



SOUTH GEORGIA AND SOUTH SANDWICH ISLANDS

Ordinances,
Orders, Proclamations, etc.
2010 - 2019

PART I

ORDINANCES

Table of Contents

2010	Ordinance	No. 1 of 2010	Prohibited Areas Ordinance 2010
2011	Ordinance	No. 1 of 2011	Wildlife and Protected Areas Ordinance 2011
	Ordinance	No. 4 of 2011	Postal Services Ordinance 2011
2012	Ordinance	No. 3 of 2012	Appeals (Jurisdiction of Falkland Islands Court of Appeal) Ordinance 2012
2013	Ordinance	No. 1 of 2013	Criminal Justice Ordinance 2013
	Ordinance	No. 4 of 2013	Wildlife and Protected Areas (Amendment) Ordinance 2013
	Ordinance	No. 5 of 2013	Postal Services (Amendment) Ordinance 2013
2014	Ordinance	No. 3 of 2014	Nuclear Safeguards Ordinance 2014
2015	Ordinance	No. 3 of 2015	Postal Services (Amendment) Ordinance 2015
2016	Ordinance	No. 2 of 2016	Customs Ordinance 2016
	Ordinance	No. 3 of 2016	Income Tax Ordinance 2016
2017	Ordinance	No. 2 of 2017	Police Ordinance 2017
2019	Ordinance	No. 2 of 2019	Wildlife and Protected Areas (Amendment) Ordinance 2019
	Ordinance	No. 3 of 2019	Fisheries (Conservation and Management) (Amendment) Ordinance 2019

Notes:

1. Appropriation Ordinances and Supplementary Appropriation Ordinances are not reproduced

ELIZABETH II



The Territories of South Georgia
and the South Sandwich Islands

ALAN EDDEN HUCKLE,
Commissioner.

Prohibited Areas Ordinance 2010

(No. 1 of 2010)

ARRANGEMENT OF PROVISIONS

Section

1. Short title
2. Commencement
3. Prohibited Area Order

ELIZABETH II



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

ALAN EDDEN HUCKLE,
Commissioner.

PROHIBITED AREAS ORDINANCE 2010

(No. 1 of 2010)

(assented to: 14 September 2010)

(commencement: on publication)

(published: 24 September 2010)

AN ORDINANCE

To enable the Commissioner by Order to declare any area in the Territories and the territorial sea of the Territories specified in it to be an area into which subject to this Ordinance entry by any person without the Commissioner's permission is prohibited, and to create offences in relation to such areas and things within them

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

1. Short title

This is the Prohibited Areas Ordinance 2010.

2. Commencement

This Ordinance comes into force on publication in the *Gazette*.

3. Prohibited Area Order

(1) The Commissioner may by Order declare—

(a) any area of land in the Territories;

(b) any area of land or sea lying to the landward of the outer limit of the territorial sea and which is covered by water at all times or at any stage of any tide;

and which is described in the Order to be or to be part of an area (a “Prohibited Area”)—

(i) the entry into which by any person by any means; and

(ii) from which the taking or removal by any person of any thing,

except as provided by this Ordinance or with the permission of the Commissioner is an offence.

(2) The Commissioner may only exercise the power conferred by subsection (1) in respect of an area in relation to which he is satisfied it is necessary to do either or both of the following—

(a) to protect persons from danger to their health or safety; or

(b) to protect the heritage value of the area.

(3) Nothing in subsection (1) shall apply so as to render it an offence for a person aboard any vessel to enter any area of sea due to stress of weather or by reason of force majeure.

(4) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding £50,000 or to imprisonment for a term not exceeding 12 months or both.

(5) This section has effect in addition to any other provision of law enabling the Commissioner to prohibit or restrict entry into any area.

Made 14th September 2010

A. E. Huckle,
Commissioner.

ELIZABETH II



Territories of South Georgia and the South Sandwich Islands

NIGEL ROBERT HAYWOOD C.V.O.,
Commissioner.

WILDLIFE AND PROTECTED AREAS ORDINANCE 2011

(No 1 of 2011)

ARRANGEMENT OF PROVISIONS

PART I PRELIMINARY

Section

1. Title
2. Commencement
3. Application
4. Ordinance to bind the Crown
5. Interpretation and general

PART II PROTECTION OF WILDLIFE *Protection of wild birds and mammals*

6. Protection of wild birds and mammals
7. Supplementary to section 6

Protection of other native fauna

8. Protection of native invertebrates

Protection of native plants

9. Protection of native plants
- Other offences in relation to wildlife*
10. Unlawful possession of live or dead wildlife

11. Introduction of non-native species
12. Prohibition of certain methods of killing wild birds or mammals
13. Special protection for species or habitats

Control of imports, exports and movement of wildlife within the Territory

14. Control of imports, exports and movement of wildlife within the Territory

General defences

15. General defences for the purposes of this Part

PART III

SPECIALLY PROTECTED AREAS (SPAs) AND MARINE PROTECTED AREAS (MPAs)

Specially protected areas

16. Specially protected areas (SPAs)
17. Management plans and regulations in relation to SPAs

Marine protected areas

18. Marine protected areas (MPAs)
19. Further provision as to orders designating MPAs
20. Conservation orders for the protection of MPAs

PART IV

PERMITS

21. Permits to do things otherwise prohibited
22. Supplementary to section 21
23. False statement made to obtain a permit
24. Permits: applications, production, revocation and suspension

PART V

PROVISIONS IN RELATION TO OFFENCES
AND CONCLUDING PROVISIONS

Provisions in relation to offences

25. Offences by bodies corporate
26. Institution of proceedings
27. Power of arrest etc
28. Trial of offences under this Ordinance
29. Penalty for offences under this Ordinance
30. Defences not applicable in civil proceedings

Concluding provisions

31. Regulations
32. Repeals
33. Exclusion of provisions of English law

ELIZABETH II



Territories of South Georgia and the South Sandwich Islands

NIGEL ROBERT HAYWOOD C.V.O.,
Commissioner.

WILDLIFE AND PROTECTED AREAS ORDINANCE 2011

(No 1 of 2011)

(assented to: 31 May 2011)

(commencement: on publication)

(published: 2011)

AN ORDINANCE

To repeal the Wildlife and Protected Birds Ordinance 1913 and the Falkland Islands Dependencies Conservation Ordinance 1975; to exclude a number of provisions of English law which would otherwise apply in the Territory; to make new provision for the conservation of ecosystems and habitats, to make new provision in relation to the protection of wild birds, mammals, native invertebrates and native plants; to prohibit certain methods of killing wild birds and mammals; to restrict the introduction of non-native species; to make provision for specially protected areas (SPAs) and marine protected areas (MPAs); and for connected purposes.

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

PART I PRELIMINARY

1. Title

This is the Wildlife and Protected Areas Ordinance 2011.

2. Commencement

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

3. Application

This Ordinance applies throughout the Territory (including the internal waters), the territorial sea and the Maritime Zone.

4. Ordinance to bind the Crown

(1) Subject to subsection (2), this Ordinance and regulations made under it bind the Crown.

(2) No contravention by the Crown of any provision of this Ordinance or of any regulations made under it makes the Crown criminally liable; but the Supreme Court may, on the application of any person appearing to the Court to have an interest, declare unlawful an act or omission by the Crown which constitutes such a contravention.

(3) Despite subsection (2), this Ordinance applies to persons in the public service of the Crown as it applies to other persons.

5. Interpretation and general

(1) In this Ordinance, unless the context otherwise requires —

“authorised person” means a person in the public service of the Crown, a commissioned officer in Her Majesty’s armed forces and any other person appointed in writing by or under the authority of the Commissioner to be an authorised person for the purposes of this Ordinance;

“Commissioner”, in relation to the exercise of any power conferred by this Ordinance upon the Commissioner, includes a public officer to whom the Commissioner has under subsection (4) delegated in writing the exercise of that power;

“contravene” includes failure to comply with and “contravention” has a corresponding meaning;

“injury” includes any disability, disease or infestation and “injure” has a corresponding meaning;

“internal waters” means those parts of the sea which lie to the landward side of the baselines of the territorial sea of the Territory established by article 3 of the South Georgia and South Sandwich Islands (Territorial Sea) Order 1989;

“living organism” includes a virus;

“marine mammal” means any mammal of the Orders Cetacea (whales, dolphins and porpoises) or Pinnipedia (seals);

“MPA” means a marine protected area designated by an Order under section 18(1);

“Maritime Zone” means the maritime zone for the Territory established by Proclamation No 1 of 1993 of the Territory, that is to say a zone having as its inner boundaries the outer limits of the territorial sea of the Territory and its seaward boundary a line drawn so that each point on the line is 200 nautical miles from the nearest point on the baselines defined;

“native bird” means any member, or egg, of any species of the Class Aves indigenous to the Territory or occurring there seasonally through natural migrations;

“native invertebrate” means any terrestrial, freshwater or marine invertebrate at any stage of its life cycle, indigenous to the Territory;

“native plant” means any terrestrial, freshwater or marine vegetation, including flowering plants, ferns, clubmosses, bryophytes, lichens, fungi and algae indigenous to the Territory and includes such vegetation at any stage of its life cycle and seeds and other propagules of such vegetation;

“non-native” in relation to micro-organisms, means viruses, bacteria and yeasts which are not indigenous to the Territory;

“non-sterile soil” means soil, sand or aggregate which is not free of every living organism;

“occupied building” means a building that is maintained for use by any person or body of persons, corporate or otherwise;

“offence under this Ordinance” includes any offence under any provision of any Order or regulations made under this Ordinance, incitement to commit an offence under this Ordinance, conspiracy to commit an offence under this Ordinance and any attempt to commit an offence under this Ordinance;

“pick” in relation to a plant means gather or pluck any part of the plant without uprooting the plant;

“protected feature”, in relation to an MPA or SPA, means any flora, fauna, habitat or other feature which is sought to be conserved by the order designating the area;

“recreational vessel” means any vessel designed or used for any recreational or sporting purpose (whether or not as part of a commercial enterprise) and includes a yacht;

“seashore” means —

(a) the foreshore, that is to say, land which is covered and uncovered by the ordinary movement of the tide; and

(b) any land, whether or not covered intermittently by water, which is in apparent continuity (determined by reference to the physical characteristics of that land) with the foreshore, as far landward as any natural or artificial break in that continuity;

“SPA” means an area which is a specially protected area designated by an Order under section 16(1);

“uproot”, in relation to a plant, means dig up or otherwise remove the plant from the place in which it is growing;

“vessel” includes a hovercraft, an aircraft capable of landing on water, and any other craft of any kind whatsoever capable of travelling on, in or under water, whether or not self propelled and whether or not capable of carrying any person;

“wild bird” means a native bird or a vagrant species of Class Aves arriving in the Territory without the assistance of man.

(2) Nothing in this Ordinance, except section 12, applies to rats or mice of any species.

(3) Any power under any provision of this Ordinance to make an Order or Regulations includes power by further Order or Regulations as the case may be under that provision to amend or revoke the Order or Regulations.

(4) The Commissioner may by instrument in writing delegate to any named public officer or public officers, subject to such conditions and limitations, if any, as he or she may specify in that instrument, the exercise of any power he or she has under this Ordinance specified in that delegation except that the Commissioner may not delegate his power under section 31 to make regulations.

PART II PROTECTION OF WILDLIFE

Protection of wild birds and mammals

6. Protection of wild birds and mammals

(1) Subject to this Part, and except as permitted under a permit granted under section 21(1), a person commits an offence who intentionally or recklessly —

- (a) kills, injures, captures, handles or molests a wild bird or mammal;
- (b) administers any noxious substance to a wild bird or mammal;
- (c) damages or destroys the breeding site or the nesting place or nest of a native bird;
- (d) takes, destroys or damages an egg of a native bird; or
- (e) disturbs a breeding or moulting wild bird, the dependent young of any native bird, mammal or a concentration of wild birds or mammals.

(2) Subject to this Part, a person commits an offence who —

- (a) uses a vehicle, vessel or aircraft in a manner that disturbs a concentration of wild birds or mammals, or which disturbs any marine mammal of the Order Cetacea;
- (b) uses firearms or explosives in a manner that disturbs any wild birds or mammals; or

(c) does anything that is likely to cause significant damage to the habitat of any wild bird or mammal.

7. Supplementary to section 6

(1) Where a person is charged with an offence in respect of a contravention of section 6(1)(a) of killing, injuring or molesting a wild bird or mammal), it is a defence for him or her to show that the act in question was done for the relief of the suffering of the wild bird or mammal in question.

(2) It is a defence for a person charged with an offence under section 6(1)(a) of capturing or handling a wild bird or mammal if he or she shows that the wild bird or mammal —

(a) was captured or handled by him or her for the purpose of attending to any injury or disease suffered by it and thereafter returned it to the wild without unreasonable delay; and

(b) if it was injured, the injury was not caused by an unlawful act on his or her part.

(3) It is a defence for a person charged with an offence under section 6(1)(b) of administering a noxious substance to a wild bird or mammal to show that the noxious substance was reasonably used by him or her in providing treatment in relation to any injury or disease suffered by the wild bird or mammal.

Protection of other native fauna

8. Protection of native invertebrates

(1) Subject to this Part, and except as permitted under a permit granted under section 21(1), it is an offence for a person intentionally or recklessly —

(a) to do anything that is likely to cause significant damage to the habitat of any native invertebrate; or

(b) to collect any native invertebrate other than from within an occupied building or its immediate surroundings,

but nothing in paragraphs (a) and (b) applies to any damage arising to the habitat of a native invertebrate from anything done in the course of the lawful operation of a vessel.

(2) In any proceedings for an offence under subsection (1), unless in a building or its immediate surroundings, the invertebrate is to be presumed to be a native invertebrate unless the contrary is shown.

Protection of native plants

9. Protection of native plants

(1) Subject to this Part and except as permitted under a permit granted under section 21(1), a person commits an offence who intentionally or recklessly —

- (a) picks, collects, uproots or applies any noxious substance to any native plant; or
- (b) damages or destroys a concentration of native plants in such a manner or to such an extent that their local distribution or abundance will be significantly affected

but nothing in this subsection applies to anything done in the course of the lawful operation of a vessel.

(2) In any proceedings for an offence under subsection (1), the plant is to be presumed to be a native plant unless the contrary is shown.

Other offences in relation to wildlife

10. Unlawful possession of live or dead wildlife

Subject to this Part and except as permitted under a permit granted under section 21(1), a person commits an offence if he or she knowingly has in his or her possession, transports, sells, exchanges or offers for sale or exchange —

- (a) any live or dead wild bird, mammal, native invertebrate or native plant;
- (b) any egg of a native bird; or
- (c) any part of, or anything derived from, such a wild bird, mammal, native invertebrate, egg of a native bird or native plant.

11. Introduction of non-native species

(1) Subject to the provisions of this Part and except as permitted under a permit granted under section 21(1), a person commits an offence who releases or allows to escape into the wild in the Territory any animal or plant of a non-native species.

(2) Subject to the provisions of this Part and except as permitted under a permit granted under section 21(1), a person commits an offence who —

- (a) keeps on board any vessel in the territorial sea or internal waters or lands or permits to alight on land or escape onto land or into the sea any animal of a non-native species;
- (b) plants or distributes in the wild in the Territory seeds or propagules of a non-native plant;
- (c) cultivates in the Territory any non-native plant; or
- (d) except by reason of unavoidable accident or unavoidable natural process, releases or allows any non-native micro-organism to escape in the Territory.

(3) In any proceedings for an offence under any of the preceding subsections, the organism concerned is to be presumed to be non-native unless the contrary is shown.

(4) Subject to subsection (5), it is a defence to a charge of committing an offence under subsection (1) or (2) for the accused to show that he took all reasonable steps and exercised all due diligence to avoid committing the offence.

(5) Where the defence provided by subsection (4) involves an allegation that the commission of the offence was due to the default of another person, the person charged is not, without leave of the court, entitled to rely on the defence unless, within a period ending seven clear days before the hearing, he or she has served on the prosecutor a notice giving such information identifying or assisting in the identification of the other person as was then in his or her possession.

12. Prohibition of certain methods of capturing or killing wild birds or mammals

(1) A person commits an offence who —

(a) traps, snares, electrocutes, mutilates, kicks, beats, nails or otherwise impales, stabs, burns, stones, crushes, drowns, shoots with any form of projectile, stuns, dazzles, frightens, asphyxiates, poisons, stupefies or attempts to poison or stupefy any wild bird or mammal;

(b) uses a mechanically propelled vehicle or vessel in immediate pursuit of a wild bird or mammal;

(c) uses any live bird or live marine mammal whatsoever, any sound recording or any live bird or live marine mammal as a decoy for the purpose of killing or capturing any wild bird or marine mammal;

(d) knowingly causes or permits to be done an act which is mentioned in the foregoing provisions of this subsection.

(2) Subsection (1) is subject to subsection (3).

(3) A person does not commit an offence under subsection (1) if —

(a) the activity is undertaken under a permit granted by the Commissioner under section 21(1); or

(b) the activity is the use of traps or poison bait to kill mice or rats for preventative biosecurity reasons.

(4) The Commissioner may, by Order, either generally or in relation to any kind of wild bird or mammal, amend subsection (1) by adding any method of killing or capturing or omitting any such method as is mentioned in that subsection.

(5) In any proceedings for an offence under subsection (1)(a) it is a defence for the accused to show that the article was set in position or used for the purpose of killing or taking, in the interests of public health, fisheries or nature conservation any wild bird or mammal which could lawfully be taken or killed by those means and that he or she took all reasonable precautions to prevent injury to any other wild bird or mammal.

13. Special protection for species and habitats

(1) The Commissioner may by Order under this subsection provide that measures of special protection, specified in the Order (“the measures”) are to be established in respect of any species of animal or plant, terrestrial or aquatic, specified in the Order (and, for the purposes of this section, measures for the protection of the habitat of any species are deemed to be measures for the protection of that species).

(2) All persons must comply with the measures unless excused from doing so by any provision of the Order.

(3) An Order under subsection (1) may make such provision as the Commissioner may think fit as to the preparation, contents, publication, approval, implementation and any other matter relating to or connected with an action plan or action plans in respect of any species afforded special protection by that Order.

(4) An Order under subsection (1) may create such offences as the Commissioner considers necessary or expedient to ensure so far as possible compliance with the measures.

Control of imports, exports and movement of wildlife within the Territory

14. Control of imports, exports and movement of wildlife within the Territory

(1) Except as permitted under a permit granted under section 21(1) or, in relation to the import or export of fish, a licence granted under any legislation of the Territory relating to fishing, a person commits an offence who —

(a) imports into the Territory or exports from the Territory, living or dead, any animal, plant, or any part or thing which is a derivative of any such species;

(b) imports non-sterile soil into the Territory;

(c) intentionally or recklessly transports to or releases at a place within the Territory any thing of a kind mentioned in paragraph (a) or (b) which has been acquired at another place within the Territory;

(d) disposes of any poultry in the Territory; or

(e) disposes of any thing of a kind mentioned in paragraph (a) or (b) without due regard to preventing its establishment or spread in the Territory.

(2) In this section, “poultry” means any bird, or derivative of a bird intended for human consumption.

(3) For the purposes of subsection (1) and (2), “derivative” in relation to a species includes any part of the body living or dead (including any bone, skin, feathers, fur or scales), of a member of that species and any egg, spawn, embryo, gamete, zygote, larva, pupa, seed or spore of a member

of that species but does not include anything which has undergone a manufacturing process and is intended for human consumption as food.

(4) Any wild bird or marine mammal or part of a wild bird or marine mammal taken from the sea within the territorial sea or Maritime Zone is to be deemed not to have been imported into the Territory if it is landed directly in the Territory.

General defences

15. General defences for the purposes of this Part

(1) Where a person is charged with an offence under section 6, 8, 9, 11 or 14 or an Order under section 13 it is a defence to prove that the contravention in question occurred in the course of dealing with an emergency relating to —

(a) the safety of human life;

(b) the safety of any vessel or aircraft of significant value or cargo, equipment or facilities of significant value or importance, or

(c) the protection of the environment.

(2) It is a defence for a person charged with an offence under any provision of section 6, 8, 9, 11 or 14 or an Order under section 13 to show that the act rendered unlawful under that provision was the incidental result of an otherwise lawful operation and could not reasonably have been avoided.

PART III

SPECIALLY PROTECTED AREAS (SPAs) AND MARINE PROTECTED AREAS (MPAs)

Specially protected areas

16. Specially protected areas (SPAs)

(1) If the Commissioner believes that any area of land is in need of a high level of protection to preserve its special values he or she may by Order under this subsection designate that area as a specially protected area (“SPA”).

(2) The Commissioner may designate an area as an SPA if he or she believes that any of the following applies in respect of that area —

(a) the flora, fauna, habitats or other features to be found in the area render it of significant conservation or ecological importance;

(b) it is of significant geological, geomorphological or landscape importance; or

(c) it is of high scientific interest.

(3) The reference in subsection (1) to land includes any land lying directly above mean low water mark.

(4) If an area of land to which an Order relates includes land falling within subsection (3) (“area A”), it may also include land lying below mean low water mark (“area B”) if —

(a) area B adjoins area A, and

(b) any of the conditions set out in subsection (5) is satisfied

(5) The conditions are —

(a) that the flora, fauna, habitat, or other features leading to the designation of area A is or are also present in area B;

(b) that the designation of area A is by reason of any flora, fauna or habitat which are dependent (wholly or in part) on anything which takes place in, or is present in, area B;

(c) that, without the addition of area B, the identification of the boundary of the land to which the Order relates (either in the Order or on the ground for the purposes of exercising functions in relation to it) would be impossible or impracticable.

(6) An Order under subsection (1) must specify —

(a) the boundaries of the area designated;

(b) the flora, fauna, habitat, geological, landscape or other features giving rise to the making of the Order (the protected features);

(c) the conservation objectives for the area,

and may prohibit entry into the area without permission and provide that permission to enter it can only be granted in special circumstances.

(7) Nothing in an Order prohibiting entry into an SPA applies to an authorised person acting in the course of his or her duties.

(8) A person commits an offence who, except as provided by subsection (7), contravenes a provision of an Order which prohibits entry into an SPA without being authorised to enter the SPA by a permit granted under section 21(1).

17. Management plans and regulations in relation to SPAs

(1) The protection and management of an SPA will be achieved by the implementation of a management plan devised in relation to that SPA or a number of SPAs including that SPA.

(2) A management plan is a scheme for —

(a) conserving, protecting, or preserving, as the case may be, such of the features mentioned in paragraphs (a) to (c) of section 16(2) as have justified the area being designated as an SPA; or

(b) as the case may be, restoring them; or

(c) both (a) and (b).

(3) The Commissioner must make regulations to provide for the implementation of the management plan.

(4) Regulations made under subsection (3) must contain a synopsis of the management plan and may —

(a) provide for any of the matters mentioned or referred to in subsection (2);

(b) prohibit or restrict (either absolutely or subject to exceptions specified in the regulations) entry into or movement within the SPA of vehicles or craft of any kind;

(c) prohibit or restrict all or specified activities within the SPA;

(d) impose or provide for the imposition of conditions subject to which restricted activities may be undertaken in the SPA;

(e) prohibit within the SPA the depositing of rubbish or other wastes and the discharge of noxious or polluting substances;

(f) prohibit the bringing into the SPA of any weapon or other device or thing designed or adapted for the purpose of killing, or capturing any wild bird or mammal;

(g) prohibit the lighting of any fire, or the smoking of any cigar, cigarette or pipe within the SPA.

(5) A person commits an offence who contravenes any regulations made under subsection (3).

Marine protected areas

18. Marine protected areas (MPAs)

(1) Subject to subsection (2), if the Commissioner believes that any area of sea falling within subsection (6) is in need of protection he or she may by Order under this subsection designate that area as a marine protected area (“MPA”).

(2) The Commissioner may designate an area as an MPA by Order under subsection (1) if he or she believes it is desirable to do so for the purpose of conserving one or more of —

(a) marine flora or fauna;

(b) any species dependent on the marine environment;

(c) marine habitats or types of marine habitat;

(d) features of scientific interest, including those of geological, geomorphological or oceanographic interest.

(3) The reference in subsection (2)(a) to conserving marine flora or fauna and the reference in subsection (2)(b) to conserving any species dependent on the marine environment includes, in particular, references to conserving any species that is rare or threatened because of —

(a) the limited number of individuals of that species;

(b) the limited number of locations within the Territory, regionally or globally, in which that species is present.

(4) The references in subsection (2)(a), (b) and (c) to conserving marine fauna or flora, species dependent on the marine environment or habitats include references to conserving the diversity of such flora, fauna or habitats, whether or not any or all of them are rare or threatened.

(5) Any reference to conserving a species or habitat includes references to —

(a) assisting in its conservation;

(b) enabling or facilitating its recovery or increase.

(6) An area falls within this subsection if —

(a) it falls entirely within one or more of —

(i) internal waters;

(ii) the seaward limits of the territorial sea;

(iii) the Maritime Zone north of latitude 60 degrees south; and

(b) except so far as is permitted by section 19(5) read with section 19(6), it does not include any area lying above mean high water spring tide.

19. Further provisions as to orders designating MPAs

(1) An Order under section 18(1) must —

(a) identify the boundaries of the area designated;

(b) state the protected feature or features;

- (c) state the conservation objectives for the MPA.
- (2) The boundary of an MPA may be defined by, or by reference to, mean high water spring tide.
- (3) An Order under section 18(1) designating an area falling within 18(6)(a)(i), (ii) or (iii) must designate —
 - (a) an area of land (whether or not covered by water) only; or
 - (b) an area of land together with all or some of the water covering it.
- (4) Section 18(6)(a)(i), (ii) and (iii) include any island, whether or not any part of it lies above mean high water spring tide.
- (5) If an MPA includes an area falling within section 18(6)(a)(i) or (ii) (“area A”), it may also include an area of the seashore lying above mean high water spring tide (“area B”) if —
 - (a) area B adjoins area A, and
 - (b) any of the conditions in subsection (6) are satisfied.
- (6) The conditions are —
 - (a) that the protected feature or features leading to the designation of area A is or are also present in area B;
 - (b) that area A is designated for the purpose of protecting marine flora or fauna, habitat, or species dependent on the marine environment, which are dependent (wholly or in part) on anything which takes place in, or is present in, area B;
 - (c) that, without the inclusion of area B, the identification of the boundary of the MPA (either in the Order designating the area or on the ground for the purpose of exercising functions in relation to it) would be impossible or impracticable.

20. Conservation orders for the protection of MPAs

- (1) The Commissioner may make one or more Orders for the purposes of furthering the objectives of an MPA.
- (2) In this Part “conservation order” means an Order under subsection (1).
- (3) The provision that may be made by a conservation order includes, in particular, provision —
 - (a) prohibiting or restricting entry into, or any movement or activity within, the MPA by persons;

- (b) prohibiting or restricting entry into, or any movement or other activity within the MPA by vessels, including recreational vessels; or where appropriate, vehicles;
- (c) restricting the speed at which any vessel may move in the MPA or in a specified area outside the MPA where that movement might hinder the conservation objectives of the MPA;
- (d) prohibiting or restricting the anchoring of any vessel within the MPA;
- (e) prohibiting or restricting the doing of anything in the MPA which will interfere with the seabed or damage or disturb any object in the MPA,

provided that no provision in a conservation order has effect so as to prevent a vessel having the right of innocent passage or transit passage through the MPA or from doing anything it is entitled to do in the exercise of that right.

(4) The provision that may be made by a conservation order also includes provision prohibiting or restricting entry into, or any movement or other activity on, any part of the seashore that adjoins the MPA by persons or vehicles.

(5) A conservation order may be made subject to specified exceptions.

(6) A conservation order may make different provision for different cases including (in particular) —

- (a) different parts of the MPA;
- (b) different times of the year;
- (c) different means or methods of carrying out any activity.

(7) In this section “specified” means specified in the Order.

(8) Nothing in a conservation order applies to anything done —

- (a) in the interests of the prevention or detection of crime;
- (b) for securing public health; or
- (c) for the purpose of saving human life, securing the safety of any vessel of significant value or of preventing damage to any vessel or cargo (in either case of significant value) from any danger which could not have been foreseen or avoided.

(9) Subject to subsection (8) and to any permit granted to him or her under section 21(1), a person who contravenes a conservation order made under subsection (1) of this section commits an offence.

PART IV PERMITS

21. Permits to do things otherwise prohibited

(1) The Commissioner, may, of his or her own motion or on the application of any person —

(a) grant for a purpose specified in subsection (6) a permit authorising any person who is specified or of a description specified in the permit to do anything specified or of a description specified in the permit that would otherwise constitute a contravention of section 6, 8, 9, 10, 11, 12, 14, or 16, regulations under section 17(3) or of any prohibition or restriction contained in an Order made under section 17(1) or section 20(1);

(b) grant a permit of general effect (that is to say a permit the benefit of which enures (subject to such exceptions as may be specified in the permit) to all persons present in the Territory) to do anything specified in the permit which would otherwise be prohibited by section 14.

(2) Unless the Commissioner is satisfied that the permit is granted for a compelling scientific purpose or that the grant of the permit will not jeopardise the survival of the species concerned or the survival of the local population of that species or is necessary in the interests of public health or safety, he or she must not grant a permit under subsection (1) —

(a) to kill, capture or handle a wild bird, marine mammal or native invertebrate;

(b) to take an egg of a native bird; or

(c) to pick, collect or uproot a native plant.

(3) The Commissioner must not grant a permit under subsection (1) to enter an SPA in relation to which the Order designating it indicates that a permit to enter it will only exceptionally be granted unless the Commissioner is satisfied that the applicant has demonstrated that in the exceptional circumstances disclosed in their application the permit ought to be granted.

(4) The Commissioner may grant a permit under subsection (1) subject to such conditions as he or she thinks fit including —

(a) conditions to be complied with by persons doing anything authorised by the permit; and

(b) conditions requiring the person to whom the permit is granted to provide information to the Commissioner.

(5) The Commissioner may, by notice published in the Gazette, require a fee to be paid on the grant of any permit under subsection (1) and may waive payment of a fee in any particular case.

