



Law and Regulation Directorate

Annual Report

2014-2015



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Photo credit: Beverley Foster

Attorney General's Foreword

This is the first Law and Regulation (AG's Directorate) Annual report. I believe it is vital to have a record of what has been achieved, to acknowledge the improvements that have been made and to maintain a record of delivery of service to the public.

It makes pleasing reading.

The Government is rightly ambitious. This ambition for progress cannot always be met by the resources necessary to deliver them and this can be frustrating for all involved. Taking the opportunity to reflect and report on what has been delivered is very useful.

The report highlights some real successes.

This year 95% of operational Camp Airstrips have been inspected (for the first time in 9 years) and reports have been issued to airstrip owners and FIGAS. Our work with Stanley Airport resulted in it being safely recertified for international flight operations in time for use of oil industry helicopters. Audits by Air Safety Support International (ASSI) provide assurance of the quality and progress of our civil aviation regulation.

An internal audit of the Registry also demonstrates the good practices there. Registry Services has been very busy, leading to an increase in revenue despite a drop in fees to the public. This also indicates the level of land and company transactions, as people are buying land, building houses and starting up new business.

Sound prosecution statistics demonstrate that a high proportion of criminal charges result in convictions and charging decisions are made and communicated quickly.

The legislative programme has been advanced with some significant legislation, such as the *Crimes and Criminal Procedure Bills*. We have also played our role in supporting improvements in Child Protection assurance, as demonstrated through the recent Lucy Faithfull Foundation Review Report.

We also appointed a Law Commissioner in June 2015, and work has begun on the Revised Laws Project.

It is a privilege to serve the Falkland Islands public, and humbling to realise that the work of our directorate touches so many aspects of people's lives, and so many facets of Government. However, we are not complacent. We understand that we need to improve further, and we know how we will do this next year.



Peter Judge MBE

Attorney General for the Falkland Islands

Attorney General for South Georgia and the South Sandwich Islands

Introduction

The Law and Regulation Directorate is made up of **3** services.

These services are:

Regulatory Services & Civil Aviation

Registry Services

Government Legal Services

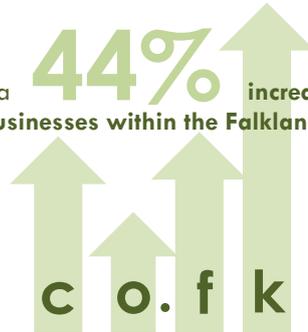
The main source of the Law and Regulation Directorate's inspiration comes directly from the *Islands Plan (2014-2018)*; it guides us through the completion of our daily tasks. With every achievement we make, may it be great or small; we can associate it with the *Islands Plan*.

This report, published by the Law and Regulation Directorate, details the achievements of the Directorate from the past financial year. This report has been published in conjunction with the *Attorney General's Corporate Directorate Business Plan 14/15*.

Regulatory Services and Civil Aviation

Our primary focus is civil aviation safety regulation with a relatively minor role in telecommunications regulation.

Compared to 2013/14, there has been a **44% increase** in issued domain names for many different **organisations and businesses within the Falkland Islands**; including Invenio, FIDC and FPS.



The Attorney General and the Head of Regulatory Services are members of the **Telecoms Working Group**; working together alongside other FIG colleagues to focus on negotiating a telecommunications provider licence.

Regulatory Services also handles telecoms customer complaints; out of 8 complaints received, **100%** were dealt with according to Sure's code of conduct.

We work closely with FIGAS and Camp Airstrip owners to help them realise the highest practical safety standards. In 2014/ 2015 we visited and inspected **95%** of all Camp airstrips.



(30/32 due to accessibility)

All visiting aircraft require a permit before entering our airspace to ensure **certain safety standards are met**.

Throughout 2014/2015, we issued **45**

Foreign Operator Permits.

These included:

- **19** Medical permits*
- **13** Charter flights
- **10** Private flights; and
- **3** Seasonal Permits.

