



SOUTH GEORGIA AND SOUTH SANDWICH ISLANDS GAZETTE

PUBLISHED BY AUTHORITY

No. 1

29 February 2012

The following are published in this Gazette –

Notices 1 to 5; and

Marine Protected Areas Order 2012 (No 1 of 2012).

NOTICES

No. 1 20 October 2011

United Kingdom Statutory Instruments

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

2011 No 2440 – The Belarus (Restrictive Measures) (Overseas Territories) Order 2011.

Dated 20 October 2011

B. I. STEEN,
for Attorney General.

No. 2 November 2011

Administration of Justice Ordinance (Cap 3) *section 7B* **Appointment of Senior Magistrate**

1. Section 7B of the Administration of Justice Ordinance (Cap 3) in its application to South Georgia and South Sandwich Islands provides that the Senior Magistrate is appointed by the Commissioner.

2. In exercise of my powers under section 7B, I appoint **Carl John Gumsley** to be Senior Magistrate.

3. This appointment has effect from the date below, and continues in effect whilst **Carl John Gumsley** holds office as Senior Magistrate of the Falkland Islands, unless terminated sooner.

Dated November 2011

N. R. HAYWOOD C.V.O.,
Commissioner.

No. 3 5 January 2012

United Kingdom Statutory Instruments

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

2011 No 2979 – The Overseas Territories (Change of Name) (No 6) Order 2011;

2011 No 2980 – The Overseas Territories (Change of Name) (No 7) Order 2011;

2011 No 2982 – The Overseas Territories (Change of Name) (No 9) Order 2011;

2011 No 2983 – The Overseas Territories (Change of Name) (No 10) Order 2011;

2011 No 2984 – The Overseas Territories (Change of Name) (No 11) Order 2011;

2011 No 2988 – The Belarus (Restrictive Measures) (Overseas Territories) (Amendment) Order 2011;

2011 No 2989 – The Iran (Restrictive Measures) (Overseas Territories) Order 2011; and

2011 No 2990 – The International Criminal Tribunal for the former Yugoslavia (Restrictive Measures) (Overseas Territories) (Revocation) Order 2011.

Dated 5 January 2012

B. I. STEEN,
for Attorney General.

No. 4 7 February 2012

South Georgia and South Sandwich Islands Order 1985 *section 7* **Appointment of Registrar General**

1. The office of Registrar General for South Georgia and the South Sandwich Islands Order 1985 (SI 1985/449) on 18 August 2009. Section 7 empowers the Commissioner to make appointments to any office so constituted.

2. In exercise of my powers under section 7 for the purpose of registration under the laws of South Georgia and the South Sandwich Islands, including; the Land Ordinance, Marriage Ordinance, Registrations Ordinance, and Registration of United Kingdom Patents Ordinance, and any other duties that may be required in the role of Registrar General, I appoint **Alison Anne Mackenzie Inglis** to be Registrar General.

3. This appointment has effect from the date below, and continues in effect whilst **Alison Anne Mackenzie Inglis** holds office as Registrar General of the Falkland Islands Government, unless terminated sooner.

Dated 7 February 2012

N. R. HAYWOOD C.V.O.,
Commissioner.

No. 5 10 February 2012

South Georgia and South Sandwich Islands Order 1985 *section 7* **Appointment of Acting Financial Secretary**

1. The office of Financial Secretary for South Georgia and the South Sandwich Islands is constituted under section 7 of the South Georgia and South Sandwich Islands Order 1985 (SI 1985/449). Section 7 also empowers the

Commissioner to make appointments to any office so constituted.

2. In exercise of my powers under section 7 of the South Georgia and South Sandwich Islands Order 1985, I appoint **Nicola Jane Granger** to be Acting Financial Secretary at any time when the post is vacant, or the substantive holder of the post is unavailable to discharge the same through any absence from the Falkland Islands or inability to perform the functions and duties of the post.

3. This appointment has effect from the date given below, and continues in effect whilst **Nicola Jane Granger** holds office as Head of Finance Falkland Islands Government, unless terminated sooner.

