Head VIII - Military

Item 9. Heat & Light -
Decrease from £1,988 to £1,335

Head XI - Police and Prisons

Item 5. Transport -
Decrease from £2,800 to £2,555

Item 6. Heat, Light & Power -
Decrease from £3,617 to £2,486

Head XII - Posts and Telecommunications

Item 9. Heat, Light & Power
Decrease from £1,236 to £850

Telecommunications,
Item 11. Vehicle Hire -
Decrease from £2,200 to £2,000

Item 19. Heat, Light & Power -
Decrease from £9,000 to £6,200

Head XIII - Public Works Department

Item (a) Personal Emoluments,
xiv. Senior Filtration Plant Operator -
Decrease from £2,892 to £10

Head XIII - Public Works (cont)

Item 4. Heat, Light & Power -
Decrease from £5,200 to £4,025

Item 5. Fuel -
Decrease from £81,750 to £57,600

Head XIV - Public Works Recurrent

Item 12. Motor Transport and Plant -
Decrease from £25,600 to £23,275

Item 19. Heat & Light Gymnasium and Town Hall -
Decrease from £10,700 to £8,260

Head XV - Public Works Special

Item 1. Improvements to KEM Hospital -
Decrease from £10,000 to £8,000

Item 2. Oil-fired central Heating, Selected Staff Quarters -
Decrease from £12,000 to £8,600

Item 4. Three Replacement Landrovers -
To be deleted.

Item 6. Stanley Junior School improvements -
Decrease from £4,200 to £900

Item 7. Airport Services Office -
Decrease from £1,000 to £10

Item 10. Repairs and Alterations, Stanley Senior School -
Decrease from £4,000 to £1,350

Item 12. Dismantling of sectional buildings, Darwin School -
To be deleted.

Item 11. Repair and Re-glazing Gymnasium Roof -
Decrease from £4,920 to £2,500

Item 20. Conversion of No. 4 Ross Road West to semi-detached Bungalows -
Increase from £3,000 to £7,700

Head XVI - Secretariat, Treasury & Central Store

Item 1. Personal Emoluments,
Development Officer -
Decrease from £4,707 to £10

I might add at this point that the difficulty in recruiting a Development Officer has been taken into consideration and it is unlikely that one will be recruited in the very near future. The policy still remains, however, that all Councillors agree that a Development Officer should be recruited when possible.

Private Secretary to Development Officer -
To be deleted.

Item 2. Stationery & Office Requisites -
Decrease from £6,922 to £6,622

Item 10. Heat, Light & Power -
Decrease from £13,250 to £9,350

/At the Committee stage,

At the Committee stage, clause 1 of the Bill was agreed and consideration of clause 2 was deferred until after the Schedule had been considered. The Enacting Clause and Title were agreed.

The Hon the Financial Secretary, seconded by the Hon the Chief Secretary, moved that the Schedule should stand part of the Bill, subject to the following amendments -

Head I - The Governor

Delete £44,573
Insert £37,773

Head II - Agriculture

Delete £14,596
Insert £14,369

Head III - Aviation

Delete £199,086
Insert £189,826

Head IV - Customs and Harbour

Delete £45,440
Insert £45,415

Head V - Education

Delete £233,003
Insert £218,373

Head VI - Medical

Delete £256,350
Insert £237,101

Head VII - Meteorological

Delete £14,285
Insert £13,885

Head VIII - Military

Delete £7,223
Insert £6,570

Head XI - Police and Prisons

Delete £34,289
Insert £32,913

Head XII - Posts and Telecommunications

Delete £174,776
Insert £171,440

Head XIII - Public Works

Delete £263,371
Insert £235,164

Head XIV -

Head XIV - Public Works Recurrent

Delete £217,590

Insert £212,825

Head XV - Public Works Special

Delete £80,870

Insert £48,810

Head XVI - Secretariat, Treasury & Central Store

Delete £185,485

Insert £173,969

Total Ordinary Expenditure : delete £2,124,582
insert £1,992,078

Total Expenditure : delete £3,617,232
insert £3,484,728

It was agreed that the Schedule as amended should stand part of the Bill and that clause 2 should also stand part of the Bill subject to the following amendment -

That the words and figures "£3,617,232" be deleted and
"£3,484,728" be substituted therefor.

Council resumed.

The Bill was read a third time and passed.

MOTION

Financial Secretary

Your Excellency, following the decisions taken in the Select Committee, it is necessary to pass a Resolution of this Council for increasing the various import duties, namely: the import duty on beer to be increased from 33p to 40p per gallon, which is about .525p per can; the duty on cigarettes to be increased from £3.30 to £3.50 per lb; and the duty on tobacco to be increased from £2.80 to £3.10 per lb, which, for local interest, will mean that the duty on a 50g tin will be increased by possibly 2p.

It is necessary to lay on the Table a Certificate of Urgency for this Resolution and I lay this Certificate on the Table now. I therefore beg to move the following Resolution -

BE IT RESOLVED in exercise of the powers conferred by section 5 of the Customs Ordinance that paragraph 2 of the Customs Ordinance be amended a) in item 1 by deleting "33p" and substituting the following -

"40p" ;

b) in item 5 (b) by deleting "£3.30" and substituting the following -

"£3.50"; and

/ c) in item 5 (c)

c) in item 5 (c) by deleting "£2.20" and substituting the following -

"£3.10".

The Hon the Chief Secretary seconded the Motion which was carried with immediate effect.

MOTION

Financial Secretary

Your Excellency, during the course of the Select Committee we also considered the question of housing in the Colony, and the Members realise the importance of this matter and its urgency. As the first step it is necessary to obtain finance for extending the housing programme in Stanley. After careful consideration it was thought that we should go ahead and obtain funds on loan terms from the Government Savings Bank, for the erection of five new houses in Stanley.

Some decisions have to be made as yet on the type of housing and this will be undertaken at the earliest opportunity. In order to raise this amount it is necessary to pass a Resolution of this House and I now beg to move the following Resolution -

This Resolution may be cited as the Housing Loan Resolution 1979.

BE IT RESOLVED in exercise of the powers conferred by section 3 of the Loans Ordinance 1979 that the Financial Secretary be authorised to raise an internal loan for the purpose of purchasing and erecting dwelling houses not exceeding in total £100,000.

The Hon the Chief Secretary seconded the Motion and the Resolution was adopted.

ORDERS OF THE DAY BILLS

Supplementary Appropriation (1977/78) Bill 1979

Financial Secretary

Your Excellency, this is the annual task that we have to do to legalise expenditure in excess of the amount provided in the Appropriations Bill. All the items appearing in the Bill have been approved by the Standing Finance Committee. The total is £1,514,811, the majority of which is related to the permanent airfield and the transfer from our Ordinary Reserves to the Development Fund, all undertaken in 1977/78. I beg to move that the Bill be read a first time.

The Bill passed through all its stages without debate or amendment.

/Report of the Select Committee

REPORT OF THE SELECT COMMITTEE ON THE INCOME TAX (AMENDMENT) BILL 1979

Chief Secretary

Your Excellency, I rise to report the proceedings of the Select Committee on the Income Tax (Amendment) Bill 1979. The Select Committee on this subject sat yesterday, Sir, and discussed the Amendment Bill.

The Financial Secretary made it clear that we are having delays about this matter, Sir. The crux of the matter is that experts and advisers in the United Kingdom are not prepared to advise us firmly to proceed with this Bill at this stage. There are, I think, major questions to be resolved about the retroactive effect of the Bill and other matters, on which our adviser, Mr Ritchie, and Spain Brothers, are in consultation.

Consequently it was necessary to make some decision as to what exactly we do with the Bill now and if you will permit it, Sir, my Honourable colleague the Financial Secretary I believe is prepared to speak further on this matter.

Financial Secretary

Your Excellency, there are certain difficulties relating to this Bill which we had hoped would come into effect from 1st January 1979. We are advised that this would be a wrong step. Our advisers in London state that there should be no retroactive effect to this Ordinance.

There are also the points which were raised in the previous meeting of this Council, whereby the rates were regarded as inequitable, and it is considered that we should now study a fresh Bill, taking into account the points raised in the Interim Report of the Select Committee, which the previous Chief Secretary reported to you, Sir, after the first meeting of the Select Committee.

The other points, on which there have been certain representations made, are being taken up, and the difficulties will be established and reported back to this Council. We will have legislation ready for the next Meeting, towards the end of this year, and it can then be introduced with effect from the 1980 year of assessment. Therefore I beg to move that the Bill be withdrawn for replacement by a fresh Bill.

The motion was seconded by the Hon the Chief Secretary and the Bill was withdrawn.

REPORT OF THE SELECT COMMITTEE ON THE EMPLOYMENT TAX BILL 1979

Chief Secretary

Sir, with the permission of Your Excellency, I would now like to report on the proceedings of the Select Committee on the Employment Tax Bill. The previous deliberations of this Committee under the Chairmanship of my predecessor, resulted in certain proposals which were outlined in an Interim Report, and the Committee then adjourned until the present Meeting of the Legislative Council.

/In the ensuing interval

In the ensuing interval there has been time for further thought and discussion, and indeed we are all grateful for views which have been made known to Hon Members and which have enabled us to give full and proper consideration to this Bill.

We met again yesterday in Select Committee and have completed the process. We first of all agreed, as recommended in the Interim Report, that a more appropriate title might be found for the Bill. It was felt by some Hon Members and their constituents that the title might relate more closely to the purpose for which the money is being sought, and we therefore felt that it should make some reference to medical charges, or at least some reference to medical services. There were also some who felt that it might be more palatable if the measure were referred to as a levy rather than a tax. Consequently, Sir, we have amended the proposed title of the Ordinance to The Medical Services Levy Ordinance 1979.

Another point raised in the Interim Report was the question of dividend income being exempted from this levy, and, Members being generally in favour of such an exemption, the text of the Bill has been amended accordingly.

Similarly, the exemption of annuities previously proposed was agreed, and this has been dealt with in the List of Exemptions in section 7 of the new Bill. These amendments having been made as a result of the interim recommendations, the Committee then discussed the question of modifying the Bill without of course changing its original objects and intentions, in order to simplify the book-keeping and other clerical and administrative requirements involved in the collection of the levy.

This matter, of course, had been the subject of representations previously made to some Hon Members, and indeed all Members agreed on the desirability of making whatever measures were introduced as simple as possible to operate. To this end, the Select Committee agreed to adopt proposals to modify the Bill which they considered would lighten these burdens, while not in any way departing from the original objects and intentions of the measure.

The result of these amendments may be summarised in general terms as: provision for the levy to be raised by deduction by employers at the time of payment of 1% of employees' earnings, payment by employers of $1\frac{1}{2}\%$ of such earnings - that is to say, a total of $2\frac{1}{2}\%$ of total wage costs, - which employers will remit to the Treasury annually at an agreed date, and further payment by self-employed contributors of $1\frac{1}{2}\%$ of their net profit before tax. None of these contributions, it was felt, should be income-tax deductible.

Sections 5 and 6 of the Bill were therefore amended in accordance with these provisions. Also, in these circumstances, it was no longer considered necessary to specify a ceiling annual figure, as earnings would have to be unrealistically high to reach the figures proposed in the original Bill. That part of the original section 6 was therefore deleted.

Perhaps, Sir, because this is the crucial point of this piece of legislation, I ought to repeat that the general effect of the amendments

/made in

made in Select Committee under sections 5 and 6 will be that the employer will pay $1\frac{1}{2}\%$ of the employee's gross emoluments; the employee will pay 1% on his gross emoluments, the self-employed will pay $1\frac{1}{2}\%$ on net profits before tax, and, as I have already mentioned, none of these levies will be income tax deductible, and this provision will be the subject of an amendment to the Income Tax Ordinance in due course, Sir.

There were a few other very minor amendments to the wording and numbering of the remaining sections of the Bill. However, in view of the importance of the amendments I have already mentioned, we thought it preferable to have the Bill re-printed (not exactly re-printed according to the traditions and standards of printing in this Colony, I am afraid, Sir, but re-typed and re-duplicated) and it is this Bill which is now before us and which I commend to Your Excellency and to Hon Members for consideration in Committee of the whole House.

Finally, Sir, I think I should remind Hon Members - because it is sometimes only too easy when considering points of amending detail to lose sight of the main objectives - that the main purpose in introducing this Bill was to enable us to abolish medical charges to residents, and that it is in fact the intention to discontinue such charges with effect from 1st July this year if the Bill, in its present form, becomes law.

The Bill then proceeded through all its remaining stages without debate, or amendment, and was passed.

Road Traffic (Amendment) Bill 1979

Chief Secretary

Your Excellency, this Bill seeks to give a Police Officer power to arrest without Warrant any person driving or attempting to drive a motor vehicle whilst under the influence of drink or drug.

The Bill has, I am sure, been considered by all Hon Members. The law as it stands at the moment is, in many people's opinion, a bad law. It is difficult, if not impossible, to prevent a person suspected of driving under these conditions, proceeding, and this of course puts Police Officers who may have reason to suspect that such an offence is being committed, or about to be committed, in a very difficult position, lays them open to very severe criticism if such a person should drive away a vehicle and an accident, or perhaps injury, should result. Consequently, Sir, this amending Bill has been prepared.

I should perhaps bring to the attention of Hon Members, as indeed was done in the Memorandum circulated with the Bill, the fact that a procedure has been agreed and would be introduced should the Bill become law, whereby a person arrested under these circumstances would have the right to require and demand a medical examination. The procedure was laid down in the Memorandum circulated to Members and I don't think I need to go into it again at this stage, but I thought it was worthwhile reminding Hon Members that this would be the case, Sir. I beg to move the first reading of this Bill.

On Motion passed and seconded, the Bill was read a first time.

/Hon Members then spoke

Honourable Members then spoke to the Motion for the second reading as follows:

Mr S B Wallace

Your Excellency, Hon Members, I had reservations about this Bill. I had visions of all of a sudden being arrested after a couple of beers one evening, but my reservations are outweighed by the fact that we can't allow people to drive around drunk, and if the law as it stands at present is bad, then we must change it. If we don't, sooner or later there is going to be an accident and if, as things stand, the Police are unable to deal with drunken driving, then I think we have a responsibility and I support this Bill.

Mr W E Bowles

Your Excellency, I too support this Bill but I would like to point out to Hon Members the problems that are involved in executing this Bill, because it is difficult for a policeman - or for any person for that matter - to decide whether a driver is or is not under the influence of alcohol or, in this instance it says 'drink', so it doesn't have to be alcohol presumably, but I presume it has been gone through very thoroughly with the medical authorities and with the Chief Police Officer, who have agreed to contact each other when some individual is arrested, without causing that person too much stress or undue strain. As the Chief Secretary so aptly pointed out, I think this is a good idea, because there are some people who would prefer to have a medical examination before they are formally arrested; it will give the Police Department something to go ahead with. I do hope, though, that this Bill will be imposed on all those who are suspected of this offence, but I do feel sorry for the policeman in many respects, because I think they are going to have quite a difficult job, but it will at least caution people. If somebody who is seriously under the influence of drink has a serious accident and there is damage done to property or to individuals, which is even worse, then someone has to carry the can. Sir, with those points, I would like to support the Bill.

Mr D S Evans

Your Excellency, Hon Members, I am in rather a quandary here as unfortunately I haven't given sufficient attention to this Bill, but it seems fairly clear to me. Instinctively I am against the Bill, as I feel it restricts people's liberty and it could be open to abuse. I was under the impression that the problem here was no worse than it has ever been, but talking to Hon Members it would appear that we have got quite a problem here. I should have gone to see the Chief of Police and talked to him about it and this I haven't done. I think I would like to abstain from voting here because I just have not given enough thought to this Bill; I didn't realise its implications.

Mr T J D Miller

Your Excellency, Hon Members, I rise to support this Bill and I would like to echo the comments made by various other Hon Members - the fact that this Bill could possibly be open to abuse. I remember we went into quite some discussion on this point when the Bill was considered in Executive Council, but the fact is that on the whole

/there is a need for

there is a need for this legislation, and I think we have just got to accept the fact that we need it, and trust our Police Officers to carry it out correctly. I wish to support the Motion.

Mr W H Goss

Your Excellency, Hon Members, in rising to support the Bill I have very little to say other than that if there are reservations regarding the legality of it or of it being open to abuse, the only thing we can do is try it and see. If it is abused then there is time to remand it. I support the Motion.

Mr A B Monk

Your Excellency, Hon Members, in rising to support this Bill I don't think we need to worry about people's civil liberties being infringed if we are trying to stop them driving under the influence of drug or alcohol, and if the procedure laid down here is followed in the event of somebody being apprehended by the Police. I'm afraid I haven't got the full draft of the old Bill that we are amending, and I am uncertain in my mind that the procedure which should be followed will, in fact, be part of the amendment to the old legislation - that is, points 1-6 of the procedure to be adopted by the Police in the case of somebody being apprehended, and the rights of the alleged offender in being able to demand to be examined by a doctor. It only says in the Memorandum here which procedure should be followed. I should like to ask Your Excellency if the House could be informed whether these points in the procedure, 1-6, will be effectively part of the legislation if we pass this Bill, because they constitute a very important right for the citizen. He is able, under these points, to demand to be examined by a doctor, which is absolutely essential if he is being apprehended for driving under the influence of drink.

Chief Secretary

Sir, the procedure as outlined in the Memorandum circulated to Hon Members indeed does not form part of the amendment proposed. It is a proposed administrative procedure and if I may say so, the Honourable Member has hit upon a very important point. I think what is envisaged, Sir, is that this will be introduced as an administrative matter, and it will be for learned magistrates in trying such cases to satisfy themselves that an accused in such circumstances has been able to avail himself of whatever procedure is necessary. Indeed, Sir, I think the Senior Magistrate would agree with the point I have just made that such a procedure, if not adopted, would be taken into consideration by the Court.

Mr A B Monk

Your Excellency, it does seem to me that the procedure should form part of the Bill and if it does not form part of the Bill it seems to me that the procedure laid down is only at the discretion of the Magistrate, and therefore the apprehended person may or may not be examined by a doctor. I am afraid I do not support the Bill unless the procedure is an integral part of it.

Chief Secretary

Sir, I don't think I can add anything to what I have already said. I have myself had experience of working as a Magistrate in a Territory where there was not a legal requirement for a medical examination

/and I am afraid it was

and I am afraid it was very difficult in those circumstances, as a Magistrate, to make up one's mind whether or not one was in the process of perpetrating a miscarriage of justice. I can only add, Sir, that perhaps if there were sufficient feeling on the subject, the Administration might consider withdrawing the Bill to have a further amendment drafted.

At the Motion for the second reading of the Bill the Hon the Chief Secretary moved that the Bill be withdrawn. The Motion was seconded by the Hon the Financial Secretary and carried.

Guardianship of Minors Bill 1979

Chief Secretary

Your Excellency, this Bill seeks to repeal the Guardianship of Children Ordinance 1958 and substitute up-to-date legislation reflecting modern thinking on the subject. It is based principally on the United Kingdom Guardianship of Minors Act 1971 as amended to date.

The Bill has of course been circulated to Hon Members, as has a Memorandum commenting on it. I would like to draw Members to one or two points concerning the principal changes which would be embodied in this legislation.

First of all, it would specify how many personal representatives or trustees in whom a minors estate might be vested could be appointed; it would make mothers equally liable with fathers for the maintenance of minors; it would authorise the Court, if the Court considered the surviving parent unfit to have the custody of a minor, to appoint a guardian to act jointly with the surviving parent or to be the sole guardian. It would also provide for the payment of maintenance to any person other than a parent having custody of a minor, it would extend the provisions of this law to illegitimate children, and it would also make provision for appeals to the Supreme Court.

Sir, I beg to move the first reading of this Bill.

The Bill then proceeded through its remaining stages without further debate, or amendment, and was passed.

Council adjourned at 15:40 hours and resumed at 16:10.

Matrimonial Causes Bill 1979

Chief Secretary

Your Excellency, in rising to move the first reading of this Bill, I must first apologise to the House for the delay in bringing it before the House. In fact the Bill was presented to Executive Council in September last year and I think was circulated to all Hon Members of this House in October last year. There are two reasons for the delay: firstly, the Bill falls within the category of legislation which requires the prior approval of the Secretary of State, under clause 16 of the Royal Instructions. Secondly, it was in any case thought

/desirable that the Bill,

desirable that the Bill, because of its length and complexity, should be circulated to Hon Members well before the time when they were asked to pronounce upon it in the House.

As to the Objects and Reasons of the Bill, I should perhaps remind Hon Members these are printed at the end of the Bill.

This Bill is a reproduction of the United Kingdom Matrimonial Causes Act 1973 and the Recognition of Divorces and Legal Separations Act 1971, subject to such exceptions, adaptations and modifications as the circumstances of the Colony require.

It provides that matters relating to matrimonial proceedings, maintenance agreements, declarations of legitimacy, validity of marriage, British nationality and the recognition in the Colony of overseas divorces and legal separations, and generally brings the divorce law of the Colony into line with the divorce law of the United Kingdom.

That, Your Excellency and Honourable Members, is the main purpose of the legislation: it brings our legislation into line with the divorce laws of the United Kingdom. The fact that this needed doing was first brought to our attention by His Honour Sir Peter Watkin Williams, who drew attention to the fact that there were some inequities in the divorce legislation as it affected us in the Falkland Islands. He made certain suggestions for eliminating these inequities in such a manner that it would people involved in such proceedings on the same footing as they would be if they were in the United Kingdom.

There were four points about this legislation - which looks formidable, and indeed is - which we desire to bring to the attention of Honourable Members. Firstly, that the age of majority throughout is given as 18 years, to accord with the recommendations for voters made by the Select Committee on the Constitution; secondly, that the period to elapse between the decree nisi and the decree absolute is extended from three months to six; thirdly, that the new law will generally facilitate divorce proceedings, and, fourthly, that provisions relating to maintenance are more comprehensive and accord with modern thinking - for instance persons of means will have their estates more closely attached than hitherto to provide maintenance for the other party of the marriage and any children of it.

If this law is passed it will repeal the existing Cap 44. Sir, I beg to move the first reading of this Bill.

The Bill was then read a first and second time and the Council went into Committee. On the Motion that clause 14 should stand part of the Bill the Hon the Chief Secretary spoke as follows:

Chief Secretary

Sir, before proposing that clause 14 should stand part of the Bill, I would like to point out that as a result of the Bill being referred to the Secretary of State, he has required that we should amend clause 14 as it stands in the printed Bill by the addition of a further sub-section. If I may read what is to be amended -

/Clause 14 to be amended

Clause 14 to be amended by substituting a semi-colon for a full stop at the end of paragraph (c) and that we should thereafter insert the following paragraph -

- (d) in the case of a polygamous marriage entered into outside the Colony that at the time of the marriage either part was domiciled in the Colony for the purposes of paragraph (d) of this section a marriage may be polygamous although at its inception neither party has any spouse additional to the other.

Sir, I beg to move that clause 14 as amended stand part of the Bill.

The Bill then proceeded through its remaining stages without further debate, or amendment, and was passed.

Old Age Pensions (Amendment) Bill 1979

Financial Secretary

Your Excellency, this Bill seeks to increase Old Age Pensions and also proposes that the contributions to the Old Age Pensions Scheme be increased, in order to pay better pensions.

In proposing this Bill I would like to say how much the old people, the senior citizens, are in this Council's mind. Throughout the Select Committee meeting while considering the Revenue proposals and also the general inflation affecting the Colony, every Council Member has expressed concern for the elderly folk of the Falkland Islands.

This proposal is to increase the pension for a married couple from £13.50 to £15 per week, and for a single pensioner from £9 to £10 a week. We are proposing that the contribution for an employed person be increased from £1.00 to £1.20 per week - that is 20p; the employer to pay £1.80 instead of £1.50 - that is 30p; and to increase the contribution by a self-employed person from £2.50 to £3.00 - which is 50p. I might add that these contributions are subject to deduction for income tax purposes.

We have again reached the position where we should call on the Actuary to consider whether we can improve the pensions at some time in the future, and during the next few months I will be in discussion with the Old Age Pensions Government Actuary in Britain and ask him to review the position, to find out exactly how the Fund stands at present and what the future liabilities are likely to be.

I don't think I can say more beyond reiterating the concern of all Councillors for increasing Old Age Pensions. I beg to move the first reading of the Bill.

After the Bill had been read a first time, Hon Members spoke to the Motion for the second reading as follows:

Mr A B Monk

Your Excellency, Honourable Members, I heartily support this Bill and I thoroughly endorse the Financial Secretary's remarks about our concern for the old people.

/I would like to point out

I would like to point out just one thing about the scale of payment; the self-employed person under this Bill is going to pay £3 per week, and the basic rate for a self-employed person under the United Kingdom scheme is only £1.90. Now I know that the scale of our pension fund is obviously what causes this sort of disparity - theirs is a huge island while ours is very tiny. But I do think these figures illustrate how the citizens' expenses and these sort of things are now very high indeed and way up and above the U.K. level for these things. Of course under the United Kingdom pension scheme one gets a very much higher pension as well, and I welcome the Financial Secretary's remark that the Actuary should be called in to review the Fund and see if we can't increase pensions here without a further increase of contributors' subscriptions. I support the Bill.

Mr W E Bowles

Your Excellency, Honourable Members, as this is one of my pet subjects I naturally support the Bill and endorse fully what the Financial Secretary has said; I know he is equally concerned about our senior citizens.

I listened very carefully to my Honourable Friend talking about these figures of payment and to the comparisons he made. It might well be true but I think we have a population problem here, we don't have the numbers to keep the employed people's contributions at a low figure. When one looks at it from the other side, a self-employed contributor, contributing £3 a week, actually helps a married couple to receive a pension by five times that amount. I think this perhaps throws a different light on the situation.

I too will look forward to the Actuary's review.

Mr T J D Miller

Sir, I too wish to support this Bill. There is one other aspect of it which I would like to mention. In these days of inflation, to a certain extent, increases in taxes and payments on the wage-earning section of the community tend to be offset by higher wages from the employers or, in the case of an employer, where he can he will put up the price of his commodity to cover these rises. But the old age pensioner can't do anything about inflation because he can't pass on his living costs to anybody else. That is why I think it is very important that each year we bear in mind the pension rates and the cost of living.

Financial Secretary

Your Excellency, I have noted the points made by Honourable Members and one thing I would point out^{is} that the United Kingdom National Health Insurance contribution is not subject to taxation in U.K., so although the contributions for Old Age Pensions are higher, they are tax deductible in the Falklands.

The Bill then proceeded through its remaining stages without further debate, or amendment, and was passed.

/Non-contributory

Non-Contributory Old Age Pensions (Amendment) Bill 1979

Financial Secretary

Your Excellency, following the introduction of the last Bill, it seems only fair that we should consider increasing the pensions to non-contributory pensioners.

It is proposed that an increase be made of £1, for a married couple from £11 to £12 and for a single person from £8 to £9. This will cost the tax-payer in the region of £1,000 a year and this is a reducing sum.

I beg to move the first reading of the Bill.

The Bill was read a first time and Hon Members spoke to the Motion for the second reading as follows:

Mr T J D Miller

Your Excellency, in rising to support this Bill one thing crosses my mind. There are still a small number of people in the Falklands who, for one reason or another, are not entitled to receive a pension under the existing legislation for the Non-Contributory Old Age Pensions. Some of them do not receive pensions. The reasons are varied. I would like to take this opportunity to ask the Hon Financial Secretary to look into these various cases and prepare a report for Councillors' consideration. I wish to support the Bill.

Financial Secretary

Sir, I can give the Honourable Elected Member for the Camp an assurance that his request will be followed up. As a matter of fact, it is in hand at present. We did touch on it in Select Committee and it was also raised at a recent meeting of the Executive Council. I should think there are probably in the region of twelve people or so in the Falklands who are not in receipt of a pension, and it may be that we should consider extending this scheme for a certain number of people.

The Bill then proceeded through its remaining stages without further debate, or amendment, and was passed.

Firearms (Amendment) Bill 1979

Financial Secretary

Your Excellency, this is a very small Bill and it is very easy to understand. It is one of the proposals which arose from suggestions made by Mr Ritchie for up-dating certain fees, and it has been considered in Select Committee. It requires legislation for increasing the fee for a Firearms Licence from £1 to £2 (that is for each weapon).

I beg to move the first reading of the Bill.

The Bill then proceeded through all stages without further debate, or amendment, and was passed.

/Treapass (Amendment) Bill

Trespass (Amendment) Bill 1979

Chief Secretary

Sir, this Bill seeks to repeal the Schedule to the Trespass Ordinance Cap. 74 and replace it with a new Schedule providing for higher grazing fees on Stanley Common with effect from 1st January 1980.

Sir, this Bill also is a matter which has been discussed in Select Committee and this also, like the previous Bill, arises from the recommendations of the Fiscal Adviser, Mr Ritchie, his general advice being that minor fees and charges should be revised upwards and increased. I think that there is probably only one point to be made about this, from me, and that is that the Schedule was last revised seventy-five years ago.

Sir, I beg to move the first reading of the Bill.

The Bill was read a first time and Hon Members then spoke to the Motion for the second reading as follows:

Mr W E Bowles

Sir, I would like to support the Bill, especially as it is its diamond jubilee, I believe.

The Bill then proceeded through its remaining stages without further debate, or amendment, and was passed.

MOTION FOR THE ADJOURNMENT

Chief Secretary

Your Excellency, I beg to move that this House stands adjourned sine die.

Mr T J D Miller

Your Excellency, there are a few things I would like to say in rising to support this Motion.

During this Session we have discussed immigration to a considerable length. One point I feel which none of us directly mentioned but which needs looking into is that of the clause in the existing Ordinance, which provides that if an employer brings someone into the Colony, he has to ship that person back if he resigns his job within twelve months of arrival. I know that it is always argued that without this clause all sorts of people could be brought into the Islands, and it is a job of the selection of candidates by employers, but this fact is widely known to people coming out here now. It doesn't take much investigation by somebody in England who thinks about coming to the Falklands; they don't have to investigate very far now until they find this out, and no matter how good a selection board or an interviewer may be, it is very hard - in fact it is impossible - to be able to say for sure that the person or family coming out to the Falklands are going to stay, and that they are not going to come out here, work for ten or eleven months and then hand in their notice, knowing full well that they are going to get all their passages

/and expenses paid

and expenses paid back to their country of origin. In other words, with the present Ordinance people have the golden opportunity of just coming out to the Falklands for a ten- or eleven-month working holiday, with all expenses paid both ways. This is something which I feel must be looked at when the immigration regulations are examined.

We have also heard people talk about all these farms where the employers are going on about shortage of labour, and about all these people who are advertising through the Secretariat and why aren't farms doing anything about them. Well, some people are; I have written to two people in the last three months who have advertised through the Secretariat, and I have received no acknowledgement from either. It's not always the case that nobody is trying to do anything to get people out here. I hope that the Committee, if one is set up to examine our Immigration Ordinance, will really ask questions from everybody and thoroughly examine the whole set-up.

On the aspect of taxation, which has been well covered during this Session, it is an inescapable fact now that the trend of personal taxation in the Falklands seems to be increasing all the time, and one can add on to personal taxation such things as the Medical Services Levy and so on. All these things are becoming a disincentive to work, and I am talking about ordinary working people, not the Hon Member for West Stanley's 'feather-bedded farmers'. Some examples: the proposed income tax legislation that was announced the other day and which is now being studied. At the bottom of the scale, a married person with an income of £2,000 in the Falklands, under the new legislation - which may or may not come in - will pay £125 tax. A married couple in England with an income of £2,000 pay £46 tax - a third of the amount here. That is at the bottom of the scale.

At the top, the professional people, the people in the £5,000 to £6,000 a year range: here the difference is now even more marked. If you earn £5,000 in the Falklands, as a married couple, you pay £1,220 in tax. In England you pay £918: a difference of £300. A single person in the Islands earning between £2,500 and £3,000 - and more or less the same figures apply to a married person earning between £2,500 and £3,000 - (and this is the bulk of the wage earners in the Falklands) would, if we accept the income tax proposals, be paying £50 to £90 more than someone with the corresponding salary in the U. K. Now I don't think this is going to help us attract many people from England to these Islands. I know people will say that in England you pay 15% VAT - Value Added Tax - on all the goods you buy, but to a large extent what you buy is what you, the individual, can control. And the wage-earner is concerned not so much with what he pays for something once he has received his pay, but what is knocked off his pay before he gets it in the first place. I think this is something that we must bear in mind very closely when we come to examine the income tax proposals.

I know of one person in Camp who stopped working for three or four months because by carrying on working and earning more Government would get so much of it, arguing that he would be put up into a higher bracket. His case may be an exception, but you hear quite a few people - and I dare say the same is happening around Stanley - who are saying similar things, saying 'well, perhaps I'm not going to take on that contract job, or do that bit of overtime, because if I get £10 for it that is going to put me into the 40% bracket, so

/I'll be paying £4.50

I'll be paying £4.50 of it into the Government! The problem is of course that Government needs money and it is getting to the stage where there are very few to pay that money. I think it is something we should all bear in mind.

Our Fiscal Adviser has produced some very good papers and I hope he will continue to do so, but we don't always have to accept every paper. Our Fiscal Adviser naturally sees the problems from the outside. We can't expect him to see the problems from inside, which is how we, the people who live here, see them. We must think very seriously in the future about the present trend of income tax and taxation in general in the Falklands.

I would like to refer to one other point. I had the opportunity yesterday of visiting the Airport site and during talks and viewing down there two things became apparent about which I am very concerned. There is a bird problem- the feathered variety- at the Airport: a goose problem with aircraft. I think consideration must be given to what can be done to reduce, in fact if need be to eliminate totally, the goose population from the Stanley Airport area. I know that our conservation friends are going to be horror-struck at the thought, but I would rather see a few square miles of the Falklands with no geese rather than an aircraft carrying passengers put at risk, and it could happen.

The other thing which became apparent down there was the state of the drainage ditches around the runway. They are all blocked. This is no reflection at all on the Airport handymen and staff; it would be an impossible task for the existing labour force to clear them, but I think priority must be given to getting those ditches cleared and the water table lowered; otherwise we are going to have very major problems with our airstrip, which is costing us a fortune already.

Sir, I wish to support the Motion.

Mr A B Monk

Your Excellency, Honourable Members, in rising to support this Motion I always wonder what would happen if one rose to vote the motion out. I really would like to know what happens to Council if we don't support the Motion, do we just sort of sit here forever, being fed at intervals?

Anyway, I think the Budget has shown how vulnerable we are to oil price fluctuations and I think we owe Your Excellency a great deal for so ably getting the price reduced. That reduction has virtually allowed us to balance the Budget, but it does illustrate very much how vulnerable we are to OPEC people. I think it also illustrates the fact that we should re-think our energy policy in some respects. I know we are trying and will continue to try to get legislation and so forth which will enable us perhaps to develop oil sources of our own. In the meanwhile, I think we should turn our thoughts to alternative sources of energy, and of course our traditional energy supply is peat. It is a bit impracticable and all the rest of it, but I really do think that we should give this source of energy a lot of thought, and if necessary try to get some money to encourage ways in which we can get it out and use it without too much labour. Members in approving some oil-fired central heating facilities in some Government quarters clearly put the marker down that they were only approving the expenditure on these things because a lot of the equipment was already here, but that we really did want to consider alternative energy sources in the future.

/With reference to

With reference to income tax, which of course is a heavy burden, I don't intend to quote any figures whatsoever on the matter but I think that we can fairly say to Her Majesty's Government that we really are trying to pay our way in the world and to take as big a share as we can of the expenses of running this Colony, and we hope that it will spare Her Majesty's Government the effort in trying to solve all the problems which stop us developing maritime resources and alternative sources of income.

With regard to the money we voted for the housing loan, I welcome this step in our development, because housing is so urgently needed here. I am a little disappointed that it is not to be a Government subscription, as it were, to a building society, or a housing corporation, into which also businesses and private individuals could contribute. I think there is a place for a building society here and I think it would enable people to invest some of their money here and feel that they belong. I wonder if perhaps we could consider ways of using some of this money, if not all, for that purpose. And while we are investigating the possibility of buying houses from overseas and all this sort of thing, I think we really must look again at the houses around about that are empty. Some of them no doubt are empty for very good reasons but there are some houses which are just empty and it seems to me that, as housing is so short and we continually hear that it is preventing immigration and is desperately wanted, we really must look again at this housing question and see if we can't make use of the empty houses that we already have.

I think, Your Excellency, I have very little else to say; one of the things which has happened and gone ahead so well in this last year is the Green Patch Scheme. It has given me enormous satisfaction and I hope it will be the beginning of a new era, an era where the young and able people can get a share in their land.

I beg to support the Motion.

Mr W E Bowles

Your Excellency, Honourable Members, this will be my last chance to speak at this meeting, and I hope unlike the first opportunity I had to speak, the Studio tape-recorder has been fitted out with some stronger fuses. I was a little disappointed at not getting too much support for my proposal to leave the electricity tariff as it was or, if necessary, to reduce it slightly, because I still believe that people would then use more of it and we would get more revenue. However, be that as it may, there are some more things on the brighter side.

