



# FALKLAND ISLANDS GAZETTE

## Supplement

PUBLISHED BY AUTHORITY

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The following are published in this Supplement —

**Customs Resolution 2023 (SR&O No 5 of 2023);**

**Appropriation Ordinance 2023 (No 3 of 2023);**

**Capital Appropriation Ordinance 2023 (No 4 of 2023);**

**Finance Ordinance 2023 (No 5 of 2023);**

**Family Allowances Ordinance 2023 (No 6 of 2023); and**

**Financial Assistance Ordinance 2023 (No 7 of 2023).**

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## **SUBSIDIARY LEGISLATION**

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### **Customs Resolution 2023**

**(No. 5 OF 2023)**

#### **ARRANGEMENT OF PROVISIONS**

##### **Article**

1. Title
2. Commencement
3. Customs duties increased
4. Revocation of resolution

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## SUBSIDIARY LEGISLATION

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### Customs Resolution 2023

*(made: 31 May 2023)*  
*(commencement: in accordance with paragraph 2)*  
*(published: 30 June 2023)*

The Legislative Assembly hereby resolves that —

#### 1. Title

This Resolution is the Customs Resolution 2023.

#### 2. Commencement

This Resolution comes into effect on the day after the resolution is made.

#### 3. Customs duties increased

For the purposes of —

- (a) section 113(1) of Customs Ordinance 2003 (“**the Ordinance**”), the duty charged on the importation into the Falkland Islands of —
  - (i) cigars is £467.95 per kilogram;
  - (ii) cigarettes is £504.06 per kilogram; and
  - (iii) tobacco is £337.71 per kilogram.
- (b) section 124(1) of the Ordinance, the prescribed duty on spirits imported into the Falkland Islands is £15.56 per litre;
- (c) section 127(1) of the Ordinance, the prescribed duty on beer (including cider) imported into the Falkland Islands is £0.41 per litre;
- (d) section 128(1) of the Ordinance, the prescribed duty on wine imported into the Falkland Islands is £1.03 per litre;
- (e) section 129(1) of the Ordinance, the prescribed duty on spirituous beverages imported into the Falkland Islands is £8.35 per litre;
- (f) section 130(1) of the Ordinance, the prescribed duty on fortified wine imported into the Falkland Islands is £1.22 per litre; and

- (g) section 131 of the Ordinance, the prescribed duty on other strong liquor imported into the Falkland Islands that is not spirits, beer, wine, spirituous beverages or fortified wine within the meaning of the Ordinance, is £1.22 per litre.

#### **4. Revocation of resolution**

The Customs Resolution 2022 is revoked.

Made 31 May 2023

CHERIE YVONNE CLIFFORD,  
*Clerk of the Legislative Assembly.*

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#### **EXPLANATORY NOTE** *(not part of the resolution)*

This Resolution is made by Legislative Assembly to prescribe the duties payable under Part X of the Customs Ordinance 2003 (imposition of duty and relief and exemption from duty) on the importation of alcoholic beverages and tobacco and tobacco products into the Falkland Islands.

With effect from the day after the resolution is made, the duty payable is increased as follows —

on cigars from £441.05 to £467.95 per kilo;  
on cigarettes from £475.08 to £504.06 per kilo;  
on tobacco from £318.29 to £337.71 per kilo;  
on spirits from £14.67 to £15.56 per litre;  
on beer (including cider, perry etc) from 39p to 41p per litre;  
on wines (both still and sparkling) from 97p to £1.03 per litre;  
on spirituous beverages from £7.87 to £8.35 per litre;  
on fortified wines from £1.15 to £1.22 per litre; and  
on other strong liquor from £1.15 to £1.22 per litre.

The Customs Resolution 2022 is revoked as it is superseded by the 2023 Resolution.

**CHARLES III**



**FALKLAND ISLANDS**

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ALISON MARY BLAKE C.M.G.,  
*Governor.*

**Appropriation Ordinance 2023**

**(ORDINANCE No. 3 OF 2023)**

**ARRANGEMENT OF PROVISIONS**

Section

1. Title
  2. Commencement
  3. Appropriation
- Schedule

# CHARLES III



## FALKLAND ISLANDS

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ALISON MARY BLAKE C.M.G.,  
*Governor.*

### **Appropriation Ordinance 2023**

(assented to: 23 June 2023)  
(commencement: on publication)  
(published: 30 June 2023)

#### AN ORDINANCE

To authorise the appropriation from the Consolidated Fund of £95,797,303 for the financial year ending 30 June 2024.

ENACTED by the Legislature of the Falkland Islands —

#### **1. Title**

This Ordinance is the Appropriation Ordinance 2023.

#### **2. Commencement**

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

#### **3. Appropriation**

(1) The amount of £95,797,303 is appropriated from the Consolidated Fund for the financial year ending 30 June 2024.

(2) The issue of the amount from the Consolidated Fund in the amounts necessary to supply the votes set out in the Schedule is authorised.

## SCHEDULE

*section 3*

<b>Number</b>	<b>Head of Service of Government</b>	<b>Amount</b>
	<b>Operating Budget</b>	<b>£</b>
0110	Development and Commercial Services	8,584,660
0200	Health and Social Services	16,645,104
0250	Education	10,400,724
0350	Public Works	18,481,185
0410	Natural Resources	7,956,069
0451	Law and Regulation	1,849,101
0550	Emergency Services	4,881,450
0600	Executive Management	8,622,794
0615	Policy	1,137,583
0620	Mineral Resources	863,620
0700	Treasury	5,563,322
0999	Island Plan	10,141,437
0608	Public Accounts Committee	70,254
	<b>Total Operating Budget</b>	<b>95,197,303</b>
0998	Fund Transfers and Transfer Payments	600,000
	<b>Total Transfer</b>	<b>600,000</b>
	<b>Total Schedule</b>	<b>95,797,303</b>

Passed by the Legislature of the Falkland Islands on 31 May 2023.

CHERIE YVONNE CLIFFORD,  
*Clerk of the Legislative Assembly.*

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Assembly and is found by me to be a true and correctly printed copy of the said Bill.

CHERIE YVONNE CLIFFORD,  
*Clerk of the Legislative Assembly.*

**CHARLES III**



**FALKLAND ISLANDS**

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ALISON MARY BLAKE C.M.G.,  
*Governor.*

**Capital Appropriation Ordinance 2023**

**(ORDINANCE No. 4 OF 2023)**

**ARRANGEMENT OF PROVISIONS**

Section

1. Title
2. Commencement
3. Appropriation

Schedule - Capital Programme



# CHARLES III



## FALKLAND ISLANDS

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ALISON MARY BLAKE C.M.G.,  
*Governor.*

### Capital Appropriation Ordinance 2023

*(assented to: 23 June 2023)*  
*(commencement: on publication)*  
*(published: 30 June 2023)*

#### AN ORDINANCE

To authorise the withdrawal from the Capital Equalisation Fund of money for capital projects.

ENACTED by the Legislature of the Falkland Islands —

#### **1. Title**

This Ordinance is the Capital Appropriation Ordinance 2023.

#### **2. Commencement**

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

#### **3. Appropriation**

(1) The Financial Secretary is authorised to withdraw from the Capital Equalisation Fund an amount not exceeding £33,260,580 for the purposes of funding expenditure of a capital nature under the capital programme as detailed in the Schedule.

(2) The authorisation given in subsection (1) —

- (a) is in addition to previous authorisations by Order or Ordinance in accordance with section 11 of the Public Funds Ordinance 1990; and
- (b) applies whether or not sums previously authorised have been paid out of the Capital Equalisation Fund.

## SCHEDULE - Capital Programme

*section 3*

	£
Economic Development	£296,097
Infrastructure and Maintenance	£19,325,424
Social Investment	£13,639,059
<b>Total</b>	<b>£33,260,580</b>

Passed by the Legislature of the Falkland Islands on 31 May 2023.

CHERIE YVONNE CLIFFORD,  
*Clerk of the Legislative Assembly.*

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Assembly and is found by me to be a true and correctly printed copy of the said Bill.

CHERIE YVONNE CLIFFORD,  
*Clerk of the Legislative Assembly.*

**CHARLES III**



**FALKLAND ISLANDS**

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ALISON MARY BLAKE C.M.G.,  
*Governor.*

**Finance Ordinance 2023**

**(ORDINANCE No. 5 OF 2023)**

**ARRANGEMENT OF PROVISIONS**

Section

1. Title
2. Commencement
3. Amendment of primary and secondary legislation
4. Validation of fees

Schedule - amendments to primary and secondary legislation

Part A - Primary legislation:-

Cruise Ships Ordinance 1998  
Firearms and Ammunition Ordinance 1987  
Licensing Ordinance 1994  
Minimum Wage Ordinance 2013  
Police Ordinance 2000  
Road Traffic Ordinance 1948  
Taxes Ordinance 1997  
Trespass Ordinance 1904

Part B - Secondary legislation:-

Administration of Estates Rules 1949  
Banking Regulations Order 1989  
Childcare Subsidy Scheme Regulations 2021  
Civil Cases (Fees) Rules 1992  
Court Fees (Family Proceedings) Rules 1992

Customs (Fees) Regulations 2006  
Customs (Import Prohibitions) (Fees) Regulations 2009  
Dogs Rules 1949  
Embarkation Tax Regulations 1999  
Endangered Species Protection (Fees) Regulations 2022  
Firearms and Ammunition (Fees) Regulations Order 1993  
Fishery Products (Hygiene) (Fees) Regulations 1998  
Harbours Regulations 1944  
Merchant Shipping (Registration of Ships) (Fees) Regulations 2005  
Planning (General) Regulations 1991  
Plant Importation Regulations 1947  
Post Office Order 2006  
Retirement Pensions (Prescribed Rates) Regulations 1996  
Road Traffic (Provisional) Regulations Order 1986  
Vehicle Licence Labels Regulations 1998

# CHARLES III



## FALKLAND ISLANDS

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ALISON MARY BLAKE C.M.G.,  
*Governor.*

### **Finance Ordinance 2023**

*(assented to: 23 June 2023)*  
*(commencement: in accordance with section 2)*  
*(published: 30 June 2023)*

### AN ORDINANCE

To make provision for increasing various charges and fees, increase the prescribed rate of retirement pension payments and contributions, increase child care subsidy and the minimum wage; increase the personal tax allowance and connected matters.

ENACTED by the Legislature of the Falkland Islands —

#### **1. Title**

This Ordinance is the Finance Ordinance 2023.

#### **2. Commencement**

(1) Save as provided in subsections (2) and (3), the rest of the provisions of this Ordinance come into force on 1 July 2023.

(2) The amendments in the Schedule to the following come into force on 1 January 2024 —

- (a) the Minimum Wage Ordinance 2013;
- (b) the Banking Regulations Order 1989;
- (c) regulations 5 and 6 of the Retirement Pensions (Prescribed Rates) Regulations 1996;
- (d) the Embarkation Tax Regulations 1999; and

(e) the Taxes Ordinance 1997.

(3) The amendments in the Schedule to the Cruise Ships Ordinance 1998 come into force on 1 July 2024.