Made 10 February 2012

N. R. HAYWOOD C.V.O.,
Commissioner.

SUBSIDIARY LEGISLATION

WILDLIFE & PROTECTED AREAS

Marine Protected Areas Order 2012

S. R. & O. No: 1 of 2012

Made: 23 February 2012

Published: 29 February 2012

Coming into force: on publication

IN EXERCISE of my powers under sections 18(1) and 20(1) of the Wildlife and Protected Areas Ordinance 2011 (No 1 of 2011) and being satisfied that the criteria identified in section 18(2) of that Ordinance apply, I make the following Order —

1. Title

This order is the Marine Protected Areas Order 2012.

2. Commencement

This order comes into force when it is published in the *Gazette*.

3. Interpretation

In this Order —

“bottom fishing” —

- (a) means fishing on the sea floor;
- (b) includes bottom trawling; and
- (c) also includes the use of lines, pots, nets or traps on the sea floor;

“bottom trawling” means towing a trawl or fishing net along (and in contact with) the sea floor;

“fishing vessel” —

- (a) means a vessel of any size that is used for, equipped to be used for, or intended for use for the purposes of fishing or fishing related activities;
- (b) includes vessels engaged in transshipment of fish or fishery products; and

(c) also includes carrier vessels equipped for the transportation of fish or fishery products;

“no-take zone” means each of the zones described in the Schedule;

“SGSSI MPA” means the South Georgia and South Sandwich Islands Marine Protected Area designated by article 4; and

“SGSSI waters” means —

(a) the internal waters of the Territory between —

(i) the baselines established by article 3 of the South Georgia and South Sandwich Islands (Territorial Sea) Order 1989 (SI 1989/1995); and

(ii) mean high water at spring tide;

(b) the territorial sea established for the Territory by article 2 of the South Georgia and South Sandwich Islands (Territorial Sea) Order 1989; and

(c) the maritime zone established for the Territory by Proclamation No.1 of 1993.

4. South Georgia and South Sandwich Islands Marine Protected Area

(1) A Marine Protected Area around South Georgia and the South Sandwich Islands is designated under section 18(1) of the Wildlife and Protected Areas Ordinance.

(2) The name of the Marine Protected Area is the South Georgia and South Sandwich Islands Marine Protected Area (SGSSI MPA).

(3) The SGSSI MPA consists of SGSSI waters northwards of the line of latitude 60 degrees south of the equator.

(4) The purpose of designating the SGSSI MPA is for the conservation of —

(a) the seabed and its overlying waters; and

(b) their associated organisms.

(5) The principal conservation objectives for the SGSSI MPA are to:

(a) conserve marine biodiversity, habitats and critical ecosystem function;

(b) ensure that fisheries are managed sustainably, with minimal impact on associated and dependent ecosystems;

(c) manage other human activities including shipping and scientific research, to minimise environmental impacts on the marine environment;

- (d) protect the benthic marine organisms from the destructive effects of bottom trawling;
- (e) facilitate recovery of previously over-exploited marine species;
- (f) increase the resilience of the marine environment to the effects of climate change; and
- (g) prevent the introduction of non-native marine species.

5. Conservation order prohibitions

- (1) Bottom trawling is prohibited throughout the SGSSI MPA.
- (2) Bottom fishing is prohibited in waters where the depth of the seabed is less than 700 metres.
- (3) Fishing is prohibited in the no-take zones.
- (4) Fishing vessels are not permitted to enter the no-take zones, except in exercise of the right of innocent passage or under force majeure.
- (5) The prohibitions in this article do not apply to —
 - (a) anything carried out for research purposes in accordance with a permit granted by the Commissioner under section 21 of the Wildlife and Protected Areas Ordinance;
 - (b) anything permitted by section 20(8) of that Ordinance.

