

LEGISLATIVE ASSEMBLY

OF THE

FALKLAND ISLANDS



ORDER PAPER

09.00 AM

THURSDAY 27 NOVEMBER 2014

IN THE COURT AND ASSEMBLY CHAMBER

STANLEY

LEGISLATIVE ASSEMBLY

THURSDAY 27 NOVEMBER 2014

IN THE LEGISLATIVE ASSEMBLY CHAMBER

TOWN HALL

ORDER PAPER

09.00

1. Prayers
2. Election of Members to Executive Council
3. Confirmation of the Record of Legislative Assembly held on 30 October 2014.
4. Papers to be laid on the Table by the Honourable Chief Executive
5. Motions
6. Portfolio Reports:
 The Honourable Jan Cheek
 The Honourable Ian Hansen
7. Motion for Adjournment

LEGISLATIVE ASSEMBLY

ORDER PAPER

THURSDAY 27 NOVEMBER 2014

PAPERS LAID ON THE TABLE BY THE HONOURABLE CHIEF EXECUTIVE

Copies of Subsidiary Legislation published in the Falkland Islands Gazette since the last sitting of the Legislative Assembly and Laid on the Table pursuant to section 35 (1) of the Interpretation and General Clauses Ordinance 1977.

- Children (Hosting and Private Boarding) Regulations 2014
- Planning (Delegated Approval of Applications and Related Matters) Regulations 2014
- Road Traffic (Demining Operations) Order 2014
- The Stanley Common (Erection of Memorials) Regulations 2014

In accordance with Section 80 Clause (2) of the Constitution the report of the Public Accounts Committee in respect of Audit Reports

- Stanley Services Accounts Year End 30th June 2013

SUBSIDIARY LEGISLATION

FAMILY LAW

Children (Hosting and Private Boarding) Regulations 2014

S. R. & O. No. 13 of 2014

Made: 6 November 2014

Published: 13 November 2014

Coming into force: on publication

I make the following regulations under section 74, 75 and 80, and paragraph 12 of Schedule 5 of the Children Ordinance (No. 7 of 2014) on the advice of Executive Council.

PART 1 INTRODUCTION

1. Title

These regulations are the Children (Hosting and Private Boarding) Regulations 2014.

2. Commencement

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

3. Interpretation

In these regulations —

“Director” means the Director of Health and Social Services;

“host parent” means a person who hosts a child as a result of an arrangement under Part 6 of the Ordinance;

“hosting arrangement” means an arrangement to host a child as defined under section 74 of the Ordinance;

“private boarding” has the same meaning as under section 74 of the Ordinance;

“Social Welfare Department Team Leader” means the person for the time being responsible for or in charge of leading the Social Welfare team;

“the Ordinance” means the Children Ordinance.

PART 2 HOSTING

4. Notification of proposal to host a child (Schedule 5 Part 2 paragraph 12)

(1) A person who proposes to host a child must notify the Crown of the proposal —

- (a) at least six weeks before the hosting arrangement is to begin; or
- (b) where the hosting arrangement is to begin within six weeks, immediately.

(2) Any person who is involved (whether or not directly) in arranging for a child to be hosted must notify the Crown of the arrangement as soon as possible after the arrangement has been made.

(3) A parent of a child, and a person who is not a parent of the child but who has parental responsibility for the child, who is not involved (whether or not directly) in arranging for the child to be hosted but who knows that it is proposed that the child should be hosted must notify the Crown of the proposal as soon as possible after that person becomes aware of the arrangement.

(4) The notification required under sub-regulations (1) to (3) must —

- (a) contain the information specified in Schedule 1; and
- (b) be given to the Social Welfare Department.

5. Action to be taken on receipt of notification of proposal to host a child

(1) After receiving a notification under regulation 4, the Crown must, for purposes of discharging its duties under section 75 of the Ordinance (welfare of hosted children) and under paragraph 11 of Schedule 5 to the Ordinance, arrange within ten working days for a public officer to do the following —

- (a) visit the premises where it is proposed that the child will be cared for and accommodated;
- (b) visit and speak to the proposed host parent and members of the proposed host parent's household;
- (c) visit and speak to the child alone and in private, unless —
 - (i) the child, being of sufficient age and understanding, refuses,
 - (ii) the public officer considers it inappropriate to do so or the public officer is unable to do so;
- (d) speak to and, if it is practicable to do so, visit every parent of or person with parental responsibility for the child and if it is not practicable to do so, make contact by other means; and

(e) establish the matters listed in Schedule 2 as appear to the public officer to be relevant.

(2) The public officer must, after completing the tasks specified under sub-regulation (1), make a written report to the Social Welfare Department Team Leader.

6. Notification by person already hosting a child

(1) A person who is hosting a child and has not given notification to the Crown in accordance with regulation 4 must notify the Crown immediately.

(2) A notification given under sub-regulation (1) must contain the information specified in Schedule 1.

7. Notification of a child going to live with host parent

(1) A person who has given notification under regulation 4(1) must, within 48 hours of the start of the arrangement, notify the Crown of the arrangement.

(2) A parent of a child, and any other person who has parental responsibility for the child, who has given notification under regulation 4(2) or 4(3) must within 48 hours of the child's going to live with a host parent, notify the Crown of the arrangement.

8. Action to be taken by Crown on receipt of notification about a child being hosted

(1) Where the Crown has received a notification under regulation 6 or 7 it must, for the purposes of discharging its functions under section 75 of the Ordinance and under paragraph 11 of Schedule 5 to the Ordinance, arrange for a public officer, within ten working days, to —

(a) visit the premises where the child is being cared for and accommodated;

(b) visit and speak to the host parent and the members of the host parent's household;

(c) visit and speak to the child alone and in private, unless —

(i) the child, being of sufficient age and understanding, refuses,

(ii) the public officer considers it inappropriate to do so or the public officer is unable to do so;

(d) speak to and, if it is practicable to do so, visit every parent of or person with parental responsibility for the child and if it is not practicable to do so, make contact by other means; and

(e) establish the matters listed in Schedule 3 as appear to the public officer to be relevant.

(2) The public officer must, after completing the tasks specified under sub-regulation (1), make a written report to the Social Welfare Department Team Leader.

9. Subsequent visits to children who are being hosted

(1) The Crown must arrange for a public officer to visit every child who is being hosted in the area where the child resides —

- (a) in the first year of the hosting arrangement, at intervals of not more than eight weeks; and
 - (b) in any second or subsequent year, at intervals of not more than 12 weeks.
- (2) In addition to visits carried out in accordance with sub-regulation (1), the Crown must arrange for every child who is hosted to be visited by a public officer when reasonably requested to do so by the child, the host parent, a parent of the child or any other person with parental responsibility for the child.
- (3) When carrying out a visit under this regulation the public officer must —
- (a) speak to the child alone and in private, unless —
 - (i) the child, being of sufficient age and understanding, refuses,
 - (ii) the public officer considers it inappropriate to do so or the public officer is unable to do so; and
 - (b) establish matters listed in Schedule 3 as appear to the public officer to be relevant.
- (4) The public officer must make a written report to the Social Welfare Team Leader after each visit carried out in accordance with this regulation.
- (5) For the purposes of this regulation, a hosting arrangement is deemed to begin when the Crown becomes aware of it.