### **3. Amendment of primary and secondary legislation**

(1) The Ordinances listed in the first column of Part A of the Schedule are amended to the extent specified in the second column.

(2) The statutory instruments listed in the first column of Part B of the Schedule are amended to the extent specified in the second column.

### **4. Validation of fees**

Any fees collected before the commencement of this Ordinance under the Customs (Import Prohibitions) (Fees) Regulations 2009 are validated as if the amount had been provided for under those regulations.

# SCHEDULE - AMENDMENTS TO PRIMARY AND SECONDARY LEGISLATION

section 3

## PART A - PRIMARY LEGISLATION

Ordinance	Amendment																		
Cruise Ships Ordinance 1998	In section 3 —  (a) in subsection (1) replace “£26.00” with “£35.00”; and  (b) in subsection (2), replace “£7.50” with “£15.00”.																		
Firearms and Ammunition Ordinance 1987	In section 4A(3), replace “£7.80” with “£8.30”.																		
Licensing Ordinance 1994	<p>Replace Schedule 3, with —</p> <p style="text-align: center;">“SCHEDULE 3</p> <p style="text-align: center;"><b>COURT FEES PAYABLE IN CONNECTION WITH JUSTICES' LICENCES</b></p> <table> <tr> <td>1. Application for the grant of a new justices’ licence (including an application for a transfer)</td><td>£79.00</td></tr> <tr> <td>2. Grant (including a grant on transfer) or renewal of a justices’ on-licence (other than a Part V licence or an occasional licence)</td><td>£112.00</td></tr> <tr> <td>3. Grant (including a grant on transfer) or renewal of a Part V licence</td><td>£112.00</td></tr> <tr> <td>4. Grant (including a grant on transfer) or renewal of a justices’ off-licence</td><td>£112.00</td></tr> <tr> <td>5. Application for a protection order</td><td>£56.00</td></tr> <tr> <td>6. Grant of an application for a protection order</td><td>£68.00</td></tr> <tr> <td>7. Inspection of the register of licences pursuant to section 25(1)</td><td>£11.00</td></tr> <tr> <td>8. Application for a special hours certificate</td><td>£79.00</td></tr> <tr> <td>9. Grant of a special hours certificate</td><td>£112.00</td></tr> </table>	1. Application for the grant of a new justices’ licence (including an application for a transfer)	£79.00	2. Grant (including a grant on transfer) or renewal of a justices’ on-licence (other than a Part V licence or an occasional licence)	£112.00	3. Grant (including a grant on transfer) or renewal of a Part V licence	£112.00	4. Grant (including a grant on transfer) or renewal of a justices’ off-licence	£112.00	5. Application for a protection order	£56.00	6. Grant of an application for a protection order	£68.00	7. Inspection of the register of licences pursuant to section 25(1)	£11.00	8. Application for a special hours certificate	£79.00	9. Grant of a special hours certificate	£112.00
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9. Grant of a special hours certificate	£112.00																		

	10. Application for a club registration certificate	Nil
	11. Grant or renewal of a club registration certificate	£89.00
	12. Application for a children's certificate	Nil
	13. Grant or renewal of a children's certificate	£56.00
	14. Application for a Camp exemption order	Nil
	15. Grant of a Camp exemption order	£22.00
	16. Application for an extension of permitted hours	£22.00
	17. Grant of an extension of permitted hours (for every hour or part thereof to which the extension relates)	£16.00
	18. Application for an occasional licence	£22.00
	19. Grant of an occasional licence (for every day or part thereof to which the occasional licence relates)	£28.00 (up to a maximum of £70.00 per licence)
	20. Application for a prohibition order	Nil".
Minimum Wage Ordinance 2013	In section 11(1) replace "£7.73" with "£8.57".	
Police Ordinance 2000	In section 60A, replace "£30.95" with "£32.80".	
Road Traffic Ordinance 1948	<p>(1) In section 4(1) —</p> <p>(a) in paragraph (a) replace "£55.45" with "£58.80";</p> <p>(b) in paragraph (b) replace "£127.80" with "£135.60";</p> <p>(c) in paragraph (c) replace "£196.60" with "£208.60"; and</p> <p>(d) in paragraph (d) replace "£46.60" with "£49.40";</p> <p>(2) In section 5(3) replace "£15.00" with "£20.00"; and</p> <p>(3) In section 6(15) replace "£12.10" with "£12.80".</p>	



Taxes Ordinance 1997	In section 16(1), replace “£15,000” with “£15,960”.														
Trespass Ordinance 1904	<p>Replace the Schedule with —</p> <table border="1"> <tr> <th colspan="2"> <b>“SCHEDULE</b>  <b>Fees</b>  <b>Winter grazing is limited to the number of animals that can be maintained on the grass available.</b> </th></tr> <tr> <th><b>Grazing seasons</b></th><th><b>Fees (per animal)</b></th></tr> <tr> <td><b>Summer:</b> 1 October to 31 May</td><td>£26.80</td></tr> <tr> <td><b>Winter:</b> 1 June to 30 September</td><td>£13.40</td></tr> <tr> <td><b>Annual Fee:</b> (1 June – 31 May)</td><td>£40.20</td></tr> <tr> <td colspan="2">Animals may, by request, be grazed on the Common for a maximum of 10 days or less at the rate of £1.00 per day.</td></tr> <tr> <td colspan="2">Animals grazing on the Common for more than 10 days will be charged the full rate.”.</td></tr> </table>	<b>“SCHEDULE</b> <b>Fees</b> <b>Winter grazing is limited to the number of animals that can be maintained on the grass available.</b>		<b>Grazing seasons</b>	<b>Fees (per animal)</b>	<b>Summer:</b> 1 October to 31 May	£26.80	<b>Winter:</b> 1 June to 30 September	£13.40	<b>Annual Fee:</b> (1 June – 31 May)	£40.20	Animals may, by request, be grazed on the Common for a maximum of 10 days or less at the rate of £1.00 per day.		Animals grazing on the Common for more than 10 days will be charged the full rate.”.	
<b>“SCHEDULE</b> <b>Fees</b> <b>Winter grazing is limited to the number of animals that can be maintained on the grass available.</b>															
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Animals grazing on the Common for more than 10 days will be charged the full rate.”.															

## PART B - SECONDARY LEGISLATION

Statutory instruments	Amendment																						
Administration of Estates Rules 1949	<p>Replace Schedule 2 with –</p> <p style="text-align: center;"><b>“SCHEDULE 2</b></p> <p style="text-align: right;"><i>(section 3)</i></p> <p>The following fees are payable in respect of the non-contentious items:</p> <table> <thead> <tr> <th><b>Item</b></th><th><b>Fee</b></th></tr> </thead> <tbody> <tr> <td>1. Application for a grant of probate, letters of administration or for resealing a grant of probate or letters of administration:</td><td></td></tr> <tr> <td>    (a) net estate is £5,000 or less</td><td>no fee</td></tr> <tr> <td>    (b) net estate exceeds £5,000</td><td>£169.00</td></tr> <tr> <td>2. For the entry of a caveat or issue of a citation under section 6 of the Administration of Estates Ordinance 1949</td><td>£22.00</td></tr> <tr> <td>3. For inspection of records under section 11A of the Administration of Estates Ordinance 1949</td><td>£11.00</td></tr> <tr> <td>4. For a copy of all or part of any document</td><td>30p per page</td></tr> <tr> <td>5. Standard copy fee for sealed/verified copy of any documents:</td><td></td></tr> <tr> <td>    For the first copy</td><td>£11.00</td></tr> <tr> <td>    For every subsequent copy of the same document if supplied at the same time</td><td>30p</td></tr> <tr> <td>6. For depositing a will in the Central Registry under section 2A of the Administration of Estates Ordinance 1949</td><td>£11.00”.</td></tr> </tbody> </table>	<b>Item</b>	<b>Fee</b>	1. Application for a grant of probate, letters of administration or for resealing a grant of probate or letters of administration:		(a) net estate is £5,000 or less	no fee	(b) net estate exceeds £5,000	£169.00	2. For the entry of a caveat or issue of a citation under section 6 of the Administration of Estates Ordinance 1949	£22.00	3. For inspection of records under section 11A of the Administration of Estates Ordinance 1949	£11.00	4. For a copy of all or part of any document	30p per page	5. Standard copy fee for sealed/verified copy of any documents:		For the first copy	£11.00	For every subsequent copy of the same document if supplied at the same time	30p	6. For depositing a will in the Central Registry under section 2A of the Administration of Estates Ordinance 1949	£11.00”.
<b>Item</b>	<b>Fee</b>																						
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For every subsequent copy of the same document if supplied at the same time	30p																						
6. For depositing a will in the Central Registry under section 2A of the Administration of Estates Ordinance 1949	£11.00”.																						
Banking Regulations Order 1989	In article 4, replace “£14,000” with “£15,000”.																						

Childcare Subsidy Scheme Regulations 2021	<p>In regulation 5(2) —</p> <p>(a) in paragraph (a), replace “£1.85” with “£1.95”;</p> <p>(b) in paragraph (b), replace “£2.10” with “£2.20”; and</p> <p>(c) in paragraph (c), replace “£2.35” with “£2.45”.</p>																						
Civil Cases (Fees) Rules 1992	<p>(1) Replace the Table in Schedule 1 with —</p> <p style="text-align: center;"><b>“TABLE</b></p> <p style="text-align: center;"><b>PART 1 - COMMENCEMENT PROCEEDINGS</b></p> <table> <tr> <th><b>Fee number</b></th><th><b>Amount of fee</b></th></tr> <tr> <td>1. Issue of originating process</td><td>£337.00</td></tr> <tr> <td>2. Application for an injunction ancillary to any cause of action</td><td>£170.00</td></tr> <tr> <td>3.(a) On the making of a general application -</td><td></td></tr> <tr> <td>    (i) on notice</td><td>£170.00</td></tr> <tr> <td>    (ii) by consent/without notice</td><td>£57.00</td></tr> <tr> <td>(b) On filing a counter claim</td><td>The same fee as if the remedy sought were the subject of separate proceedings</td></tr> </table> <p style="text-align: center;"><b>PART 2 - ENFORCEMENT PROCEEDINGS</b></p> <table> <tr> <td>4. Upon issuing enforcement action following an earlier judgment</td><td>£337.00</td></tr> <tr> <td>5. Sale under a writ of execution -</td><td></td></tr> <tr> <td>    (a) removing or taking steps to remove goods to a place of deposit</td><td>Reasonable expenses incurred as determined by the Court</td></tr> <tr> <td>    (b) for the sale of goods, including all necessary catalogues, commissions and other matters</td><td>Reasonable expenses incurred as</td></tr> </table>	<b>Fee number</b>	<b>Amount of fee</b>	1. Issue of originating process	£337.00	2. Application for an injunction ancillary to any cause of action	£170.00	3.(a) On the making of a general application -		(i) on notice	£170.00	(ii) by consent/without notice	£57.00	(b) On filing a counter claim	The same fee as if the remedy sought were the subject of separate proceedings	4. Upon issuing enforcement action following an earlier judgment	£337.00	5. Sale under a writ of execution -		(a) removing or taking steps to remove goods to a place of deposit	Reasonable expenses incurred as determined by the Court	(b) for the sale of goods, including all necessary catalogues, commissions and other matters	Reasonable expenses incurred as
<b>Fee number</b>	<b>Amount of fee</b>																						
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(b) for the sale of goods, including all necessary catalogues, commissions and other matters	Reasonable expenses incurred as																						

	determined by the Court
<b>PART 3 - MISCELLANEOUS</b>	
6. Service by the court of any summons or other document -	
(a) if served by post	No fee
(b) request for personal service by the Court of any summons or other document	
(i) East Falkland	£80.00
(ii) West Falkland and other islands fee and plus reasonable travel and subsistence costs as determined by the Court	£80.00
7. On filing a notice of appeal from any Court or tribunal from which an appeal lies to the Supreme Court ( <i>other than in relation to appeals of prohibition orders under the Licensing Ordinance or orders of the Workmen's Compensation Commission for which there is no fee</i> )	£170.00
8. Standard copy fee for sealed/verified copies of documents for the first copy -	£11.00
per subsequent copy supplied at the same time -	30p
9. On taxation of costs by the Registrar -	
(a) where the party is legally aided	Nil
(b) where the party is not legally aided	5p per £1.00 of profit costs and disbursements allowed
10. On issue of a costs certificate	£11.00
11. On appeal of taxation by the Registrar	£225.00
12. On deposing an affidavit or affirmation before an officer of the court	£8.00 plus £4.00 for each exhibit
13. Upon lodging an appeal for judicial review -	
(a) upon seeking first permission	£170.00
(b) upon granting of permission	£337.00