SCHEDULE

(article 3)

Zone	Boundaries	Protected features	Conservation objectives To conserve & protect:
South Georgia No-take Zone	Between: (1) a line 12 nautical miles from the baselines around the coast of South Georgia; and (2) mean high water at spring tide	The seabed, overlying water and associated organisms in an area of 13899 km ²	The shallow marine environment around South Georgia including: 1. The spawning grounds of many fish species, including mackerel icefish 2. The inshore foraging areas of marine predators such as gentoo penguins, cormorants, petrels and prions.
Clerke Rocks No-take Zone	Between: (1) a line 12 nautical miles from the baselines around Clerke Rocks and the Office Boys; and (2) mean high water at spring tide	The seabed, overlying water and associated organisms in an area of 1923 km ²	The shallow marine environment to the SE of South Georgia including: 1. The spawning grounds of many fish species, including mackerel icefish 2. The inshore foraging areas of marine predators such as gentoo penguins, cormorants, petrels and prions. 3. The “spirulid reef” at approximately 55°00’S, 34°31’W
Shag Rocks No-take Zone	Between: (1) a line 12 nautical miles from the baselines around Shag Rocks & Black Rock; and (2) mean high water at spring tide	The seabed, overlying water and associated organisms in an area of 2337 km ²	The shallow marine environment of the Shag Rocks shelf incorporating: 1. The principal recruitment area for juvenile Patagonian toothfish 2. Spawning grounds of mackerel icefish 3. A key foraging area for black-browed albatross, Antarctic fur seals and baleen whales.
South Sandwich Islands No-take Zones	Between: (1) lines 3 nautical miles from the baselines around the coasts of the South Sandwich Islands; and (2) mean high water at spring tide	The seabed, overlying water and associated organisms in areas that total 2272 km ²	The shallow marine environment around each of the South Sandwich Islands including: 1. The inshore foraging grounds of marine predators 2. The spawning grounds of fish species

Made 23 February 2012

N. R. Haywood C.V.O.,
Commissioner.

EXPLANATORY NOTE
(not part of the order)

Section 18(1) of the Wildlife and Protected Areas Ordinance (No 1 of 2011) allows the Commissioner to designate areas of sea as marine protected areas (MPAs).

The criteria for designation of a marine protected area are set out in section 18(2) and the requirements for orders designating MPAs are set out in the rest of section 18 and in section 19.

Section 20(1) allows the Commissioner to make conservation orders to further the objectives of an MPA. Section 20(3) allows the Commissioner to prohibit or restrict activities in a conservation order and section 20(6) allows for different prohibitions or restrictions to apply in different parts of an MPA.

This order designates the South Georgia and South Sandwich Islands Marine Protected Area (the SGSSI MPA) to protect the seabed and overlying waters and associated organisms.

The SGSSI MPA consists of waters north of a latitude 60 degrees south that are between mean high water at spring tide and the 200 nautical mile limit.

SGSSI waters south of 60 degrees south of the equator are similarly protected through the SGSSI fishery licensing regime, which does not permit fishing in these waters.

The order also defines a number of no-take zones: 12 nautical miles around South Georgia Island, Clerke Rocks, Shag and Black Rocks; and 3 nautical miles around each of the South Sandwich Islands.

To protect benthic marine organisms, the order prohibits bottom trawling throughout the SGSSI MPA and all bottom fishing in waters of less than 700 metres depth.

