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The following is published in this Supplement —

Travel Credit Scheme (Amendment) Bill 2023.

Travel Credit Scheme (Amendment) Bill 2023

(ORDINANCE No. OF 2023)

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Travel Credit Scheme (Amendment) Bill 2023

(assented to: 2023)
(commencement: 1 July 2023)
(published: 2023)

A BILL

for

AN ORDINANCE

To amend the Travel Credit Scheme Ordinance 2019 and the Travel Credit Scheme Regulations 2019 to allow registered persons to claim travel credits to meet the cost of accommodation provided in the Falkland Islands; and to provide for connected matters.

BE IT ENACTED by the Legislature of the Falkland Islands —

PART 1 - Introductory

1. Title

This Ordinance is the Travel Credit Scheme (Amendment) Ordinance 2023.

2. Commencement

This Ordinance comes into force on 1 July 2023.

PART 2 - Amendment of Travel Credit Scheme Ordinance 2019

3. Travel Credit Scheme Ordinance 2019 amended

This Part amends the Travel Credit Scheme Ordinance 2019.

4. Section 2 amended (interpretation)

In section 2, insert the following definitions in the correct alphabetical order —

“**accommodation**” means a business facility where tourists stay for a short term in the Falkland Islands;”

“**accommodation provider**” means a person who is in the business of providing accommodation;” and

“**cost of accommodation**” means money that is paid for accommodation used by a registered person and includes the cost of meals provided as part of the person’s stay in the accommodation;”.

5. Section 4 amended (object of Ordinance)

In section 4 after “fares” insert “or the cost of accommodation or both;”.

6. Section 16 amended (use of travel credits)

In section 16 —

(a) in subsection (1) after “to pay for” insert “the cost of accommodation or”;

(b) after subsection (2), insert —

“(2A) If the claim under subsection (2) is for a journey back to the Falkland Islands, then the person making the claim must have undertaken the outward journey from the Falkland Islands not more than 12 months before.

(2B) A claim for the cost of accommodation may be made only for a stay that took place on or after the date of commencement of the Travel Credit Scheme (Amendment) Ordinance 2023.” and

(c) replace subsection (4) with —

“(4) Except as prescribed under subsection (5), travel credits may not be used to pay for embarkation tax, shipping or cargo costs, transfers, excess baggage charges, travel insurance, alcoholic or non-alcoholic drinks or any other charges which do not constitute the fare or cost of accommodation.”.

7. Section 18 amended (application to redeem travel credits)

In section 18 —

(a) in subsection (1)(a) —

(i) at the end of subparagraph (i) omit “or”;

(ii) at the end of subparagraph (ii), insert “or”; and

(iii) after subparagraph (ii), insert —

“(iii) the cost of accommodation.”;

(b) replace subsection (1)(b) with —

“(b) a travel provider or accommodation provider may, in respect of a registered person, redeem vouchers in advance of travel or a stay in accommodation or after travel or a stay in order to pay for the fare or the cost of accommodation; and”;

(c) in subsection (1)(c) after “advance of travel” insert “or a stay in accommodation”; and

(d) after subsection (1), insert —

“(1A) A registered person must apply to redeem travel credits after travel or after a stay in accommodation not more than six months after the completion of travel or completion of a stay in the accommodation.

(1B) For purposes of subsection (1A), travel is completed on the day a registered person arrives back to the place where the outward journey originated and a stay in accommodation is completed on the final day of the stay in the accommodation.”.

8. Section 21 amended (adjustment of payments)

In section 21(1)(c), after “travel provider” in each place it occurs, insert “or accommodation provider”.

9. Section 24 amended (Scheme Administrator to issue guidance)

In subsection (1)(a) and (b), after “travel providers” insert “or accommodation providers”.

10. Section 25 amended (subsidiary legislation)

In subsection (2) —

- (a) in paragraph (a), replace “and registration” with “and registration procedures”;
- (b) in paragraph (d), after “of travel” insert “or of a stay in accommodation”; and
- (c) in paragraph (e), after “to travel” insert “or to stay in accommodation”.

PART 3 - Amendment of Travel Credit Scheme Regulations 2019

11. Travel Credit Scheme Regulations 2019 amended

(1) This Part amends the Travel Credit Scheme Regulations 2019.

(2) The regulation in the first column of the Schedule is amended to the extent set out in the second column.