	14. Upon requesting a certificate of satisfaction	£12.00
	15. Upon the making of a Constitutional reference	£562.00”.
	(2) Replace the Table in Schedule 2 with —	
	<b>“TABLE</b>	
	1. On the issuing of proceedings for the recovery of a sum of money or delivery of goods	£80.00
	2. On the filing of a counterclaim, on the amount or value (if any)	£80.00
	3. Upon issuing enforcement action following an earlier judgment	£80.00
	4. Service by the court of any summons or other document -	
	(a) if served by post	Nil
	(b) request for personal service by the Court of any summons or other document	
	(i) East Falkland	£80.00
	(ii) West Falkland and other islands	£80.00 plus reasonable travel and subsistence costs as determined by the Court
	5. On requesting a certificate of satisfaction	£11.00
	6. Upon the lodging of an appeal with the Summary Court constituted as the Employment Tribunal	
	(a) where the appellant’s annual earnings in the last tax year are less than £15,000.00	Nil
	(b) where the appellant’s annual earnings in the last tax year are more than £15,000.00	£180.00
	7. Upon the lodging of an application with the Fisheries Disputes Commission	£225.00
	8. Upon the lodging of an appeal in the Magistrate’s Court under the Communications Ordinance 2017	£200.00”.

<p>Court Fees (Family Proceedings) Rules 1992</p>	<p>Replace the Table in the Schedule with —</p> <p style="text-align: center;"><b>“TABLE</b></p> <p style="text-align: center;"><b>PART 1 - COMMENCEMENT PROCEEDINGS</b></p> <table> <tr> <th><b>Fee number</b></th><th><b>Amount of fee</b></th></tr> <tr> <td>1. Issue of originating process (including an application for an injunction or restraining order where that is sought other than as ancillary to other relief)</td><td>£337.00</td></tr> <tr> <td>1A. On application for decree nisi/conditional order</td><td>£22.00</td></tr> <tr> <td>2. On application for a decree absolute/final order</td><td>£51.00</td></tr> <tr> <td>3. On any other application under the Matrimonial and Civil Partnership Proceedings Ordinance 1979 -</td><td></td></tr> <tr> <td>    (a) by consent</td><td>£57.00</td></tr> <tr> <td>    (b) other than by consent</td><td>£170.00</td></tr> </table> <p style="text-align: center;"><b>PART 2 - PROCEEDINGS UNDER THE CHILDREN ORDINANCE 2014</b></p> <table> <tr> <td>1. On application for any originating process (excluding financial relief)</td><td>£225.00</td></tr> <tr> <td>2. Any application within proceedings (excluding financial relief)</td><td>£112.00</td></tr> <tr> <td>3. On application for an order for financial relief -</td><td></td></tr> <tr> <td>    (a) by consent</td><td>£57.00</td></tr> <tr> <td>    (b) other than by consent</td><td>£57.00</td></tr> <tr> <td>4. On application to vary or discharge a financial order-</td><td></td></tr> <tr> <td>    (a) on consent</td><td>£57.00</td></tr> <tr> <td>    (b) other than by consent</td><td>£57.00</td></tr> <tr> <td>5. On appeal relating to fostering or hosting provisions</td><td>£57.00</td></tr> <tr> <td>6. On requesting a parental responsibility order following the completion of a parental responsibility agreement</td><td>£57.00</td></tr> <tr> <td>7. On application for a maintenance order to be sent abroad</td><td>£57.00</td></tr> <tr> <td>8. On application for variation of an existing financial order from abroad (under reciprocal enforcement legislation or similar)</td><td>£57.00.</td></tr> </table> <p style="text-align: center;"><b>PART 3 - MISCELLANEOUS</b></p> <table> <tr> <td>1. Any other application not otherwise provided for</td><td>£22.00</td></tr> <tr> <td>2. On filing notice of appeal</td><td>£54.00</td></tr> <tr> <td>3. Standard copy fee for sealed/verified copies of documents for first copy -</td><td>£11.00</td></tr> <tr> <td>per subsequent copy supplied at the same time -</td><td>30p</td></tr> </table>	<b>Fee number</b>	<b>Amount of fee</b>	1. Issue of originating process (including an application for an injunction or restraining order where that is sought other than as ancillary to other relief)	£337.00	1A. On application for decree nisi/conditional order	£22.00	2. On application for a decree absolute/final order	£51.00	3. On any other application under the Matrimonial and Civil Partnership Proceedings Ordinance 1979 -		(a) by consent	£57.00	(b) other than by consent	£170.00	1. On application for any originating process (excluding financial relief)	£225.00	2. Any application within proceedings (excluding financial relief)	£112.00	3. On application for an order for financial relief -		(a) by consent	£57.00	(b) other than by consent	£57.00	4. On application to vary or discharge a financial order-		(a) on consent	£57.00	(b) other than by consent	£57.00	5. On appeal relating to fostering or hosting provisions	£57.00	6. On requesting a parental responsibility order following the completion of a parental responsibility agreement	£57.00	7. On application for a maintenance order to be sent abroad	£57.00	8. On application for variation of an existing financial order from abroad (under reciprocal enforcement legislation or similar)	£57.00.	1. Any other application not otherwise provided for	£22.00	2. On filing notice of appeal	£54.00	3. Standard copy fee for sealed/verified copies of documents for first copy -	£11.00	per subsequent copy supplied at the same time -	30p
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	<p>4. On taxation of costs 5p per £1.00 of profit costs and disbursements allowed</p> <p>5. Search of register of divorce or dissolution £5.00”.</p>
Customs (Fees) Regulations 2006	<p>(1) In regulation 3, replace paragraphs (a) to (e) with —</p> <p>“(a) where the whole of the services are provided during normal hours of duty, the greater of —</p> <p>(i) £90.92; and</p> <p>(ii) such fee as is generated by multiplying the number of hours engaged in providing the services by £45.46 (and for the purposes of this paragraph, any fraction of an hour is charged as a whole hour);</p> <p>(b) where those services are provided partly during normal hours of duty and partly outside normal hours of duty —</p> <p>(i) at the rate provided for by paragraph (a)(ii) in respect of the total number of whole hours engaged during normal hours of duty; and</p> <p>(ii) as to the remainder of the time engaged (including a fraction of an hour engaged during normal hours of duty) at the rate provided for by (c)(ii) (but so that the minimum fee payable by virtue of this paragraph is £136.38);</p> <p>(c) where the whole of those services are provided outside normal hours of duty, the greater of —</p> <p>(i) £136.38; and</p> <p>(ii) such fee as is generated by multiplying the number of hours by £68.19 (and for the purposes of this paragraph, a fraction of an hour is charged as a whole hour); and</p> <p>(d) where the services are provided without attendance upon the vessel concerned —</p> <p>(i) within normal hours of duty, £90.92;</p> <p>(ii) outside normal hours of duty, £136.38;</p>