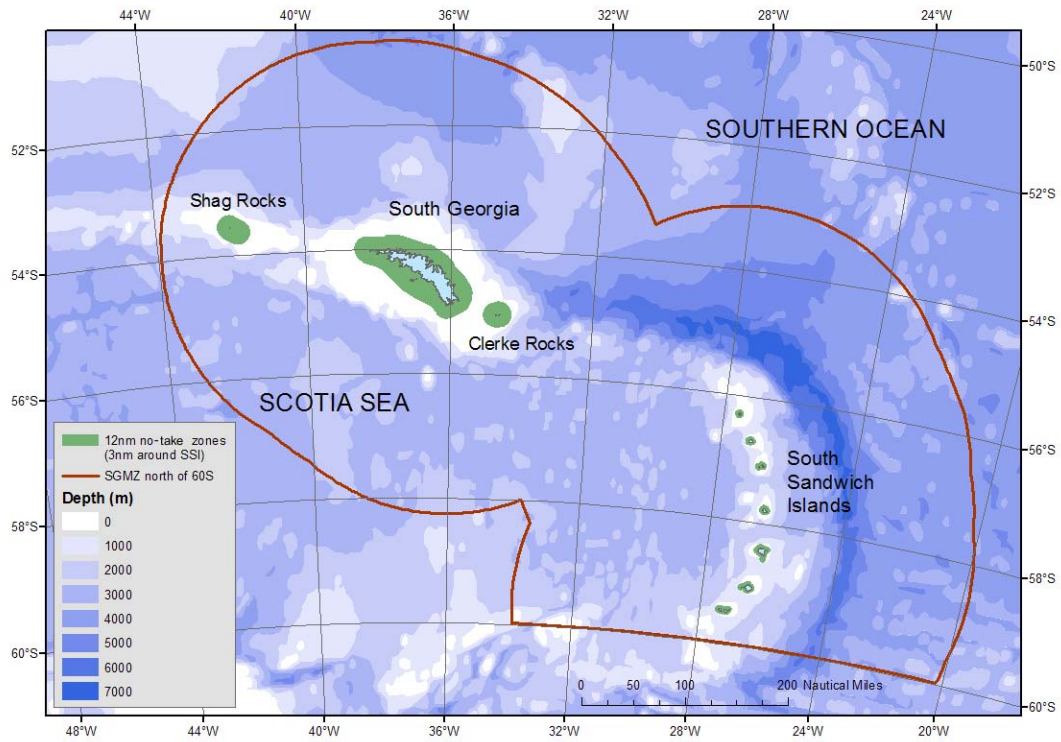
It also prohibits all fishing in the no-take zones.

These prohibitions do not apply to activities covered by one of the limited exceptions in section 20(8) or by a licence granted by the Commissioner under section 21.

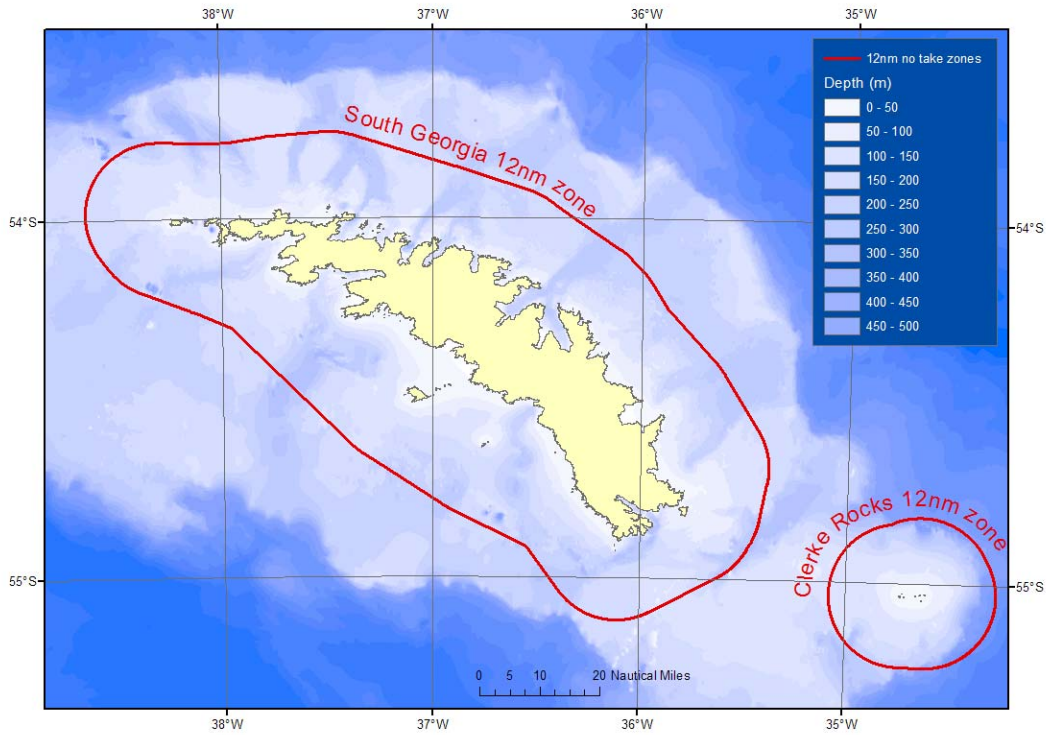
Breach of the prohibitions is an offence against section 20(9) of the Ordinance.