10. Notification of change of circumstances

- (1) A host parent must notify the Crown of the following —
- (a) any change of address;
 - (b) any further offence of which the host parent or a person who is part of or employed at the host parent's household has been convicted;
 - (c) any further disqualification imposed on the host parent or a person who is part of or employed at the host parent's household as may be specified for purposes of section 76 of the Ordinance;
 - (d) any person who becomes a part of or takes up employment at the host parent's household, and any offence of which that person has been convicted, and any disqualification or prohibition imposed on the person under section 76 or 77 of the Ordinance including the information specified under paragraph 2(d) of Schedule 1; and
 - (e) any person who ceases to be part of or to be employed at the host parent's household.
- (2) A notification under sub-regulation (1) must be given —
- (a) in advance if practicable; or

(b) in any other case, not more than 48 hours after the change of circumstances.

(3) The parent of a hosted child, or any other person who has parental responsibility for the child, who knows that the child is being hosted, must notify the Crown of any change of address of the parent or that person.

11. Notification of end of hosting arrangement

(1) Subject to sub-regulations (2) and (3), any person who has been hosting a child but has ceased to do so must notify the Crown within 48 hours and must include in the notification the name and address of the person into whose care the child was received and that person's relationship with the child.

(2) Where a person has been hosting a child but has ceased to do so because of the death of the child the person must, in the notification to the Crown, indicate the death as the reason for the end of the arrangement.

(3) Sub-regulation (1) does not apply where the host parent intends to resume the hosting arrangement after an interval of not more than 27 days but if —

(a) the host parent subsequently abandons the intention to resume the arrangement; or

(b) the interval expires without the host parent having given effect to the intention,

the host parent must notify the Crown within 48 hours of abandoning the intention or, as the case may be, the expiry of the interval.

(4) Any parent of a hosted child, and any other person who has parental responsibility for the hosted child, who has given notification to the Crown under regulation 4(2) or (3) must notify the Crown of the end of the hosting arrangement and must include in the notification the name and address of the person into whose care the child was received and that person's relationship with the child.

12. Form of notification

Any notification required under this Part must be given in writing and may be sent by post or electronically.

PART 3 PRIVATE BOARDING

13. Notifications under section 78

(1) A notification given under section 78 of the Ordinance to the school must —

(a) contain all the information specified under section 78(3) of the Ordinance;

(b) be in writing, signed and dated; and

(c) be sent by post or electronically.

(2) The details required under section 78(3) must include telephone numbers and electronic mail addresses as well as details of any non-resident partner of the person providing private boarding.

14. Action to be taken by school on receipt of notification for private boarding

(1) Where the school has received a notification under section 78 of the Ordinance it must, for the purposes of discharging its functions under section 79 of the Ordinance —

(a) provide the person who notified it with a form to use to communicate any future changes to the arrangement including any relevant information;

(b) keep records of all the changes made to the arrangements or any relevant information relating to a child on the private boarding list.

(2) Any notification about a change in the private boarding arrangement must be made to the school within 10 working days.

15. Monitoring by schools under section 79(2) of Ordinance

The school must —

(a) ensure that the private boarding list is brought to the attention of teachers with responsibility for the pastoral care of the children on the list;

(b) take steps to inform the child on the private boarding list of the identity of the person to contact with respect to any concerns the child may have; and

(c) take any other steps as are reasonably practicable to monitor the welfare of the children concerned.

SCHEDULE 1
(regulations 4 and 6)

Information to be provided in the notification of a hosting arrangement

1. The information referred to in regulations 4(4) and 6(2) is —

(a) the name, sex, date and place of birth, religious persuasion, racial origin and cultural and linguistic background of the child;

(b) the name and current address of the person giving the notice and the person's addresses within the previous five years;

(c) the name and current address of the proposed or current host parent and the host parent's addresses within the previous five years;

(d) the name and current address of the parents of the child and of any other person who has parental responsibility for the child and (if different) of any person from whom the child is to be, or was, received;

- (e) the name and current address of the other siblings of the child who are under 16 years old, and details of the arrangements for their care;
- (f) the name and current address of any person, other than a person specified in paragraph (d), who is or was involved (whether or not directly) in arranging for the child to be hosted;
- (g) the date on which it is intended that the hosting arrangement will start, or on which it did start; and
- (h) the intended duration of the hosting arrangement.

2. In the case of a person giving notice under regulation 4(1) or 6(1) the information referred to in regulations 4(4) and 6(2) also includes —

- (a) any offence of which the person has been convicted;
- (b) any disqualification imposed on the person as may be specified under section 76 of the Ordinance or any prohibition imposed on the person under section 77 of the Ordinance;
- (c) any conviction, disqualification or prohibition imposed on any other person living in or employed at the same household whether permanently or temporarily, including any non-resident partner of the host parent;
- (d) the following information with respect to a person living in or employed at the same household with the host parent —
 - (i) the person's involvement in any court proceedings involving a child in that person's care whether in the Falkland Islands or elsewhere;
 - (ii) any order which placed restrictions on the person's activities whether in the Falkland Islands or elsewhere;
 - (iii) any involvement that the person has had with social services concerning any child in the person's care whether in the Falkland Islands or elsewhere;
 - (iv) any disciplinary action at work which has resulted in the person having resigned from or being moved from a role with children whether in the Falkland Islands or elsewhere;
- (e) any order made at any time with respect to a child who has been in the person's care including a care order, supervision order, education supervision order, emergency protection order or a child assessment order or any other order as may be specified for purposes of section 76(2)(b) of the Ordinance; and
- (f) any rights or powers with respect to a child that have been, at any time, vested in an authority as may be specified for purposes of section 76(2)(f) of the Ordinance.