	<p>(e) a fee of £8.04 per document for providing any permit, authorisation, certificate or other document required for any purpose other than a purpose under the Customs Ordinance 2003.”.</p> <p>(2) In regulation 4(1) —</p> <p>(a) in paragraphs (a) and (c) replace “£58.00” with “£61.54”;</p> <p>(b) in paragraphs (b) and (d) replace “£285.68” with “£303.11.”.</p> <p>(3) In regulation 4(3) replace paragraphs (a) and (b) with —</p> <p>“(a) in paragraphs (a) and (c), of “£30.77” for “£61.54”; and</p> <p>(b) in paragraphs (b) and (d), of “£151.56” for “£303.11.”.</p>																
Customs (Import Prohibitions) (Fees) Regulations 2009	<p>In regulation 3 replace paragraphs (a) to (c) with —</p> <p>“(a) Importation of Animals etc. Proclamation 2000 (No. 2 of 2000) —</p> <table> <tr> <td>(i) licence for importation of animal – standard (per licence)</td><td>£144.80</td></tr> <tr> <td>(ii) licence for importation of animal – poultry/exotic pet (per licence)</td><td>£36.90</td></tr> <tr> <td>(iii) licence for importation of animal – poultry/exotic pet (annual)</td><td>£73.60</td></tr> <tr> <td>(iv) inspection and treatment on arrival (per animal)</td><td>£14.90 plus the cost of necessary drug treatment</td></tr> <tr> <td>(v) clearance from port of arrival – (per importer)</td><td>£130.30</td></tr> <tr> <td>(vi) inspection following house quarantine (per animal)</td><td>£14.90;</td></tr> </table> <p>(b) Importation of Food and Animal Products from South America Proclamation 2001 (No 3 of 2001) —</p> <table> <tr> <td>(i) licence for the importation of animal/animal product (commercial – single importation)</td><td>£18.00</td></tr> <tr> <td>(ii) licence for the importation of animal/animal product (commercial – annual)</td><td>£144.80</td></tr> </table>	(i) licence for importation of animal – standard (per licence)	£144.80	(ii) licence for importation of animal – poultry/exotic pet (per licence)	£36.90	(iii) licence for importation of animal – poultry/exotic pet (annual)	£73.60	(iv) inspection and treatment on arrival (per animal)	£14.90 plus the cost of necessary drug treatment	(v) clearance from port of arrival – (per importer)	£130.30	(vi) inspection following house quarantine (per animal)	£14.90;	(i) licence for the importation of animal/animal product (commercial – single importation)	£18.00	(ii) licence for the importation of animal/animal product (commercial – annual)	£144.80
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	<p>(iii) licence for the importation of animal/animal product (non-commercial) £4.50</p> <p>(c) Proclamation Number 6 of 1985 —</p> <p>Inspection of used shearing equipment by the Government Veterinary Officer per hour (proportion of hourly rate to be paid for every part hour) £42.25”.</p>																														
Dogs Rules 1949	In rule 3(a), replace “£34.13” with “£36.20”.																														
Embarkation Tax Regulations 1999	In regulation 3(1)(a), replace “£27” with “£30”.																														
Endangered Species Protection (Fees) Regulations 2022	<p>Replace the Schedule with —</p> <p style="text-align: center;"><b>“SCHEDULE – PRESCRIBED FEES</b></p> <p style="text-align: right;"><i>regulation 3</i></p> <table border="1"> <thead> <tr> <th>Description</th><th>Fee</th></tr> </thead> <tbody> <tr> <td>1. Species under Appendix I —</td><td></td></tr> <tr> <td>    (a) Export permit</td><td>£23.93</td></tr> <tr> <td>    (b) Import permit</td><td>£23.93</td></tr> <tr> <td>    (c) Re-export certificate</td><td>£8.04</td></tr> <tr> <td>    (d) Certificates authorising introduction from the sea</td><td>£23.93</td></tr> <tr> <td>2. Species under Appendix II —</td><td></td></tr> <tr> <td>    (a) Export permit</td><td>£23.93</td></tr> <tr> <td>    (b) Import permit</td><td>£23.93</td></tr> <tr> <td>    (c) Re-export certificate</td><td>£8.04</td></tr> <tr> <td>    (d) Certificates authorising introduction from the sea</td><td>£23.93</td></tr> <tr> <td>3. Species under Appendix III —</td><td></td></tr> <tr> <td>    (a) Export permit</td><td>£8.04</td></tr> <tr> <td>    (b) Import permit</td><td>£8.04</td></tr> <tr> <td>    (c) Re-export certificate</td><td>£8.04</td></tr> </tbody> </table>	Description	Fee	1. Species under Appendix I —		(a) Export permit	£23.93	(b) Import permit	£23.93	(c) Re-export certificate	£8.04	(d) Certificates authorising introduction from the sea	£23.93	2. Species under Appendix II —		(a) Export permit	£23.93	(b) Import permit	£23.93	(c) Re-export certificate	£8.04	(d) Certificates authorising introduction from the sea	£23.93	3. Species under Appendix III —		(a) Export permit	£8.04	(b) Import permit	£8.04	(c) Re-export certificate	£8.04
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	4. A certificate or statement issued under section 23 of the Endangered Species Protection Ordinance 2015 —	£8.04”.														
Firearms and Ammunition (Fees) Regulations Order 1993	<p>(1) In regulation 2, replace “£20.15” with “£21.40”;</p> <p>(2) Replace the Schedule with —</p> <p style="text-align: center;"><b>“SCHEDULE</b></p> <table><thead><tr><th>Type of licence</th><th>Fee</th></tr></thead><tbody><tr><td>Firearms and ammunition import licence (Ordinance, s5)</td><td>£21.40</td></tr><tr><td>Firearms and ammunition export licence (Ordinance, s6)</td><td>£21.40</td></tr><tr><td>Firearms and ammunition dealer’s licence (Ordinance, s9) - each year</td><td>£77.60</td></tr><tr><td>Firearms and ammunition dealer’s licence (endorsed ammunition only) (Ordinance, s9) - each year</td><td>£21.40</td></tr><tr><td>Firearms licence (Ordinance, s13)</td><td>£42.70.”.</td></tr></tbody></table>		Type of licence	Fee	Firearms and ammunition import licence (Ordinance, s5)	£21.40	Firearms and ammunition export licence (Ordinance, s6)	£21.40	Firearms and ammunition dealer’s licence (Ordinance, s9) - each year	£77.60	Firearms and ammunition dealer’s licence (endorsed ammunition only) (Ordinance, s9) - each year	£21.40	Firearms licence (Ordinance, s13)	£42.70.”.		
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Fishery Products (Hygiene)(Fees) Regulations 1998	<p>Replace paragraphs 1 to 5 of the Schedule with —</p> <table><tbody><tr><td>“1. Application for approval of vessels, establishments and installations (approval under regulation 6 of the Fishery Products (Vessels, Establishments and Installations) Regulations 2014)</td><td>725.30</td></tr><tr><td>2. Application for variation of approval under regulation 7 of the Fishery Products (Vessels, Establishments and Installations) Regulations 2014</td><td>113.40</td></tr><tr><td>3. Annual inspection by authorised officer (Schedule 1, Part 5, Division 1, paragraph 1(b) of the Fishery Products (Hygiene) Regulations 2012)</td><td>290.10</td></tr><tr><td>4. Inspection on transhipment of product (Schedule 1, Part 5, Division 1, paragraph 1(c) of the Fishery Products (Hygiene) Regulations 2012)</td><td>193.10</td></tr><tr><td>5. Additional charges for inspections under paragraphs 3 or 4 where factory vessel is not in Stanley Harbour:</td><td></td></tr><tr><td>    (a) vessel in Port William</td><td>63.30</td></tr><tr><td>    (b) vessel in Berkeley Sound</td><td>187.60”.</td></tr></tbody></table>		“1. Application for approval of vessels, establishments and installations (approval under regulation 6 of the Fishery Products (Vessels, Establishments and Installations) Regulations 2014)	725.30	2. Application for variation of approval under regulation 7 of the Fishery Products (Vessels, Establishments and Installations) Regulations 2014	113.40	3. Annual inspection by authorised officer (Schedule 1, Part 5, Division 1, paragraph 1(b) of the Fishery Products (Hygiene) Regulations 2012)	290.10	4. Inspection on transhipment of product (Schedule 1, Part 5, Division 1, paragraph 1(c) of the Fishery Products (Hygiene) Regulations 2012)	193.10	5. Additional charges for inspections under paragraphs 3 or 4 where factory vessel is not in Stanley Harbour:		(a) vessel in Port William	63.30	(b) vessel in Berkeley Sound	187.60”.
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	<p>(b) Other vessels:</p> <table> <tr> <td>Under 15 tons</td><td>£78.00</td></tr> <tr> <td>15 tons or more but under 30 tons</td><td>£142.00</td></tr> <tr> <td>30 tons or more but under 50 tons</td><td>£256.00</td></tr> <tr> <td>50 tons or more but under 800 tons</td><td>£385.00</td></tr> <tr> <td>800 tons or more but under 1,000 tons</td><td>£502.00</td></tr> <tr> <td>1,000 tons or more but under 1,500 tons</td><td>£577.00</td></tr> <tr> <td>1,500 tons or more but under 2,000 tons</td><td>£694.00</td></tr> <tr> <td>2,000 tons or more but under 5,000 tons</td><td>£848.00</td></tr> <tr> <td>5,000 tons or more but under 7,000 tons</td><td>£1,027.00</td></tr> <tr> <td>7,000 tons or more but under 10,000 tons</td><td>£1,541.00</td></tr> <tr> <td>10,000 tons or more but under 15,000 tons</td><td>£1,925.00</td></tr> <tr> <td>15,000 tons or more but under 20,000 tons</td><td>£2,248.00</td></tr> <tr> <td>20,000 tons or more but under 25,000 tons</td><td>£2,569.00</td></tr> <tr> <td>25,000 tons or more but under 30,000 tons</td><td>£2,953.00</td></tr> <tr> <td>30,000 tons or more but under 35,000 tons</td><td>£3,338.00</td></tr> <tr> <td>35,000 tons or more but under 40,000 tons</td><td>£3,723.00</td></tr> <tr> <td>40,000 tons or more but under 50,000 tons</td><td>£4,365.00</td></tr> <tr> <td>50,000 tons or more but under 60,000 tons</td><td>£5,135.00</td></tr> <tr> <td>60,000 tons or more but under 70,000 tons</td><td>£5,648.00</td></tr> <tr> <td>70,000 tons or more but under 80,000 tons</td><td>£6,289.00</td></tr> <tr> <td>80,000 tons or more</td><td>£6,933.00”.</td></tr> </table>	Under 15 tons	£78.00	15 tons or more but under 30 tons	£142.00	30 tons or more but under 50 tons	£256.00	50 tons or more but under 800 tons	£385.00	800 tons or more but under 1,000 tons	£502.00	1,000 tons or more but under 1,500 tons	£577.00	1,500 tons or more but under 2,000 tons	£694.00	2,000 tons or more but under 5,000 tons	£848.00	5,000 tons or more but under 7,000 tons	£1,027.00	7,000 tons or more but under 10,000 tons	£1,541.00	10,000 tons or more but under 15,000 tons	£1,925.00	15,000 tons or more but under 20,000 tons	£2,248.00	20,000 tons or more but under 25,000 tons	£2,569.00	25,000 tons or more but under 30,000 tons	£2,953.00	30,000 tons or more but under 35,000 tons	£3,338.00	35,000 tons or more but under 40,000 tons	£3,723.00	40,000 tons or more but under 50,000 tons	£4,365.00	50,000 tons or more but under 60,000 tons	£5,135.00	60,000 tons or more but under 70,000 tons	£5,648.00	70,000 tons or more but under 80,000 tons	£6,289.00	80,000 tons or more	£6,933.00”.
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Merchant Shipping (Registration of Ships) (Fees) Regulations 2005	<p>1. Replace regulation 2 with —</p> <p><b>“2. Fees for registration of ships</b> The fees for registration of ships under the Maritime (Registration of Ships) Regulations 2019 are prescribed in the Schedule to these Regulations.”.</p> <p>2. Replace the Schedule with —</p> <p style="text-align: center;"><b>“SCHEDULE</b></p> <p style="text-align: right;"><i>(regulation 2)</i></p> <p style="text-align: center;"><b>PART 1 - MERCHANT SHIPS AND YACHTS REGISTERED UNDER PART I OR IV OF THE REGISTER</b></p> <p style="text-align: center;">Calculation of fees</p> <p>Where a person applies, on any one occasion, for the registration of more than one change in the Register in respect of the same ship for which more than one fee would be payable under item 9 or 10 in the Table of Fees —</p> <p style="padding-left: 40px;">(a) the fee for the first change is £53; and</p> <p style="padding-left: 40px;">(b) the fee for the second change is £17.</p>																																										