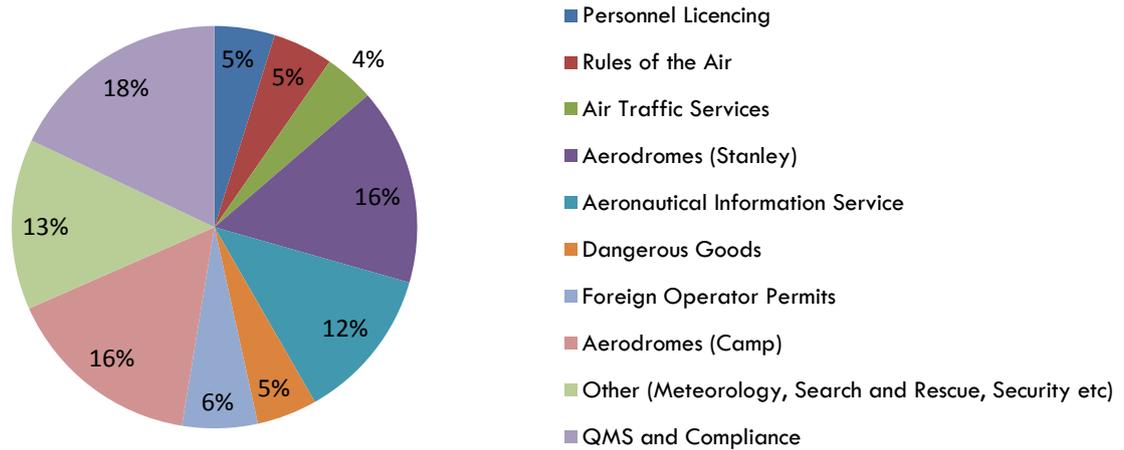
*Medical seasonal permit means there were more medical flights in total.

In February 2015, we were pleased to issue Stanley Airport with a certificate in recognition with **international safety standards**.

In 2014/2015, we spent approximately 130 days in total regulating and providing support to the airport.

We ensure that **all airlines** operating in the Islands meet requirements for the safe carriage of Dangerous Goods.

We are also working with Falkland Postal Services to ensure they are in compliance with new **broader-reaching requirements**.



Above: Proportion of time FICAD spend on each function

An audit from **Air Safety Support International (ASSI)** reported extremely positive results.

Overall, there were **8 instances of improvement** within Civil Aviation regulation since the 2012 audit (equating to 34% improvement rate).

This means that Civil Aviation are ‘fully meeting’ **91%** of their agreed standards.

Additionally, a recent internal audit highlighted that we have a very **effective and well-maintained Quality Management System**, and a quality-assured **Quality Manual** that outlines all of our procedures and maintains our document control.



Past

- Issuance of Stanley Aerodrome’s certificate was a huge milestone for FICAD.
- Constructed a fully functional quality management system.
- Consistently inspected and issued reports on Camp Airstrips.
- Addressed the gaps in Dangerous Goods regulatory oversight systems.

Present

- Maintain our relationship with the Camp community.
- Continue to stay fully trained in the appropriate designations.
- Maintain good relations with international aviation regulation bodies.
- Continue to work with other members of FIG, FSS and the Ministry of Defence in the established Security Committee.