SCHEDULE 2
Welfare of Children Who Are To Be Hosted
(regulation 5(1)(e))

The matters referred to in regulation 5(1)(e) in relation to information to be gathered when a visit is first made to premises where hosting will take place are as follows —

- (a) that the intended duration of the arrangement is understood by and agreed between —
 - (i) the parents of the child or any other person with parental responsibility for the child; and
 - (ii) the proposed host parent;
- (b) the wishes and feelings of the child about the proposed arrangement (considered in the light of the child's age and understanding);
- (c) the suitability of the proposed accommodation;
- (d) the capacity of the proposed host parent to look after the child;
- (e) the suitability of other members of the proposed host parent's household whether permanent or temporary or any non-resident partner of the host parent;
- (f) that arrangements for contact between the child and the child's parents, any other person with parental responsibility for the child, and other persons who are significant to the child, have been agreed and understood and that those arrangements will be satisfactory for the child;
- (g) that the parents of the child or any other person with parental responsibility for the child and the proposed host parent have agreed financial arrangements for the care and maintenance of the child;
- (h) that consideration has been given to, and necessary steps taken to make arrangements for, care of the child's health;
- (i) that consideration has been given to, and necessary steps taken to make arrangements for, the child's education;
- (j) how decisions about the care of the child will be taken; and
- (k) whether the proposed host parent, the parents of the child, any other person with parental responsibility for the child, or any other person concerned with the child are being given such advice as seems necessary to the public officer.

SCHEDULE 3
Welfare of children who are hosted
(regulations 8 and 9)

The matters referred to in regulations 8(1)(e) and 9(3) in relation to action to be taken on receipt of the notification and matters to be established on subsequent visits are as follows —

- (a) that the intended duration of the hosting arrangement is understood and agreed between—
 - (i) the parents of the child or any other person with parental responsibility for the child; and
 - (ii) the host parent;
- (b) the wishes and feelings of the child about the arrangement (considered in the light of the child's age and understanding);
- (c) that the child's physical, intellectual, emotional, social and behavioral development is appropriate and satisfactory;
- (d) that the child's needs arising from the child's religious persuasion, racial origin, and cultural and linguistic background are being met;
- (e) that the financial arrangements for the care and maintenance of the child are working;
- (f) the capacity of the host parent to look after the child;
- (g) the suitability of the accommodation;
- (h) that the arrangements for care of the child's health are in place and, in particular, that the child is registered at King Edward Memorial Hospital for medical and dental purposes;
- (i) the arrangements for the child's education;
- (j) the standard of care which the child is being given;
- (k) the suitability of members of the host parent's household;
- (l) whether the contact between the child and the child's parents, or any other person with whom contact has been arranged, is satisfactory for the child;
- (m) how decisions about the child's care are being taken; and
- (n) whether the host parent, the parents of the child, any other person with parental responsibility for the child, or any other person concerned with the child are being given such advice as appears necessary to the public officer.

Made 6th November 2014

C. Roberts C.V.O.,
Governor.

EXPLANATORY NOTE
(*This note is not part of the Regulations*)

These Regulations are made under sections 74, 75 and 80, and paragraph 12 of Schedule 5 of the Children Ordinance (No. 7 of 2014). The regulations provide for two distinct types of private arrangements. The first is ‘hosting’ (referred to as “private fostering” in the UK), and the second is “private boarding” which involves children who live with persons who are not their parents (who may be related to them but have no parental responsibility) for the purpose of attending school.

Both types of arrangements impose notification obligations on parents and carers, and obligations on social services and schools to take certain actions when notified. Notification requirements for hosting arrangements are dealt with under Part 2 while those for private boarding are dealt with under Part 3.

The regulations provide as follows —

Part 1 deals with introductory matters – commencement and definitions;

Part 2 deals with hosting as provided for under section 74 of the Ordinance and provides as follows —

Regulation 4 requires —

- (a) any person proposing to host a child,
- (b) any person involved (whether directly or not) in arranging for the child to be hosted, and
- (c) a parent of the child or other person with parental responsibility for the child who knows that it is proposed for a child to be hosted,

to notify the Crown (through the Social Welfare Department) in advance of the arrangement commencing.

Notification by the proposed host parent has to be given at least six weeks before the hosting arrangement is to commence, or where the arrangement is to commence within six weeks, immediately. The notification must contain the information set out in Schedule 1.

Having received a notification the Social Welfare Department must then arrange for a public officer (social worker) to visit the place where the child will live and speak to the proposed host parent, members of the proposed host parent’s household, the child and others (regulation 5). The officer is required to make enquiries and establish the matters listed in Schedule 2 and make a written report to the Social Welfare Department Team Leader.

Regulation 6 sets out the requirement to immediately notify the Crown of a hosting arrangement where this has already started and no notification under regulation 4 has been given;

Regulation 7 requires that the host parent notify the Crown when the arrangement of which they have been notified under regulation 4 actually commences;

Regulation 8 specifies the action to be taken once the Crown has received a notification under either regulation 6 or 7. There is a requirement for the Crown to arrange for an officer to carry out visits and establish the matters listed in Schedule 3;

Regulation 9 provides for the need for visits to the child once the hosting arrangement has commenced. It provides for when the visits should take place and what the officer should do when carrying out the visits. After each visit the officer is required to make a written report to the Social Welfare Department Team Leader;

Regulation 10 provides for host parents to notify the Crown of certain changes in circumstances; this requirement is also placed on a parent of a hosted child, or another person with parental responsibility for the child who knows of the hosting arrangement;

Regulation 11 provides for the requirement to make a notification of the end of a hosting arrangement. The requirement is that the Crown must be notified within 48 hours of a person who has been hosting a child ceasing to do so. The person must provide information to the Crown as to the person into whose care the child is released. Where the hosting arrangement ceases because the child has died then the person must disclose that as the reason; and

Regulation 12 provides that all notifications given under Part 2 must be in writing;

The requirement to make notifications only applies to arrangements which are in place for more than 56 days, or if they were already in place for 28 days, where there is an intention for the arrangement to be extended to last over 56 days.

Part 3 deals with private boarding as provided under Part 6 of the Ordinance.

Regulation 13 provides for other information that the notification under section 78 of the Ordinance must contain;

Regulation 14 provides for the action to be taken by the school when it is informed of a private boarding arrangement; and

Regulation 15 provides for the school to monitor the welfare of children on the private boarding list.

SUBSIDIARY LEGISLATION

PLANNING AND BUILDING

Planning (Delegated Approval of Applications and Related Matters) Regulations 2014

S. R. & O. No. 14 of 2014

Made: 7 November 2014

Published: 13 November 2014

Coming into force: upon publication

I make these regulations, on the advice and with the consent of Executive Council, in exercise of my power under sections 30(7), 31(2) and 36(2) of the Planning Ordinance (Title 55.3) and of every other enabling power.

1. Title

These Regulations are the Planning (Delegated Approval of Applications and Related Matters) Regulations 2014.

2. Commencement

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

3. Determination of applications by Planning Officer

(1) The Planning Officer may approve applications for planning permission except where —

(a) within the 10 day period, stipulated by section 30 of the Ordinance, during which an application must be publicised before it is determined, at least one objection has been expressed to the proposed development to which the application relates; or

(b) at least one member of the Committee who is a lay person or a Member of the Legislative Assembly requests that the application be considered by the Committee.