I would like to congratulate all our Heads of Departments because I think this particular Budget has been one of the easiest to go through during the 1970s. It has taken a much shorter time than usual and I think all Heads of Departments have done their homework very well and very ably and I feel that they all deserve a word of congratulation.

I am delighted of course that the old age pensioners were not forgotten and I know they never will be. Also, like my Colleague, I am delighted that provision has been made for the commencement of a

/housing project.

housing project. This is urgently required, irrespective of when it gets moving or when it gets finished. At least we have opened the door.

Our decline in population continues to bother me as it does all of us, but I don't think we can expect the decline to continue. If we can obtain housing and obtain people, continue with the work, develop everything in general, and look to the long-term policy of the Colony, I think we might be at a turning point in the near future when we can see brighter days ahead. I have every confidence in this, especially with the opportunities we have in our off-shore resources and, indeed, the future of the wool market as a whole, and I think we should also look to some other diversification in farming and, like my Colleague, I too wish the Green Patch venture well. It will stabilise the community to a great extent and I hope that other opportunities will follow suit for those young people who are interested in this field.

Sir, I would like to support the Motion.

Mr W H Goss

Your Excellency, Honourable Members, in rising to support the Motion I would first like to thank Your Excellency for the work you have put in to get our oil brought down to a reasonable price. Maybe it won't stay down long but it certainly has been brought down to an acceptable figure. With the general world trend, we can't expect anything else other than oil prices to rise.

Regarding our tax and taxation being higher than in Britain, while it is so, of course, we have other advantages.

Regarding the airfield, I don't think the rise of the water table is such a great danger - not as yet anyhow. Something may have to be done in the following Spring, but to control that when the ditches are cleaned out, we would have to control the cause, and that is sand. Sand grass is something which grows very slowly, it's not a quick taker, but it has built up over the years and that should have been introduced long ago on the northwest side of the strip. I have been told by people connected with the airport that the sand doesn't drift across there; it may not have drifted across there for the last six months or so, but wait until the Spring comes again. The land is heavily grazed now and there is nothing to protect the sand coming across, but we will have to have a metal barrier nearer the ditch, up the side of the hill.

No doubt the geese are going to increase, they're not going to decrease with the flying of aircraft into Stanley Airport. To date our landings are done on the sea or on a pond, but wait until we start landing on the prepared strips in the Camp, which are going to have some nice, luscious, green grass. I would think there is going to have to be provision made for somebody to go to the strips ahead of the aircraft to clear geese off them, but the great danger is of them returning after being chased off, just as an aircraft comes in to land. I think the very great danger with geese is still to meet us.

I beg to support the Motion

/Mr D S Evans

Mr D S Evans

Your Excellency, Honourable Members, this has been quite a severe Budget and I think it worries us all to some extent. There have been one or two bright spots but overall things do seem to be coming more expensive.

I think one of the things we have all appreciated are your efforts with regard to oil prices; it has been very nice to vote down the prices whenever we came to Light, Heat & Power, and it underlines just how vulnerable we are with regard to oil.

I hope we will think very carefully about what was said to the Motion on immigration and that we can get together as soon as possible and agree on a vigorous and cohesive policy. I hope it doesn't just lie fallow.

I feel that comparisons with Britain on fiscal matters are unfair. We live in a small and isolated community and we cannot possibly compete with Britain. I think that for such a small community we provide an excellent range of services. We haven't the population that Great Britain has so we haven't the revenue to call on. If we want the services that we have then I'm afraid we will have to pay for them. It is a case of roundabouts and swings, some cases we lose out, others we win.

We have initiated an investigation into the possibility of a two-tier system for the electricity tariff to see if we could reduce it for domestic consumption and thereby increase consumption, but I don't really hold out much hope here, because at certain times in winter the Power House is on full load and we haven't the spare capacity. So really, if this is the case, there is no point in reducing the tariff and expecting the generating station to cope. It won't be able to. I do think we are going to have to get away from electricity in the future, or it is going to become more and more expensive.

Your Excellency, I have enjoyed this Session, as always, and I have found it very interesting to talk to Heads of Departments. I would like to support the Motion for the Adjournment.

Mr S B Wallace

Your Excellency, Honourable Members, I wish I had stood up long before; I seem to have crossed out everything I was going to talk about as other Members stood up.

The Estimates have, I think, as everyone has said, underlined our need to tap every source of revenue we can, and to this end I was glad to hear that we can look forward shortly to sorting out any complications which prevent us benefiting from some of the wealth we generate.

I think that overall my Hon Friend the Member for East Stanley put the situation into perspective when he said that we have faced this sort of situation before and have dealt with it, and that we will certainly deal with this one as well.

Before ending I would like to say that in my view our external affairs are very quiet and this I think is a direct result of talking with the other side and is a very positive incentive to continuing to do so.

/There is one rather

There is one rather small matter to which I have given some thought, and that concerns our licensing laws. I wonder if they are not out-moded; some of the hours during which bars are open are, to say the least, not very convenient, and I think before the next Session we could perhaps give some thought to modernising them.

I would also like to echo the Hon Member for West Falkland when he said we should not continually relate our Colony, with a community of 1,800 people, to that of an advanced industrial society like that of the United Kingdom.

To finish, Sir, I would like to say that certainly we have problems but everyone is looking for ways to solve them. I support the Motion.

Financial Secretary

Your Excellency, I noted the comments made by Hon Members in referring to the income tax reform proposed to us by Mr Ritchie. These proposals will receive consideration later in the year. I would like to emphasise that this Bill will be published in plenty of time for the public to see it and allow them time to go to their Councillors and discuss it with them.

I agree entirely with the Hon Elected Member for West Falklands in stating that making comparisons with the economy of Britain are unsound. I believe that is perfectly true. Many of the expenses that one has in Britain one does not have here; for example, travelling expenses and such like. But we also have expenses here that they do not have in Britain, and I don't see any point whatsoever in making comparisons. I think we must relate our own tax proposals to the wages that are paid in the Falklands. No doubt if we all went to Britain at least some would command a higher wage, but we would have much larger expenses. I therefore think that we should be very careful in making comparisons with another country. There are advantages and disadvantages. In this small community it is a fact to say that the cost of the social wage is very high here, but the services - there is no doubt about it - are good and are always being improved.

I think what we should remember when considering the Budget this year and in future is that we are now developing; we are now moving forward, and I feel that something must arise soon. Obviously we should take every advantage we can to improve, and we should not stagnate. I feel that for a number of years we were stagnating and perhaps we are just finding the result of that. We should now look forward to the time when we develop and reap the benefit of that development, in the not too distant future.

In ending, I would like to say how much I appreciate the responsible attitude of Councillors during Select Committee and during this Meeting, and their patience and help in getting through the Budget proposals and Estimates.

I support the Motion.

/Chief Secretary

Chief Secretary

Your Excellency, Honourable Members, I feel that I should not have too much to say. I should, I feel, be leaving this to you, Sir, but I suppose I have to say something since I moved the Motion. For me of course this has been my first Council and I should like to echo my Colleagues' sentiments in thanking Honourable Members for their co-operation and their tremendous interest in all our discussions. It has been a tremendous eye-opener to me to see how Select Committee works, and indeed to see how well it can work with the co-operation of Heads of Departments and, indeed, of Honourable Members.

Perhaps I should also say a word if I may, Sir, of thanks to my Colleague the Financial Secretary, who has borne the brunt of all work, virtually, of this Session: all the work of any major importance has fallen upon his shoulders. We all know he is working under considerable disability, he is still, to some extent, convalescent after his time in Hospital, and I for one was extremely grateful for everything he did for us in this Session.

Throughout all the speeches of this Session I have been making notes on all sorts of points; many of them fortunately have been repeated by the same Members so perhaps the final list won't be as long as it may look. Obviously one is not going to promise to do something about all of them before the next Session, but we shall certainly be looking at them, and particularly at some of the Motions which have been passed by this House.

One or two have taken my attention particularly. Immigration, for example, which has been mentioned by everybody, and somebody said the other day - I think it may have been the Hon Councillor Evans - that perhaps we think too much in terms of bringing people in to jobs and not enough of attracting people in to live here permanently. If we get good enough people coming to do jobs we would be hoping that they would stay, but it is my hope that our investigations into the immigration policy will look to the longer term future.

Secondly, Sir, if I may choose just one or two of these points which have been raised. Fuel - this of course is the big worry and everybody has said so and everybody realises it. You, Sir, have saved our bacon this time, but I am not sure that we can look to that sort of thing happening again. I don't want to be pessimistic of course, but we must bear in mind that, although we have managed to knock down our expenditure this time, there is going to come a time when we are going to have to re-stock with oil; and nobody should be carried away too much, but my assessment of the Falkland Islands character so far is that this challenge will be met with the same determination as all the others.

And if I may end perhaps on an optimistic note and choose one other topic which has been discussed many times: Green Patch. As a farmer's son I consider Green Patch to be a point of great optimism in the future of this country, and would like to wish it all the luck in the world.

Thank you Sir.

/The President

The President

Thank you Honourable Members. I am very glad everybody did support the Motion because for a while there I had a macabre picture come up before my eyes, of all you gentlemen sitting down there wasting away to skeletons, with cobwebs dripping down from the ceiling! I don't think you were in any great danger of that happening because one of the few privileges and powers that I have in presiding over your affairs - I don't have many, and I don't really get much of a chance to talk - but one of the few powers I have got, I believe, is that I can adjourn at any time and no one may gain-say me, although of course you are perfectly entitled to sit there forever while I go out, if you find those chairs sufficiently comfortable.

In my opening Address I did refer to some possible changes in our procedure and I think several Councillors echoed that; we certainly don't want all sorts of Constitutional changes, but some changes in our procedures might be helpful. Of course, the Clerk here very ably demonstrated the possibility. His experiment nearly collapsed because I couldn't remember myself, but I would like to say that that was because I didn't have my 'prompt' sheet; but maybe we can move along on these ad hoc impromptu amendments to rather speed things up.

One thing that I did omit to say earlier, it is just a small point but I will do it now while talking about Constitutions and the possibility of streamlining the electoral arrangements, which no doubt are very cumbersome, is that we shall, as I think it has been announced, shortly be drawing up a new electoral register. This has no particular significance, it is something that we can do every year, it is provided for in the Ordinance, and in the United Kingdom it is done every year in October. We haven't done it now for a couple of years so probably this will be a good time to do it, just so that we have for the next year a fairly up-to-date electoral list with the new people, the young people, coming on to the Register, and taking account of people moving about the Colony. This is a little exercise which I think will be going on under the direction of the Clerk during the next few weeks.

My function I think is really only to say thank you and congratulations. I would particularly like to congratulate the Hon Members for the excellent work they have done in examining in close detail our Budget, and satisfying themselves that our expenditure is justified and will be properly spent, and also in looking very carefully at our revenue proposals.

As a result of the work done in Select Committee we have got the Budget much more nearly back into balance with a deficit which is manageable, and now of course that that has been said, we have to look to future years. We do have adequate reserves that will tide us over for some while to come until our revenue and income can be increased by greater development.

I would also like to congratulate the Heads of Departments who have been referred to by Hon Councillors, for the work they have put in to get their Estimates in good order. I did ask them all to come in much earlier; at the start of the Estimate procedure we all had a meeting, and I did impress on them the need to present their Estimates reasonably and responsibly and to keep their additional demands

/on our resources

on our resources down as far as they could, whilst at the same time providing for at least as good, and hopefully a better, service. I am very grateful to them for doing so and I think you had very good and profitable discussions with them in Select Committee.

I would also like to congratulate the Financial Secretary because I think despite the late start he had, although he was ably supported by his staff, he has done a good job getting us to the position we are now at in our financial affairs. I think we owe the Financial Secretary an enormous debt, I can't think where else we would find somebody managing our finances so well despite all the difficulties. We always seem to come out just about on the right side. I don't know what the secret of the Financial Secretary's success is but I should think the present Chancellor of the Exchequer would like to know, because he doesn't seem to do quite so well himself.

Also I would like to congratulate the Chief Secretary because it is his first experience with our deliberations, and he answered Hon Members' questions fairly and well, and I think this serves as his apprentice effort, and we now look forward to a long period of good, wise counsel from the Administration through the Chief Secretary.

I must also thank Mr Harold Bennett, our Senior Magistrate, for his drafting work; some of this drafting was not immediate, instant, drafting, but some had to be pretty quick and I think we owe Mr Bennett a very great debt for taking on at very short notice what was almost in fact a complete re-draft of a Bill. And of course, as always, thanks to the Clerk beside me who provides me with my programme and prompt notes and so on and so forth and generally helps me through the proceedings. I think behind him one must also thank all the girls, the typists and others, the staff in the Secretariat who really have to produce this monumental amount of paper to enable us to get on with our business and it is no light job. I have even seen that the new papers were produced between some time yesterday afternoon and this morning; they were started only yesterday. This goes on all the time and I think we owe a great debt to the staff in the Secretariat which I hope the Clerk will convey to them. I think that as a House and as a Government we are well served by the Secretariat. Cabinet Ministers in the U.K. wouldn't get a better service than we do.

All I have to do now is to accept the Motion and adjourn the House sine die.



THE FALKLAND ISLANDS GAZETTE

PUBLISHED BY AUTHORITY

Vol. LXXXVIII

22 AUGUST 1979

No. 9

Appointments

Elisabeth Mary Royce, Nursing Sister, Medical Department, 2.5.79.

Christopher Richard Spall, Storeman, Central Store, 24.7.79.

Miss Elaine Johnson, Clerk, Public Service, 13.8.79.

Promotions

Derek Howatt, Assistant Income Tax Officer, Treasury, 13.8.79.

Kathleen Gay Dobbys, Cashier, Treasury, 13.8.79.

Re-appointment

Michael Alexander Pritchard, Assistant Teacher, Education Department, 18.7.79.

Resignations

John Charles Hodgkinson, Assistant Teacher, Education Department, 26.7.79.

Ann Caswell, Nursing Sister, Medical Department, 15.8.79

NOTICES

No. 38.

31st July 1979.

Currency Notes Rules

In exercise of the powers conferred by rule 3 of the Currency Notes Rules, His Excellency the Governor has been pleased to approve the appointment of Mrs. Vera Joan Bonner to be a Currency Officer with effect from 27th July 1979.

H. T. ROWLANDS,
Commissioner of Currency.

No. 39.

1st August 1979.

The findings of the Cost of Living Committee for the quarter ended 30th June 1979 are published for general information —

Quarter ended	Percentage increase over 1971 prices
30th June 1979	190.48%

2. In accordance with the principle of the Wages Agreement for Stanley the average increase over the last four quarters is 180.72% and a further wage award of 1p per hour is therefore payable with effect from 1st July 1979.

Ref. INT/2/3.

No. 40. 10th August 1979.

Intimation has been received from the Right Honourable the Secretary of State for Foreign and Commonwealth Affairs to the effect that Her Majesty will not be advised to exercise her powers of disallowance in respect of the following Ordinances of the Colony of the Falkland Islands —

- No. 2 of 1978 Supplementary Appropriation (1976-77) Ordinance 1978.
- No. 3 of 1978 Interpretation and General Clauses (Amendment) Ordinance 1978
- No. 4 of 1978 Christ Church Trust (Amendment) Ordinance 1978.
- No. 5 of 1978 Stanley Town Public Services (Amendment) Ordinance 1978.
- No. 6 of 1978 Protection of Wrecks (Amendment) Ordinance 1978.
- No. 7 of 1978 Employment of Women, Young Persons and Children (Amendment) Ord. 1978
- No. 8 of 1978 Registration of United Kingdom Patents (Amendment) Ordinance 1978.
- No. 9 of 1978 Family Allowances (Amendment) Ordinance 1978.
- No. 10 of 1978 Income Tax (Amendment) Ordinance 1978.
- No. 11 of 1978 Income Tax (Amendment) (No. 2) Ordinance 1978.
- No. 12 of 1978 Non-contributory Old Age Pensions (Amendment) Ordinance 1978.
- No. 13 of 1978 Income Tax (Amendment) (No. 3) Ordinance 1978.
- No. 14 of 1978 Old Age Pensions (Amendment) Ordinance 1978.
- No. 15 of 1978 Licensing (Amendment) Ordinance 1978.
- No. 16 of 1978 British Nationality (Amendment) Ordinance 1978.
- No. 17 of 1978 Plant and Transport Authority Ordinance 1978.

Ref. LEG/10/42 Vol. II.

No. 41. 10th August 1979.

Intimation has been received from the Right Honourable the Secretary of State for Foreign and Commonwealth Affairs to the effect that Her Majesty will not be advised to exercise her powers of disallowance in respect of the following Ordin-

ance of the Dependencies of the Falkland Islands.
No. DS 1 of 1978 Application of Colony Laws Ord. 1978.
Ref. LEG/10/42 Vol. II.

No. 42. 16th August 1979.

Marriage Ordinance (Cap. 48) (Section 5)

With reference to Gazette Notice No. 4 of 16th January 1979, the following name is added to the list of Ministers of Religion registered for celebrating marriages in the Colony —

The Reverend Jeremy Noel Thomas Howat
Clerk in Holy Orders, Christ Church Cathedral.

Ref. INT/39/1.

In the Supreme Court of the Falkland Islands NOTICE UNDER THE ADMINISTRATION OF ESTATES ORDINANCE (Cap. 1)

IN THE MATTER of Keith William McGill, who died intestate at Stanley, Falkland Islands on the 6th May 1979.

WHEREAS Doris Mary McGill, widow of the above named deceased has applied for Letters of Administration to administer the estate of the deceased in the Colony.

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

R. H. CHECKLEY,
Registrar.

Stanley,
Falkland Islands.
14th August 1979.
SC & L/15/79.

Matrimonial Causes Ordinance

Arrangement of Sections

PART I

Section Preliminary

- 1 Short title and commencement
- 2 Interpretation

PART II

Divorce, Nullity and Other Matrimonial Suits

JURISDICTION OF COURT

- 3 Jurisdiction of Court

DIVORCE

- 4 Divorce on breakdown of marriage
- 5 Supplemental provisions as to facts raising presumption of breakdown
- 6 Restriction on petitions for divorce within three years of marriage
- 7 Divorce not precluded by previous judicial separation
- 8 Refusal of decree in five years separation cases on grounds of grave hardship to respondent
- 9 Provision to encourage reconciliation
- 10 Consideration by the Court of certain agreements or arrangements
- 11 Intervention of Proctor
- 12 Proceedings after decree nisi: general powers of Court
- 13 Proceedings after decree nisi: special protection for respondent in separation cases

NULLITY

- 14 Grounds on which a marriage is void
- 15 Grounds on which a marriage is voidable
- 16 Bars to relief where a marriage is voidable
- 17 Foreign marriages
- 18 Application of ss. 4 (5), 11 and 12 to nullity proceedings
- 19 Effect of decree of nullity in case of voidable marriage

OTHER MATRIMONIAL SUITS

- 20 Judicial separation
- 21 Effect of judicial separation
- 22 Presumption of death and dissolution of marriage

GENERAL

- 23 Relief for respondent in divorce proceedings

PART III

Financial relief for parties to marriage and children of family

FINANCIAL PROVISION AND PROPERTY ADJUSTMENT ORDERS

- 24 Financial provision and property adjustment orders

ANCILLARY RELIEF IN CONNECTION WITH DIVORCE PROCEEDINGS, ETC.

- 25 Maintenance pending suit
- 26 Financial provision orders in connection with divorce proceedings, etc.
- 27 Property adjustment orders in connection with divorce proceedings, etc.
- 28 Matters to which court is to have regard in deciding how to exercise its powers under ss. 26 and 27
- 29 Commencement of proceedings for ancillary relief

FINANCIAL PROVISION IN CASE OF NEGLECT TO MAINTAIN

- 30 Financial provision orders, etc., in case of neglect by party to marriage to maintain other party or child of the family

ADDITIONAL PROVISIONS WITH RESPECT TO FINANCIAL PROVISION
AND PROPERTY ADJUSTMENT ORDERS

- 31 Duration of continuing financial provision orders in favour of party to marriage, and effect of remarriage
- 32 Duration of continuing financial provision orders in favour of children, and age limit on making certain orders in their favour
- 33 Direction for settlement of instrument for securing payments or effecting property adjustment

VARIATION, DISCHARGE AND ENFORCEMENT OF CERTAIN ORDERS, ETC.

- 34 Variation, discharge, etc., of certain orders for financial relief
- 35 Payment of certain arrears unenforceable without leave of court
- 36 Orders for repayment in certain cases of sums paid under certain orders

MAINTENANCE AGREEMENTS

- 37 Validity of maintenance agreements
- 38 Alteration of agreements by court during lives of parties
- 39 Alteration of agreements by court after death of one party

MISCELLANEOUS AND SUPPLEMENTAL

- 40 Avoidance of transactions intended to prevent or reduce financial relief
- 41 Orders for repayment in certain cases of sums paid after cessation of order by reason of remarriage
- 42 Settlements, etc., made in compliance with a property adjustment order may be avoided on bankruptcy of settler
- 43 Payments, etc., under order made in favour of persons suffering from mental derangement

PART IV

Protection, Custody, etc., of children

- 44 Restriction on decrees for dissolution, annulment or separation affecting children
- 45 Orders for custody and education of children in cases of divorce, etc., and for custody in case of neglect
- 46 Power to commit children to care of any other person
- 47 Power to provide for supervision of children

PART V

Recognition of Overseas Divorces and Legal Separations

- 48 Recognition in the Colony of overseas divorces and separations
- 49 Grounds for recognition
- 50 Cross-proceedings and divorce following legal separation
- 51 Proof of facts relevant to recognition
- 52 Existing common law and statutory rules
- 53 Non-recognition of divorce by third country no bar to re-marriage
- 54 Exceptions from recognition
- 55 Interpretation and transitional provisions

PART VI

Miscellaneous and Supplemental

- 56 Declaration of legitimacy, etc.,
- 57 Evidence
- 58 Parties to proceedings under this Ordinance
- 59 Matrimonial Causes rules
- 60 Repeal
- 61 Transitional provisions and savings

Assented to in Her Majesty's name this 6th day of August 1979.

J. R. W. PARKER,
Governor.



No. 14



1979

Colony of the Falkland Islands

IN THE TWENTY-EIGHTH YEAR OF THE REIGN OF
Her Majesty Queen Elizabeth II.
JAMES ROLAND WALTER PARKER, C.M.G., O.B.E.
Governor.

An Ordinance

To make further and better provision in
respect of the law governing matrimonial causes
and of matters incidental thereto or connected
therewith.

(22nd August 1979)

Date of commencement.

ENACTED by the Legislature of the Colony of the Falkland
Islands, as follows —

Enacting clause.

PART I PRELIMINARY

1. This Ordinance may be cited as the Matrimonial Causes
Ordinance 1979, and shall come into operation on the 22nd day of
August 1979.

Short title and commence-
ment.

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

Interpretation.
1973 c. 18 s. 52

“adopted” means adopted in pursuance of an adoption order
made under any enactment in force in the Colony at any time
relating to the adoption of children;

“child”, in relation to one or both of the parties to a marriage,
includes an illegitimate or adopted child of that party or, as
the case may be, of both parties;

“child of the family”, in relation to the parties to a marriage,
means —

- (a) a child of both of those parties; and
- (b) any other child who has been treated by both of those
parties as a child of their family;

"court" means the Supreme Court;
 "custody", in relation to a child, includes access to the child;
 "education" includes training;
 "the Proctor" means the Chief Secretary.

(2) In this Ordinance —

- (a) references to financial provision orders, periodical payments and secured periodical payments orders and orders for the payment of a lump sum, and references to property adjustment orders, shall be construed in accordance with section 24 below; and
- (b) references to orders for maintenance pending suit and to interim orders for maintenance shall be construed respectively in accordance with section 25 and section 30 (5) below.

(3) For the avoidance of doubt it is hereby declared that references in this Ordinance to remarriage include references to a marriage which is by law void or voidable.

PART II

DIVORCE, NULLITY AND OTHER MATRIMONIAL SUITS

JURISDICTION OF COURT

Jurisdiction of court.
 1973 c. 45 s. 5

3. (1) The court shall have jurisdiction in —

- (a) proceedings for divorce, judicial separation or nullity of marriage; and
- (b) proceedings for death to be presumed and a marriage to be dissolved in pursuance of section 22 below.

(2) The court shall have jurisdiction to entertain proceedings for divorce or judicial separation if (and only if) either of the parties to the marriage —

- (a) is domiciled in the Colony on the date when the proceedings are begun; or
- (b) was habitually resident in the Colony throughout the period of one year ending with that date.

(3) The court shall have jurisdiction to entertain proceedings for nullity of marriage if (and only if) either of the parties to the marriage —

- (a) is domiciled in the Colony on the date when the proceedings are begun; or
- (b) was habitually resident in the Colony throughout the period of one year ending with that date; or
- (c) died before that date and either —
 - (i) was at death domiciled in the Colony; or
 - (ii) had been habitually resident in the Colony throughout the period of one year ending with the date of death.

(4) The court shall have jurisdiction to entertain proceedings for death to be presumed and a marriage to be dissolved if (and only if) the petitioner —

- (a) is domiciled in the Colony on the date when the proceedings are begun; or
- (b) was habitually resident in the Colony throughout the period of one year ending with that date.

DIVORCE

Divorce on breakdown of marriage.
 1973 c. 18 s. 1

4. (1) Subject to section 6 below, a petition for divorce may be presented to the court by either party to a marriage on the ground that the marriage has broken down irretrievably.

(2) The court hearing a petition for divorce shall not hold the marriage to have broken down irretrievably unless the petitioner satisfies the court of one or more of the following facts, that is to say —

- (a) that the respondent has committed adultery and the petitioner finds it intolerable to live with the respondent;
- (b) that the respondent has behaved in such a way that the petitioner cannot reasonably be expected to live with the respondent;
- (c) that the respondent has deserted the petitioner for a continuous period of at least two years immediately preceding the presentation of the petition;
- (d) that the parties to the marriage have lived apart for a continuous period of at least two years immediately preceding the presentation of the petition (hereafter in this Ordinance referred to as "two years' separation") and the respondent consents to a decree being granted;
- (e) that the parties to the marriage have lived apart for a continuous period of at least five years immediately preceding the presentation of the petition (hereafter in this Ordinance referred to as "five years' separation").

(3) On a petition for divorce it shall be the duty of the court to inquire, so far as it reasonably can, into the facts alleged by the petitioner and into any facts alleged by the respondent.

(4) If the court is satisfied on the evidence of any such fact as is mentioned in subsection (2) above, then, unless it is satisfied on all the evidence that the marriage has not broken down irretrievably, it shall, subject to sections 6 (3) and 8 below, grant a decree of divorce.

(5) Every decree of divorce shall in the first instance be a decree nisi and shall not be made absolute before the expiration of six months from its grant unless the court by general orders from time to time fixes a shorter period, or unless in any particular case the court from time to time by special order fixes a shorter period than the period otherwise applicable for the time being by virtue of this subsection.

5. (1) One party to a marriage shall not be entitled to rely for the purposes of section 4 (2) (a) above on adultery committed by the other if, after it became known to him that the other had committed that adultery, the parties have lived with each other for a period exceeding, or periods together exceeding six months.

Supplemental provisions
as to facts raising pre-
sumption of breakdown.
1973 c. 18 s. 2

(2) Where the parties to a marriage have lived with each other after it became known to one party that the other had committed adultery, but subsection (1) above does not apply, in any proceedings for divorce in which the petitioner relies on that adultery the fact that the parties have lived with each other after that time shall be disregarded in determining for the purposes of section 4 (2) (a) above whether the petitioner finds it intolerable to live with the respondent.

(3) Where in any proceedings for divorce the petitioner alleges that the respondent has behaved in such a way that the petitioner cannot reasonably be expected to live with him, but the parties to the marriage have lived with each other for a period or periods after the date of the occurrence of the final incident relied on by the petitioner and held by the court to support his allegation, that fact shall be disregarded in determining for the purposes of section 4 (2) (b) above whether the petitioner cannot reasonably be expected to live with the respondent if the length of that period or of those periods together was six months or less.

(4) For the purposes of section 4 (2) (c) above the court may treat a period of desertion as having continued at a time when the

deserting party was incapable of continuing the necessary intention if the evidence before the court is such that, had that party not been so incapable, the court would have inferred that his desertion continued at that time.

(5) In considering for the purposes of section 4 (2) above whether the period for which the respondent has deserted the petitioner or the period for which the parties to a marriage have lived apart has been continuous, no account shall be taken of any one period (not exceeding six months) or of any two or more periods (not exceeding six months in all) during which the parties resumed living with each other, but no period during which the parties lived with each other shall count as part of the period of desertion or of the period for which the parties to the marriage lived apart, as the case may be.

(6) For the purposes of section 4 (2) (d) and (e) above and this section a husband and wife shall be treated as living apart unless they are living with each other in the same household, and references in this section to the parties to a marriage living with each other shall be construed as references to their living with each other in the same household.

(7) Provision shall be made by rules of court for the purpose of ensuring that where in pursuance of section 4 (2) (d) above the petitioner alleges that the respondent consents to a decree being granted the respondent has been given such information as will enable him to understand the consequences to him of his consenting to a decree being granted and the steps which he must take to indicate that he consents to the grant of a decree.

Restriction on petitions
for divorce within three
years of marriage.

1973 c. 18 s. 3

6. (1) Subject to subsection (2) below, no petition for divorce shall be presented to the court before the expiration of the period of three years from the date of marriage (hereafter in this section referred to as "the specified period").

(2) The judge may, on an application made to him allow the presentation of a petition for divorce within the specified period on the ground that the case is one of exceptional hardship suffered by the petitioner or of exceptional depravity on the part of the respondent; but in determining the application the judge shall have regard to the interests of any child of the family and to the question whether there is reasonable probability of a reconciliation between the parties during the specified period.

(3) If it appears to the court, at the hearing of a petition for divorce presented in pursuance of leave granted under subsection (2) above, that the leave was obtained by the petitioner by any misrepresentation or concealment of the nature of the case, the court may —

- (a) dismiss the petition, without prejudice to any petition which may be brought after the expiration of the specified period upon the same facts, or substantially the same facts, as those proved in support of the dismissed petition; or
- (b) if it grants a decree, direct that no application to make the decree absolute shall be made during the specified period.

(4) Nothing in this section shall be deemed to prohibit the presentation of a petition based upon matters which occurred before the expiration of the specified period.

Divorce not precluded
by previous judicial
separation.

1973 c. 18 s. 4

7. (1) A person shall not be prevented from presenting a petition for divorce, or the court from granting a decree of divorce, by reason only that the petitioner or respondent has at any time, on the same facts or substantially the same facts as those proved in support of the petition, been granted a decree of judicial separation or an order under, or having effect as if made under, the Matrimonial Proceedings (Court of Summary Jurisdiction) Ordinance 1967.

(2) On a petition for divorce in such a case as is mentioned in subsection (1) above, the court may treat the decree or order as sufficient proof of any adultery, desertion or other fact by reference to which it was granted, but shall not grant a decree of divorce without receiving evidence from the petitioner.

(3) Where a petition for divorce in such a case follows a decree of judicial separation or an order containing a provision exempting one party to the marriage from the obligation to cohabit with the other, for the purposes of that petition a period of desertion immediately preceding the institution of the proceedings for the decree or order shall, if the parties have not resumed cohabitation and the decree or order has been continuously in force since it was granted, be deemed immediately to precede the presentation of the petition.

8. (1) The respondent to a petition for divorce in which the petitioner alleges five years' separation may oppose the grant of a decree on the ground that the dissolution of the marriage will result in grave financial or other hardship to him and that it would in all the circumstances be wrong to dissolve the marriage.

Refusal of decree in five year separation cases on grounds of grave hardship to respondent.

1973 c. 18 s. 5

(2) Where the grant of a decree is opposed by virtue of this section, then —

(a) if the court finds that the petitioner is entitled to rely in support of his petition on the fact of five years' separation and makes no such finding as to any other fact mentioned in section 4 (2) above, and

(b) if apart from this section the court would grant a decree on the petition,

the court shall consider all the circumstances, including the conduct of the parties to the marriage and the interests of those parties and of any children or other persons concerned, and if of opinion that the dissolution of the marriage will result in grave financial or other hardship to the respondent and that it would in all the circumstances be wrong to dissolve the marriage it shall dismiss the petition.

(3) For the purposes of this section hardship shall include the loss of the chance of acquiring any benefit which the respondent might acquire if the marriage was not dissolved.

9. If at any stage of proceedings for divorce it appears to the court that there is a reasonable possibility of a reconciliation between the parties to the marriage, the court may adjourn the proceedings for such period as it thinks fit to enable attempts to be made to effect such a reconciliation.

Provision to encourage reconciliation.

1973 c. 18 s. 6 (2)

The power conferred by the foregoing provision is additional to any other power of the court to adjourn proceedings.

10. Provision may be made by rules of court for enabling the parties to a marriage, or either of them, on application made either before or after the presentation of a petition for divorce, to refer to the court any agreement or arrangement made or proposed to be made between them, being an agreement or arrangement which relates to, arises out of, or is connected with, the proceedings for divorce which are contemplated, or, as the case may be, have begun, and for enabling the court to express an opinion, should it think it desirable to do so, as to the reasonableness of the agreement or arrangement and to give such directions, if any, in the matter as it thinks fit.

Consideration by the court of certain agreements or arrangements.

1973 c. 18 s. 7

11. (1) In the case of a petition for divorce —

(a) the court may, if it thinks fit, direct all necessary papers in the matter to be sent to the Proctor, who shall argue before the court any question in relation to the matter which the court considers it necessary or expedient to have fully argued;

Intervention of Proctor.

1973 c. 18 s. 8

- (b) any person may at any time during the progress of the proceedings or before the decree nisi is made absolute give information to the Proctor on any matter material to the due decision of the case, and the Proctor may thereupon take such steps as he considers necessary or expedient.

(2) Where the Proctor intervenes or shows cause against a decree nisi in any proceedings for divorce, the court may make such order as may be just as to the payment by other parties to the proceedings of the costs incurred by him in so doing or as to the payment by him of any costs incurred by any of those parties by reason of his so doing.

Proceedings after decree nisi: general powers of court.

1973 c. 18 s. 9

12. (1) Where a decree of divorce has been granted but not made absolute, then, without prejudice to section 11 above, any person (excluding a party to the proceedings other than the Proctor) may show cause why the decree should not be made absolute by reason of material facts not having been brought before the court; and in such a case the court may —

- (a) notwithstanding anything in section 4 (5) above (but subject to sections 13 (2) to (4) and 44 below) make the decree absolute; or
- (b) rescind the decree; or
- (c) require further inquiry; or
- (d) otherwise deal with the case as it thinks fit.

(2) Where a decree of divorce has been granted and no application for it to be made absolute has been made by the party to whom it was granted, then, at any time after the expiration of three months from the earliest date on which that party could have made such an application, the party against whom it was granted may make an application to the court, and on that application the court may exercise any of the powers mentioned in paragraphs (a) to (d) of subsection (1) above.

Proceedings after decree nisi: special protection for respondent in separation cases.

1973 c. 18 s. 10

13. (1) Where in any case the court has granted a decree of divorce on the basis of a finding that the petitioner was entitled to rely in support of his petition on the fact of two years' separation coupled with the respondent's consent to a decree being granted and has made no such finding as to any other fact mentioned in section 4 (2) above, the court may, on an application made by the respondent at any time before the decree is made absolute, rescind the decree if it is satisfied that the petitioner misled the respondent (whether intentionally or unintentionally) about any matter which the respondent took into account in deciding to give his consent.

(2) The following provisions of this section apply where —

- (a) the respondent to a petition for divorce in which the petitioner alleged two years' separation or five years' separation coupled, in the former case, with the respondent's consent to a decree being granted, has applied to the court for consideration under subsection (3) below of his financial position after the divorce; and
- (b) the court has granted a decree on the petition on the basis of a finding that the petitioner was entitled to rely in support of his petition on the fact of two years' or five years' separation (as the case may be) and has made no such findings as to any other fact mentioned in section 4 (2) above.

(3) The court hearing an application by the respondent under subsection (2) above shall consider all the circumstances, including the age, health, conduct, earning capacity, financial resources and financial obligations of each of the parties, and the financial position of the respondent having regard to the divorce, it is likely to be after the death of the petitioner should the petitioner die first; and,

subject to subsection (4) below, the court shall not make the decree absolute unless it is satisfied —

- (a) that the petitioner should not be required to make any financial provision for the respondent, or
- (b) that the financial provision made by the petitioner for the respondent is reasonable and fair or the best that can be made in the circumstances.

(4) The court may if it thinks fit make the decree absolute notwithstanding the requirements of subsection (3) above if—

- (a) it appears that there are circumstances making it desirable that the decree should be made absolute without delay, and
- (b) the court has obtained a satisfactory undertaking from the petitioner that he will make such financial provision for the respondent as the court may approve.

NULLITY

14. A marriage celebrated after the commencement of this Ordinance shall be void on the following grounds only, that is to say —

Grounds on which a marriage is void.
1973 c. 18 s. 11

- (a) that it is not a valid marriage under the provisions of the Marriage Ordinance (that is to say where —
 - (i) the parties are within the prohibited degrees of relationship;
 - (ii) either party is under the age of sixteen; or
 - (iii) the parties have intermarried in disregard of certain requirements as to the formation of marriage);
- (b) that at the time of the marriage either party was already lawfully married;
- (c) that the parties are not respectively male and female.
- (d) in the case of a polygamous marriage entered into outside the Colony, that either party was at the time of the marriage domiciled in the Colony.