Future

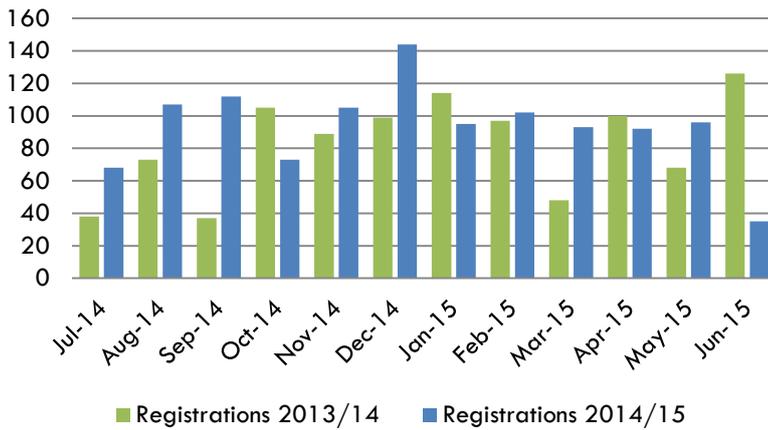
- Standard set for Quality Management to be spread across Directorate.
- Expand on our relationship with the UK Met Office.
- Introducing electronic, online incident reporting to our aviation website.
- Increase our level of involvement in further regulation, should sufficient resources be found.

Registry Services

Over the years, the workload in the Registry has fluctuated, yet recent development in the Falkland Islands has included an increase in births, marriages, companies and, due to the development of new plots for land, an increase in Crown Grant Registrations.

As demonstrated below, there has been a steady increase of registrations over the past financial year.

Overall number of registrations by month (2013/14, 2014/15)



In 2014/15, the Registry processed a total of:

48 births
40 deaths
27 marriages

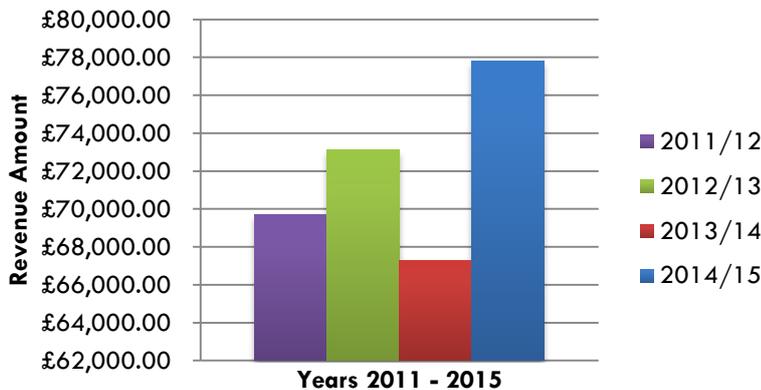
This equates to an

11.4%

increase in registrations, compared to 2013/14.

A rise in registrations and the work load has led to **increase revenue** for the Registry; despite reducing charges to the public.

Registry Yearly Revenue



This chart signifies a steady rise in revenue up until 2013/14.

In 2014/15, Registry revenue peaked at **£77,806.69**.

A **13.49%** increase compared to 2013/2014.

This increase is believed to be partially due to an increase in land transactions (Sapper's Hill etc), and company registrations.

Past

- Improved office environment.
- Improved consistency.
- Small but important improvements made concerning how documents are returned to the public
- More trained marriage registrars.

Present

- Maintaining and improving standard of service to the public
- Creating leaflets providing information on different processes.
- Registry was rated as 'Good' in most recent audit.

Future

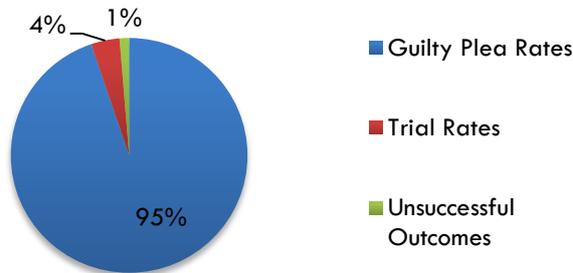
- Work on improvements recommended by auditor.
- Develop Registrar General's Registry Practice Notes.
- Improve company forms.
- Review and improve Electoral Ordinance

Government Legal Services

A total of **135 cases** were referred to Government Legal Services for criminal prosecution advice throughout 2014/2015. Out of these, 76 were prosecuted.