(2) Where the Planning Officer is of the opinion that an application —

(a) is too significant to be determined by the Planning Officer under paragraph (1);

(b) relates to proposed development that would conflict with the development plan; or

(c) relates to a designated building,

the Planning Officer must not grant the application but must instead refer it to the Committee for determination.

(3) Where the Planning Officer's opinion on an application accords with paragraph (2)(b), the Planning Officer must act in accordance with regulation 4.

(4) The Planning Officer, in every case and without undue delay, must —

(a) furnish the applicant with written reasons for the Planning Officer's determination on the application; and

(b) keep a written record of all the reasons for each determination made in accordance with these Regulations.

(5) The written record referred to in paragraph (4) must be made available at the office of the Planning Officer for inspection by members of the public at convenient times during the normal opening hours of the office.

4. Potential conflict with the development plan

(1) Where the Planning Officer is of the opinion that the development proposed in an application would conflict with the development plan, the Planning Officer must when referring the application to the Committee also send to the Committee written comments in which the Planning Officer must set out —

(a) details of the manner in which, in the Planning Officer's opinion, the proposed development would conflict with the development plan; and

(b) the Planning Officer's recommendation as to whether or not planning permission should be granted for the proposed development, and the reasons for this recommendation.

(2) On receipt of a referral, the Committee must act in accordance with subsections (1) and (2) of section 37 of the Ordinance, and in so doing must have particular regard to section 4(2) of the Ordinance.

5. Notice and publicity

(1) Notice or publicity under section 30 of the Ordinance must state that the applicant and members of the public are invited to make written representations to the Planning Officer, and that any such representation will not be accepted any later than 3 days before the date on which the Planning Officer's decision on the application will be made.

(2) On receipt of any written representation in accordance with this regulation, the Planning Officer must act in accordance with section 31B(2)(a) of the Ordinance.

6. Service of notices on applicants

Any notice required by the Ordinance or these Regulations to be served on an applicant for planning permission is sufficiently served if it is —

(a) delivered personally to the applicant;

(b) sent to the applicant by post; or

(c) where the applicant has indicated on the application form that the applicant will accept service by means of electronic mail at an address provided on the application form, by electronic mail sent to that address.

7. Service of notices on occupiers of neighbouring land

Where any notice is to be or will be served on any occupier of any land falling within the parameters set out in section 30(4) of the Ordinance or on the occupier of any other land, such notice is sufficiently served if it is —

- (a) fixed to the main gate to the premises in such place and manner as to make it likely to be seen;
- (b) fixed to the door of what appears to be the main entrance to any building on the land or, if there is more than one building, the building that appears to be used more or most frequently; or
- (c) where neither method of service set out in the preceding subparagraphs is possible or practicable, published in two successive editions of a newspaper in wide circulation within the Falkland Islands.

8. Adequate publicity

In any case where it is required by the Ordinance or these Regulations that any matter be adequately publicised, that requirement is satisfied if at least any two of the following methods of publicity are used —

- (a) publication in an edition of a newspaper in wide circulation within the Falkland Islands;
- (b) at least five announcements on the radio within a period of 14 days, each of the five being on a different day and anytime between the hours of 7:00 and 19:00; or
- (c) fixing to the notice boards at the Secretariat and the post office a document setting out the information required to be publicised, provided that it is ensured that that document remains there for not less than 10 days.

9. Application to these Regulations of paragraph 7 of the General Development Order

(1) Subparagraphs (1) and (2) of paragraph 7 of the General Development Order (Title 55.3.1) apply to these Regulations only insofar as an application is determined by the Committee on referral by the Planning Officer, but do not apply insofar as they suggest that —

- (a) valid applications received by the Secretary are determined by the Committee as a matter of course and without having to be referred to the Committee by the Planning Officer; and
- (b) there is no possibility for any person or authority other than the Committee to determine applications.

(2) Subparagraph (3) of paragraph 7 of the General Development Order applies to these Regulations.

Made 7th November 2014

C. Roberts, C.V.O.,
Governor.

EXPLANATORY NOTE
(not part of the regulations)

These Regulations are made under sections 30(7), 31(2) and 36(2) of the Planning Ordinance.

Their purpose is to —

- confer on the Planning Officer power to grant planning permission;
- prescribe the necessary detailed guidance regarding the exercise of this power;
- provide guidance with respect to adequate publicity required by section 30 of the Ordinance; and
- prescribe, as authorised by section 31(2), a procedure for the making of written representations regarding applications for planning permission that are to be determined by the Planning Officer under delegated powers.

Paragraph 3 confers power on the Planning Officer to approve applications for planning permission. It also prescribes the limits on this power. It also mandates the Planning Officer to keep a written record of all decisions the officer makes under delegated powers and to make this record available for inspection by members of the public.

Paragraph 4 makes more specific provision for the limitation on the Planning Officer's power relating to applications for planning permission that have the potential to conflict with the development plan. The paragraph makes specific reference to section 37 of the Ordinance, which makes provision for such applications.

Paragraph 5 prescribes a procedure regarding notice and publicity in accordance with section 30 of the Ordinance.

Paragraph 6 prescribes a procedure regarding service of notice on applicants.

Paragraph 7 prescribes a procedure regarding service of notices on occupiers of neighbouring land.

Paragraph 8 prescribes detailed guidance with respect to adequate publicity of applications for planning permission.

Paragraph 9 suitably restricts the application of paragraph 7 of the General Development Order so as to ensure that its provisions do not conflict with the exercise of delegated powers by the Planning Officer. This is necessitated by the fact that paragraph 7 of the General Development Order appears to only contemplate decisions on applications for planning permission being made by the Planning and Building Committee.

SUBSIDIARY LEGISLATION

ROAD TRAFFIC

Road Traffic (Demining Operations) Order 2014

S. R. & O. No. 15 of 2014

Made: 13 November 2014
Published: 13 November 2014
Coming into force: on publication

I make the following regulations under section 59 of the Road Traffic Ordinance 2014 (Title 63.1) on the advice of Executive Council.

1. Title

This order is the Road Traffic (Demining Operations) Order 2014.

2. Commencement

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

3. Interpretation

In this order —

“authorised person” means —

- (a) the Director of Public Works;
- (b) a person in charge of demining operations;
- (c) a police officer; or
- (d) a person acting on behalf of either —
 - (i) the Director of Public Works; or
 - (ii) a person in charge of demining operations;

“closed road” means either —

- (a) while the whole of the controlled road is closed to traffic under paragraph 4(1), the controlled road; or
- (b) while part of the controlled road is closed to traffic under paragraph 4(1), that part;

“consent” means consent given —

- (a) orally, whether in person or by telephone or radio; or
- (b) in writing;

“controlled road” means —

- (a) the Stanley-Darwin Road from its junction with Davis Street to its junction with the North Camp Road; and
- (b) the Eliza Cove Road from its junction with Stanley Bypass Road to its end at the Eliza Cove Spoil Tip;

“prohibited activity” means one or more of the following —

- (a) pedestrian activity;
- (b) driving, propelling, pushing, pulling or towing a vehicle;
- (c) being in charge of a stationery vehicle;
- (d) being in or on a vehicle as a passenger; or
- (e) riding, driving or leading one or more animals;

“relevant period” means any period between 1 November 2014 to 31 March 2016;

“the North Camp Road” means the road from its junction with the Stanley–Darwin Road, in the vicinity of Wall Mountain, leading to the North camp;

“the Stanley-Darwin Road” means the road (including Stanley Bypass) from its junction with the VPC Road, Stanley to Darwin; and

“vehicle” includes —

- (a) a pedal cycle, skateboard, scooter, moped or motorcycle; or
- (b) a trailer, cart or carriage.