(6) Subject to subsection (7), the purposes for which a permit may be granted under subsection (1) are —

(a) scientific, research and educational purposes;

(b) conserving wild birds, marine mammals, native invertebrates or native plants or for re-introducing them to the Territory or re-establishing them in particular areas within the Territory;

(c) conserving or restoring, habitats;

(d) preserving public health or public safety;

(e) preventing the spread of disease; and

(f) any other purpose for which the Commissioner believes that a permit may properly, in all the circumstances, be granted.

(7) Permits issued for any of the purposes set out in subsection (6) must be limited so as to ensure, as far as possible, that —

(a) the diversity of native species and the balance of the natural ecological systems of the Territory are maintained;

(b) no more wild birds, marine mammals, native invertebrates or native plants are taken than are necessary for the purpose or purposes for which the permit was granted;

(c) no more wild birds or marine mammals are killed or captured from local populations than can reasonably be expected to be replaced in the following breeding season by natural reproduction.

22. Supplementary to section 21

(1) A permit under section 21(1) which authorises any person to kill or capture any wild bird or mammal must specify the area within which and the methods by which such a wild bird or mammal may be killed or captured and may be granted for a period not exceeding one year specified in the permit.

(2) A person commits an offence who —

(a) contravenes any condition of a permit granted under section 21(1); or

(b) fails without reasonable excuse to produce to an authorised person a permit, or a copy of a permit issued under section 21(1).

23. False statement made to obtain a permit

A person commits an offence who for the purpose of obtaining for themselves or another person the grant of a permit under section 21(1) —

(a) makes a statement or representation, or furnishes any document or information, which he or she knows to be false in a material particular; or

(b) recklessly makes a statement or representation, or furnishes a document or information which is false in a material particular.

24. Permits: applications, production, revocation and suspension

Regulations may make provision —

(a) as to the procedure for making applications for permits under section 21(1);

(b) as to the circumstances in which permits may be required to be produced;

(c) as to the circumstances in which permits are liable to be revoked or suspended by the Commissioner;

(d) as to the notice to be given before permits are revoked or suspended, and as to other procedures to be followed in relation to the revocation or suspension of permits; and

(e) for appeals against the revocation or suspension of permits, and as to the procedure to be followed in relation to such appeals (including provision in accordance with which such procedure is to be determined).

PART V PROVISIONS AS TO OFFENCES AND CONCLUDING PROVISIONS

Provisions in relation to offences

25. Offences by bodies corporate

(1) Where an offence under this Part has been committed by a body corporate and the contravention in question is proved to have occurred with the consent or connivance of, or to be attributable to any neglect on the part of —

(a) a director, manager, secretary or other similar officer of the body corporate, or

(b) any person who was purporting to act in any such capacity,

he or she as well as the body corporate is guilty of that offence and is liable to be proceeded against and punished accordingly.

(2) In subsection (1) “director”, in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

26. Institution of proceedings

Proceedings for an offence under this Ordinance may not be instituted except by or with the consent of the Attorney General for the Territory:

Provided that this section does not prevent the arrest, or the issue or execution of a warrant for the arrest, of any person in respect of such an offence, notwithstanding that the necessary consent for institution of proceedings has not been obtained.

27. Power of arrest etc

(1) Regulations may make provision for —

- (a) the arrest anywhere in the Territory of any person suspected of committing an offence under this Ordinance;
- (b) stopping and searching any person suspected of committing any such offence;
- (c) the search without a warrant of any premises, land, vessel, vehicle or aircraft which it is believed may contain any evidence of any such offence;
- (d) the authorisation of persons to exercise the powers referred to in this subsection;
- (e) the conveyance in custody of any person arrested under regulations made by virtue this subsection to any place, whether in the Territory or elsewhere, where he or she can be tried for the offence in question;
- (f) the seizure and detention of any article which may be evidence of an offence under this Ordinance and its conveyance to any place, whether in the Territory or elsewhere, where a person charged with that offence can be tried; and
- (g) securing the attendance, before any court, whether in the Territory or elsewhere, before which a person can be tried for an offence under this Ordinance, of any person required to give evidence or produce documents in proceedings relating to that offence.

28. Trial of offences under this Ordinance

All offences under this Ordinance are to be tried summarily by the Magistrate's Court which, on convicting an offender, has the power, notwithstanding any other law of the Territory, to impose any penalty provided for by section 29.

29. Penalty for offences under this Ordinance

- (1) A person convicted of an offence under this Ordinance is liable to a fine or to imprisonment for a term not exceeding two years or both a fine and such imprisonment.
- (2) In subsection (1) "a fine" means a fine of such amount as the Magistrate's Court sees fit to impose having regard to the gravity and consequences of the offence, and the need to discourage others from committing like offences and the means and circumstances of the offender.

30. Defences not applicable in civil proceedings

- (1) Subsection (2) applies if a person establishes a defence to (or an exception from) an offence against (or contravention of) this Ordinance (or regulations made under it).

(2) If this subsection applies, the defence (or exception) does not affect whether or not the person has civil liability in relation to the circumstances in which the defence (or exception) applied.

Concluding provisions

31. Regulations

Regulations under this Ordinance may make —

- (a) different provision for different cases or circumstances; and
- (b) incidental and supplementary provisions.

32. Repeals

The Wildlife and Protected Birds Ordinance 1913 and the Falkland Islands Dependencies Conservation Ordinance 1975 are hereby repealed.

33. Exclusion of provisions of English law

(1) The following provisions of English law no longer apply as part of the law of the Territory except by virtue of a provision of the law of the Territory applying them by name —

- (a) the Wildlife and Countryside Act 1981;
- (b) the Wild Mammals (Protection) Act 1996;
- (c) the Countryside and Rights of Way Act 2000; and
- (d) Parts 2 and 3 of the Natural Environment and Rural Communities Act 2006.

(2) In subsection (1) a reference to an Act includes a reference to any later Act amending or modifying that Act, whether enacted before or after the commencement of this Ordinance.

Made 31st May 2011

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

ELIZABETH II



Territories of South Georgia and the South Sandwich Islands

NIGEL ROBERT HAYWOOD C.V.O.,
Commissioner.

Postal Services Ordinance 2011

(No. 4 of 2011)

ARRANGEMENT OF PROVISIONS

Section

1. Title
2. Commencement
3. Interpretation
4. Provision of postal services
5. Postal articles not accepted for transmission by post
6. Postal rates
7. Postage stamps
8. Weight limitations
9. Aerogrammes
10. Small packets
11. Exemptions from postage
12. Unpaid or underpaid postage
13. Undelivered parcels
14. Registration
15. Insurance
16. Parcels and customs declarations
17. Postal officer
18. Duties and powers of a postal officer
19. Departing vessel to give notice
20. Duty to carry mail
21. Refusal to receive or deliver mail
22. Payment for carrying mail
23. Determination by the Commissioner
24. Offences
25. Postal article deemed to be property of commissioner
26. Repeal and revocation

ELIZABETH II



Territories of South Georgia and the South Sandwich Islands

NIGEL ROBERT HAYWOOD C.V.O.,
Commissioner.

POSTAL SERVICES ORDINANCE 2011

(No. 4 of 2011)

(enacted: 25 August 2011)

(published: 9 September 2011)

(commencement: on publication)

AN ORDINANCE

To provide for postal services in the Territory; to repeal the Post Office Ordinance^(a) in relation to the Territory; and for connected purposes.

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

1. Title

This Ordinance is the Postal Services Ordinance 2011.

2. Commencement

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

3. Interpretation

In this Ordinance —

“aerogramme” means a letter written on a form consisting of a single sheet of paper suitably folded and gummed on all sides, which is sold by the Post Office for the purpose of being used to send messages by air mail;

“frank” means stamp with a postmark to indicate date and place of mailing;

“inland” means, in relation to a postal article, one sent —

(a) within South Georgia and the South Sandwich Islands;

^(a) Cap.52, Laws of the Falkland Islands (1950 Edition), as it applies to South Georgia and the South Sandwich Islands under the Application of Colony Laws Ordinance (Cap. 1, Dependencies Series).

(b) to the Falkland Islands; or

(c) to the British Antarctic Territory;

“postal article” means an article received by a postal officer for transmission by post;

“postal services” includes —

(a) the issue and sale of postage stamps for the Territory; and

(b) the transmission of postal articles by post;

“properly stamped” means, in relation to a postal article, that it bears postage stamps or markings which indicate that, when the article was posted in the Territory or in another country, the rates for postage, as determined under this Ordinance or under the law of the other country, were paid;

“transmission by post” means —

(a) transmission within the Territory by authority of the Commissioner for the purposes of the Ordinance; or

(b) transmission to a place outside the Territory in accordance with arrangements in force between the Commissioner and the postal administration of any other country.

4. Provision of postal services

(1) The Commissioner —

(a) is to ensure that postal services are provided in accordance with this Ordinance;

(b) may authorise a postal administration for that purpose; and

(c) may appoint a Postmaster to be responsible for the provision of postal services in the Territory in accordance with this Ordinance.

(2) Except as provided by this Ordinance, no person may provide (or purport to provide) postal services for the Territory.

(3) A person who breaches subsection (2) commits an offence.

5. Postal articles not accepted for transmission by post

The Commissioner may determine that a postal article (or class of articles) will not be accepted for transmission by post, including postal articles that are not properly addressed or stamped.

6. Postal rates

(1) The Commissioner will set postal rates for the Territory.

(2) The postal rates set out in the Schedule —

(a) are deemed to have been in force for the Territory since 1 July 2010; and

(b) will remain in force until the Commissioner determines other postal rates under subsection (1).

7. Postage stamps

- (1) The Commissioner may authorise the issue of postage stamps of any denomination or design for use in the Territory.
- (2) The Commissioner may determine that a postage stamp previously issued by authority of the Commissioner will cease to be authorised for use from a specified date.
- (3) Only authorised postage stamps are valid for use in the Territory.

8. Weight limitations

An item will not be accepted for transmission —

- (a) as an overseas letter or as a small packet, if it exceeds 2 kilograms in weight;
- (b) as an overseas air mail parcel;
- (c) as an overseas surface mail parcel, if it exceeds 30 kilograms in weight;
- (d) as an inland letter, if it exceeds 2 kilograms in weight; or
- (e) as an inland parcel, if it exceeds 10 kilograms in weight.

9. Aerogrammes

- (1) An aerogramme will not be accepted for transmission by air mail —
 - (a) if it has any enclosure; or
 - (b) if it is not sufficiently stamped for transmission as an aerogramme by air mail.
- (2) Where, under subsection (1), an aerogramme is not accepted for transmission by airmail, it may, at the discretion of the Postal Officer or Postmaster, be accepted for transmission by surface mail if it is sufficiently stamped for such transmission.

10. Small packets

- (1) A class of postal packets called "small packets" is authorised with the object of affording facilities, in the inland and international postal service, for the transmission of small articles of merchandise in the letter mail.
- (2) The exchange of small packets in the international service is limited to those countries that have agreed to participate in the service.
- (3) The prohibitions applicable to letter post apply equally to the service of small packets.
- (4) The following are additionally excluded from transmission in small packets —
 - (a) letters, notes or documents having the character of actual and personal correspondence, which —
 - (i) includes tapes, disks or wires bearing recordings of current and personal messages; but

(ii) does not include open invoices reduced to their simplest form (consisting of the addressee's address, the description of the article and the sender's address);

(b) coins;

(c) banknotes;

(d) currency notes;

(e) negotiable instruments payable to the bearer;

(f) platinum, gold or silver (manufactured or not);

(g) precious stones;

(h) jewels and other valuable articles; and

(i) postage stamps, whether obliterated or not.

(5) A small packet must be marked with the words "small packet" in the top left-hand corner of the front of the packet.

(6) A small packet addressed to a destination outside the Territory must have securely fixed to it an International Customs Declaration Form in a form approved by the Universal Postal Union (and obtainable from the postal authorities) which has been fully and properly completed by the sender.

(7) A small packet not complying with subsections (4), (5) or (6) will not be accepted for transmission in the letter mail.

(8) Where, under subsections (4), (5) or (6) or under section 8(a), a small packet is not accepted for transmission in the letter mail, it will be treated as a parcel and be charged for and transmitted accordingly.

(9) Small packets may be registered but not insured.

11. Exemptions from postage

(1) The following postal articles may be accepted for transmission by mail without the pre-payment of postage —

(a) postal articles originating in a department of the Government, posted in the Territory and bearing —

(i) the words "On Her Majesty's Service" conspicuously marked at the top of the front of the item; and

(ii) in the lower left-hand or right-hand corner of the front of the article the official departmental stamp; and

(b) postal articles sent on postal business by the postal authorities.

(2) Postage will ordinarily be prepaid by affixing adhesive postage stamps obtained from the postal authorities but, by arrangement between the sender and the Postmaster, may be prepaid by use of a

franking machine approved by the Postmaster and subject to compliance with such conditions the Postmaster may specify.

12. Unpaid or underpaid postage

(1) Where the postage payable on any postal article has not been prepaid or has not been fully prepaid, a surcharge is payable —

(a) by the addressee on its delivery; or

(b) by the sender, if it is refused or cannot be delivered.

(2) Surcharges on any postal article that has not been prepaid or has not been fully prepaid will be calculated as —

(a) in the case of an overseas postal article, according to the Detailed Regulations of the Universal Postal Union; and

(b) in the case of an inland postal article, double the postage or double the deficiency as the case may be.

(3) An air mail packet on which either none or only part of the postage payable on it has been paid may be dealt with as if it were not an airmail packet.

(4) A postal article which is not properly stamped will not be delivered unless the surcharge is paid.

(5) The surcharge marked on the postal article by the postal administration (of the Territory or of another country) is evidence of the amount payable unless the contrary is proved.

13. Undelivered postal articles

(1) A postal article not collected within three months from the posting or a notification of arrival may be returned to the sender or otherwise disposed of as the Postmaster thinks fit.

(2) A fee payable under this section is payable in cash in such manner as the Postmaster may direct.

14. Registration

(1) The fees for registration are —

(a) inland - 75 pence; and

(b) overseas - £3.50.

(2) The maximum limit of compensation for the loss of a registered postal packet is —

(a) £20, where the overseas fee has been paid; and

(b) £10 otherwise.

15. Insurance

(1) Insurance is available only in relation to letters and parcels addressed to an address in the United Kingdom and any other country for the time being notified by the Postmaster.

(2) Insurance charges are £3 and the maximum insured value is £300.

16. Parcels and customs declarations

- (1) Subsection (2) applies to parcels addressed to destinations outside the Territory.
- (2) A parcel to which this subsection applies must have securely fixed to it an International Customs Declaration Form in a form approved by the Universal Postal Union (and obtainable from the postal authorities) which has been fully and properly completed by the sender.

17. Postal officer

- (1) The Commissioner may authorise one or more persons to perform the functions of postal officer for the Territory, and may confer any power necessary for the postal officer to do so.
- (2) A person authorised to perform the functions of postal officer may perform those functions wherever necessary.
- (3) A person who performs or purports to perform the functions of a postal officer when not authorised commits an offence.

18. Duties and powers of a postal officer

- (1) The duties of a postal officer are —
- (a) to receive, frank and keep safe all postal articles;
 - (b) to arrange for the onward transmission of all postal articles; and
 - (c) to exercise any other duties as required by the Commissioner.
- (2) A postal officer has the power of detention, examination, opening and disposal of postal articles as authorised by the Commissioner.

19. Departing vessel to give notice

- (1) The captain of a vessel which is about to depart Cumberland Bay must give notice to a postal officer of the vessel's intended departure, not less than 12 hours before the intended departure time.
- (2) The captain of the vessel must answer the questions of a postal officer about the ship and the ship's intended voyage if those questions are relevant to the carriage of mail.

20. Duty to carry mail

- (1) A captain of a vessel must carry on the vessel any mail supplied by a postal officer.
- (2) Any mail so supplied and carried on a ship must be kept dry and secure, and must be entered on the ship's customs manifest as soon as practicable.

21. Refusal to receive or deliver mail

A captain of a vessel commits an offence who —

- (a) refuses to receive mail from or on behalf of a postal officer or wilfully delays in the receipt of mail;
- (b) refuses, neglects or wilfully delays the delivery of the mail at the port of destination.

22. Payment for carrying mail

The postal officer who receives mail from a vessel's captain will, on demand, pay to the captain such sum as the Commissioner may determine.

23. Determination by the Commissioner

(1) Where any matter is determined by the Commissioner under this Ordinance, the Commissioner may publish a notice of that determination in the Gazette.

(2) A person may not be convicted of an offence under this Ordinance in connection with a determination by the Commissioner if that determination had not been notified in the Gazette at the time of the alleged offence.

24. Offences

(1) An offence under this Ordinance may only be tried summarily by the Magistrate's Court.

(2) A person convicted of an offence under this Ordinance is liable to a fine or to imprisonment for a term not exceeding two years or both a fine and such imprisonment.

(3) In subsection (2), "a fine" means a fine of such amount as the Magistrate's Court sees fit to impose having regard to the gravity and consequences of the offence, and the need to discourage others from committing like offences and the means and circumstances of the offender.

25. Postal article deemed to be property of Commissioner

A postal article is deemed to be the property of the Commissioner for the purposes of laying an information in relation to it.

26. Repeal and revocation

The Post Office Ordinance^(a) is repealed in relation to the Territory, and all orders made under that Ordinance are revoked in relation to the Territory.

SCHEDULE

(section 6(2))

<u>Airmail Rates</u>		£
Letters	First 20g	0.70
	each extra 10 g	0.25
Small packets	First 70 g	1.15
	each extra 10 g	0.14
Postcard		0.60
Aerogramme		0.60
Illustrated aerogramme		0.70
Registration Fee		3.50

^(a) Cap.52, Laws of the Falkland Islands (1950 Edition), as it applies to South Georgia and the South Sandwich Islands under the Application of Colony Laws Ordinance (Cap. 1, Dependencies Series).

<u>Surface rates</u>		£
Letters	First 20g	0.45
	up to 100 g	0.90
	each extra 50 g	0.35
Small packets	First 100 g	0.80
	each extra 50 g	0.25
Postcard		0.35
Parcels to UK	First kg	10.00
	each extra kg (max 30 kg)	4.00
<u>Inland Rates</u>		£
Letter	First 20g	0.27
	up to 100 g	0.42
	each extra 50 g	0.15
Small packets	First 70 g	0.23
	each extra 50 g	0.07
Postcard		0.20
Registration Fee		0.75

Enacted this 25th day of August 2011.

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

ELIZABETH II



Territories of South Georgia
and the South Sandwich Islands

SANDRA TYLER- HAYWOOD,
Acting Commissioner.

Criminal Justice Ordinance 2013

(No: 1 of 2013)

ARRANGEMENT OF PROVISIONS

Section

1. Title
2. Commencement
3. Powers of Police Officers

ELIZABETH II



Territories of South Georgia
and the South Sandwich Islands

SANDRA TYLER-HAYWOOD
Acting Commissioner.

CRIMINAL JUSTICE ORDINANCE 2013

(No: 1 of 2013)

(assented to: 7 May 2013)
(published: 7 May 2013)
(commencement: on publication)

AN ORDINANCE

To make provision in relation to police powers.

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

1. Title

This Ordinance is the Criminal Justice Ordinance 2013.

2. Commencement

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

3. Powers of Police Officers

A police officer enrolled in the Territory's police force has the same powers in relation to the exercise of their duties in the Territory as a police officer in the Falkland Islands has in relation to the exercise of their duties in the Falkland Islands.

Enacted 7th May 2013

S Tyler-Haywood,
Acting Commissioner.

ELIZABETH II



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

NIGEL ROBERT HAYWOOD C.V.O.,
Commissioner.

Wildlife and Protected Areas (Amendment) Ordinance 2013

(No: 4 of 2013)

ARRANGEMENT OF PROVISIONS

Section

1. Title
2. Commencement
3. Amendment of the Wildlife and Protected Areas Ordinance
4. Section 5 amended – Interpretation and general
5. Section 6 amended – Protection of wild birds and mammals
6. Section 11 amended – Introduction of non-native species
7. Section 14 amended – Control of imports, exports and movement of wildlife within the Territory

ELIZABETH II



Territories of South Georgia
and the South Sandwich Islands

NIGEL ROBERT HAYWOOD C.V.O.,
Commissioner.

WILDLIFE AND PROTECTED AREAS (AMENDMENT) ORDINANCE 2013

(No: 4 of 2013)

(enacted: 30 May 2013)
(published: 12 June 2013)
(commencement: on publication)

AN ORDINANCE

To amend the Wildlife and Protected Areas Ordinance (No 1 of 2011).

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

1. Title

This Ordinance is the Wildlife and Protected Areas (Amendment) Ordinance 2013.

2. Commencement

This Ordinance comes into force on publication in the *Gazette*.

3. Amendment of the Wildlife and Protected Areas Ordinance

This Ordinance amends the Wildlife and Protected Areas Ordinance.

4. Section 5 amended – Interpretation and General (application to rats and mice)

Section 5(2) is repealed.

5. Section 6 amended – Protection of wild birds and mammals

Section 6 is amended by adding the following after subsection (2) —

“(3) Nothing in subsection (1) applies to the use of traps or poison bait to capture or kill mice or rats for biosecurity reasons.”

6. Section 11 amended – Introduction of non-native species

Section 11 is amended by adding the following after subsection (5) —

“(6) Nothing in subsection (2) applies to plants cultivated on a vessel for the use of the vessel; provided that the plants remain on the vessel whilst it is in the Territory.”

7. Section 14 amended - Control of imports, exports and movement of wildlife within the Territory

(1) This section amends section 14.

(2) Subsection (1) is repealed and replaced with the following subsection —

“(1) Subject to the provisions of this Part, and except as permitted under a permit granted under section 21(1) or, in relation to the import or export of fishery products (including bait) which is incidental to a licence granted under any legislation of the Territory relating to fishing, a person commits an offence who —

(a) imports into the Territory or exports from the Territory, living or dead, any animal, plant, or any part or thing which is a derivative of any such species;

(b) imports non-sterile soil into the Territory;

(c) intentionally or recklessly transports to or releases at a place within the Territory any thing of a kind mentioned in paragraph (a) or (b) which has been acquired at another place within the Territory;

(d) disposes of any poultry in the Territory; or

(e) disposes of any thing of a kind mentioned in paragraph (a) or (b) without due regard to preventing its establishment or spread in the Territory.”

(3) Subsection (3) is repealed and replaced with the following subsection —

“(3) For the purposes of subsection (1) and (2), “derivative” in relation to a species includes any part of the body living or dead (including any bone, skin, feathers, fur or scales), of a member of that species and any egg, spawn, embryo, gamete, zygote, larva, pupa, seed or spore of a member of that species but does not include anything which has undergone a manufacturing process and is intended for human consumption, or for use as clothing, furniture or building materials.”

(4) The following subsection is added after subsection (4) —

“(5) Nothing in subsection (1) applies to plants cultivated on a vessel for the use of the vessel; provided that the plants remain inside the vessel whilst it is in the Territory.”

Enacted 30 May 2013

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

EXPLANATORY NOTE
(not part of the Ordinance)

This Ordinance amends the Wildlife and Protected Areas Ordinance (No 1 of 2011).

Section 3 provides that all the measures in the Ordinance apply to rats and mice.

Section 4 amends section 6 in consequence of the section 3 amendment; excepting from the relevant prohibitions the use of traps or poison bait to capture or kill mice or rats for biosecurity reasons.

Section 5 amends section 11 to permit vessels in Territorial waters to cultivate (indoors) plants on board for their own use.

Section 6 amends subsection 14(1) to provide that, in addition to fish, fishery products, such as Antarctic krill and bait, may be excepted from export and import control provisions in the section by way of a fishing licence.

Section 6 also amends subsection 14(3) to allow the import of manufactured animal or plant derivatives that are intended for use as clothing, furniture or building materials.

The addition of subsection 14(5) is to allow plants be carried on board visiting vessels.

An explanatory note was not included with the Wildlife and Protected Areas Ordinance 2011 when that Ordinance was first published, but is published below. The note has been amended to reflect the amendments made by this amending Ordinance.

EXPLANATORY NOTE FOR THE WILDLIFE AND PROTECTED ORDINANCE 2011
(not part of the Ordinance)

This Ordinance provides for protection of all of the native flora and fauna in South Georgia and the South Sandwich Islands. It also provides for the designation of Specially Protected Areas (SPAs) and Marine Protected Areas (MPAs).

It replaces existing legislation:

- The Wildlife and Protected Birds Ordinance 1913 and the Falkland Islands Dependencies Conservation Ordinance 1975 are both repealed.
- The following UK legislation no longer apply in the South Georgia and the South Sandwich Islands:
 - the Wildlife and Countryside Act 1981;
 - the Wild Mammals (Protection) Act 1996;

- the Countryside and Rights of Way Act 2000; and
- Parts 2 and 3 of the Natural Environment and Rural Communities Act 2006

Part I of the Ordinance deals with preliminary matters.

Section 2 provides that the Ordinance comes into force as soon as it is published in the *Gazette*.

Section 3 provides that the Ordinance applies to the whole of South Georgia and the South Sandwich Islands, on land and on the water (all the way out to 200 mile limit).

Section 4 provides that the Ordinance binds the Crown but that the Crown cannot be prosecuted for a breach of the Ordinance. It provides for an alternative procedure instead. It also confirms that it applies to public servants in the same way as it does to anyone else.

Section 5(1) defines a number of terms used elsewhere in the Ordinance. *Sections 5(3) and 5(4)* deal with the exercise of powers under the Ordinance.

Part II of the Ordinance deals with the protection of wildlife.

Section 6 deals with the protection of wild birds and mammals. *Sections 6(1) and (2)* make it an offence to do various things including killing, harming or disturbing wild birds and mammals. The things listed in *section 6(1)* can be done without committing an offence if they are covered by a permit issued by (or on behalf of) the Commissioner. *Section 6(3)* provides an exception to the prohibition in connection with the capture or killing of mice or rats for preventative biosecurity purposes.

Section 7 deals with defences for the offences against *sections 6(1) and 6(2)*. *Section 7(1)* deals with killing, injuring or molesting a wild bird or mammal in order to relieve suffering. *Section 7(2)* deals with capturing or handling a wild bird or mammal in order to treat it and *section 7(3)* deals with administering a noxious substance to a wild bird or mammal for the same purpose.

Section 8 deals with the protection of native invertebrates. *Section 8(1)* makes it an offence to collect a native invertebrate or do anything likely to cause anything other than minor or transitory damage to its habitat. These things can be done without committing an offence if they are covered by a permit issued by (or on behalf of) the Commissioner. There are also exceptions for collecting a native invertebrate inside (or immediately around) an occupied building and for vessel operations.

Section 9 deals with the protection of native plants. *Section 9(1)* makes it an offence to do various things involving damage or disturbance to native plants. These things can be done without committing an offence if they are covered by a permit issued by (or on behalf of) the Commissioner.

Section 10 deals with the unlawful possession of live or dead wildlife. It makes it an offence to possess, transport or deal in live or dead wildlife (including eggs and wildlife parts). These things can be done without committing an offence if they are covered by a permit issued by (or on behalf of) the Commissioner.

Section 11 deals with the introduction of non-native species. *Sections 11(1) and 11(2)* make it an offence to do various things involving (or potentially leading to) the introduction of non-native species. *Section 11(4)* provides for a defence of due diligence and *section 11(5)* deals with a procedural issue in relation to that defence. *Section 11(6)* has effect to permit vessels in Territory waters to cultivate plants on board for their own use.

Section 12 deals with the prohibition of certain methods of capturing or killing wild birds or mammals. *Section 12(1)* makes it an offence to do various things involving inhumane methods of capture or killing (and the Commissioner has the power under *section 12(4)* to amend the list of things covered by *section 12(1)*). Under *section 12(3)*, these things can be done without committing an offence if they are covered by a permit issued by (or on behalf of) the Commissioner. *Section 12(3)* also allows for the use of traps or poison bait to control mice and rats. Under *section 12(5)*, the things made an offence by *section 12(1)* can also (subject to conditions) be done for public health, fisheries or nature conservation purposes.

Section 13 deals with special protection for species and habitats. It gives the Commissioner power (by Order) to afford additional protection to species and habitats and, under *section 13(4)*, power to create criminal offences in relation to this protection.

Section 14 deals with controls on imports, exports and movements. *Section 14(1)* makes it an offence to do various things involving importing or exporting wildlife, importing non-sterile soil, moving wildlife from one place to another or disposing of any wildlife derivatives or non-sterile soil. These things can be done without committing an offence if they are covered by a permit issued by (or on behalf of) the Commissioner. Imports and exports of fish and fishery products (including bait) that are incidental to a fisheries licence are also allowed.

Section 15 provides for general defences to offences against *Part II*. *Section 15(1)* provides for defences relating to emergencies. *Section 15(2)* provides for a defence covering acts that are incidental to another lawful activity and that cannot reasonably be avoided.

Part III deals with Specially Protected Areas (SPAs) and Marine Protected Areas (MPAs).

Sections 16 and 17 deal with SPAs.

Section 16 deals with the designation of SPAs. *Sections 16(1) and 16(2)* give the Commissioner power to designate SPAs. The combined effect of *sections 16(3) to 16(5)* is that the power to designate an SPA applies to land above low water mark but that, in certain circumstances, it can also apply to an area that is both partly above low water and partly below it. *Section 16(6)* deals with various matters that must be specified in an SPA's designation. *Section 16(6)* also provides that the Commissioner may prohibit entry without specially granted permission into an SPA and breach of that prohibition imposed is an offence under *section 16(8)*. As an exception to that, *section 16(7)* allows authorised persons (defined in *section 3(1)*) to enter SPAs in the course of their duties, even if that would otherwise be an offence.

Section 17 deals with management plans and regulations for SPAs. *Sections 17(1) and 17(2)* deal with the purpose of a management plan. *Sections 17(3) and 17(4)* provides for management plans to be implemented by means of regulations and sets out what can be covered in regulations for an SPA.

Sections 18 to 20 deal with MPAs.