Cases which received initial advice from GLS within the 5 day target: **85.2%**

Prosecution outcomes (based on 76 cases)



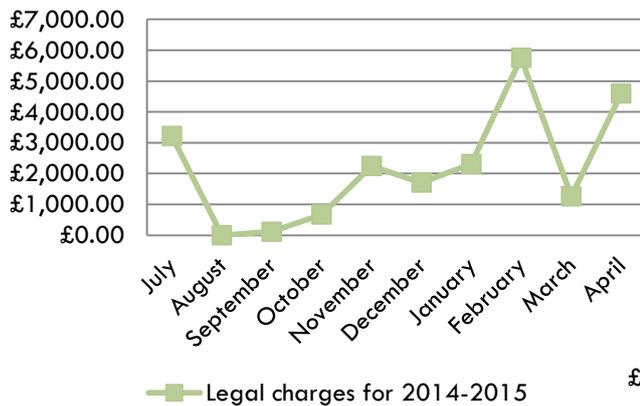
Conviction rates in the Falkland Islands are at **98.78%**; an encouraging figure compared to the United Kingdom's 83.3%.

Prosecution costs awarded by the court totalled **£7,010**. The offender contributed to the cost of administrating justice in 67% of cases.

New guidance on cost recovery will come into effect in October 2015.

Guilty pleas are the most common. A challenge is to keep the balance right between **bringing offenders to justice** and ensuring prosecution is always based on sound evidence and in the **public interest**.

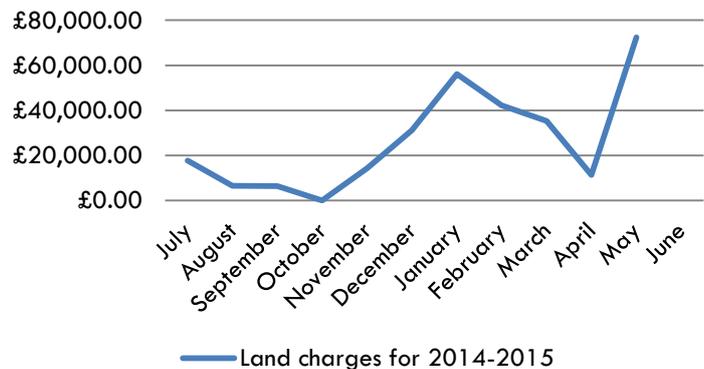
Legal charges for 2014-2015 (land transactions)



Additionally, land charges totalled **£293,414**

In the past financial year, legal charges totalled **£21,888**

Government revenue from land transactions for 2014-2015



In the past financial year, overall there have been:

25 Crown Leases and grazing licences
58 residential plot allocations
40 Building Licences
20 applications for licences to hold land
26 Crown Grants

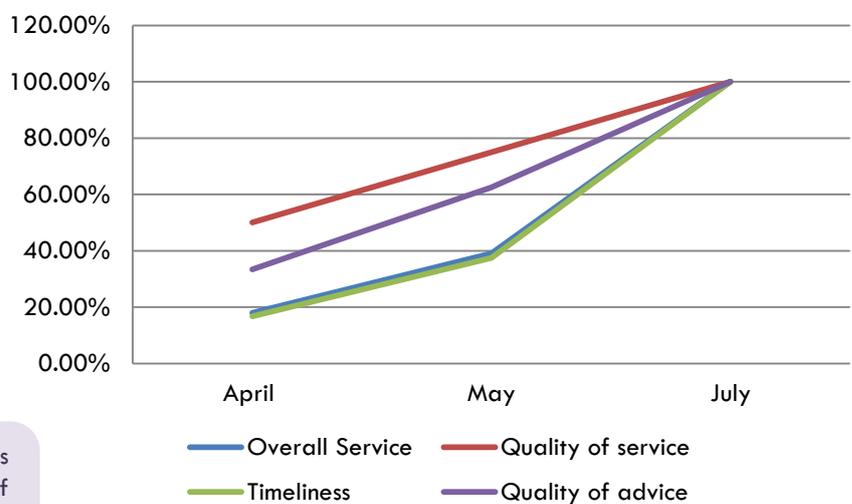
List of legislation published for 2014/15