4. Temporary road closures

(1) During the relevant period, a person in charge of demining operations may, with the consent of a police officer who holds the rank of sergeant or above, close the controlled road or part of it.

(2) The controlled road or a part of it must only be closed for as long as necessary to protect the health and safety of —

- (a) those engaged in demining operations; and

(b) those who would otherwise be using the road.

5. Prohibitions during road closures

(1) While the controlled road or a part of it is closed under paragraph 4(1), no person may —

(a) proceed onto or remain on the closed road —

(i) with or without a vehicle; and

(ii) with or without one or more animals; or

(b) do anything which is a prohibited activity on, along or next to the carriageway of the closed road.

(2) Sub-paragraph (1) does not apply to —

(a) an authorised person; or

(b) any person engaged in demining operations.

6. Duty to display signs

(1) While the controlled road is closed under paragraph 4(1), it is the duty of the person in charge of demining operations to ensure that —

(a) one or more signs are displayed at each end of the closed road indicating that the road is closed; and

(b) the signs can be readily seen and read or understood by persons intending to use the closed road.

(2) Signs put in place in accordance with sub-paragraph (1) need not comply with the requirements of the Traffic Signs Regulations (SR&O No. 30 of 1999).

7. Power to erect physical barriers

While the controlled road is closed under paragraph 4(1), authorised persons may erect physical barriers to prevent or restrict access to the road.

8. Signs and physical barriers: prohibitions

No person (other than an authorised person) may move, remove, damage, deface or otherwise interfere with —

(a) a sign displayed under paragraph 6; or

(b) a physical barrier erected under paragraph 7.

9. Offences

(1) It is an offence for a person to contravene a prohibition in paragraph 5(1) or 8.

(2) It is a further offence for a person to continue to contravene a prohibition in 5(1) or 8 when instructed not to do so by an authorised person.

(3) A person does not commit an offence under this paragraph in relation to an act or omission for which the person has lawful authority or reasonable excuse.

10. Penalties

A person found guilty of an offence against paragraph 9 is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Made 13th November 2014

J. S. Tyler-Haywood,
Acting Governor.

EXPLANATORY NOTE
(This note is not part of the Order)

This Order is made under section 59 of the Road Traffic Ordinance (Title 63.1).

Paragraphs 1 to 3 provide for introductory matters, the title, commencement and definitions for the terms used in the Order;

Paragraph 4 provides that the demining operator may close the affected roads when necessary to do so subject to police consent.

The demining operator can only temporarily close any affected road (Stanley-Darwin Road from its junction with Davis Street to its junction with the North Camp Road as well as the Eliza Cove Road from its junction with Stanley Bypass Road to its end at the Eliza Cove Spoil Tip) during the ‘relevant period’ which is the 18 months period from 1 November 2014 to 31st March 2016.

Paragraph 5 provides for activities which are prohibited during road closures;

Paragraph 6 deals with road signs and requires the demining operator to ensure that signs (which can be readily seen and read or understood) are displayed indicating which road is closed and marking out exactly which part of the road is closed. The signs do not have to conform to the requirements of the Traffic Signs Regulations;

Paragraph 7 provides for an authorised person (who can either be the Director of Public Works, the person in charge of demining operations or the police or any person acting on their behalf) to erect barriers to prevent or restrict access to a closed road;

Paragraphs 8, 9 and 10 provide for the offences and penalties.

Public Accounts Committee

Shackleton House PO Box 420 Stanley Falkland Islands FIQQ1ZZ

Tel +500 22905 Email: pacsecretary@horizon.co.fk Website: www.pac.org.fk

Ref: PAC/14/11/01

13th November 2014

Mrs C Prior
Clerk to the Legislative Assembly
Gilbert House
Stanley

Dear Claudette

Stanley Services Accounts Year End 30th June 2013

In accordance with Section (80) of the Constitution I am pleased to report to the Assembly that the Public Accounts Committee have examined the above accounts and have no further matters to bring to your attention.

These will now be published on our website.

Yours sincerely

Leeann Harris
Secretary

cc: General Manager, SSL

Registered number: 8257

STANLEY SERVICES LIMITED

DIRECTORS' REPORT AND FINANCIAL STATEMENTS

FOR THE YEAR ENDED 30 JUNE 2013

STANLEY SERVICES LIMITED

COMPANY INFORMATION

Directors

S F J Fletcher
J D M Robertson
D S M Robertson
P R George
P Pontikos
B T Swales
R J Rowlands

Managing Director
General Manager

Company secretary

Pinsent Masons Nominee Company (Falklands) Limited

Company number

8257

Registered office

Stanley Service Station
Airport Road
Stanley
Falkland Islands
FIQQ 1ZZ

Auditor

BDO LLP
16 The Havens
Ransomes Europark
Ipswich
Suffolk
United Kingdom
IP3 9SJ

STANLEY SERVICES LIMITED

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Independent auditor's report	4 - 5
Profit and loss account	6
Balance sheet	7
Cash flow statement	8
Notes to the financial statements	9 - 22

STANLEY SERVICES LIMITED

DIRECTORS' REPORT FOR THE YEAR ENDED 30 JUNE 2013

The directors present their report and the financial statements for the year ended 30 June 2013.

Principal activities

In the period under review, the principal business of the company was the supply and distribution of fuel on and around the Falkland Islands, including supply and distribution of fuel for civilian aircraft on the Falkland Islands. Business has also been conducted in a number of other areas, notably as a hotelier, together with general retailing, agency for liner and air freight, travel and tourism and motor vehicles.

Business review

The turnover for the year has reduced as a result of the oil exploration activity being suspended in 2013. Overall, profits on ordinary activities before taxation were 14.7% lower than the previous year. The profit for the year after taxation amounted to £1,625,643 (2012 - £1,884,658), from which dividends of £950,095 (2012 - £900,090) were paid.

Results and dividends

The profit for the year, after taxation, amounted to £1,625,643 (2012 - £1,884,658).

The directors proposed and paid dividends totalling 95 pence per share (2012: 90 pence) during the year.