Cap. 43

For the purposes of paragraph (d) of this section a marriage may be polygamous although at its inception neither party has any spouse additional to the other.

15. A marriage celebrated after the commencement of this Ordinance shall be voidable on the following grounds only, that is to say —

Grounds on which a marriage is voidable.
1973 c. 18 s. 12

- (a) that the marriage has not been consummated owing to the incapacity of either party to consummate it;
- (b) that the marriage has not been consummated owing to the wilful refusal of the respondent to consummate it;
- (c) that either party to the marriage did not validly consent to it, whether in consequence of duress, mistake, unsoundness of mind or otherwise;
- (d) that at the time of the marriage either party, though capable of giving a valid consent, was suffering (whether continuously or intermittently) from mental derangement within the meaning of the Mental Health Ordinance of such a kind or to such an extent as to be unfitted for marriage;
- (e) that at the time of the marriage the respondent was suffering from venereal disease in a communicable form;
- (f) that at the time of the marriage the respondent was pregnant by some person other than the petitioner.

Cap. 46

16. (1) The court shall not, in proceedings instituted after the commencement of this Ordinance, grant a decree of nullity on the

Bars to relief where marriage is voidable.
1973 c. 18 s. 13

ground that a marriage is voidable if the respondent satisfies the court —

- (a) that the petitioner, with knowledge that it was open to him to have the marriage avoided, so conducted himself in relation to the respondent as to lead the respondent reasonably to believe that he would not seek to do so; and
- (b) that it would be unjust to the respondent to grant the decree;

(2) Without prejudice to subsection (1) above, the court shall not grant a decree of nullity by virtue of section 15 above on the grounds mentioned in paragraph (c), (d), (e) or (f) of that section unless it is satisfied that proceedings were instituted within three years from the date of the marriage.

(3) Without prejudice to subsections (1) and (2) above, the court shall not grant a decree of nullity by virtue of section 15 above on the grounds mentioned in paragraph (e) or (f) of that section unless it is satisfied that the petitioner was at the time of the marriage ignorant of the facts alleged.

Foreign marriages.
1973 c. 18 s. 14

17. (1) Where, apart from this Ordinance, any matter affecting the validity of a marriage would fall to be determined (in accordance with the rules of private international law) by reference to the law of a country outside the Colony, nothing in section 14, 15 or 16 (1) above shall —

- (a) preclude the determination of that matter as aforesaid; or
- (b) require the application to the marriage of the grounds or bar there mentioned except so far as applicable in accordance with those rules.

(2) In the case of a marriage which purports to have been celebrated under the Foreign Marriage Acts 1892 to 1947 or has taken place outside the Colony and purports to be a marriage under common law, section 14 above is without prejudice to any ground on which the marriage may be void under those Acts or, as the case may be, by virtue of the rules governing the celebration of marriages outside the Colony under common law.

Application of ss. 4 (5), 11
and 12 to nullity proceedings.
1973 c. 18 s. 15

18. Sections 4 (5), 11 and 12 above shall apply in relation to proceedings for nullity of marriage as if for any reference in those provisions to divorce there were substituted a reference to nullity of marriage.

Effect of decree of nullity
in case of voidable
marriage.
1973 c. 18 s. 16

19. A decree of nullity granted after the commencement of this Ordinance in respect of a voidable marriage shall operate to annul the marriage only as respects any time after the decree has been made absolute, and the marriage shall, notwithstanding the decree, be treated as if it had existed up to that time.

OTHER MATRIMONIAL SUITS

Judicial separation.
1973 c. 18 s. 17

20. (1) A petition for judicial separation may be presented to the court by either party to a marriage on the ground that any such fact as is mentioned in section 4 (2) above exists, and the provisions of section 5 above shall apply accordingly for the purposes of a petition for judicial separation alleging any such fact, as they apply in relation to a petition for divorce alleging that fact.

(2) On a petition for judicial separation it shall be the duty of the court to inquire, so far as it reasonably can, into the facts alleged by the petitioner and into any facts alleged by the respondent, but the court shall not be concerned to consider whether the marriage has broken down irretrievably, and if it is satisfied on the evidence of any such fact as is mentioned in section 4 (2) above it shall, subject to section 44 below, grant a decree of judicial separation.

(3) Sections 9 and 10 above shall apply for the purpose of encouraging the reconciliation of parties to proceedings for judicial

separation and of enabling the parties to a marriage to refer to the court for its opinion an agreement or arrangement relevant to actual or contemplated proceedings for judicial separation, as they apply in relation to proceedings for divorce.

21. (1) Where the court grants a decree of judicial separation it shall no longer be obligatory for the petitioner to cohabit with the respondent.

Effects of judicial separation.

1973 c. 18 s. 18

(2) If while a decree of judicial separation is in force and the separation is continuing either of the parties to the marriage dies intestate as respects all or any of his or her real or personal property, the property as respects which he or she died intestate shall devolve as if the other party to the marriage had then been dead.

(3) Notwithstanding anything in section 4 (1) (a) of the Matrimonial Proceedings (Court of Summary Jurisdiction) Ordinance 1967, a provision in force under an order made, or having effect as if made, under that section exempting one party to a marriage from the obligation to cohabit with the other shall not have effect as a decree of judicial separation for the purposes of subsection (2) above.

10 of 1967.

22. (1) Any married person who alleges that reasonable grounds exist for supposing that the other party to the marriage is dead may present a petition to the court to have it presumed that the other party is dead and to have the marriage dissolved, and the court may, if satisfied that such reasonable grounds exist, grant a decree of presumption of death and dissolution of the marriage.

Presumption of death and dissolution of marriage.

1973 c. 18 s. 19

(2) In any proceedings under this section the fact that for a period of seven years or more the other party to the marriage has been continually absent from the petitioner and the petitioner has no reason to believe that the other party has been living within that time shall be evidence that the other party is dead until the contrary is proved.

(3) Sections 4 (5), 11 and 12 above shall apply to a petition and a decree under this section as they apply to a petition for divorce and a decree of divorce respectively.

(4) It is hereby declared that neither collusion nor any other conduct on the part of the petitioner which has at any time been a bar to relief in matrimonial proceedings constitutes a bar to the grant of a decree under this section.

GENERAL

23. If in any proceedings for divorce the respondent alleges and proves any such fact as is mentioned in subsection (2) of section 4 above (treating the respondent as the petitioner and the petitioner as the respondent for the purpose of that subsection) the court may give to the respondent the relief to which he would have been entitled if he had presented a petition seeking that relief.

Relief for respondent in divorce proceedings.

1973 c. 18 s. 20

PART III

FINANCIAL RELIEF FOR PARTIES TO MARRIAGE AND CHILDREN OF FAMILY

FINANCIAL PROVISION AND PROPERTY ADJUSTMENT ORDERS

24. (1) The financial provision orders for the purposes of this Ordinance are the orders for periodical or lump sum provision available (subject to the provisions of this Ordinance) under section 26 below for the purpose of adjusting the financial position of the parties to a marriage and any children of the family in connection with proceedings for divorce, nullity of marriage or judicial separation and under section 30 (6) below on proof of neglect by one party to a marriage to provide, or to make a proper contribution towards, reasonable maintenance for the other or a child of the family, that is to say —

Financial provision and property adjustment orders.

1973 c. 18 s. 21

(a) any order for periodical payments in favour of a party to a

marriage under section 26 (1) (a) or 30 (6) (a) or in favour of a child of the family under section 26 (1) (d), (2) or (4) or 30 (6) (d);

- (b) any order for secured periodical payments in favour of a party to a marriage under section 26 (1) (b) or 30 (6) (b) or in favour of a child of the family under section 26 (1) (e), (2) or (4) or 30 (6) (e); and
- (c) any order for lump sum provision in favour of a party to a marriage under section 26 (1) (c) or 30 (6) (c) or in favour of a child of the family under section 26 (1) (f), (2) or (4) or 30 (6) (f),

and references in this Ordinance to periodical payments orders, secured periodical payments orders, and orders for the payment of a lump sum are references to all or some of the financial provisions orders requiring the sort of financial provision in question according as the context of each reference may require.

(2) The property adjustment orders for the purposes of this Ordinance are the orders dealing with the property rights available (subject to the provisions of this Ordinance) under section 27 below for the purpose of adjusting the financial position of the parties to a marriage and any children of the family on or after the grant of a decree of divorce, nullity of marriage or judicial separation, that is to say —

- (a) any order under subsection (1) (a) of that section for a transfer of property;
- (b) any order under subsection (1) (b) of that section for a settlement of property; and
- (c) any order under subsection (1) (c) or (d) of that section for a variation of settlement.

ANCILLARY RELIEF IN CONNECTION WITH DIVORCE PROCEEDINGS, ETC.

Maintenance pending suit.
1973 c. 18 s. 22

25. On a petition for divorce, nullity of marriage or judicial separation, the court may make an order for maintenance pending suit, that is to say, an order requiring either party to the marriage to make to the other such periodical payments for his or her maintenance and for such term, being a term beginning not earlier than the date of the presentation of the petition and ending with the date of the determination of the suit, as the court thinks reasonable.

Financial provision orders
in connection with divorce
proceedings, etc.
1973 c. 18 s. 23

26. (1) On granting a decree of divorce, a decree of nullity of marriage or a decree of judicial separation or at any time thereafter (whether, in the case of a decree of divorce or of nullity of marriage, before or after the decree is made absolute), the court may make any one or more of the following orders, that is to say —

- (a) an order that either party to the marriage shall make to the other such periodical payments, for such term, as may be specified in the order;
- (b) an order that either party to the marriage shall secure to the other to the satisfaction of the court such periodical payments, for such term, as may be so specified;
- (c) an order that either party to the marriage shall pay to the other such lump sum or sums as may be so specified;
- (d) an order that a party to the marriage shall make to such person as may be specified in the order for the benefit of a child of the family, or to such a child, such periodical payments, for such term, as may be so specified;
- (e) an order that a party to the marriage shall secure to such person as may be so specified for the benefit of such a child, or to such a child, to the satisfaction of the court, such periodical payments, for such term, as may be so specified;

- (f) an order that a party to the marriage shall pay to such person as may be so specified for the benefit of such a child, or to such a child, such lump sum as may be so specified;

subject, however, in the case of an order under paragraph (d), (e) or (f) above, to the restrictions imposed by section 32 (1) and (3) below on the making of financial provision orders in favour of children who have attained the age of twenty-one.

(2) The court may also, subject to those restrictions, make any one or more of the orders mentioned in subsection (1) (d), (e) and (f) above —

- (a) in any proceedings for divorce, nullity of marriage or judicial separation, before granting a decree; and
- (b) where any such proceedings are dismissed after the beginning of the trial, either forthwith or within a reasonable period after the dismissal.

(3) Without prejudice to the generality of subsection (1) (c) or (f) above —

- (a) an order under this section that a party to a marriage shall pay a lump sum to the other party may be made for the purpose of enabling that other party to meet any liabilities or expenses reasonably incurred by him or her in maintaining himself or herself or any child of the family before making an application for an order under this section in his or her favour;
- (b) an order under this section for the payment of a lump sum to or for the benefit of a child of the family may be made for the purpose of enabling any liabilities or expenses reasonably incurred by or for the benefit of that child before the making of an application for an order under this section in his favour to be met; and
- (c) an order under this section for the payment of a lump sum may provide for the payment of that sum by instalments of such amount as may be specified in the order and may require the payment of the instalments to be secured to the satisfaction of the court.

(4) The power of the court under subsection (1) or (2) (a) above to make an order in favour of a child of the family shall be exercisable from time to time; and where the court makes an order in favour of a child under subsection (2) (b) above, it may from time to time, subject to the restrictions mentioned in subsection (1) above, make a further order in his favour of any of the kinds mentioned in subsection (1) (d), (e) or (f) above.

(5) Without prejudice to the power to give a direction under section 33 below for the settlement of an instrument by the Registrar of the Supreme Court where an order is made under subsection (1) (a), (b) or (c) above on or after granting a decree of divorce or nullity of marriage, neither the order nor any settlement made in pursuance of the order shall take effect unless the decree has been made absolute.

27. (1) On granting a decree of divorce, a decree of nullity of marriage or a decree of judicial separation or at any time thereafter (whether, in the case of a decree of divorce or of nullity of marriage, before or after the decree is made absolute), the court may make any one or more of the following orders, that is to say —

- (a) an order that a party to the marriage shall transfer to the other party, to any child of the family or to such person as may be specified in the order for the benefit of such a child such property as may be so specified, being property to which the first mentioned party is entitled, either in possession or reversion;

Property adjustment
orders in connection with
divorce proceedings, etc.
1973 c. 18 s. 24

- (b) an order that a settlement of such property as may be so specified, being property to which a party to the marriage is so entitled, be made to the satisfaction of the court for the benefit of the other party to the marriage and of the children of the family or either or any of them;
- (c) an order varying for the benefit of the parties to the marriage and of the children of the family or either or any of them any ante-nuptial or post-nuptial settlement (including such a settlement made by will or codicil) made on the parties to the marriage;
- (d) an order extinguishing or reducing the interest of either of the parties to the marriage under any such settlement,

subject, however, in the case of an order under paragraph (a) above, to the restrictions imposed by section 32 (1) and (3) below on the making of orders for a transfer of property in favour of children who have attained the age of twenty-one.

(2) The court may make an order under subsection (1) (c) above notwithstanding that there are no children of the family.

(3) Without prejudice to the power to give a direction under section 33 below for the settlement of an instrument by the Registrar of the Supreme Court, where an order is made under this section on or after granting a decree of divorce or nullity of marriage, neither the order nor any settlement made in pursuance of the order shall take effect unless the decree has been made absolute.

Matters to which court is to have regard in deciding how to exercise its powers under ss. 26 and 27.

1973 c. 18 s. 25

28. (1) It shall be the duty of the court in deciding whether to exercise its powers under section 26 (1) (a), (b) or (c) or 27 above in relation to a party to the marriage and, if so, in what manner, to have regard to all the circumstances of the case including the following matters, that is to say —

- (a) the income, earning capacity, property and other financial resources which each of the parties to the marriage has or is likely to have in the foreseeable future;
- (b) the financial needs, obligations and responsibilities which each of the parties to the marriage has or is likely to have in the foreseeable future;
- (c) the standard of living enjoyed by the family before the breakdown of the marriage;
- (d) the age of each party to the marriage and the duration of the marriage;
- (e) any physical or mental disability of either of the parties to the marriage;
- (f) the contributions made by each of the parties to the welfare of the family, including any contribution made by looking after the home or caring for the family;
- (g) in the case of proceedings for divorce or nullity of marriage, the value to either of the parties to the marriage of any benefit (for example, a pension) which, by reason of the dissolution or annulment of the marriage, that party will lose the chance of acquiring;

and so to exercise those powers as to place the parties, so far as it is practicable and, having regard to their conduct, just to do so, in the financial position in which they would have been if the marriage had not broken down and each had properly discharged his or her financial obligations and responsibilities towards the other.

(2) Without prejudice to subsection (3) below, it shall be the duty of the court in deciding whether to exercise its powers under section 26 (1) (d), (e) or (f), (2) or (4) or 27 above in relation to a child of the family and, if so, in what manner, to have regard to all the circumstances of the case including the following matters, that is to say —

- (a) the financial needs of the child;
- (b) the income, earning capacity (if any), property and other financial resources of the child;
- (c) any physical or mental disability of the child;
- (d) the standard of living enjoyed by the family before the breakdown of the marriage;
- (e) the manner in which he was being and in which the parties to the marriage expected him to be educated or trained;

and so to exercise those powers as to place the child, so far as it is practicable and having regard to the considerations mentioned in relation to the parties to the marriage in paragraph (a) and (b) of subsection (1) above, just to do so, in the financial position in which the child would have been if the marriage had not broken down and each of those parties had properly discharged his or her financial obligations and responsibilities towards him.

(3) It shall be the duty of the court in deciding whether to exercise its powers under section 26 (1) (d), (e) or (f), (2) or (4) or 27 above against a party to a marriage in favour of a child of the family who is not the child of that party and, if so, in what manner, to have regard (among the circumstances of the case) —

- (a) to whether that party had assumed any responsibility for the child's maintenance and, if so, to the extent to which, and the basis upon which, that party assumed such responsibility;
- (b) to whether in assuming and discharging such responsibility that party did so knowing that the child was not his or her own;
- (c) to the liability of any other person to maintain the child.

29. (1) Where a petition for divorce, nullity of marriage or judicial separation has been presented, then, subject to subsection (2) below, proceedings for maintenance pending suit under section 25 above, for a financial provision order under section 26 above, or for a property adjustment order may be begun, subject to and in accordance with rules of court, at any time after the presentation of the petition.

Commencement of proceedings for ancillary relief.

1973 c. 18 s. 26

(2) Rules of court may provide, in such cases as may be prescribed by the rules —

- (a) that application of any such relief as is mentioned in subsection (1) above shall be made in the petition or answer; and
- (b) that applications for any such relief which are not so made, or are not made until after the expiration of such period following the presentation of the petition or filing of the answer as may be so prescribed, shall be made only with the leave of the court.

FINANCIAL PROVISION IN CASE OF NEGLECT TO MAINTAIN

30. (1) Either party to a marriage may apply to the court for an order under this section on the ground that the other party to the marriage (in this section referred to as the respondent) —

Financial provision orders, etc., in case of neglect by party to marriage to maintain other party or child of the family.

1973 c. 18 s. 27

- (a) being the husband, has wilfully neglected —
 - (i) to provide reasonable maintenance for the applicant, or
 - (ii) to provide, or to make a proper contribution towards, reasonable maintenance for any child of the family to whom this section applies;
- (b) being the wife, has wilfully neglected to provide, or to make a proper contribution towards, reasonable maintenance —
 - (i) for the applicant in a case where, by reason of the impairment of the applicant's earning capacity through

age, illness or disability of mind or body, and having regard to any resources of the applicant and the respondent respectively which are, or should properly be made, available for the purpose, it is reasonable in all the circumstances to expect the respondent so to provide or contribute, or

(ii) for any child of the family to whom this section applies.

(2) The court shall not entertain an application under this section unless—

- (a) the applicant or the respondent is domiciled in the Colony on the date of the application; or
- (b) the applicant has been habitually resident there throughout the period of one year ending with that date; or
- (c) the respondent is resident there on that date.

(3) This section applies to any child of the family for whose maintenance it is reasonable in all the circumstances to expect the respondent to provide or towards whose maintenance it is reasonable in all the circumstances to expect the respondent to make a proper contribution.

(4) Where the child of the family to whom the application under this section relates is not the child of the respondent, then, in deciding —

- (a) whether the respondent has been guilty of wilful neglect to provide, or to make a proper contribution towards, reasonable maintenance for the child, and
- (b) what order, if any, to make under this section in favour of the child,

the court shall have regard to the matters mentioned in section 28 (3) above.

(5) Where on application under this section it appears to the court that the applicant or any child of the family to whom the application relates is in immediate need of financial assistance, but it is not yet possible to determine what order, if any, should be made on the application, the court may make an interim order for maintenance, that is to say, an order requiring the respondent to make to the applicant until the determination of the application such periodical payments as the court thinks reasonable.

(6) Where on an application under this section the applicant satisfies the court of any ground mentioned in subsection (1) above, the court may make such one or more of the following orders as it thinks just, that is to say —

- (a) an order that the respondent shall make to the applicant such periodical payments, for such term, as may be specified in the order;
- (b) an order that the respondent shall secure to the applicant to the satisfaction of the court, such periodical payments, for such term, as may be so specified;
- (c) an order that the respondent shall pay to the applicant such lump sum as may be so specified;
- (d) an order that the respondent shall make to such person as may be specified in the order for the benefit of the child, to whom the application relates, or to that child, such periodical payments, for such term, as may be so specified;
- (e) an order that the respondent shall secure to such person as may be so specified for the benefit of that child, or to that child, to the satisfaction of the court, such periodical payments, for such term, as may be so specified;
- (f) an order that the respondent shall pay to such person as

may be so specified for the benefit of that child, or to that child, such lump sum as may be so specified;

subject, however, in the case of an order under paragraph (d), (e) or (f) above, to the restriction imposed by section 32 (1) and (3) below on the making of financial provision orders in favour of children who have attained the age of eighteen.

(7) Without prejudice to the generality of subsection (6) (c) or (f) above, an order under this section for the payment of a lump sum —

- (a) may be made for the purpose of enabling any liabilities or expenses reasonably incurred in maintaining the applicant or any child of the family to whom the application relates before the making of the application to be met;
- (b) may provide for the payment of that sum by instalments of such amount as may be specified in the order and may require the payment of the instalments to be secured to the satisfaction of the court.

(8) For the purpose of proceedings on an application under this section adultery which has been condoned shall not be capable of being revived, and any presumption of condonation which arises from the continuance or resumption of marital intercourse may be rebutted by evidence sufficient to negative the necessary intent.

ADDITIONAL PROVISIONS WITH RESPECT TO FINANCIAL PROVISION AND PROPERTY ADJUSTMENT ORDERS

31. (1) The term to be specified in a periodical payments or secured periodical payments order in favour of a party to a marriage shall be such term as the court thinks fit, subject to the following limits, that is to say —

- (a) in the case of a periodical payments order, the term shall begin not earlier than the date of the making of an application for the order and shall be so defined as not to extend beyond the death of either of the parties to the marriage, or, where the order is made on or after the grant of a decree of divorce or nullity of marriage, the remarriage of the party in whose favour the order is made; and
- (b) in the case of a secured periodical payments order, the term shall begin not earlier than the date of the making of an application for the order, and shall be so defined as not to extend beyond the death or, where the order is made on or after the grant of a decree, the remarriage of the party in whose favour the order is made.

(2) Where a periodical payments or secured periodical payments order in favour of a party to a marriage is made otherwise than on or after the grant of a decree of divorce or nullity of marriage, and the marriage in question is subsequently dissolved or annulled but the order continues in force, the order shall, notwithstanding anything in it, cease to have effect on the remarriage of that party, except in relation to any arrears due under it on the date of the remarriage.

(3) If after the grant of a decree dissolving or annulling a marriage either party to that marriage remarries, that party shall not be entitled to apply, by reference to the grant of that decree, for a financial provision order in his or her favour, or for a property adjustment order, against the other party to that marriage.

32. (1) Subject of subsection (3) below, no financial provision order and no order for a transfer of property under section 27 (1) (a) above shall be made in favour of a child who has attained the age of eighteen.

Duration of continuing financial provision orders in favour of party to marriage, and effect of remarriage.

1973 c. 18 s. 28

Duration of continuing financial provision orders in favour of children, and age limit on making certain orders in their favour.

1973 c. 18 s. 29

(2) The term to be specified in a periodical payments or secured periodical payments order in favour of a child may begin with the date of the making of an application for the order in question or any later date but —

- (a) shall not in the first instance extend beyond the date of the birthday of the child next following his attaining the upper limit of the compulsory school age (that is to say, the age that is for the time being that limit by virtue of section 2 of the Education Ordinance 1967) unless the court thinks it right in the circumstances of the case to specify a later date; and
- (b) shall not in any event, subject to subsection (3) below, extend beyond the date of the child's eighteenth birthday.

(3) Subsection (1) above, and paragraph (b) of subsection (2), shall not apply in the case of a child, if it appears to the court that —

- (a) the child is, or will be, or if an order were made without complying with either or both of those provisions would be, receiving instruction at an educational establishment or undergoing training for a trade, profession or vocation, whether or not he is also, or will also be, in gainful employment; or
- (b) there are special circumstances which justify the making of an order without complying with either or both of these provisions.

(4) Any periodical payments order in favour of a child shall, notwithstanding anything in the order, cease to have effect on the death of the person liable to make payments under the order, except in relation to any arrears due under the order on the date of the death.

Direction for settlement of instrument for securing payments or effecting property adjustment.

1973 c. 18 s. 30

33. Where the court decides to make a financial provision order requiring any payments to be secured or a property adjustment order —

- (a) it may direct that the matter be referred to the Registrar of the Supreme Court for him to settle a proper instrument to be executed by all necessary parties; and
- (b) where the order is to be made in proceedings for divorce, nullity of marriage or judicial separation it may, if it thinks fit, defer the grant of the decree in question until the instrument has been duly executed.

VARIATION, DISCHARGE AND ENFORCEMENT OF CERTAIN ORDERS, ETC.

Variation, discharge, etc., of certain orders for financial relief.

1973 c. 18 s. 31

34. (1) Where the court has made an order to which this section applies, then, subject to the provisions of this section, the court shall have power to vary or discharge the order or to suspend any provision thereof temporarily and to revive the operation of any provision so suspended.

(2) This section applies to the following orders, that is to say —

- (a) any order for maintenance pending suit and any interim order for maintenance;
- (b) any periodical payments order;
- (c) any secured periodical payments order;
- (d) any order made by virtue of section 26 (3) (c) or 30 (7) (b) above (provision for payment of a lump sum by instalments);
- (e) any order for a settlement of property under section 27 (1) (b) or for a variation of settlement under section 27 (1) (c) or (d) above, being an order made on or after the grant of a decree of judicial separation.

(3) The powers exercisable by the court under this section in relation to an order shall be exercisable also in relation to any instrument executed in pursuance of the order.

(4) The court shall not exercise the powers conferred by this section in relation to an order for a settlement under section 27 (1) (b) or for a variation of settlement under section 27 (1) (c) or (d) above except on an application made in proceedings —

(a) for the rescission of the decree of judicial separation by reference to which the order was made, or

(b) for the dissolution of the marriage in question.

(5) No property adjustment order shall be made on an application for the variation of a periodical payments or secured periodical payments order made (whether in favour of a party to a marriage or in favour of a child of the family) under section 26 above, and no order for the payment of a lump sum shall be made on an application for the variation of a periodical payments or secured periodical payments order in favour of a party to a marriage (whether made under section 26 or under section 30 above).

(6) Where the person liable to make payments under a secured periodical payments order has died, an application under this section relating to that order may be made by the person entitled to payments under the order or by the personal representatives of the deceased person, but no such application shall, except with the permission of the court, be made after the end of the period of six months from the date on which representation in regard to the estate of that person is first taken out.

(7) In exercising the powers conferred by this section the court shall have regard to all the circumstances of the case, including any change in any of the matters to which the court was required to have regard when making the order to which the application relates and, where the party against whom that order was made has died, the changed circumstances resulting from his or her death.

(8) The personal representative of a deceased person against whom a secured periodical payments order was made shall not be liable for having distributed any part of the estate of the deceased after the expiration of the period of six months referred to in subsection (6) above on the ground that they ought to have taken into account the possibility that the court might permit an application under this section to be made after that period by the person entitled to payments under the order; but this subsection shall not prejudice any power to recover any part of the estate so distributed arising by virtue of the making of an order in pursuance of this section.

(9) In considering for the purposes of subsection (6) above the question when representation was first taken out, a grant limited to settled land or to trust property shall be left out of account and a grant limited to real estate or to personal estate shall be left out of account unless a grant limited to the remainder of the estate has previously been made or is made at the same time.

35. (1) A person shall not be entitled to enforce through the court the payment of any arrears due under an order for maintenance pending suit, an interim order for maintenance or any financial provision order without the leave of that court if those arrears become due more than twelve months before proceedings to enforce the payment of them are begun.

(2) The court hearing an application for the grant of leave under this section may refuse leave, or may grant leave subject to such restrictions and conditions (including conditions as to the allowing of time for payment or the making of payment by instalments) as the court thinks proper, or may remit the payment of the arrears or of any part thereof.

Payment of certain arrears unenforceable without the leave of the court.

1973 c. 18 s. 32

Orders for repayment in
certain cases of sums paid
under certain orders.
1973 c. 18 s. 33

(3) An application for the grant of leave under this section shall be made in such manner as may be prescribed by rules of court.

36. (1) Where on an application made under this section in relation to an order to which this section applies it appears to the court that by reason of —

- (a) a change in the circumstances of the person entitled to, or liable to make, payments under the order since the order was made, or
- (b) the changed circumstances resulting from the death of the person so liable,

the amount received by the person entitled to payments under the order in respect of a period after those circumstances changed or after the death of the person liable to make payments under the order, as the case may be, exceeds the amount which the person so liable or his or her personal representatives should have been required to pay, the court may order the respondent to the application to pay to the applicant such sum, not exceeding the amount of the excess, as the court thinks just.

(2) This section applies to the following orders, that is to say —

- (a) any order for maintenance pending suit and any interim order for maintenance;
- (b) any periodical payments order; and
- (c) any secured periodical payments order.

(3) An application under this section may be made by the person liable to make payments under an order to which this section applies or his or her personal representatives and may be made against the person entitled to payments under the order or her or his personal representatives.

(4) An application under this section may be made in proceedings in the court for —

- (a) the variation or discharge of the order to which this section applies, or
- (b) leave to enforce, or the enforcement of, the payment of arrears under that order.

(5) An order under this section for the payment of any sum may provide for the payment of that sum by instalments of such amount as may be specified in the order.

MAINTENANCE AGREEMENTS

Validity of maintenance
agreements.
1973 c. 18 s. 34

37. (1) If a maintenance agreement includes a provision purporting to restrict any right to apply to the court for an order containing financial arrangements, then —

- (a) that provision shall be void; but
- (b) any other financial arrangements contained in the agreement shall not thereby be rendered void or unenforceable and shall, unless they are void or unenforceable for any other reason (and subject to sections 38 and 39 below), be binding on the parties to the agreement.

(2) In this section and in section 38 below —

“Maintenance agreement” means any agreement in writing made, whether before or after the commencement of this Ordinance, between the parties to a marriage, being —

- (a) an agreement containing financial arrangements, whether made during the continuance or after the dissolution or annulment of the marriage; or

- (b) a separation agreement which contains no financial arrangements in a case where no other agreement in writing between the same parties contains such arrangements;

“financial arrangements” means provisions governing the rights and liabilities towards one another when living separately of the parties to a marriage (including a marriage which has been dissolved or annulled) in respect of the making or securing of payments or the disposition or use of any property, including such rights and liabilities with respect to the maintenance or education of any child, whether or not a child of the family.

38. (1) Where a maintenance agreement is for the time being subsisting and each of the parties to the agreement is for the time being either domiciled or resident in the Colony, then, subject to subsection (3) below, either party may apply to the court for an order under this section.

Alteration of agreements
by court during lives of
parties.

1973 c. 18 s. 35

(2) If the court is satisfied either —

- (a) that by reason of a change in the circumstances in the light of which any financial arrangements contained in the agreement were made or, as the case may be, financial arrangements were omitted from it (including a change foreseen by the parties when making the agreement), the agreement should be altered so as to make different, or, as the case may be, so as to contain, financial arrangements, or
- (b) that the agreement does not contain proper financial arrangements with respect to any child of the family,

then subject to subsections (3), (4) and (5) below, the court may by order make such alterations in the agreement —

- (i) by varying or revoking any financial arrangements contained in it, or
- (ii) by inserting in it financial arrangements for the benefit of one of the parties to the agreement or of a child of the family,

as may appear to the court to be just having regard to all the circumstances, including, if relevant, the matters mentioned in section 28 (3) above; and the agreement shall have effect thereafter as if any alteration made by the order had been made by agreement between the parties and for valuable consideration.

(3) Where the court decides to alter, by order under this section, an agreement by inserting provision for the making or securing by one of the parties to the agreement of periodical payments for the maintenance of the other party or by increasing the rate of the periodical payments which the agreement provides shall be made by one of the parties for the maintenance of the other, the term for which the payments or, as the case may be, the additional payments attributable to the increase are to be made under the agreement as altered by the order shall be such term as the court may specify, subject to the following limits, that is to say —

- (a) where the payments will not be secured, the term shall be so defined as not to extend beyond the death of either of the parties to the agreement or the remarriage of the party to whom the payments are to be made;
- (b) where the payments will be secured, the term shall be so defined as not to extend beyond the death or remarriage of that party.

(4) Where the court decides to alter, by order under this section, an agreement by inserting provision for the making or securing by one of the parties to the agreement of periodical payments for the maintenance of a child of the family or by increasing the rate of the periodical payments which the agreement provides shall be

made or secured by one of the parties for the maintenance of such a child, then, in deciding the term for which under the agreement as altered by the order the payments, or as the case may be, the additional payments attributable to the increase are to be made or secured for the benefit of the child, the court shall apply the provisions of section 32 (2) and (3) above as to age limits as if the order in question were a periodical payments or secured periodical payments order in favour of the child.

(5) For the avoidance of doubt it is hereby declared that nothing in this section or in section 37 above affects any power of the court before which any proceedings between the parties to a maintenance agreement are brought under any other enactment (including a provision of this Ordinance) to make an order containing financial arrangements or any right of either party to apply for such an order in such proceedings.

Alteration of agreements
by court after death of
one party.

1973 c. 18 s. 36 (1) (4)
(6)

39. (1) Where a maintenance agreement within the meaning of section 37 above provides for the continuation of payments under the agreement after the death of one of the parties and that party dies domiciled in the Colony, the surviving party or the personal representatives of the deceased party may, subject to subsections (2) and (3) below, apply to the court for an order under section 38 above.

(2) An application under this section shall not, except with the permission of the court, be made after the end of the period of six months from the date on which representation in regard to the estate of the deceased is first taken out.

(3) If a maintenance agreement is altered by the court on an application made in pursuance of subsection (1) above, the like consequences shall ensue as if the alteration has been made immediately before the death by agreement between the parties and for valuable consideration.

(4) The provisions of this section shall not render the personal representatives of the deceased liable for having distributed any part of the estate of the deceased after the expiration of the period of six months referred to in subsection (2) above on the ground that they ought to have taken into account the possibility that the court might permit an application by virtue of this section to be made by the surviving party after that period; but this subsection shall not prejudice any power to recover any part of the estate so distributed arising by virtue of the making of an order in pursuance of this section.

MISCELLANEOUS AND SUPPLEMENTAL

Avoidance of transactions
intended to prevent or
reduce financial relief.

1973 c. 18 s. 37

40. (1) For the purposes of this section "financial relief" means relief under any of the provisions of sections 25, 26, 27, 30, 34 (except subsection (5)) and 38 above, and any reference in this section to defeating a person's claim for financial relief is a reference to preventing financial relief from being granted to that person, or to that person for the benefit of a child of the family, or reducing the amount of any financial relief which might be so granted, or frustrating or impeding the enforcement of any order which might be or has been made at his instance under any of those provisions.

(2) Where proceedings for financial relief are brought by one person against another, the court may, on the application of the first-mentioned person —

- (a) if it is satisfied that the other party to the proceedings is, with the intention of defeating the claim for financial relief, about to make any disposition or to transfer out of the jurisdiction or otherwise deal with any property, make such order as it thinks fit for restraining the other party from so doing or otherwise for protecting the claim;

- (b) if it is satisfied that the other party has, with that intention, made a reviewable disposition and that if the disposition were set aside financial relief or different financial relief would be granted to the applicant, make an order setting aside the disposition;
- (c) if it is satisfied, in a case where an order has been obtained under any of the provisions mentioned in subsection (1) above by the applicant against the other party, that the other party has, with that intention, made a reviewable disposition, make an order setting aside the disposition;

and an application for the purposes of paragraph (b) above shall be made in the proceedings for the financial relief in question.

(3) Where the court makes an order under subsection (2) (b) or (c) above setting aside a disposition it shall give such consequential directions as it thinks fit for giving effect to the order (including directions requiring the making of any payments or the disposal of any property).

(4) Any disposition made by the other party to the proceedings for financial relief in question (whether before or after the commencement of those proceedings) is a reviewable disposition for the purposes of subsections (2) (b) and (c) above unless it was made for valuable consideration (other than marriage) to a person who, at the time of the disposition, acted in relation to it in good faith and without notice of any intention on the part of the other party to defeat the applicant's claim for financial relief.

(5) Where an application is made under this section with respect to a disposition which took place less than three years before the date of the application or with respect to a disposition or other dealing with property which is about to take place and the court is satisfied —

- (a) in a case falling within subsection (2) (a) or (b) above, that the disposition or other dealing would (apart from this section) have the consequence, or
- (b) in a case falling within subsection (2) (c) above, that the disposition has had the consequence,

of defeating the applicant's claim for financial relief, it shall be presumed, unless the contrary is shown, that the person who disposed of or is about to dispose of or deal with the property did so or, as the case may be, is about to do so, with the intention of defeating the applicant's claim for financial relief.

(6) In this section "disposition" does not include any provision contained in a will or codicil but, with that exception, includes any conveyance, assurance or gift of property of any description, whether made by an instrument or otherwise.

(7) The provisions of this section shall not apply to a disposition made more than three years before the commencement of this Ordinance.

41. (1) Where —

- (a) a periodical payments or secured periodical payments order in favour of a party to a marriage (hereafter in this section referred to as "a payments order") has ceased to have effect by reason of the remarriage of that party, and
- (b) the person liable to make payments under the order or his or her personal representatives made payments in accordance with it in respect of a period after the date of the remarriage in the mistaken belief that the order was still subsisting,

the person so liable or his or her personal representatives shall not be entitled to bring proceedings in respect of a cause of action arising

Orders for repayment in certain cases of sums paid after cessation of order by reason of remarriage.