	1.	Application for initial Registration of a ship (including registration of a ship whose Registry has expired). (The fee is non-refundable if registration is refused).	£196.00
	2.	Registration of a transfer of ownership or shares in a registered ship:	
	(a)	for first or only transfer:	£105.00
	(b)	for second and each subsequent transfer:	£20.00
	3.	Renewal of registration under regulation 39 of the Maritime (Registration of Ships) Regulations 2019 (without a break in registration):	£80.00
	4.	Registration of a mortgage:	
	(a)	for the first or only mortgage:	£101.00
	(b)	for the second and each additional mortgage:	£19.00
	5.	Registration of notice of intended mortgage:	£37.00
	6.	Issue of duplicate certificate of registry:	£32.00
	7.	Issue of transcripts of entries in the Register relating to any one ship:	
	(a)	for current entries:	£32.00
	(b)	for other entries:	£46.00
	8.	Personal inspection of the Register (per hour or part of an hour):	£15.00
	9.	Registration of change of name of ship:	£53.00
	10.	Registration of change of measurement, tonnage or engine particulars recorded in the Register:	£53.00
	11.	Transfer to a port in the UK or to a relevant British possession:	£52.00
	12.	Transfer from a port in the UK or from a relevant British possession:	£135.00
	13.	Application to the Registrar for provisional registration of a ship:	£179.00
	14.	Full registration of a ship directly following provisional registration by the Registrar:	£75.00
	<p><b>PART 2 - FISHING VESSELS REGISTERED UNDER PART II OR IV OF THE REGISTER</b></p> <p>Calculation of fees</p> <p>Where a person applies, on any one occasion, for the registration of more than one change in the Register in respect of the same vessel for which</p>		

	more than one fee would be payable under item 10 or 11 in the Table of Fees —	
	(a) the fee for the first change is £53; and	
	(b) the fee for the second change is £17.	
1.	Application for registration of a vessel (and of a vessel whose registration has expired):	
	(a) with full registration:	£196.00
	(b) with simple registration: (The fee is non-refundable if registration is refused).	£159.00
2.	Registration of transfer of ownership of a registered vessel:	
	(a) with full registration:	£105.00
	(b) with simple registration:	£88.00
3.	Renewal of registration under regulation 39 of the Maritime (Registration of Ships) Regulations 2019 (without a break in registration):	£80.00
4.	Change in registration from simple to full registration:	£88.00
5.	Registration of mortgage:	
	(a) for the first or only mortgage:	£101.00
	(b) for the second and each additional mortgage:	£19.00
6.	Registration of notice of intended mortgage:	£37.00
7.	Issue of duplicate certificate of registration:	£32.00
8.	Issue of transcripts of entries in the Register relating to any one vessel:	
	(a) for current entries:	£32.00
	(b) for other entries:	£46.00
9.	Personal inspection of the Register (per hour or part of an hour):	£15.00
10.	Registration of change of name of vessel:	£53.00
11.	Registration of change of measurement, tonnage or engine particulars recorded in the Register:	£53.00
12.	Application to the Registrar for provisional registration of a vessel with full or simple registration:	£179.00
13.	Full registration of a vessel directly following provisional registration:	£75.00

	<p align="center"><b>PART 3 - SMALL SHIPS REGISTERED UNDER PART III OF THE REGISTER</b></p> <p>1. Issue of certificate of registration (and of a ship whose registration has expired): £35.00</p> <p>2. Issue of duplicate or amended certificate of registration: £35.00</p> <p>3. Issue of transcript of entries in the Register relating to any one ship:</p> <p>(a) for current entries: £32.00</p> <p>(b) for other entries: £46.00”.</p>																														
Planning (General) Regulations 1991	<p>Replace the Schedule with —</p> <p align="center"><b>“SCHEDULE</b>  <b>Fees for services under the Planning Ordinance</b>  <i>(regulation 8)</i></p> <table> <tr> <th><b>TYPE OF APPLICATION</b></th><th><b>FEE</b></th></tr> <tr> <td>1. Application for demolition</td><td>Full application £23.00</td></tr> <tr> <td>2. Mobile home</td><td>Outline £54.00</td></tr> <tr> <td>park/temporary</td><td>Reserved matters £41.00</td></tr> <tr> <td>accommodation park</td><td>Full planning £82.00</td></tr> <tr> <td>(excluding proposals for individual mobile homes)</td><td>Building permit £103.00*</td></tr> <tr> <td></td><td>Joint application £170.00*</td></tr> <tr> <td></td><td>*Building permit only required if each unit is within 6m of another.</td></tr> <tr> <td>3. Construction of buildings, structures or erections for use as residential accommodation (excluding mobile homes) - charge per unit</td><td>Outline application £36.00</td></tr> <tr> <td></td><td>Reserved matters application £28.00</td></tr> <tr> <td></td><td>Full planning £54.00</td></tr> <tr> <td></td><td>Building permit application £73.00</td></tr> <tr> <td></td><td>Joint application £90.00</td></tr> <tr> <td>4. Subdivision of land for residential development</td><td>Outline planning £23.00</td></tr> <tr> <td></td><td>Reserved matters £23.00</td></tr> </table>	<b>TYPE OF APPLICATION</b>	<b>FEE</b>	1. Application for demolition	Full application £23.00	2. Mobile home	Outline £54.00	park/temporary	Reserved matters £41.00	accommodation park	Full planning £82.00	(excluding proposals for individual mobile homes)	Building permit £103.00*		Joint application £170.00*		*Building permit only required if each unit is within 6m of another.	3. Construction of buildings, structures or erections for use as residential accommodation (excluding mobile homes) - charge per unit	Outline application £36.00		Reserved matters application £28.00		Full planning £54.00		Building permit application £73.00		Joint application £90.00	4. Subdivision of land for residential development	Outline planning £23.00		Reserved matters £23.00
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		Full planning	£34.00
	5. Application by householder to enlarge, improve or alter an existing dwelling-house	Outline application	£18.00
		Reserved matters application	£13.00
		Full planning	£28.00
		Building permit application	£36.00
		Joint application	£45.00
	6. Erection of garage within residential area over 108m <sup>3</sup> (cubic metres)	Outline planning	£23.00
		Reserved matters	£23.00
		Full planning	£34.00
		Building permit	£45.00
		Joint application	£67.00
	7. Erection of buildings for non-residential uses (area less than 75sqm).	Outline application	£54.00
		Reserved matters application	£41.00
		Full planning	£82.00
		Building permit application	£108.00
		Joint application	£137.00
	8. Erection of buildings for non-residential (area more than 75sqm)	Outline application	£182.00
		Reserved matters application	£137.00
		Full planning	£272.00
		Building permit application	£363.00
		Joint application	£453.00
	Mixed Use Proposals	Fee as per component uses	
	9. Infrastructure such as drainage, roads & accesses,	Private residential for sites under 75 sq. m:	
		Outline planning	£28.00

	power and water and laydown areas	Reserved matters	£28.00
		Full planning	£54.00
		Building permit	£64.00
		Joint application	£97.00
		Other for sites over 75sq. m:	
		Outline planning	£64.00
		Reserved matters	£64.00
		Full planning	£127.00
		Building permit	£142.00
		Joint application	£243.00
	10. Siting of containers outside of container parks (other than for private domestic use)	Full planning	£54.00
		Renewal	£63.00
	11. For permission to construct or maintain a car park	No fee if for individual dwelling	
		(a) Residential	If for more than one dwelling:
		Outline application	£23.00
		Full/Reserved matters application:	
		£29.00 - where the area of gross car park space does not exceed 40 sq. m;	
		£34.00 - where the area of gross car park space exceeds 40 sq. m but does not exceed 75 sq. m	
		Where the area of gross car park space exceeds 75 sq. m £57 for each 75 sq. m (or part thereof)	
		(b) Industrial/Commercial	Outline application £85.00
		Full / Reserved matters application	
		£57 where the area of gross car park space does not exceed 75 sq. m	



		Where the area of gross car park space exceeds 75 sq. m £113.00 for each 75 sq. m (or part thereof)
12. Operations connected with exploratory drilling for appraisal, extraction or export of oil or natural gas	£454.00 per 0.1 ha or the site Maximum	£33,265
13. For permission to place or assemble equipment in any part of any marine water for the purpose of fish farming		£113.00 per application
14. For permission to engage in winning and working of minerals (excluding peat & calcified seaweed)	£229.00 per 0.1 ha of site (or part thereof) Maximum	£33,265
15. For permission to engage in winning and working of peat & calcified seaweed		£57.00 per application
16. Change of use of a building for use as one or more dwelling-houses		£90.00 per each additional dwelling-house to be created by the development
17. For permission to use, dispose of waste/storage of minerals	(a) use of land for disposal of refuse or waste materials or for the deposit of material remaining after minerals have been extracted from land.	£57.00 per application
	(b) the use of land for the storage of minerals in the open.	£57.00 per application
18. For permission for any other change of use or building works	(a) Where the end use is residential or incidental to residential Building permit	£34.00 £34.00
	Joint application	£57.00
	(b) Where the end use is commercial/ industrial Building permit	£68.00 £64.00

	<p>Joint application £113.00</p> <p>19. Application to vary or remove a condition on an existing permission (or renew a permission) £34.00</p> <p>20. Planning searches £23 per search”.</p>																										
Plant Importation Regulations 1947	<p>In regulation 7(3) —</p> <p>(a) in paragraph (a) replace “£4.20” with “£4.60”;</p> <p>(b) in paragraph (b) replace “£132.80” with “£144.80”; and</p> <p>(c) in paragraph (c) replace “£16.10” with “£17.60”.</p>																										
Post Office Order 2006	<p>(1) In Schedule 1 (airmail rates to all countries), replace the table with—</p> <table> <tr> <td>“Letter</td><td></td></tr> <tr> <td>(a) first 20g</td><td>£0.80</td></tr> <tr> <td>(b) each additional 10g</td><td>£0.29</td></tr> <tr> <td>Small packet &amp; printed paper</td><td></td></tr> <tr> <td>(a) first 70g</td><td>£1.40</td></tr> <tr> <td>(b) each additional 10g</td><td>£0.15</td></tr> <tr> <td>Postcard</td><td>£0.74</td></tr> <tr> <td>Aerogramme</td><td>£0.74</td></tr> <tr> <td>Illustrated Aerogramme</td><td>£0.86”.</td></tr> </table> <p>(2) In Schedule 2 (surface mail), replace the table with —</p> <table> <tr> <td>“Letter</td><td></td></tr> <tr> <td>(a) first 20g</td><td>£0.54</td></tr> <tr> <td>(b) up to 100g</td><td>£1.08</td></tr> <tr> <td>(c) each additional 50g</td><td>£0.39</td></tr> </table>	“Letter		(a) first 20g	£0.80	(b) each additional 10g	£0.29	Small packet & printed paper		(a) first 70g	£1.40	(b) each additional 10g	£0.15	Postcard	£0.74	Aerogramme	£0.74	Illustrated Aerogramme	£0.86”.	“Letter		(a) first 20g	£0.54	(b) up to 100g	£1.08	(c) each additional 50g	£0.39
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	<p>Postcard £0.46</p> <p>Small packets and printed papers</p> <p>(a) first 100g £0.92</p> <p>(b) each additional 50g £0.28</p> <p>Parcel to UK</p> <p>(a) first 1kg £13.71</p> <p>(b) each additional 1kg £5.68</p> <p>(c) maximum weight 30kg £178.32”.</p> <p>(3) In Schedule 3 (inland mail) replace the table with —</p> <p>“Letter</p> <p>(a) first 20g £0.35</p> <p>(b) up to 100g £0.53</p> <p>(c) each additional 100g £0.16</p> <p>Small packet and printed paper</p> <p>(a) first 70g £0.30</p> <p>(b) each additional 50g £0.07</p> <p>Postcard £0.22”.</p>
Retirement Pensions (Prescribed Rates) Regulations 1996	<p>(1) In regulation 3 —</p> <p>(a) in paragraph (a) replace “£167.55” with “£177.78”; and</p> <p>(b) in paragraph (b) replace “£94.86” with “£100.65”.</p> <p>(2) In regulation 5 —</p> <p>(a) in subregulation (1)(a) replace “£20.30” with “£21.54”;</p> <p>(b) in subregulation (1)(b) replace “£40.60” with “£43.08”;</p> <p>(c) in subregulation (1)(c) replace “£20.30” with “£21.54”;</p>