The following maps illustrate the boundaries of the SGSSI MPA and the no-take zones.

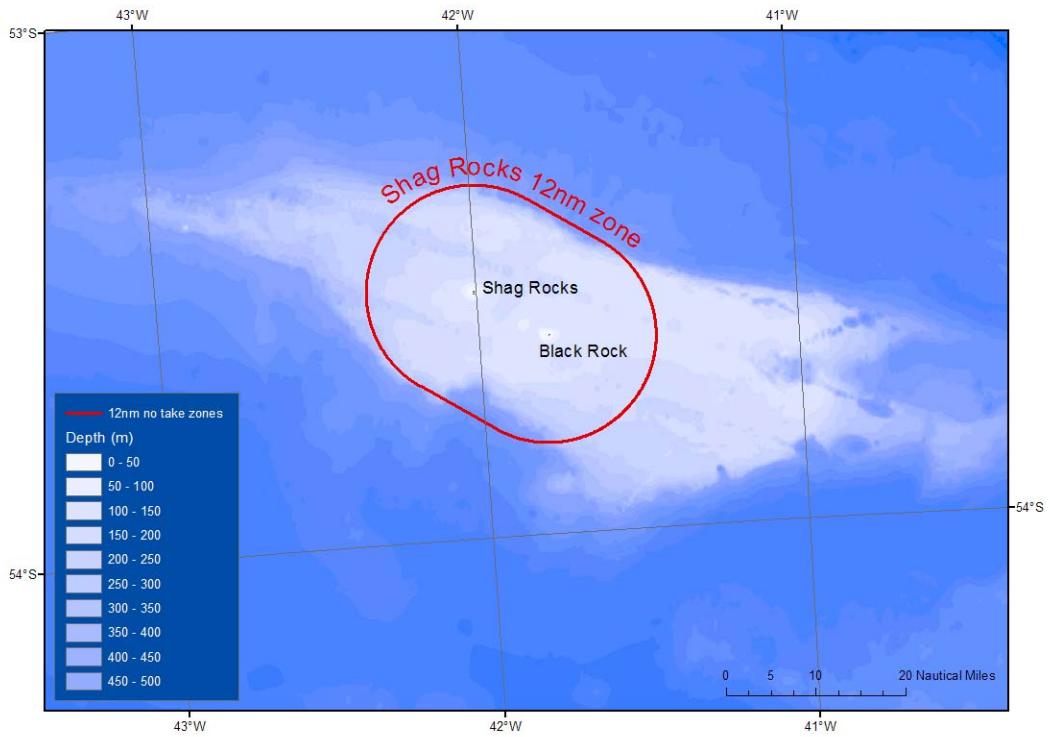
The South Georgia and South Sandwich Islands Marine Protected Area (with no-take zones shaded)