1973 c. 18 s. 38

out of the circumstances mentioned in paragraphs (a) and (b) above against the person entitled to payments under the order or her or his personal representatives, but may instead make an application against that person or her or his personal representatives under this section.

(2) On an application under this section the court may order the respondent to pay to the applicant a sum equal to the amount of the payments made in respect of the period mentioned in subsection (1) (b) above or, if it appears to the court that it would be unjust to make that order, it may either order the respondent to pay to the applicant such lesser sum as it thinks fit or dismiss the application.

(3) An application under this section may be made in proceedings in the court for leave to enforce, or the enforcement of, payment of arrears under the order in question.

(4) An order under this section for the payment of any sum may provide for the payment of that sum by instalments of such amount as may be specified in the order.

(5) No officer of the court to whom payments under an order to which this section applies are required to be made shall be liable for any act done by him in pursuance of the order after the date on which that order ceased to have effect by reason of the remarriage of the person entitled to payments under it, if, but only if, the act was one which he would have been under a duty to do had the order not ceased to have effect as aforesaid and the act was done before notice in writing of the fact that the person so entitled had remarried was given to him by or on behalf of that person, the person liable to make payments under the order or the personal representatives of either of those persons.

Settlement, etc., made in compliance with a property adjustment order may be avoided on bankruptcy of settler.

1973 c. 18 s. 39

Payments, etc., under order made in favour of persons suffering from mental derangement.

1973 c. 18 s. 40

(Cap. 46)

42. The fact that a settlement or transfer of property had to be made in order to comply with a property adjustment order shall not prevent that settlement or transfer from being a settlement of property to which section 42 (1) of the Bankruptcy Act 1914 (avoidance of certain settlements) applies.

43. Where the court makes an order under this part of this Ordinance requiring payments (including a lump sum payment) to be made, or property to be transferred to a party to a marriage and the court is satisfied that the person in whose favour an order is made is incapable, by reason of mental derangement within the meaning of the Mental Treatment Ordinance, of managing and administering his or her property and affairs then, the court may order the payments to be made, or as the case may be, the property to be transferred, to such persons having charge of that person as the court may direct.

PART IV

PROTECTION, CUSTODY, ETC., OF CHILDREN

Restrictions on decrees for dissolution, annulment or separation affecting children.

1973 c. 18 s. 41

44. (1) The court shall not make absolute a decree of divorce or of nullity of marriage, or grant a decree of judicial separation, unless the court, by order, has declared that it is satisfied —

- (a) that for the purposes of this section there are no children of the family to whom this section applies; or
- (b) that the only children who are or may be children of the family to whom this section applies are the children named in the order and that —
 - (i) arrangements for the welfare of every child so named have been made and are satisfactory or are the best that can be devised in the circumstances; or
 - (ii) it is impracticable for the party or parties appearing before the court to make any such arrangements; or
- (c) that there are circumstances making it desirable that the

decree should be made absolute or should be granted, as the case may be, without delay notwithstanding that there are or may be children of the family to whom this section applies and that the court is unable to make a declaration in accordance with paragraph (b) above.

(2) The court shall not make an order declaring that it is satisfied as mentioned in subsection (1) (c) above unless it has obtained a satisfactory undertaking from either or both of the parties to bring the question of the arrangements for the children named in the order before the court within a specified time.

(3) If the court makes absolute a decree of divorce or of nullity of marriage, or grants a decree of judicial separation, without having made an order under subsection (1) above the decree shall be void but, if such an order was made, no person shall be entitled to challenge the validity of the decree on the ground that the conditions prescribed by subsections (1) and (2) above were not fulfilled.

(4) If the court refuses to make an order under subsection (1) above in any proceedings for divorce, nullity of marriage or judicial separation, it shall, on an application by either party to the proceedings, make an order declaring that it is not satisfied as mentioned in that subsection.

(5) This section applies to the following children of the family, that is to say —

- (a) any minor child of the family who at the date of the order under subsection (1) above is —
 - (i) under the age of fifteen, or
 - (ii) receiving instruction at an educational establishment or undergoing training for a trade, profession or vocation, whether or not he is also in gainful employment; and
 - (b) any other child of the family to whom the court by an order under that subsection directs that this section shall apply;
- and the court may give such a direction if it is of opinion that there are special circumstances which make it desirable in the interest of the child that this section should apply to him.

(6) In this section “welfare”, in relation to a child, includes the custody and education of the child and financial provision for him.

45. (1) The court may make such order as it thinks fit for the custody and education of any child of the family who is under the age of eighteen —

- (a) in any proceedings for divorce, nullity of marriage or judicial separation, before or on granting a decree or at any time thereafter (whether, in the case of a decree of divorce or nullity of marriage, before or after the decree is made absolute);
- (b) where any such proceedings are dismissed after the beginning of the trial, either forthwith or within a reasonable period after the dismissal;

and in any case in which the court has power by virtue of this subsection to make an order in respect of a child it may instead, if it thinks fit, direct that proper proceedings be taken for making the child a ward of court.

(2) Where the court makes an order under section 30 above, the court shall also have power to make such order as it thinks fit with respect to the custody of any child of the family who is for the time being under the age of eighteen; but the power conferred by this subsection and any order made in exercise of that power shall have effect only as respects any period when an order is in force under that section and the child is under that age.

Orders for custody and education of children in cases of divorce, etc., and for custody in cases of neglect.

1973 c. 18 s. 42

(3) Where the court grants or makes absolute a decree of divorce or grants a decree of judicial separation, it may include in the decree a declaration that either party to the marriage in question is unfit to have the custody of the children of the family.

(4) Where a decree of divorce or of judicial separation contains such a declaration as is mentioned in subsection (3) above, then, if the party to whom the declaration relates is a parent of any child of the family, that party shall not, on the death of the other parent, be entitled as of right to the custody or the guardianship of that child.

(5) Where an order in respect of a child is made under this section, the order shall not affect the rights over or with respect to the child of any person, other than a party to the marriage in question, unless the child is the child of one or both of the parties to that marriage and that person was a party to the proceedings on the application for an order under this section.

(6) The power of the court under subsection (1)(a) or (2) above to make an order with respect to a child shall be exercisable from time to time; and where the court makes an order under subsection (1)(b) above with respect to a child it may from time to time until that child attains the age of eighteen make a further order with respect to his custody and education.

(7) The court shall have power to vary or discharge an order made under this section or to suspend any provision thereof temporarily and to revive the operation of any provision so suspended.

Power to commit children
to care of other person.
1973 c. 18 s. 43

46. (1) Where the court has jurisdiction by virtue of this Part of this Ordinance to make an order for the custody of a child and it appears to the court that there are exceptional circumstances making it impracticable or undesirable for the child to be entrusted to either of the parties of the marriage, the court may if it thinks fit make an order committing the care of the child to any other person.

(2) While an order made by virtue of this section is in force with respect to a child, the child shall continue in the care of the other person notwithstanding any claim by a parent or other person.

(3) An order made by virtue of this section shall cease to have effect as respects any child when he becomes eighteen, and the court shall not make an order committing a child to the care of any other person under this section after he has become seventeen.

Power to provide for
supervision of children.
1973 c. 18 s. 44

47. (1) Where the court has jurisdiction by virtue of this Part of this Ordinance to make an order for the custody of a child and it appears to the court that there are exceptional circumstances making it desirable that the child should be under the supervision of an independent person, the court may, as respects any period during which the child is, in exercise of that jurisdiction, committed to the custody of any person, order that the child be under the supervision of an independent person.

(2) Where a child is under the supervision of an independent person in pursuance of this section the jurisdiction possessed by the court to vary any financial provision order in the child's favour or any order made with respect to his custody or education under this Part of this Ordinance shall, subject to any rules of court, be exercisable at the instance of the court.

(3) The court shall have power from time to time by an order under this section to vary or discharge any provision made in pursuance of this section.

PART V

RECOGNITION OF OVERSEAS DIVORCES AND LEGAL SEPARATIONS

Recognition in the Colony
of overseas divorces and
legal separations.
1971 c. 53 s. 2

48. Sections 49 to 51 shall have effect, subject to section 54 below, as respects the recognition in the Colony of the validity of

overseas divorces and legal separations, that is to say, divorces and legal separations which —

- (a) have been obtained by means of judicial or other proceedings in any country outside the Colony; and
- (b) are effective under the law of that country.

49. (1) The validity of an overseas divorce or legal separation shall be recognised if, at the date of the institution of the proceedings in the country in which it was obtained —

Grounds for recognition.
1971 c. 53 s. 3

- (a) either spouse was habitually resident in that country; or
- (b) either spouse was a national of that country.

(2) In relation to a country the law of which uses the concept of domicile as a ground of jurisdiction in matters of divorce or legal separation, subsection (1)(a) of this section shall have effect as if the reference to habitual residence included a reference to domicile within the meaning of that law.

(3) In relation to a country comprising territories in which different systems of law are in force in matters of divorce or legal separation, the foregoing provisions of this section (except those relating to nationality) shall have effect as if each territory were a separate country.

50. (1) Where there have been cross-proceedings, the validity of an overseas divorce or legal separation obtained either in the original proceedings or in the cross-proceedings shall be recognised if the requirements of paragraph (a) or (b) of section 49 (1) above, are satisfied in relation to the date of the institution either of the original proceedings or of the cross-proceedings.

Cross-proceedings and
divorce following legal
separation.
1971 c. 53 s. 4

(2) Where a legal separation the validity of which is entitled to recognition by virtue of the provisions of section 49 above or of subsection (1) of this section is converted, in the country in which it was obtained, into a divorce, the validity of the divorce shall be recognised whether or not it would itself be entitled to recognition by virtue of those provisions.

51. (1) For the purpose of deciding whether an overseas divorce or legal separation is entitled to recognition by virtue of this Part, any finding of fact made (whether expressly or by implication) in the proceedings by means of which the divorce or legal separation was obtained and on the basis of which jurisdiction was assumed in those proceedings shall —

Proof of facts relevant to
recognition.
1971 c. 53 s. 5

- (a) if both spouses took part in the proceedings, be conclusive evidence of the fact found; and
- (b) in any other case, be sufficient proof of that fact unless the contrary is shown.

(2) In this section “finding of fact” includes a finding that either spouse was habitually resident or domiciled in, or a national of, the country in which the divorce or legal separation was obtained; and for the purpose of subsection (1)(a) of this section, a spouse who has appeared in judicial proceedings shall be treated as having taken part in them.

52. (1) In this section “the common law rules” means the rules of law relating to the recognition of divorces or legal separations obtained in the country of the spouses’ domicile or obtained elsewhere and recognised as valid in that country.

Existing common law and
statutory rules.
1971 c. 53 s. 6

(2) In any circumstances in which the validity of a divorce or legal separation obtained in a country outside the Colony would be recognised by virtue only of the common law rules if either —

- (a) the spouses had at the material time both been domiciled in that country; or

(b) the divorce or separation were recognised as valid under the law of the spouses' domicile,
its validity shall also be recognised if subsection (3) below is satisfied in relation to it.

(3) This subsection is satisfied in relation to a divorce or legal separation obtained in a country outside the Colony if either —

- (a) one of the spouses was at the material time domiciled in that country and the divorce or separation was recognised as valid under the law of the domicile of the other spouse; or
- (b) neither of the spouses having been domiciled in that country at the material time, the divorce or separation was recognised as valid under the law of the domicile of each of the spouses respectively.

(4) For any purpose of subsection (2) or (3) above "the material time", in relation to a divorce or legal separation, means the time of the institution of proceedings in the country in which it was obtained.

(5) Sections 48 to 51 above are without prejudice to the recognition of the validity of divorces and legal separations obtained outside the Colony by virtue of the common law rules (as extended by this section), or of any enactment other than this Ordinance; but, subject to this section, no divorce or legal separation so obtained shall be recognised as valid in the Colony except as provided by those sections.

Non-recognition of divorce
by third country no bar to
remarriage.

1971 c. 53 s. 7

53. Where the validity of a divorce obtained in any country is entitled to recognition by virtue of sections 48 to 51 or section 52 (2) above, or by virtue of any rule or enactment preserved by section 52 (5) above, neither spouse shall be precluded from re-marrying in the Colony on the ground that the validity of the divorce would not be recognised in any other country.

Exceptions from
recognition.

1971 c. 53 s. 8

54. (1) The validity of a divorce or legal separation obtained outside the Colony shall not be recognised in the Colony if it was granted or obtained at a time when, according to the law of the Colony (including its rule of private international law and the provisions of this Part), there was no subsisting marriage between the parties.

(2) Subject to subsection (1) of this section, recognition by virtue of sections 48 to 51 or section 52 (2) above, or of any rule preserved by section 52 (5) thereof of the validity of a divorce or legal separation obtained outside the Colony may be refused if, and only if —

- (a) it was obtained by one spouse —
 - (i) without such steps having been taken for giving notice of the proceedings to the other spouse as, having regard to the nature of the proceedings and all the circumstances, should reasonably have been taken; or
 - (ii) without the other spouse having been given (for any reason other than lack of notice) such opportunity to take part in the proceedings as, having regard to the matters aforesaid, he should reasonably have been given; or
- (b) its recognition would manifestly be contrary to public policy.

(3) Nothing in this Part shall be construed as requiring the recognition of any findings of fault made in any proceedings for divorce or separation or of any maintenance, custody or other ancillary order made in any such proceedings.

55. (1) In this Part, "country" includes a colony or other dependent territory of the United Kingdom but for the purposes of this Part a person shall be treated as a national of such a colony or dependent territory only if it has a law of citizenship or nationality separate from that of the United Kingdom and he is a citizen or national of that colony or dependent territory under that law.

Interpretation and transitional provisions.
1971 c. 53 s. 10 (3) & (4)

(2) The provisions of this Part relating to overseas divorces and legal separations and other divorces and legal separations obtained outside the Colony apply to a divorce or legal separation obtained before the commencement of this Ordinance as well as to one obtained on or after that date and, in the case of a divorce or legal separation obtained before that date —

- (a) require, or, as the case may be, preclude, the recognition of its validity in relation to any time before that date as well as in relation to any subsequent time; but
- (b) do not affect any property rights to which any person became entitled before that date or apply where the question of the validity of the divorce or legal separation has been decided by the court before that date.

PART VI

MISCELLANEOUS AND SUPPLEMENTAL

56. (1) Any person who is a British subject, or whose right to be deemed a British subject depends wholly or in part on his legitimacy or on the validity of any marriage, may, if he is domiciled in the Colony or claims any real or personal estate situate in the Colony, apply by petition to the court for a decree declaring that he is the legitimate child of his parents, or that the marriage of his father and mother or of his grandfather and grandmother was a valid marriage or that his own marriage was a valid marriage.

Declaration of legitimacy, etc.

1973 c. 18 s. 45

(2) Any person claiming that he or his parent or any remoter ancestor became or has become a legitimated person may apply by petition to the court in the manner prescribed by rules of court, for a decree declaring that he or his parent or remoter ancestor, as the case may be, became or has become a legitimated person.

In this subsection "legitimated person" means a person legitimated by the Legitimacy Act 1926, and includes a person recognised under section 8 of that Act as legitimated.

(3) Any person who is domiciled in the Colony or claims any real or personal estate situate in the Colony may apply to the court for a decree declaring his right to be deemed a British subject.

(4) Applications to the court under the preceding provisions of this section may be included in the same petition, and on any application under the preceding provisions of this section the court shall make such decree as it thinks just, and the decree shall be binding on Her Majesty and all other persons whatsoever, so however that the decree shall not prejudice any person —

- (a) if it is subsequently proved to have been obtained by fraud or collusion; or
- (b) unless that person has been given notice of the application in the manner prescribed by rules of court or made a party to the proceedings or claims through a person so given notice or made a party.

(5) A copy of every application under this section and of any affidavit accompanying it shall be delivered to the Chief Secretary at least one month before the application is made, and the Chief Secretary shall be a respondent on the hearing of the application and on any subsequent proceedings relating thereto.

(6) Where any application is made under this section, such persons as the court hearing the application thinks fit, shall, subject to rules of court, be given notice of the application in the manner

prescribed by rules of court, and any such persons may be permitted to become parties to the proceedings and to oppose the application.

(7) No proceedings under this section shall affect any final judgment or decree already pronounced or made by the court.

(8) The court may direct that the whole or any part of the proceedings shall be heard in camera, and an application for a direction under this subsection shall be heard in camera unless the court otherwise directs.

Evidence.

1973 c. 18 s. 48

57. (1) The evidence of a husband or wife shall be admissible in any proceedings to prove that marital intercourse did or did not take place between them during any period.

(2) In any proceedings for nullity of marriage, evidence on the question of sexual capacity shall be heard in camera unless in any case the judge is satisfied that in the interests of justice any such evidence ought to be heard in open court.

Parties to proceedings under this Ordinance.

1973 c. 18 s. 49

58. (1) Where in a petition for divorce or judicial separation, or in any other pleading praying for either form of relief, one party to a marriage alleges that the other has committed adultery, he or she shall make the person alleged to have committed adultery with the other party to the marriage a party to the proceedings unless excused by the court on special grounds from doing so.

(2) Rules of court may, either generally or in such cases as may be prescribed by the rules, exclude the application of subsection (1) above where the person alleged to have committed adultery with the other party to the marriage is not named in the petition or other pleading.

(3) Where in pursuance of subsection (1) above a person is made a party to proceedings for divorce or judicial separation, the court may, if after the close of the evidence on the part of the person making the allegation of adultery it is of opinion that there is not sufficient evidence against the person so made a party, dismiss him or her from the suit.

(4) Rules of court may make provision, in cases not falling within subsection (1) above, with respect to the joinder as parties to proceedings under this Ordinance of persons involved in allegations of adultery or other improper conduct made in those proceedings, and with respect to the dismissal from such proceedings of any parties so joined; and rules of court made by virtue of this subsection may make different provision for different cases.

(5) In every case in which adultery with any party to a suit is alleged against any person not made a party to the suit or in which the court considers, in the interest of any person not already a party to the suit, that that person should be made a party to the suit, the court may if it thinks fit allow that person to intervene upon such terms, if any, as the court thinks just.

Matrimonial causes rules.

59. The Governor in Council may make rules for the better carrying out of the purposes and provisions of this Ordinance and in particular, but without prejudice, may make rules —

- (a) as to all matters of procedure under this Ordinance;
- (b) prescribing the forms to be used under this Ordinance;
- (c) with regard to any matter as to which rules may be made under this Ordinance;
- (d) prescribing the fees and costs to be paid, charged or allowed under this Ordinance.

60. The Matrimonial Causes Ordinance is repealed.

Repeal.

Cap. 44.

61. Without prejudice to the provisions of section 38 of the Interpretation Act 1889 (which relates to the effect of repeals) nothing in the repeal made by this Ordinance shall affect any application made, proceeding begun, or made or deemed to have been made, or direction given or deemed to have been given, under any provisions of the Matrimonial Causes Ordinance repealed by this Ordinance, and subject to the provisions of this Ordinance —

Transitional provisions
and savings.

Cap. 44.

- (a) every such application or proceeding which is pending at the commencement of this Ordinance shall have effect as if made or begun under the corresponding provision of this Ordinance; and
- (b) every such order or direction shall, if in force at the commencement of this Ordinance, continue in force.

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.

W. A. ETHERIDGE,
Clerk of Councils.

Ref. LEG/10/25.

BRITISH NATIONALITY ORDINANCE

(Cap. 6)

British Nationality (Fees) Order 1979

No. 4 of 1979.

J. R. W. PARKER,
Governor.

IN EXERCISE of the powers conferred by section 4 of the British Nationality Ordinance, the Governor in Council has made the following order —

Citation. 1. This order may be cited as the British Nationality (Fees) Order 1979 and shall come into operation on the 1st day of July 1979.

Amendment of Schedule. 2. The British Nationality Ordinance is amended by deleting the Schedule and substituting the following —

“ SCHEDULE

(Section 3)

Table of Fees

Matter in which fee may be taken		Amount of Fee	To whom fee is to be paid
		£	
1.	Registration under s.5A (1) of the British Nationality Act 1948	37.50	Financial Secretary
*2.	Registration as a citizen under s.5A (2) of the British Nationality Act 1948	90.00	The same
3.	Registration as a citizen under s.6 (1) of the British Nationality Act 1948	37.50	The same
4.	Registration of a woman as a citizen under s.6 (2) of the British Nationality Act 1948	37.50	The same
5.	Grant of a certificate of naturalization under s.10 of the British Nationality Act 1948—		
	(a) To a British protected person	90.00	The same
	(b) To an alien	90.00	The same
6.	Registration as a citizen under s.12 (6) of the British Nationality Act 1948	37.50	The same
7.	Registration of a declaration of intention to resume British Nationality under s.16 (2) of the British Nationality Act 1948	37.50	The same
8.	Grant of a certificate of citizenship in case of doubt under s.25 of the British Nationality Act 1948	90.00	The same
9.	Registration of declaration of intent to resume citizenship under s.4 (2) of the Cyprus Act 1960	37.50	The same
10.	Registration as a citizen under s.1 of the British Nationality Act 1964	37.50	The same
11.	Registration of a stateless person of full age as a citizen under s.1 of the British Nationality (No. 2) Act 1964	37.50	The same
12.	Registration of a woman as a British subject under s.1 of the British Nationality Act 1965	37.50	The same
13.	Supplying a certified true copy of any notice, certificate, order, declaration or entry given, granted or made under the British Nationality Act 1948	5.00	The same
14.	Witnessing the signing of an application or declaration mentioned in paragraph 4 of Schedule 1 to the British Nationality Regulations 1978	1.00	If the application or declaration is witnessed or the oath administered by a commissioner for oaths or notary public, to the commissioner or notary public
15.	Administering the oath of allegiance	1.00	

* Where a husband and wife apply at the same time for registration as citizens of the United Kingdom and Colonies under section 5A (2) of the 1948 Act or for the grant of certificates of naturalization and are residing together at the time of the applications and the fee payable in respect of the husband's registration or certificate is paid, the fee payable in respect of the wife's registration or certificate shall be £37.50."

3. Any fee payable in respect of an application for the grant of a certificate of naturalization made prior to the coming into operation of this order shall be payable at the rate specified in the Schedule to the principal Ordinance as if this order had not been made. Saving.

Made by the Governor in Council the 6th day of June 1979.

W. A. ETHERIDGE,
Clerk of Councils.

Ref. LEG/10/19.

REGISTER OF ELECTORS 1979

Legislative Council (Elections) Ordinance (Cap. 37)

In accordance with section 8 (1) (b) of the Legislative Council (Elections) Ordinance a list of electors for each of the four electoral areas has been prepared and is published with this notice.

2. Any person who claims to be qualified to be registered as an elector, but whose name has been omitted from the electors list for his electoral area, may, within 10 days after the publication hereof apply to the Registration Officer of his area in the Form A in the First Schedule of this Ordinance to have his name inserted, and any person appearing from the electors lists to be himself entitled to be registered may within the same period apply by way of objection to the Registration Officer of the area concerned in the Form J in the Fourth Schedule to remove any name or names from the electors list for such area.

3. The electors lists may be inspected in Stanley at the Secretariat, the Post Office and the Public Library during normal hours of business, and in the Camp at Fox Bay East and the Store, Goose Green. Copies have also been sent to all farm managers.

The Secretariat,

Stanley.

13th August 1979.

Ref. LEC/20/4.

EAST STANLEY ELECTORAL AREA

REGISTER OF ELECTORS

1	Alazia, Joseph William *	59	Clarke, Valerie Anne
2	Allan, Clive	60	Cletheroe, Albert Richard *
3	" Hector *	61	" Daphne Harriet *
4	" Irene Marina	62	" Emily Ellen *
5	Anderson, Edward Bernard *	63	" Stanley William *
6	" Elizabeth Nellie	64	Clifton, Charles *
7	" Gertrude Maud *	65	" Darwin Lewis
8	" Gloria	66	" Jessie Emily Jane
9	" Hector Christian *	67	" Sandra Beatrice *
10	" Helen	68	" Stephen Peter *
11	" Mildred Nessie *	69	Cofre, Dierdre Emma
12	" Nigel	70	Coleman, Frederick Albert *
13	" Richard Louis	71	Coutts, Charles Lindsay
14	Ashley, Nora Phyllis *	72	" John *
15	Ashworth, Glennis	73	" Olga
16	" Malcolm	74	" Peter *
17	Barnes, Brian Ormonde	75	Davis, Maurice *
18	" Ernest *	76	Etheridge, Alice Mary *
19	" Molly Stella	77	Felton, Derek Roy *
20	" Sigrid Geraldine Wells	78	" Elizabeth Agnes *
21	Berntsen, Kathleen Gladys *	79	" Isabella Violet *
22	" Lavina Maud *	80	" Judith Orissa
23	" Mary Clarissa Elizabeth *	81	" Walter Arthur
24	" Marjorie Florence	82	Flenret, Kathleen Mary *
25	" Trevor John	83	" Theodore Clovis *
26	" William Blyth *	84	Fogerty, Brenda Diane Joanna *
27	Betts, Alexander Jacob	85	Ford, David *
28	" Donald	86	" Cherry Rose *
29	" George Winston	87	" Dorothy Minnie *
30	" Geraldine Fay	88	" James Edward
31	Biggs, Alastair Gordon	89	" Michael
32	" Edith Joan	90	Goodwin, Colin Valentine
33	" Frederick James	91	" June Elizabeth
34	" Hilda Evangeline *	92	" Kathleen Edith Marguerite *
35	" Irene Mary *	93	" Laurence Henry
36	" Madge Bridget Frances *	94	" Mary Ann *
37	Binnie, Jean Sarah	95	" Michael Sturdee
38	" May *	96	" Rupert Valentine *
39	" Terence William	97	Goss, Elizabeth Rose *
40	Blizard, Lawrence Gordon	98	" Grace Elizabeth *
41	Bonner, Violet *	99	" Margaret Rose
42	Booth, Joseph Bories *	100	" Peter
43	" Mary	101	" Simon Peter Miller
44	" Myriam Margaret	102	" William Henry *
45	Bound, Graham Leslie	103	Halliday, Ann Miller Blyth
46	Browning, Margaret Lilian *	104	" Fanny Stanbury *
47	" Rex	105	" John Henry *
48	Burns, Mary Anne *	106	" Susan Elizabeth *
49	Buse, Ralph Martin Herman *	107	Hansen, Douglas John
50	Butler, Lawrence Jonathan	108	Hardy, Douglas Morgan
51	" Orlanda Betty	109	Harris, Heather
52	Cantlie, Derek William	110	" Jill Yolanda Miller
53	" Sheila Muriel *	111	" Leslie Sidney
54	" William Joseph	112	Hewitt, Gary George *
55	Cheek, Dorothy Mary Gladys *	113	" Olga
56	" Frederick John *	114	" Rachel Catherine Orissa
57	Clarke, Doreen	115	" Robert John David
58	" Ronald John	116	Hills, Mary Elizabeth *

* NOT LIABLE TO SERVE AS A JUROR

117	Hirtle, Leonard Lloyd	183	McKay, Rosie Louisa Grace *
118	" Robert Clarence *	184	" Stephen John
119	" Shirley	185	McLeod, David *
120	Jacobsen, James Sarin	186	" Margaret Anne
121	Jaffray, Angus	187	" William
122	" Estell Anita	188	McMillan, William *
123	" Rebecca Dickson *	189	McPhee, Emily Mary Ellen
124	" Robin	190	" Grace Darling *
125	" Stephen James *	191	" Patrick
126	" William *	192	Neilson, Barry Marwood
127	Johnson, Howard William *	193	" Margaret
128	Kenny, Erling	194	Newman, Adrian Henry Frederick
129	" Thelma Valdina *	195	" Joyce Noreen
130	King, Gladys Evelyn	196	" Rebecca Dickson
131	" Peter Thomas	197	" Wilfred Lawrence *
132	" Robert John *	198	Pauloni, Romolo Victorio
133	" Vernon Thomas	199	Peake, Arthur
134	Kryszczak, Stanislaw *	200	Peart, Robert Ernest *
135	Lang, James Patrick *	201	" Rose Louisa
136	" May Malvina	202	Peck, Beatrice Ena *
137	" William Frank	203	" Desmond Douglas Bernard *
138	Larsen, Ellen	204	" Edith *
139	" Margaret Anne	205	" Mary *
140	Lellman, Francis Theodore *	206	" Percy Philip *
141	Livermore, Darren *	207	Perry, Annie Elizabeth *
142	" Shelley *	208	" Beatrice Annie Jane *
143	Lyse, Ethel Malvina	209	" Christopher *
144	" Linda Margaret	210	" Euphemia *
145	" Reginald Sturdee	211	" Stella Margeory *
146	Macaskill, Jeannette May	212	Phillips, Carol Joan
147	" John	213	" David Dawson
148	May, Heather	214	" Jessie Catherine *
149	" James John	215	" Terence
150	" William Albert	216	Pole-Evans, Amy Rose
151	Middleton, Brian *	217	" Michael Anthony
152	" Cyril	218	Poole, Evelyn May
153	" Ellen *	219	" Raymond John *
154	" James (3) *	220	" William John
155	" Joan Eliza	221	Porter, Mary *
156	" Leonard	222	" William Kenneth
157	" Margaret Wilhelmina	223	Reive, Leonard Lawrence *
158	" Shirley	224	" Terence
159	Milne, Henry Millar	225	Roberts, Laura May
160	" Madeline Marie Irma	226	" William Henry
161	Minto, Gladys Elizabeth	227	Robertson, Charles Honeyman *
162	" Leonard	228	Robson, Gladys Mary
163	Morey, Doreen Helen	229	" Louis Michael
164	Morrison, Basil	230	" Patricia Laura *
165	" Catherine Rose	231	" Violet Malvina Emily *
166	" Clair Linda	232	Rowlands, Catherine Anne
167	" Donald Ewan *	233	" Daisy Malvina
168	" Fayan	234	" Harold Theodore *
169	" Mary Ellen *	235	" John Richard
170	" Patrick	236	Rozee, Robert Keith *
171	" Trevor	237	Seeley, Peter George
172	" William Roderick Halliday	238	" Shirley Eva
173	Murphy, Bessie	239	Silvey, Reginald Norman Kenneth
174	" Michael James *	240	Short, Agnes Jane
175	McGill, Doris Mary	241	" Arthur Richard
176	" Len Stanford *	242	" Emily Christina
177	McIver, Yvonne Helen	243	" Florence Mary *
178	McKay, Daisy	244	" Frederick George *
179	" David	245	" John George Archibald *
180	" Josephine Ann *	246	" Lita Margaret *
181	" Kenneth Andrew *	247	" Montana Tyrone
182	" Laura Jessie	248	" Peter Robert

249	Short, Thomas Henry	266	Summers, Sylvia Jean
250	Smith, Eric	267	" Tony
251	" Hannah Caroline *	268	Thom, David Anderson
252	" Mary Ellen	269	" Dorothy Irene
253	" Paulette Rose	270	" Norina Ann
254	Spall, Christopher Richard	271	Thompson, William John
255	Spencer, Elizabeth Agnes *	272	Vidal, Eileen Nora
256	" William Ernest *	273	Wallace, Fraser Barrett *
257	Stacey, Lilian Clara *	274	" James Hubert
258	Steen, Emma Jane	275	" Maria Lilian
259	Stewart, David William *	276	" Stuart Barrett *
260	" Keith Gordon	277	Whitley, Richard Stephen
261	" Robert	278	Whitney, Catherine Margaret Rebecca
262	" Yvonne Malvina	279	" Frederick Eddy *
263	Summers, Derek Raymond *	280	" Frederick William
264	" Nigel Clive	281	" Susan Joan
265	" Pamela Rosemary Cheek		

* NOT LIABLE TO SERVE AS A JUROR

WEST STANLEY ELECTORAL AREA

REGISTER OF ELECTORS

1001	Abbott, Jack *	1061	Burns, Iola Winnifred Mary *
1002	Alazia, Albert Faulkner *	1062	Buse, Franz John
1003	„ Eva Rose	1063	Butcher, Michael George
1004	„ Freda	1064	„ Trudi
1005	„ James Andrew	1065	Butler, Elsie Maud
1006	„ Maggie Ann *	1066	„ Frederick Lowther Edward Olai *
1007	„ William Charles *		
1008	„ Yvonne	1067	„ George Joseph
1009	Aldridge, Stephen Charles *	1068	„ Joan May
1010	Anderson, John *	1069	Carey, Anthony Michael
1011	„ Kathleen Iris	1070	„ Gladys
1012	„ Ludvick Riley *	1071	„ Mary Ann Margaret
1013	„ Thomas *	1072	„ Terence James
1014	Barnes, Frederick William *	1073	Cartmell, Frederick James
1015	„ Mabel Ann *	1074	„ Sarah Matilda *
1016	Bennett, Harold *	1075	Cheek, Gerald Winston
1017	„ Lena Grace Gertrude *	1076	„ Janet Linda
1018	„ Neville Kenneth	1077	„ John Edward
1019	„ Stanley *	1078	„ Marie
1020	„ Valerie Elizabeth	1079	Clarke, Camilla Marie
1021	Berntsen, Cecilia De Rosa	1080	„ Derek Simon *
1022	„ Delhi Ambrose	1081	„ Jane Lucacia *
1023	„ Florence	1082	„ Martin James
1024	„ Valdamar Lars	1083	„ Marvin Thomas *
1025	Betts, Melody Christine	1084	„ Rudy Thomas
1026	„ Terence Severine	1085	Clement, Wickham Howard *
1027	Biggs, Basil William *	1086	Cletheroe, Leslie John *
1028	„ Bernard Layton *	1087	„ Lily Catherine
1029	„ Betty Josephine	1088	„ William Harold
1030	„ Frances	1089	Clifton, Leonard
1031	„ Kathleen Frances *	1090	„ Thora Janeene
1032	„ Leslie Frederick	1091	Colville, David James Clement Robertson
1033	„ Peter Julian Basil *		
1034	Binnie, Malcolm George Stanley	1092	Countts, Malvina Mary
1035	„ Susana	1093	Cusworth, Alana Marie
1036	Blackley, Charles David	1094	„ Alan David
1037	„ Hilda	1095	Davis, Lena Victoria *
1038	„ Janet Agnes Mary *	1096	„ Violet
1039	Blyth, Agnes Ruth	1097	„ William James
1040	„ Alfred John *	1098	Daykin, Kathleen Ruth Elmer *
1041	Bonner, Donald William	1099	Dobbys, Jeannie Lilian Mary
1042	„ Marilyn *	1100	„ Kathleen Gay *
1043	„ Paul Roderick	1101	„ Teresa Ellen *
1044	„ Vera *	1102	„ Timothy John
1045	„ Vera Joan	1103	Duncan, Alice Florence *
1046	Booth, Jessie *	1104	„ Doreen
1047	„ Stuart Alfred	1105	„ Joan Ellen
1048	Borland, Daniel	1106	„ William *
1049	Bound, Henry John Lennard *	1107	Etheridge, Georgina Bond *
1050	„ Horace Leslie *	1108	„ William Arthur *
1051	„ Joan	1109	Ferguson, Ethel Mary *
1052	Bowles, Norma Evangeline	1110	Finlayson, Robert Hugh *
1053	„ William Edward *	1111	Ford, Arthur Henry
1054	Braxton, Thomas Nathaniel John *	1112	„ Colleen Mary
1055	Browning, Althea Maria *	1113	„ Elizabeth Harriet
1056	„ James Samuel *	1114	„ Frederick James
1057	„ Trevor Osneth	1115	„ Violet Irene
1058	Bundes, Muriel Gladys *	1116	„ William John *
1059	„ Robert John Christian *	1117	Fullerton, Mary Ellen *
1060	Burns, Frederick John *	1118	Gilding, Jacqueline