	<p>(d) in subregulation (2) replace “£20.30” with “£21.54”;</p> <p>(e) in subregulation (2A) replace “£20.30” with “£21.54”;</p> <p>(f) in subregulation (3)(a) replace “£40.60” with “£43.08”; and</p> <p>(g) in subregulation (4) replace “£40.60” with “£43.08”.</p> <p>(3) In regulation 6 replace “£309.20” with “£342.80”.</p>																								
Road Traffic (Provisional) Regulations Order 1986	<p>(1) In regulation 2(5) replace paragraphs (i) and (ii) with—</p> <p>“(i) under sub-regulation (1), of £49.90; and</p> <p>(ii) under sub-regulation (3), of £24.80.”.</p> <p>(2) In regulation 2A(2), replace “£12.45” with “£13.20”.</p> <p>(3) In Schedule 1 replace the Table with —</p> <table><tr><th colspan="3">“TABLE</th></tr><tr><th>Column 1 (class of motor vehicle)</th><th>Column 2 (fee for written test on the Road Code)</th><th>Column 3 (fee for practical test of competency to drive)</th></tr><tr><td>Class A (motorcycle or scooter)</td><td>£32.00</td><td>£70.00</td></tr><tr><td>Class B (manual motor car or light goods vehicle not exceeding 3,500 kg ULW)</td><td>£32.00</td><td>£75.00</td></tr><tr><td>Class BA (automatic motor car or light goods vehicle not exceeding 3,500 kg ULW)</td><td>£32.00</td><td>£75.00</td></tr><tr><td>Class B1 (motor tricycle or other vehicle not exceeding 500 kg ULW)</td><td>£32.00</td><td>£75.00</td></tr><tr><td>Class C (goods vehicle exceeding 7,500 kg ULW)</td><td>£32.00</td><td>£100.00</td></tr><tr><td>Class C1 (goods vehicle exceeding 3,500 kg ULW but not exceeding 7,500 kg ULW)</td><td>£32.00</td><td>£100.00</td></tr></table>	“TABLE			Column 1 (class of motor vehicle)	Column 2 (fee for written test on the Road Code)	Column 3 (fee for practical test of competency to drive)	Class A (motorcycle or scooter)	£32.00	£70.00	Class B (manual motor car or light goods vehicle not exceeding 3,500 kg ULW)	£32.00	£75.00	Class BA (automatic motor car or light goods vehicle not exceeding 3,500 kg ULW)	£32.00	£75.00	Class B1 (motor tricycle or other vehicle not exceeding 500 kg ULW)	£32.00	£75.00	Class C (goods vehicle exceeding 7,500 kg ULW)	£32.00	£100.00	Class C1 (goods vehicle exceeding 3,500 kg ULW but not exceeding 7,500 kg ULW)	£32.00	£100.00
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	Class D (passenger carrying vehicle with seating for more than 16 passengers [not including the driver])	£32.00	£100.00
	Class D1 (passenger carrying vehicle with seating for more than 8, but not more than 16, passengers [not including the driver])	£32.00	£100.00
	Class E (articulated vehicle where the tractor unit is in Class C or C1)	£32.00	£100.00
	Class F (agricultural tractor)	£32.00	£64.00”.
	<p>(4) In Schedule 2, in column 2 of the Table replace —</p> <p>(a) “£31.80” with “£33.70” in each place it occurs;</p> <p>(b) “£5.35” with “£5.70”;</p> <p>(c) “£15.40” with “£16.30” in each place it occurs; and</p> <p>(d) “£12.45” with “£13.20”.</p>		
Vehicle Licence Labels Regulations 1998	In regulation 5(2), replace “£7.00” with “£7.40”.		

Passed by the Legislature of the Falkland Islands on 31 May 2023.

CHERIE YVONNE CLIFFORD,  
*Clerk of the Legislative Assembly.*

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Assembly and is found by me to be a true and correctly printed copy of the said Bill.

CHERIE YVONNE CLIFFORD,  
*Clerk of the Legislative Assembly.*

**CHARLES III**



**FALKLAND ISLANDS**

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ALISON MARY BLAKE C.M.G.,  
*Governor.*

**Family Allowances Ordinance 2023**

**(ORDINANCE No. 6 OF 2023)**

**ARRANGEMENT OF PROVISIONS**

Section

**PART 1 - INTRODUCTORY**

1. Title
2. Commencement
3. Interpretation

**PART 2 - PAYMENT, ELIGIBILITY AND ENTITLEMENT**

4. Payment of family allowance
5. Eligibility and entitlement
6. Persons to whom family allowances are to be paid

**PART 3 - ADMINISTRATION OF FAMILY ALLOWANCES**

7. Functions of administrator
8. Applications for family allowances
9. Determination of disputes
10. Revision of family allowances
11. Adjustment of overpayments
12. Ceasing of payments
13. Notification of change in circumstances
14. False statements

#### **PART 4 - GENERAL**

15. Regulations
16. Information sharing
17. Provisions as to legal proceedings
18. Administrator to issue guidance
19. Repeal and transitional provision

# CHARLES III



## FALKLAND ISLANDS

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ALISON MARY BLAKE C.M.G.,  
*Governor.*

### **Family Allowances Ordinance 2023**

*(assented to: 23 June 2023)*  
*(commencement: 1 July 2023)*  
*(published: 30 June 2023)*

#### AN ORDINANCE

To provide for the payment of family allowances and connected matters.

ENACTED by the Legislature of the Falkland Islands —

### **PART 1 - INTRODUCTORY**

#### **1. Title**

This Ordinance is the Family Allowances Ordinance 2023.

#### **2. Commencement**

This Ordinance comes into force on 1 July 2023.

#### **3. Interpretation**

In this Ordinance, unless the context otherwise requires —

“**academic year**” has the same meaning as in the Education (Governance and Accountability) Ordinance 2022;

“**administrator**” means the Financial Secretary or their nominated representative;



**“allowance”** means the allowance payable in accordance with section 4;

**“applicant”** means a parent who applies for a family allowance;

**“child”** is a child up to the end of the academic year in which they turn 16 years of age;

**“date of entitlement”** means the date when a parent and child became eligible for an allowance under this Ordinance;

**“eligible child”** means a child who meets the requirements in section 5(1);

**“head of department”** means a person employed as a Director to head a government department; and

**“parent”**, in relation to an eligible child includes any person who has parental responsibility for that child within the meaning of the Children Ordinance 2014.

## **PART 2 - PAYMENT, ELIGIBILITY AND ENTITLEMENT**

### **4. Payment of family allowance**

(1) An allowance at the maximum rate of £85.10 per month is payable to a parent who meets the requirements of section 5 in respect of a child.

(2) An allowance under subsection (1) is payable by the administrator.

(3) The administrator must stop paying an allowance when a child turns 16 years of age or at the end of the academic year in which the child turns 16 years, whichever is the later.

(4) The Governor may by Order vary the amount of an allowance per month set out in subsection (1).

### **5. Eligibility and entitlement**

(1) An allowance is payable in respect of an eligible child under this Ordinance if the child —

- (a) has been ordinarily resident in the Falkland Islands for not less than six months immediately before payment of the allowance;
- (b) was born in the Falkland Islands less than six months before payment of the allowance;  
or
- (c) was born outside the Falkland Islands less than six months before payment of the allowance, to a mother who was ordinarily resident in the Falkland Islands at the time of the child's birth.

(2) A parent to whom an allowance is to be paid in respect of an eligible child must —

- (a) have Falkland Islands status or a permanent residence permit unless the eligible child —

- (i) has Falkland Islands status; or
    - (ii) has been ordinarily resident in the Falkland Islands for not less than three years immediately before payment of the allowance; or
  - (b) have been ordinarily resident in the Falkland Islands for not less than three years immediately before payment of the allowance.
- (3) Subject to section 19(3), an allowance in respect of a child under subsection (1)(a) is payable retrospectively for the six-month period as soon as the child has been ordinarily resident for six months.
- (4) An allowance begins to accrue —
- (a) if the claim is made within six months from the date of entitlement, on the date of entitlement; or
  - (b) if the claim was not made within six months from the date of entitlement, then at the beginning of the period of six months immediately preceding the date on which the claim was made.
- (5) An allowance must not be paid —
- (a) in respect of a child who is not ordinarily resident in the Falkland Islands;
  - (b) to a parent who —
    - (i) is not ordinarily resident in the Falkland Islands;
    - (ii) is entitled to a payment from another country which the administrator is satisfied is similar to the allowance, in respect of the child; or
    - (iii) is exempted from the liability to pay income tax by virtue of a law of the Falkland Islands or by extra-statutory concession from the Commissioner of Taxation.
- (6) For the purposes of this section a parent or eligible child's absence from the Falkland Islands must be disregarded if the principal reason for the absence is any of the following purposes —
- (a) to receive medical treatment;
  - (b) to undertake a course of education or training;
  - (c) to support a dependent or relative, or in the case of a child, to accompany a parent, who is absent from the Falkland Islands and whose principal reason for being absent from the Falkland Islands is for one of the purposes described in paragraphs (a) or (b);
  - (d) to undertake work or to conduct business for a period not exceeding nine months.
- (7) In the case of doubt, the question whether the presence or absence of a person is or is not to be treated as temporary must be determined by the administrator.

## **6. Persons to whom family allowances are to be paid**

- (1) Where parents of an eligible child are living together, the allowance is payable to either of the parents.
- (2) In any other case, the administrator may decide the parent to whom the allowance should be paid, and should consider all relevant circumstances including —
  - (a) the living arrangements for the child; and
  - (b) any court orders that have been made regarding residence of the child.
- (3) The administrator may issue guidelines for the exercise of their discretion under subsection (2).

## **PART 3 - ADMINISTRATION OF FAMILY ALLOWANCES**

### **7. Functions of administrator**

- (1) The administrator must administer family allowances in accordance with this Ordinance.
- (2) The administrator must —
  - (a) provide and publish for use by applicants such forms as may be necessary or expedient;
  - (b) receive, consider and determine applications for family allowances;
  - (c) assess the eligibility and entitlement of applicants;
  - (d) determine whether to pay, vary or cease payment of, family allowances;
  - (e) reconsider or review any decision to pay, vary or cease payment of, family allowances when it is appropriate to do so;
  - (f) take all such steps as may reasonably be required to recover repayments due in respect of family allowances; and
  - (g) perform any other function of the administrator under this Ordinance.

### **8. Applications for family allowances**

- (1) An application for family allowance must be submitted by a parent of the eligible child, in respect of whom the application is made.
- (2) An application must include such information as the administrator may reasonably require in order to determine eligibility and entitlement under section 5.
- (3) The administrator must not accept more than one application for family allowance at a time in respect of the same child.
- (4) An applicant must —

- (a) ensure that their application is true and complete as far as is reasonably practicable; and
- (b) co-operate with the assessment of the child's eligibility and the parent's entitlement, and any subsequent reassessment.