Directors

The directors who served during the year were:

R Sawle (resigned 4 November 2013)
S F J Fletcher
J D M Robertson
D S M Robertson
P R George
P Pontikos
B T Swales
R J Rowlands

None of the directors had any beneficial interest in the shares of the company at either 1 July 2012 or 30 June 2013.

Charitable contributions

During the year the company made charitable donations totalling £12,009 (2012: £14,832)

Future developments

At the year end the company was partway through the construction of additional housing at Davis Street.

STANLEY SERVICES LIMITED

DIRECTORS' REPORT FOR THE YEAR ENDED 30 JUNE 2013

Financial instruments

The Company is exposed to a variety of financial risks, including credit risk, effects of foreign currency exchange, interest rates, liquidity and price risk.

Credit risk

The Company has exposure to credit risk, which is the risk that a counterparty will be unable to pay amounts in full when due. The Company only operates on The Falkland Islands and is therefore in the main exposed to credit risk in a limited geographical area. Where the Company does allow third parties to trade on credit that are outside of The Falkland Islands this is done after many years of trading and credit limits are in place.

Foreign exchange risk

The Company is exposed to foreign currency risk due to customer and supplier relationships denominated in United States Dollars. The foreign currency risk is minimal as currency is purchased using forward exchange contracts for large purchases and smaller purchases are paid within suppliers' credit terms thus minimising any exchange risk.

Interest risk

Exposure to the effects of fluctuating interest rates on deposits and business cash flows arises and is subject to prevailing bank prime lending rates.

Liquidity risk

The Company maintains on call access to cash and bank accounts and only puts any cash on fixed deposit for one month to ensure availability of funds for both operational and development needs.

Price risk

The Company has no long term supply contracts on which a price risk could arise.

Provision of information to auditors

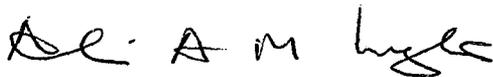
Each of the persons who are directors at the time when this Directors' report is approved has confirmed that:

- so far as that director is aware, there is no relevant audit information of which the company's auditors are unaware, and
- that director has taken all the steps that ought to have been taken as a director in order to be aware of any information needed by the company's auditors in connection with preparing their report and to establish that the company's auditors are aware of that information.

Auditors

PKF (UK) LLP have merged their business into BDO LLP and accordingly have signed their auditor's report in the name of the merged firm. A resolution to appoint BDO LLP as auditors of the company was passed at the Management Meeting of the Board of Directors on 10 June 2013, in accordance with the UK Companies Act 1948 (amended by the Companies (Amendment) Ordinance 2006) as it applies in the Falkland Islands.

This report was approved by the Board of Directors on 12 December 2013 and signed on its behalf.



Director for Pinsent Masons Nominee Company (Falklands) Limited

STANLEY SERVICES LIMITED

DIRECTORS' RESPONSIBILITIES STATEMENT FOR THE YEAR ENDED 30 JUNE 2013

The directors are responsible for preparing the annual report and the financial statements in accordance with applicable law and regulations.

Company law requires the directors to prepare financial statements for each financial year. Under that law the directors have elected to prepare the financial statements in accordance with applicable law and United Kingdom Generally Accepted Accounting Practice. The financial statements are required to give a true and fair view of the state of affairs of the company and of the profit or loss of the company for that period. In preparing these financial statements, the directors are required to:

- Select suitable accounting policies and then apply them consistently;
- Make judgments and estimates that are reasonable and prudent;
- State whether applicable UK Accounting Standards have been followed, subject to any material departures disclosed and explained in the financial statements;
- Prepare the financial statements on the going concern basis unless it is inappropriate to presume that the company will continue in business.

The directors are responsible for keeping proper accounting records that disclose with reasonable accuracy at any time the financial position of the company and enable them to ensure that the financial statements comply with the Companies Act 1948 (amended by the Companies (Amendment) Ordinance 2006) as it applies in the Falkland Islands. They are also responsible for safeguarding the assets of the company and hence for taking reasonable steps for the prevention and detection of fraud and other irregularities.

STANLEY SERVICES LIMITED

INDEPENDENT AUDITOR'S REPORT TO THE MEMBERS OF STANLEY SERVICES LIMITED

We have audited the financial statements of Stanley Services Limited for the year ended 30 June 2013 which comprise the profit and loss account, the balance sheet, the cash flow statement and the related notes. The financial reporting framework that has been applied in their preparation is applicable law and United Kingdom Accounting Standards (United Kingdom Generally Accepted Accounting Practice).

This report is made solely to the company's members, as a body, in accordance with section 235 (1) of the Companies Act 1948 (amended by the Companies (Amendment) Ordinance 2006) as it applies in the Falkland Islands. Our audit work has been undertaken so that we might state to the company's members those matters we are required to state to them in an auditor's report and for no other purpose. To the fullest extent permitted by law, we do not accept or assume responsibility to anyone other than the company and the company's members as a body, for our audit work, for this report, or for the opinions we have formed.

Respective responsibilities of directors and auditors

As explained more fully in the statement of directors' responsibilities, the directors are responsible for the preparation of the financial statements and for being satisfied that they give a true and fair view. Our responsibility is to audit and express an opinion on the financial statements in accordance with applicable law and International Standards on Auditing (UK and Ireland). Those standards require us to comply with the UK Auditing Practices Board's (APB's) Ethical Standards for Auditors.

Scope of the audit of the financial statements

A description of the scope of an audit of financial statements is provided on the APB's website at www.frc.org.uk/apb/scope/private.cfm.

Opinion on the financial statements

In our opinion the financial statements:

- give a true and fair view of the state of the company's affairs as at 30 June 2013 and of its profit for the year then ended;
- have been properly prepared in accordance with United Kingdom Generally Accepted Accounting Practice; and
- have been prepared in accordance with the requirements of the Companies Act 1948 (amended by the Companies (Amendment) Ordinance 2006) as it applies in the Falkland Islands.

STANLEY SERVICES LIMITED

INDEPENDENT AUDITOR'S REPORT TO THE MEMBERS OF STANLEY SERVICES LIMITED

Matters on which we are required to report by exception

We have nothing to report in respect of the following matters where the Companies Act 1948 (amended by the Companies (Amendment) Ordinance 2006) as it applies in the Falkland Islands requires us to report to you if, in our opinion:

- the information given in the directors' report for the financial year for which the financial statements are prepared is inconsistent with the financial statements; and
- proper accounting records have not been kept, or returns adequate for our audit have not been received from branches not visited by us; or
- the financial statements are not in agreement with the accounting records and returns; or
- certain disclosures of directors' remuneration specified by law are not made; or
- we have not received all the information and explanations we require for our audit.

BDO LLP.