* NOT LIABLE TO SERVE AS A JUROR

1119	Gilding, Peter Bernard	1183	Lee, Malvina
1120	Gooch, Dudley Frederick *	1184	" Patrick James
1121	Goodwin, Dorothy Idina	1185	" Trudi Dale
1122	" John Kenneth *	1186	Luxton, Constance *
1123	" June Rose Elizabeth	1187	" Ernest Falkland *
1124	" Mary Agnes Alice	1188	" Henry Thomas
	Crawford *	1189	" Michael
1125	" William Andrew Nutt	1190	" Nicola
1126	Halford, Sharon	1191	" Sybil Grace *
1127	Halliday, Evelyn Edna	1192	" Winifred Ellen
1128	" Gerald	1193	Lyse, George Walter *
1129	" Joyce Isabella Patience	1194	" Sydney Russell *
1130	" Kenneth William	1195	Malcolm, George
1131	" Leslie John *	1196	" Velma
1132	" Mabel *	1197	Martin, George Alexander *
1133	" Margaret Mary	1198	Middleton, James (2) *
1134	" Raynor	1199	Miller, Betty Lois *
1135	" William John *	1200	" Sidney *
1136	Harvey, James Claude *	1201	Miranda, Winifred Dorothy
1137	Hazell, Trudi Eileen	1202	Morrison, Douglas Roy *
1138	Heathman, Ailsa *	1203	" Elizabeth Margaret May *
1139	" Ewart Tony	1204	" Gerald
1140	Hills, Heather Margaret	1205	" Mary Ann *
1141	" Richard William *	1206	" Jean Buik
1142	" William Phorsen *	1207	" Roderick *
1143	Hirtle, Mary Ann *	1208	McAskill, Susan Blanche *
1144	" Robert Andrew Eric	1209	McCallum, Bettina Kay
1145	" Wallace Carlinden *	1210	" Christopher John
1146	Holman, Anilda Marilu	1211	" Ellen *
1147	" John Malcolm	1212	" Jack
1148	Howatt, Derek Frank	1213	" Timothy Andrew *
1149	" Enid	1214	McGill, Glenda
1150	Humphreys, Winnifred	1215	" Ian Peter
1151	Jennings, Dora Irene *	1216	McKay, Davina *
1152	" Hamish Warren	1217	" James John *
1153	" Margaret Ellen	1218	" Jane Elizabeth
1154	" Mary Ann Helen	1219	" Shelley Jane *
1155	" Neil	1220	McLaren, Anthony James
1156	Johnson, Beatrice Ellen *	1221	McLeod, Archibald *
1157	" Gladys Mabel	1222	" Ellen May *
1158	" Stanley Howard *	1223	" Murdoch Angus *
1159	" Stanley Peter	1224	McMillan, Donald Hugh *
1160	Johnston, Gordon Macdonald	1225	" Frances Evelyn
1161	Jones, Albert Charles	1226	McPhee, Marjorie May
1162	Keenleyside, Charles Desmond	1227	" Owen Horace *
1163	" Dorothy Maud *	1228	" Terence Owen
1164	" Manfred Michael Ian	1229	" Sheila Margaret
1165	" Nicholas Timothy	1230	Neilson, Mabel *
	Thomas *	1231	Peck, Elsie Grace *
1166	Kerr, Campbell Daniel	1232	" James Watson Cranmer *
1167	" James	1233	" Paul
1168	" Margaret Joyce	1234	" Shirley
1169	" Vera	1235	" Terence John *
1170	King, Desmond George Buckley	1236	Pedersen, Marie *
1171	" Nanette	1237	Perkins, Vivienne Esther Mary
1172	Kiddle, Malvina Thelma	1238	Perry, Hilda Blanche
1173	" Peter *	1239	" Robert Juan Carlos
1174	" Robert *	1240	" Thomas George
1175	" Robert Karl	1241	Pettersson, Eileen Heather
1176	Kirk, Tony William	1242	" Tony
1177	Lang, Sandra Shirleen *	1243	Plummer, Cecil Hicks Joseph *
1178	Lee, Alfred Francis *	1244	Poole, Charles Lawrence *
1179	" Alfred Leslie	1245	" Isabella Jane *
1180	" Elsie Adelaide *	1246	Reid, Pamela Margaret
1181	" Gladys	1247	Reive, Ernest
1182	" Leslie James	1248	" Roma Endora Mary *

1249	Robson, Gerard Michael	1286	Stewart, Phyllis Marjorie
1250	" Miranda Gay	1287	Summers, Brian
1251	" Raymond Nigel	1288	" Christina Maud
1252	Rowlands, Lucy *	1289	" Dennis David
1253	Rozee, Betty	1290	" Dorothy Constance
1254	" Derek Robert Thomas	1291	" Edith Catherine
1255	" Robert Keith *	1292	" Iris Blanche
1256	" Ronald David *	1293	" Keith Medlicott
1257	Ryan, Bridget Rose	1294	" Kenneth Claud
1258	" David Anthony	1295	" Lavina *
1259	Shaw, Maureen	1296	" Owen William
1260	" Trevor	1297	" Philip George
1261	Shedden, James Alexander	1298	" Rowena Elsie
1262	Short, Charles William	1299	" Stanley Frederick *
1263	" Philip Stanley	1300	" Veronica
1264	" Rose	1301	" Victor Leonard *
1265	" Rose Stella	1302	Thain, David *
1266	Sinclair, Celia Joyce	1303	Turner, Alva Ynonne
1267	Small, Lee Oliver *	1304	" Melvyn George
1268	Smith, Derek	1305	Wallace, Michael Ian
1269	" Ileen Rose	1306	" Una *
1270	" James Stanley	1307	Watson, Catherine Wilhelmina Jessie
1271	" John	1308	" Glenda Joyce
1272	" Michael Edmund	1309	" Hannah Maude
1273	" Violet Catherine *	1310	" Louis James
1274	Sollis, Denis John *	1311	" Neil
1275	" Sarah Emma Maude	1312	" Robert
1276	Sornsen, George Albert *	1313	Watts, Ada Mabel *
1277	" Isabella *	1314	" Patrick James
1278	Spraggon, Daniel Martin *	1315	" Veronica
1279	Spruce, Helena Joan	1316	White, Kathleen Elizabeth
1280	" Terence George	1317	" John Wright *
1281	Stephenson, James	1318	Whitney, Ellen Brenda
1282	" Joan Margaret	1319	" Patrick George
1283	" Nancy *	1320	Williams, Charlotte Agnes *
1284	Stewart, Hulda Fraser	1321	" Eugene
1285	" John	1322	" Marlene Rose Elizabeth

* NOT LIABLE TO SERVE AS A JUROR

EAST FALKLAND ELECTORAL AREA

REGISTER OF ELECTORS

1	Alazia, Charles	64	Ferguson, Finlay James
2	" Freda Evelyn	65	Findlay, Carrie Madeline Helen
3	" Hazel	66	" Gerald
4	" Henry John	67	Finlayson, Barry Donald
5	" Thora Lilian †	68	" Charles John
6	Anderson, Jenny	69	" Hugh
7	" Tony James	70	" Iris Dwenda Margaret
8	Baillie, Keith	71	" Iris Heather
9	" Virginia Elizabeth Sarah	72	" Neil Roderick †
10	Barton, Coral Inez	73	" Peter
11	" John David †	74	" Phyllis
12	Beattie, Betty	75	Ford, Charles David
13	" Thomas George	76	" Fanny Davidson
14	Berntsen, Elizabeth Margaret †	77	" Hazel
15	" Ellen Rose	78	" John
16	" Frederick George	79	" Robert
17	" Jeanette	80	Gaiger, Ellen Rose
18	" John Alexander	81	" Kenneth William
19	" Mary Anne Margaret	82	" Phyllis Ann
20	" Olaf Christian Alexander	83	Giles, Gilbert
21	" Raymond	84	Gleadell, Anne †
22	" William Alexander	85	Goodwin, Douglas Sturdee
23	Biggs, James Keith	86	" Isobella Helena †
24	Billett, Leslie William	87	" Marina
25	Binnie, Linda Rose	88	" Raymond Hayward
26	" Ronald Eric	89	" Robin
27	Blake, Anthony Thomas	90	" Robin Christopher
28	" Lyndsay Rae	91	" Sarah Margaret Rose
29	Bonner, Roderick Richard	92	" Una
30	Brooks, Frank	93	Goss, Eric Miller
31	Browning, Frances Agnes	94	" Roderick Jacob
32	" Kelvin	95	" Shirley Ann
33	Carey, Michael Raymond	96	Grant, Leonard John
34	" Trudi Ann	97	" Mildred
35	Cartmell, Andrew Nutt	98	Gray, David Edward
36	Clark, Derek	99	" Patricia May
37	" Mary Ellen	100	Hadden, Alexander Burnett
38	Clarke, Ian	101	" Sheila Peggy
39	" Jeanette	102	Hardcastle, Brook †
40	" Michael Jan	103	" Eileen Beryl
41	Clasen, Charvis Edward	104	Harvey, Beatrice Louisa Catherine
42	" Frederick James	105	Hirtle, Sandra May Winifred
43	" Mally	106	Hutton, Elizabeth Isabella
44	Clausen, Henry Edward	107	" Philip
45	Cletheroe, Kenneth Stanley	108	Jaffray, Alexander
46	Clifton, Doreen	109	" Brian
47	" Terence Charles	110	" Donald
48	Coutts, Alexander †	111	" Eileen
49	Davis, Aase	112	" Elliott Jessie
50	" Albert Henry	113	" Helen Rose
51	" Elsie Gladys Margaret †	114	" Ian
52	" Reginald John	115	" John †
53	" William John †	116	" John Willie
54	" Yona	117	" Lynette Christine
55	Dearling, Leo Alexander	118	" Phyllis
56	Dickson, Caroline Christine Bird †	119	" Tony
57	" Doreen	120	Jones, Glynn Charles
58	" Gerald William	121	" Michael David
59	" Iris	122	Keane, Alva Rose Marie
60	" Ronald Edward	123	" Thomas James
61	Edwards, David	124	Knight, Nigel Arthur
62	Fairlie, Ivan William	125	" Shirley Louvain Patricia
63	Faria, Mary Ann	126	Lang, Patrick Andrew

† NOT LIABLE TO SERVE AS A JUROR.

127	Lang, Velma Emily	187	McRae, Malvina Mary
128	Larsen, Ronald Ivan	188	" Robert George Hector
129	" Yvonne	189	Newman, Dorothy Elizabeth †
130	MacFarlane, James Napier	190	" Marlene
131	Marsh, Robin Frank	191	" Raymond Winston
132	May, Brian Roy	192	O'Shea, Desmond
133	" Bruce Raymond	193	Parrin, Norman George †
134	" Corenne Norma	194	Peck, Burned Brian
135	" Monica	195	" Evelyn Elizabeth
136	Middleton, Dennis Michael	196	Perry, Augustav Walter
137	" Marion Sarah Ellen	197	" Thora Virginia
138	" Sharon Elizabeth	198	Phillips, Albert James
139	Miller, Alan Charles	199	" Charles William
140	" Betty	200	" Lynda
141	" Carol	201	Pitaluga, Jene Ellen
142	" James Albert	202	" Robin Andreas Mackintosh
143	" Timothy John Durose †	203	Reid, Colleen Rose
144	Minnell, Benjamin James	204	" Reynold Gus
145	" Hazel Eileen	205	Rozee, Derek William †
146	Minto, Alistair Daem	206	Sanders, Robert Bernard
147	Monk, Adrian Bertrand †	207	Shepherd, David Samuel Dick
148	" Nora May	208	" Elizabeth
149	Morrison, Doreen Emily	209	Sinclair, Simon Keith
150	" Dwenda Rose †	210	Smith, David
151	" Elenor Olive	211	" Edith Mary †
152	" Hyacinth Emily	212	" Edith Winifred †
153	" John Murdo	213	" Frederick George Peter
154	" Lewis Ronald	214	" George Patterson
155	" Michael John	215	" Henry William
156	" Nanette	216	" Jenny Lorraine
157	" Ronald Terence	217	" Joan Lucy Ann
158	" Stewart	218	" Norah
159	" Susan Margaret	219	" Osmond Raymond
160	" Trudi Lynette	220	" Robert William
161	" Violet Sarah	221	" Sidney Frederick
162	" William Dickson †	222	Sornsen, Agnes Caroline †
163	McBain, Arthur	223	" James Winston
164	" Rhoda Margaret	224	Spinks, Alexander
165	McCallum, James	225	" Malvina Ellen
166	McKay, Clara Mary	226	Stewart, George Alexander
167	" Frazer Roderick	227	" Sylvia Rose
168	" Heather Valerie	228	Summers, Gloria Jane
169	" Michael John	229	" Melvin Nigel
170	" Rex	230	" Michael Kenneth
171	" Roderick John	231	" Nigel Kim †
172	" William Robert	232	" Sheila
173	McKee, John †	233	" Sybella Catherine Ann
174	McKenzie, Alice Maude	234	" Terence
175	" Charles Alexander Albert John	235	" William Edward †
176	" James	236	Thompson, George Henry
177	McLeod, Albert John	237	Turner, Diana Jane
178	" Donald Henry	238	" Ronald
179	" Isabella Diana Frances †	239	Whitney, Agnes Katherine
180	" Robert John	240	" Dennis
181	" Sarah Rose	241	" Henry Leslie
182	McMullen, June	242	" Keith
183	" Tony	243	" Lana Rose
184	McPhee, Kenneth John	244	" Leona Ann
185	" June Iris	245	Wilson, John
186	McRae, James Bartholomew	246	" Margaret Jean

† NOT LIABLE TO SERVE AS A JUROR.

WEST FALKLAND ELECTORAL AREA

REGISTER OF ELECTORS

501	Alazia, Dorothy Fay	560	Duncan, James Alexander
502	" George Robert	561	" Peter Reed Howard
503	Aldridge, Brian George	562	Evans, Derek Stanley †
504	" Caroline Mary	563	" Gladys Alberta
505	" Kenneth John	564	" Griffith Owen
506	" Olive Elizabeth	565	" Margaret Ann
507	" Thomas George †	566	" Olwyn Carol
508	Amadio, Rita Ellen Ottile †	567	" Raymond
509	Anderson, Marina Rose	568	Fairley, John
510	" Margaret Catherine	569	Featherbe, Terence Randall
511	" Reginald Stanford	570	Felton, Anthony Terence
512	" Ronald	571	" Violet Regina Margaret
513	Barnes, Deirdre	572	Ferguson, Robert John
514	" Marshall	573	" Thelma
515	Berntsen, Arina Janice	574	Forster, Gwyneth May
516	" Kenneth Frederick	575	" James
517	" Leon	576	Gleadell, Ian Keith
518	" Valerie †	577	" Mavis Marie
519	Bertrand, Catherine Gladys	578	Goodwin, Bert Samuel †
520	Betts, Alan Sturdee †	579	" Emily Rose
521	" Arthur John	580	" Hazel Rose
522	" Bernard Keith	581	" William John Maurice
523	" Cyril Severine †	582	Goss, Dorothy Ellen
524	" Ellen Alma †	583	Halliday, Christina Jane †
525	" Hyacinth Emily †	584	" John Arthur Leslie †
526	" Irene Marion	585	Hansen, Ian †
527	" Susan Ann †	586	" Lionel Raymond
528	Biggs, Clarence George	587	" Rose Idina
529	" Michael Elfred	588	" Terence Darwin
530	Binnie, Albert Frederick †	589	Harvey, Alfred Sydney
531	" Horace James †	590	" Jen
532	" Rose Helen †	591	" Muriel Elizabeth Elsie
533	Blackley, Candy Joy	592	" Valerie Ann
534	" John David	593	Hatch, Albert John
535	Blake, Lionel Geoffrey †	594	Hayward, Peter Dennis
536	" Sally Gwynfa	595	Hewitt, Brian David †
537	Bonner, Hazel Margaret	596	Hirtle, Anthony †
538	" Keith James	597	" Doris Linda
539	" Simon	598	" Fenton
540	Buckland, Carole Wendy	599	Hurst, David William
541	Chandler, Ann Beatrice	600	" Una
542	" Edward	601	Johnson, Michael
543	Chater, Anthony Richard	602	" Violet Alberta †
544	Clarke, David James	603	Laffi, Kathleen Mary
545	" Fiona Alison	604	Lee, Carole
546	" Gwynne Edwina	605	" Elizabeth
547	" Terence John	606	" John Alfred
548	Cockwell, Grizelda Susan	607	" June Elliot
549	" John Richard	608	" Rodney William
550	Collins, Alfred Arthur	609	Limburn, Daniel Robert
551	Coutts, Frederick George	610	" Monica
552	Davidson, Donald	611	Luxton, Patricia Maureen
553	" Margaret Christine	612	" William Robert †
554	Dickson, Edward Thomas Crawford	613	MacBeth, Phyllis Elizabeth Grace
555	" Harold Edward †	614	" Raymond John
556	" Mildred Ellen	615	" William Campbell
557	Donnelly, Daniel	616	Maddocks, Charles
558	" Joyce Elizabeth	617	" Iris May
559	Duncan, Avis Marion	618	Marsh, Alastair Roy †

† NOT LIABLE TO SERVE AS A JUROR.

619	Marsh, Frank	658	Porter, Charles
620	" Gavin Nicholas †	659	" George
621	" June Helen	660	" Jean Lavinia
622	Miller, Carol	661	" Joan
623	" Florence Roberta †	662	" Marlane Rose †
624	" Simon Roy	663	" Trudi Ann †
625	" Stanley Frank †	664	Reeves, Cheryl Rose
626	Molkenbuhr, Betty Marie	665	" Ronald James
627	" Claudio Eugenio	666	Robertson, Ann
628	Morrison, Charlene	667	" James Richard
629	" Eric George	668	" Neil Charles
630	" Kenneth	669	" Peter Charles
631	" Lena	670	" Robin Evelyn Thelma
632	" Leslie Theodore Norman	671	Ross, Charles Edward
633	" Muriel Eliza Ivy †	672	" Colin
634	" Norman	673	" Lachlan Neil
635	McCormick, Pauline Margaret Ruth	674	" William Henry
636	" Ronald	675	Sackett, Marjorie
637	McDonald, Colin George	676	Short, Christina Ethel
638	" Irene	677	" Donald Robert Gordon
639	McGill, Gary †	678	" Isobel Rose
640	" Lorraine Iris	679	" Joseph Leslie
641	" Robin Perry	680	" Patrick Warburton
642	McKay, Isabella Alice	681	" Robert Charles †
643	" Richard	682	Skears, Johnnie
644	McRae, David Michael	683	Smith, Adeline Jane †
645	" Gloria Linda	684	" Alice Maud †
646	" Marlaine	685	" Andrew Ludwig Clifford †
647	" Richard Winston	686	" Francis David †
648	Napier, Lily	687	" Gerard Alexander
649	" Roderick Bertrand	688	" Gwenifer May
650	Newell, Joseph Orr	689	" Heather
651	" Trudi Malvina	690	" Janice
652	Peck, Maureen Heather	691	" Keva Elizabeth
653	" Patrick William	692	" Peter Lars
654	Pole-Evans, Anthony Reginald	693	" Robin Charles
655	" David Llewellyn †	694	Stewart, George Nathaniel
656	" Shirley Helen	695	Strange, Annie
657	" William Reginald		

† NOT LIABLE TO SERVE AS A JUROR.

A Bill for
An Ordinance

To amend the Family Allowances Ordinance 1960. Title.

(1st January 1980)

Date of commencement.

BE IT ENACTED by the Legislature of the Colony of the Falkland Islands, as follows — Enacting clause.

1. This Ordinance may be cited as the Family Allowances (Amendment) Ordinance 1979 and shall come into operation on the 1st day of January 1980. Short title and commencement.

2. Section 3 of the principal Ordinance is amended in subsection (2) by deleting "two pounds" and "four pounds" and substituting the following respectively — Amendment of section 3.
(9 of 1960)

"£2.50" and "£5.00".

OBJECTS AND REASONS

The amendment made by this Bill increases the family allowance by twenty-five per cent.



THE FALKLAND ISLANDS GAZETTE

PUBLISHED BY AUTHORITY

Vol. LXXXVIII

25 SEPTEMBER 1979

No. 10

Appointments

Michael William Growcott, Assistant to the Governor, Government House, 25.7.79.

Eddie Anderson, Pilot, Aviation Department, 16.8.79.

Mrs. Victoria Townsend, Teacher, Education Department, 29.8.79.

Ian Stephen Townsend, Teacher, Education Department, 29.8.79.

Transfer

Mrs. Frances Biggs, Clerk, Posts and Telecommunications Department, to Clerk, Legal Department, 20.8.79.

Resignation

David McLeod, Police Constable, Police and Prisons Department, 16.9.79.

NOTICES

No. 43. 31st August 1979.

In accordance with the provision of section 8 (2) of the Live Stock Ordinance (Cap. 40), notice is hereby given that the undermentioned brands have been approved and registered —

Golding Island	G.I.
Middle Island	M.I.
K. Whitney	(W)

L. J. HALLIDAY,
Officer-in-Charge,
Agricultural Department.

Ref. AGR/10/2.

No. 44. 31st August 1979.

In accordance with the provision of section 8 (2) of the Live Stock Ordinance (Cap. 40) notice is hereby given that the Ear Mark known as 'Swallow'

has been approved and registered in the name of F. Hirtle, Golding Island.

L. J. HALLIDAY,
Officer-in-Charge,
Agricultural Department.

Ref. AGR/10/2.

No. 45. 14th September 1979.

Notice is hereby given that MR. REYNALDO GUSTAVO REED is applying to the Home Secretary for naturalisation, and that any person who knows any reason why naturalisation should not be granted should send a written and signed statement of the facts to the Chief Secretary, Secretariat, Stanley.

Ref. LEG/10/19c.

No. 46. 24th September 1979.

The following telegrams were exchanged on the announcement of the death of The Earl Mountbatten of Burma, K.G., etc., on 27th August 1979 —

From His Excellency the Governor to the Secretary of State for Foreign and Commonwealth Affairs

"I should be grateful if you would, on behalf of the Falkland Islands people, the personnel of the Royal Marine Detachment and of the British Antarctic Survey and myself, convey to Her Majesty and to HRH The Duke of Edinburgh our heartfelt and deep sorrow at the grievous loss of the Earl Mountbatten. To all members of his family we would like to extend our most profound sympathy."

From the Secretary of State for Foreign and Commonwealth Affairs to His Excellency the Governor

"I am commanded to convey Her Majesty's thanks to you and to all who associated themselves with your kind expression of sympathy on the death of Lord Mountbatten. Her Majesty was very touched by your message."

Ref. ROY/31/2.

In the Supreme Court of the Falkland Islands
NOTICE UNDER THE ADMINISTRATION OF ESTATES ORDINANCE
(Cap. 1)

IN THE MATTER of Jane Eliza McAskill, deceased of Stanley, Falkland Islands, who died at Stanley on the 30th day of June 1979.

WHEREAS David McKay, a nephew of the above-named deceased, has applied for Letters of Administration to administer the estate of the said deceased in the Colony.

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

R. H. CHECKLEY,
Registrar.

Stanley,
 Falkland Islands.
 30th August 1979.
 SC & L 16/79.

In the Supreme Court of the Falkland Islands
NOTICE UNDER THE ADMINISTRATION OF ESTATES ORDINANCE
(Cap. 1)

IN THE MATTER of Jessie Maud Smith, deceased, of Stanley and Johnson Harbour, Falkland Islands, who died at Stanley, Falkland Islands, on the 16th day of August 1978, intestate.

WHEREAS William Edward Bowles of Stanley, Falkland Islands, son-in-law of the above-named deceased, has applied for Letters of Administration to administer the estate of the said deceased in the Colony.

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

R. H. CHECKLEY,
Registrar.

Stanley,
 Falkland Islands.
 19th September 1979.
 S.C. 30/78.

In the Supreme Court of the Falkland Islands
NOTICE UNDER THE ADMINISTRATION OF ESTATES ORDINANCE
(Cap. 1)

IN THE MATTER of John Roy Stanley Felton, who died intestate at Buenos Aires, Argentina on the 6th October 1978.

WHEREAS Lionel Geoffrey Blake, brother-in-law of the above-named deceased, has applied for Letters of Administration to administer the estate of the deceased in the Colony.

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

R. H. CHECKLEY,
Registrar.

Stanley,
 Falkland Islands.
 21st September 1979.
 SC & L/31/78.

Administration of Estates Ordinance
(Cap. 1)

In the estate of —

Louis Williams, deceased;
 Grace Bossingham, deceased;
 Ada Marjorie Williams, deceased; and
 Ernesto Guillermo Rowe, deceased.

WHEREAS the above estates remain unrepresented the Supreme Court has appointed the Official Administrator, to be administrator of the estates of the said deceased.

NOTICE IS HEREBY GIVEN —

- (a) that all creditors having claims against any of the said estates should submit their claims to the undersigned on or before the 31st day of October 1979;
- (b) that all persons indebted to any of the said estates are hereby requested to make payment to the undersigned forthwith.

Dated this 21st day of September 1979.

H. BENNETT,
Official Administrator.

Instrument under the Public Seal of the Colony of the Falkland Islands appointing Mrs. Mary Ann Helen Jennings, to be a Member of the Executive Council.

BY HIS EXCELLENCY JAMES ROLAND WALTER PARKER, ESQUIRE, Companion of the Most Distinguished Order of Saint Michael and Saint George, Officer of the Most Excellent Order of the British Empire, Governor and Commander-in-Chief in and over the Colony of the Falkland Islands and its Dependencies, and Vice-Admiral of the same.

WHEREAS the Falkland Islands Letters Patent 1948 to 1962 under the Great Seal of the United Kingdom of Great Britain and Northern Ireland, constituting the office of Governor and Commander-in-Chief in and over the Colony of the Falkland Islands and its Dependencies, it is amongst other things declared that there shall be an Executive Council in and for the said Colony and for the Dependencies which shall consist of such persons as may be directed by Instructions under the Royal Sign Manual and Signet.

AND WHEREAS by Instructions under the Royal Sign Manual and Signet, bearing date the 13th day of December 1948, as amended by Additional Instructions dated the 27th day of November 1951, 15th day of November 1955, 10th day of December 1964, 10th day of April 1973 and 31st day of March 1977, it is declared that the Governor may from time to time, appoint persons other than ex-officio Members to be Members of the Executive Council of the Colony and its Dependencies.

NOW, THEREFORE, I, JAMES ROLAND WALTER PARKER, do hereby appoint —

MRS. MARY ANN HELEN JENNINGS

to be a Member of my Executive Council.

Given under my hand and the Public Seal of the Colony at Government House, Stanley, this 22nd day of August in the Year of Our Lord One thousand Nine hundred and Seventy-nine.



J. R. W. PARKER,
Governor.

GOD SAVE THE QUEEN



BY THE QUEEN
A PROCLAMATION

Determining the Specifications and Designs for, and Giving
Currency to, Gold and Silver Coins in Our Colony of the
Falkland Islands

ELIZABETH R.

We, in exercise of the powers conferred by section 11 of the Coinage Act 1870, section 2 (3) of the Decimal Currency Act 1967, and of all other powers enabling Us in that behalf, do hereby, by and with the advice of Our Privy Council, proclaim, direct and ordain as follows —

1. This Proclamation shall be published in the Official Gazette of the Falkland Islands and shall come into force there on the date of such publication.

2. (1) New coins of the following denominations shall be made at Our Mint —

- (a) gold coins of the denomination of one hundred and fifty pounds;
- (b) silver coins of denominations of ten pounds and five pounds.

(2) The coins shall be of the standard weight, standard diameter and standard fineness specified in the Schedule hereto.

(3) In the making of the coins a remedy (that is to say, a variation from the standard weight, diameter and fineness specified as aforesaid) shall be allowed of an amount not exceeding the amount specified in the said Schedule.

3. The designs for the said coins shall be as follows —

(a) Every gold and silver coin shall have for the obverse impression Our Effigy with the inscription

“QUEEN ELIZABETH THE SECOND”

(b) The reverse impressions shall be as follows —

- (i) one hundred and fifty pounds: in the centre a fur seal on a foreground of rock with wavelets beyond, with the inscription “FALKLAND ISLANDS” to the left and above, the inscription “£150” below, and the date of the year to the right;
- (ii) ten pounds: in the centre two steamer ducks standing on a foreground of rock with wavelets beyond, with the inscription “FALKLAND ISLANDS” to the left and above, the inscription “£10” below, and the date of the year to the right;
- (iii) five pounds: in the centre a humpback whale in a background of water, with the inscription “FALKLAND ISLANDS” to the left and above, the inscription “£5” below, and the date of the year to the right.

(c) Every gold and silver coin shall have a graining on the edge.

4. The said coins shall be current within Our Colony of the Falkland Islands.

SCHEDULE

Metal and Denomination	Standard weight (grams)	Standard diameter (millimetres)	Standard Fineness	Remedy Allowance		
				Weight (grams)	Diameter (millimetres)	Millesimal Fineness
GOLD One hundred and fifty pounds	33.437	34	Nine-tenths gold, one-tenth silver; or millesimal fineness 900	plus 0.420	0.127	1
SILVER Ten pounds	35	42	Thirty-seven-fortieths silver, three-fortieths alloy; or millesimal fineness 925	plus 0.712	0.127	3
Five pounds	28.28	38.61		plus 0.600	0.127	3

Given at Our Court at Windsor Castle, this eleventh day of April in the year of our Lord One thousand nine hundred and seventy-nine and in the twenty-eighth year of Our Reign.

GOD SAVE THE QUEEN



BY THE QUEEN

A PROCLAMATION

Modifying the Application of the Coinage Act 1870
to Our Colony of the Falkland Islands

ELIZABETH R.

We, in exercise of the powers conferred by section 11 of the Coinage Act 1870 and of all other powers enabling Us in that behalf, do hereby, by and with the advice of Our Privy Council, proclaim, direct and ordain as follows—

1. This Proclamation shall be published in the Official Gazette of the Falkland Islands and shall come into force there on the date of such publication.
2. So much of section 3 of the Coinage Act 1870 as requires coins of denominations other than those mentioned in the First Schedule to that Act to be of a weight and fineness or composition determined by reference to coins of the denominations so mentioned shall apply only to silver coins of the Queen's Maundy money, and accordingly in that section (as amended) for the words "If any coin of gold or any silver coin" there shall be substituted the words "If any silver coin".
3. In section 4 of the Coinage Act 1870 after the words "in accordance with the provisions of this Act" there shall be inserted the words "or of a proclamation made in pursuance of this Act".

Given at Our Court at Windsor Castle, this eleventh day of April in the year of our Lord One thousand nine hundred and seventy-nine and in the twenty-eighth year of Our Reign.

GOD SAVE THE QUEEN

HARBOUR ORDINANCE

(Chapter 30)

Harbour (Amendment) Regulations 1979

No. 4 of 1979.

J. R. W. PARKER,
Governor.

IN EXERCISE of the powers conferred by section 3 of the Harbour Ordinance, the Governor in Council has made the following regulations —

Citation and commence-
ment.

1. These regulations may be cited as the Harbour (Amendment) Regulations 1979 and shall come into operation on the 1st day of October 1979.

Amendment of Schedule
III.

(Cap. 30 sub. leg.)

2. Schedule III to the principal regulations is amended by deleting Item 1 and substituting the following —

“1. HARBOUR DUES

(1) The following harbour dues shall be payable on all vessels arriving in the Colony —

	£
Yachts	Free
Vessels under 15 tons	Free
Vessels of 15 tons and up to 50 tons	80
Vessels of over 50 tons and up to 500 tons	100
Vessels of over 500 tons and up to 800 tons	110
Vessels of over 800 tons and up to 1,000 tons	140
Vessels of over 1,000 tons and up to 1,500 tons	160
Vessels of over 1,500 tons and up to 2,000 tons	200
Vessels of over 2,000 tons and up to 5,000 tons	240
Vessels of over 5,000 tons and up to 7,000 tons	300
Vessels of over 7,000 tons and up to 10,000 tons	450
Vessels of over 10,000 tons and up to 15,000 tons	550
Vessels of over 15,000 tons and up to 20,000 tons	650
Vessels of over 20,000 tons	750
Locally registered vessels normally employed in trading	Free

(2) Double the harbour dues prescribed under (1) above shall be payable on every passenger vessel carrying more than 12 passengers arriving in the Colony.

(3) An additional charge shall be made in respect of any vessel which shall remain in harbour for a period of more than 24 hours for every additional and consecutive period of 24 hours or part thereof at the rate of one half of the harbour dues prescribed in (1) or (2) above.”

Made by the Governor in Council this 22nd day of August 1979.

R. BROWNING,
Clerk of Councils.

Ref. CUS/10/3

PUBLIC HEALTH ORDINANCE
(Chapter 54)

Medical Fees Regulations 1979

No. 5 of 1979.

J. R. W. PARKER,
Governor.

IN EXERCISE of the powers conferred by section 55 of the Public Health Ordinance, the Governor in Council has made the following regulations — Cap. 54.

1. These regulations may be cited as the Medical Fees Regulations 1979. Short title.
2. These regulations shall be deemed to have come into effect on the 1st July 1979. Date of coming into force.
3. "Medical Officer" means a qualified medical practitioner registered under the Medical Practitioners, Midwives and Dentists Ordinance and employed by Government. Definitions.

"Normally resident" means a person who normally resides in the Colony, or is in the Colony under a contract of service to an employer who has a place of business in the Colony, or has resided in the Colony for a continuous period of not less than one year since arriving in or last returning to the Colony.
4. There shall be no charges levied under Schedules A, B and C in respect of persons normally resident in the Colony or persons subject to the payment of the Medical Services Levy or persons who are specifically exempt under the Medical Services Levy Ordinance 1979 from paying a levy. Exemptions.
5. The charges levied in accordance with these regulations shall be those provided for in the schedules to these regulations. Fees to be charged.
6. Charges levied in accordance with these regulations may be remitted in whole or in part by the Governor. Remission of charges.
7. The Medical Fees Regulations 1973 are hereby revoked. Revocation.
(5 of 1973)

SCHEDULE A

Scale of charges for Medical Services performed outside the King Edward VII Memorial Hospital

1. (1) The following charges shall be made when a medical officer is requested to visit a ship — Visits to ships.
 - (a) in Stanley Harbour or Port William £75;
 - (b) elsewhere in the Colony £250;
 - (c) for each patient seen £20.

(2) Transport to and from the ship shall be provided by the Master of the ship.
2. Attendance by a medical officer to a person not normally resident in the Colony the charge shall be £7.50 per visit: Attendance by a Medical Officer.

Provided that such fee may be doubled in the case of a visit between 7.0 p.m. and 7.0 a.m. if, in the opinion of the medical officer, the circumstances do not warrant a night call.
3. Use of Ambulance. £25 (fixed fee) for each journey. Ambulance.

SCHEDULE B

Scale of Fees Charged to Out-patients and to Persons admitted
as In-patients at the King Edward VII Memorial Hospital

OUT-PATIENTS

Out-patient fees.

1. In the case of a person not normally resident in the Colony the charge for each consultation shall be £7.50. Special services may be charged at a higher rate.

IN-PATIENTS

In-patient fees.

2. In the case of a person not normally resident in the Colony the following rate shall be charged which shall be inclusive of medical care and attention and maintenance, but shall not include medicines, dressings, laboratory charges, and charges for X-ray examinations or operations. These latter charges will be made separately —

£30 per day or part day.

Maternity fees.

3. Maternity patients not normally resident in the Colony shall be charged at the following rate which shall be inclusive of all medical attention, treatment and maintenance —

£100 to £500.

In the event of any patient remaining in the Hospital after an initial period of ten days a daily charge of £30 will be made.

X-ray examinations.

4. The following charge shall be made in respect of persons not normally resident in the Colony for X-ray examinations —

£10 per X-ray plate exposed.

Surgical operations.

5. The following charges shall be made in respect of persons not normally resident in the Colony for surgical operations —

Minor operations	£25
------------------	-----	-----	-----

Major operations		£100 to £500
(which shall include abdominal operations)		inclusive of any necessary anaesthetic.

Blood transfusions.

6. Blood transfusions in respect of persons not normally resident in the Colony shall be charged at the rate of £15 per unit of blood (1 pint).

SCHEDULE C

Charges for Medicines and Drugs

Charges for preparations.

1. All preparations, including antibiotics, shall be charged for at rates that shall take into account the landed cost of such preparations and the quantity prescribed.

SCHEDULE D

Dental Fees

The following dental fees shall be charged —

1. All persons including those normally resident in the Colony —

The cost of supplying special compounds and precious metals and the additional work involved.

2. The following charges shall be levied on persons not normally resident in the Colony —

- | | | | | | |
|------------------------------|-----|-----|-----|-------------------|---------|
| (a) For each consultation | ... | ... | ... | ... | £7.50; |
| (b) X-ray | ... | ... | ... | ... | £10.00; |
| (c) Special dental treatment | ... | ... | ... | £10.00 to £30.00; | |
| (d) Dental appliances | ... | ... | ... | £10.00 to £30.00. | |

N.B. It should be noted that no dental fees other than in 1 above are payable by persons normally resident in the Colony or persons subject to the Medical Services Levy or persons who are specifically exempted under the Medical Services Levy Ordinance from paying a levy.

SCHEDULE E

Reductions, Exceptions, Special Cases and Miscellaneous Charges

1. The Senior Medical Officer may, at his discretion, remit up to half of any fee or charge levied in accordance with this Schedule and the Governor may remit more than half. Remission of fees.
2. Persons who are admitted to the Stanley Hospital but who are not classified as a patient by the Senior Medical Officer shall be required to pay a board and lodging charge of £3 per day. This section also applies to Camp residents waiting to return to Camp. Board and lodgings.
3. Special medical comforts, wines, spirits and any special apparatus or food shall be paid for by the patient concerned. Special comforts.
4. Spectacles shall be charged for at landed cost. Spectacles.