## **9. Determination of disputes**

- (1) Any question as to eligibility or entitlement to be paid an allowance in respect of an eligible child must be decided by the administrator.
- (2) The administrator must give written notice to the applicant about any assessment or determination under this Ordinance, including reasons for the decision.
- (3) If an applicant is dissatisfied with a decision of the administrator the matter must be determined in accordance with the Falkland Islands Government complaints procedures.

## **10. Revision of family allowances**

- (1) Subject to subsection (2), the administrator may revise an award or decision not to award any family allowance or any other decision made by them under this Ordinance, if satisfied that the award or decision was erroneous.
- (2) A revision under subsection (1) may only be done if —
  - (a) further information has been brought to the notice of the administrator since the date on which the award or decision was made;
  - (b) the circumstances existing at the time which formed the basis of the award or decision have changed; or
  - (c) a mistake was made in respect of the circumstances existing at the time the award or decision was made.
- (3) Section 9 applies to a dispute arising from any revision or decision not to revise, by the administrator under this section.

## **11. Adjustment of overpayments**

- (1) If it is found at any time that a sum has been paid which was not properly payable, the administrator may require it to be repaid.
- (2) Any sum which a parent is required under this section to repay may be recovered as a civil debt.

## **12. Ceasing of payments**

The administrator must cease payment of a family allowance to any parent who does not meet or no longer meets the requirements of section 5.

### **13. Notification of change in circumstances**

(1) Subject to subsection (2), a parent must notify the administrator if there is a change to their circumstances —

- (a) which affects their entitlement to a family allowance; and
- (b) the parent knows that the change affects their entitlement to the allowance.

(2) A parent of an eligible child must notify the administrator if there is a change to the child's circumstances —

- (a) which affects the child's eligibility for a family allowance; and
- (b) the parent knows that the change affects the entitlement of the child under this Ordinance.

(3) Notification under this section must be made as soon as reasonably practicable after the parent becomes aware of the change.

(4) A parent who fails to notify the administrator as required under this section commits an offence and is liable on conviction to a fine not exceeding level 5 on the standard scale.

### **14. False statements**

A parent who, in an application for family allowance knowingly or recklessly —

- (a) makes a statement or representation which is false in a material particular;
- (b) provides or causes or allows to be provided, a document or information which is false in a material particular; or
- (c) withholds any information which is material,

commits an offence and is liable on conviction to a fine or to imprisonment for a period not exceeding six months or to both.

## **PART 4 - GENERAL**

### **15. Regulations**

(1) The Governor may make regulations for giving effect to this Ordinance, and in particular to prescribe the manner in which applications for allowances may be made.

(2) Regulations made under subsection (1) may provide for a penalty for contravention of the regulations of a fine not exceeding level 2 on the standard scale.

### **16. Information sharing**

(1) A head of department or any other public officer acting under the direction of the head of department may, on request, provide information to the administrator relating to the affairs of a parent or a child for purposes of section 5.

(2) A public officer who provides information in accordance with subsection (1) is not guilty of an offence under section 202 of the Taxes Ordinance 1997.

(3) The administrator must ensure that, as far as is reasonably practicable, personal information about parents or children is —

- (a) collected only for the purpose of this Ordinance;
- (b) accurate and relevant;
- (c) held securely; and
- (d) retained for no longer than is reasonably necessary.

### **17. Provisions as to legal proceedings**

Proceedings for an offence under this Ordinance must not be instituted without the consent of the Attorney General.

### **18. Administrator to issue guidance**

(1) The administrator may issue guidance for the general administration of family allowances, eligibility for and entitlement to family allowances, including for any matter which is to be prescribed under a provision of this Ordinance but which has not been prescribed.

(2) The administrator must arrange for any guidance made under subsection (1) to be published on the Government website.

### **19. Repeal and transitional provision**

(1) The Family Allowances Ordinance 1960 is repealed (“**repealed Ordinance**”).

(2) The Family Allowances Regulations 1960 and the Family Allowances (Penalty Notice) Regulation 2009 are revoked.

(3) An application for family allowance made under the repealed Ordinance and not determined before the commencement of this Ordinance must be finalised in accordance with the repealed Ordinance.

(4) An allowance to a parent referred to in section 5(2)(b) is payable from the date that this Ordinance takes effect.

Passed by the Legislature of the Falkland Islands on 31 May 2023.

CHERIE YVONNE CLIFFORD,  
*Clerk of the Legislative Assembly.*

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Assembly and is found by me to be a true and correctly printed copy of the said Bill.

CHERIE YVONNE CLIFFORD,  
*Clerk of the Legislative Assembly.*

**CHARLES III**



**FALKLAND ISLANDS**

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ALISON MARY BLAKE C.M.G.,  
*Governor.*

**Financial Assistance Ordinance 2023**

**(ORDINANCE No. 7 OF 2023)**

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CHARLES III



FALKLAND ISLANDS

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ALISON MARY BLAKE C.M.G.,  
*Governor.*

**Financial Assistance Ordinance 2023**

(assented to: 23 June 2023)  
(commencement: on publication)  
(published: 30 June 2023)

AN ORDINANCE

To provide financial assistance for residents of the Falkland Islands who are in need of such assistance and connected purposes.

ENACTED by the Legislature of the Falkland Islands —

**PART 1 - INTRODUCTORY**

**1. Title and commencement**

This Ordinance is the Financial Assistance Ordinance 2023 and comes into force on publication in the *Gazette*.

**2. Interpretation**

(1) In this Ordinance —

“**applicant**” means a person who applies for financial assistance;

“**assisted person**” means a person receiving an attendance allowance;

“**attendance allowance**” and “**attendance allowance policy**” have the meaning in section 15;

“**child**” means a child or young person who is either —

- (a) under the age of 18 years and in full time education; or
- (b) under the age of 16 years;

**“compulsory education age”** has the meaning in the Education (Governance and Accountability) Ordinance 2022;

**“date of application”** means the date on which an application for financial assistance is submitted to the Head of Service;

**“eligible person”** has the meaning in section 5;

**“financial assistance”** means income support, attendance allowance and financial assistance provided under section 20 (financial assistance in an emergency);

**“Head of Service”** means the person employed for the time being as Head of Social Services;

**“income support”** has the meaning in section 4(1);

**“means test”** means the requirements set out in the operational manual relating to the savings, income, outgoings and other circumstances of an eligible person or, if the person lives with one or more other persons in the same household, the savings income and other circumstances of the household;

**“medical treatment”** means medical or dental investigations, treatment or care arranged by King Edward VII Memorial Hospital;

**“normal retirement age”** means the age of 65 years or older;

**“operational manual”** has the meaning in section 4(2);

**“overseas”** means any country or territory that is not the Falkland Islands;

**“parent”** includes any person who has parental responsibility for a child under the Children Ordinance 2014;

**“personal information”** means any information about an identifiable individual including, but not limited to —

- (a) their name, address and telephone number;
- (b) their race or ethnic origin;
- (c) their age, sex, marital status or family status;
- (d) their religion;
- (e) any identifying case number, symbol or other identifier assigned to the individual;
- (f) any disability;

- (g) their health;
- (h) their education;
- (i) their criminal record; or
- (j) their finances; and

“**winter fuel allowance**” and “**winter fuel allowance policy**” have the meaning in section 12.

(2) A reference in this Ordinance, in relation to attendance allowance, to “**high rate**”, “**medium rate**”, “**low rate**” or “**variable low rate**” (as the case may be) is a reference to those terms as defined in section 16(2).

### **3. Expenditure chargeable on Consolidated Fund**

Expenditure on financial assistance is chargeable upon the Consolidated Fund.

## **PART 2 - INCOME SUPPORT**

### **4. Income support**

(1) The Head of Service must provide financial assistance to residents of the Falkland Islands who are eligible for, and entitled to, it to enable them to meet their basic needs for shelter, food, clothing and personal care whilst promoting their independence and self-reliance (“**income support**”).

(2) The scheme operates in accordance with a manual approved by the Governor (“**operational manual**”) and laid before the Legislative Assembly.

### **5. Eligibility for income support**

(1) A person is eligible for income support (“**an eligible person**”) if, on the date of application, the person meets the requirements in subsection (2).

(2) The person must —

- (a) be 16 years of age or older;
- (b) be ordinarily resident in the Falkland Islands;
- (c) have been ordinarily resident in the Falkland Islands for not less than 3 years ending on the date of application; and
- (d) have the right to work in the Falkland Islands.

### **6. Entitlement to income support**

The amount of income support to which an eligible person is entitled —

- (a) depends on whether the person meets the criteria in one or more of sections 7 (basic income support), 8 (rent and service charge support) or 9 (childcare support); and
- (b) is calculated in accordance with the means test.

## **7. Basic income support**

(1) An eligible person to whom this section applies may be entitled to income support, to supplement their income.

(2) This section applies to an eligible person who is —

(a) under normal retirement age and meets one of the following criteria —

- (i) is in paid employment;
- (ii) is actively seeking paid work and not participating in the Employment Programme;
- (iii) is not capable of working whether temporarily or permanently, by reason of pregnancy, illness or disability;
- (iv) is the sole or main carer of a person who receives attendance allowance at the high or medium rate; or
- (v) is a parent, and sole or main carer, of a child who is under compulsory education age; or

(b) is over normal retirement age.

(3) In this section, “**Employment Programme**” means a programme of training and skills development provided by Falkland College to support individuals into employment and includes regular weekly payments in lieu of wages.

## **8. Rent and service charge support**

(1) Subject to subsection (2), an eligible person may be paid income support in respect of the person’s liability to pay rent or service charge in relation to their only or main home.

(2) A person whose accommodation is provided by their employer as part of the terms and conditions of their employment is not entitled to income support under this section.

(3) In this section, “**service charge**” means the charges for the supply of water and refuse collection for which a person is liable as the occupier of domestic premises, under section 30 of the Stanley Rates Ordinance 1973.

## **9. Childcare support**

(1) This section applies to an eligible person who is a parent.

(2) Subject to subsection (3), a parent may be paid income support in relation to the cost of childcare for up to 2 of their children —

- (a) who live in the parent's household; and
- (b) who are under the age of 12 years.

(3) A parent is not entitled to income support under this section if another person receives such support in respect of the same children.

## **10. Cessation of income support**

(1) Income support must not be provided for an eligible person while the person is —

- (a) in custody, whether on remand or serving a term of imprisonment, if the period spent in custody exceeds or is likely to exceed 30 days;
- (b) overseas, unless —
  - (i) the person is overseas for the purpose of receiving medical treatment;
  - (ii) the person is accompanying a close family member who is overseas for the purpose of receiving medical treatment; or
  - (iii) the Head of Service determines before the person departs the Falkland Islands that the person should continue to receive income support while overseas.

(2) A person who becomes entitled to financial support or assistance that is equivalent to income support in any other country or territory is not entitled to income support.

