
SUBSIDIARY LEGISLATION

OFFSHORE MINERALS

Civil Jurisdiction (Offshore Activities) Order 1998

(S. R. & O. No. 19 of 1998)

Made: 27 February 1998

Published: 6 March 1998

Coming into operation: 30 March 1998

IN EXERCISE of my powers under section 18, 19 and 20 of the Offshore Minerals Ordinance 1994^(a) and of all other powers enabling me in that behalf, and with the consent of the Secretary of State for Foreign and Commonwealth Affairs, I make the following Order—

Citation and interpretation

1.—(1) This Order may be cited as the Civil Jurisdiction (Offshore Activities) Order 1998.

(2) This Order comes into force on 30 March 1998.

Interpretation

2. In this Order—

“installation” includes an installation in transit;

“offshore area” means—

(a) tidal waters and parts of the sea adjacent to the Falkland Islands up to the seaward limits of the territorial sea;

(b) and any designated area of the continental shelf;

“the Ordinance” means the Offshore Minerals Ordinance 1994;

“relevant act”, except in article 4(b) means an act or omission taking place on, under or above the offshore area in connection with any activity mentioned in section 18(2) of the Ordinance.

^(a) No. 16 of 1994

Application of Falkland Islands Law

2. The law in force in the Falkland Islands applies for the determination of questions arising out of relevant acts taking place in the offshore area.

Jurisdiction

3. The Supreme Court has such jurisdiction for the determination of any question arising out of a relevant act which under article 2 of this Order falls to be determined under the law of the Falkland Islands as it would have if the relevant act had taken place in the Falkland Islands.

Application of Wireless Telegraphy Act 1949 and Radioactive Substances Act 1993

4. For the purposes of the Wireless Telegraphy Act 1949, the Radioactive Substances Act 1993 and any regulations and orders under either of those Acts (subject, however—

(a) to all such modifications as are required by section 76(4) of the Interpretation and General Clauses Ordinance 1977; and

(b) to any contrary intention appearing in any such regulation or order made after the making of the Civil Jurisdiction (Offshore Activities) Order 1987^(b) in respect of their application to installations and waters to which article 4 of that Order relates),

any installation and any waters within 500 metres of an installation shall be deemed to be situated in the Falkland Islands.

Made this 27th day of February 1998

R P Ralph
Governor

EXPLANATORY NOTE
(not forming part of the above Order)

This Order applies the law of the Falkland Islands to the determination of questions arising out of “relevant acts” (as defined in article 2 of the Order) taking place within the “offshore waters” (again as defined in article 2) and confers jurisdiction upon the Supreme Court of the Falkland Islands to determine such questions. It also applies the Wireless Telegraphy Act 1949 and the Radioactive Substances Act 1993 and, subject to article 4 of the Order, regulations and orders under those Acts, to installations within offshore waters and to waters within 500 metres of such installations.

^(b) SI 1987 No. 2197