SCHEDULE F

Camp Medical and Dental Services

1. The following benefits shall be available to persons resident in the Camp —
 MEDICAL FLIGHTS
 - (a) Medical flights are made at the request of the Senior Medical Officer. Applications for medical flights should be sent to the Senior Medical Officer and not to the Air Service. All bookings received by the Air Service from farm managers or private individuals will be treated as private bookings and charged as such.
 - (b) There is no charge against a patient proceeding to Stanley Hospital for the treatment or control of Tuberculosis, the full cost both ways being met from the Medical Department votes.
 - (c) There is no charge against a patient for emergency cases to Stanley for Hospital treatment but 25% of the air fare is charged to the patient for the return flight. The inward flight and the balance of the return flight are charged to Medical Department votes.
 - (d) Non-urgent medical cases travel both ways at assisted passage rates i.e. 25% of the air fare payable by the patient and 75% by the Medical Department.
2. Transport for medical and dental officers will normally be provided by Government, but where a medical or dental officer is on a progressive tour, farms are expected to assist by conveying the officer to the next farm. No charges are to be raised for this transport.
3. All farm facilities required by a visiting medical or dental officer are to be provided free of charge by the farm.
4. Itinerant dental officers are personally responsible for any charges raised in respect of board and lodging.

SCHEDULE G

Medical Treatment Overseas

1. The Senior Medical Officer is authorized to recommend to a patient who is *normally resident* in the Colony that he or she should proceed to Argentina for specialist treatment the cost of which shall be paid by the Falkland Islands Government.
2. The cost of such treatment shall be limited to —
 - (a) return passages to Argentina excluding Stanley Airport tax;
 - (b) landing expenses in Argentina and taxi hire to the hospital;
 - (c) charges raised by the hospital and doctors in Argentina. The grade of accommodation in the hospital will generally be in the general wards, but this is a matter for the doctor in the hospital who will take into account the nature of the patient's illness;
 - (d) where the patient is not an in-patient in Argentina a subsistence allowance will be provided by the Falkland Islands Government. The rate of the allowance will be a single daily rate laid down by the Chief Secretary.

3. Any person proceeding to Argentina for medical treatment under the provisions of this Schedule shall not be required to reimburse the Falkland Islands Government the charges for the treatment referred to in paragraph 2 of this Schedule.

4. The question of whether or not a patient should be recommended to seek specialist advice or treatment abroad rests with the Senior Medical Officer, and patients seeking such advice or treatment without his recommendation are not entitled to any assistance from public funds.

Made by the Governor in Council this 22nd day of August 1979.

R. BROWNING,
Clerk of Councils.

Ref. MED/2/2.

REGISTRATION ORDINANCE
(Chapter 57)

Registration (Amendment) Regulations 1979

No. 6 of 1979.

J. R. W. PARKER,
Governor.

IN EXERCISE of the powers conferred by section 12 of the Registration Ordinance, the Governor in Council has made the following regulations —

Citation and commencement.

1. These regulations may be cited as the Registration (Amendment) Regulations 1979 and shall come into operation on the 1st day of October 1979.

Deletion and replacement of Schedule.
(Cap. 57 sub. leg.)

2. The Second Schedule to the principal regulations is deleted and replaced by the following —

"SECOND SCHEDULE				(s.s. 4 and 7)
REGISTRAR GENERAL'S AND REGISTRAR'S FEES				£.p.
1.	Searching registers of births, deaths and marriages for each name in each register within 10 years	...	...	.30
2.	Searching registers of births, deaths and marriages for each name in each register every additional year	...	...	.15
3.	For a certified copy of each entry in the said registers	...	...	.75
4.	For registering an instrument not more than five folios	...	...	3.10
5.	For each additional folio	...	...	.30
CLERGYMAN'S FEES				
1.	Searching the registers of baptisms and burials for each name in each register within ten years	...	...	.30
2.	For each name in each register every additional year	...	...	.15
3.	For a certified copy of each entry in the said registers	...	...	.75".

Made by the Governor in Council this 22nd day of August 1979.

R. BROWNING,
Clerk of Councils.

Ref. LEG/31/3.

WIRELESS TELEGRAPHY ORDINANCE
(Chapter 78)

Wireless Telegraphy (Amendment) (No. 2) Regulations 1979

No. 7 of 1979.

J. R. W. PARKER,
Governor.

IN EXERCISE of the powers conferred by section 4 of the Wireless Telegraphy Ordinance, the Governor in Council has made the following regulations —

1. These regulations may be cited as the Wireless Telegraphy (Amendment) (No. 2) Regulations 1979 and shall come into operation on the 1st day of April 1980. Citation and commencement.

2. Regulation 11 of the principal regulations is amended in paragraph (v) by deleting "two pounds" and substituting the following — Amendment of regulation 11.
(Cap. 78 sub. leg.)
"four pounds".

Made by the Governor in Council this 22nd day of August 1979.

R. BROWNING,
Clerk of Councils.

Ref. TEL/10/2.

WILD ANIMALS AND BIRDS PROTECTION ORDINANCE
(No. 15 of 1964)

Penguin and Albatross (Amendment) Regulations 1979

No. 8 of 1979.

J. R. W. PARKER,
Governor.

IN EXERCISE of the powers conferred by section 16 of the Wild Animals and Birds Protection Ordinance, the Governor in Council has made the following regulations —

1. These regulations may be cited as the Penguin and Albatross (Amendment) Regulations 1979 and shall come into operation on the 1st day of October 1979. Citation and commencement.

2. Regulation 3 of the principal regulations is amended by deleting "50p" and substituting the following — Amendment of regulation 3.
(4 of 1964)
"£1.00".

Made by the Governor in Council this 22nd day of August 1979.

R. BROWNING,
Clerk of Councils.

Ref. FIS/10/1.

Registration of United Kingdom Patents Ordinance (Cap. 58)

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

R. H. Checkley,
Registrar General.

SCHEDULE

Registration No.	Date of Registration	Name of Applicant	Registered Address	No. of Grant in United Kingdom	Nature of Invention
6359	27.4.77	Wilkinson Sword Limited	Sword House, Totteridge Road, High Wycombe, Bucks, England	1,424,189	Improvements in or relating to containers for shaving units.
6409	16.9.77	National Research Development Corporation	Kingsgate, House, 66-74 Victoria Street, London, S.W. 1., England	1,413,491	(54) 3-Substituted-2, 2-Dimethyl-Cyclopropane Carboxylic Acid Esters, their preparation and their use in pesticidal compositions.
6605	17.8.78	Eli Lilly and Company	307 East McCarty Street, Indianapolis, Indiana, United States of America	1,392,674	Dopamine Derivatives.
6654	9.11.78	E.I. Du Pont De Nemours and Company	Wilmington, State of Delaware, United States of America	1,403,226	Improvements in and relating to herbicides.
6660	29.12.78	Charles Nelson Shields Jr.	3303 Mercer, Houston, State of Texas, United States of America	1,444,158	Improvements in grouting of offshore structures.
6661	29.12.78	Charles Nelson Shields Jr.	3303 Mercer, Houston, State of Texas, United States of America	1,444,159	Improvements in grouting of offshore structures.
6662	29.12.78	Charles Nelson Shields Jr.	3303 Mercer, Houston, State of Texas, United States of America	1,444,160	Improvements in grouting of offshore structures.
6691	27.4.79	Ciba-Geigy Ag	Basle, Switzerland	1,438,311	Chloroacetanilides for regulating plant growth.
6692	27.4.79	Ciba-Geigy Ag	Basle, Switzerland	1,438,312	N-substituted chloroacetanilide for regulating plant growth.

Registration of United Kingdom Trade Marks Ordinance (Cap. 59)

The following list of Trade Marks Registrations renewed in the Falkland Islands during the period 1st January 1977 to 31st December 1978, is published for general information. The Trade Marks Register may be inspected at the Office of the Registrar General, Stanley.

R. H. Checkley,
Registrar General.

Registration No.	Renewal No.	Effective date of renewal	Proprietor	Description of Goods
5355	6316	23.1.77	James Buchanan & Company Limited ...	Scotch Whisky.
5641	6318	7.4.77	Standard Oil Company of California ...	Paper, paper articles and cardboard articles, all included in Class 16; cardboard, printed matter, periodical publications; stationery, instructional and teaching materials (other than apparatus); but not including ordinary playing cards or any goods of the same description as ordinary playing cards.
4617	6323	9.3.77	Montecatini Edison S.P.A. ...	Preparations for killing weeds, anticyptogamic preparations, insecticides, fungicides, pesticides and parasiticides.
4618	6324	9.3.77	Montecatini Edison S.P.A. ...	Chemical products included in Class 1 used in agriculture.
3561	6336	24.2.77	Deutsche Lufthansa Aktiengesellschaft ...	Aircraft, parachutes, motor land vehicles, dinghies, rafts, motor boats and launches and parts and fittings for the aforesaid goods included in Class 12.
3562	6337	24.2.77	Deutsche Lufthansa Aktiengesellschaft ...	Printed matter, maps, plans, time-tables, fare-tables and photographs.
3563	6338	24.2.77	Deutsche Lufthansa Aktiengesellschaft ...	Trunks and travelling bags.
5913	6346	3.4.77	Heineken Brouwerijen B.V. ...	Beer.
3367	6347	13.12.76	Schweppes (Overseas) Limited ...	Non-alcoholic drinks and preparations for making such drinks, etc.
4103	6349	16.12.76	Long John International Limited ...	Dry gin, orange gin, lemon gin, sloe gin, cherry brandy, orange bitters, liqueurs, wine cocktails, alcoholic egg flip and dry vermouth.
4069	6349A	22.5.77	Del Monte Corporation ...	All goods included in Class 29.
3520	6351	27.4.77	R.C.A. Corporation ...	Sound-recording and sound-reproducing instruments and apparatus; sound records in the form of tapes, discs, wires, cylinders, paper rolls and films, all prepared for use as sound recording media, and needles and styli for gramophones.
3370	6352	30.4.77	Bulova Watch Company Inc. ...	Measuring apparatus and instruments, etc.
5251	6353	24.9.76	Brown & Williamson Tobacco Corporation (Export) Limited ...	Cut tobacco and cigarettes.
2253	6354	9.2.77	Sterling Products International Incorporated ...	Medicated saline preparation for human use for liver ailments.
2862	6358	9.6.77	George Ballantine & Son Limited ...	Whisky for export.
5412	6362	28.6.77	Burberrys Limited ...	All goods included in Class 25.

Registration No.	Renewal No.	Effective date of renewal	Proprietor	Description of Goods
4126	6368	5.7.77	The Coca-Cola Company	Non-alcoholic drinks and preparations for making such drinks, all included in Class 32; and fruit juices.
4956	6369	16.5.77	Reemtsma Cigarettenfabriken G.m.b.H.	All goods included in Class 34.
3799	6371	28.5.77	Martini & Rossi Societa per Azioni	Vermouth Wine.
4040	6375	29.4.77	Imperial Chemical Industries Limited	Leathercloth.
4302	6377	30.9.76	Cadbury Limited	Cocoa, chocolate, chocolates and non-medicated chocolate confectionery.
2890	6378	20.8.77	John Mackintosh & Sons Limited	Assorted chocolates, chocolate coated sweetmeats, toffee, caramels, butterscotch and sweetmeats known as neapolitans.
3803	6381	10.5.77	American-Cigarette Company (Overseas) Limited	All goods included in Class 34.
3353	6382	8.11.76	British-American Tobacco Company Limited	Tobacco whether manufactured or unmanufactured.
3317	6383	8.11.76	British-American Tobacco Company Limited	Tobacco whether manufactured or unmanufactured.
3316	6384	8.11.76	British-American Tobacco Company Limited	Tobacco whether manufactured or unmanufactured.
3466	6385	27.6.77	Philip Morris Incorporated	Cigarettes.
1511	6387	16.11.69	Carter-Wallace Inc.	Pills for men.
5367	6399	7.9.77	White Horse Distillers Limited	Scotch Whisky.
4095	6400	21.8.77	Imperial Chemical Industries Limited	Extruded, rolled, pressed, stamped, drawn, forged, cast, fabricated or semi-fabricated non-ferrous metals and alloys thereof, none being goods included in other classes.
4094	6401	21.8.77	Imperial Chemical Industries Limited	Furnaces; refrigerators; and tubes for boilers.
4093	6402	21.8.77	Imperial Chemical Industries Limited	Synthetic rubber and chlorinated rubber; articles made from these substances and not included in other classes; materials for packing, stopping or insulating.
1165	6406	16.4.77	John Dewar and Sons Limited	Whisky.
5465	6407	9.7.77	Rothmans of Pall Mall Limited	tobacco, whether manufactured or unmanufactured, for export from the United Kingdom to and sale in all countries of the world except the Channel Islands, the Republic of Ireland, Fiji, Malta.
5438	6408	4.9.77	Gallaher Limited	Cigarettes.
2203	6410	4.11.77	The Coca-Cola Company	Mineral and aerated waters and other non-alcoholic drinks, syrups and other preparations for making beverages.
3174	6411	1.11.77	James Buchanan & Company Limited	Whisky.
4951	6422	13.10.77	Reemtsma Cigarettenfabriken G.m.b.H.	Tobacco, cigarettes and cigars.
4963	6423	29.9.77	Reemtsma Cigarettenfabriken G.m.b.H.	All goods included in Class 34.
3836	6424	19.12.72	GAF Corporation	Photographic, cinematographic, and sound and talking films, and photographic plates, all prepared for exhibition; film packs, photographic and cinematographic instruments, etc., all being included in Class 9 (Schedule IV).

Registra- tion No.	Renewal No.	Effective date of renewal	Proprietor	Description of Goods
5613	6431	4.5.77	J. Lyons & Company Limited ...	Chocolate, sugar confectionery, (non-medicated), custard powder, Christmas Puddings, pies, cakes, cereal preparations for food for human consumption, etc.
2988	6439	9.10.76	Nabisco Limited ...	Bread, biscuits, (other than biscuits for animals), cakes and preparations made from cereals for human use as food.
5547	6456	22.12.77	Pioneer Kabushiki Kaisha (Pioneer Electronic Corporation) ...	Radio and television receiving sets; sound amplifiers; sound recording and sound reproducing apparatus; record players; stereophonic sound reproducing apparatus; magnetic tape recorders; magnetic tapes bearing recorded material; telephone answering and message recording instruments and apparatus; etc., and parts and fittings included in Class 9 for all aforesaid goods, but not including gramophones, records, needles or sound boxes for gramophones.
5614	6466	17.12.77	J. Lyons & Company Limited ...	Non-alcoholic drinks included in Class 32, for sale in England, Wales and Northern Ireland.
3357	6472	25.11.77	Philip Morris Incorporated ...	Tobacco and cigarettes.
3457	6517	8.4.78	William Grant & Sons Limited ...	Scotch Whisky.
4025	6518	22.1.78	Nabisco Inc. ...	Biscuits (other than biscuits for animals), cakes, pastry, buns, bread; cereal preparations for food for human consumption; cake-mixture, fudge mixtures, sugar-icing mixtures; flour, coffee, tea, etc.
5507	6519	21.1.78	Carling O'Keefe Breweries of Canada Limited ...	Beer and Lager.
3426	6521	29.7.77	British-American Tobacco Company Limited ...	Tobacco whether manufactured or unmanufactured.
5879	6541	30.4.78	Biro Bic Limited ...	Smokers' gas lighters and parts and fittings therefor included in Class 34.
4272	6538	26.2.78	Cointreau ...	Liqueurs.
5422	6543	21.4.78	Mullard Limited ...	All goods included in Class 9 but not including life-saving apparatus and fire-extinguishing apparatus.
2560	6544	5.6.78	William Sanderson & Son Limited ...	Scotch Whisky.
5103	6546	15.2.78	Twentieth Century Fox Film Corporation ...	Cinematograph films prepared for exhibition.
4522	6556	29.4.71	The Coca-Cola Company ...	Tonic waters being non-alcoholic drinks included in Class 32.
4250	6565	27.7.78	Charles Mackinlay & Company Limited ...	Scotch Whisky.
6271	6568	19.5.78	Toyota Jidosha Kogyo Kabushiki Kaisha (Toyota Motor Co. Ltd) ...	Motor land vehicles and parts and fittings therefor included in Class 12.
4653	6569	27.4.78	St. Regis Tobacco Corporation Limited ...	Tobacco whether manufactured or unmanufactured.
3529	6570	22.6.77	Brown & Williamson Tobacco Corporation (Export) Limited ...	Tobacco whether manufactured or unmanufactured.
2935	6571	20.7.78	American Home Products Corporation ...	All goods included in Class 48.
3623	6576	2.8.78	Veb Filmfabrik Wolfen ...	Chemical products for use in colour photography; sensitized films for use in colour photography and colour cinematography; and papers and plates all being sensitized articles for use in colour photography.

Registration No.	Renewal No.	Effective date of renewal	Proprietor	Description of Goods
3624	6577	2.8.78	Veb Filmfabrik Wolfen	Scientific and electrical apparatus and instruments included in Class 9; measuring, photographic, cinematographic, radio and television apparatus and instruments; magnetic tapes, etc., all for use as sound recording media.
3621	6578	1.8.78	Veb Filmfabrik Wolfen	Chemical products for use in industry, science and photography; sensitized photographic films, sensitized photographic plates, sensitized photographic papers; and adhesives for use in industry.
3622	6579	1.8.78	Veb Filmfabrik Wolfen	Scientific and electrical apparatus and instruments included in Class 9; photographic, cinematographic and optical apparatus and instruments, developed photographic films, etc.
4200	6572	13.4.78	Unilever Limited	All goods included in Class 47 except matches and goods of a like kind.
2620	6603	8.8.77	British-American Tobacco Company Limited	Manufactured tobacco.
1308	6604	8.8.77	British-American Tobacco Company Limited	Manufactured tobacco.
5949	6611	26.8.74	Unilever Limited	All goods included in Class 3.
4599	6612	19.9.78	Unilever Limited	Candles, common soap, detergents; illuminating heating, or lubricating oils; matches, starch, blue and other preparations for laundry purposes.
3805	6621	23.10.78	Tradall S.A.	Vermouth.
4526	6624	1.5.78	Rothmans of Pall Mall Limited	All goods included in Class 34.
5949	6611	26.8.78	Unilever Limited	All goods included in Class 3.
3401	6631	3.1.78	Yardley & Co. Limited	Perfumes, toilet preparations (not medicated), cosmetic preparations, dentifrices, depilatory preparations, toilet articles (not included in other classes) etc.
4224	6632	15.8.78	John Sinclair Limited	Manufactured tobacco.
1653	6633	11.7.78	The Coca-Cola Company	A syrup (not alcoholic and not medicated) for use in making a beverage.
1299	6634	23.7.77	British-American Tobacco Company Limited	Manufactured tobacco.
1011	6635	23.7.77	British-American Tobacco Company Limited	Manufactured tobacco.
1009	6636	23.7.77	British-American Tobacco Company Limited	Manufactured tobacco.
3421	6637	23.7.77	British-American Tobacco Company Limited	Manufactured tobacco.
6581	6649	20.4.78	Mars Limited	Food for animals.
3616	6655	24.12.78	Sony Kabushiki Kaisha	Radio and television sets (complete) gramophone and electro-phones, parts of all these goods included in Class 9; electric batteries, electric vacuum tubes, loud speakers, electric apparatus for transmitting and receiving photographs, sound amplifying apparatus, sound-recording machines, electric convertors, electric transducers; magnetic tape and magnetic wire, all for use as sound recording media and sound records produced from such media; electric telecommunication apparatus, dictating machines; transistors; mechanically-grooved records; and record players.

NOTE: Where the description of goods is particularly lengthy it is not set out at length and the expression "etc." is added after a description sufficient to indicate the general nature of the goods. The full description can be ascertained from the original registration in the office of the Registrar General.

EAST STANLEY ELECTORAL AREA

REGISTER OF ELECTORS

1	Alazia, Joseph William *	59	Clarke, Valerie Anne
2	Allan, Clive	60	Cletheroe, Albert Richard *
3	" Hector *	61	" Daphne Harriet *
4	" Irene Marina	62	" Emily Ellen *
5	Anderson, Edward Bernard *	63	" Stanley William *
6	" Elizabeth Nellie	64	Clifton, Charles *
7	" Gertrude Maud *	65	" Darwin Lewis
8	" Gloria	66	" Jessie Emily Jane
9	" Hector Christian *	67	" Sandra Beatrice *
10	" Helen	68	" Stephen Peter *
11	" Mildred Nessie *	69	Cofre, Dierdre Emma
12	" Nigel	70	Coleman, Frederick Albert *
13	" Richard Louis	71	Countts, Charles Lindsay
14	Ashley, Nora Phyllis *	72	" John *
15	Ashworth, Glennis	73	" Olga
16	" Malcolm	74	" Peter *
17	Barnes, Brian Ormonde	75	Davis, Maurice *
18	" Ernest *	76	Etheridge, Alice Mary *
19	" Molly Stella	77	Felton, Derek Roy *
20	" Sigrid Geraldine Wells	78	" Elizabeth Agnes *
21	Berntsen, Kathleen Gladys *	79	" Isabella Violet *
22	" Lavina Maud *	80	" Judith Orissa
23	" Mary Clarissa Elizabeth *	81	" Walter Arthur
24	" Marjorie Florence	82	Fleuret, Kathleen Mary *
25	" Trevor John	83	" Theodore Clovis *
26	" William Blyth *	84	Fogerty, Brenda Diane Joanna *
27	Betts, Alexander Jacob	85	Ford, David *
28	" Donald	86	" Cherry Rose *
29	" George Winston	87	" Dorothy Minnie *
30	" Geraldine Fay	88	" James Edward
31	Biggs, Alastair Gordon	89	" Michael
32	" Edith Joan	90	Goodwin, Colin Valentine
33	" Frederick James	91	" June Elizabeth
34	" Hilda Evangeline *	92	" Kathleen Edith Marguerite *
35	" Irene Mary *	93	" Laurence Henry
36	" Madge Bridget Frances *	94	" Mary Ann *
37	Binnie, Jean Sarah	95	" Michael Sturdee
38	" May *	96	" Rupert Valentine *
39	" Terence William	97	Goss, Elizabeth Rose *
40	Blizard, Lawrence Gordon	98	" Grace Elizabeth *
41	Bonner, Violet *	99	" Margaret Rose
42	Booth, Joseph Bories *	100	" Peter
43	" Mary	101	" Simon Peter Miller
44	" Myriam Margaret	102	" William Henry *
45	Bound, Graham Leslie	103	Halliday, Ann Miller Blyth
46	Browning, Margaret Lilian *	104	" Fanny Stanbury *
47	" Rex	105	" John Henry *
48	Burns, Mary Anne *	106	" Susan Elizabeth *
49	Buse, Ralph Martin Herman *	107	Hansen, Douglas John
50	Butler, Lawrence Jonathan	108	Hardy, Douglas Morgan
51	" Orlanda Betty	109	Harris, Heather
52	Cantlie, Derek William	110	" Jill Yolanda Miller
53	" Sheila Muriel *	111	" Leslie Sidney
54	" William Joseph	112	Hewitt, Gary George *
55	Cheek, Dorothy Mary Gladys *	113	" Olga
56	" Frederick John *	114	" Rachel Catherine Orissa
57	Clarke, Doreen	115	" Robert John David
58	" Ronald John	116	Hills, Mary Elizabeth *

* NOT LIABLE TO SERVE AS A JUROR

117	Hirtle, Leonard Lloyd	182	McKay, Laura Jessie
118	" Robert Clarence *	183	" Rosie Louisa Grace *
119	" Shirley	184	" Stephen John
120	Jacobsen, James Sarin	185	McLeod, David *
121	Jaffray, Angus	186	" Margaret Anne
122	" Estell Anita	187	" William
123	" Rebecca Dickson *	188	McMillan, William *
124	" Robin	189	McPhee, Emily Mary Ellen
125	" Stephen James *	190	" Grace Darling *
126	" William *	191	" Patrick
127	Johnson, Howard William *	192	Neilson, Barry Marwood
128	Kenny, Erling	193	" Margaret
129	" Thelma Valdina *	194	Newman, Adrian Henry Frederick
130	King, Gladys Evelyn	195	" Joyce Noreen
131	" Peter Thomas	196	" Rebecca Dickson
132	" Robert John *	197	" Wilfred Lawrence *
133	" Vernon Thomas	198	Pauloni, Romolo Victorio
134	Kryszczak, Stanislaw *	199	Peake, Arthur
135	Lang, James Patrick *	200	Peart, Robert Ernest *
136	" May Malvina	201	" Rose Louisa
137	" William Frank	202	Peck, Beatrice Ena *
138	Larsen, Ellen	203	" Desmond Douglas Bernard *
139	" Margaret Anne	204	" Edith *
140	Lellman, Francis Theodore *	205	" Mary *
141	Livermore, Darren *	206	" Percy Philip *
142	" Shelley *	207	Perry, Annie Elizabeth *
143	Lyse, Ethel Malvina	208	" Beatrice Annie Jane *
144	" Linda Margaret	209	" Christopher *
145	" Reginald Sturdee	210	" Euphemia *
146	Macaskill, Jeannette May	211	" Stella Margeory *
147	" John	212	Phillips, Carol Joan
148	May, Heather	213	" David Dawson
149	" James John	214	" Jessie Catherine *
150	" William Albert	215	" Terence
151	Middleton, Brian *	216	Pole-Evans, Amy Rose
152	" Cyril	217	" Michael Anthony
153	" Ellen *	218	Poole, Evelyn May
154	" James (3) *	219	" Raymond John *
155	" Joan Eliza	220	" William John
156	" Leonard	221	Porter, Mary *
157	" Margaret Wilhelmina	222	" William Kenneth
158	" Shirley	223	Reive, Leonard Lawrence *
159	Milne, Henry Millar	224	" Terence
160	" Madeline Marie Irma	225	Roberts, Laura May
161	Minto, Gladys Elizabeth	226	" William Henry
162	" Leonard	227	Robertson, Charles Honeyman *
163	Morey, Doreen Helen	228	Robson, Gladys Mary
164	Morrison, Basil	229	" Louis Michael
165	" Catherine Rose	230	" Patricia Laura *
166	" Clair Linda	231	" Violet Malvina Emily *
167	" Donald Ewan *	232	Rowlands, Catherine Anne
168	" Fayan	233	" Daisy Malvina
169	" Mary Ellen *	234	" Harold Theodore *
170	" Patrick	235	" John Richard
171	" Trevor	236	Rozee, Robert Keith *
172	" William Roderick Halliday	237	Seeley, Peter George
173	Murphy, Bessie	238	" Shirley Eva
174	" Michael James *	239	Silvey, Reginald Norman Kenneth
175	McGill, Doris Mary	240	Short, Agnes Jane
176	" Len Stanford *	241	" Arthur Richard
177	McIver, Yvonne Helen	242	" Emily Christina
178	McKay, Daisy	243	" Florence Mary *
179	" David	244	" Frederick George *
180	" Josephine Ann *	245	" John George Archibald *
181	" Kenneth Andrew *	246	" Lita Margaret *

* NOT LIABLE TO SERVE AS A JUROR

247	Short, Montana Tyrone	265	Summers, Pamela Rosemary Cheek
248	„ Peter Robert	266	„ Sylvia Jean
249	„ Thomas Henry	267	„ Tony
250	Smith, Eric	268	Thom, David Anderson
251	„ Hannah Caroline *	269	„ Dorothy Irene
252	„ Mary Ellen	270	„ Norma Ann
253	„ Paulette Rose	271	Thompson, William John
254	Spall, Christopher Richard	272	Vidal, Eileen Nora
255	Spencer, Elizabeth Agnes *	273	Wallace, Fraser Barrett *
256	„ William Ernest *	274	„ James Hubert
257	Stacey, Lilian Clara *	275	„ Maria Lilian
258	Steen, Emma Jane	276	„ Stuart Barrett *
259	Stewart, David William *	277	Whitley, Richard Stephen
260	„ Keith Gordon	278	Whitney, Catherine Margaret Rebecca
261	„ Robert	279	„ Frederick Eddy *
262	„ Yvonne Malvina	280	„ Frederick William
263	Summers, Derek Raymond *	281	„ Susan Joan
264	„ Nigel Clive		

* NOT LIABLE TO SERVE AS A JUROR

WEST STANLEY ELECTORAL AREA

REGISTER OF ELECTORS

1001	Abbott, Jack *	1061	Bundes, Robert John Christian *
1002	Alazia, Albert Faulkner *	1062	Burns, Frederick John *
1003	" Eva Rose	1063	" Iola Winnifred Mary *
1004	" Freda	1064	Buse, Franz John
1005	" James Andrew	1065	Butcher, Michael George
1006	" Maggie Ann *	1066	" Trudi
1007	" William Charles *	1067	Butler, Elsie Maud
1008	" Yvonne	1068	" Frederick Lowther Edward Olai *
1009	Aldridge, Stephen Charles *	1069	" George Joseph
1010	Anderson, John *	1070	" Joan May
1011	" Kathleen Iris	1071	Carey, Anthony Michael
1012	" Ludvick Riley *	1072	" Gladys
1013	" Thomas *	1073	" Mary Ann Margaret
1014	Barnes, Frederick William *	1074	" Terence James
1015	" Mabel Ann *	1075	Cartmell, Frederick James
1016	Bennett, Harold *	1076	" Sarah Matilda *
1017	" Lena Grace Gertrude *	1077	Cheek, Gerald Winston
1018	" Neville Kenneth	1078	" Janet Linda
1019	" Stanley *	1079	" John Edward
1020	" Valerie Elizabeth	1080	" Marie
1021	Berntsen, Cecilia De Rosa	1081	Clarke, Camilla Marie
1022	" Delhi Ambrose	1082	" Derek Simon *
1023	" Florence	1083	" Jane Lucacia *
1024	" Valdamar Lars	1084	" Martin James
1025	Betts, Melody Christine	1085	" Marvin Thomas *
1026	" Terence Severine	1086	" Rudy Thomas
1027	Biggs, Basil William *	1087	Clement, Wickham Howard *
1028	" Bernard Layton *	1088	Cletheroe, Leslie John *
1029	" Betty Josephine	1089	" Lily Catherine
1030	" Frances	1090	" William Harold
1031	" Kathleen Frances *	1091	Clifton, Leonard
1032	" Leslie Frederick	1092	" Thora Janeene
1033	" Peter Julian Basil *	1093	Colville, David James Clement Robertson
1034	Binnie, Malcolm George Stanley	1094	Coutts, Malvina Mary
1035	" Susana	1095	Cusworth, Alana Marie
1036	Blackley, Charles David	1096	" Alan David
1037	" Hilda	1097	Davis, Lena Victoria *
1038	" Janet Agnes Mary *	1098	" Violet
1039	Blyth, Agnes Ruth	1099	" William James
1040	" Alfred John *	1100	Daykin, Kathleen Ruth Elmer *
1041	Bonner, Donald William	1101	Dobbys, Jeannie Lilian Mary
1042	" Doreen Millian	1102	" Kathleen Gay *
1043	" Henry John	1103	" Teresa Ellen *
1044	" Marilyn *	1104	" Timothy John
1045	" Paul Roderick	1105	Duncan, Alice Florence *
1046	" Vera *	1106	" Doreen
1047	" Vera Joan	1107	" Joan Ellen
1048	Booth, Jessie *	1108	" William *
1049	" Stuart Alfred	1109	Etheridge, Georgina Bond *
1050	Borland, Daniel	1110	" William Arthur *
1051	Bound, Henry John Lennard *	1111	Ferguson, Ethel Mary *
1052	" Horace Leslie *	1112	Finlayson, Robert Hugh *
1053	" Joan	1113	Ford, Arthur Henry
1054	Bowles, Norma Evangeline	1114	" Colleen Mary
1055	" William Edward *	1115	" Elizabeth Harriet
1056	Braxton, Thomas Nathaniel John *	1116	" Frederick James
1057	Browning, Althea Maria *	1117	" Violet Irene
1058	" James Samuel *	1118	" William John *
1059	" Trevor Osneith		
1060	Bundes, Muriel Gladys *		

* NOT LIABLE TO SERVE AS A JUROR

1119	Fullerton, Mary Ellen *	1182	Lec, Elsie Adelaide *
1120	Gilding, Jacqueline	1183	" Gladys
1121	" Peter Bernard	1184	" Leslie James
1122	Gooch, Dudley Frederick *	1185	" Malvina
1123	Goodwin, Dorothy Idina	1186	" Patrick James
1124	" John Kenneth *	1187	" Trudi Dale
1125	" June Rose Elizabeth	1188	Luxton, Constance *
1126	" Mary Agnes Alice	1189	" Ernest Falkland *
	Crawford *	1190	" Henry Thomas
1127	" William Andrew Nutt	1191	" Michael
1128	Halford, Sharon	1192	" Nicola
1129	Halliday, Evelyn Edna	1193	" Sybil Grace *
1130	" Gerald	1194	" Winifred Ellen
1131	" Joyce Isabella Patience	1195	Lyse, George Walter *
1132	" Kenneth William	1196	" Sydney Russell *
1133	" Leslie John *	1197	Malcolm, George
1134	" Mabel *	1198	" Velma
1135	" Margaret Mary	1199	Middleton, James (2) *
1136	" Raynor	1200	Miller, Betty Lois *
1137	" William John *	1201	" Sidney *
1138	Harvey, James Claude *	1202	Miranda, Winifred Dorothy
1139	Hazell, Trudi Eileen	1203	Morrison, Douglas Roy *
1140	Heathman, Ailsa *	1204	" Elizabeth Margaret May *
1141	" Ewart Tony	1205	" Gerald
1142	Hills, Heather Margaret	1206	" Marjorie Beatrice
1143	" Richard William *	1207	" Mary Ann *
1144	" William Phorsen *	1208	" Jean Buik
1145	Hirtle, Mary Ann *	1209	" Roderick *
1146	" Robert Andrew Eric	1210	McAskill, Susan Blanche *
1147	" Wallace Carlinden *	1211	McCallum, Bettina Kay
1148	Hobman, Anilda Marilu	1212	" Christopher John
1149	" John Malcolm	1213	" Ellen *
1150	Howatt, Derek Frank	1214	" Jack
1151	" Enid	1215	" Timothy Andrew *
1152	Humphreys, Winnifred	1216	McGill, Glenda
1153	Jennings, Dora Irene *	1217	" Ian Peter
1154	" Hamish Warren	1218	McKay, Davina *
1155	" Margaret Ellen	1219	" James John *
1156	" Mary Ann Helen *	1220	" Jane Elizabeth
1157	" Neil	1221	" Shelley Jane *
1158	Johnson, Beatrice Ellen *	1222	McLaren, Anthony James
1159	" Gladys Mabel	1223	McLeod, Archibald *
1160	" Stanley Howard *	1224	" Ellen May *
1161	" Stanley Peter	1225	" Murdoch Angus *
1162	Johnston, Gordon Macdonald	1226	McMillan, Donald Hugh *
1163	Jones, Albert Charles	1227	" Frances Evelyn
1164	Keenleyside, Charles Desmond	1228	McPhee, Marjorie May
1165	" Dorothy Maud *	1229	" Owen Horace *
1166	" Manfred Michael Ian	1230	" Terence Owen
1167	" Nicholas Timothy	1231	" Sheila Margaret
	Thomas *	1232	Neilson, Mabel *
1168	Kerr, Campbell Daniel	1233	O'Reilly, Francis Paul
1169	" James	1234	" Maria Christina
1170	" Margaret Joyce	1235	Peck, Elsie Grace *
1171	" Vera	1236	" James Watson Cranmer *
1172	King, Desmond George Buckley	1237	" Paul
1173	" Nanette	1238	" Shirley
1174	Kiddle, Malvina Thelma	1239	" Terence John *
1175	" Peter *	1240	Pedersen, Marie *
1176	" Robert *	1241	Perkins, Vivienne Esther Mary
1177	" Robert Karl	1242	Perry, Hilda Blanche
1178	Kirk, Tony William	1243	" Robert Juan Carlos
1179	Lang, Sandra Shirleen *	1244	" Thomas George
1180	Lee, Alfred Francis *	1245	Pettersson, Eileen Heather
1181	" Alfred Leslie	1246	" Tony

* NOT LIABLE TO SERVE AS A JUROR

1247	Poole, Charles Lawrence *	1286	Stewart, Hulda Fraser
1248	" Isabella Jane *	1287	" John
1249	Reid, Pamela Margaret	1288	" Phyllis Marjorie
1250	Reive, Ernest	1289	Summers, Brian
1251	" Roma Endora Mary*	1290	" Christina Maud
1252	Robson, Gerard Michael	1291	" Dennis David
1253	" Miranda Gay	1292	" Dorothy Constance
1254	" Raymond Nigel	1293	" Edith Catherine
1255	Rowlands, Lucy *	1294	" Iris Blanche
1256	Rozee, Betty	1295	" Keith Medlicott
1257	" Derek Robert Thomas	1296	" Kenneth Claud
1258	" Robert Keith *	1297	" Lavina *
1259	" Ronald David *	1298	" Owen William
1260	Ryan, Bridget Rose	1299	" Philip George
1261	" David Anthony	1300	" Rowena Elsie
1262	Shaw, Maureen	1301	" Stanley Frederick *
1263	" Trevor	1302	" Veronica
1264	Shedden, James Alexander	1303	" Victor Leonard *
1265	Short, Charles William	1304	Thain, David *
1266	" Philip Stanley	1305	Turner, Alva Ynonne
1267	" Rose Stella	1306	" Melvyn George
1268	Sinclair, Celia Joyce	1307	Wallace, Michael Ian
1269	Small, Lee Oliver *	1308	" Una *
1270	Smith, Derek	1309	Watson, Catherine Wilhelmina Jessie
1271	" Ileen Rose	1310	" Glenda Joyce
1272	" James Stanley	1311	" Hannah Maude
1273	" John	1312	" Louis James
1274	" Michael Edmund	1313	" Neil
1275	" Violet Catherine *	1314	" Robert
1276	Sollis, Denis John *	1315	Watts, Ada Mabel *
1277	" Sarah Emma Maude	1316	" Patrick James
1278	Sornsen, George Albert *	1317	" Veronica
1279	" Isabella *	1318	White, Kathleen Elizabeth
1280	Spraggon, Daniel Martin *	1319	" John Wright *
1281	Spruce, Helena Joan	1320	Whitney, Ellen Brenda
1282	" Terence George	1321	" Patrick George
1283	Stephenson, James	1322	Williams, Charlotte Agnes *
1284	" Joan Margaret	1323	" Eugene
1285	" Nancy *	1324	" Marlene Rose Elizabeth

* NOT LIABLE TO SERVE AS A JUROR

EAST FALKLAND ELECTORAL AREA

REGISTER OF ELECTORS

1	Alazia, Charles	62	Fairlie, Ivan William
2	" Freda Evelyn	63	Faria, Mary Ann
3	" Hazel	64	Ferguson, Finlay James
4	" Henry John	65	" Rose
5	" Thora Lilian †	66	Findlay, Carrie Madeline Helen
6	Anderson, Jenny	67	" Gerald
7	" Tony James	68	Finlayson, Barry Donald
8	Baillie, Keith	69	" Charles John
9	" Virginia Elizabeth Sarah	70	" Hugh
10	Barton, Coral Inez	71	" Iris Dwenda Margaret
11	" John David †	72	" Iris Heather
12	Beattie, Betty	73	" Neil Roderick †
13	" Thomas George	74	" Peter
14	Berntsen, Elizabeth Margaret †	75	" Phyllis
15	" Ellen Rose	76	Ford, Charles David
16	" Frederick George	77	" Fanny Davidson
17	" Jeanette	78	" Hazel
18	" John Alexander	79	" John
19	" Mary Anne Margaret	80	" Robert
20	" Olaf Christian Alexander	81	Gaiger, Ellen Rose
21	" Raymond	82	" Kenneth William
22	" William Alexander	83	" Phyllis Ann
23	Biggs, James Keith	84	Giles, Gilbert
24	Billett, Leslie William	85	Gleaddell, Anne †
25	Binnie, Linda Rose	86	Goodwin, Douglas Sturdee
26	" Ronald Eric	87	" Isobella Helena †
27	Blake, Anthony Thomas	88	" Marina
28	" Lyndsay Rae	89	" Raymond Hayward
29	Bonner, Roderick Richard	90	" Robin
30	Brooks, Frank	91	" Robin Christopher
31	Browning, Frances Agnes	92	" Sarah Margaret Rose
32	" Kelvin	93	" Una
33	Carey, Michael Raymond	94	Goss, Eric Miller
34	" Trudi Ann	95	" Roderick Jacob
35	Cartmell, Andrew Nutt	96	" Shirley Ann
36	Clark, Derek	97	Grant, Leonard John
37	" Mary Ellen	98	" Mildred
38	Clarke, Ian	99	Gray, David Edward
39	" Jeanette	100	" Patricia May
40	" Michael Jan	101	Hadden, Alexander Burnett
41	Clasen, Clarvis Edward	102	" Sheila Peggy
42	" Frederick James	103	Hardcastle, Brook †
43	" Mally	104	" Eileen Beryl
44	Clausen, Henry Edward	105	Harvey, Beatrice Louisa Catherine
45	Cletheroe, Kenneth Stanley	106	Hirtle, Sandra May Winifred
46	Clifton, Doreen	107	Hutton, Elizabeth Isabella
47	" Terence Charles	108	" Philip
48	Coutts, Alexander †	109	Jaffray, Alexander
49	Davis, Aase	110	" Brian
50	" Albert Henry	111	" Donald
51	" Elsie Gladys Margaret †	112	" Eileen
52	" Reginald John	113	" Elliott Jessie
53	" William John †	114	" Helen Rose
54	" Yona	115	" Ian
55	Dearling, Leo Alexander	116	" John †
56	Dickson, Caroline Christine Bird †	117	" John Willie
57	" Doreen	118	" Lynette Christine
58	" Gerald William	119	" Phyllis
59	" Iris	120	" Tony
60	" Ronald Edward	121	Jones, Glynn Charles
61	Edwards, David	122	" Michael David

† NOT LIABLE TO SERVE AS A JUROR.