Sections 18 and 19 deal with the designation of MPAs. *Sections 18(1) and 18(2)* give the Commissioner power to designate MPAs. The combined effect of *sections 18(6)*, and *sections 19(4) to 19(6)* is that the power to designate an MPA cannot extend southwards of latitude 60 degrees south and that it applies to areas below high water mark but that it also applies to islands and, in certain circumstances, it can also apply to an area that is both partly below high water and partly above it. *Sections 19(1) to 19(3)* deal with various matters that must be specified in an MPA's designation.

Section 20 deals with conservation orders for MPAs. *Section 20(1)* gives the Commissioner the power to make conservation orders for an MPA. *Sections 20(3) to 20(6)* set out what can be covered in conservation orders. *Section 20(9)* makes it an offence to breach a conservation order. No offence is

committed if something that would otherwise be breach a conservation order is covered by a permit issued by (or on behalf of) the Commissioner. *Section 20(8)* also provides for exceptions in limited circumstances.

Part IV deals with permits.

Sections 21 and 22(1) deal with the Commissioner's power to issue permits allowing things to be done that would otherwise be an offence. *Section 21(1)* allows the Commissioner to issue permits and *section 21(6)* allows this to be done for a very wide range of purposes. In most cases, *section 21(1)(a)* requires that those covered by the permit must be identified by at least description. However, for the import, export and movement restrictions in *section 14*, *section 21(1)(b)* allows the Commissioner to issue general permits. General permits can be made subject to exceptions but otherwise apply to anyone. *Section 21(4)* allows the Commissioner to impose conditions on a permit and *section 21(5)* allows for fees to be charged (or, in particular cases, waived). *Sections 21(2), 21(3), 21(7) and 22(1)* impose restrictions on the Commissioner's power to grant permits.

Section 22(2) makes it an offence to breach a condition of a permit or to fail to produce proof of permission when required.

Section 23 makes it an offence to obtain a permit by using false information or documentation, either knowingly or recklessly.

Section 24 gives the Commissioner power to make regulations dealing with various matters relating to permits (including the application process, requirements to produce permits and the procedure for suspending or revoking a permit).

Part V deals with offences and other matters.

Section 25 deals with offences by bodies corporate and imposes responsibility on individuals in some cases.

Section 26 makes it a requirement that, if a prosecution for an offence against the Ordinance is not being brought by the Attorney General, the Attorney General must consent to it.

Sections 27 and 28 deals with the enforcement of the Ordinance. *Section 27* gives the Commissioner a wide ranging power to make regulations about enforcement matters. *Section 28* provides that offences against the Ordinance must be tried in the Magistrate's Court – this could be done locally or before the Magistrate's Court in the Falkland Islands.

Section 29 deals with penalties for offences against the Ordinance. *Section 29(1)* provides that the maximum penalty is imprisonment for up to 2 years and/or an unlimited fine. *Section 29(2)* deals with the criteria that the Magistrate's Court must take into account when imposing a fine.

Section 30 makes general provision for regulations made under powers elsewhere in the Ordinance.

Section 31 repeals existing legislation and disapplies UK legislation.

ELIZABETH II



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

NIGEL ROBERT HAYWOOD C.V.O.,
Commissioner.

Postal Services (Amendment) Ordinance 2013

(No: 5 of 2013)

ARRANGEMENT OF PROVISIONS

Section

1. Title
2. Commencement
3. Amendment of Postal Services Ordinance
4. Section 6 amended – Postal rates
5. Section 15 amended – Insurance
6. Schedule amended – Postal rates

ELIZABETH II



Territories of South Georgia
and the South Sandwich Islands

NIGEL ROBERT HAYWOOD C.V.O.,
Commissioner.

POSTAL SERVICES (AMENDMENT) ORDINANCE 2013

(No: 5 of 2013)

(*enacted:* 30 May 2013)
(*published:* 12 June 2013)
(*commencement:* on publication)

AN ORDINANCE

To amend the Postal Services Ordinance (No 4 of 2011).

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

1. Title

This Ordinance is the Postal Services (Amendment) Ordinance 2013.

2. Commencement

This Ordinance comes into force on publication in the *Gazette*.

3. Amendment of Postal Services Ordinance

This Ordinance amends the Postal Services Ordinance.

4. Section 6 amended – Postal rates

Section 6 is repealed and replaced with the following section —

“6. Postal rates

(1) The Commissioner will set postal rates for the Territory.

(2) The postal rates set out in the Schedule —

(a) are deemed to have been in force for the Territory since 1 July 2012; and

(b) will remain in force until the Commissioner determines other postal rates under subsection (1).”

5. Section 15 amended – Insurance

Section 15 is repealed and replaced with the following section —

“15. Insurance

(1) Insurance is available only in relation to letters and parcels addressed to an address in the United Kingdom and any other country for the time being notified by the Postmaster.

(2) Insurance charges are £4.50 and the maximum insured value is £300.”

6. Schedule amended – Postal rates

The Schedule is repealed and replaced with the following Schedule —

SCHEDULE

(section 6(2))

<u>Airmail Rates</u>		£
Letters	First 20g	0.75
	each extra 10g	0.25
Small packets	First 70 g	1.20
	each extra 10g	0.14
Postcard		0.65
Aerogramme		0.65
Illustrated aerogramme		0.75
Registration Fee		3.50

<u>Surface rates</u>		£
Letters	First 20g	0.50
	up to 100g	0.95
	each extra 50g	0.35
Small packets	First 100g	0.85
	each extra 50g	0.25
Postcard		0.40
Parcels to UK	First kg	12.00
	each extra kg (max 30kg)	5.00
<u>Inland Rates</u>		£
Letter	First 20g	0.30
	up to 100g	0.42
	each extra 50g	0.15
Small packets	First 70g	0.25
	each extra 50g	0.07
Postcard		0.20
Registration Fee		0.75

Enacted 30 May 2013

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

ELIZABETH II



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

JUNE SANDRA TYLER-HAYWOOD,
Acting Commissioner.

Nuclear Safeguards Ordinance 2014

(No: 3 of 2014)

ARRANGEMENT OF PROVISIONS

Section

1. Title
2. Commencement
3. Ordinance to bind the Crown
4. Interpretation
5. The powers of the Agency
6. Immunities and privileges of the Agency, its officers and their families and of the Agency's inspectors and experts
7. Offences
8. Regulations for giving effect to certain provisions of the Agreement
9. Offences by bodies corporate

Schedule

ELIZABETH II



Territories of South Georgia
and the South Sandwich Islands

JUNE SANDRA TYLER-HAYWOOD,
Acting Commissioner.

NUCLEAR SAFEGUARDS ORDINANCE 2014

(No: 3 of 2014)

(enacted: 1 September 2014)
(published: 9 September 2014)
(commencement: on publication)

AN ORDINANCE

To make provision for giving effect to an International Agreement for the Application of Safeguards in South Georgia and South Sandwich Islands in connection with the Treaty for the Prohibition of Nuclear Weapons in Latin America.

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

1. Title

This is the Nuclear Safeguards Ordinance 2014.

2. Commencement

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

3. Ordinance to bind the Crown

This Ordinance binds the Crown.

4. Interpretation

In this Ordinance —

“Agency” means the International Atomic Energy Agency;

“Agency inspector” means any official of the Agency designated pursuant to Article 83 of the Agreement;

“Agreement” means the Agreement (of which Protocols 1 and 2 thereto form an integral part) between the United Kingdom of Great Britain and Northern Ireland, the European Atomic Energy Community and the Agency for the Application of Safeguards in connection with the Treaty for the Prohibition of Nuclear Weapons in Latin America, and includes any further Protocol to the Agreement entered into in accordance with, and contemplated by, paragraph 1 of Protocol 2 to the Agreement;

“facility” has the same meaning as it has under Article 96(2)I of the Agreement;

“material balance area” has the same meaning as it has under Article 96(2)M of the Agreement;

“1961 Convention Articles” means the articles (being articles of the Vienna Convention on Diplomatic Relations signed in 1961) which are set out in Schedule 1 to the Diplomatic Privileges Act 1964 of the United Kingdom; and

“the Territory” means the Territory of South Georgia and the South Sandwich Islands.

5. The powers of the Agency

(1) The powers of the Agency, and of any Agency inspector, under the subsequent provisions of this section are exercisable only in the cases specified in, and subject to the provisions of the Agreement and, in particular —

(a) are exercisable only in accordance with Articles 5, 9(c) and 85 and the provisions of the Protocol which forms part of the Agreement; and

(b) where Article 81 of the Agreement applies, are not exercisable unless any advance notice required by that Article has been given.

(2) For the purpose of —

(a) making any inspection permitted by Articles 68 to 82 of the Agreement; or

(b) verifying design information, as mentioned in Article 46 of the Agreement,

an Agency inspector may enter any facility or material balance area and make any inspection or do any other thing which may reasonably be required for that purpose.

6. Immunities and privileges of the Agency, its officers and their families and of the Agency’s inspectors and experts

The Schedule confers, to the extent and subject to the terms of it, immunities and privileges upon the Agency, its officers and their families and upon inspectors and experts of the Agency.

7. Offences

(1) A person commits an offence who —

- (a) intentionally obstructs an Agency inspector exercising a power conferred by section 5(2);
- (b) without reasonable excuse, refuses or fails to provide any information or to permit any inspection reasonably required by an Agency inspector in the exercise of such a power; or
- (c) in giving any information reasonably required by an Agency inspector in the exercise of such a power, makes any statement which the person knows to be false in a material particular or recklessly makes any statement which is false in a material particular.

(2) A person who commits an offence under subsection (1) is liable on summary conviction to a fine not exceeding £5000.

8. Regulations for giving effect to certain provisions of the Agreement

(1) The Commissioner may make regulations to make such provision as appears to the Commissioner to be necessary —

- (a) for taking any action required in the Territory under Article 17 of the Agreement, or under any further Protocol to the Agreement coming into existence pursuant to paragraph I of Protocol 2 to the Agreement; or
- (b) for giving effect to any arrangements made under Article 74(d) of the Agreement, and any such provision may impose limitations on the scope or exercise of any power conferred by section 5(2).

(2) Regulations made under this section may provide that any person contravening or failing to comply with any provision of the regulations is liable on summary conviction to a fine not exceeding £2500.

9. Offences by bodies corporate

(1) Where an offence under section 7 or under regulations made under section 8 which has been committed by a body corporate is proved to have been committed with the consent of or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary, or other similar officer of the body corporate, or any person purporting to act in any such capacity, that person, as well as the body corporate, is guilty of that offence and liable to be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, subsection (1) applies in relation to the acts and defaults of a member in connection with the member's functions of management as if the member were a director of the body corporate.

SCHEDULE

PART I

Immunities and privileges of the Agency

1. The Agency has the legal capacities of a body corporate.
2. Except in so far as in any particular case it has expressly waived its immunity, the Agency is immune from suit and legal process and immunity is deemed to extend to any measure of execution.
3. The Agency has the like inviolability of official archives and premises as in accordance with the 1961 Convention Articles is accorded to the official archives and premises of a diplomatic mission.
4. The Agency has the like exemption or relief from taxes, other than duties (whether of customs or excise) and taxes on the importation of goods, as is accorded to a foreign sovereign Power.
5. The Agency has the like relief from rates as in accordance with Article 23 of the 1961 Convention Articles is accorded to the premises of a diplomatic mission.
6. The Agency is exempt from customs duties and taxes on the importation of goods imported by or on behalf of the Agency for its official use in the Territory and on the importation of publications of the Agency imported by or on behalf of it, such exemption to be subject to compliance with such conditions as the Commissioner may prescribe for the protection of the revenues of the Territory.
7. The Agency is exempt from prohibitions and restrictions on importation or exportation in the case of goods imported or exported by or on behalf of the Agency for its official use and in the case of any publications of the Agency imported or exported by it.
8. The Agency is entitled to relief, under arrangements made by the Commissioner by way of refund of duties (whether of customs or excise) paid on any hydrocarbon oil (which expression has the same meaning as it has under the Hydrocarbon Oil Duties Act 1979 of the United Kingdom) and value added tax paid on the importation of oil which is bought in the Territory and used for the official purposes of the Agency, such relief to be subject to compliance with such conditions as may be imposed in accordance with the arrangements.
9. The Agency is entitled to relief, under arrangements made by the Commissioner, by way of refund of car tax paid on any vehicles and value added tax paid on the supply of any goods or services which are used for the official purposes of the Agency, such relief to be subject to compliance with such conditions as may be imposed in accordance with the arrangements.

PART II

Immunities and privileges of officers of the Agency

High officers

10. (1) Except in so far as in any particular case any privilege or immunity is waived by the Agency, and subject to the provisions of paragraph (2), the Director General of the Agency, including any officer acting on the Director General's behalf during the Director General's absence from duty, and any Deputy Director General or officer of equivalent rank enjoys —

(a) the like immunity from suit and legal process, the like inviolability of residence and the like exemption or relief from taxes, other than duties (whether of customs or excise) and taxes on the importation of goods, and rates as are accorded to or in respect of a diplomatic agent;

(b) the like exemption from duties (whether of customs or excise) and taxes on the importation of articles imported for the officer's personal use or the use of members of family forming part of the officer's household, including articles intended for the officer's establishment and the like privilege as to the importation of such articles, as in accordance with paragraph 1 of Article 36 of the 1961 Convention Articles is accorded to a diplomatic agent;

(c) the like exemption and privileges in respect of the officer's personal baggage as in accordance with paragraph 2 of Article 36 of the 1961 Convention Articles are accorded to a diplomatic agent;

(d) relief, under arrangements made by the Government by way of refund of duty (whether of customs or excise) paid on any hydrocarbon oil (within the meaning of that expression under the Hydrocarbons Oil Duties Act 1979 of the United Kingdom) bought in the Territory by the officer or on the officer's behalf, such relief to be subject to compliance with such conditions as may be imposed in accordance with the arrangements; and

(e) exemptions whereby for the purposes of the enactments relating to social security (presently those relating to old age pensions and medical services), no person will be rendered liable to pay any contribution, premium or levy the requirement (but for these exemptions) to pay which is referable only to employment by the Agency.

(2) This paragraph does not apply to any person who is a British citizen, a British Dependent Territories citizen, a British National (overseas), a British Overseas citizen or a permanent resident of the Territory.

All Officers

11. Except in so far as in any particular case any privilege or immunity is waived by the Agency, Officers of the Agency, (other than those who are locally recruited and assigned to hourly rates of pay) will enjoy —

- (a) immunity from suit and legal process in respect of things done or omitted to be done by them in their official capacity;
- (b) exemption from income tax in respect of emoluments received by them as officers of the Agency; and
- (c) the like exemption from customs duties and taxes on the importation of articles which —
 - (i) at or about the time when they first enter the Territory to take up their posts as officers of the Agency are imported for their personal use or that of members of their families forming part of their households, including articles intended for their establishment, and
 - (ii) are articles which were in their ownership or possession or that of such members of their families or which they or such members of their families were under contract to purchase, immediately before they so entered the Territory,

as in accordance with paragraph 1 of Article 36 of the 1961 Convention Articles is accorded to a diplomatic agent.

PART III

Immunities and privileges of experts of the Agency

12. Except in so far as in any particular case any immunity or privilege is waived by the Agency, experts (other than officers of the Agency) serving on committees of the Agency or performing missions for the Agency, including missions as inspectors under Article XII of the Statute of the Agency, or as project examiners under Article XI, will enjoy —

- (a) immunity from suit and legal process in respect of things done or omitted to be done by them in the performance of their official functions;
- (b) while exercising their functions and during their journeys in connection with service on such committees or missions, the like immunity from personal arrest or detention and from seizure of their personal baggage and the like inviolability for all papers and documents as is accorded to a diplomatic agent; and
- (c) while exercising their functions and during their journeys in connection with service on such committees or missions, the like exemptions and privileges in respect of their personal baggage as in accordance with Article 36 of the 1961 Convention Articles are accorded to a diplomatic agent.

PART IV

Immunities and privileges of families of officers

13. Persons who are spouses or minor children of an officer of the Agency who form part of the officer's household in the Territory are entitled to the immunities and privileges set out in Part II of this Schedule to the same extent as the officer is entitled to them.

Enacted 1st September 2014

J. S. Tyler-Haywood,
Acting Commissioner.

ELIZABETH II



Territories of South Georgia
and the South Sandwich Islands

COLIN ROBERTS C.V.O.,
Commissioner.

Postal Services (Amendment) Ordinance 2015

(No: 3 of 2015)

ARRANGEMENT OF PROVISIONS

Section

1. Title
2. Commencement
3. Amendment of the Postal Services Ordinance
4. Section 6 amended – Postal rates
5. Schedule amended – Postal rates

Schedule

ELIZABETH II



Territories of South Georgia
and the South Sandwich Islands

COLIN ROBERTS C.V.O.,
Commissioner.

POSTAL SERVICES (AMENDMENT) ORDINANCE 2015

(No: 3 of 2015)

(enacted: 29 April 2015)
(published: 14 May 2015)
(commencement: on publication)

AN ORDINANCE

To amend the Postal Services Ordinance (No 4 of 2011).

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

1. Title

This Ordinance is the Postal Services (Amendment) Ordinance 2015.

2. Commencement

This Ordinance comes into force on publication in the *Gazette*.

3. Amendment of Postal Services Ordinance

This Ordinance amends the Postal Services Ordinance.

4. Section 6 amended – Postal rates

Section 6(2) is omitted and replaced with the following—

“(2) The postal rates set out in the Schedule —

(a) are deemed to have been in force for the Territories since 1 January 2015; and

(b) will remain in force until the Commissioner determines other postal rates under subsection (1).”

5. Schedule amended – Postal rates

The Schedule is repealed and replaced with the Schedule to this Ordinance.

SCHEDULE

(section 5)

<u>Airmail Rates</u>		£
Letters	First 20g	0.80
	each extra 10g	0.25
Small packets	First 70 g	1.25
	each extra 10g	0.15
Postcard		0.70
Aerogramme		0.70
Illustrated aerogramme		0.80
Registration fee		3.75
<u>Surface rates</u>		£
Letters	First 20g	0.55
	up to 100g	1.00
	each extra 50g	0.40
Small packets	First 100g	0.90
	each extra 50g	0.25
Postcard		0.40
Parcels to UK	First kg	12.50
	each extra kg (max 30kg)	5.00

<u>Inland Rates</u>		£
Letter	First 20g	0.30
	up to 100g	0.42
	each extra 50g	0.15
Small packets	First 70g	0.25
	each extra 50g	0.07
Postcard		0.20
Registration fee		0.75

Made 29th April 2015

C. Roberts C.V.O.,
Commissioner.

ELIZABETH II



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

**COLIN ROBERTS C.V.O.,
*Commissioner.***

Customs Ordinance 2016

(No: 2 of 2016)

ARRANGEMENT OF PROVISIONS

Section

**PART 1
PRELIMINARY**

1. Title
2. Commencement
3. Interpretation

**PART 2
OFFICERS**

4. Collector of Customs
5. Customs officers

**PART 3
CONTROLS**

6. Customs duties
7. Prohibited goods

**PART 4
ENFORCEMENT**

8. Declarations and clearance
9. Seizure of goods
10. Information and searches
11. Offences
12. Arrest and detention
13. Procedure
14. Review and appeal

**PART 5
REPEALS**

15. Repeals

ELIZABETH II



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

COLIN ROBERTS C.V.O.,
Commissioner.

CUSTOMS ORDINANCE 2016

(No: 2 of 2016)

(enacted: 21 December 2016)
(published: 22 December 2016)
(commencement: on publication)

AN ORDINANCE

To make provision about customs duties and prohibitions, including duties and controls on import, export, production and sale.

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

**PART 1
PRELIMINARY**

1. Title

This Ordinance may be cited as the Customs Ordinance 2016.

2. Commencement

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

3. Interpretation

In this Ordinance —

“customs officer” means a person appointed as a customs officer under Part 2;

“customs orders” means an order made by the Commissioner under this Ordinance;

“export” means taking goods out of the Territory;

“goods” includes any substance, article or thing (including animals);

“import” means bringing goods into the Territory;

“intimate search” means a search in the course of which clothing (other than an outer coat or jacket, headgear or gloves) is removed or displaced or required to be removed or displaced;

“property” includes premises, vessels, aircraft and vehicles;

“Territory” means the territories of South Georgia and South Sandwich Islands as defined in the South Georgia and South Sandwich Islands Order 1985 as amended from time to time.

PART 2 OFFICERS

4. Collector of Customs

(1) The Commissioner shall appoint a Collector of Customs.

(2) The Collector of Customs has the function of overseeing the administration of the provisions of Part 3.

(3) An appointment under subsection (1) may be —

(a) personal, or

(b) ex officio.

(4) An appointment under subsection (1) —

(a) must be published in the Gazette, and

(b) shall have effect in accordance with any specified terms or conditions (which may include provision about tenure and remuneration).

5. Customs officers

(1) The Commissioner shall appoint customs officers.

(2) Customs officers have the functions conferred on them by this Ordinance.

(3) An appointment under subsection (1) may be —

(a) personal, or

(b) ex officio.

(4) An appointment under subsection (1) —

(a) must be published in the Gazette, and

(b) shall have effect in accordance with any specified terms or conditions (which may include provision about tenure and remuneration).

PART 3 CONTROLS

6. Customs duties

(1) The Commissioner may by order —

(a) impose duties on the import of specified goods;

(b) impose duties on the export of specified goods;

(c) impose duties on the production of specified goods in the Territory;

(d) impose duties on the sale or supply of specified goods in the Territory.

(2) Customs officers shall be responsible for collecting duties under this section.

(3) An order under subsection (1) —

(a) must specify the rate of duty to be charged;

(b) may make provision for exemptions, waivers or reductions;

(c) may include provision about payment (including timing and interest);

(d) may confer a discretion on customs officers, on the Collector of Customs, on the Commissioner or on another specified person;

(e) may make provision that applies generally or only for specified purposes;

(f) may make different provision for different purposes;

(g) may include incidental, transitional or consequential provision.

7. Prohibited goods

(1) The Commissioner may by order —

(a) prohibit the import of specified goods;

(b) prohibit the export of specified goods;

(c) prohibit the production of specified goods in the Territory;

(d) prohibit the sale or supply of specified goods in the Territory.

- (2) Customs officers shall be responsible for enforcing prohibitions under this section.
- (3) An order under subsection (1) —
 - (a) may make provision for exemptions or waivers;
 - (b) may confer a discretion on customs officers, on the Collector of Customs, on the Commissioner or on another specified person;
 - (c) may make provision that applies generally or only for specified purposes;
 - (d) may make different provision for different purposes;
 - (e) may include incidental, transitional or consequential provision.

PART 4 ENFORCEMENT

8. Declarations and clearance

- (1) The Commissioner may by order —
 - (a) require persons entering or leaving the Territory to make declarations in respect of compliance with customs orders or in respect of such other matters as the Commissioner thinks desirable in connection with matters addressed by this Ordinance;
 - (b) provide for a system of inspections and clearance for persons entering or leaving the Territory in respect of compliance with customs orders or in respect of such other matters as the Commissioner thinks desirable in connection with matters addressed by this Ordinance.
- (2) An order under subsection (1) —
 - (a) may include provision for the charging of fees (which may include provision for exemptions, waiver or reductions);
 - (b) may impose obligations on persons with command of, or exercising other specified functions in relation to, vehicles, vessels and aircraft;
 - (c) may confer a discretion on customs officers, on the Collector of Customs, on the Commissioner or on another specified person;
 - (d) may make provision that applies generally or only for specified purposes;
 - (e) may make different provision for different purposes;
 - (f) may include incidental, transitional or consequential provision.

9. Seizure of goods

(1) The Collector of Customs, customs officers or other specified officials (“the relevant officer”) may —

- (a) seize goods if the relevant officer suspects that a provision of this Ordinance or a customs order has been or is likely to be breached in respect of the goods;
- (b) dispose of seized goods.

(2) A customs order must provide for —

- (a) review procedures by the Commissioner of decisions relating to seizure; and
- (b) an appeal to a court (whether by a person from whom goods are seized or by another person with an interest in the goods) in respect of decisions relating to seizure.

10. Information and searches

(1) A customs officer may exercise the following powers for the purposes of —

- (a) ensuring compliance with this Ordinance or customs orders;
- (b) investigating actual, prospective or intended breaches of this Ordinance or customs orders;
- (c) obtaining evidence in respect of breaches of this Ordinance or customs orders.

(2) The powers are to require a person to —

- (a) answer questions;
- (b) make declarations;
- (c) provide information or documents.

(3) A customs officer may search persons or property if the customs officer reasonably suspects that goods will be found —

- (a) in respect of which duty is payable under a customs order,
- (b) which are evidence of a breach of this Ordinance or a customs order, or
- (c) in respect of which there is an intention to breach this Ordinance or a customs order.

(4) The power under subsection (3) may not be used to carry out intimate searches of persons; and the Commissioner —

- (a) may make regulations permitting intimate searches in specified circumstances and subject to compliance with specified conditions;

(b) may make regulations imposing conditions on searches under subsection (3).

11. Offences

(1) A person who fails to pay duty which is due by virtue of this Ordinance, with intent to evade payment, commits an offence.

(2) A person who knowingly breaches any other provision of a customs order commits an offence.

(3) A person who fails without reasonable excuse to comply with a requirement imposed by a customs officer by virtue of this Ordinance commits an offence.

(4) A person who without reasonable excuse obstructs a customs officer in the exercise of functions by virtue of this Ordinance, or who fails without reasonable excuse to cooperate with a customs officer in the exercise of functions by virtue of this Ordinance, commits an offence.

(5) A person who is guilty of an offence under this section is liable on conviction to —

(a) imprisonment for a period not exceeding 5 years,

(b) a fine not exceeding £10,000, or

(c) both.

(6) The Commissioner may make regulations allowing the Collector of Customs to impose a civil penalty in respect of action constituting an offence under this section; and the regulations —

(a) must specify the amount of a penalty or provide for the amount to be determined in accordance with specified criteria;

(b) may include provision about payment (including time and interest);

(c) may provide for penalties to be enforceable as a debt owed to the Collector of Customs;

(d) must provide for penalties (and interest) to be paid into the Consolidated Fund of the Territory;

(e) may confer a discretion on the Collector of Customs;

(f) may make provision that applies generally or only for specified purposes;

(g) may make different provision for different purposes;

(h) may include ancillary, transitional or consequential provision.

12. Arrest and detention

(1) A customs officer may arrest a person on reasonable suspicion of having committed an offence under this Ordinance.

(2) A customs officer may detain a person arrested under subsection (1).

(3) The Commissioner shall make regulations about —

(a) maximum periods of detention under this section;

(b) procedure to be followed in making arrests under this section;

(c) conditions of detention under this section (including provision about moving detained persons to locations inside or outside the jurisdiction of the Territory); and

(d) any other incidental matters that the Commissioner thinks fit.

13. Procedure

(1) The Commissioner may make regulations prescribing procedure to be followed in respect of any matter for which provision is made by a customs order.

(2) Regulations under subsection (1) may include provision for —

(a) forms;

(b) notices;

(c) timing.

14. Review and appeal

(1) A person aggrieved by any decision made by a customs officer may refer the matter to the Collector of Customs for review.

(2) An appeal lies to the Supreme Court against any decision of the Collector of Customs.

PART 5 REPEALS

15. Repeals

The following Ordinances are repealed (in so far as they apply to the Territory) —

(a) the Customs Ordinance Cap 16;

(b) the Customs (Amendment) Ordinance 1954 (1954 No.8);

(c) the Customs (Dependencies) Ordinance 1955 (1955 No.2);

(d) the Customs (Amendment) Ordinance 1955 (1955 No.5);

- (e) the Customs (Amendment) Ordinance 1956 (1956 No.6);
- (f) the Customs (Amendment) Ordinance 1959 (1959 No.1);
- (g) the Customs (Amendment) Ordinance 1968 (1968 No.16);
- (h) the Customs (Amendment) Ordinance 1975 (1975 No.6).

Enacted

21st

December 2016



A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke.

C. Roberts C.V.O.,
Commissioner.

ELIZABETH II



Territories of South Georgia
and the South Sandwich Islands

COLIN ROBERTS C.V.O.,
Commissioner.

Income Tax Ordinance 2016

(No: 3 of 2016)

ARRANGEMENT OF PROVISIONS

**PART 1
PRELIMINARY**

1. Title
2. Commencement
3. Ordinance to bind the Crown
4. Interpretation

**PART 2
INCOME TAX**

5. The charge to tax
6. Chargeable income
7. Rate of tax
8. Exemptions

**PART 3
ADMINISTRATION**

9. Tax officers
10. Advance notification
11. Payment on account
12. Other payments
13. Tax Tribunal
14. Penalties
15. Offences

- 16. Disputes
- 17. Destination
- 18. Tax Regulations

PART 4
TECHNICAL PROVISION

- 19. Tax Regulations: supplemental
- 20. Repeals

ELIZABETH II



Territories of South Georgia
and the South Sandwich Islands

COLIN ROBERTS C.V.O.,
Commissioner.

INCOME TAX ORDINANCE 2016

(No: 3 of 2016)

(enacted: 21 December 2016)
(published: 22 December 2016)
(commencement: 1 January 2017)

AN ORDINANCE

To make new provision about income tax.

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

**PART 1
PRELIMINARY**

1. Title

This Ordinance may be cited as the Income Tax Ordinance 2016.

2. Commencement

This Ordinance comes into force on 1 January 2017.

3. Ordinance to bind the Crown

Provisions of or under this Ordinance bind the Crown, and apply to persons in the public service of the Crown as they apply to other persons.

4. Interpretation

(1) In this Ordinance, unless the context otherwise requires —

“prescribed” means prescribed by Tax Regulations;

the “tax quarters” are —

1 January to 31 March;

1 April to 30 June;

1 July to 30 September; and

1 October to 31 December;

“tax information” means information provided to a tax officer, employer, employee or any other person for the purposes of or in connection with a provision of or under this Ordinance;

“Tax Regulations” means regulations under section 18; and

“tax year” means the period beginning with 1 January and ending with 31 December;

“Territory” means the territories of South Georgia and the South Sandwich Islands as defined in the South Georgia and South Sandwich Islands Order 1985 as amended from time to time.