- British Nationality (Amendment of Schedule) Order 2015 (SR&O No 5 of 2015)
- Children Ordinance
- Children (Hosting and Private Boarding) Regulations 2014 (SR&O No 13 of 2014)
- Children (Safeguarding Children Board) Regulations 2015 (SR&O No 2 of 2015)
- Children (Transitional Provisions) Order 2014 (SR&O No 12 of 2014)
- Coins Order 2015 (SR&O No 3 of 2015)
- Crimes Bill 2014
- Criminal Procedure and Evidence Bill 2014
- Falkland Islands Pensions Scheme (Amendment) Ordinance 2015 (No 1 of 2015)
- Falkland Islands Tourist Board Ordinance 2014 (No 10 of 2014)
- Falkland Islands Tourist Board (Operative Date) Order 2014 (SR&O No 18 of 2014)
- Immigration (Amendment) Ordinance 2014 (No 11 of 2014)
- Mental Health (Approved Practitioners)(No 2) Order 2014
- Misuse of Drugs (Controlled Drugs) Order 2014 (SR&O No 20 of 2014)
- Planning (Delegated Approval of Applications and Related Matters) Regulations 2014 (SR&O No 14 of 2014)
- Planning (Amendment) Ordinance 2014 (No 9 of 2014)
- Road Traffic (Demining Operations) Order 2014 (SR&O No 15 of 2014)
- Stanley Common (Cape Pembroke Road) Regulations 2015 (SR&O No 4 of 2015)
- Stanley Common (Erection of Memorials) Regulations 2014 (SR&O No 16 of 2014)
- Stone Corral on Stanley Common Designation Order 2014 (SR&O No 17 of 2014)
- Supplementary Appropriation (2014-2015) Ordinance 2014 (No 8 of 2014)
- Taxes and Duties (Defence Contractors' Employees Exemption) Order 2014 (SR&O No 19 of 2014)
- 41 Ross Road Jubilee Villas Designation Order 2015 (SR&O No 1 of 2015)
- Falkland Islands Development Corporation (Appointment, Co-option and Removal of Board Members) Regulations 2015 (SR&O No 8 of 2015).
- Planning (Environmental Impact Assessment) Regulations 2015 (SR&O No 6 of 2015);
- Planning (Amendment) Ordinance 2014 (Correction) Order 2015 (SR&O No 7 of 2015);
- Supplementary Appropriation (2014-2015) Ordinance 2015 (No 2 of 2015);
- Appropriation Ordinance 2015 (No 3 of 2015);
- Capital Appropriation Ordinance 2015 (No 4 of 2015); and
- Finance Ordinance 2015 (No 5 of 2015).

Our advice to the Social Services and other departments and supporting the work of the **Falkland Islands Safeguarding Children Board**, has contributed to the favourable Child Safety Review from the **Lucy Faithfull Foundation** in March.

A **Family Justice Review Working Group** has looked at next stages in law review and update for children and families.

Ratings of 'Excellent'
(based on Client Satisfaction Surveys)



Overall this has been a **very positive year** for Government Legal Services, as evidenced by the responses to our Client Satisfaction Survey.

Approximately **65%** of all clients have given Legal Services a rating of **'Excellent'** when asked to rate the quality and accuracy of service.

In June 2015 a further 27 requests for substantive legal advice were received increasing the current total to **105**.

Past

- Great progress made with Child Protection.
- Consistently gained improvements with Client Satisfaction.
- Majority of prosecutions had successful outcomes

Present

- Maintain specialist prosecution, child protection and drafting resources.
- Monitor performance.
- Maintain service standards.