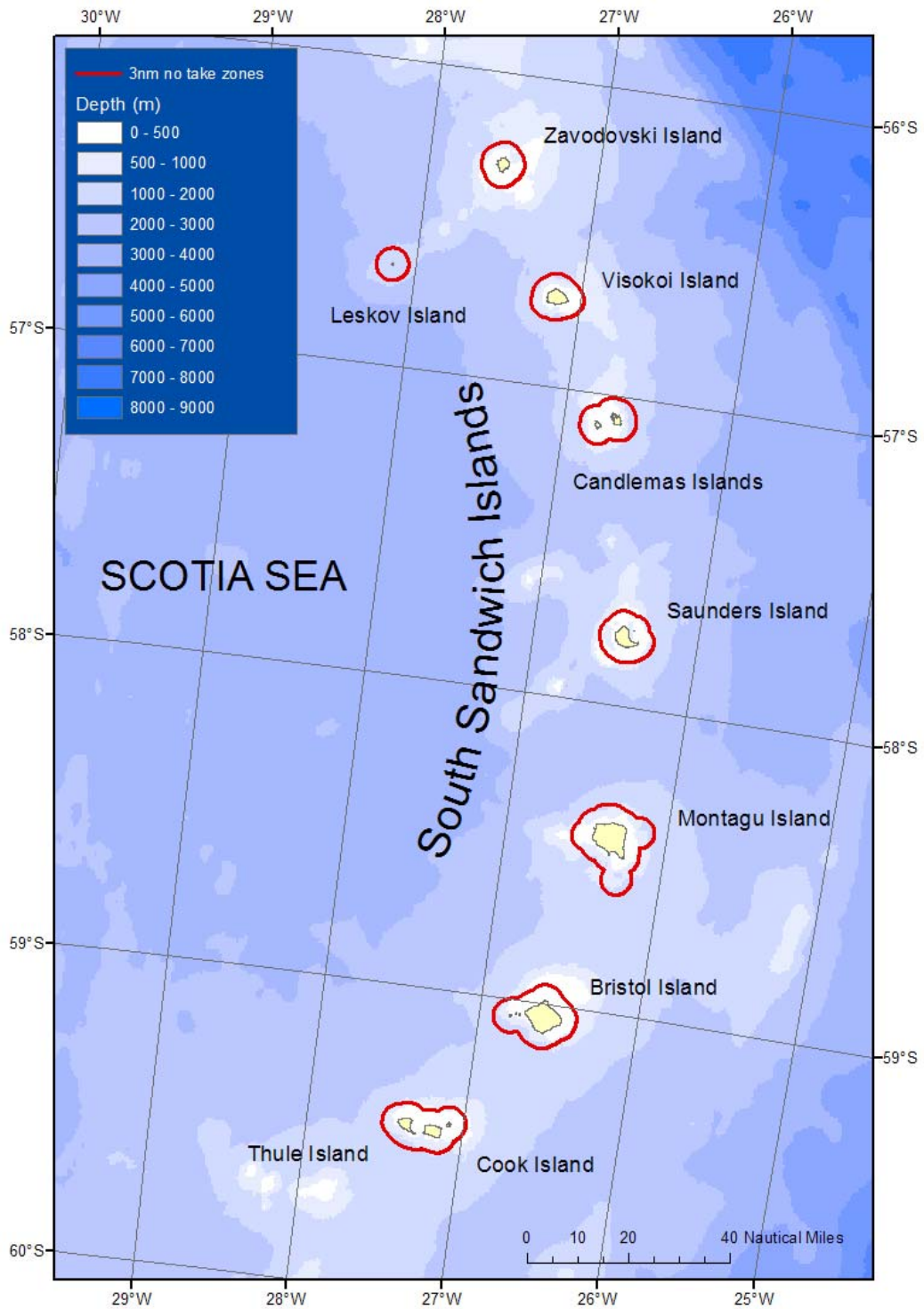
The South Georgia no-take zone and the Clerke Rocks no-take zone



The Shag Rocks no-take zone



The South Sandwich Islands no-take zones



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SOUTH GEORGIA AND SOUTH SANDWICH ISLANDS GAZETTE

PUBLISHED BY AUTHORITY

No. 2

4 December 2012

The following are published in this Gazette –

Notices 6 to 9;

Supplementary Appropriation (2011) Ordinance 2012 (No 1 of 2012);

Appropriation (2012) Ordinance 2012 (No 2 of 2012); and

Appeals (Jurisdiction of Falkland Islands Court of Appeal) Ordinance 2012 (No 3 of 2012).

NOTICES

No. 6 4 December 2012

Public Holidays 2012

The Commissioner has declared that the following will be Public Holidays for South Georgia and the South Sandwich Islands during 2012:

- 2 January New Years Day Holiday
- 17 January Possession Day
- 6 April Good Friday
- 9 April Easter Monday
- 26 April Liberation Day
- 21 June Midwinters Day
- 14 September Toothfish (end of season) Day
- 25 December Christmas Day
- 26 December Boxing Day

Dated 4 December 2012

R. P. NYE,
Acting Commissioner.

No. 7 4 December 2012

Public Holidays 2013

The Commissioner has declared that the following will be Public Holidays for South Georgia and the South Sandwich Islands during 2013:

- 1 January New Years Day
- 17 January Possession Day
- 29 March Good Friday
- 9 April Easter Monday
- 26 April Liberation Day
- 21 June Midwinters Day
- 14 September Toothfish (end of season) Day
- 25 December Christmas Day
- 26 December Boxing Day

Dated 4 December 2012

R. P. NYE,
Acting Commissioner.

No. 8 4 December 2012

Income Tax Ordinance 1939
section 90
Notification of income tax assessments

Income tax assessments for the following years of assessment are to be reviewed:

- 2013 (2012 income)
- 2014 (2013 income)

Any amounts in excess of 7% of income earned in the Territory (0% for those who were present for less than 6 months) will be remitted, provided that the Commissioner of Taxation is satisfied that the taxpayer concerned has been disadvantaged by the excess.

Any tax assessments that have already been appealed will be considered automatically in this review. Any other taxpayers who consider that they would benefit from this review should notify the Commissioner of Taxation, Stanley, Falkland Islands, within 90 days of this notice.

Dated 4 December 2012

R. P. NYE,
Acting Commissioner.

No. 9 4 December 2012

United Kingdom Statutory Instruments

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

2012 No 1389 – The Iran (Restrictive Measures) (Overseas Territories) (Amendment) Order 2012;

2012 No 1755 – The Syria (Restrictive Measures) (Overseas Territories) Order 2012;

2012 No 1756 – The Iran (Restrictive Measures) (Overseas Territories) Order 2012;

2012 No 1757 – The Al-Qaida (United Nations Measures) (Overseas Territories) Order 2012;

2012 No 1758 – The Afghanistan (United Nations Measures) (Overseas Territories) Order 2012;

2012 No 2592 – The United Nations (Overseas Territories) (Revocations) Order 2012; and

2012 No 2596 – The Burma (Restrictive Measures) (Overseas Territories) (Suspension) Order 2012.

Dated 4 December 2012

B. I. STEEN,
for Attorney General.

ELIZABETH II



Territories of South Georgia
and the South Sandwich Islands

RICHARD PAUL NYE,
Acting Commissioner.

Supplementary Appropriation (2011) Ordinance 2012

(No. 1 of 2012)

ARRANGEMENT OF PROVISIONS

Section

1. Title
2. Commencement
3. Retrospective supplementary appropriation of £170,432 for 2011

Schedule

ELIZABETH II



Territories of South Georgia
and the South Sandwich Islands

RICHARD PAUL NYE,
Acting Commissioner.

SUPPLEMENTARY APPROPRIATION (2011) ORDINANCE 2012

(No. 1 of 2012)

(enacted: 4 December 2012)

(published: 4 December 2012)

(commencement: on publication)

AN ORDINANCE

To retrospectively authorise withdrawals from South Georgia and South Sandwich Islands funds of money for use during 2011.

ENACTED by the Commissioner of South Georgia and the South Sandwich Islands —

1. Title

This Ordinance is the Supplementary Appropriation (2011) Ordinance 2012.

2. Commencement

This Ordinance comes into force when it is published in the *Gazette*.

3. Retrospective supplementary appropriation of £170,432 for 2011

(1) Subsection (2) applies to the withdrawals totalling £4,555,000 made from South Georgia and South Sandwich Island funds during 2011, as set out in the Schedule.

(2) To the extent that the withdrawals to which this subsection applies were not authorised by the Appropriation (2011) Ordinance 2011 (No 2 of 2011), they are declared to have been made lawfully.

SCHEDULE

(section 3(1))

Purpose	Amount (£)
Personal Emoluments	375,546
Other Charges	4,082,119
Special Expenditure	96,796
TOTAL	4,554,461

Enacted 4 December 2012

R. P. Nye,
Acting Commissioner.

ELIZABETH II



Territories of South Georgia
and the South Sandwich Islands

RICHARD PAUL NYE,
Acting Commissioner.

Appropriation (2012) Ordinance 2012

(No. 2 of 2012)

ARRANGEMENT OF PROVISIONS

Section

1. Title
2. Commencement
3. Appropriation of £5,614,084 for 2012
4. Retrospective authority for pre-commencement withdrawals

Schedule

ELIZABETH II



Territories of South Georgia and the South Sandwich Islands

RICHARD PAUL NYE,
Acting Commissioner.