(2) In this Ordinance a reference to employing a person includes a reference to engaging a person (whether by contract of employment, contract for services or otherwise).

PART 2 INCOME TAX

5. The charge to tax

An individual who earns chargeable income is liable to pay income tax at the standard rate.

6. Chargeable income

(1) Income is chargeable if it is earned —

(a) by an individual who is in the Territory for 183 days or more in a tax year (“the residence condition”), and

(b) in respect of work carried out in the Territory (“the work condition”).

(2) For the purposes of the residence condition —

(a) days of arrival or departure count as whole days;

(b) unlawful presence is included, and

(c) it is immaterial whether the individual is present for one period of 183 days or more, or for periods which amount in aggregate to 183 days or more.

(3) For the purposes of the work condition—

(a) work is carried out in the Territory even if preparatory or incidental activities are carried out outside the Territory;

(b) a reference to income includes a reference to remuneration, emoluments and allowances of any kind (but not to the reimbursement of expenditure incurred);

(c) it is immaterial whether income is earned under a contract of employment, a contract for services or otherwise.

7. Rate of tax

The standard rate of income tax is 7%.

8. Exemptions

(1) Tax Regulations may confer exemptions on specified classes of individual.

(2) Tax Regulations conferring an exemption must —

(a) specify the period in respect of which the exemption applies, or

(b) provide that the exemption begins on a date specified by the Regulations and continues until ended by amending Regulations.

(3) Regulations conferring an exemption may be wholly or partly retrospective.

(4) An exemption may be conditional; and a condition may be expressed by reference to a discretion to be exercised by the Commissioner or another specified person or class of person.

PART 3 ADMINISTRATION

9. Tax officers

(1) The Commissioner shall appoint a person as Collector of Taxes with responsibility for the collection and administration of income tax.

(2) The Collector may appoint other tax officers.

(3) Appointments under subsection (1) or (2) shall be on such terms and conditions (including as to remuneration and allowances) as may be specified by the person making the appointment.

(4) An appointment under subsection (1) shall be notified in the *Gazette*.

(5) A tax officer may —

- (a) require a person to provide information which the tax officer requires in connection with this Ordinance;
- (b) require a person to answer written or oral questions in connection with the actual or potential application of this Ordinance;
- (c) require a person to produce documents in connection with the actual or potential application of this Ordinance;
- (d) seize or copy documents in connection with the application and requirements of this Ordinance or the commission of an offence under this Ordinance;
- (e) take any administrative action that appears to the tax officer to be necessary or expedient for the purposes of giving full effect to a provision of or under this Ordinance.

(6) A person must comply with a requirement of a tax officer under this section (and this section overrides any enactment about confidentiality or data protection).

(7) A tax officer may initiate a prosecution for an offence under this Ordinance.

(8) A tax officer may —

- (a) request a public authority of the Falkland Islands, the United Kingdom or any other jurisdiction to provide information which the tax officer reasonably requires for a purpose connected with the operation of this Ordinance;
- (b) disclose to a public authority of the Falkland Islands or the United Kingdom information which the public authority reasonably requires for a purpose connected with the operation of tax law.

(9) It is an offence for a tax officer to disclose information otherwise than —

- (a) in the exercise of the tax officer's functions,
- (b) in accordance with a direction of the Commissioner,
- (c) in accordance with an order of a court, or
- (d) in accordance with a statutory duty.

(10) A tax officer who is guilty of an offence under subsection (9) is liable on summary conviction to a fine not exceeding £5,000.

10. Advance notification

(1) A person (“the employer”) who proposes to employ an individual (“the employee”) to carry out work in the Territory in respect of which income tax may be payable must notify a tax officer.

(2) Notification under subsection (1) must specify —

- (a) the employee’s name, address and email address;
- (b) the expected date of the employee’s arrival in the Territory;
- (c) the expected date of the employee’s departure from the Territory;
- (d) whether the employer expects the employee to return to the Territory in the same tax year; and
- (e) any other prescribed information.

(3) Notification under subsection (1) must state either —

- (a) that the employee is not expected by reason of that employment (whether or not taken with any other employment) to incur a liability (or increased liability) for income tax in accordance with section 6(1); or
- (b) that the employee is expected by reason of that employment (whether or not taken with any other employment) to incur a liability (or increased liability) for income tax in accordance with section 6(1).

(4) Where a notification under subsection (1) contains a statement in accordance with subsection (3)(a) but it later transpires (whether or not by reason of extension of the employment) that the employee incurs by reason of the employment (whether or not taken with any other employment) a liability (or increased liability) for income tax in accordance with section 6(1), the employer must notify a tax officer as soon as reasonably practicable.

11. Payment on account

(1) This section applies where notification of an expected liability to income tax is given by an employer under section 10(3)(b).

(2) Before the end of the period of 14 days beginning with the end of each tax quarter the employer must —

- (a) submit a return to a tax officer, and
- (b) make a payment on account of the employee’s liability to income tax, of an amount equal to the amount of liability that the employee is expected to incur in respect of employment in that tax quarter.

(3) The amount of any payment on account made in accordance with subsection (2) may be deducted by the employer from payments made to the employee in accordance with arrangements made by the employer.

(4) The return under subsection (2)(a) must specify —

(a) the amount of income expected to be earned;

(b) any amount deducted; and

(c) any other prescribed information.

(5) The employer must give the employee a copy of each quarterly return, within the period of 21 days beginning with the end of the tax quarter.

(6) The employer must give the employee a consolidated statement for each tax year, within the period of one month beginning with the end of the tax year.

(7) Where payment is not paid within the period specified in subsection (2) interest at the prescribed rate becomes payable on the amount due (and may not be deducted under subsection (3)).

(8) The Collector of Taxes must make arrangements for the refund of payments made under this section in respect of expected liability to income tax where the liability is not incurred; and the arrangements —

(a) may involve repayment to the employer or to the employee, as the Collector of Taxes thinks appropriate in a particular case;

(b) must not depend on the making of a claim or application by the employee or employer; and

(c) must include consideration as soon as is reasonably practicable after the end of each tax year whether refunds should be made.

12. Other payments

(1) This section applies where —

(a) a person (“the employee”) incurs a liability to income tax under section 6 in respect of employment in a tax quarter,

(b) no payments in account of that liability have been made under section 11, or the amount of any payments on account are less than the amount of the liability, and

(c) a tax officer has (after the end of the tax quarter) demanded payment in satisfaction of the liability by notice in writing to the employee.

(2) The employee must make one or more payments to a tax officer before the end of the period of 60 days beginning with the date of the demand.

(3) The payment or payments must amount in total —

(a) where no payment on account was made, to the amount of tax payable, and

(b) where payment on account was made, to the difference between the payment on account and the amount of tax payable.

(4) Where payment is not paid within the period specified in subsection (2) interest at the prescribed rate becomes payable on the amount due.

(5) An employee is not liable to pay tax chargeable under this Ordinance if no demand is made under subsection (1)(c).

13. Tax Tribunal

(1) There shall be a Tax Tribunal to exercise functions conferred by or under this Ordinance.

(2) The Commissioner may appoint members of the Tribunal.

(3) The Tax Tribunal —

(a) may determine its rules of procedure,

(b) must make arrangements to publish any rules determined under paragraph (a), and

(c) may sit in any place outside the Territory as may be authorised by the Commissioner.

14. Penalties

(1) Where a tax officer is satisfied that an employer has failed to comply with an obligation under or by virtue of this Ordinance, the tax officer may require the employer to pay a penalty of an amount specified in the requirement (in addition to any tax and interest owing).

(2) The employer may appeal against the imposition of a financial penalty to the tax appeal tribunal, which may —

(a) confirm the penalty,

(b) cancel the penalty, or

(c) vary the penalty.

15. Offences

(1) It is an offence for an individual to fail to pay income tax or interest as required by this Ordinance.

(2) A person who is guilty of an offence under subsection (1) is liable on summary conviction to a fine not exceeding £5,000.

(3) It is an offence for a person to provide tax information which is false and which the person knows or ought to know to be false.

(4) It is an offence for a person to fail without reasonable excuse to comply with a requirement imposed by a tax officer under section 10.

(5) It is an offence to obstruct a tax officer in the exercise of functions conferred by or under this Ordinance.

(6) A person who is guilty of an offence under subsection (3), (4) or (5) is liable on summary conviction to a fine not exceeding £5,000.

(7) A person may not be prosecuted for an offence if a tax officer has imposed, or proposes to impose, a financial penalty in respect of the action which constituted the alleged offence.

16. Disputes

(1) This section applies where a dispute arises about —

(a) whether income tax is chargeable under this Ordinance in respect of an individual's earnings;

(b) the amount of income tax payable; or

(c) any other matter concerning the application or interpretation of a provision of or under this Ordinance.

(2) A person affected by the dispute ("the taxpayer") may refer it to the Collector of Taxes for determination (or review, where the dispute concerns an earlier determination of a tax officer).

(3) A reference under subsection (2) must be made before the end of the period of 4 weeks beginning with the date on which the person becomes aware of the issue to be referred.

(4) The taxpayer may refer the dispute to the Tax Tribunal if —

(a) the Collector does not determine the dispute within 6 months, or

(b) the taxpayer does not accept the Collector's determination.

(5) The Collector may refer a dispute to the Tax Tribunal.

(6) A reference under subsection (4) or (5) must be made before the end of the period of 4 weeks beginning with the date on which the taxpayer or Collector becomes aware of the issue to be referred.

(7) A decision of the Tax Tribunal under this section is final and binding on the Collector and all other persons.

(8) Reference to the Collector or to the Tax Tribunal does not excuse payment of tax, interest or other amounts which a tax officer has required a person to pay.

(9) A decision of the Collector or the Tax Tribunal may include provision about incidental matters (including repayment of sums with or without interest).

17. Destination

Receipts under this Ordinance are to be paid into the Consolidated Fund of the Territory.

18. Tax Regulations

(1) The Commissioner may make regulations supplementing this Ordinance.

(2) Without prejudice to the generality of subsection (1), Tax Regulations may make provision about —

(a) timing,

(b) contents of notices,

(c) methods of payment,

(d) proceedings of the Tax Tribunal, and

(e) any other matter that appears to the Commissioner to be necessary or expedient for the purposes of giving full effect to this Ordinance.

(3) Tax Regulations may confer a discretionary function on —

(a) the Commissioner;

(b) a tax officer;

(c) any other specified person.

PART 4 TECHNICAL PROVISION

19. Tax Regulations: supplemental

Tax Regulations may make —

(a) provision that applies generally or only to specified cases or circumstances;

(b) different provision for different cases or circumstances;

(c) incidental, consequential and supplementary provisions.

20. Repeals

The following are repealed (in so far as they apply to the Territory) —

- (a) the Income Tax Ordinance Cap. 32;
- (b) the Income Tax (Amendment) Ordinance 1951 (1951 No.6);
- (c) the Income Tax (Amendment) Ordinance 1954 (1954 No.14);
- (d) the Income Tax (Amendment) Ordinance 1957 (1957 No.3);
- (e) the Income Tax (Amendment) Ordinance 1961 (1961 No.4);
- (f) the Income Tax (Amendment)(No 2) Ordinance 1961 (1961 No.9);
- (g) the Income Tax (Amendment) Ordinance 1962 (1962 No.1);
- (h) the Income Tax (Amendment)(No 2) Ordinance 1962 (1962 No.6);
- (i) the Income Tax (Amendment)(No 3) Ordinance 1962 (1962 No.16);
- (j) the Income Tax (Amendment) Ordinance 1964 (1964 No.6);
- (k) the Income Tax (Amendment) (No 2) Ordinance 1964 (1964 No.7);
- (l) the Income Tax (Amendment) (No 3) Ordinance 1964 (1964 No.2);
- (m) the Income Tax (Amendment) (Dependencies) Ordinance 1965 (1965 No.3);
- (n) the Income Tax (Amendment) Ordinance 1969 (1969 No.1);
- (o) the Income Tax (Amendment) Ordinance 1973 (1973 No.16); and
- (p) the Income Tax (Amendment) Ordinance 1974 (1974 No.1).

Enacted

21st

December 2016



C. Roberts C.V.O.,
Commissioner.

ELIZABETH II



Territories of South Georgia and the South Sandwich Islands

COLIN ROBERTS C.V.O.,
Commissioner.

Police Ordinance 2017

(No: 2 of 2017)

ARRANGEMENT OF PROVISIONS

PART 1 PRELIMINARY

Section

1. Title
2. Commencement
3. Interpretation

PART 2 POLICING OBJECTIVES

4. The policing objectives

PART 3 OFFICERS

5. Chief of Police
6. Police officers
7. Reserve police officers
8. Temporary police officers

**PART 4
FUNCTIONS**

- 9. Chief of Police
- 10. Police officers
- 11. Powers
- 12. Police stations
- 13. Property

**PART 5
CONDUCT OF POLICE OFFICERS**

- 14. Code of Conduct
- 15. Terms and conditions
- 16. Complaints
- 17. Indemnity

**PART 6
OFFENCES**

- 18. Assault
- 19. Obstruction
- 20. Impersonation
- 21. Penalties

**PART 7
REPEAL**

- 22. Repeal

**SCHEDULE
CODE OF CONDUCT**

ELIZABETH II



Territories of South Georgia and the South Sandwich Islands

COLIN ROBERTS C.V.O.,
Commissioner.

POLICE ORDINANCE 2017

(No: 2 of 2017)

(enacted: 27 February 2017)
(published: 1 March 2017)
(commencement: on publication)

AN ORDINANCE

To make provision for policing in the Territories of South Georgia and the South Sandwich Islands.

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

PART 1 PRELIMINARY

1. Title

This Ordinance may be cited as the Police Ordinance 2017.

2. Commencement

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

3. Interpretation

In this Ordinance —

“police officer” means a police officer appointed under Part 3, including (except where the context otherwise implies) the Chief of Police, a reserve police officer and a temporary police officer;

“Territory” means the territories of South Georgia and the South Sandwich Islands as defined in the South Georgia and South Sandwich Islands Order 1985 as amended from time to time.

PART 2 POLICING OBJECTIVES

4. The policing objectives

For the purpose of this Ordinance the policing objectives are —

- (a) to uphold the law fairly and firmly;
- (b) to prevent crime;
- (c) to pursue and bring to justice those who break the law;
- (d) to keep the Queen’s peace;
- (e) to protect, help and reassure persons present in the Territory;
- (f) to act, and be seen to act, with integrity, common sense and sound judgment.

PART 3 OFFICERS

5. Chief of Police

- (1) The Commissioner shall appoint an individual as Chief of Police for the Territory.
- (2) An appointment shall be made on such terms and conditions as the Commissioner thinks appropriate.
- (3) The Commissioner may appoint an individual only if satisfied that he or she has appropriate knowledge and experience of exercising policing functions.
- (4) The Chief of Police may be a person who is serving in another policing appointment outside the Territory.
- (5) As soon as reasonably practicable after making an appointment the Commissioner shall publish a notice in the *Gazette* announcing the appointment.
- (6) The Commissioner may terminate the appointment of the Chief of Police.

6. Police officers

- (1) The Commissioner may appoint individuals as police officers for the Territory.
- (2) An appointment shall be made on such terms and conditions as the Commissioner thinks appropriate.

(3) The Commissioner may appoint individuals only if satisfied that they have appropriate knowledge and experience of exercising policing functions.

(4) A police officer may be a person who is serving in another policing appointment outside the Territory.

(5) The Commissioner may terminate the appointment of a police officer.

7. Reserve police officers

(1) The Commissioner may appoint individuals as reserve police officers for the Territory.

(2) An appointment shall be made on such terms and conditions as the Commissioner thinks appropriate.

(3) The Commissioner may appoint individuals only if satisfied that they have appropriate knowledge and experience.

(4) A reserve police officer may be a person who is serving in another appointment inside or outside the Territory.

(5) The Commissioner may terminate the appointment of a reserve police officer.

8. Temporary police officers

(1) The Commissioner may seek assistance from —

(a) the Royal Falkland Islands Police;

(b) a police force in the United Kingdom;

(c) a military police force of the United Kingdom.

(2) For the purposes of assistance in accordance with subsection (1), the Commissioner may appoint an individual as a temporary police officer for the Territory.

(3) A temporary appointment shall be made on such terms and conditions as the Commissioner thinks appropriate.

(4) A temporary appointment may be made in respect of a person who is serving in another appointment.

(5) A temporary police officer shall have the same powers as a police officer appointed under section 6 (subject to specific terms and conditions of appointment).

PART 4 FUNCTIONS

9. Chief of Police

(1) The Chief of Police shall —

- (a) be responsible for the management of police officers;
- (b) deploy the available resources with a view to pursuit of the policing objectives;
- (c) advise the Commissioner on the resource and other requirements for the policing of the Territory;
- (d) make a written report to the Commissioner, as soon as reasonably practicable after the end of each year, about the exercise of policing functions in the Territory in that year.

(2) The Chief of Police may —

- (a) give directions to police officers (including reserve and temporary officers);
- (b) suspend, or otherwise discipline, police officers.

(3) In this section “police officers” means police officers appointed under Part 2, including reserve and temporary officers.

(4) The Chief of Police may make arrangements with any public authority (of the Territory or elsewhere) with law enforcement functions, to provide assistance in respect of the policing of the Territory.

10. Police officers

Police officers must take all reasonable steps (in accordance with the terms and conditions of their appointment) to pursue the policing objectives.

11. Powers

(1) Police officers when exercising authority within the Territory under this Ordinance, have all the powers and authority as vested in a police officer of the Royal Falkland Islands Police with the necessary changes to reflect the differences in the territories.

(2) The powers of police officers may include the power to arrest or detain a person pending removal and during removal, from the Territory, to another jurisdiction outside the Territory.

(3) The Commissioner must give his or her permission before the power under subsection (2) is exercised.

12. Police stations

(1) The Commissioner shall designate places to be used as police stations —

- (a) for the purposes of detaining arrested persons, and
 - (b) for any other policing purposes specified in the designation.
- (2) A designation must be published in the *Gazette*.
- 13. Property**
- (1) This section applies where property comes into the possession of police officers in connection with the exercise of their functions.
- (2) The property must be returned to the person from whom it came unless —
- (a) a court has ordered its forfeiture;
 - (b) the owner cannot be identified or located after reasonable attempts.
- (3) The Chief of Police shall make arrangements for —
- (a) the public sale of property that has remained in the possession of police officers for a period of 3 months or more and cannot be returned under subsection (2);
 - (b) the payment of the proceeds of sale to the owner of the property on a claim made within a period of 3 months beginning with the date of the sale;
 - (c) the appropriation for policing purposes of proceeds that are not successfully claimed during that period.
- (4) Arrangements under subsection (3) may make exceptions for —
- (a) property that a court has ordered to be destroyed;
 - (b) perishable property.

PART 5

CONDUCT OF POLICE OFFICERS

14. Code of Conduct

Police officers must comply with the Code of Conduct set out in the Schedule to this Ordinance in the execution of their functions.

15. Terms and conditions

The terms and conditions of appointment of police officers may provide for them to be subject to disciplinary and other provisions in accordance with an appointment which is being combined with their appointment under this Ordinance.

16. Complaints

(1) The Chief of Police shall maintain a system for the making and investigation of complaints against police officers in the exercise of their functions.

(2) The Commissioner shall investigate any complaint made against the Chief of Police.

17. Indemnity

No action by way of civil proceedings shall lie against police officers in respect of anything done in the course of their functions.

PART 6 OFFENCES

18. Assault

It is an offence to assault a police officer in the exercise of his or her duties.

19. Obstruction

It is an offence to obstruct a police officer in the exercise of the officer's functions.

20. Impersonation

It is an offence to impersonate a police officer with intent to deceive.

21. Penalties

A person who is guilty of an offence under this Part is liable on conviction to —

- (a) a fine not exceeding £5,000,
- (b) imprisonment for a period not exceeding 6 months, or
- (c) both.

PART 7 REPEAL

22. Repeal

The Police Ordinance 1967 (No. 9 of 1967) is repealed.

SCHEDULE

Section 14

CODE OF CONDUCT

1 Honesty and integrity

It is of paramount importance that the public has faith in the honesty and integrity of police officers. Officers should therefore be open and truthful in their dealings; avoid being improperly beholden to any person or institution; and discharge their duties with integrity.

2 Fairness and impartiality

Police officers have a particular responsibility to act with fairness and impartiality in all their dealings with the public and their colleagues.

3 Politeness and tolerance

Officers should treat members of the public and colleagues with courtesy and respect, avoiding abusive or deriding attitudes or behaviour. In particular, officers must avoid: favouritism of an individual or group; all forms of harassment, victimisation or unreasonable discrimination; and overbearing conduct to a colleague, particularly to one junior in rank or service.

4 Use of force and abuse of authority

Officers must never knowingly use more force than is reasonable, nor should they abuse their authority.

5 Performance of duties

Officers should be conscientious and diligent in the performance of their duties. Officers should attend work promptly when rostered for duty. If absent through sickness or injury, they should avoid activities likely to retard their return to duty.

6 Lawful orders

The Territory Police is a disciplined body. Unless there is good and sufficient cause to do otherwise, officers must obey all lawful orders and abide by the provisions of the Police Ordinance. Officers should support their colleagues in the execution of their lawful duties, and oppose any improper behaviour, reporting it where appropriate.

7 Confidentiality

Information which comes into the possession of the police should be treated as confidential. It should not be used for personal benefit and nor should it be divulged to other parties except in the proper course of police duty. Similarly, officers should respect, as confidential, information about police policy and operations unless authorised to disclose it in the course of their duties.

8 Criminal offences

Officers must report any proceedings for a criminal offence taken against them. Conviction of a criminal offence may of itself result in further action being taken.

9 Property

Officers must exercise reasonable care to prevent loss or damage to property (excluding their own personal property but including police property).

10 Sobriety

Whilst on duty officers must be sober. Officers should not consume alcohol when on duty unless specifically authorised to do so or it becomes necessary for the proper discharge of police duty.

11 Appearance

Unless on duties which dictate otherwise, officers should always be well turned out, clean and tidy whilst on duty in uniform or in plain clothes.

12 General conduct

Whether on or off duty, police officers should not behave in a way which is likely to bring discredit upon the police service.

Notes:

(a) The primary duties of those who hold the office of police officer are the protection of life and property, the preservation of the Queen's peace, and the prevention and detection of criminal offences. To fulfil these duties they are granted extraordinary powers; the public and the Territory Police therefore have the right to expect the highest standards of conduct from them.

(b) This Code sets out the principles which guide police officers' conduct. It does not seek to restrict officers' discretion: rather it aims to define the parameters of conduct within which that discretion should be exercised. However, it is important to note that any breach of the principles in this Code may result in action being taken by the organisation, which, in serious cases, could involve dismissal.

(c) This Code applies to the conduct of police officers in all ranks whilst on duty, or whilst off duty if the conduct is serious enough to indicate that an officer is not fit to be a police officer. It will be applied in a reasonable and objective manner. Due regard will be paid to the degree of negligence or deliberate fault and to the nature and circumstances of an officer's conduct. Where off duty conduct is in question, this will be measured against the generally accepted standards of the day.

Enacted 27th February 2017

C. Roberts C.V.O.,
Commissioner.

ELIZABETH II



Territories of South Georgia
and the South Sandwich Islands

NIGEL JAMES PHILLIPS C.B.E.,
Commissioner.

Wildlife and Protected Areas (Amendment) Ordinance 2019

(No: 2 of 2019)

ARRANGEMENT OF PROVISIONS

Section

1. Title
2. Commencement
3. Ordinance amends Wildlife and Protected Areas Ordinance 2011
4. Section 5 amended (Interpretation and general)
5. Section 18 amended (Marine protected areas)
6. Section 21 amended (Permits to do things otherwise prohibited)

ELIZABETH II



Territories of South Georgia and the South Sandwich Islands

NIGEL JAMES PHILLIPS C.B.E.,
Commissioner.

WILDLIFE AND PROTECTED AREAS (AMENDMENT) ORDINANCE 2019

(No: 2 of 2019)

(assented to: 24 May 2019)
(commencement: in accordance with section 2)
(published: 29 May 2019)

AN ORDINANCE

To amend the Wildlife and Protected Areas Ordinance 2011.

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

1. Title

This Ordinance is the Wildlife and Protected Areas (Amendment) Ordinance 2019.

2. Commencement

This Ordinance comes into force on a date, after signification of Her Majesty's pleasure, appointed by the Commissioner by notice published in the *Gazette*.

3. Ordinance amends Wildlife and Protected Areas Ordinance 2011

This Ordinance amends the Wildlife and Protected Areas Ordinance 2011.

4. Section 5 amended (Interpretation and general)

In section 5, insert after subsection (4) —

“(5) Before making a MPA Order under section 18 or a conservation order under section 20, or granting a permit under section 21, that will apply in the area of the Maritime Zone south of latitude 60 degrees south, the Commissioner must consult with the Secretary of State about whether there would be any implications for foreign policy or relevant international obligations resulting from the proposed MPA Order, conservation order or permit.

(6) If the Commissioner receives instructions from the Secretary of State in relation to a MPA Order or conservation order the Commissioner intends to make, or in relation to a permit that the Commissioner intends to grant, the Commissioner must make the MPA Order or conservation order, or grant the permit, in accordance with the instructions.”.

5. Section 18 amended (Marine protected areas)

In section 18(6)(a)(iii), omit “north of latitude 60 degrees south”.

6. Section 21 amended (Permits to do things otherwise prohibited)

(1) In section 21(1)(b), omit “section 14.” and replacing it with “section 14; or”.

(2) In section 21(1), add at the end —

“(c) grant for a purpose specified in subsection (6), a permit authorising a person specified in the permit to do an act that would otherwise contravene a MPA Order or a conservation order made under section 20.”.

Enacted 24 May 2019

N. J. Phillips C.B.E.,
Commissioner.

ELIZABETH II



Territories of South Georgia
and the South Sandwich Islands

NIGEL JAMES PHILLIPS C.B.E.,
Commissioner.

Fisheries (Conservation and Management) (Amendment) Ordinance 2019

(No: 3 of 2019)

ARRANGEMENT OF PROVISIONS

Section

1. Title
2. Commencement
3. Ordinance amends Fisheries (Conservation and Management) Ordinance 2000
4. Section 5 amended

ELIZABETH II



Territories of South Georgia
and the South Sandwich Islands

NIGEL JAMES PHILLIPS C.B.E.,
Commissioner.

FISHERIES (CONSERVATION AND MANAGEMENT) (AMENDMENT) ORDINANCE 2019

(No: 3 of 2019)

(assented to: 24 May 2019)
(commencement: in accordance with section 2)
(published: 29 May 2019)

AN ORDINANCE

To amend the Fisheries (Conservation and Management) (Amendment) Ordinance 2000.

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

1. Title

This Ordinance is the Fisheries (Conservation and Management) (Amendment) Ordinance 2019.

2. Commencement

This Ordinance comes into force on a date after signification of Her Majesty's pleasure appointed by the Commissioner by notice published in the *Gazette*.

3. Ordinance amends Fisheries (Conservation and Management) Ordinance 2000

This Ordinance amends the Fisheries (Conservation and Management) Ordinance 2000.

4. Section 5 amended

(1) In section 5(1), omit “lying to the north of sixty degrees south of latitude”.

(2) In section 5(10A), insert “or relevant international obligations” after “foreign policy”.

Enacted 24 May 2019

N. J. Phillips C.B.E.,
Commissioner.

PART II

PROCLAMATIONS, ORDERS, RULES AND REGULATIONS etc.

Table of Contents

2010	S.R. & O	No. 1 of 2010	Prohibited Areas Order 2010
2011	S.R. & O	No. 1 of 2011	Customs (Fees) Regulations 2011
	S.R. & O	No. 2 of 2011	Harbours (Fees) Regulations 2011
	S.R. & O	No. 4 of 2011	Harbours (Fees) (Amendment) Regulations 2011
2012	S.R. & O	No. 1 of 2012	Marine Protected Areas Order 2012
2013	S.R. & O	No. 1 of 2013	Marine Protected Areas Order 2013
	S.R. & O	No. 2 of 2013	Prohibited Areas Order 2013
2015	S.R. & O	No.2 of 2015	Fisheries (Transshipment and Export) (Amendment) Order 2015
		No. 3 of 2015	Antarctic Act 1994 (Overseas Territories) (Amendment) Order 2015 (Commencement of Schedule) Order 2015
2016	S.R. & O	No. 3 of 2016	Income Tax Regulations 2016
	S.R. & O	No. 4 of 2016	Customs (Declarations and Clearance) Order 2016
	Guide		Guide to Income Tax Ordinance
	Guide		Guide to Customs Ordinance
2019	S.R. & O	No. 1 of 2019	Marine Protected Areas Order 2019

Notes:

1. The Commemorative Coins Orders the commenced in 2011 have not been reproduced

SUBSIDIARY LEGISLATION

HEALTH AND SAFETY AND ENVIRONMENT

Prohibited Areas Order 2010

S. R. & O. No. 1 of 2010

Made: 14 September 2010

Published: 24 September 2010

Coming into force: on publication

IN EXERCISE of my powers under section 2(1) of the Prohibited Areas Ordinance 2010 (No 1 of 2010) and being satisfied as required by section 2(2) of that Ordinance that it is necessary to do so to protect persons from danger to their health and safety and to protect the heritage of the areas to which the Order relates, I make the following Order—

1. Citation and commencement

This is the Prohibited Areas Order 2010 and comes into force on the publication in the *Gazette*.

2. Interpretation

(1) In this Order —

“the principal Ordinance” means the Prohibited Areas Ordinance 2010;

“the Husvik Whaling Station Prohibited Area” means that area of land and sea surrounding the Husvik whaling station, which is identified and delineated by a grey line on the plan marked Plan No. 1 attached to this Order;

“the Leith Whaling Station Prohibited Area” means that area of land and sea surrounding the Leith whaling station which is identified and delineated by a grey line on the plan marked Plan No. 2 attached to this Order; and

“the Prince Olaf Whaling Station Prohibited Area” means that area of land and sea surrounding the Prince Olaf whaling station which is identified and delineated by a grey line on the plan marked Plan No. 3 attached to this Order.