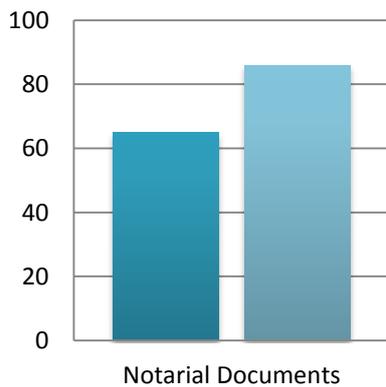
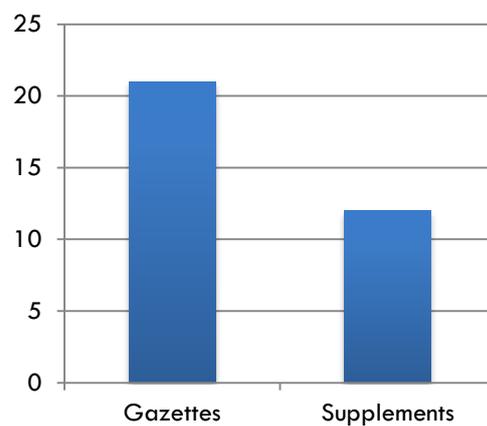
Future

- Increase prosecution cost recovery.
- Develop GLS office procedure manual.
- Recruit more administrative staff to increase output.
- Develop the law in areas where we are policy lead.

Directorate Office

The Directorate Office consists of the Office Manager, and two legal secretaries. They each provide administrative and secretarial/PA support to the Directorate as a whole, particularly to Legal Services.

Documents Issued by the Directorate Office 2014/2015



- Second half of 2014
- First half of 2015

In the past financial year, the Directorate Office has published:

- 12 Ordinances
- 18 Subsidiary Rules & Orders
- 21 Gazettes
- 12 Supplements
- 151 Notarial Documents

The increase in Notarial Documents is, in part, due to families travelling abroad for the Island Games.

Office Improvements

- Telephone system improvements to support Regulatory Services from the Directorate Office.
- New email format to show staff names, making our services more accessible.
- Considerable improvements of Directorate webpages:
 - www.fig.gov.fk/lawandregulation
 - www.fig.gov.fk/legal
 - www.fig.gov.fk/registry
 - www.fig.gov.fk/regulatory
 - www.fig.gov.fk/aviation

The Law Commissioner and the 'Revised Laws Project'

A new Law Commissioner, Ros Cheek, was appointed on 16 June 2015.

The Law Commissioner has been tasked to lead a project for the revision and publication of the laws of the Falkland Islands, and the target for **on-line publication** is 2017.

The laws of the Falkland Islands are not easily accessible to users.

To address this, the Falkland Islands Government's strategic "Islands Plan 2014-2018" provides that it will produce and maintain an authoritative statement of Falkland Islands legislation that will be **freely and publicly accessible**.



REVISED LAWS
PROJECT

The new Law Commissioner was appointed to lead the project to give effect to the Government's aim.

Detailed project plans are due to be considered by the Falkland Islands Government's Executive Council in September 2015.

More information about the plans will also be published on the Legal Services website by the end of September.

After Executive Council approves the project plans, a webpage has been created (<http://www.fig.gov.fk/legal/index.php/law-commissioner/revised-laws-project>) which will include regular updates on the project so that the public can monitor progress on the important goal of improving access to the law.

In the meantime, if you have any queries about this project, please contact the Law Commissioner: RCheek@sec.gov.fk

Conclusion

Past

WHAT WE HAVE ACHIEVED

- ✓ Maintained and built on FIG's relationship with the Camp community through our work on Camp airstrips.
- ✓ Made great progress with Child Protection, Prosecution outcomes and Land revenue.
- ✓ Consistently worked towards higher ratings in our Client Satisfaction Survey.
- ✓ Improved consistency and the number of trained registrars within the Registry.
- ✓ Established a quality-assured quality system and quality manual within our civil aviation framework.
- ✓ Maintained high standards in all areas and our work.