BDO LLP,
Registered auditor
Ipswich, UK

3 January 2014

STANLEY SERVICES LIMITED

**PROFIT AND LOSS ACCOUNT
FOR THE YEAR ENDED 30 JUNE 2013**

	Note	2013 £	2012 £
TURNOVER	1	28,030,345	34,932,020
Cost of sales		(22,083,034)	(28,832,040)
		<hr/>	<hr/>
GROSS PROFIT		5,947,311	6,099,980
Administrative expenses		(3,546,231)	(3,283,999)
		<hr/>	<hr/>
OPERATING PROFIT	3	2,401,080	2,815,981
Interest receivable and similar income		8,099	8,732
Interest payable and similar charges		(6,153)	(8,099)
		<hr/>	<hr/>
PROFIT ON ORDINARY ACTIVITIES BEFORE TAXATION		2,403,026	2,816,614
Tax on profit on ordinary activities	7	(777,383)	(931,956)
		<hr/>	<hr/>
PROFIT FOR THE FINANCIAL YEAR	18	1,625,643	1,884,658
		<hr/> <hr/>	<hr/> <hr/>

All amounts relate to continuing operations.

There were no recognised gains and losses for 2013 or 2012 other than those included in the profit and loss account.

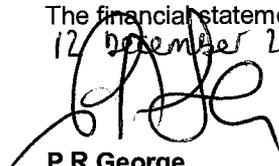
The notes on pages 9 to 22 form part of these financial statements.

STANLEY SERVICES LIMITED
REGISTERED NUMBER: 8257

BALANCE SHEET
AS AT 30 JUNE 2013

	Note	£	2013 £	£	2012 £
FIXED ASSETS					
Intangible assets	8		52,500		57,500
Tangible assets	9		9,444,541		8,651,397
Investment property	10		966,583		966,583
Investments	11		109,647		109,647
			<u>10,573,271</u>		<u>9,785,127</u>
CURRENT ASSETS					
Stocks	12	3,362,424		2,615,845	
Debtors	13	1,539,608		3,083,355	
Cash at bank and in hand		2,313,253		3,229,118	
			<u>7,215,285</u>		<u>8,928,318</u>
CREDITORS: amounts falling due within one year	14		<u>(2,479,679)</u>		<u>(4,219,573)</u>
NET CURRENT ASSETS			<u>4,735,606</u>		<u>4,708,745</u>
TOTAL ASSETS LESS CURRENT LIABILITIES			<u>15,308,877</u>		<u>14,493,872</u>
CREDITORS: amounts falling due after more than one year	15		(167,606)		(262,174)
PROVISIONS FOR LIABILITIES					
Deferred tax	16		<u>(1,558,823)</u>		<u>(1,324,798)</u>
NET ASSETS			<u>13,582,448</u>		<u>12,906,900</u>
CAPITAL AND RESERVES					
Called up share capital	17		500,050		500,050
Profit and loss account	18		13,082,398		12,406,850
SHAREHOLDERS' FUNDS	19		<u>13,582,448</u>		<u>12,906,900</u>

The financial statements were approved and authorised for issue by the board and were signed on its behalf on
12 September 2013


P R George
Director


B T Swales
Director

The notes on pages 9 to 22 form part of these financial statements.

STANLEY SERVICES LIMITED

**CASH FLOW STATEMENT
FOR THE YEAR ENDED 30 JUNE 2013**

	Note	2013 £	2012 £
Net cash flow from operating activities	21	2,154,589	3,501,867
Returns on investments and servicing of finance	22	1,946	572
Taxation		(662,624)	(511,725)
Capital expenditure and financial investment	22	(1,365,115)	(1,245,166)
Equity dividends paid		(950,095)	(900,090)
CASH (OUTFLOW)/INFLOW BEFORE FINANCING		(821,299)	845,458
Financing	22	(94,568)	(92,658)
(DECREASE)/INCREASE IN CASH IN THE YEAR		(915,867)	752,800

**RECONCILIATION OF NET CASH FLOW TO MOVEMENT IN NET FUNDS/DEBT
FOR THE YEAR ENDED 30 JUNE 2013**

	2013 £	2012 £
(Decrease)/Increase in cash in the year	(915,867)	752,800
Cash outflow from decrease in debt and lease financing	94,568	92,658
MOVEMENT IN NET DEBT IN THE YEAR	(821,299)	845,458
Net funds at 1 July 2012	2,872,946	2,027,488
NET FUNDS AT 30 JUNE 2013	2,051,647	2,872,946

The notes on pages 9 to 22 form part of these financial statements.

STANLEY SERVICES LIMITED

NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2013

1. ACCOUNTING POLICIES

1.1 Basis of preparation of financial statements

The financial statements are prepared in accordance with applicable United Kingdom accounting standards. The particular accounting policies adopted are described below and have been applied consistently throughout the current and preceding financial years.

Accounting convention

The financial statements are prepared under the historical cost convention as modified by the revaluation of investment properties, which are stated at open market value, and in accordance with applicable accounting standards.

1.2 Turnover

Turnover includes sales of domestic fuel, royalties received under a bunkering contract and other trading activities, including leasing income. All sales are within the Falkland Islands. With effect from 1 July 1991, income on domestic fuel sales been recognised in the profit and loss account on the basis of the domestic fuel pricing formula, as contained in the Agreement between the Falkland Islands Government and the Company dated 18 August 1987 and revised on 30 March 2005 ("The Fuel Agreement").

Turnover arising from the company's other trading activities is recognised in the profit and loss account in the period in which the services or goods are provided.

In accordance with paragraph 55(5) of Schedule 4 to the Companies Act 1985 (enacted by virtue of paragraph 2(c) of the Companies (Amendment) Ordinance 2006) as it applies in the Falkland Islands, no segmental analysis of turnover is provided as, in the opinion of the directors, the provision of this information would be seriously prejudicial to the interests of the company.

1.3 Intangible fixed assets and amortisation

Goodwill arising on the acquisition of subsidiary undertakings and businesses, representing any excess of the fair value of the consideration given over the fair value of the identifiable assets and liabilities acquired, is capitalised and written off on a straight line basis over its useful economic life which is 20 years. Provision is made for any impairment.

1.4 Tangible fixed assets and depreciation

Tangible fixed assets are stated in the balance sheet at cost less accumulated depreciation. Depreciation is provided at rates calculated to write off the cost of fixed assets, less their estimated residual value, over their expected useful lives on the following bases:

Buildings	-	22 - 30 years
Motor vehicles	-	3 - 10 years
Fixtures, fittings and equipment	-	3 - 10 years
Land	-	Not depreciated
Assets under construction	-	Not depreciated

Depreciation has not been provided on the hotel building since 30 June 2006. Since this date the hotel building has not been depreciated as the directors feel that the residual value of the hotel is so high as to make any depreciation charge immaterial.

STANLEY SERVICES LIMITED

**NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED 30 JUNE 2013**

1. ACCOUNTING POLICIES (continued)

1.5 Investments

Fixed asset investments are shown at cost less provision for impairment.