“the Stromness Whaling Station Prohibited Area” means that area of land and sea surrounding the Stromness whaling station which is identified and delineated by a grey line on the plan marked Plan No. 4 attached to this Order.

(2) The plans attached to this Order form part of this Order

3. Prohibited Areas

The Husvik Whaling Station Prohibited Area, the Prince Olaf Whaling Station Prohibited Area, the Leith Whaling Station Prohibited Area and the Stromness Whaling Station Prohibited Area are declared under section 2(1) of the principal Ordinance to be Prohibited Areas.

Made 14th September 2010

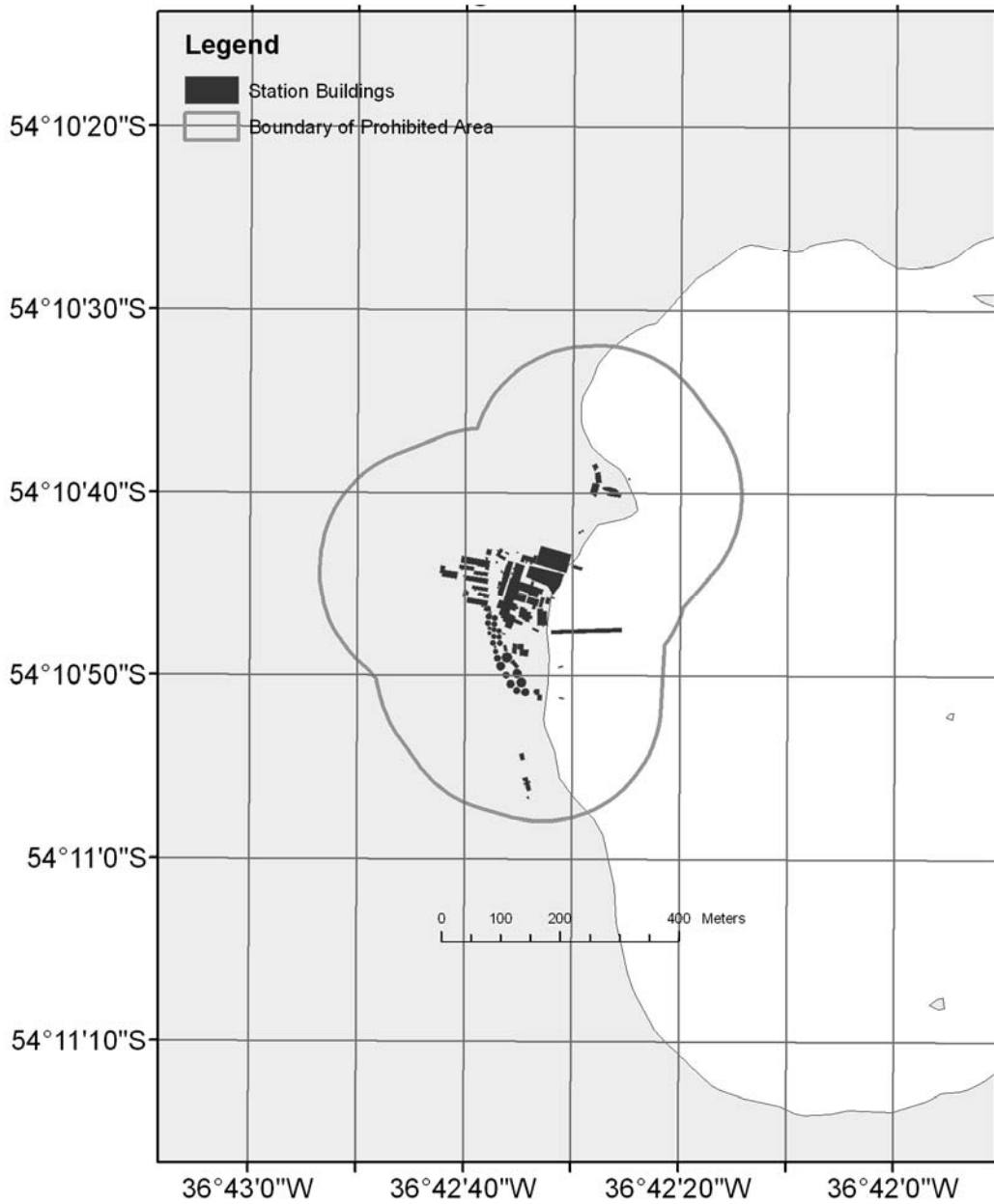
A. E. Huckle,
Commissioner.

EXPLANATORY NOTE
(not forming part of the Order)

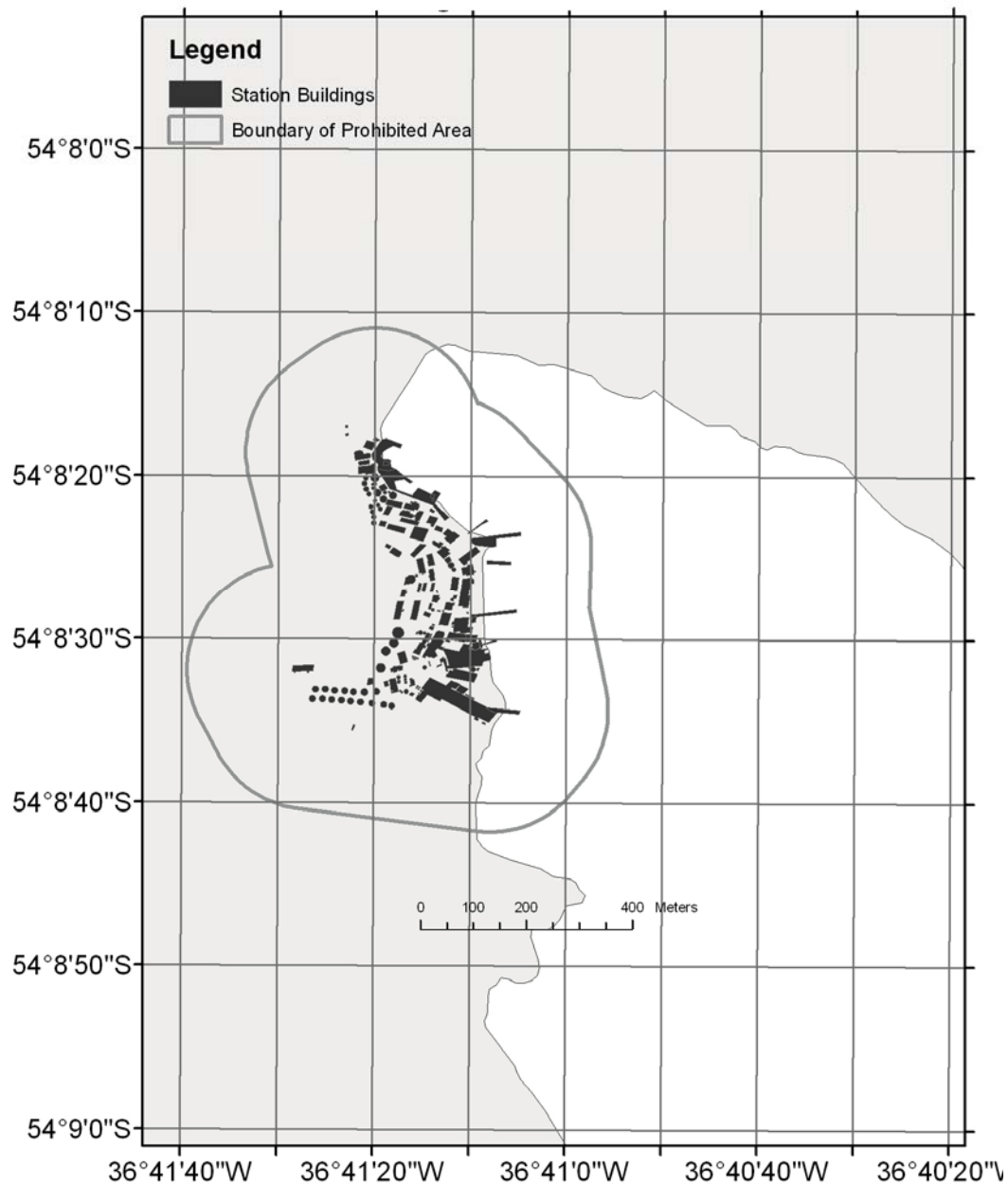
This Order constitutes areas of land and sea surrounding the Husvik, Leith, Prince Olaf and Stromness Whaling Stations in South Georgia as prohibited areas under the Prohibited Areas Ordinance 2010, thus prohibiting entry into those areas except with the permission of the Commissioner or, in the case of vessels, entry into the sea within such an area due to stress of weather or by reason of force majeure.

Plan No. 1

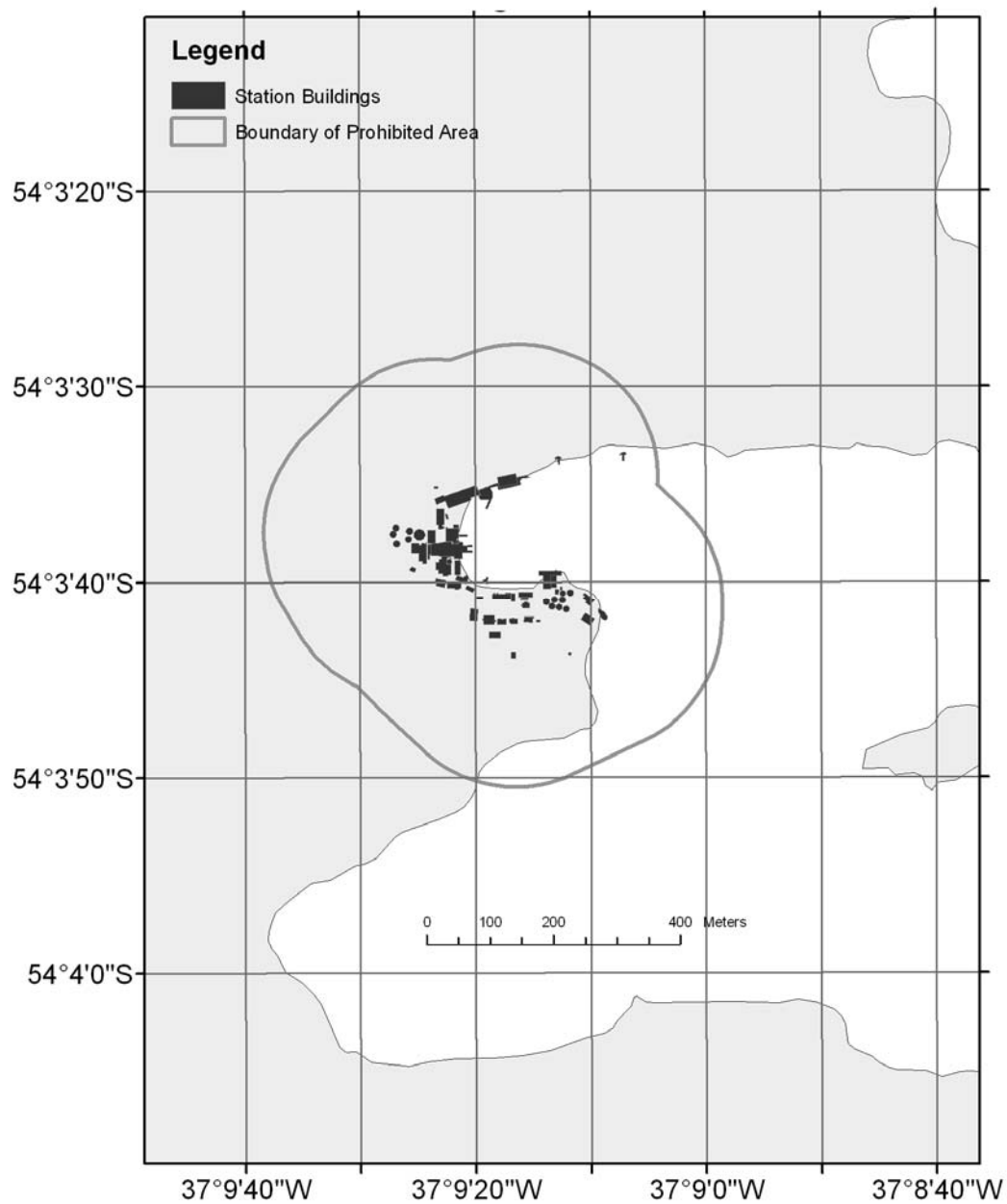
Husvik Whaling Station Prohibited Area



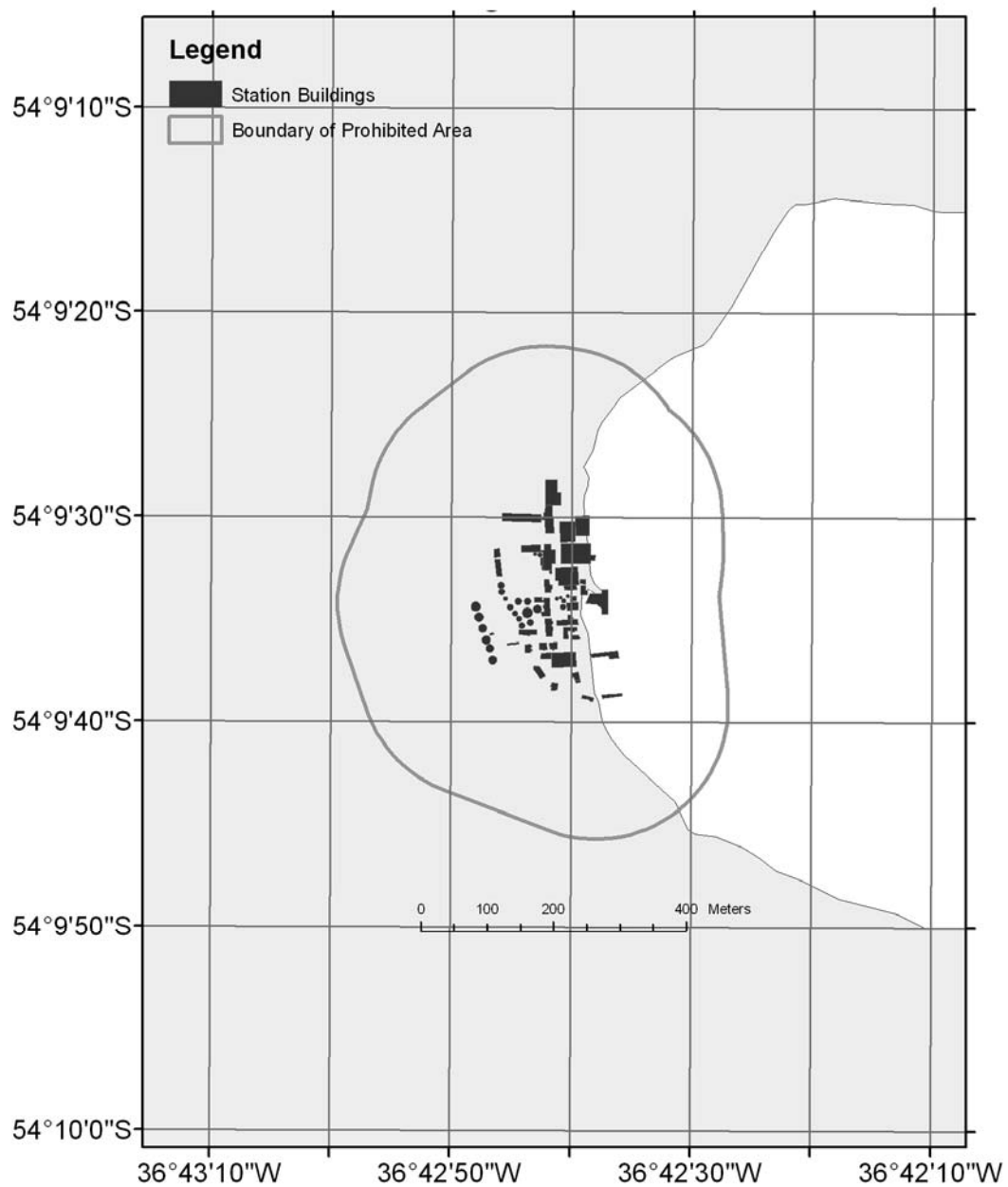
Leith Whaling Station Prohibited Area



Prince Olaf Whaling Station Prohibited Area



Stromness Whaling Station Prohibited Area



SUBSIDIARY LEGISLATION

CUSTOMS

Customs (Fees) Regulations 2011

S. R. & O. No. 1 of 2011

Made: 25 August 2011

Published: 9 September 2011

Coming into force: on publication

I make these regulations under section 230 of the Customs Ordinance^(a).

PART 1 INTRODUCTION

1. Title

These regulations are the Customs (Fees) Regulations 2011.

2. Commencement

These regulations come into force on publication in the *Gazette*.

3. Interpretation

In these regulations —

“customs fees for a vessel” means either —

- (a) in the case of a yacht, the fee payable for it under regulation 4; or
- (b) in the case of a vessel other than a yacht, the fees payable for it under regulations 6 and 7;

“load line length” means, in relation to a vessel, the greater of —

- (a) 96% of the total length of its relevant waterline; and
- (b) the length on that waterline from the fore side of its stem to the axis of its rudder stock;

“normal working hours” means the period each day between 8am and 4.30pm;

^(a) Cap.16, Laws of the Falkland Islands (1950 Edition), as it applies to South Georgia and the South Sandwich Islands under the Application of Colony Laws Ordinance (Cap. 1, Dependencies Series).

“relevant waterline” means, in relation to a vessel, the waterline that is —

- (a) at 85% of the vessel’s least moulded depth (measured from the top of the keel); and
- (b) in the case of a vessel designed with a rake of keel, parallel to its design waterline;

“yacht” means a small sailing or motor vessel in relation to which both of the following conditions are satisfied —

- (a) it is used for pleasure cruises; and
- (b) its load line length is not more than 24 metres.

PART 2

FEE PAYABLE IN RESPECT OF YACHTS

4. Fee payable in respect of yachts

A fee of £10 is payable for the customs entry and clearance of a yacht.

PART 3

FEES PAYABLE IN RESPECT OF VESSELS OTHER THAN YACHTS

5. Application of Part 3

This Part applies only in relation to vessels that are not yachts.

6. Fees payable for customs entry and customs clearance

- (1) If customs entry and customs clearance are undertaken in separate visits to the vessel, a fee of £35 is payable for each.
- (2) If customs entry and clearance are undertaken in a single visit to the vessel, only one fee of £35 is payable for both.

7. Fees for other services

- (1) Fees are payable for other services provided by customs officers for purposes under the customs laws.
- (2) A fee is payable for each hour or part hour during which one or more customs officers are engaged providing the services (including time spent travelling, if the services are performed away from King Edward Point).
- (3) The rates at which fees are payable are —
 - (a) £25 for each hour (or part hour) during normal working hours; and
 - (b) £40 for each hour (or part hour) outside normal working hours.

- (2) The minimum amount payable for each occasion when services are provided is £50.

PART 4

PAYMENT OF FEES

8. Arrangements for payment of customs fees

(1) The Commissioner (or a person acting on behalf of the Commissioner) may enter into arrangements with the owner or operator of a vessel for the payment of customs fees for that vessel.

- (2) The fees must be paid in accordance with those arrangements.

9. Payment of customs fees where no arrangement applies

(1) This regulation applies in relation to vessels in respect of which no arrangement has been made under regulation 8(1).

(2) It also applies to a vessel to the extent that an arrangement made under regulation 8(1) does not apply.

(3) If this regulation applies, payment of the customs fees for the vessel may be demanded by a customs officer from whomever appears to be in charge of the vessel.

(4) Customs fees demanded under paragraph (3) must be paid —

(a) in cash; or

(b) by another method approved by (or on behalf of) the Commissioner.

(5) The customs fees may be paid in one of the following currencies —

(a) the currency of the United Kingdom;

(b) the currency of the Falkland Islands; or

(c) another currency, if it is a currency that has been approved by (or on behalf of) the Commissioner.

(6) If the customs fees are paid in another currency that has been approved under paragraph 5(c), the Commissioner (or a person acting on behalf of the Commissioner) may determine the equivalent amount payable in that currency.

10. Recovery of unpaid customs fees

Amounts due in respect of unpaid customs fees for a vessel may be recovered as a debt in a court of competent jurisdiction from either —

(a) the owner or operator of the vessel; or

(b) the person from whom they were demanded under regulation 9(3).

11. Application of proceeds

Customs fees paid or recovered under this Part form part of the general revenues of the Territory.

PART 5 REVOCATION

12. Customs Fees Regulations 1992 (and amending regulations) revoked

The following regulations are revoked —

(a) Customs Fees Regulations 1992 (S.R. & O. No 1 of 1992);

(b) Customs (Fees) (Amendment) Regulations 1998 (S.R. & O. No 4 of 1998); and

(c) Customs (Fees) (Amendment) Regulations 2003 (S.R. & O. No 1 of 2003).

Made 25th August 2011

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

EXPLANATORY NOTE *(not part of the order)*

These regulations replace the Customs Fees Regulations 1992^(a) to simplify the structure of fees for customs entry and clearance and for other services provided by customs officers.

Yachts are defined as small sailing or motor vessels, with a load line length of up to 24 m, that are used for pleasure cruises. Customs entry and clearance fees for yachts remains £10.

For vessels other than yachts, fee for customs entry and customs clearance will be £35. A single fee of £35 is charged if customs entry and customs clearance are undertaken during a single visit to the vessel.

If a customs officer is required for any purpose under the Customs laws an hourly fee will apply (with a minimum fee based on 2 hours). Higher fees apply outside normal working hours.

^(a) S. R. & O. No. 1 of 1992, as amended by S. R. & O. No. 4 of 1998 and S. R. & O. No. 1 of 2003.

SUBSIDIARY LEGISLATION

HARBOURS

Harbours (Fees) Regulations 2011

S. R. & O. No. 2 of 2011

Made: 25 August 2011

Published: 9 September 2011

Coming into force: on publication

I make these regulations under section 3 of the Harbours Ordinance^(a).

PART 1 INTRODUCTION

1. Title

These regulations are the Harbours (Fees) Regulations 2011.

2. Commencement

These regulations come into force on publication in the *Gazette*.

3. Interpretation

In these regulations —

“authorised collector” means a person authorised by (or on behalf of) the Commissioner to collect harbour fees;

“harbour fees for a vessel” means either —

- (a) in the case of a yacht, the fee payable for it under regulation 4; or
- (b) in the case of a vessel other than a yacht, the fees payable for it under regulations 6, 7(1) and 8(1);

“load line length” means, in relation to a vessel, the greater of —

- (a) 96% of the total length of its relevant waterline; and

^(a) Cap. 30, Laws of the Falkland Islands (1950 Edition), as it applies to South Georgia and the South Sandwich Islands under the Application of Colony Laws Ordinance (Cap. 1, Dependencies Series).

(b) the length on that waterline from the fore side of its stem to the axis of its rudder stock;

“relevant waterline” means, in relation to a vessel, the waterline that is —

(a) at 85% of the vessel’s least moulded depth (measured from the top of the keel); and

(b) in the case of a vessel designed with a rake of keel, parallel to its design waterline;

“yacht” means a small sailing or motor vessel in relation to which both of the following conditions are satisfied —

(a) it is used for pleasure cruises; and

(b) its load line length is not more than 24 metres.

PART 2

FEE PAYABLE IN RESPECT OF YACHTS

4. Fee payable in respect of yachts

A fee of £50 is payable in respect of every yacht on the first day of its stay in a harbour.

PART 3

FEES PAYABLE IN RESPECT OF VESSELS OTHER THAN YACHTS

5. Application of Part 3

This Part applies only in relation to vessels that are not yachts.

6. Fee payable on entering or leaving harbour

A fee of £35 is payable in respect of every vessel entering or leaving harbour.

7. Initial fee

(1) An initial fee (based on the net tonnage of the vessel and the number of passengers on board when it enters the harbour) is payable in respect of every vessel in relation to the first day of its stay in a harbour.

(2) The amount of the initial fee for a vessel carrying 12 passengers or fewer is the amount in column 2 of the table in the Schedule corresponding to the net tonnage of the vessel.

(3) The amount of the initial fee for a vessel carrying more than 12 passengers is the amount in column 3 of the table in the Schedule corresponding to the net tonnage of the vessel.

8. Daily fee

(1) A daily fee (based on the initial fee payable under regulation 7 is payable in respect of every vessel for each day (or part of a day) during which it remains in a harbour after the first day of its stay in that harbour.

(2) The amount of the daily fee for a vessel is 50% of the initial fee payable under regulation 7 for that vessel.

PART 4 PAYMENT OF FEES

9. Arrangements for payment of harbour fees

(1) The Commissioner (or a person acting on behalf of the Commissioner) may enter into arrangements with the owner or operator of a vessel for the payment of harbour fees for that vessel.

(2) The fees must be paid in accordance with those arrangements.

10. Payment of harbour fees where no arrangement applies

(1) This regulation applies in relation to vessels in respect of which no arrangement has been made under regulation 9(1).

(2) It also applies to a vessel to the extent that an arrangement made under regulation 9(1) does not apply.

(3) If this regulation applies, payment of the harbour fees for the vessel may be demanded by an authorised collector from whomever appears to be in charge of the vessel.

(4) Harbour fees demanded under paragraph (3) must be paid —

(a) in cash; or

(b) by another method approved by (or on behalf of) the Commissioner.

(5) The harbour fees may be paid in one of the following currencies —

(a) the currency of the United Kingdom;

(b) the currency of the Falkland Islands; or

(c) another currency, if it is a currency that has been approved by (or on behalf of) the Commissioner.

(6) If the harbour fees are paid in another currency that has been approved under paragraph 5(c), the Commissioner (or a person acting on behalf of the Commissioner) may determine the equivalent amount payable in that currency.

11. Recovery of unpaid harbour fees

Amounts due in respect of unpaid harbour fees for a vessel may be recovered as a debt in a court of competent jurisdiction from either —

(a) the owner or operator of the vessel; or

(b) the person from whom they were demanded under regulation 10(3).

12. Application of proceeds

Harbour fees paid or recovered under this Part form part of the general revenues of the Territory.

PART 5 REVOCATION

13. Harbours Fees Regulations 1994 (and amending regulations) revoked

The following regulations are revoked —

(a) Harbours Fees Regulations 1994 (S.R. & O. No 1 of 1994);

(b) Harbours Fees (Amendment) Regulations 1995 (S.R. & O. No 1 of 1995);

(c) Harbours (Fees) (Amendment) Regulations 1998 (S.R. & O. No 3 of 1998); and

(d) Harbours (Fees) (Amendment) Regulations 2003 (S.R. & O. No 3 of 2003).

SCHEDULE TABLE OF INITIAL FEES

regulation 7

Net tonnage	Column 2 (12 or fewer passengers)	Column 3 (More than 12 passengers)
Less than 100 tons	£220	£440
100 tons or more but less than 800 tons	£310	£620
800 tons or more but less than 1,000 tons	£390	£780
1,000 tons or more but less than 1,500 tons	£450	£900
1,500 tons or more but less than 2,000 tons	£550	£1,100
2,000 tons or more but less than 5,000 tons	£660	£1,320

Net tonnage	Column 2 (12 or fewer passengers)	Column 3 (More than 12 passengers)
5,000 tons or more but less than 7,000 tons	£820	£1,640
7,000 tons or more but less than 10,000 tons	£1,220	£2,440
10,000 tons or more but less than 15,000 tons	£1,490	£2,980
15,000 tons or more but less than 20,000 tons	£1,750	£3,500
20,000 tons or more	£1,840	£3,680

Made 25th August 2011

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

EXPLANATORY NOTE
(not part of the order)

These regulations replace the Harbours Fees Regulations 1994 ^(a).

Yachts are defined as small sailing or motor vessels, with a load line length up to 24 m, that are used for pleasure cruises.

The schedule of harbour fees is updated for the first time since 2003.

Fees for yachts that fall within the new definition remain the same but, for all other vessels, a sliding scale of harbour fees based on tonnage applies.

For vessels other than yachts entry and exit fees remain unchanged at £35. Vessels, other than yachts, must pay an initial fee in respect of the first day spent in harbour and a daily fee for each subsequent day spent in harbour.

A higher rate applies to vessels with more than 12 passengers on board at the time of entry into harbour.

^(a) S. R. & O. No. 1 of 1994, as amended by S. R. & O.No. 1 of 1995, S. R. & O. No. 3 of 1998 and S. R. & O. No. 3 of 2003.

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 transhipment 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.

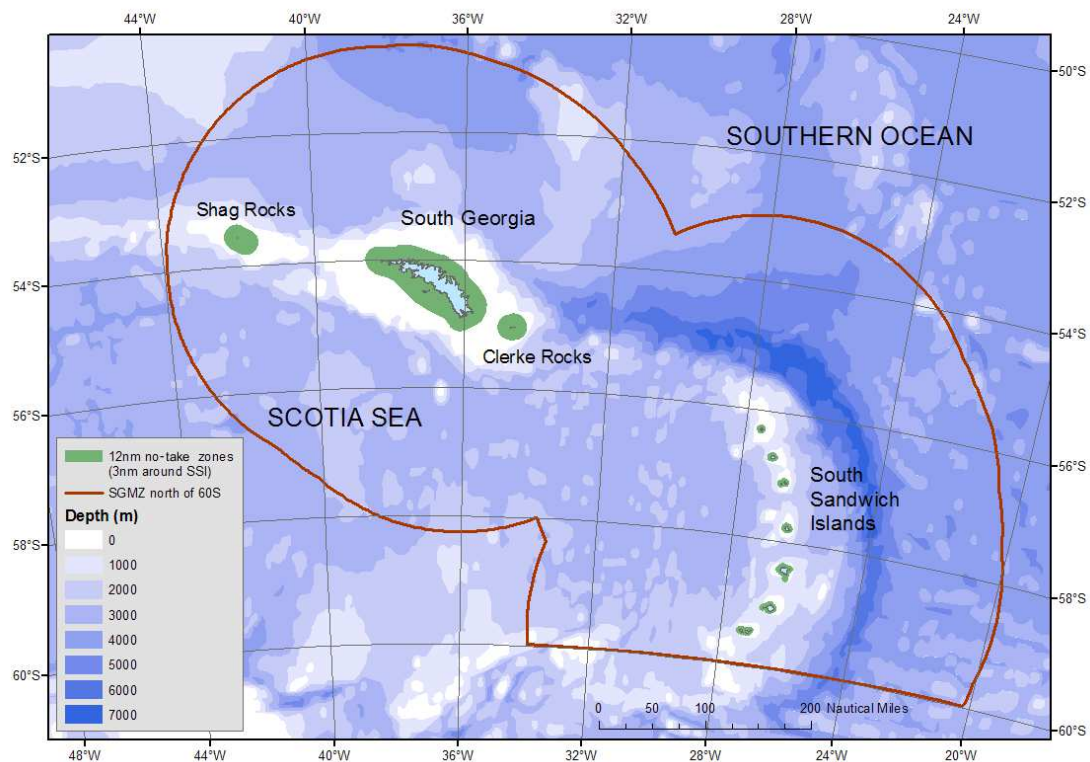
It also prohibits all fishing in the no-take zones.