Present

WHAT WE ARE ACHIEVING

- ✓ Maintaining the relationships we each have both within the Falkland Islands and internationally.
- ✓ Clearing backlogs and improving GLS services with a clear increase in 'Excellent' customer satisfaction surveys.
- ✓ Continue to work alongside government departments at all levels, e.g. with other members of FIG with regards to the Telecommunications Ordinance, offering our support wherever necessary.
- ✓ Continue to preserve the resources and expertise we have in Child Protection, Prosecution, Land, Drafting, Civil Aviation and Registry.
- ✓ Continue to uphold our levels of service to the public of the Falkland Islands.

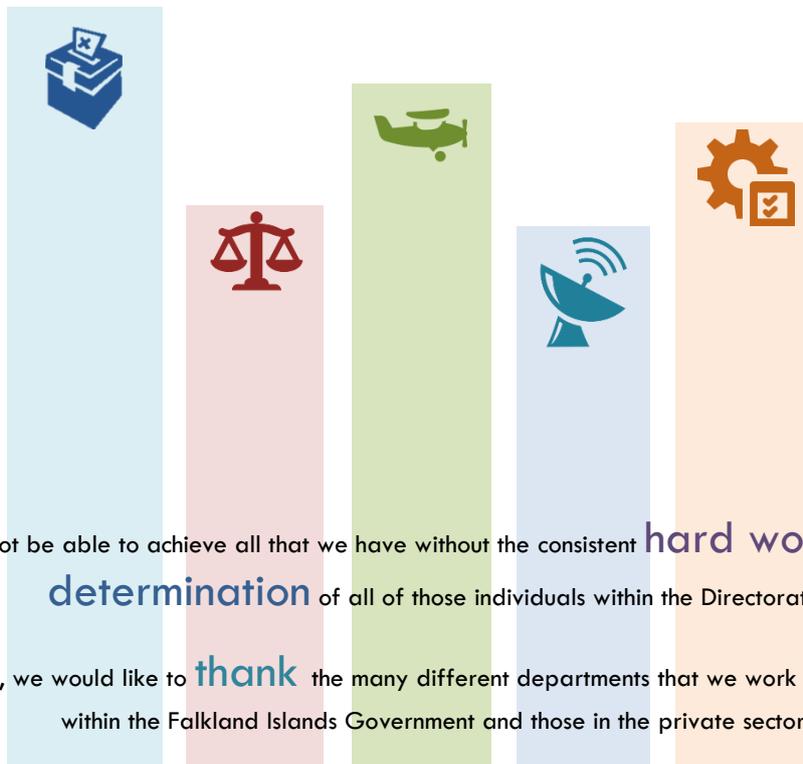
Future

WHAT WE AIM TO ACHIEVE

- ✓ Work toward a Directorate-wide quality management system.
- ✓ Introduce better systems to capture knowledge and 'corporate memory' – to capture the most value from what we do for the long term, learning from experience and doing each job only once
- ✓ Recruit more staff in key areas to increase output.
- ✓ Work alongside the Courts to increase cost recovery with regards to Prosecution outcomes.
- ✓ Expand into further regulatory fields.
- ✓ Increase our communication with key stakeholders and the public through our Directorate websites.
- ✓ Provide excellent access to our laws through progress on the Revised Laws Project.
- ✓ Work on the improvements recommended by the internal auditors within the Registry.
- ✓ Improve on our overall standard of service to the public of the Falkland Islands.
- ✓ Seek to increase staff retention rates.
- ✓ Further improvements on the Directorate websites to make information more available to the public.
- ✓ Help make the Islands Plan happen.



Law and Regulation Directorate
Falkland Islands Government



We would not be able to achieve all that we have without the consistent **hard work** and continuing **determination** of all of those individuals within the Directorate.

Additionally, we would like to **thank** the many different departments that we work together with, both within the Falkland Islands Government and those in the private sector.