APPROPRIATION (2012) ORDINANCE 2012

(No. 2 of 2012)

(enacted: 4 December 2012)

(published: 4 December 2012)

(commencement: on publication)

AN ORDINANCE

To authorise withdrawals from South Georgia and South Sandwich Islands funds of money for use during 2012; and for connected purposes.

ENACTED by the Commissioner of South Georgia and the South Sandwich Islands —

1. Title

This Ordinance is the Appropriation (2012) Ordinance 2012.

2. Commencement

This Ordinance comes into force when it is published in the *Gazette*.

3. Appropriation of £5,614,084 for 2012

(1) The Financial Secretary may withdraw sums of up to £5,614,084 in total from South Georgia and South Sandwich Island funds for use during 2012.

(2) Sums withdrawn under subsection (1) may be applied during 2012 in accordance with the Schedule.

4. Retrospective authority for pre-commencement withdrawals

(1) Subsection (2) applies to a withdrawal if —

(a) it would have been authorised by section 3; but

(b) it was made before this Ordinance comes into force.

(2) A withdrawal to which this subsection applies is to be treated as having been made lawfully.

SCHEDULE

(section 3(2))

Purpose	Amount (£)
Personal Emoluments	400,135
Other charges	4,414,949
Special expenditure	799,000
TOTAL	5,614,084

Enacted 4 December 2012

R. P. Nye,
Acting Commissioner.

ELIZABETH II



**Territories of South Georgia
and the South Sandwich Islands**

RICHARD PAUL NYE,
Acting Commissioner.

Appeals (Jurisdiction of Falkland Islands Court of Appeal) Ordinance 2012

(No 3 of 2012)

ARRANGEMENT OF PROVISIONS

Section

1. Title
2. Commencement
3. Interpretation
4. Jurisdiction of Falkland Islands Court of Appeal

Schedule

ELIZABETH II



**Territories of South Georgia
and the South Sandwich Islands**

RICHARD PAUL NYE,
Acting Commissioner.

**APPEALS (JURISDICTION OF FALKLAND ISLANDS COURT OF APPEAL)
ORDINANCE 2012**

(No 3 of 2012)

(assented to: 4 December 2012)
(commencement: in accordance with section 2)
(published: 4 December 2012)

AN ORDINANCE

To make provision for appeals to be heard by the Falkland Islands Court of Appeal.

ENACTED by the Commissioner for South Georgia and the South Sandwich Islands as follows—

1. Title

This is the Appeals (Jurisdiction of Falkland Islands Court of Appeal) Ordinance 2012.

2. Commencement

This Ordinance is to be treated as if it has had effect from 1 January 2011.

3. Interpretation

In this Ordinance —

“the Court of Appeal Ordinance” means the Court of Appeal Ordinance of the Falkland Islands (No 21 of 1998);

“the Falkland Islands Constitution” means the Constitution of the Falkland Islands set out in Schedule 1 to the Falkland Islands Constitution Order 2008 (S.I. 2008/2846);

“the Falkland Islands Court of Appeal” means the Court of Appeal of the Falkland Islands established by section 87 of the Falkland Islands Constitution; and

“the Falkland Islands Supreme Court” means the Supreme Court of the Falkland Islands established by section 86 of the Constitution of the Falkland Islands.

4. Jurisdiction of Falkland Islands Court of Appeal

(1) The appeals described in the Schedule are prescribed for the purposes of section 9(1) of the Falkland Islands Courts (Overseas Jurisdiction) Order 1989 (S.I. 1989/2339) as appeals which the Falkland Islands Court of Appeal has jurisdiction to hear and determine.

(2) The Court of Appeal Ordinance applies to the exercise of jurisdiction under subsection (1).

SCHEDULE

Civil appeals from decisions of the Falkland Islands Supreme Court made when exercising jurisdiction under section 3 of the Falkland Islands Courts (Overseas Jurisdiction) Order.

Enacted 4 December 2012

R. P. Nye,
Acting Commissioner

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