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.

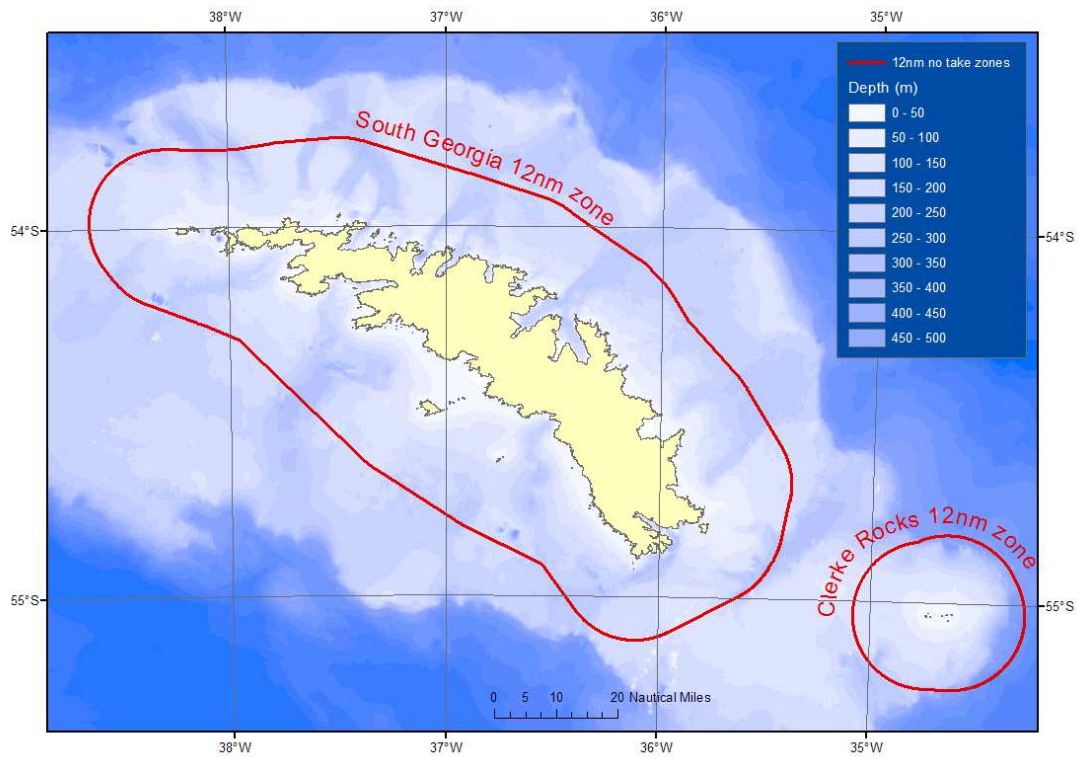
Breach of the prohibitions is an offence against section 20(9) of the Ordinance.

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

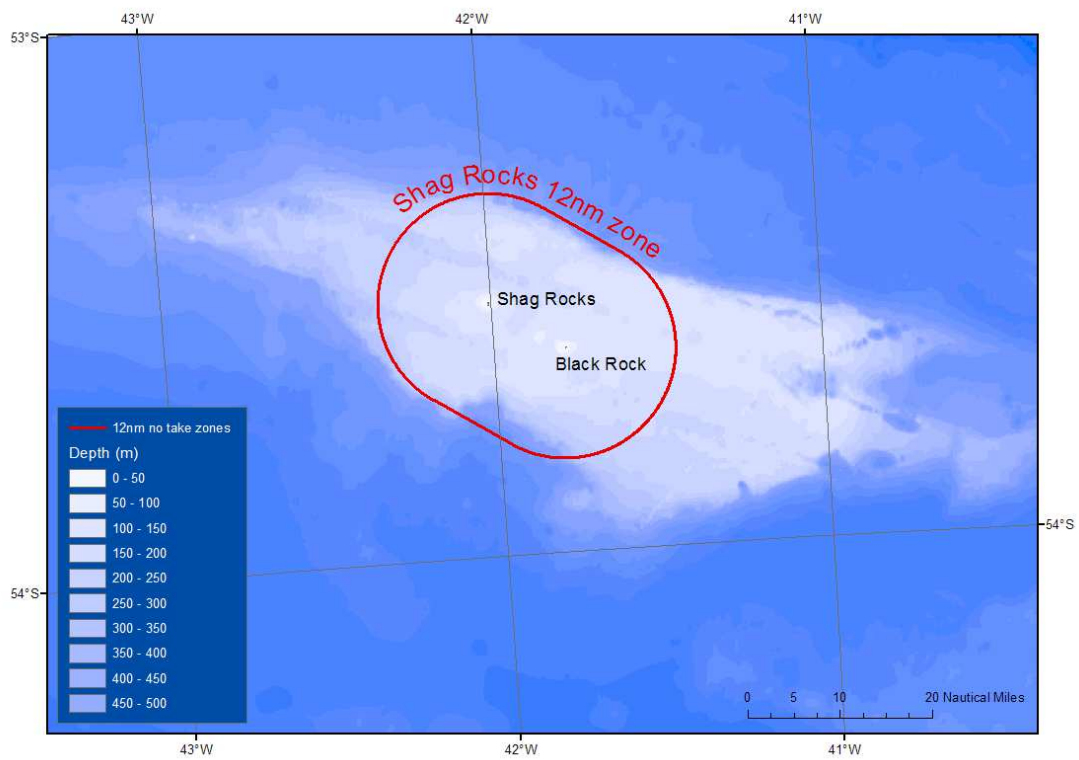
The South Georgia and South Sandwich Islands Marine Protected Area (with no-take zones shaded)



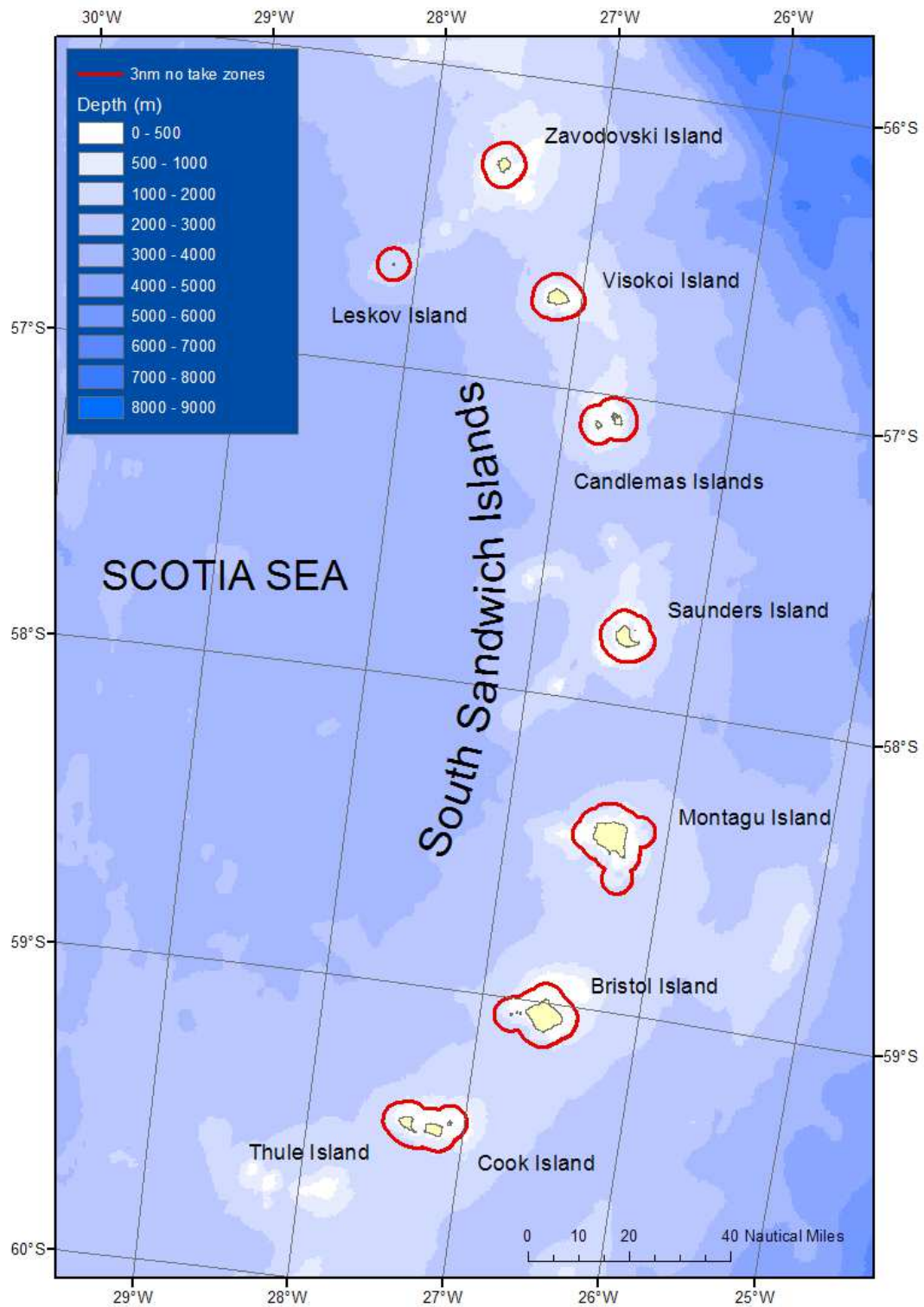
The South Georgia no-take zone and the Clerke Rocks no-take zone



The Shag Rocks no-take zone



The South Sandwich Islands no-take zones



SUBSIDIARY LEGISLATION

WILDLIFE & PROTECTED AREAS

Marine Protected Areas Order 2013

S. R. & O. No: 1 of 2013

Made: 30 May 2013

Published: 12 June 2013

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 2013.

2. Commencement

This order comes into force on publication in the *Gazette*.

3. Interpretation

In this order —

“benthic closed area” means each of the areas described in Schedule 1;

“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;

“closed season”, means, in respect of fishing for Antarctic krill, the season described in Schedule 2”

“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 Schedule 3;

“pelagic closed area” means the area described in Schedule 4;

“pelagic fishery” means a fishery that uses a trawl, long line, jig or other method that is not designed to come into contact with the sea floor during normal fishing operations;

“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) The following prohibitions apply within the SGSSI MPA —

(a) bottom trawling is prohibited;

(b) fishing is prohibited in the no-take zones;

(c) fishing vessels are prohibited from entering the no-take zones, except in exercise of the right of innocent passage or under force majeure;

(d) bottom fishing is prohibited in the following waters —

(i) where the depth of the seabed is less than 700 metres or is greater than 2250 metres;

(ii) in the benthic closed areas;

(e) pelagic fishing is prohibited in the pelagic closed area; and

(f) fishing for Antarctic krill (*Euphausia superba*) is prohibited during the closed season.

(2) 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.

6. Repeal

The Marine Protected Areas Order 2012 is repealed.

SCHEDULE 1
Benthic closed areas

(Section 3)

Area	Boundaries	Protected features	Conservation objectives To conserve & protect:
West Shag Benthic Closed Area	53°12' - 53°24'S; 43°30' - 42°48'W	The seabed, and associated organisms in an area of 1039 km ²	The vulnerable marine fauna identified in this location; provides refugia for toothfish.
West Gully Benthic Closed Area	1: 53°36' - 54°00'S; 40°42' - 40°06'W 2: 53°36' - 53°54'S; 40°06' - 39°54'W 3: 53°36' - 53°48'S; 39°54' - 39°42'W	The seabed, and associated organisms in an area of 2236 km ²	The vulnerable marine fauna in this area and protect juvenile toothfish, which are abundant in this area.
Northern Benthic Closed Area	53°36' - 53°54'S; 35°48' - 35°36'W	The seabed, and associated organisms in an area of 441 km ²	The vulnerable marine fauna identified in this location; provides refugia for toothfish.
Eastern Benthic Closed Area	54°48' - 54°54' S; 34°00' - 34°12' W	The seabed, and associated organisms in an area of 143 km ²	The vulnerable marine fauna identified in this area (particularly gorgonians).
Southern Seamounts Benthic Closed Area A	55°30' - 55°50'S; 37°30' - 36°50'W	The seabed, and associated organisms in an area of 1557 km ²	The potentially sensitive (but largely unknown) benthic fauna; provides refugia for adult toothfish.
Southern Seamounts Benthic Closed Area B	55°50' - 56°10'S; 36°50' - 36°20'W	The seabed, and associated organisms in an area of 1158 km ²	The potentially sensitive (but largely unknown) benthic fauna; provides refugia for adult toothfish.
North Georgia Rise Benthic Closed Area	52°20' - 53°00' S; 36°45' - 37°40' W	The seabed, and associated organisms in an area of 4590 km ²	The potentially sensitive (but largely unknown) benthic fauna of this area; provides refugia for adult toothfish.
North East Georgia Rise Benthic Closed Area	51°12' - 52°24' S; 32°36' - 34°00' W	The seabed, and associated organisms in an area of 9853 km ²	The potentially sensitive (but largely unknown) benthic fauna of this area; provides refugia for adult toothfish.
Protector Shoals Benthic Closed Area	55°45' - 56°05' S; 27°30' - 28°20' W	The seabed, and associated organisms in an area of 1935 km ²	The potentially sensitive (but largely unknown) benthic fauna; provides refugia for adult toothfish.
Kemp Seamount & Calderas Benthic Closed Area	59°40' - 59°45' S; 27°45' - 28°25' W	The seabed, and associated organisms in an area of 352 km ²	The potentially sensitive (largely unknown) benthic fauna of this seamount and caldera. Protects different chemosynthetic habitats, including white smoker vent fields

SCHEDULE 2
Closed season (Antarctic krill)

(Section 3)

Description	Season	Protected features	Conservation objectives To conserve and protect:
Seasonal closure of the fishery for Antarctic krill	November-March inclusive.	The pelagic ecosystem in an area of 1.07 million km ² during a 5 month period.	Mammalian and avian krill dependent predators, such as penguins and fur seals during the key part of the breeding season.

SCHEDULE 3
No-take zones

(Section 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.

SCHEDULE 4
Pelagic closed area

(Section 3)

Area	Boundaries	Protected features	Conservation objectives To conserve & protect:
South Sandwich Islands Pelagic Closed Area	Between: (1) lines 12 nautical miles from the baselines around the coasts of each of the South Sandwich Islands; and (2) mean high water at spring tide	The pelagic ecosystem around each of the South Sandwich Islands in an area of 18,042 km ²	The pelagic ecosystem and dependent predators in the area around each of the South Sandwich Islands, particularly the highly abundant chinstrap and Adelie penguins.

Made 30 May 2013

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

EXPLANATORY NOTE
(not part of the order)

This order replaces and updates the Marine Protected Order 2012.

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. Fishing is prohibited in these zones.

To protect benthic marine organisms, the order prohibits bottom trawling throughout the SGSSI MPA and all bottom fishing in waters of less than 700 m depth and in waters depths greater than 2250 m. Bottom fishing is also prohibited in areas identified in Schedule 2.

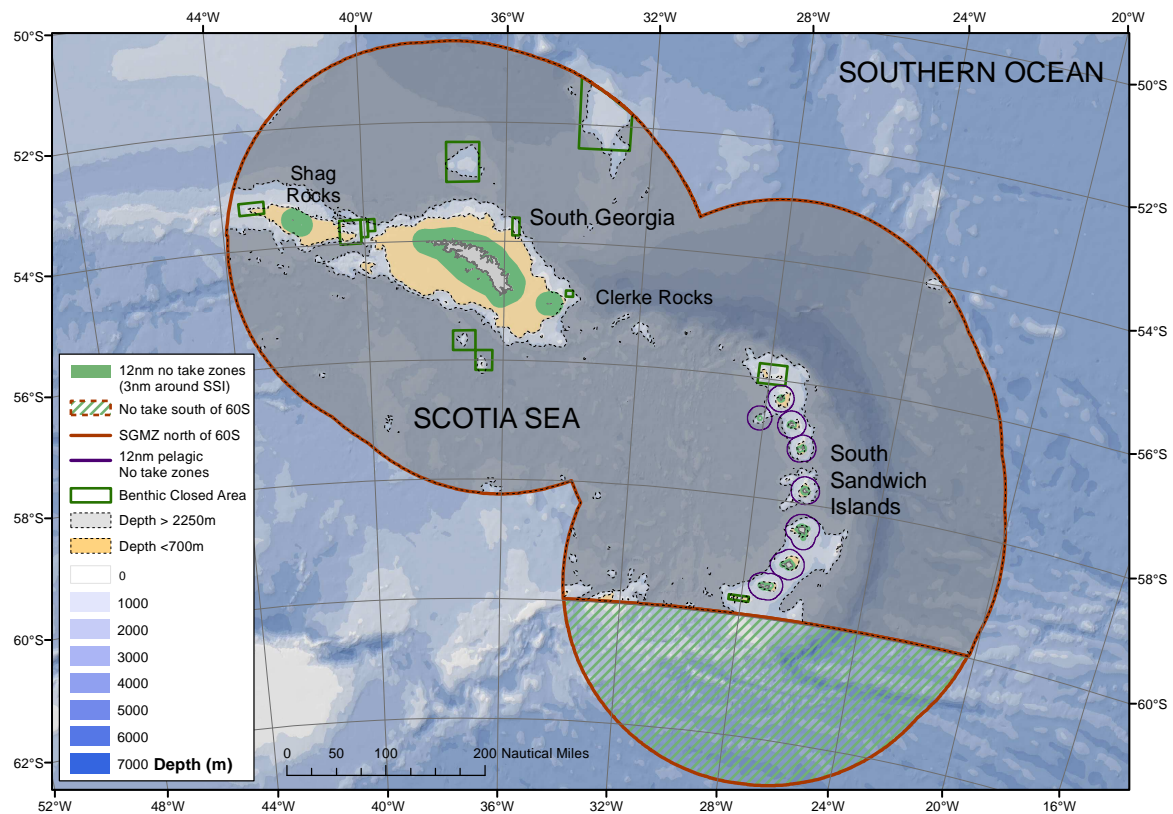
Fishing for Antarctic krill is prohibited between November 1st and March 31st. Pelagic fishing is prohibited within 12 nautical miles of the South Sandwich Islands.

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.

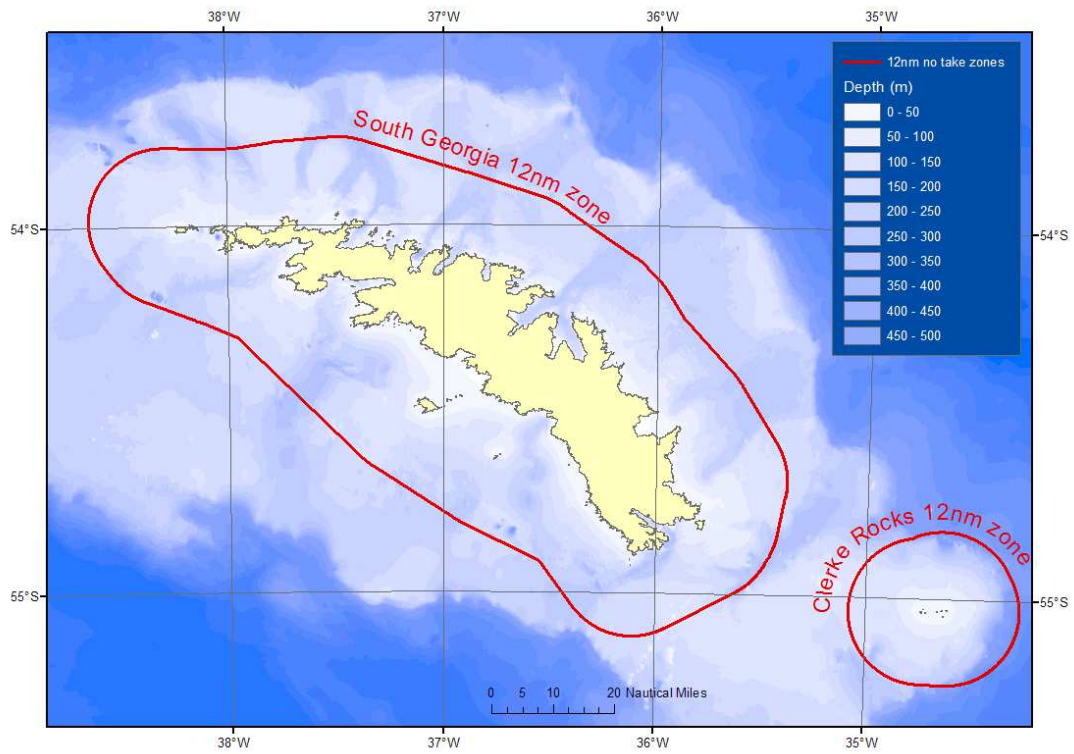
The following maps illustrate the boundaries of the SGSSI MPA, the no-take zones, the pelagic closed areas and the benthic closed areas.

The South Georgia and South Sandwich Islands Marine Protected Area

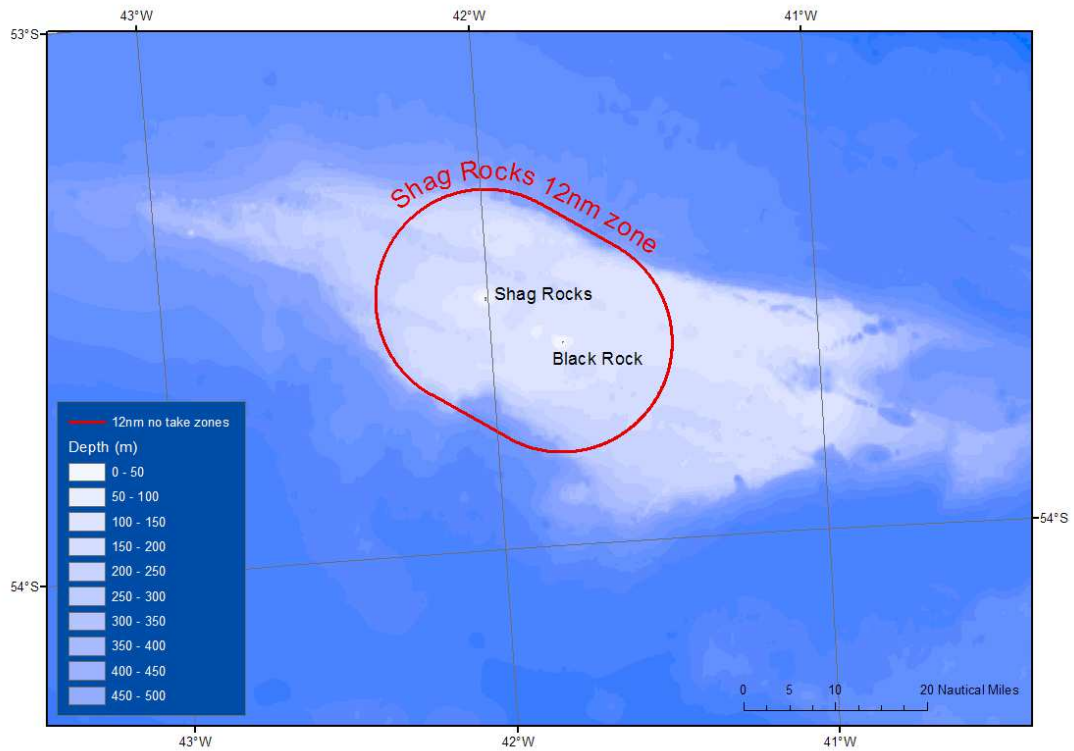


1. The green areas are the No-Take zones around South Georgia, Shag Rocks, Clerke Rocks and each of the South Sandwich Islands.
2. The pale orange area indicates depths less than 700 m in which bottom fishing is prohibited.
3. The dark shaded area includes depths greater than 2250 m in which bottom fishing is prohibited.
4. The narrow band, between the pale orange area and the shaded area, includes the depths between 700 and 2250 in which bottom fishing is permitted.
5. The boxes with a green border are the benthic closed areas in which bottom fishing is also prohibited.
6. The blue-bordered areas around the South Sandwich Islands are the pelagic closed areas.
7. The area south of 60 °S, with green stripes, that falls within the SGSSI Maritime Zone whilst not formally part of the MPA is already a no-take zone as no fishing licences are issued for this area.

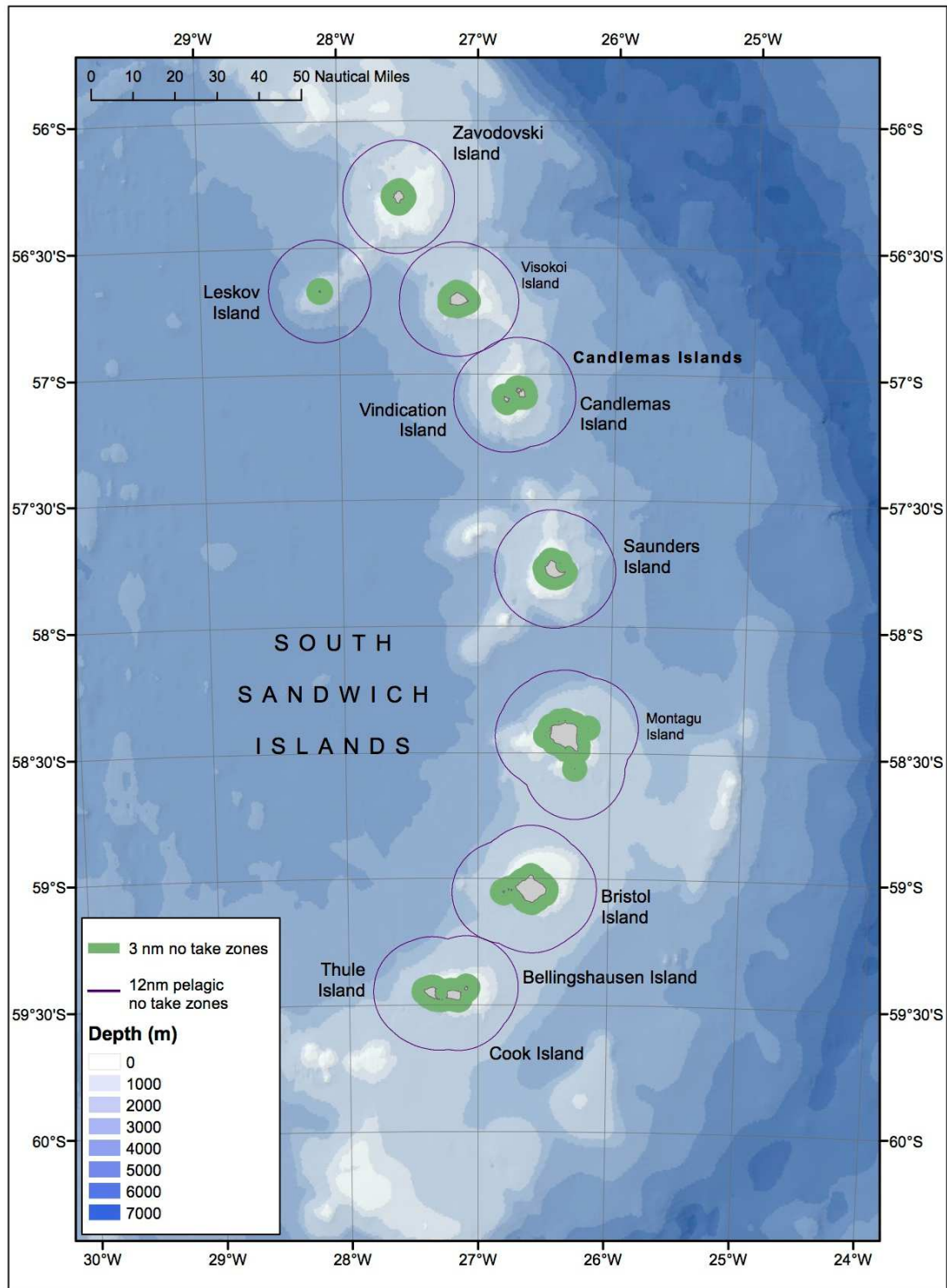
The South Georgia no-take zone and the Clerke Rocks no-take zone