SCHEDULE - Amendment of Travel Credit Scheme Regulations 2019

(section 11)

Regulation	Amendment
Regulation 2	<p>Insert the following definitions in the correct alphabetical order —</p> <p>“aborted stay” means a stay in accommodation that fails to take place as set out in regulation 11(1); and</p> <p>“designated accommodation provider” means a provider of accommodation who is designated by the Scheme Administrator under regulation 9(1);”.</p>
Regulation 8	<p>(a) After subregulation (5), insert —</p> <p>“(5A) Subregulation (5) does not apply to a claim for travel credits that is made to pay for the cost of accommodation.”; and</p> <p>(b) Omit subregulation (7).</p>
Regulation 9	<p>(a) Replace the heading with “Designation of travel providers and accommodation providers”;</p> <p>(b) In subregulation (1) —</p> <p>(i) after “travel providers” in each place it occurs, insert “and accommodation providers”;</p> <p>(ii) replace “this Ordinance” with “the Ordinance”; and</p> <p>(c) In subregulation (2) after “travel providers” insert “or accommodation providers”.</p>
Regulation 10	<p>(a) Replace the heading with “Payment for accommodation or travel and request for proof”;</p> <p>(b) In subregulation (1) —</p> <p>(i) after “fares” insert “or costs of accommodation”; and</p> <p>(ii) after “travel provider” insert “, accommodation provider”;</p> <p>(c) In subregulation (2), after “fare” in each place it occurs insert “or cost of accommodation”;</p> <p>(d) Replace subregulation (3) with —</p> <p>“(3) As an alternative to subregulation (2), a registered person may be issued with vouchers of a value of some or all of their travel credits and they</p>

	<p>may use the vouchers to pay a designated travel provider or designated accommodation provider for a fare or cost of accommodation in advance of travel or a stay, and the travel provider or accommodation provider may be reimbursed by the Scheme for the value of the vouchers.”; and</p> <p>(e) In subregulation (4) after “proof of” insert “a stay in accommodation,”.</p>
Regulation 11	<p>(a) Replace the heading with “Aborted travel or aborted stay”.</p> <p>(b) In subregulation (1) —</p> <p>(i) in the introductory words, after “Travel” insert “or a stay in accommodation”;</p> <p>(ii) in paragraph (a), after “travel provider” insert “or designated accommodation provider”;</p> <p>(iii) in paragraph (b), after “fare” insert “or cost of accommodation”;</p> <p>(iv) replace paragraph (c) with —</p> <p>“(c) the registered person fails to travel to the same destination or stay in the accommodation as booked within 14 days of the date originally booked.”;</p> <p>(c) Replace subregulations (2) and (3) with —</p> <p>“(2) A registered person must claim a refund for aborted travel or an aborted stay from the travel provider or accommodation provider and subject to subregulation (3), reimburse the Scheme with the amount that was refunded within 60 days of the date that the travel or the stay in accommodation was originally booked to take place.</p> <p>(3) A designated travel provider or a designated accommodation provider who arranged travel or stay that aborted must reimburse the Scheme directly with the amount to be refunded.”; and</p> <p>(d) In subregulation (4), replace “subregulation (1)” with “this regulation”.</p>
Regulation 14	<p>In subregulation (4) —</p> <p>(a) in paragraph (a), after “fare” insert “or cost of accommodation”; and</p> <p>(b) in paragraph (b), replace “a travel provider for aborted travel” with “a travel provider or accommodation provider for aborted travel or for an aborted stay”.</p>

OBJECTS AND REASONS

This Bill amends the Travel Credit Scheme Ordinance 2019 (“the Ordinance”) and the Travel Credit Scheme Regulations 2019 (“the Regulations”). Amendments to the Ordinance are in *Part 2* and those to the Regulations are in *Part 3*.

Part 1 of this Bill provides for preliminary matters. The amendments to the Ordinance and the Regulations come into force on 1 July 2023.

The Ordinance establishes a travel credit scheme for the benefit of Falkland Islands status holders who satisfy stipulated requirements for registration. The main criteria for registration under the Scheme are that a person must have Falkland Islands status and must be registered in the Register of Electors referred to in section 9 of the Electoral Ordinance 1988. A person registered under the Scheme earns travel credits at the rate of £1 per day per adult and £0.50 per day per child. Currently the travel credits may only be used for fares for travel.

The amendments in this Bill will allow registered persons to claim travel credits to pay for short stay accommodation within the Falkland Islands. This opens up the use of travel credits to accommodation and hence additional support of domestic tourism. Accommodation providers will be designated in the same way that travel providers are designated. Travel credits may be used to pay for the cost of accommodation including meals provided as part of the accommodation. They may not be used to pay for alcoholic or non-alcoholic drinks.

Additional amendments are required to clarify some elements of how the Scheme is operated.

Where a registered person travels from the Falkland Islands (outward journey), and wishes to use travel credits to pay for the return journey to the Falkland Islands (inward journey), the inward journey must be made not more than 12 months from the date of the outward journey (*clause 6*).

A claim to redeem travel credits after travel or after stay in accommodation must be made not more than six months after completion of travel or after stay in accommodation is completed (*clause 7*).

Clauses 8, 9 and 10 make consequential amendments.

Part 3 amends the Regulations. The Regulations are made under section 25 of the Ordinance. Amendments to the Ordinance to allow travel credits to be claimed in respect of the cost of accommodation in the Falkland Islands necessitate amendment of the Regulations. The Regulations are amended to make them applicable to claims for the cost of accommodation in the Falkland Islands (*clause 11* and the *Schedule*).