## **11. Reassessment**

The Head of Service may at any time reassess a person's eligibility for, and entitlement to, income support and vary the amount of, or cease to provide, income support in accordance with the operational manual as it applies at the time of reassessment.

# **PART 3 - WINTER FUEL ALLOWANCE**

## **12. Winter fuel allowance**

(1) Subject to subsection (2), the Head of Service must provide financial assistance for households that are eligible for it with the cost of heating their only or main home during the period 1 June to 30 September each year ("**winter fuel allowance**").

(2) Winter fuel allowance must be provided in accordance with the policy approved by the Governor and laid before Legislative Assembly ("**winter fuel allowance policy**").

## **13. Eligibility for winter fuel allowance**

A household is eligible for winter fuel allowance if, on the date of application —

- (a) the household income is below the financial threshold set out in the winter fuel allowance policy;

- (b) at least one member of the household (“**M**”) —
  - (i) is of normal retirement age on or before 30 September in the year in which an application for winter fuel allowance is made;
  - (ii) receives a retirement pension under section 4 of the Retirement Pensions Ordinance 1996;
  - (iii) is entitled to attendance allowance at the high rate or the medium rate; or
  - (iv) is an eligible person, whether or not the person receives income support; and
- (c) M or, if M is a child, M’s parent who lives in the same household, is ordinarily resident in the Falkland Islands.

## **PART 4 - ATTENDANCE ALLOWANCE**

### **14. Interpretation of Part 4**

In this Part —

“**activities of daily living**” includes (but is not limited to) eating, bathing, dressing, mobility, continence and toileting, cleaning, laundry, driving, shopping and caring for a person’s own health (including taking prescription medication); and

“**long term illness or disability**” means an illness or disability (whether physical or mental) that has lasted for a period of not less than 3 months ending on the date of application.

### **15. Attendance allowance**

(1) The Head of Service must provide financial assistance for persons who are eligible for it and need assistance from others with the activities of daily living due to long-term illness or disability and who do not receive such assistance from King Edward VII Memorial Hospital or any other publicly available service (“**attendance allowance**”).

(2) Attendance allowance must be provided in accordance with a policy approved by the Governor (“**attendance allowance policy**”) and laid before the Legislative Assembly.

### **16. Rates of attendance allowance**

(1) Attendance allowance is paid at a rate that depends on a person’s needs for assistance, as assessed in accordance with the attendance allowance policy.

(2) The rates are —

- (a) for persons with the greatest need for assistance (“**high rate**”);
- (b) for persons with moderate needs for assistance (“**medium rate**”);
- (c) for persons with low needs for assistance (“**low rate**”); and

- (d) for persons with the least need for assistance, such sum not exceeding the low rate as meets the cost of services required by the assisted person (“**variable low rate**”).

## **17. Eligibility for and entitlement to attendance allowance**

(1) A person is eligible for attendance allowance if the person is ordinarily resident in the Falkland Islands and either —

- (a) the person has a long-term illness or disability that is likely to last for not less than 6 months or more from the date of application; or
- (b) a medical practitioner has advised that the person has a serious illness and may have less than 6 months to live.

(2) The Head of Service must determine the appropriate rate of attendance allowance payable (if any) and assess a person who is eligible under subsection (1)(a) by reference to the extent to which the person —

- (a) if not a child, needs assistance from others with the activities of daily living; or
- (b) if a child, needs significantly more assistance with the activities of daily living than a child of the same age who does not have a long-term illness or disability.

(3) A person who is eligible for attendance allowance by virtue of subsection (1)(b) is entitled to the high rate of attendance allowance.

(4) When making a determination under subsection (2), the Head of Service must seek the advice of a medical practitioner.

## **18. Cessation of attendance allowance**

(1) A person who becomes entitled to financial support or assistance that is equivalent to attendance allowance in any other country or territory is not entitled to attendance allowance.

(2) An assisted person is only entitled to receive attendance allowance while overseas if —

- (a) the period overseas does not exceed 13 weeks in total in any 12 month period;
- (b) the person is overseas for medical treatment; or
- (c) the Head of Service determines before the person departs the Falkland Islands that they should continue to receive attendance support.

## **19. Reassessment**

(1) The Head of Service may reassess an assisted person’s eligibility for, and entitlement to, attendance allowance at any time and may vary the rate of payment in accordance with the attendance allowance policy as it applies at the time of reassessment or cease payment.

(2) The Head of Service must reassess an assisted person’s eligibility for and entitlement to attendance allowance if the assisted person —



- (a) is admitted to King Edward VII Memorial Hospital for 3 months or more;
- (b) is provided with residential care for 3 months or more;
- (c) is receiving medical treatment overseas and has been receiving such treatment for 12 months or more; or
- (d) was awarded the high rate of attendance allowance and has been in receipt of attendance allowance for 12 months or more.

## **PART 5 - FINANCIAL ASSISTANCE IN EMERGENCY**

### **20. Financial assistance in emergency**

- (1) The Head of Service may provide financial assistance to any person (“P”) if satisfied that P—
  - (a) is in immediate and urgent need of financial assistance; and
  - (b) has exhausted all other sources of financial support.
- (2) Financial assistance under this section —
  - (a) may be a grant or a loan;
  - (b) may be paid to P or to a third person for goods or services provided for the benefit of P or another member of P’s household;
  - (c) must not be provided to enable P to settle their debts.
- (3) The Head of Service may review, vary or cease to pay financial assistance under this section at any time.

## **PART 6 - ADMINISTRATION OF FINANCIAL ASSISTANCE**

### **21. Functions of Head of Service in relation to financial assistance**

- (1) The Head of Service must administer financial assistance in a fair, effective and efficient manner.
- (2) The Head of Service must —
  - (a) provide and publish for use by applicants such forms as may be necessary or expedient;
  - (b) receive, consider and determine applications for financial assistance;
  - (c) assess the eligibility and entitlement of applicants;
  - (d) decide whether to pay, vary or cease payment of, financial assistance;

- (e) reconsider or review any decision to pay, vary or cease payment of, financial assistance when it is appropriate to do so;
- (f) take all such steps as may reasonably be required to recover repayments due in respect of financial assistance;
- (g) publish guidance for persons in the Falkland Islands about eligibility for, and entitlement to, financial assistance; and
- (h) perform any other function of the Head of Service under this Ordinance.

## **22. Annual review of allowances**

(1) At least once in each financial year, the Governor must review in relation to the financial assistance paid under this Ordinance —

- (a) the basis for entitlement to each allowance; and
- (b) the rates payable.

(2) Any changes to the matters reviewed under subsection (1) must be published by notice in the *Gazette*.

## **23. Applications for financial assistance**

(1) An application for financial assistance must include such information as the Head of Service may reasonably require in order to determine the applicant's eligibility and entitlement.

(2) An application for income support must be submitted in accordance with the operational manual.

(3) The Head of Service must not, save in exceptional circumstances —

- (a) accept more than one application for income support at a time from members of the same household; or
- (b) consider an application for income support or financial assistance under section 20 if a person living in the same household as the applicant receives income support.

(4) An application for attendance allowance must be submitted in accordance with the attendance allowance policy.

(5) An application for winter fuel allowance must be submitted in accordance with the winter fuel allowance policy.

(6) An applicant must —

- (a) ensure that their application is true and complete as far as is reasonably practicable;
- (b) cooperate with the assessment of their eligibility and entitlement, and any subsequent reassessment; and

(c) consent to their personal information being shared in accordance with this Ordinance.

(7) A person who receives financial assistance must inform the Head of Service as soon as is reasonably practicable of any change in their personal circumstances or in the circumstances of any other person included in their application.

(8) An application made on behalf of a child must be submitted by a parent of the child or, if there is no such person, by a person who is responsible for caring for the child.

#### **24. Notification of assessments and determinations**

The Head of Service must give written notice to the applicant or, if the applicant is a child, the person who submitted the application on the child's behalf, about any assessment or determination under this Ordinance, including reasons for the decision.

#### **25. Applicant's breach of duty**

The Head of Service may cease payment of financial assistance to any person who is in material breach of section 23(6) or (7) and may require the person to repay all or any part of the financial assistance paid to them or for their benefit or the benefit of a member of their household.

#### **26. Personal information**

(1) A person who is or was the Head of Service, or who carries or carried out duties under the authority of the Head of Service for and in connection with the administration of this Ordinance, must not directly or indirectly give any other person personal information or make a record of or use any personal information acquired under this Ordinance about an applicant or recipient except—

(a) in the course of carrying out the person's duties for or in connection with the administration of this Ordinance; and

(b) with the authority of the applicant or recipient, or in accordance with the law (including a court order).

(2) The Commissioner of Taxes or any other public officer acting under the Commissioner's direction may provide information relating to the financial circumstances of an applicant for or recipient of financial assistance or any member of an applicant's or recipient's household to the Head of Service for the purpose of assisting the Head of Service to perform the Head of Service's functions under this Ordinance.

(3) A person who provides information in accordance with subsection (2) is not guilty of an offence under section 202 of the Taxes Ordinance 1997.

(4) The Head of Service must ensure that, as far as is reasonably practicable, personal information about applicants and recipients is —

(a) collected only for the purpose of this Ordinance;

(b) accurate and relevant;

(c) held securely; and

(d) retained for no longer than is reasonably necessary.

(5) In this section, “**recipient**” means a person who receives financial assistance under this Ordinance.

## **PART 7 - TRANSITIONAL PROVISION AND CONSEQUENTIAL AMENDMENTS**

### **27. Transitional provision**

(1) Subsections (3) and (4) apply to financial assistance provided before the commencement of this Ordinance and that continues to be provided on the same basis after that date (“**continuing financial assistance**”).

(2) Continuing financial assistance that was described as “income support”, “rent support”, “service charge support”, “childcare support”, “winter fuel allowance” or “attendance allowance” is treated after the commencement of this Ordinance as the equivalent financial assistance given under this Ordinance.

(3) Continuing financial assistance may be reassessed, varied or ended in accordance with this Ordinance.

(4) An application for financial assistance made and not determined before the commencement of this Ordinance must be treated as if it is an application for financial assistance under this Ordinance.

### **28. Consequential amendments**

The Schedule has effect to amend the legislation listed in the first column to the extent specified in the second column.

## SCHEDULE – CONSEQUENTIAL AMENDMENTS

section 28

Legislation	Amendment
Taxes Ordinance 1997	In section 57(1), omit paragraph (t).
Legal Aid Regulations 2020	<p>In regulation 3(1) replace the definition of “<b>welfare allowances</b>” with —</p> <p>““<b>welfare allowances</b>” means —</p> <p>(a) family allowance received under the Family Allowances Ordinance 1960;</p> <p>(b) payments received for participation in the employment programme; and</p> <p>(c) income support, attendance allowance or other financial assistance received under the Financial Assistance Ordinance 2023 that is not a loan made under section 20 of the Ordinance.”.</p>

Passed by the Legislature of the Falkland Islands on 31 May 2023.

CHERIE YVONNE CLIFFORD,  
*Clerk of the Legislative Assembly.*

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Assembly and is found by me to be a true and correctly printed copy of the said Bill.

CHERIE YVONNE CLIFFORD,  
*Clerk of the Legislative Assembly.*

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