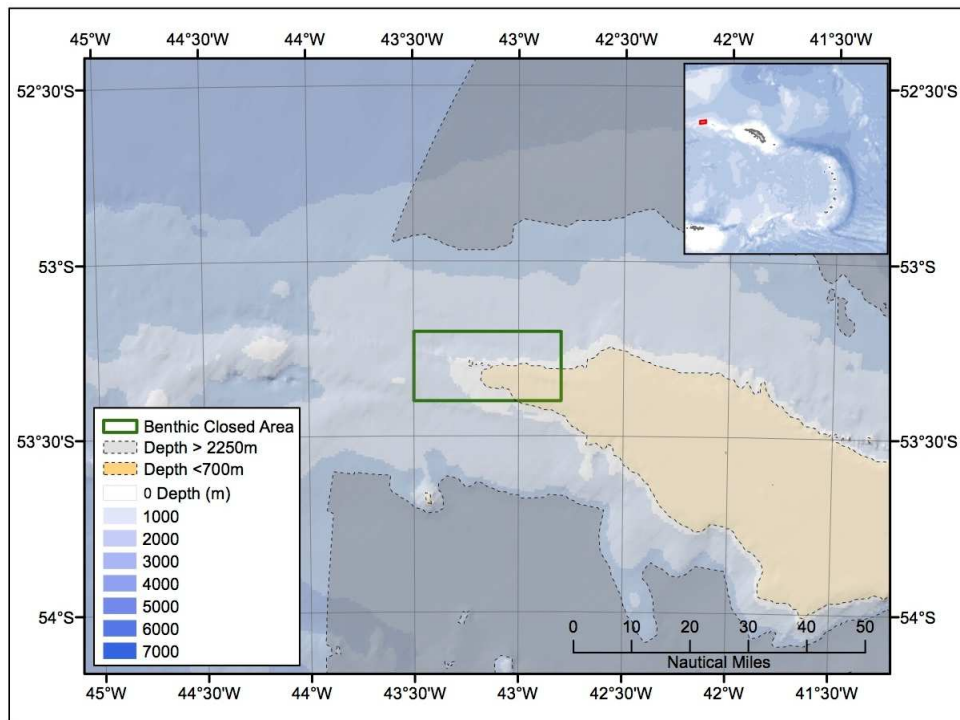
The Shag Rocks no-take zone



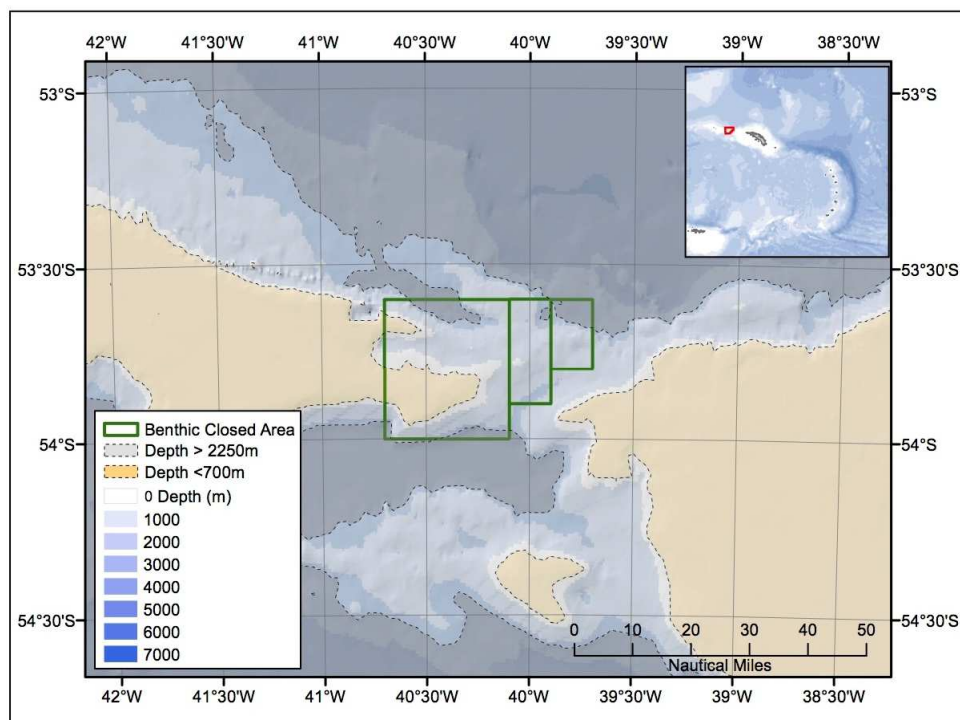
The South Sandwich Islands no-take zones and pelagic closed areas



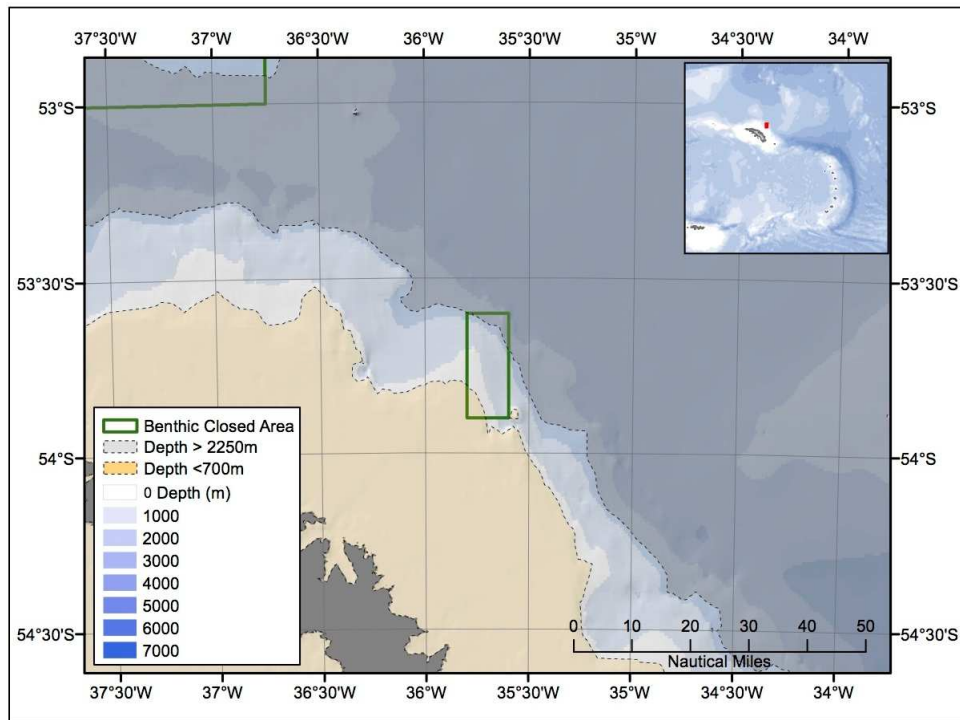
West Shag Benthic Closed Area



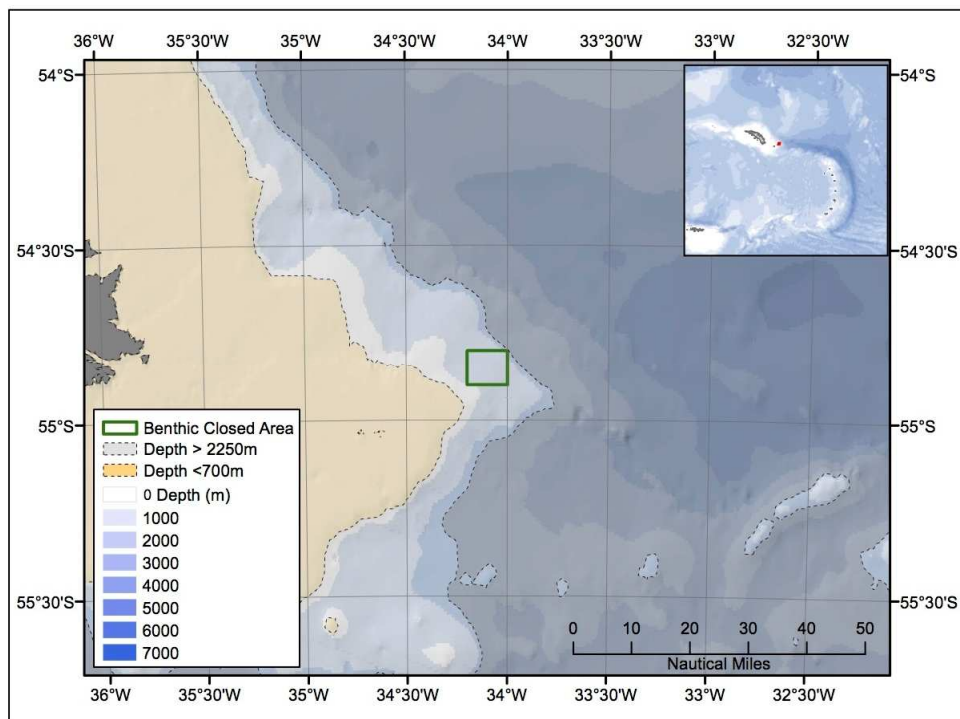
West Gully Benthic Closed Area



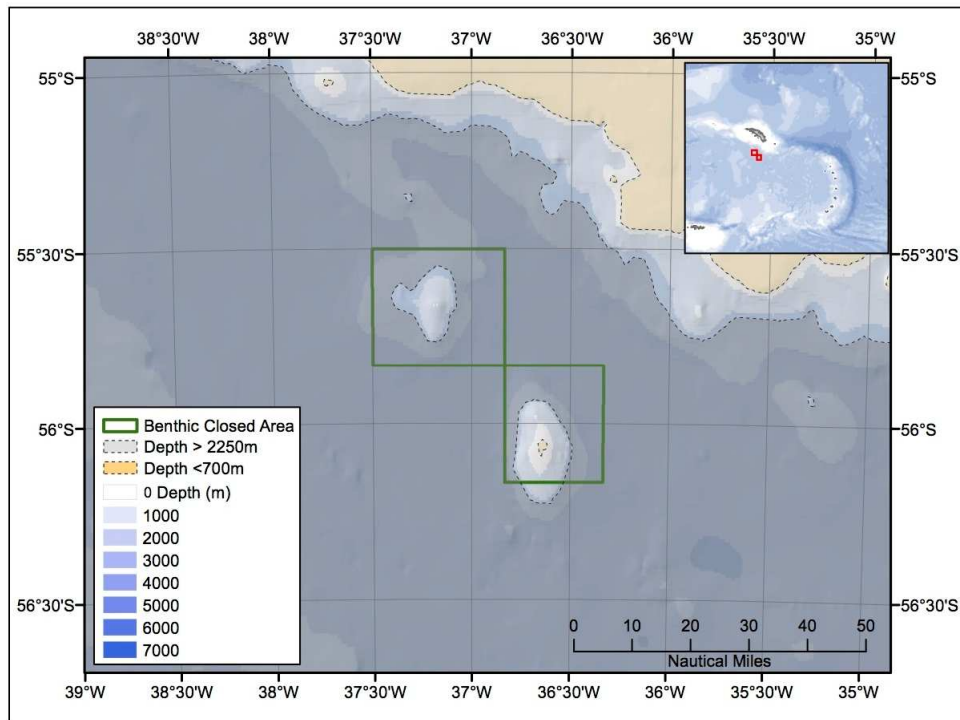
Northern Benthic Closed Area



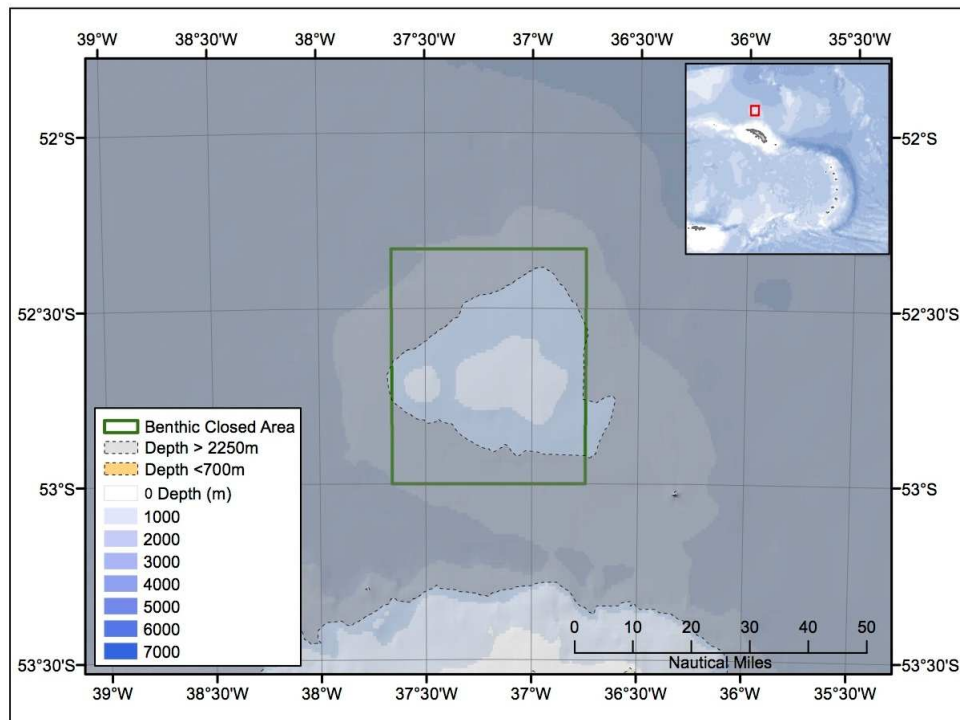
Eastern Benthic Closed Area



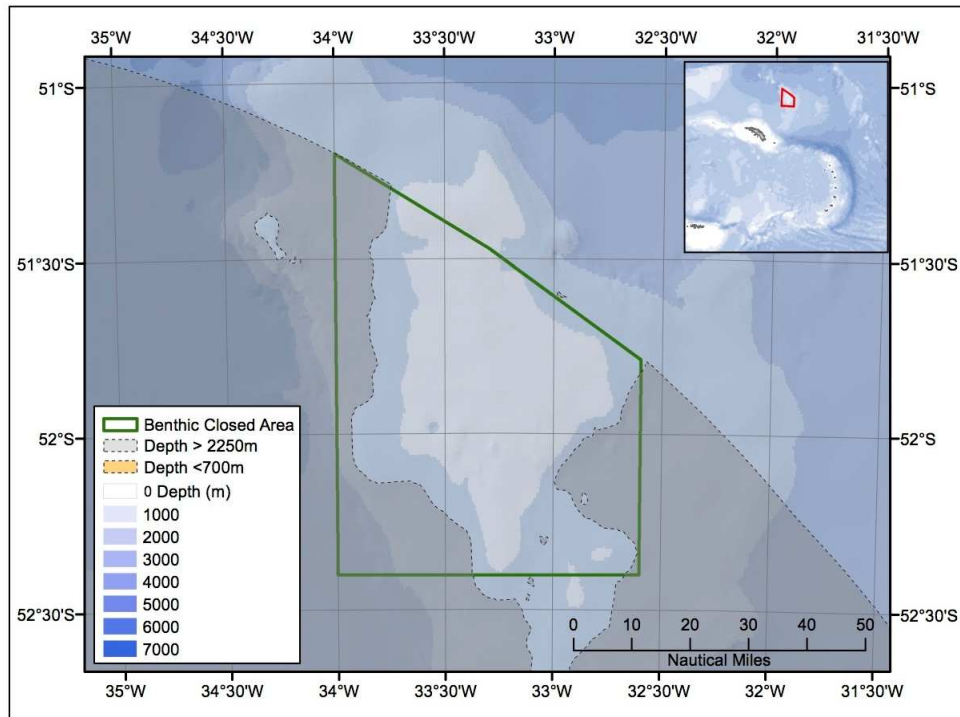
Southern Seamounts Benthic Closed Areas



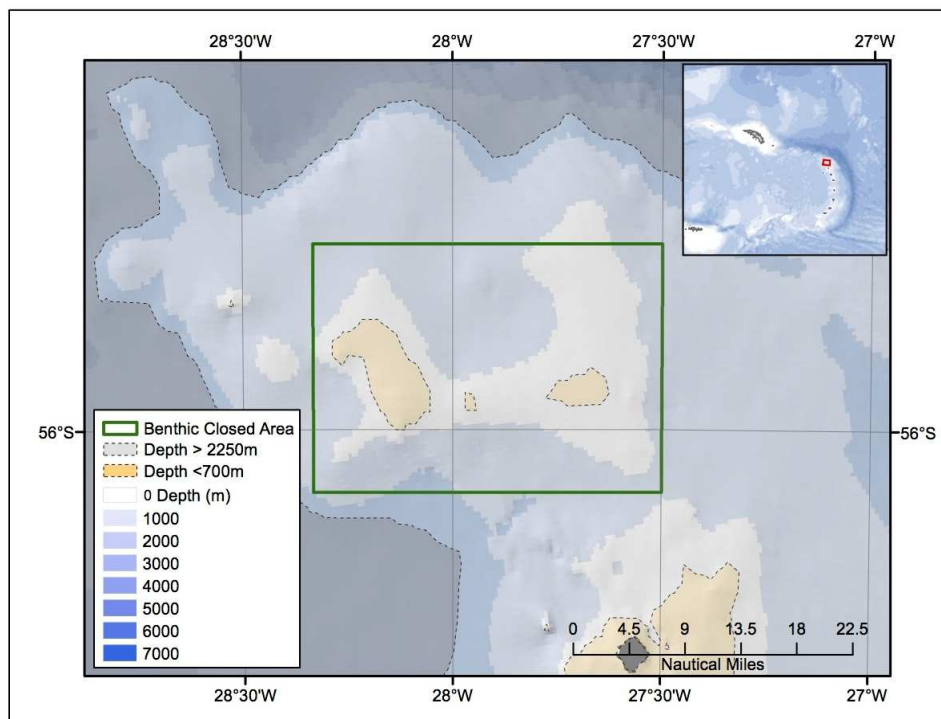
North Georgia Rise Benthic Closed Area



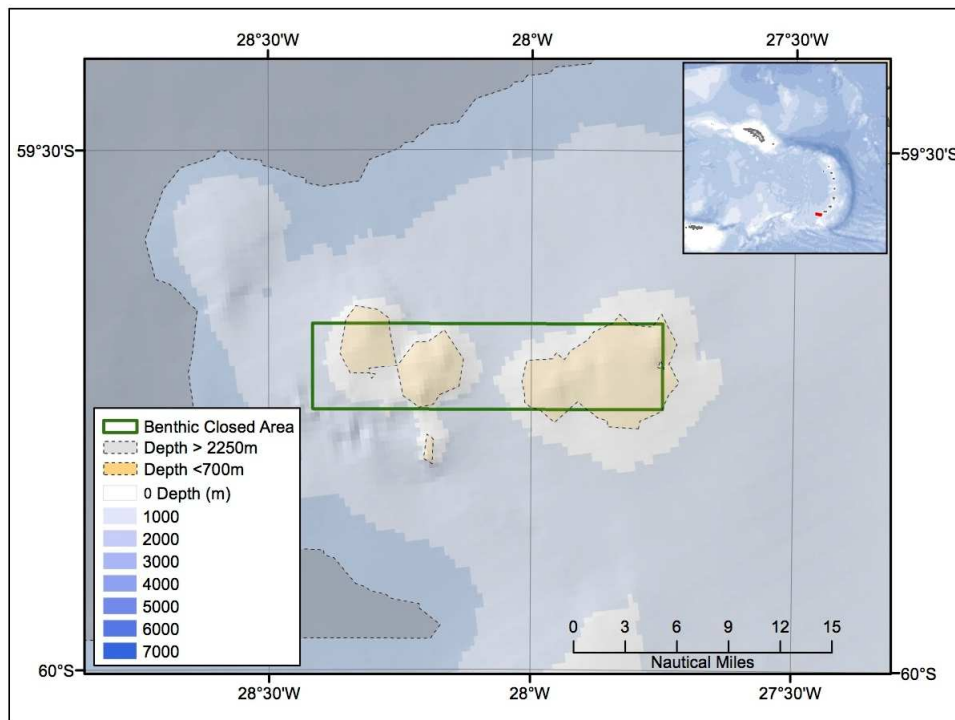
North-east Georgia Rise Benthic Closed Area



Protector Shoals Benthic Closed Area



Kemp and Adventure Calderas Benthic Closed Area



SUBSIDIARY LEGISLATION

HEALTH AND SAFETY AND ENVIRONMENT

Prohibited Areas Order 2013

S. R. & O. No: 2 of 2013

Made: 30 May 2013

Published: 12 June 2013

Coming into force: on publication

IN EXERCISE of my powers under section 3(1) of the Prohibited Areas Ordinance (No 1 of 2010) and being satisfied as required by section 3(2) of that Ordinance that it is necessary to do so to protect persons from danger to their health and safety and to protect the heritage value of the areas to which the order relates, I make the following order —

1. Title

This order is the Prohibited Areas Order 2013.

2. Commencement

This order comes into force on publication in the *Gazette*.

3. Interpretation

(1) In this order —

“the principal Ordinance” means the Prohibited Areas Ordinance;

“the Husvik Whaling Station Prohibited Area” means that area of land and sea surrounding the Husvik whaling station, which is identified and delineated by a grey line on the plan marked Plan No. 1 attached to this order;

“the Leith Whaling Station Prohibited Area” means that area of land and sea surrounding the Leith whaling station which is identified and delineated by a grey line on the plan marked Plan No. 2 attached to this order;

“the Prince Olav Whaling Station Prohibited Area” means that area of land and sea surrounding the Prince Olaf whaling station which is identified and delineated by a grey line on the plan marked Plan No. 3 attached to this order; and

“the Stromness Whaling Station Prohibited Area” means that area of land and sea surrounding the Stromness whaling station which is identified and delineated by a grey line on the plan marked Plan No. 4 attached to this order.

(2) The plans attached to this order form part of this order.

4. Prohibited Areas

The Husvik Whaling Station Prohibited Area, the Prince Olav Whaling Station Prohibited Area, the Leith Whaling Station Prohibited Area and the Stromness Whaling Station Prohibited Area are declared under section 3(1) of the principal Ordinance to be Prohibited Areas.

5. Repeal

The Prohibited Areas Order 2010 is repealed.

Made 30 May 2013

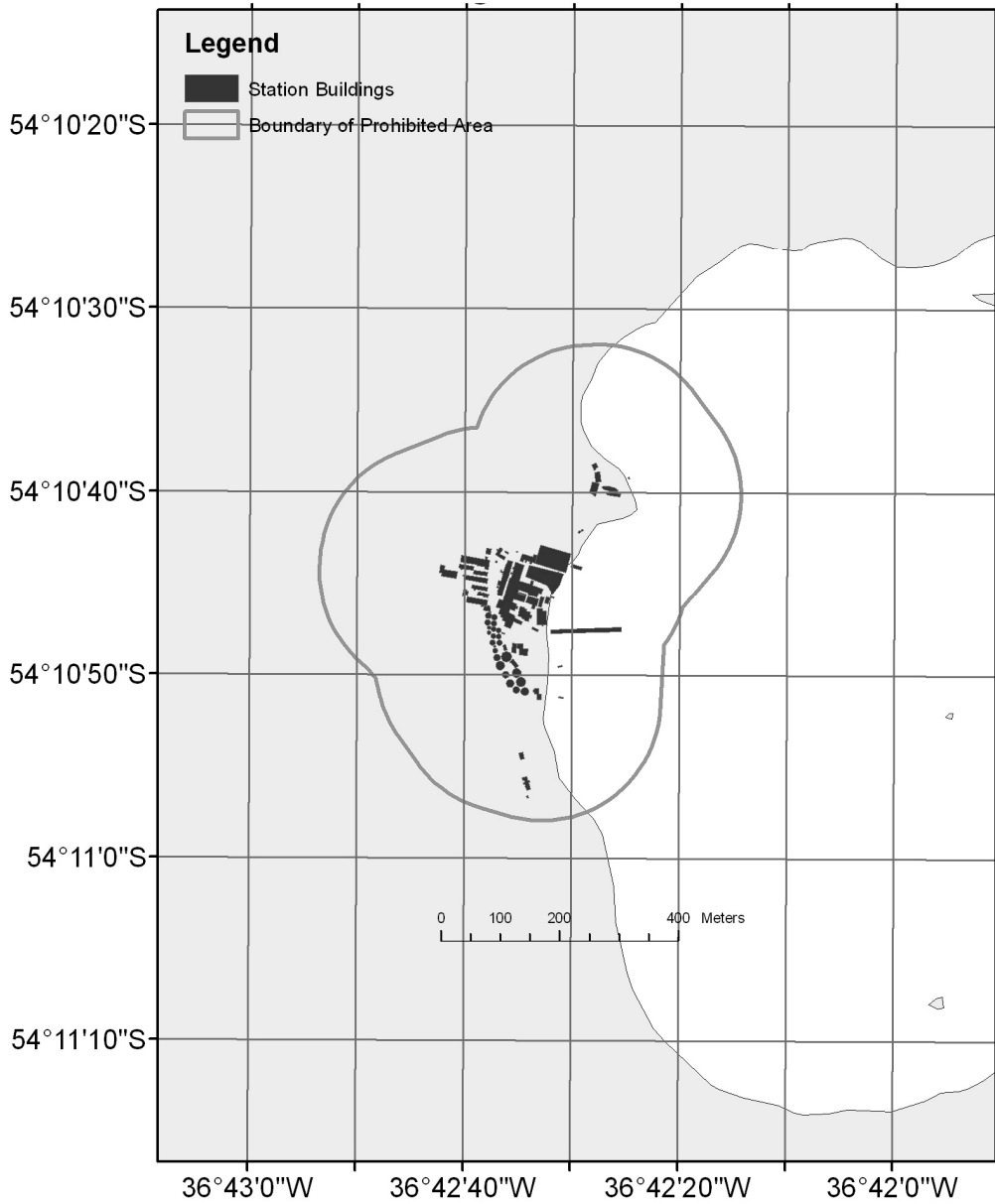
N. R. Haywood C.V.O.,
Commissioner

EXPLANATORY NOTE
(not forming part of the Order)

This replaces the Prohibited Areas Order (SR&O No 1 of 2010), correcting errors in the cross-referencing to the Prohibited Areas Ordinance (No 1 of 2010). This order constitutes areas of land and sea surrounding the Husvik, Leith, Prince Olav and Stromness Whaling Stations in South Georgia as prohibited areas under the Prohibited Areas Ordinance 2010, thus prohibiting entry into those areas except with the permission of the Commissioner or, in the case of vessels, entry into the sea within such an area due to stress of weather or by reason of force majeure.