123	Keane, Alva Rose Marie	186	McPhee, June Iris
124	" Thomas James	187	McRae, James Bartholomew
125	Knight, Nigel Arthur	188	McRae, Malvina Mary
126	" Shirley Louvain Patricia	189	" Robert George Hector
127	Lang, Patrick Andrew	190	Newman, Clive Alexander
128	" Velma Emily	191	" Dorothy Elizabeth †
129	Larsen, Ronald Ivan	192	" Marlene
130	" Yvonne	193	" Raymond Winston
131	MacFarlane, James Napier	194	O'Shea, Desmond
132	Marsh, Robin Frank	195	Parrin, Norman George †
133	May, Brian Roy	196	Peck, Burned Brian
134	" Bruce Raymond	197	" Evelyn Elizabeth
135	" Corenne Norma	198	Perry, Augustav Walter
136	" Monica	199	" Thora Virginia
137	Middleton, Dennis Michael	200	Phillips, Albert James
138	" Marion Sarah Ellen	201	" Charles William
139	" Sharon Elizabeth	202	" Lynda
140	Miller, Alan Charles	203	Pitaluga, Jene Ellen
141	" Betty	204	" Robin Andreas Mackintosh
142	" Carol	205	Reid, Colleen Rose
143	" James Albert	206	" Reynold Gus
144	" Timothy John Durose †	207	Rozee, Derek William †
145	Minnell, Benjamin James	208	Sanders, Robert Bernard
146	" Hazel Eileen	209	Shepherd, David Samuel Dick
147	Minto, Alistair Daem	210	" Elizabeth
148	Monk, Adrian Bertrand †	211	Sinclair, Simon Keith
149	" Nora May	212	Smith, David
150	Morrison, Doreen Emily	213	" Edith Mary †
151	" Dwenda Rose †	214	" Edith Winifred †
152	" Elenor Olive	215	" Frederick George Peter
153	" Hyacinth Emily	216	" George Patterson
154	" John Murdo	217	" Henry William
155	" Lewis Ronald	218	" Jenny Lorraine
156	" Michael John	219	" Joan Lucy Ann
157	" Nanette	220	" Norah
158	" Ronald Terence	221	" Osmond Raymond
159	" Stewart	222	" Robert William
160	" Susan Margaret	223	" Sidney Frederick
161	" Trudi Lynette	224	Sornsen, Agnes Caroline †
162	" Violet Sarah	225	" James Winston
163	" William Dickson †	226	Spinks, Alexander
164	McBain, Arthur	227	" Malvina Ellen
165	" Rhoda Margaret	228	Stewart, George Alexander
166	McCallum, James	229	" Sylvia Rose
167	McKay, Clara Mary	230	Summers, Gloria Jane
168	" Frazer Roderick	231	" Melvin Nigel
169	" Heather Valerie	232	" Michael Kenneth
170	" Michael John	233	" Nigel Kim †
171	" Rex	234	" Sheila
172	" Roderick John	235	" Sybella Catherine Ann
173	" William Robert	236	" Terence
174	McKee, John †	237	" William Edward †
175	McKenzie, Alice Maude	238	Thompson, George Henry
176	" Charles Alexander Albert	239	Thorsen, Gloria Penelope
	John	240	Turner, Diana Jane
177	" James	241	" Ronald
178	McLeod, Albert John	242	Whitney, Agnes Katherine
179	" Donald Henry	243	" Dennis
180	" Isabella Diana Frances †	244	" Henry Leslie
181	" Robert John	245	" Keith
182	" Sarah Rose	246	" Lana Rose
183	McMullen, June	247	" Leona Ann
184	" Tony	248	Wilson, John
185	McPhee, Kenneth John	249	" Margaret Jean

† NOT LIABLE TO SERVE AS A JUROR.

WEST FALKLAND ELECTORAL AREA

REGISTER OF ELECTORS

501	Alazia, Dorothy Fay	560	Duncan, James Alexander
502	" George Robert	561	" Peter Ree Howard
503	Aldridge, Brian George	562	Evans, Derek Stanley †
504	" Caroline Mary	563	" Gladys Alberta
505	" Kenneth John	564	" Griffith Owen
506	" Olive Elizabeth	565	" Margaret Ann
507	" Thomas George †	566	" Olwyn Carol
508	Amadio, Rita Ellen Ottile †	567	" Raymond
509	Anderson, Marina Rose	568	Fairley, John
510	" Margaret Catherine	569	Featherbe, Terence Randall
511	" Reginald Stanford	570	Felton, Anthony Terence
512	" Ronald	571	" Violet Regina Margaret
513	Barnes, Deirdre	572	Ferguson, Robert John
514	" Marshall	573	" Thelma
515	Berntsen, Arina Janice	574	Forster, Gwyneth May
516	" Kenneth Frederick	575	" James
517	" Leon	576	Gleadell, Ian Keith
518	" Valerie †	577	" Mavis Marie
519	Bertrand, Catherine Gladys	578	Goodwin, Bert Samuel †
520	Betts, Alan Sturdee †	579	" Emily Rose
521	" Arthur John	580	" Hazel Rose
522	" Bernard Keith	581	" William John Maurice
523	" Cyril Severine †	582	Goss, Dorothy Ellen
524	" Ellen Alma †	583	Halliday, Christina Jane †
525	" Hyacinth Emily †	584	" John Arthur Leslie †
526	" Irene Marion	585	Hansen, Ian †
527	" Susan Ann †	586	" Lionel Raymond
528	Biggs, Clarence George	587	" Rose Idina
529	" Michael Elfed	588	" Terence Darwin
530	Binnie, Albert Frederick †	589	Harvey, Alfred Sydney
531	" Horace James †	590	" Jen
532	" Rose Helen †	591	" Muriel Elizabeth Elsie
533	Blackley, Candy Joy	592	" Valerie Ann
534	" John David	593	Hatch, Albert John
535	Blake, Lionel Geoffrey †	594	Hayward, Peter Dennis
536	" Sally Gwynfa	595	Hewitt, Brian David †
537	Bonner, Hazel Margaret	596	Hirtle, Anthony †
538	" Keith James	597	" Doris Linda
539	" Simon	598	" Fenton
540	Buckland, Carole Wendy	599	Hurst, David William
541	Chandler, Ann Beatrice	600	" Una
542	" Edward	601	Johnson, Michael
543	Chater, Anthony Richard	602	" Violet Alberta †
544	Clarke, David James	603	Laffi, Kathleen Mary
545	" Fiona Alison	604	Lee, Carole
546	" Gwynne Edwina	605	" Elizabeth
547	" Terence John	606	" John Alfred
548	Cockwell, Grizelda Susan	607	" June Elliot
549	" John Richard	608	" Rodney William
550	Collins, Alfred Arthur	609	Limburn, Daniel Robert
551	Coutts, Frederick George	610	" Monica
552	Davidson, Donald	611	Luxton, Patricia Maureen
553	" Margaret Christine	612	" William Robert †
554	Dickson, Edward Thomas Crawford	613	MacBeth, Phyllis Elizabeth Grace
555	" Harold Edward †	614	" Raymond John
556	" Mildred Ellen	615	" William Campbell
557	Donnelly, Daniel	616	Maddocks, Charles
558	" Joyce Elizabeth	617	" Iris May
559	Duncan, Avis Marion	618	Marsh, Alastair Roy †

† NOT LIABLE TO SERVE AS A JUROR.

619 Marsh, Frank
 620 " Gavin Nicholas †
 621 " June Helen
 622 Miller, Carol
 623 " Florence Roberta †
 624 " Simon Roy
 625 " Stanley Frank †
 626 Molkenbuhl, Betty Marie
 627 " Claudio Eugenio
 628 Morrison, Charlene
 629 " Eric George
 630 " Kenneth
 631 " Len
 632 " Leslie Theodore Norman
 633 " Muriel Eliza Ivy †
 634 " Norman
 635 McCormick, Pauline Margaret Ruth
 636 " Ronald
 637 McDonald, Colin George
 638 " Irene
 639 McGill, Gary †
 640 " Lorraine Iris
 641 " Robin Perry
 642 McKay, Isabella Alice
 643 " Richard
 644 McRae, David Michael
 645 " Gloria Linda
 646 " Marlaine
 647 " Richard Winston
 648 Napier, Lily
 649 " Roderick Bertrand
 650 Newell, Joseph Orr
 651 " Trudi Malvina
 652 Peck, Maureen Heather
 653 " Patrick William
 654 Pole-Evans, Anthony Reginald
 655 " David Llewellyn †
 656 " Shirley Helen
 657 " William Reginald

658 Porter, Charles
 659 " George
 660 " Jean Lavinia
 661 " Joan
 662 " Marlane Rose †
 663 " Trudi Ann †
 664 Reeves, Cheryl Rose
 665 " Ronald James
 666 Robertson, Ann
 667 " James Richard
 668 " Neil Charles
 669 " Peter Charles
 670 " Robin Evelyn Thelma
 671 Ross, Charles Edward
 672 " Colin
 673 " Lachlan Neil
 674 " William Henry
 675 Sackett, Marjorie
 676 Short, Christina Ethel
 677 " Donald Robert Gordon
 678 " Isobel Rose
 679 " Joseph Leslie
 680 " Patrick Warburton
 681 " Robert Charles †
 682 Skears, Johnnie
 683 Smith, Adeline Jane †
 684 " Alice Maud †
 685 " Andrew Ludwig Clifford †
 686 " Francis David †
 687 " Gerard Alexander
 688 " Gwenifer May
 689 " Heather
 690 " Janice
 691 " Keva Elizabeth
 692 " Peter Lars
 693 " Robin Charles
 694 Stewart, George Nathaniel
 695 Strange, Annie

† NOT LIABLE TO SERVE AS A JUROR.



THE FALKLAND ISLANDS GAZETTE

PUBLISHED BY AUTHORITY

Vol. LXXXVIII

25 OCTOBER 1979

No. 11

Re-appointment

Francis Paul O'Reilly, Headmaster, Education Department, 12.9.79.

NOTICES

No. 47. 23rd October 1979.

The findings of the Cost of Living Committee for the quarter ended 30th September 1979 are published for general information —

<i>Quarter ended</i>	<i>Percentage increase over 1971 prices</i>
30th September 1979	198.71%

2. In accordance with the principle of the Wages Agreement for Stanley the average increase over the last four quarters is 187.37% and a further wage award of 2½p per hour is therefore payable with effect from 1st October 1979.

Ref. INT/2/3.

No. 48. 25th October 1979.

Notice is hereby given that MR. REYNALDO GUSTAVO REED is applying to the Home Secretary for naturalisation, and that any person who knows any reason why naturalisation should not be granted should send a written and signed statement of the facts to the Chief Secretary, Secretariat, Stanley.

Ref. LEG/10/19c.

Probate

In the Supreme Court of the Falkland Islands

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

IN THE MATTER of Cecil Hicks Joseph Plummer, deceased of Stanley, Falkland Islands, who died at Stanley on the 20th day of August 1979.

WHEREAS The Right Reverend Monsignor Daniel Spraggon, Prefect Apostolic, has applied for Letters of Administration with the Will annexed to administer the estate of the said deceased in the Colony.

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

R. H. CHECKLEY,
Registrar.

Stanley,
Falkland Islands.
4th October 1979.
SC & L 21/79.

POST OFFICE ORDINANCE

(Chapter 52)

Post Office (Amendment) Order 1979

No. 5 of 1979.

J. R. W. PARKER,
Governor.

IN EXERCISE of the powers conferred by section 4 of the Post Office Ordinance the Governor in Council has made the following order —

Citation and commencement.

1. This order may be cited as the Post Office (Amendment) Order 1979 and shall come into operation on the 1st day of October 1979.

Amendment of paragraph 2.
(4 of 1976)

2. Paragraph 2 of the principal order is amended in subparagraph (a) by deleting "8p" and "9p" and substituting the following respectively —

"9p" and "10p"

Made by the Governor in Council this 22nd day of August 1979.

R. BROWNING,
Clerk of Councils.

Ref. P & T/2/9c.

MAINTENANCE ORDERS (RECIPROCAL ENFORCEMENT) ORDINANCE 1979

Maintenance Orders (Designation of Reciprocating Countries)

ORDER 1979

No. 6 of 1979.

J. R. W. PARKER,
Governor.

IN EXERCISE of the powers conferred by sections 3 and 18 of
the Maintenance Orders (Reciprocal Enforcement) Ordinance 1979, (1 of 1979)
the Governor in Council has made the following order —

1. This order may be cited as the Maintenance Orders (Designation of Reciprocating Countries) Order 1979. Citation.
2. The countries specified in the Schedule hereto are hereby designated as reciprocating countries for the purposes of the Maintenance Orders (Reciprocal Enforcement) Ordinance 1979. Designated Countries.
3. Proclamations 2 of 1929, 3 of 1954, 5 of 1954, 2 of 1955, 5 of 1962, 2 of 1963 and 4 of 1970, are cancelled. Cancellation of Proclamations.

SCHEDULE

(para 2)

Australia

Capital Territory
New South Wales
Northern Territory
Queensland
South Australia
Tasmania
Victoria
Western Australia

Bailiwick of Guernsey

Isle of Man

Jersey

New Zealand

United Kingdom.

Made by the Governor in Council this 22nd day of August
1979.

R. BROWNING,
Clerk of Councils.

Ref. LEG/10/34.

ROAD TRAFFIC ORDINANCE

(Chapter 60)

Road Traffic (Amendment) Regulations 1979

No. 9 of 1979.

J. R. W. PARKER,
Governor.

IN EXERCISE of the powers conferred by section 18 of the Road Traffic Ordinance, the Governor in Council has made the following regulations —

Citation and commence-
ment.

1. These regulations may be cited as the Road Traffic (Amendment) Regulations 1979 and shall come into operation on the 1st day of October 1979.

Amendment of regulation
4.
(Cap. 60 sub. leg.)

2. Regulation 4 of the principal regulations is amended in paragraph (3) by deleting "75p" and substituting the following —
"£1.00".

Made by the Governor in Council this 22nd day of August 1979.

R. BROWNING,
Clerk of Councils.

Ref. POL/10/5.

ADMINISTRATION OF ESTATES ORDINANCE
(Chapter 1)

Administration of Estates (Amendment) Rules 1979

No. 2 of 1979.

J. R. W. PARKER,
Governor.

IN EXERCISE of the powers conferred by section 22 of the Administration of Estates Ordinance, the Governor in Council has made the following rules —

1. These rules may be cited as the Administration of Estates (Amendment) Rules 1979 and shall come into operation on the 1st day of October 1979.

Citation and commencement.

2. The Second Schedule to the principal rules is amended by deleting Part II and substituting the following —

Amendment of Second Schedule.
(Cap. 1 sub. leg.)

“PART II Rule 3.

The following fees shall be taken in respect of the contentious items set out in this Part of this Schedule —

ITEM	FEE
	£.p
1. On signing, settling, or approving an advertisement	1.00
2. For taking an affidavit or affirmation or attestation upon honour in lieu of an affidavit or a declaration, for each person making the same ... ..	.50
And in addition thereto for each exhibit therein referred to and required to be marked ... ..	.20
3. On settling and sealing a citation ... ..	.50
4. For a photographic copy of all or part of any document, for each photographic sheet —	
(a) not over foolscap size ... ..	.20
(b) over foolscap size ... ..	.40
5. On setting down an action for trial or hearing	8.00
6. Hearing fee	8.00
7. On entering an appeal to the Court of Appeal —	
From an interlocutory order	6.00
From a final order	14.00
8. On drawing up and entering judgment, decrees and orders ...	4.00
9. On a reference, investigation, or inquiry, including examination of witnesses, if any — for every hour or part of an hour the officer is occupied	1.00
10. On a search for an appearance or an affidavit, and inspecting the same ... ..	.10
11. On any other search including inspection, for each hour or part of an hour ... ..	.25
12. On sealing a subpoena for witnesses, for each witness	1.00
13. On taxing a bill ... ..	.10
for every £4 or part thereof allowed	
14. On sealing a writ of summons or commencement of action ...	8.00
15. On sealing a concurrent reward or amending writ ... ..	.50
16. On sealing a writ of execution or attachment	1.00
17. On bespeaking a request for service out of jurisdiction ...	.10"

Made by the Governor in Council this 22nd day of August 1979.

R. BROWNING,
Clerk of Councils.

TOTAL WOOL CLIP IN 1000 LBS	LAMBS		SHEEP DISPOSED OF	HORSES	CATTLE	DOGS	POULTRY	SWINE	ACRES CULTIV- ATED	LABOUR	EAR MARK
	MARKED	DIPPED									
EAST FALKLAND											
20.0	512	—	177	5	115	4	—	—	—	3	Fork & Slit
189.8	5,926	—	2,669	132	540	37	307	—	18	13	Fore Bayonet
119.0	3,946	—	1,845	42	109	17	75	—	12	10	Fore Bayonet
779.1	23,802	21,564	6,562	333	1,292	130	—	3	—	55	Double Swallow
177.4	6,894	5,830	3,863	132	260	35	135	—	—	15	" "
124.6	2,613	2,367	1,266	50	272	38	166	12	—	9	" "
107.3	3,766	3,432	818	40	227	13	41	—	—	4	Triangle "
6.0	172	—	160	—	14	2	22	—	—	2	Back Bayonet
20.3	1,064	968	92	3	35	7	56	—	—	2	Fore Bayonet &
74.2	2,205	2,163	600	25	86	16	—	—	—	3	Fork [Back Slit
95.8	3,058	2,666	460	124	274	19	109	—	—	8	Fork
235.7	8,409	7,497	3,050	113	757	34	160	2	—	14	Slit
154.1	5,797	5,354	1,578	97	318	31	172	—	105	12	Back Square
65.8	1,140	—	518	63	61	8	97	11	—	4	Slit
10.1	270	—	182	2	25	2	—	—	—	3	Fore Bayonet
452.3	15,492	13,729	5,330	294	776	75	470	—	350	30	Double Swallow
15.0	—	107	—	—	—	—	—	—	—	—	Half Half-penny
2,646.5	85,066	65,677	29,170	1,455	5,161	468	1,810	28	485	187	

WEST FALKLAND											
270.5	8,677	7,879	2,274	176	708	66	256	9	558	24	Fork
258.6	7,514	—	3,675	98	370	51	—	1	—	22	Fore Bayonet
196.1	7,484	7,273	1,021	129	252	34	86	3	2,500	11	Double Swallow
201.5	6,432	6,221	1,339	83	169	17	—	—	—	14	Fore Bayonet
199.5	7,200	6,474	1,483	—	—	55	—	—	—	25	Fore Bit
213.0	5,899	—	2,162	117	421	46	262	—	55	15	Double Swallow
166.5	3,790	3,447	1,980	59	224	30	107	—	32	11	Front Square
1,505.7	46,996	31,294	13,934	662	2,144	299	711	13	3,145	122	

ISLANDS											
79.9	2,070	1,947	1,917	51	179	11	94	1	—	9	Fork
56.4	2,076	2,045	580	20	99	10	—	—	5	3	"
105.6	3,290	3,134	2,127	59	232	24	182	2	7	13	Back Bayonet
19.6	382	—	209	—	19	7	47	—	—	1	Fore Bayonet
19.3	351	—	50	3	29	—	—	—	—	—	Fork
17.5	369	355	269	6	15	—	10	—	—	—	Plain Ear
19.4	321	—	170	2	27	7	42	—	—	1	Back Square
102.4	2,569	2,489	2,977	11	156	—	—	—	—	3	Double Swallow
8.0	113	—	59	—	12	2	8	—	—	2	Fore Bayonet
75.0	1,940	1,708	611	13	83	20	—	—	—	8	Double Swallow
27.0	611	—	610	7	54	6	44	—	—	1	Back Square
29.3	431	—	530	2	11	6	17	—	—	1	Swallow
12.6	—	—	—	—	—	—	—	—	—	—	Double Swallow
1.0	—	—	7	—	—	—	—	—	—	—	—
573.0	14,523	11,678	10,116	174	916	93	444	3	12	42	

2,647	85,066	65,677	29,170	1,455	5,161	468	1,810	28	485	187	
1,506	46,996	31,294	13,934	662	2,144	299	711	13	3,145	122	
573	14,523	11,678	10,116	174	916	93	444	3	12	42	
4,726	146,585	108,649	53,220	2,291	8,221	860	2,965	44	3,642	351	
4,651	145,819	131,391	52,819	2,595	8,850	853	2,552	32	581.5	373	
4,572	136,547	120,419	52,928	2,621	9,111	830	3,170	25	1,439	338	
4,938	144,571	131,614	59,498	2,687	9,341	820	2,109	24	13,850	330	
4,715	148,594	133,280	56,279	2,754	9,462	856	2,399	28	13,656	360	

SHEEP DISPOSED OF

	SOLD LOCALLY FOR BREEDING OR FURTHER USE	SLAUGHTERED				EXPORTED
		MUTTON (Stanley)	MUTTON (Farm)	SKINS	OTHER PURPOSES	
EAST FALKLAND	2,437	5,776	7,335	11,668	1,954	—
WEST FALKLAND	6	—	5,325	6,513	2,090	—
ISLANDS	2,423	2,659	1,381	2,184	1,469	—
TOTAL 1978-1979	4,866	8,435	14,041	20,365	5,513	—
1977-1978	3,044	6,418	13,522	25,162	4,673	—
1976-1977	5,797	9,172	13,355	23,402	1,202	—
1975-1976	1,023	7,188	15,191	30,069	6,027	—
1974-1975	4,947	8,282	13,801	28,692	557	—

A Bill for An Ordinance To amend the Education Ordinance 1967.

Title.

(19)

Date of commencement.

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

Enacting clause.

1. This Ordinance may be cited as the Education (Amendment) Ordinance 1979.

Short title.

2. Section 3 of the principal Ordinance is repealed and replaced by the following new section—

Repeal and replacement of
section 3.
(14 of 1967)

"Age of entry.

3. (1) A child shall be entered as a pupil at a recognised school on the first day of the term in which he shall attain the age of five years:

Provided that a child who has attained the age of four years may, with the approval of the Superintendent, be entered as a pupil at a recognised school on the first day in any term.

(2) For the purposes of this section "term" includes any subsequent holiday period."

OBJECTS AND REASONS

The object of this Bill is to clarify the general provisions for the entry of a child as a pupil at a recognised school.

Ref. EDU/10/1.

A Bill for An Ordinance

Title. Further to amend the Income Tax Ordinance.

Date of commencement.

(1st January 1980)

Enacting clause.

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

Short title and commencement.

1. This Ordinance may be cited as the Income Tax (Amendment) (No. 2) Ordinance 1979 and shall apply to assessments for the year of assessment commencing on the 1st day of January 1980 and to all subsequent years of assessment.

Amendment of section 12.
(Cap. 32)

2. Section 12 of the principal Ordinance is amended —

- (a) by deleting the full stop at the end of paragraph (g) and substituting a semi-colon; and
- (b) by adding after paragraph (g) the following new paragraph:

“(h) any amount paid or payable under section 5 of the Medical Services Levy Ordinance 1979.”

OBJECTS AND REASONS

The object of this Bill is to ensure that any payment under the Medical Services Levy Ordinance does not qualify as an allowable deduction for the purpose of ascertaining the chargeable income of any person under the Income Tax Ordinance. The reason for not allowing the Medical Services Levy as a deduction arises from the decision, made by the Legislative Council in June 1979, to reduce the amounts payable by employers and self-employed persons, on emoluments, under the formerly proposed Employment Tax Bill, from 4% (3% tax deductible) to 1½%, under the Medical Services Levy Ordinance, not tax deductible.

Ref. INC/10/5.

A Bill for
An Ordinance
To amend the Maintenance Orders
(Reciprocal Enforcement) Ordinance 1979.

Title.

(19)

Date of commencement.

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

Enacting clause.

1. This Ordinance may be cited as the Maintenance Orders (Reciprocal Enforcement) (Amendment) Ordinance 1979.

Short title.

2. Section 9 of the principal Ordinance is amended in subsection (1) by deleting “Subject to subsection (2) below, a registered order” and substituting the following —
“A registered order”.

Amendment of section 9.
(No. 1 of 1979)

OBJECTS AND REASONS

The object of this Bill is to correct a drafting error appearing in section 9 (1) of the principal Ordinance.

Ref. LEG/10/34.

A Bill for An Ordinance

Title. To amend the Stanley Rates Ordinance
1973.

Date of commencement.

(1st January 1980)

Enacting clause.

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

Short title and commence-
ment.

1. This Ordinance may be cited as the Stanley Rates (Amend-
ment) (No. 2) Ordinance 1979 and shall come into operation on the
1st day of January 1980.

Amendment of section 13.
(5 of 1973)

2. Section 13 of the principal Ordinance is amended by
deleting "poverty" and substituting the following —
"financial circumstances".

Amendment of section 30.

3. Section 30 of the principal Ordinance is amended in sub-
section (2) by deleting "£1.00" and substituting the following —
"£2.00".

OBJECTS AND REASONS

The object of this Bill is to increase the rate charged for water supplied
to ships from £1.00 to £2.00 per ton and to delete the word "poverty" from
section 13 of the Stanley Rates Ordinance replacing it with the words "financial
circumstances" to enable a broader interpretation of the rate remission section
of the Ordinance.

Ref. TRE/2/20.



THE FALKLAND ISLANDS GAZETTE

PUBLISHED BY AUTHORITY

Vol. LXXXVIII

28 NOVEMBER 1979

No. 12

Acting Appointments

William Andrew Nutt Goodwin, Master, m.v. "Forrest", Harbour Department, 9.5.79 - 21.10.79.

Donald Hugh McMillan, Chief Police Officer, Police and Prisons Department, 9.7.79 - 7.10.79.

Completion of Contracts

Mrs. Gladys Carey, Nurse, Medical Department, 20.10.79.

Miss Marilyn Bonner, Nurse, Medical Department, 31.10.79.

Resignations

David Slaven Hazell, Corporal, Falkland Islands Police Force, 24.9.79.

Miss Deborah Rachael Bleaney, Clerk, Public Service, 12.11.79.

NOTICES

No. 49. 6th November 1979.

His Excellency the Governor has been pleased to approve the award of the Efficiency Medal to the undermentioned members of the Falkland Islands Defence Force—

2/LT. WATSON, N.	PTE. FORD, F. J.
CPL. CHEEK, G. W.	PTE. HARRIS, L.
CPL. SUMMERS, B.	PTE. LEE, P. J.

Ref. ROY/31/4.

No. 50.

26th November 1979.

It is hereby notified that the following dates have been set aside as Public Holidays in Stanley for 1980—

New Year's Day	...	Tuesday, 1st January
Good Friday	...	Friday, 4th April
Her Majesty the Queen's Birthday	...	Monday, 21st April
October Bank Holiday	...	Monday, 6th October
Anniversary of the Battle of the Falkland Islands	...	Monday, 8th December
Christmas Holidays	...	Thursday, 25th December
	...	Friday, 26th December
	...	Monday, 29th December

Ref. INT/21/5.

No. 51.

28th November 1979.

It is with deep regret that His Excellency the Governor learned today of the death on 27th November 1979 of Mr. Henry Thomas Luxton, Postmaster and Officer in Charge, Posts and Telecommunications Department.

Ref. P/277.

 STATUTORY INSTRUMENTS

1979 No. 577

COPYRIGHT

 The Copyright (International Conventions)
 (Amendment) Order 1979

<i>Made</i> - - - - -	23rd May 1979
<i>Laid before Parliament</i>	31st May 1979
<i>Coming into Operation</i>	21st June 1979

* At the Court at Buckingham Palace, the 23rd day of May 1979

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by and with the advice of Her Privy Council, and by virtue of the authority conferred upon Her by sections 31, 32 and 47 of the Copyright Act 1956 (a) and of all other powers enabling Her in that behalf, is pleased to order, and it is hereby ordered, as follows —

1. This Order may be cited as the Copyright (International Conventions) (Amendment) Order 1979, and shall come into operation on 21st June 1979.

2. The Copyright (International Conventions) Order 1972 (b) shall be further amended by the inclusion in Schedule 2 (which names the countries party to the Universal Copyright Convention but not members of the Berne Copyright Union) of a reference in the left-hand column to El Salvador and in relation thereto in the right-hand column the date 21st June 1979.

3. This Order shall extend to all the countries mentioned in the Schedule hereto.

N. E. LEIGH,

Clerk of the Privy Council.

(a) 1956 c. 74.

(b) S.I. 1972/673, to which there are amendments not relevant to the subject-matter of this Order.

SCHEDULE

COUNTRIES TO WHICH THIS ORDER EXTENDS

Bermuda.
 Belize.
 British Virgin Islands.
 Cayman Islands.
 Falkland Islands and Dependencies.
 Gibraltar.
 Hong Kong.
 Isle of Man.
 Montserrat.
 St. Helena and its Dependencies.

 EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order further amends the Copyright (International Conventions) Order 1972. It takes account of the accession of El Salvador to the Universal Copyright Convention.

The Order extends to dependent countries of the Commonwealth to which the 1972 Order extends.

ADMINISTRATION OF JUSTICE ORDINANCE
(Chapter 3)

Court Fees (Civil Cases) (Amendment) Rules 1979

No. 3 of 1979.

J. R. W. PARKER,
Governor.

IN EXERCISE of the powers conferred by section 69 of the Administration of Justice Ordinance, the Governor in Council has made the following rules —

1. These rules may be cited as the Court Fees (Civil Cases) (Amendment) Rules 1979 and shall come into operation on the 1st day of October 1979.

Citation and commencement.

2. The First, Second and Third Schedules to the principal rules are deleted and the following substituted —

Deletion and substitution of Schedules.
(Cap. 3 sub. leg.)

“FIRST SCHEDULE (Rule 2)

ITEM	FEE
	£ p
1. On sealing writ	10.00
2. On filing a divorce petition	10.00
3. On presenting a petition except where Fee 2 is payable ...	8.00
4. On sealing an originating notice of motion	12.00
5. On amending a writ, petition or originating notices of motion ...	1.00
6. For citation, first (divorce)	2.00
7. For citation, second and subsequent	1.40
8. On entering reply (divorce)	2.00
9. For certifying copy of divorce petition ... ..	.50
10. On filing affidavit ... ..	.50
11. For each witness summoned ... ..	.50
12. On entering defence in action	2.00
13. On entering reply in action	2.00
14. On setting case down for trial	10.00
15. Entering or sealing a judgment decree or order	10.00
NOTE: This fee is payable where a judgment, decree or order is made by consent. Where this fee is paid on a decree nisi in a matrimonial cause no fee is payable on the decree absolute.	
16. On sealing a commission or letters of request for the examination of witnesses abroad	4.00
17. On examination of a witness, including a judgment debtor, before an officer of the Court	4.00
18. On signing, settling or approving an advertisement	1.00
19. For a certificate under the hand of the Judge or the Registrar where no other fee is prescribed ... ..	.50
20. On a certificate by the Registrar as to a judgment or order ...	2.00
21. For a photographic copy of all or any part of any document, for each photographic sheet —	
(a) not over foolscap size ... ..	.20
(b) over foolscap size ... ..	.40
22. For a typewritten copy of any document (subject to a minimum of 25p) ... ..	.08 for each folio of 72 words
23. On filing a notice of appeal to the Supreme Court and setting the appeal down for hearing	12.00
24. On an application to issue a third party notice	4.00

25. Registration of a judgment under the Reciprocal Enforcement of Judgments Ordinance (Cap. 56) or of the Foreign Judgments (Reciprocal Enforcement) Ordinance 1959	...	...	...	2.00
26. On application for leave to issue execution	...	...	...	.10
27. On the issue of a warrant of execution	...	...	...	.10 for every £ of the first £100 and .05p for every additional £ for which the warrant issues.
28. On the issue of a warrant of possession —				
(a) not for the recovery of a sum of money	...	...	...	1.00
(b) for the recovery of a sum of money in addition to possession	...	...	...	1.00 in addition to .10p for every £ of the first £100 and .05p for each additional £ for which the warrant issues.
29. On the issue of a warrant of delivery	...	...	...	.10 for every £ of the first £100 and .05p for each additional £ of the value of the goods to be delivered and costs and damages.
30. For an office copy of the Judge's note	...	...	...	.10 for each folio of 72 words.
31. For leave to appeal to the Privy Council including recognizance and sealing	...	...	...	40.00
32. On filing a notice of appeal to the Falkland Islands Court of Appeal	...	...	...	12.00
33. Taxing costs	...	...	...	.10 for every £4.00 or part thereof allowed.
34. Reviewing costs	...	...	...	2.00
35. Warrant for absconding debtor	...	...	...	2.00

SECOND SCHEDULE

(Rule 3)

Fee 1. On entering a complaint.