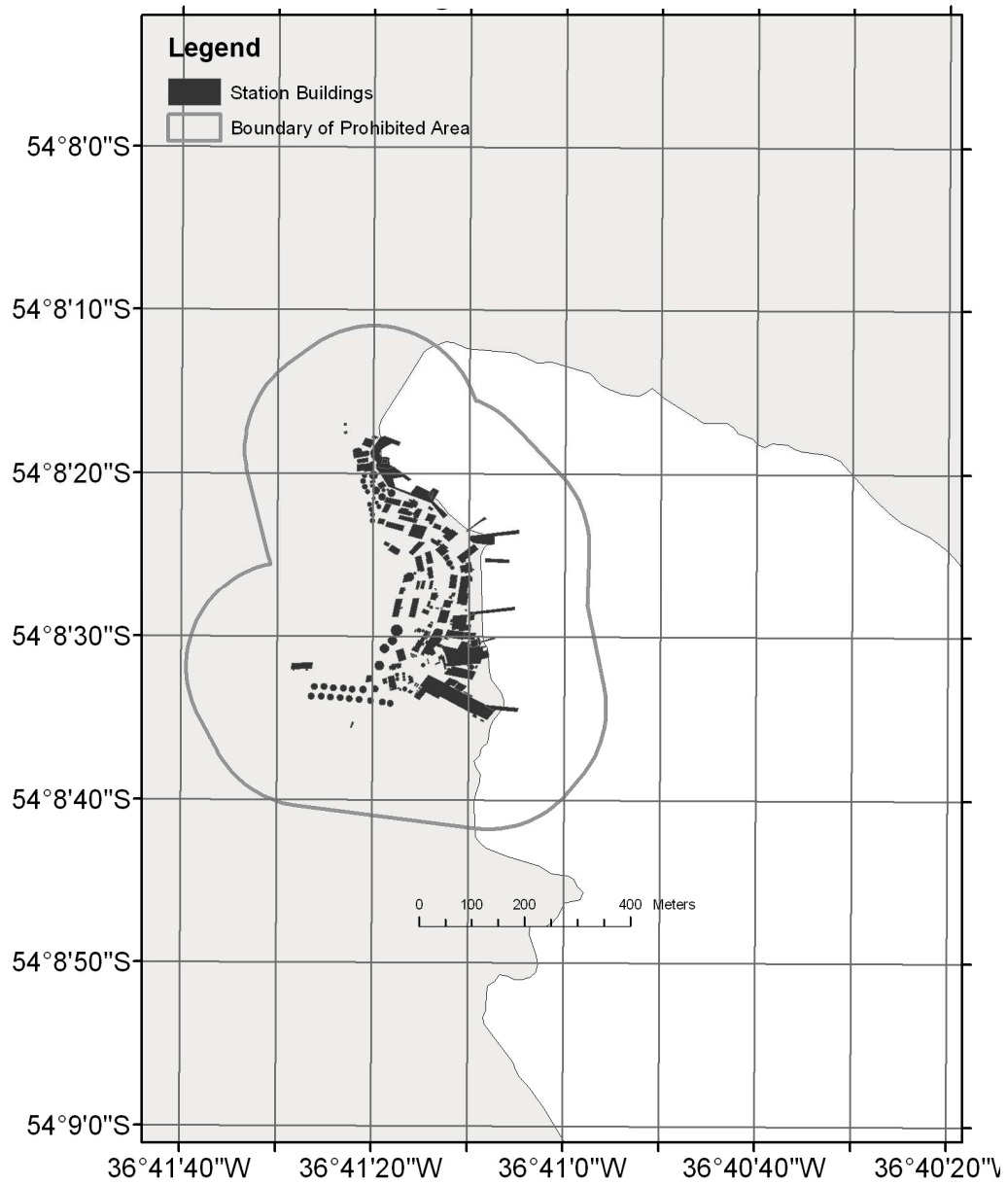
Plan No. 1

Husvik Whaling Station Prohibited Area



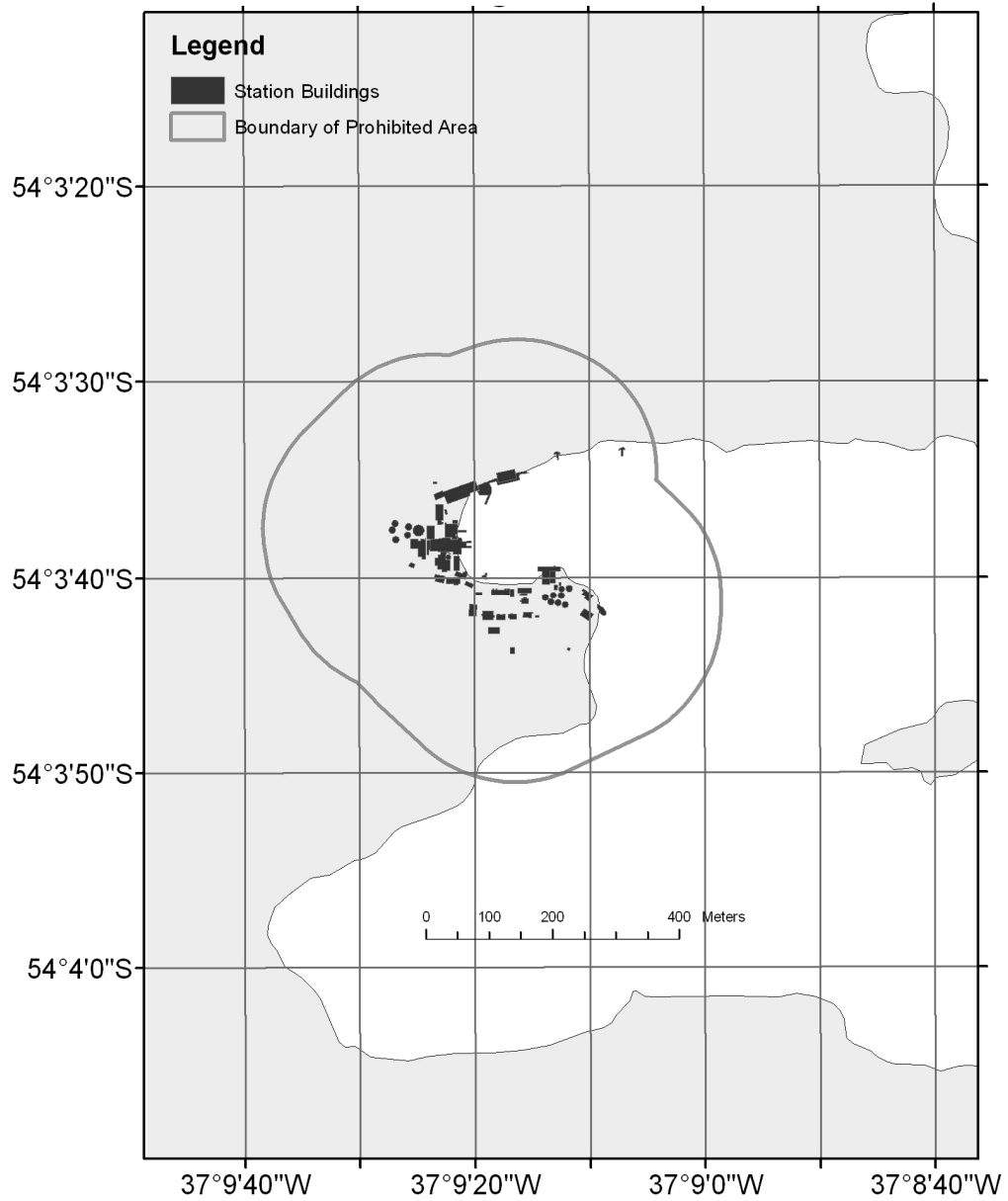
Plan No. 2

Leith Whaling Station Prohibited Area



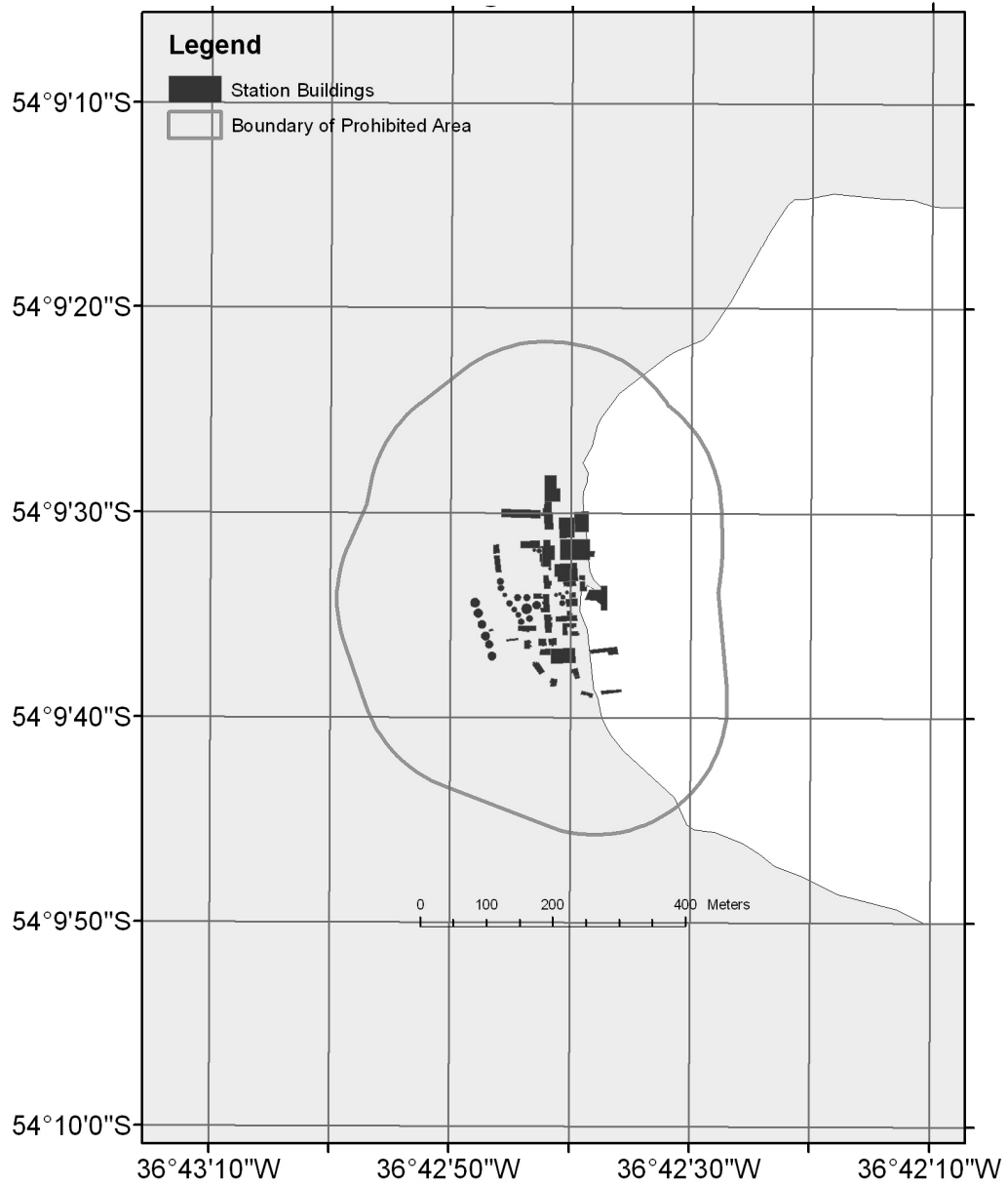
Plan No. 3

Prince Olav Whaling Station Prohibited Area



Plan No. 4

Stromness Whaling Station Prohibited Area



SUBSIDIARY LEGISLATION

ANTARCTICA

Antarctic Act 1994 (Overseas Territories) (Amendment) Order 2015 (Commencement of Schedule) Order 2015

S.R.&O. No: 3 of 2015

Made: 25 August 2015

Published: 24 September 2015

Coming into force: on publication

IN EXERCISE of my powers under article 1(2) of the Antarctic Act 1994 (Overseas Territories) (Amendment) Order 2015 (SI 2015/823), I make the following Order —

1. Title

This order is the Antarctic Act 1994 (Overseas Territories) (Amendment) Order 2015 (Commencement of Schedule) Order 2015.

2. Commencement

This order comes into force on publication in the *Gazette*.

3. Commencement of Schedule to the Antarctic Act 1994 (Overseas Territories) (Amendment) Order 2015

The Schedule to the Antarctic Act 1994 (Overseas Territories) (Amendment) Order 2015 shall be deemed to have come into force in respect of South Georgia and the South Sandwich Islands on 31 July 2015.

Made 25 August 2015

C. Roberts C.V.O.,
Commissioner.

EXPLANATORY NOTE

(not part of the order)

The Antarctic Act 1994 applies to South Georgia and the South Sandwich Islands through several Orders: the Antarctic Act 1994 (Overseas Territories) Order 1997 (S.R.&O. No. 1 of 1997) and the Antarctic Act 1994 (Overseas Territories) Order 1998 (S.R.&O. No. 1 of 1998).

The Antarctic Act 1994 (as it applies to South Georgia and the South Sandwich Islands) has been amended through the Antarctic Act 2013. These amendments were extended to South Georgia and the South Sandwich Islands through the Antarctic Act 1994 (Overseas Territories) (Amendment) Order 2015 (SI 2015/823).

Article 1(2) of the Antarctic Act 1994 (Overseas Territories) (Amendment) Order 2015 requires that the Schedule to the Order be brought into force in respect of South Georgia and the South Sandwich Islands on the 31 July 2015. This Order does so.



Government of South Georgia & the South Sandwich Islands

Office of the Commissioner
Government House
Stanley
Falkland Islands

Tel: +500 28200
E-mail: legal@gov.gs
Website: www.gov.gs

Guide to the *Income Tax Ordinance*

Introduction

The Income Tax Ordinance is legislation made by the Government of South Georgia & the South Sandwich islands (the Government). There was previously a system of income tax in place for people who earned income in South Georgia & the South Sandwich Islands (the Territory). However the old income tax system needed updating.

The new income tax system keeps many of the features of the previous tax system. The rate of income tax is 7% and the obligation to pay income tax still starts once a person has been present in the Territory for 183 days. New requirements about how tax should be paid and information that needs to be provided to the Government have been introduced. These requirements are so that the Government can be sure that it is collecting the right amount of tax from the right people.

The tax system is simple for employers and the Government to manage taking into account that there are not many people that are present in the Territory for 183 days or more and who earn income in the Territory each tax year.

The tax year

The tax year runs from 1st January to the 31st December each year. This is the same as the tax year under the old tax system for the Territory.

The Ordinance divides the tax year into four quarters. This has been done to keep the administration simple. Employers must send information to the government every quarter giving details of who has been working in the Territory and how much they have earned so that tax can be properly calculated and collected.

The tax quarters run from:

- 1st January until 31st March,
- 1st April until 30th June,
- 1st July until the 30th September, and
- 1st October until 31st December.

Liability to pay income tax

A person who earns income from work carried out in the Territory will pay income tax if they are resident in the Territory for either a continuous period of 183 days or more, or several shorter periods which total 183 days in a tax year. For the purpose of calculating whether a person has been resident in the Territory the day that the person arrives in, and leaves, the Territory are counted. Also, even if a person is in the Territory unlawfully that period will count as well.

Exemption from paying tax

Some people will continue to be exempt from paying tax even if they do spend 183 days or more earning an income from working in the Territory. The exemptions are set out in Regulations made by the Commissioner, and apply to:

- people working on fishing vessels or on other vessels that support the fishing vessels,
- people working on tourist vessels,
- people working on vessels that are just passing through the Territory, and
- serving members of Her Majesty's armed forces, including reserve members and auxiliary forces.

The rate of tax

The rate of income tax is 7%. The tax system does not give any personal allowances and does not have any additional tax bands for higher earners. The 7% rate applies to all those liable to pay tax.

Tax Officers

A Collector of Taxes is appointed under the Ordinance. That person has responsibility for ensuring that taxes are collected and that the tax system is administered properly.

In practice the Collector of Taxes will continue to be the same person who is appointed as the Financial Secretary for the Government and is the Financial Secretary for the Falkland Islands Government. This is a sensible arrangement because the Falkland Islands Government, on behalf of the Government, administers the Territory's tax system.

The Collector of Taxes appoints Tax Officers to carry out the work required to collect tax and administer the tax system. They are given powers to enable them to do their job. Tax Officers can:

- require a person to provide information, answer questions, and produce documents in connection with income tax collection and administration;
- seize or take copies of documents and take any administrative action that they think is necessary in order to administer the tax system;
- request information from and send information to the United Kingdom and the Falkland Islands for tax purposes.

Tax Officers may only use information they get about a person for tax purposes. Under the Ordinance it is an offence if a tax officer discloses information unless:

- it is disclosed for tax purposes;
- they have been directed by the Commissioner to disclose information;
- it is ordered by the Court; or
- there is another law that says they must disclose information.

Payment and Collection of Tax

It is important to remember that the person who is liable to pay income tax is the person who earns the income and is resident on the Territory for 183 days or more.

To make the administration of tax simpler for the person and the Government, the Ordinance sets out a system under which most tax will be collected directly from a person's employer before they pay the person concerned rather than collecting tax from each person liable to tax.

Notification

When a person (the employer) intends to employ someone (the employee) to work in the Territory the employer must contact the Tax Office and tell them:

- the name of the employee;
- the date they expect that person to arrive in the Territory;
- the date they expect that person to leave the Territory;
- whether that person will be returning to the Territory in the same tax year.;
- whether that person is expected to be in the Territory for more or less than 183 days.

If any of the above information changes, the employer must tell the tax office. This is particularly important in respect of the total number of days an employee is likely to spend in the Territory.

Payment of Tax

An employer who has notified the Tax Office that an employee is expected to remain in the Territory for 183 days or more, must send a return setting out the expected amount of income that will be earned, the amount of tax deducted and any other information required by the Tax Officer to the Tax Office and pay the income tax that will be due on the employee's earnings within 14 days of the end of each quarter. The employer will then make the appropriate deduction of tax from the person's pay. The employer must give the employee a copy of their return within 21 days that must include the amount of income earned, the amount deducted for tax and any other necessary information. Within one month of the end of the tax year the employer will also give the employee a return covering the whole of the tax year.

If tax is deducted, and because of a change in circumstances the employee does not reside in the Territory for 183 days or more, then any tax paid will be refunded. This refund can be made to the employer to pass on to the employee, or can be made direct to the person concerned.

If there is a shortfall in what the employer pays in tax in respect of an employee liable for tax, then the employee will have to pay the difference himself or herself, but only after payment is demanded from them by a Tax Officer. Tax must be paid within 60 days from the date of the demand. If payment is made late then interest will be charged on unpaid tax at the rate of 3% over the base rate at the Standard Chartered Bank in the Falkland Islands.

Disputes about tax

If a person thinks that they are being asked to pay tax when they should not be, or disagrees with the amount of tax they are asked to pay, or has any other disagreement about their tax they can take the dispute to the Collector of Taxes for a review or decision. They should raise the dispute within 4 weeks from when they become aware of it.

If the Collector of Taxes does not determine the dispute within 6 months or the person does not agree with the decision of the Collector of Taxes then they can refer the dispute to the Tax Tribunal.

The Commissioner appoints the Tax Tribunal and he can decide to choose a tax tribunal that already exists in another Territory. In practice the Tax Tribunal for the Territory will be the Tax Tribunal that has already been set up for the Falkland Islands.

The dispute must be referred to the Tax Tribunal within 4 weeks of becoming aware of the issue to be referred.

The Collector of Taxes can also refer a matter to the Tax Tribunal for determination.

If a dispute is referred to the Tax Tribunal, the decision of the Tax Tribunal is final.

Even though there may be a dispute about the liability to pay tax or the amount of tax that should be paid the taxpayer should still pay the tax that they have been required to pay. If appropriate the Collector of Tax and the Tax Tribunal can require tax to be repaid with interest.

Enforcement

If an employer does not do what they are supposed to do under the Ordinance then a Tax Officer can require the employer to pay a penalty in addition to any tax or any interest on unpaid tax. The penalty is specified by the Tax Officer and will reflect the seriousness of the failure by the employer. The employer can appeal against any such penalty to the Tax Tribunal.

It is an offence for an individual to fail to pay income tax, however as stated above a person is not liable to pay income tax until a Tax Officer demands it from them. The maximum penalty for failure to pay income tax is £5,000.

If a person knowingly provides false information to the Tax Officer, fails to comply with something that a Tax Officer requires or obstructs a Tax Officer then they also commit an offence. This also carries a maximum penalty of £5,000.

A person will not be prosecuted for the offences above if the Tax Officer has or is going to impose a penalty on an employer for the same thing.

Other matters

Tax receipts are paid into the consolidated fund of the Government. This is the general fund of the Government which is spent on governing the Territory in areas such as fisheries protection, protecting the environment, managing tourism, maintenance of buildings and protecting the heritage of the Territory.

If needed the Commissioner can make other regulations to deal with the administration of tax.



Government of South Georgia & the South Sandwich Islands

Office of the Commissioner
Government House
Stanley
Falkland Islands

Tel: +500 28200
E-mail: legal@gov.gs
Website: www.gov.gs

Guide to the *Customs Ordinance*

Introduction

The Customs Ordinance is legislation made by the Government of South Georgia & the South Sandwich Islands (the Government) which applies to the Territory of South Georgia & the South Sandwich Islands (The Territory). It sets out a framework to allow the Government to impose customs controls such as:

- imposing duties (taxes on the import, export, production, sale or supply of goods);
- making certain goods prohibited; and
- allowing the appointment of Customs Officers to enforce its customs rules.

Currently there are no customs duties or restrictions on goods that can be brought into, sold, supplied or taken out of the Territory. The Government does not currently plan to impose any duties or restrictions because the Territory does not have a resident population and has no domestic industry or commercial activity and does not import or export any significant volume of goods.

If the Government decides to introduce customs duties, or prohibit goods then under the framework of the Ordinance the Commissioner will make Customs Orders (secondary legislation) to do so.

Vessels that enter and leave the Territory will continue to declare certain information so that the Government is aware of what vessels have on them when they arrive and leave the Territory. The Commissioner has made a Customs Order to require this.

Customs Officials

There will be a Collector of Customs. This person has responsibility for overseeing the administration of the customs system that the Government has put in place. The Commissioner appoints the Collector of Customs.

In practice the Collector of Customs will be the same person who is appointed to be the Financial Secretary for the Government who is usually also the Financial Secretary for the Falkland Islands Government.

The Commissioner also appoints the Customs Officers to carry out the functions set out in the Ordinance and any Customs Orders.

In practice the Government Officers based on South Georgia will be appointed as Customs Officers and carry out this role as they do now.

Customs Controls

The Ordinance sets out a framework that the Commissioner can use to bring in customs controls if required. The controls that can be introduced are the imposition of customs duties on goods, and the prohibition of certain goods.

Customs duties, if introduced, can be applied to specific goods or classes of goods. The duties can be applied to the import, export, production, sale or supply of the goods specified. The Commissioner would specify the goods concerned and set the amount of any duties. To bring in custom duties the Commissioner must make an Order, which must be published.

The Commissioner also has the power to prohibit the import, export, production and sale of specified goods. If introduced the Commissioner would need to make an Order specifying the goods that are prohibited and the nature of the prohibition. Such an Order must be published.

Enforcement

The Ordinance gives the Commissioner the power to make an Order to require persons entering or leaving the territory to make a declaration for customs purposes, and to make Orders about things that are needed in connection with the import, sale, supply, production or export of goods.

When the Commissioner made the Customs Ordinance he also made an Order that requires the person in control of a vessel to make a declaration when entering and leaving the Territory about what is on board that vessel, including cargo, people and fuel.

This system of requiring declarations was in place before the new Customs Ordinance was made. Fees to be charged for entry and exit declarations are set by the Commissioner and are published in the South Georgia and South Sandwich Islands Gazette. They are reviewed periodically.

The Commissioner may also make an Order giving Customs Officers the power to seize goods although there are currently no plans to introduce such an Order.

Customs Officers have the power to require a person to answer questions, make a declaration and provide information and documents. These powers can be exercised when a Customs Officer needs to ensure that a Customs Order is complied with, or they are investigating a breach of a Customs Order.

A Customs Officer may search a person or property if they suspect that goods will be found on which customs duties should have been paid, or which could be evidence of breach of a Customs Order. However a Customs Officer cannot carry out an intimate personal search unless the Commissioner makes regulations setting out when and how intimate searches can

be carried out. The Government has no current plans to ask the Commissioner to make such regulations.

A Customs Officer may arrest and detain a person if they have reasonable suspicion that that person has committed an offence under the Customs Ordinance. The Commissioner can make an order that sets out how long a person may be detained and the procedure to be followed.

Offences

The Ordinance sets out four criminal offences. They are:

- failing to pay Customs duties with the intention of evading making payment;
- breaching a provision of a Customs Order;
- failing to comply with a requirement of a Customs Officer unless there is a reasonable excuse;
- obstructing a Customs Officer or failing to cooperate with a Customs Officer when they are exercising their duties as Customs Officers.

The maximum penalty that a court can impose if a person is guilty of one of the offences is a prison sentence of up to five years and a fine of up to £10,000.

The Commissioner can also bring in a system of civil penalties to deal with minor offences. The Commissioner would have to make an Order to do this and there are currently no plans to introduce civil penalties.

Review and Appeal

A person who thinks that a decision made by a Customs Officer is wrong or unfair can ask the Collector of Customs to review that decision. If the person is unhappy with the decision of the Collector of Customs then they can appeal to the Supreme Court.

SUBSIDIARY LEGISLATION

TAX

Income Tax Regulations 2016

S.R.&O. No: 3 of 2016

Made: 21 December 2016
Published: 22 December 2016
Coming into force: 1 January 2017

IN EXERCISE of the powers conferred on me by sections 8, 18 and 19 of the Income Tax Ordinance 2016 I make the following regulations:

1. Citation

These Regulations may be cited as the Income Tax Regulations 2016.

2. Commencement

These Regulations come into force on 1 January 2017.

3. Interpretation

In these Regulations “the Ordinance” means the Income Tax Ordinance 2016.

4. Exemptions

(1) The following classes of individual are exempt from income tax under the Ordinance —

- (a) individuals working (whether as crew or observers) on a fishing vessel or on a vessel supporting or accompanying a fishing vessel;
- (b) individuals working on a tourist vessel (whether as crew, expedition leaders or in any other capacity);
- (c) individuals working as crew on a vessel passing through the Territory;
- (d) serving members of Her Majesty’s armed forces (including reserve or auxiliary forces).

(2) The exemptions granted by this regulation begin on the commencement of these Regulations and continue until ended by further Regulations.

5. Interest rate

The prescribed rate of interest for the purposes of sections 11(7) and 12(4) of the Ordinance (late payment) is 3% above the base rate set at the Standard Chartered Bank in Stanley from time to time.

Made 21st December 2016



C. Roberts C.V.O.,
Commissioner

SUBSIDIARY LEGISLATION

CUSTOMS

Customs (Declarations and Clearance) Order 2016

S.R.&O. No: 4 of 2016

Made: 21 December 2016
Published: 22 December 2016
Coming into force: on publication

IN EXERCISE of the powers conferred on me by section 8 of the Customs Ordinance 2016, I make the following Order —

1. Citation

This Order may be cited as the Customs (Declarations and Clearance) Order 2016.

2. Commencement

This Order comes into force on publication in the Gazette.

3. Interpretation

In this Order “the Ordinance” means the Customs Ordinance 2016.

4. Entry Declaration

(1) A person in command of a vessel entering the Territory must comply as soon as reasonably practicable with any request by a customs officer to make an entry declaration and pay the specified fees.

(2) An entry declaration must include —

- (a) the name of the person making the declaration;
- (b) the name and IMO identification number of the vessel (if any);
- (c) the previous port of call of the vessel;
- (d) the date of entry of the vessel in the Territory;
- (e) the purpose of the visit of the vessel to the Territory;
- (f) the number of passengers and crew;

- (g) the description and quantity of any cargo and goods;
 - (h) the type and quantity of fuel on board the vessel; and
 - (i) any other matters that may be required by a Customs Officer.
- (3) The person making the declaration must sign it as true and complete.
- (4) The declaration must be made in the form specified by the Customs Officer.

5. Exit Clearance

(1) Before leaving the Territory, the person in command of a vessel must make an exit clearance declaration and pay the specified fees.

- (2) The declaration must include —
- (a) the name of the person making the declaration;
 - (b) the name and IMO identification number of the vessel (if any);
 - (c) the destination of the vessel;
 - (d) the intended date of departure;
 - (e) the number of passengers and crew;
 - (f) the description and quantity of any cargo and goods; and
 - (g) any other matters that may be required by a Customs Officer.

- (3) The person making the declaration must sign it as true and complete.
- (4) The declaration must be made in the form specified by the Customs Officer.

6. Customs Officer countersigning exit clearance declarations

A Customs Officer who receives an exit clearance declaration, if satisfied that it complies with regulation 5, must countersign it and give a copy to the person who made the declaration.

7. Inspections by Customs Officers

A Customs Officer may inspect a vessel for the purpose of verifying the truth and completeness of an entry declaration or of an exit clearance declaration.

8. Fees

- (1) The Commissioner may specify the fees payable under this Order and may specify different fees for different classes of vessel.

(2) The fees must be published by notice in the Gazette.

9. Exemptions

(1) The Commissioner may exempt persons from the requirement to —

- (a) make an entry declaration;
- (b) make an exit clearance declaration;
- (c) pay specified fees.

(2) The exemptions must be published by notice in the Gazette.

Made 21st December 2016



C. Roberts C.V.O.,
Commissioner

SUBSIDIARY LEGISLATION

Marine Protected Areas Order 2019

(S.R. & O. No.: 1 of 2019)

ARRANGEMENT OF PROVISIONS

Article

1. Title
2. Commencement
3. Interpretation
4. South Georgia and South Sandwich Islands Marine Protected Area
5. Conservation order prohibitions
6. Repeal

Schedule 1 – Benthic closed areas

Schedule 2 – Closed season (Antarctic krill)

Schedule 3 – No-take zones

Schedule 4 – Pelagic closed area

SUBSIDIARY LEGISLATION

WILDLIFE & PROTECTED AREAS

Marine Protected Areas Order 2019

S. R. & O. No.: 1 of 2019

Made: 24 May 2019

Published: 29 May 2019

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 2019.

2. Commencement

This order comes into force on publication in the *Gazette*.

3. Interpretation

In this order —

“benthic closed area” means each of the areas described in Schedule 1;

“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;

“closed season”, means, in respect of fishing for Antarctic krill, the season described in Schedule 2;

“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 Schedule 3;

“pelagic closed area” means the area described in Schedule 4;

“pelagic fishery” means a fishery that uses a trawl, long line, jig or other method that is not designed to come into contact with the sea floor during normal fishing operations;

“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.

(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) The following prohibitions apply within the SGSSI MPA —

- (a) bottom trawling is prohibited;
- (b) fishing is prohibited in the no-take zones;
- (c) fishing vessels are prohibited from entering the no-take zones, except in exercise of the right of innocent passage or under force majeure;
- (d) bottom fishing is prohibited in the following waters —
 - (i) where the depth of the seabed is less than 700 metres or is greater than 2250 metres;
 - (ii) in the benthic closed areas;
- (e) pelagic fishing is prohibited in the pelagic closed area; and
- (f) fishing for Antarctic krill (*Euphausia superba*) is prohibited during the closed season.

(2) 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.

6. Repeal

The Marine Protected Areas Order 2013 is repealed.

SCHEDULE 1 Benthic closed areas

(article 3)

Area	Boundaries	Protected features	Conservation objectives To conserve & protect:
West Shag Benthic Closed Area	53°12' - 53°24'S; 43°30' - 42°48'W.	The seabed, and associated organisms in an area of 1039 km ² .	The vulnerable marine fauna identified in this location; provides refugia for toothfish.
West Gully Benthic Closed Area	1: 53°36' - 54°00'S; 40°42' - 40°06'W 2: 53°36' - 53°54'S; 40°06' - 39°54'W 3: 53°36' - 53°48'S; 39°54' - 39°42'W.	The seabed, and associated organisms in an area of 2236 km ² .	The vulnerable marine fauna in this area and protect juvenile toothfish, which are abundant in this area.
Northern Benthic Closed Area	53°36' - 53°54'S; 35°48' - 35°36'W.	The seabed, and associated organisms in an area of 441 km ² .	The vulnerable marine fauna identified in this location; provides refugia for toothfish.
Eastern Benthic Closed Area	54°48' - 54°54' S; 34°00' - 34°12' W.	The seabed, and associated organisms in an area of 143 km ² .	The vulnerable marine fauna identified in this area (particularly gorgonians).
Southern Seamounts Benthic Closed Area A	55°30' - 55°50'S; 37°30' - 36°50'W.	The seabed, and associated organisms in an area of 1557 km ² .	The potentially sensitive (but largely unknown) benthic fauna; provides refugia for adult toothfish.
Southern Seamounts Benthic Closed Area B	55°50' - 56°10'S; 36°50' - 36°20'W.	The seabed, and associated organisms in an area of 1158 km ² .	The potentially sensitive (but largely unknown) benthic fauna; provides refugia for adult toothfish.
North Georgia Rise Benthic Closed Area	52°20' - 53°00' S; 36°45' - 37°40' W.	The seabed, and associated organisms in an area of 4590 km ² .	The potentially sensitive (but largely unknown) benthic fauna of this area; provides refugia for adult toothfish.
North East Georgia Rise Benthic Closed Area	51°12' - 52°24' S; 32°36' - 34°00' W.	The seabed, and associated organisms in an area of 9853 km ² .	The potentially sensitive (but largely unknown) benthic fauna of this area; provides refugia for adult toothfish.
Protector Shoals Benthic Closed Area	55°45' - 56°05' S; 27°30' - 28°20' W.	The seabed, and associated organisms in an area of 1935 km ² .	The potentially sensitive (but largely unknown) benthic fauna; provides refugia for adult toothfish.
Kemp Seamount & Calderas Benthic Closed Area	59°40' - 59°45' S; 27°45' - 28°25' W	The seabed, and associated organisms in an area of 352 km ² .	The potentially sensitive (largely unknown) benthic fauna of this seamount and caldera. Protects different chemosynthetic habitats, including white smoker vent fields.