£ p

(1) for the recovery of a sum of money					
not exceeding	...	...	...	£2.00	.40
exceeding £2.00 but not exceeding	...	...	...	£5.00	.60
" £5.00 " " "	...	...	...	£10.00	1.00
" £10.00 " " "	...	...	...	£25.00	1.50
" £25.00 " " "	...	...	...	£50.00	4.00
" £50.00 " " "	...	...	...	£100.00	10.00
" £100.00 " " "	...	...	...	£250.00	24.00
" £250.00 " " "	...	...	...	£500.00	48.00
" £500.00 " " "	...	...	...	£1,000.00	100.00
(2) for recovery of land:					
(a) on expiration of term of notice to quit	...	...	...	2.50	
(b) on forfeiture for non-payment of rent	...	...	...	Fee 1 (1) calculated on rent in arrear.	
(3) for delivery of goods	...	...	...	Fee 1 (1) calculated on value of goods.	
(4) for any other remedy or relief	...	...	...	10.00	
2. On filing a counterclaim	...	...	...	The difference between the fee which would have been payable had the counterclaim been an original claim and the fee paid by the plaintiff.	
3. On application for leave to issue a third party notice	...	...	...	1.00	
NOTE: The above fees include preparation and service of summons, etc.					
4. (1) On the hearing of a trial or action	...	...	...	An amount equal to that paid under Fee 1.	
(2) If the amount claimed and fees are paid into Court more than 2 days before the hearing	...	...	...	One quarter of Fee 4 (1).	
(3) If the defendant does not appear or consents to judgment for the plaintiff in Court	...	...	...	One half of Fee 4 (1).	

5. On the trial or hearing of a counterclaim	The fee payable under Fee 2.
6. On application for an order for the attendance of a judgment debtor	4.00
7. On application for leave to issue execution ... ..	.20 for every £1.00 of the Judgment Order.
8. On the issue of a warrant of execution ... ..	.20 for every £1.00 for which the warrant issues.
9. On the issue of a warrant of possession:	
(1) not for the recovery of a sum of money	Fee 1 (2) or 1 (3) whichever is applicable.
(2) for the recovery of a sum of money in addition to possession	Fee 9 (1) in addition to .10p for every £1.00 for which the warrant issues.
10. On the issue of a warrant of delivery:	
(1) not for the recovery of damages or costs ... ..	.20 for every £1.00 of the value of the goods to be delivered.
(2) for the recovery of damages or costs in addition to delivery	Fee 10 (1) in addition to .20p in every £1.00 for which the warrant issues.
11. On issue of a judgment summons ... ..	.20 for every £2.00 or part thereof for which the summons issues.
12. On hearing of a judgment summons	Fee 11.
13. On issue of an order for commitment made on a judgment summons ... ..	.20 for every £1.00 for which the order issues.
14. On entering garnishee proceedings	Fee 1 (1).
15. On hearing garnishee proceedings	Fee 4.
16. On the issue of witness summons ... ..	.50p
17. For an office copy of a Magistrate's note ... ..	.40 for each folio of 72 words.

THIRD SCHEDULE

(Rule 4)

	£ p
1. Power of Attorney	5.00
2. Noting a Protest	10.50
3. Extending a Protest	22.00
4. For each copy of a Protest	10.50
5. Protesting Bill of Exchange, Promissory Note	7.50
6. Any other notarial act not specified above	2.00."

Made by the Governor in Council this 22nd day of August 1979.

R. BROWNING,
Clerk of Councils.

Ref. LEG/10/7.

INCOME TAX ORDINANCE
(Chapter 32)

Income Tax (Annual Values) Rules 1979

(under sections 5 (b) (ii) and 5 (c) of the Ordinance)

No. 4 of 1979.

J. R. W. PARKER,
Governor.

Cap. 32. IN EXERCISE of the powers conferred by sections 5 (b) (ii) and 5 (c) of the Income Tax Ordinance, the Governor in Council has made the following rules —

Citation and commencement. 1. (1) These rules may be cited as the Income Tax (Annual Values) Rules 1979.

(2) The provisions of these Rules shall have effect with respect to tax chargeable for the year of assessment commencing on the 1st day of January 1980 and for all subsequent years of assessment.

Allowances.

2. For the purposes of prescribing the annual value of any allowance in respect of employment received otherwise than in money, the following shall be deemed to be chargeable income under section 5 (b) (ii) of the Income Tax Ordinance —

- (a) the estimated value of any light, power or fuel supplied free of charge by an employer;
- (b) the value of any board, lodging or board and lodging where it is fully and continuously provided during any period of employment, and where the recipient maintains no other fixed place of abode in the Colony while so employed.

Values.

3. The following values are hereby prescribed for the purposes of sections 5 (b) (ii) and 5 (c) of the Income Tax Ordinance —

(i)	Farm manager's house outside Stanley	...	£200
(ii)	Married employee with outside house	...	Nil
(iii)	Employee with settlement house	...	£100
(iv)	Single employee in outside house	...	Nil
(v)	Single employee in cookhouse	...	£40
(vi)	Ships' personnel	...	£240
(vii)	Servants living in	...	£160
(viii)	Staff, other than servants, living in institutional accommodation —		
	(a) Accommodation, including fuel, light or power		£160
	(b) Food per adult person		£180
(ix)	Persons provided with free fuel in Stanley	...	£75
(x)	Persons provided with free light or power in Stanley		£30
(xi)	Employee provided with free board and lodging in Stanley other than those living in institutional accommodation —		
	(a) Single employee	...	£350
	(b) Married couples	...	£450
	(c) Married couples with children		£450 + £50 for each child

(xii) Persons provided with a house in Stanley —

CATEGORY (A)

A house in which any person can be expected to live —

Furnished £4.50 per room per month

Unfurnished £3.50 per room per month

CATEGORY (B)

A house, equal in all respects to those in category (A) but which has permanent disadvantages, such as semi-detached properties with over-thin dividing walls —

Furnished £4.00 per room per month

Unfurnished £3.10 per room per month

CATEGORY (C)

Other houses lacking privacy and which have to be decorated by the occupant —

Furnished £3.10 per room per month

Unfurnished £2.50 per room per month.

4. For the purposes of these Rules a room shall not include a garage, outbuilding, porch, bathroom, hall or passage, and no house shall be deemed to contain more than seven rooms. Exclusion of bathroom, etc.

5. The Income Tax (Annual Values) Rules 1977 are revoked. Revocation.
(1 of 1977)

Made by the Governor in Council on the 11th day of September 1979.

R. BROWNING,
Clerk of Councils.

Ref. INC/10/5/II.



THE FALKLAND ISLANDS GAZETTE

PUBLISHED BY AUTHORITY

Vol. LXXXVIII

17 DECEMBER 1979

No. 13

Resignation

Mrs. Margaret Jennings, Telephone Operator,
Posts & Telecommunications Department, 30.11.79.

NOTICES

No. 52. 4th December 1979.

His Excellency the Governor has been pleased
to appoint —

MR. GRIFFITH OWEN EVANS

of Pebble Island, West Falkland, to be a Registrar
under section 4 of the Marriage Ordinance (Cap.
43) for the purpose of celebrating the marriage of
Michael Bernard Bleaney, Widower, and Alison
Ann Mackintosh, Divorcee, both of Stanley, at
Pebble Island.

Ref. LEG/19/2.

No. 53. 11th December 1979.

Intimation has been received from the Right
Honourable the Secretary of State for Foreign
and Commonwealth Affairs to the effect that Her
Majesty will not be advised to exercise her power
of disallowance in respect of the following Ordinance of the Colony —

No.	Title	Ref.
1/78	Appropriation (1978-79) Ord. 1978	TRE/14/13.

Probate

In the Supreme Court of the Falkland Islands

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

IN THE MATTER of George Alexander Llamosa,
who died intestate at Stanley, Falkland Islands on
the 29th May 1979.

WHEREAS Elsie Grace Peck, sister of the above
named deceased has applied for Letters of Admin-
istration to administer the estate of the deceased
in the Colony.

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

R. H. CHECKLEY,
Registrar.

Stanley,
Falkland Islands.
4th December 1979.
SC & L/19/79.

PROCLAMATION

No. 3 of 1979

IN THE NAME OF Her Majesty ELIZABETH II, by the Grace of God of the United Kingdom of Great Britain and Northern Ireland and of Her other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith.

BY HIS EXCELLENCY JAMES ROLAND WALTER PARKER, ESQUIRE, Companion of the Most Distinguished Order of Saint Michael and Saint George, Officer of the Most Excellent Order of the British Empire, Governor and Commander-in-Chief in and over the Colony of the Falkland Islands and its Dependencies, and Vice-Admiral of the same.

WHEREAS it is provided by subsection (1) of section 24 of the Falkland Islands (Legislative Council) Orders 1948 to 1977 that the sittings of the Legislative Council shall be held at such times and places as the Governor shall from time to time appoint by proclamation published in the Gazette:

NOW, THEREFORE, I, JAMES ROLAND WALTER PARKER, do hereby PROCLAIM that the next sitting of the Legislative Council of the Falkland Islands shall be held at 9.30 o'clock in the forenoon of Thursday, the 20th day of December 1979 at the Court and Council Chambers in the town of Stanley in the Falkland Islands.

GIVEN under my hand and the Public Seal of the Colony of the Falkland Islands at Government House, Stanley, Falkland Islands this 29th day of November in the year of Our Lord One thousand nine hundred and seventy-nine.



J. R. W. PARKER,
Governor.

GOD SAVE THE QUEEN

A Bill for
An Ordinance
To amend the Income Tax Ordinance.

(1st January 1980)

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

1. This Ordinance may be cited as the Income Tax (Amendment) (No. 3) Ordinance 1979 and shall apply to assessments for the year 1980 and to subsequent years of assessment.

2. Section 2 of the principal Ordinance is amended —
- (a) by inserting after the definition of “body of persons” the following new definition —
“housing loan” means any money advanced to a resident not exceeding £10,000, for the purpose of building, adding to or purchasing a dwelling house in the Colony;”;
 - (b) by deleting the definitions of “The Commonwealth” and “Commonwealth income tax”.

3. The principal Ordinance is amended by adding after section 8 the following new section —

“Pioneer
enterprise.

8A. Where, having regard to the economic and other benefits likely to accrue to the Colony, the Governor in Council is of the opinion that it would be in the public interest to do so, he may by order declare

Title.
Date of commencement.
Enacting clause.
Short title and commencement.
Amendment of section 2.
(Cap. 32)
Addition of new section
8A.

any person who proposes to undertake any trade or business —

- (a) which is not being carried on in the Colony on a scale adequate to the economic interests of the Colony; and
- (b) for which in the opinion of the Governor in Council there are favourable prospects for development,

to be a pioneer enterprise to which the tax concessions specified in the Fifth Schedule to this Ordinance shall apply:

Provided that a person engaging in a trade or business shall not be declared a pioneer enterprise unless the Governor in Council is satisfied that the capital to be effectively employed in the trade or business is adequate.”.

Amendment of section 10.

4. Section 10 of the principal Ordinance is amended by inserting after paragraph (a) the following new paragraph —

“(aa) sums payable by such person by way of interest upon any housing loan (no reduction will be allowed under this paragraph when the dwelling house is unoccupied):

Provided that not more than one deduction, whether under this paragraph or paragraph (a) above, shall be allowed;”.

Amendment of section 11.

5. Section 11 of the principal Ordinance is amended by inserting after “Sixth” the following —

“or Seventh”.

Repeal and replacement of section 14.

6. Section 14 of the principal Ordinance is repealed and replaced by the following new section —

“Deduction
in respect
of earned
income.

14. (1) Where a husband and wife are assessed jointly there shall be allowed for the purpose of ascertaining the chargeable income of the husband in respect of so much of the income as is earned by his wife her actual earnings, subject to a maximum of £1,040:

Provided that when a loss arises in the exercise of any trade, business, profession or vocation or a loss is brought forward from a previous year under section 13 of this Ordinance, no deduction shall be allowed except in respect of the amount, if any, by which the earned income exceeds such loss or the aggregate amount of such losses, as the case may be.

(2) For the purposes of this section and of section 20 of this Ordinance the expression “earned income” means any income arising in respect of any gains or profits immediately derived by the individual from any trade, business, profession, employment or vocation carried on or exercised by her either as an individual or in the case of a partnership as a partner personally acting therein, or in respect of any pension, superannuation, or other allowance given in respect of past services of the individual, whether the individual shall have contributed to such pension, superannuation or other allowance or not, after deducting the expenses referred to in sections 10 and 11 of this Ordinance.”.

Amendment of section 15.

7. Section 15 of the principal Ordinance is amended —

- (a) in subsection (1), by deleting “£350” and substituting the following —

“£600”;

- (b) in subsection (2), by deleting "£175" and substituting the following — "£350";
- (c) in subsection (3) (a) —
 - (i) by deleting "£500" and substituting the following — "£600";
 - (ii) by deleting "£300" and substituting the following — "£350";
- (d) in subsection (4), by deleting "£400" and substituting the following — "£1,040";
- (e) by deleting subsection (5).

8. Section 16 of the principal Ordinance is amended —

Amendment of section 16.

- (a) in subsection (1), by deleting "£300" and substituting the following — "£350";
- (b) in paragraph (i) of the proviso to subsection (1), by deleting "£320" and substituting the following — "£380".

9. Section 16A of the principal Ordinance is amended by deleting "£1,050" wherever it occurs and substituting the following — "£2,000".

Amendment of section 16A.

10. Section 20 of the principal Ordinance is repealed and replaced by the following new section —

Repeal and replacement of section 20.

"Married women.

20. (1) The income of a married woman shall for the purposes of this Ordinance be deemed to be the income of her husband and shall be charged in the name of the husband and not in her name nor in that of her trustee:

Provided that that part of the total amount of tax charged upon the husband which bears the same proportion to that total amount as the amount of the income of the wife bore to the amount of the total income of husband and wife, may if necessary, be collected from the wife, notwithstanding that no assessment has been made upon her.

(2) A married woman separated from her husband under an order of a court of competent jurisdiction or a written agreement or in such circumstances that the Commissioner considers that the separation is likely to be permanent shall be treated as an unmarried person.

(3) A married woman in receipt of earned income and her husband may elect to be assessed separately. In the case of such election the following provisions shall apply —

- (a) both husband and wife shall be assessed for tax as single persons and shall be entitled to the personal relief for single persons;
- (b) the additional relief for a wife under section 15 (1) of this Ordinance shall not be granted;
- (c) the reliefs provided for under sections 15 (3), 16 and 17 shall be granted to the husband only;
- (d) the husband's income shall include all income of his wife other than her earnings;
- (e) the wife shall not be entitled to the earned income relief provided for under section 14 of this Ordinance;

- (f) separate assessment of husband and wife shall be permitted only where the wife is in receipt of earnings (or a pension pertaining thereto) or profits relating to personal exertion income in which her own skills are used and such earnings or profits arise or accrue from a source which is unconnected with any trade, business, profession or vocation carried on by her husband, either individually or in association with any other person or by a company in which the husband has an interest.

(4) An election for separate assessment under this section shall be made jointly by the husband and wife in writing to the Commissioner not later than the 1st day of February in the year immediately following the year of income.

(5) When an election is made in respect of any year it shall be irrevocable in respect of that year and such election shall continue to apply in respect of subsequent years until the election is jointly revoked by the husband and wife.

(6) When an election is revoked after the 1st day of February in any year the revocation shall not have effect in respect of that year but shall affect subsequent years.

(7) Revocation of an election shall not be a bar to further election."

Amendment of section 21.

11. Section 21 of the principal Ordinance is amended —

- (a) in subsection (1), by deleting from "on every" to "50 per cent" and substituting the following —

"On every pound of —

the first	£500 of chargeable income	20 per cent
the next	£500 „ „ „	25 per cent
„ „	£4,500 „ „ „	30 per cent
„ „	£2,000 „ „ „	35 per cent
	the remainder of chargeable income	50 per cent."

- (b) by repealing subsection (2) and substituting the following subsections —

"(2) Subject to subsection (2A) or (2B) below the chargeable income of a company shall be charged at the standard rate of 52 per cent on every pound of the chargeable income thereof.

(2A) A company whose total chargeable income does not exceed £30,000 shall be charged at the rate of 42 per cent.

(2B) A company whose total chargeable income exceeds £30,000 but does not exceed £50,000 shall be entitled to marginal relief by subtracting from the full liability at 52 per cent three-twentieths of the difference between chargeable income and £50,000."

Repeal and replacement of sections 22 and 23.

12. Sections 22 and 23 of the principal Ordinance are repealed and replaced by the following —

"Taxation of dividends.

22. (1) When a dividend is paid to a shareholder by a company registered in the Colony that shareholder shall be entitled to a tax credit at the rate of thirtyseventieths of the dividend paid to him.

(2) The amount of the dividend and the tax credit shall be added to the other income of the shareholder in arriving at his total income for tax purposes and he shall be assessed for tax on this amount less allowable deduction. There shall be deducted from the amount of tax so assessed the amount of the tax credit and, should the net amount of tax then payable be less than the amount of the tax credit, the difference shall be refunded to him."

13. Section 32 of the principal Ordinance is repealed and replaced by the following —

Repeal and replacement of section 32.

"INTEREST WITHHOLDING TAX AND TAXATION OF ROYALTIES AND MANAGEMENT FEES

Interest
withholding
tax.

32. (1) Notwithstanding anything to the contrary in the other provisions of this Ordinance, there shall be paid a tax, to be known as interest withholding tax, in respect of the payments specified in subsection (2) of this section at the rate of ten per cent of the gross amount payable.

(2) Such tax shall be payable in respect of —

- (a) any payment of interest made to a person not resident in the Colony;
- (b) any loan, advance or other like payment made to a person not resident in the Colony unless such loan, advance or other like payment is made at an interest rate in excess of such per cent per annum as may from time to time be prescribed by the Governor in Council and that interest is liable to tax in the Colony:

Provided that when any such loan, advance or other like payment is subsequently repaid the Commissioner shall refund any tax found to have been paid in excess of the amount properly payable.

(3) For the purpose of this section the term "interest" means income from debt claims of every kind, whether or not carrying a right to participate in the debtor's profits, and in particular income from government securities and income from bonds or debentures including premiums and prizes attaching to such securities, bonds or debentures.

(4) The tax shall be payable by and recoverable from —

- (a) the person making the payment of interest to which subsection (2) (a) of this section applies; or
- (b) in the case of any loan, advance or like payment covered by subsection (2) (b) of this section the person granting the loan or making the advance or like payment,

and shall be paid to the Commissioner within thirty days of the date of payment of interest or of the granting of a loan or making an advance or like payment. Failure to make payment by due date shall be an offence.

Royalties.

32A. (1) Notwithstanding anything to the contrary in the other provisions of this Ordinance, royalties arising in the Colony and paid to a person not resident

in the Colony shall bear tax at the rate of ten per cent of the gross amount of the royalties.

(2) For the purpose of this section the term "royalties" means payments of any kind received as a consideration for the use of, or the right to use, any copyright of literary, artistic or scientific work, any patent, trade mark, design or model, plan, secret formula or process, or for the use of, or the right to use, industrial, commercial or scientific equipment, or for information concerning industrial, commercial or scientific experience, and rights to variable or fixed payments as consideration for the working of or the right to work mineral or mineral oil deposits sources and other natural resources.

(3) The tax shall be payable by and recoverable from the person paying the royalty and shall be paid to the Commissioner within thirty days of the date of payment of the royalty. Failure to make payment by due date shall be an offence.

Management Fees.

32B. (1) Notwithstanding anything to the contrary in the other provisions of this Ordinance, management fees and any such sums paid or credited for the management of or supervision in connection with the carrying on of a trade or business to the extent that such fees, payments or credits do not constitute reimbursement of expenditure that is —

(a) of a kind that is tax deductible under this Ordinance; and

(b) incurred in relation to the fees, payments or credits by the person receiving them,

shall bear tax at the rate of fifteen per cent.

(2) For the purpose of this section the term "management fees" means payments of any kind to any person, other than to an employee of the person making the payments, for or in respect of, the provision of industrial, scientific or commercial advice, or management or technical services, or similar services or facilities.

(3) The tax shall be payable by and recoverable from the person paying the fees or making the payments or credits and shall be paid to the Commissioner within thirty days of the date of payment of the fees or of making the payments or credits. Failure to make payment by due date shall be an offence."

Repeal of sections 46, 47 and 48.

14. Sections 46, 47 and 48 of the principal Ordinance are repealed.

Amendment of section 49.

15. Section 49 of the principal Ordinance is amended —

(a) by deleting subsections (2) and (3); and

(b) by renumbering subsection (1) as section 49.

Addition of new section 50A.

16. The principal Ordinance is amended by adding after section 50 the following new section —

"Unilateral tax credit.

50A. (1) Where any person resident in the Colony proves that he had paid, by deduction or otherwise, overseas tax on any part of his income which arises from a source outside the Colony and which is also chargeable to Colony tax, he shall be entitled to a

credit against such Colony tax equal to the overseas tax or the Colony tax on that part of his income which ever is the less.

(2) For the purpose of this section "overseas tax" means an income tax or tax of a similar character imposed by the laws of any territory outside the Colony other than a territory with the Government of which arrangements have been made which have effect under section 49.

(3) For the purpose of calculating the amount of any credit under this section the provisions of subsections (2) to (10) of section 50 shall apply as if references therein to arrangements having effect under section 49 were references to this section and as if reference to foreign tax were references to overseas tax."

17. The Fifth Schedule to the principal Ordinance is repealed and replaced by the following new Schedule —

Repeal and replacement of Fifth Schedule.

"FIFTH SCHEDULE Section 8A.

Tax-free concessions.

1. Any person who has been declared a pioneer enterprise in accordance with the provisions of section 8A of this Ordinance shall be exempt from tax in respect of the profits derived from specified trade or business for a period of five years from the date when his trade or business commences or the first day of production, whichever date is the earlier:

Provided that the declaration of a pioneer enterprise may be extended by the Governor in Council for a further period not exceeding three years in which case the extent of the exemption from tax shall be such as the Governor in Council determines:

Provided also that no tax concession shall be granted for any year unless the Commissioner is satisfied that —

- (a) in the case of a person the same person to whom the concession was granted continues the trade or business; or
- (b) in the case of a partnership at least thirty per cent of the partners are the same as on the date when the concession was granted and in the case of a company at least thirty per cent or more of the voting power or the right to receive dividends is held by the same person or persons as on the date when the concession was granted:

Provided further that the Governor in Council shall have power to waive the requirements of the preceding proviso if he deems fit.

Depreciation.

2. There shall, during the period of the concession, be deducted from or charged to the income, as the case may be, of a pioneer enterprise the maximum amounts authorized in respect of depreciation under section 11 of this Ordinance:

Provided that there shall be no obligation to claim initial allowances but an election not to do so shall continue for the whole of the period of the concession.

End of tax concession period.

3. If the end of the tax concession period does not coincide with the end of the accounting period of the pioneer enterprise, the profits or gains for the

accounting period in which the last day of the tax concession falls will be apportioned between the parts of the accounting periods which precede and follow the end of such tax concession period on a time basis.

Calculation
of income.

4. The income of any trade or business declared by the Governor in Council to be a pioneer enterprise shall be calculated separately from the income of any other trade or business carried on by the person, partnership or company by whom the pioneer enterprise is owned.

Application for
declaration of
a pioneer
enterprise.

5. (1) Application for a declaration under Section 8A of this Ordinance shall be made to the Governor in Council through the Financial Secretary by the person who carries on or intends to carry on the trade or business.

(2) Every such application shall provide full information about the enterprise, including —

- (a) the nature of the trade or business;
- (b) a description of the benefits to the Colony to be expected;
- (c) the estimated amount of the capital to be employed;
- (d) the conditions under which workers will be employed, an estimate of their number and provision for their housing; and
- (e) such other particulars as the Financial Secretary may require.

Approval.

6. The Governor in Council may make a declaration of a pioneer enterprise subject to such conditions he thinks fit.

Accounts.

7. The annual accounts of an approved pioneer enterprise shall be audited by an auditor approved by the Financial Secretary and such accounts and any other information requested shall be delivered to the Commissioner within six months of the end of each accounting period.

Offences

8. Any person failing to furnish accounts by the due date or to provide information requested by the Commissioner shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding £1,000.

Revocation.

9. (1) The Governor in Council may revoke a declaration made under section 8A of this Ordinance if —

- (a) he is satisfied that the person concerned has furnished incorrect or misleading information or has in any way misrepresented the facts or has failed to submit audited accounts or other information requested; or
- (b) he is satisfied that the person concerned has failed to comply with any conditions laid down under paragraph 6 of this Schedule or with any other provisions of this Schedule.

(2) Such revocation may be from any date and may apply from the date of commencement of the tax concession if the Governor in Council considers this to be appropriate.

Dividends.

10. Upon the agreement of the Commissioner of the amount of the profits of a pioneer enterprise to be exempt from tax under this section or upon final

determination of that amount on appeal, the amount thereof in the case of a company may be credited by the company to a special account and the amount of any dividend paid out of that account to the company's shareholders shall be exempt from tax in the hands of such shareholders:

Provided that no such exemption shall apply to a dividend declared more than two years after the end of the tax concession period specified in paragraph 1 of this Schedule, including any extension of the tax concession period approved by the Governor in Council under the proviso to paragraph 1 of this Schedule."

18. The principal Ordinance is amended by adding after the Sixth Schedule the following new Schedule —

"SEVENTH SCHEDULE Section 11.

DEPRECIATION

Addition of Seventh Schedule.

Interpretation.

1. In this Schedule —

"expenditure", in relation to the cost of a capital asset, means the amount spent upon the provision of that asset by the person claiming the depreciation deduction, reduced by the amount of any grant, subsidy or contribution towards that cost made by any other person or authority;

"written-down value", in relation to a capital asset, means the amount of the expenditure upon that asset less the sum of any wear and tear and depreciation deductions made in respect of that asset for all earlier years or which could have been made if the asset had been employed continuously since the expenditure was incurred in the production of income.

Deduction.

2. Where a person referred to in section 11 employs during the year immediately preceding the year of assessment in the course of his trade, business, profession or vocation any of the capital assets specified in paragraph 3 of this Schedule, there shall be allowed, upon his making a claim thereto, a deduction on account of the depreciation of such assets (in this Schedule referred to as a "depreciation deduction").

Depreciation allowance.

3. The following depreciation allowances shall be given for capital expenditure incurred on projects commenced after the 1st January 1979 —

- (a) on machinery and plant (other than ships and aircraft) and tractors an initial allowance in the year in which the expenditure is incurred of up to 100%; where the full 100% is not claimed, in subsequent years a writing down allowance of 25% per annum of the written-down value of the asset shall be given;
- (b) on ships - an initial allowance of up to 50% and thereafter a writing down allowance of 10% per annum of the written-down value of the asset shall be given;
- (c) on aircraft - a writing down allowance of 15% per annum of the written-down value of the asset shall be given;
- (d) on motor vehicles (other than tractors) a writing down allowance of 25% per annum of the written-down value of the asset shall be given;

- (e) on industrial buildings used for the purpose of productive manufacturing or processing, mining or fishing - an initial allowance of up to 30% and thereafter a writing down allowance of 10% per annum of the written-down value of the asset shall be given;
- (f) on hotel buildings - an initial allowance of up to 20% and thereafter a writing down allowance of 10% per annum of the written-down value of the asset shall be given;
- (g) on agricultural buildings - an initial allowance of up to 30% and thereafter a writing down allowance of 10% per annum of the written-down value of the asset shall be given;
- (h) on other buildings - a writing down allowance of 10% per annum of the written-down value of the asset shall be given.

Balancing deduction.

4. Where during the year immediately preceding the year of assessment a capital asset in respect of which a wear and tear or a depreciation deduction has been made is sold, scrapped or destroyed and the amount of the sale proceeds or insurance recoveries is less than the written-down value, there shall be made a deduction equal to the amount of the deficiency.

Balancing charge.

5. Where during the year immediately preceding the year of assessment a capital asset in respect of which a wear and tear or a depreciation deduction has been made is sold, scrapped or destroyed and the amount of the sale proceeds or insurance recoveries is more than the written-down value, the amount of the excess (or the total amount of all wear and tear and depreciation deductions made, if less) shall be additional income chargeable to tax for that year of assessment.

Buildings.

6. Where a building is bought or sold together with land the Commissioner shall make such apportionment of the total sum as is just for the purpose of arriving at the separate value of the building.

Agricultural buildings.

7. For the purposes of this Schedule agricultural buildings do not include housing, offices, shops on farm settlements, storehouses (except where they are used solely to store agricultural produce). The cost of a building shall not include the cost or value of the land on which it is built.

New ventures.

8. Where a company undertakes a new industrial, commercial or other venture, it shall, before qualifying for the allowance referred to in paragraph 3 of this Schedule, be required to form a separate company which shall be taxed separately from any existing company."

OBJECTS AND REASONS

1. To review the following income tax allowances —
 - (a) abolish earned income relief and increase the personal allowance from £400 to £1,040;
 - (b) increase the deduction for wife from £350 to £600;
 - (c) increase the limit up to which Old Age Relief applies from £1,050 to £2,000;
 - (d) wife's earned income to be allowed as a deduction as follows —
the smaller of (a) £1,040 or (b) the amount of the earned income. (At present one fifth of the wife's earned income is allowable as a deduction up to a maximum of £850);
 - (e) increase child allowance from £300 to £350;
 - (f) increase child allowance (educated overseas) from £320 to £380;
 - (g) increase dependent relative allowance from £300 to £350;
 - (h) increase allowance for relative in charge of children from £175 to £350.
2. Provision for election for separate assessment of wife's earnings.
3. The Bill also proposes allowing interest payments, on housing loans up to £10,000, as a tax deduction.
4. In addition to substitute the following new scale of tax rates —

First £500 of chargeable income	...	...	...	20%
Next £500 of chargeable income	...	...	...	25%
Next £4,500 of chargeable income	...	...	...	30%
Next £2,000 of chargeable income	...	...	...	40%
Balance	...	...	...	50%
5. The Bill also provides for an increase in company tax from 45% to 52%. Where profits of a company do not exceed £30,000 the rate of company tax is reduced to the small companies rate of 42%. Should chargeable income exceed £30,000 but not exceed £50,000 marginal relief would be given by subtracting from the full liability at 52% three-twentieths of the difference between chargeable income and £50,000.
6. A new schedule of depreciation allowances in respect of capital expenditure incurred on projects commenced after 1st January 1979 is included in the Bill.
7. Replacement of the present system of taxing dividends paid by local companies by an Imputation system.
8. The Bill includes provision for a 10% interest withholding tax, a 10% tax on royalties and a tax of 15% on management fees.
9. Provision is also included for the introduction of tax holidays for Pioneer Industries.
10. Updating the provisions relating to Double Taxation Relief:
 - (a) Repeal of section 46, as relief for United Kingdom Tax is displaced by the United Kingdom / Falkland Islands Double Taxation Agreement;
 - (b) Replacement of the provisions relating to relief for Commonwealth Tax, which is now outmoded, with the modern system of providing for unilateral tax credit.

Ref. INC/10/5/II.

A Bill for An Ordinance

Title.

To provide for regulating pensions which
may be granted to unestablished locally recruited
Government Employees.

Date of commencement.

(1st January 1978)

Enacting clause.

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

Short title.

1. This Ordinance may be cited as the Pensions (Unestab-
lished Locally Recruited Government Employees) Ordinance 1979.

Application.

(6 of 1965)

2. This Ordinance shall apply to all unestablished locally
recruited employees in Government service on or after the 1st day
of January 1978 to whom the provisions of the Pensions Ordinance
1965 or any Ordinance amending or replacing that Ordinance do not
apply.

Pensions to be a charge
on revenue of Colony.

3. There shall be charged and paid out of the revenue of the
Colony all such sums as may from time to time be granted by way of
pension to unestablished locally recruited Government employees in
pursuance of regulations made under this Ordinance.

Regulations.

4. The Governor in Council may make regulations for the
purpose of carrying out or giving effect to the principles and pro-
visions of this Ordinance.

OBJECTS AND REASONS

This Bill makes provision for regulating pensions which may be granted
to unestablished locally recruited Government employees.

Ref. TRE/2/27.

A Bill for
An Ordinance
To amend the Non-contributory Old Age Pensions Ordinance.

Title.

(1st January 1980)

Date of commencement.

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

Enacting clause.

1. This Ordinance may be cited as the Non-contributory Old Age Pensions (Amendment) (No. 2) Ordinance 1979 and shall come into operation on the 1st day of January 1980.

Short title and commencement.

2. Section 4 of the principal Ordinance is amended —
- (a) by deleting the semi-colon at the end of paragraph (aa) and substituting a full stop;
 - (b) by deleting paragraphs (b) to (d) inclusive.

Amendment of section 4.
(7 of 1961)

3. The principal Ordinance is amended by adding after section 4 the following new section —

Addition of new section 4A.

“Power of Governor in Council. 4A. Notwithstanding the provisions of section 4 of this Ordinance the Governor in Council may grant a pension to any person, in exceptional financial circumstances, who has attained the age of 70 years.”.

4. The Schedule to the principal Ordinance is amended by deleting “Married man” and substituting the following —

Amendment of Schedule.

“Married man living with or maintaining his wife”.

OBJECTS AND REASONS

The objects of this Bill are to abolish the statutory income limit for the receipt of a non-contributory old age pension and to enable the Governor in Council to grant pensions, in exceptional financial circumstances, to persons who have attained the age of 70 years.

A Bill for An Ordinance To amend the Licensing Ordinance.

Title.

Date of commencement.

(1st January 1980)

Enacting clause.

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

Short title and commencement.

1. This Ordinance may be cited as the Licensing (Amendment) Ordinance 1979 and shall come into operation on the 1st day of January 1980.

Amendment of section 3.

2. Section 3 of the principal Ordinance is amended —
- (a) in subsection (1) by adding at the end thereof, the following —
- “11. Residential licence ... £30”;
- (b) in subsection (2), by inserting after “restaurant”, the following —
- “residential”.

Amendment of section 7.

3. Section 7 of the principal Ordinance is amended in subsection (1) by inserting after “restaurant”, the following —
- “residential”.

Amendment of section 10.

4. Section 10 of the principal Ordinance is amended in subsection (1) by inserting after “restaurant”, the following —
- “residential”.

Addition of new section 13A.

5. The principal Ordinance is amended by adding after section 13A, the following new section —

“Residential
licence.

13B. A residential licence —

- (a) may be granted for premises bona fide used, or intended to be used, for the purpose of habitually providing for reward board and lodging, including breakfast and one other at least of the customary main meals; and
- (b) is subject to the condition that intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons residing there or their private friends bona fide entertained by them at their own expense, and for consumption by such a person or his private friend so entertained by him either on the premises or with a meal supplied at but to be consumed off the premises.”.

OBJECTS AND REASONS

This Bill provides for the sale of intoxicating liquor, under licence, in premises bona fide used for the purpose of habitually providing for reward board and lodging.

Ref. LEG/10/33.

A Bill for An Ordinance

To make provision with respect to the
storage and use of gas and for purposes connected therewith.

Title.

(19)

Date of commencement.

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

Enacting clause.

1. This Ordinance may be cited as the Gas Ordinance 1979 and shall come into operation on the day of 1979.

Short title and commencement.

2. No person shall land, introduce, use or keep in the Colony any gas except in accordance with this Ordinance and any regulations made thereunder.

Restriction on the keeping etc., of gas.

3. (1) The Governor in Council may make regulations for the purpose of securing that the public is as far as practicable protected from any personal injury, fire, explosion or other dangers arising from the conveyance, storage, distribution or use of gas.

Safety regulations.

(2) Without prejudice to the generality of subsection (1) above, any regulations made under this section may make provision for empowering any Inspector appointed under such regulations, with such other persons (if any) as may be necessary, —

- (a) to enter any premises for the purpose of inspecting any gas fitting on the premises, any flue or means of ventilation used in connection with any such gas fitting, or any service pipe or other apparatus (not being a gas fitting) which is on the premises;

- (b) where he so enters any such premises, to examine or apply any test to any such object as is mentioned in paragraph (a) above and (where the object is a gas fitting) to verify that supply of air is available for it, with a view to ascertaining whether the provisions of any regulations made under this section have been complied with or whether the object is in such a condition, or (in the case of a gas fitting) the supply of air available for it is so inadequate, that it (or, in the case of a flue or means of ventilation, the gas fitting in connection with which it is used) is likely to constitute a danger to any person or property; and
- (c) where in his opinion it is necessary to do so for the purpose of averting danger to life or property to disconnect and seal off any gas fitting or any part of the gas supply system on the premises.

Saving.

4. This Ordinance shall not apply to the importation of gas for the use of the Armed Forces of the United Kingdom, to the keeping or using thereof by such Forces, or to the supply or marketing thereof to such Forces.

Penalties.

5. Regulations made under the provisions of this Ordinance may provide that any person contravening or failing to comply with any provision of the regulations shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200.

OBJECTS AND REASONS

This Bill makes provision with respect to the storage and use of gas and for purposes connected therewith, in particular to allow for regulations to be made to ensure that gas is correctly handled under all conditions and that consequently the public is protected as far as possible.

Ref. FUE/10/5.