1.6 Investment properties

Investment properties are included in the Balance Sheet at their open market value in accordance with the Statement of Standard Accounting Practice 19 "Accounting for Investment properties", and are not depreciated. This treatment is contrary to the Companies Act 1948 (amended by the Companies (Amendment) Ordinance 2006) which states that fixed assets should be depreciated but is, in the opinion of the directors, necessary in order to give a true and fair view of the financial position of the company.

1.7 Group accounts

Group accounts are not prepared given that the results of the Company's subsidiary are insignificant as defined in section 229(2) of the Companies Act 1948 (amended by the Companies (Amendment) Ordinance 2006) as it applies in the Falkland Islands and as such group accounts are not required.

1.8 Stocks

Stocks are stated at the lower of cost and net realisable value. Cost represents material and freight costs.

1.9 Hire purchase debtors

Amounts receivable under the hire purchase contracts are included under debtors and represent the total amount outstanding under the hire purchase agreements less unearned income. Hire purchase income is brought into turnover on an accruals basis in proportion to the reducing balance outstanding.

1.10 Pensions

The company operates a defined contribution pension scheme, and a compulsory Governmental pension scheme. The pension charge represents the amounts payable by the company to the funds in respect of the year. All company contributions to the defined contribution pension schemes are recognised in the profit and loss account as they are incurred.

1.11 Leases

Operating lease rentals are charged to income in equal annual amounts over the lease term.

STANLEY SERVICES LIMITED

NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2013

1. ACCOUNTING POLICIES (continued)

1.12 Deferred taxation

Full provision is made for deferred tax assets and liabilities arising from all timing differences between the recognition of gains and losses in the financial statements and recognition in the tax computation.

Deferred tax is not provided on timing differences arising from the revaluation of fixed assets in the financial statements.

A net deferred tax asset is recognised only if it can be regarded as more likely than not that there will be suitable taxable profits from which the future reversal of the underlying timing differences can be deducted.

Deferred tax assets and liabilities are calculated at the tax rates expected to be effective at the time the timing differences are expected to reverse.

Deferred tax assets and liabilities are not discounted.

1.13 Foreign currencies

Transactions denominated in foreign currencies are translated at the rate applicable at the time they take place. All assets and liabilities denominated in foreign currencies have been translated into sterling at the rate of exchange ruling at the balance sheet date. The company has no (2012: one) forward contract to sell \$US Nil (2012: \$US 131,888) for a contracted sum of £Nil (2012: £84,677) which is disclosed in note 26, as this commitment is not recognised in the balance sheet at the year end. Translation differences are reflected within the operating profit.

1.14 Domestic fuel provision

In accordance with the accounting policy for income recognition, a provision for an amount receivable has been calculated for the difference between the actual average sale price and the average sale price calculated in accordance with the domestic fuel pricing formula contained within the Fuel Agreement. Any future differences are assessed annually and charged/credited to the profit and loss account as appropriate.

2. TURNOVER

In accordance with paragraph 55(5) of Schedule 4 to the Companies Act 1985 (enacted by virtue of paragraph 2(c) of Companies (Amendment) Ordinance 2006) as it applies in the Falkland Islands, no segmental analysis of turnover is provided as, in the opinion of the directors, the provision of this information would be seriously prejudicial to the interests of the company.

All turnover arose within the Falkland Islands.

STANLEY SERVICES LIMITED

**NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED 30 JUNE 2013**

3. OPERATING PROFIT

The operating profit is stated after charging:

	2013	2012
	£	£
Amortisation - intangible fixed assets	5,000	5,000
Depreciation of tangible fixed assets:		
- owned by the company	584,235	584,347
Difference on foreign exchange	1,814	5,240
	590,849	600,587

4. AUDITORS' REMUNERATION

	2013	2012
	£	£
Fees payable to the company's auditor and its associates for the audit of the company's annual accounts	18,750	18,750
Fees payable to the company's auditor and its associates in respect of:		
Audit-related assurance services	1,250	1,250
Taxation compliance services	1,885	1,400
All other non-audit services not included above	278	-
	22,163	21,350

5. STAFF COSTS

Staff costs, including directors' remuneration, were as follows:

	2013	2012
	£	£
Wages and salaries	1,571,477	1,492,968
Social security costs	86,039	77,839
Other pension costs	93,785	86,577
	1,751,301	1,657,384

The average monthly number of employees, including the directors, during the year was as follows:

	2013	2012
	No.	No.
Average number of persons employed	66	62
	66	62

STANLEY SERVICES LIMITED

**NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED 30 JUNE 2013**

6. DIRECTORS' REMUNERATION

	2013 £	2012 £
Emoluments	<u>245,789</u>	<u>229,854</u>
Company pension contributions to defined contribution pension schemes	<u>25,737</u>	<u>23,473</u>

During the year retirement benefits were accruing to 1 director (2012 - 1 director) in respect of defined contribution pension schemes.

The highest paid director received remuneration of £149,548 (2012 - £139,317).

The value of the company's contributions paid to a defined benefit pension scheme in respect of the highest paid director amounted to £NIL (2012 - £NIL).

7. TAXATION

	2013 £	2012 £
Analysis of tax charge in the year		
Current tax (see note below)		
FI corporation tax charge on profit for the year	543,358	662,624
Adjustments in respect of prior periods	-	2,331
Total current tax	<u>543,358</u>	<u>664,955</u>
Deferred tax		
Origination and reversal of timing differences	234,025	12,232
Effect of increased tax rate on opening liability	-	254,769
Total deferred tax (see note 16)	<u>234,025</u>	<u>267,001</u>
Tax on profit on ordinary activities	<u>777,383</u>	<u>931,956</u>

STANLEY SERVICES LIMITED

**NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED 30 JUNE 2013**

7. TAXATION (continued)

Factors affecting tax charge for the year

The tax assessed for the year is lower than (2012 - lower than) the standard rate of corporation tax in the FI of 26% (2012 - 26%). The differences are explained below:

	2013 £	2012 £
Profit on ordinary activities before tax	<u>2,403,026</u>	<u>2,816,614</u>
Profit on ordinary activities multiplied by standard rate of corporation tax in the FI of 26% (2012 - 26%)	624,787	732,320
Effects of:		
Lower rate tax payable	(50,000)	(50,000)
Capital allowances for year in excess of depreciation	(57,779)	(74,039)
Adjustments to tax charge in respect of prior periods	-	2,331
Movement in domestic fuel provision	19,929	47,046
Other differences leading to an increase (decrease) in the tax charge	6,421	7,297
Current tax charge for the year (see note above)	<u><u>543,358</u></u>	<u><u>664,955</u></u>

Factors that may affect future tax charges

There were no factors that may affect future tax charges.

8. INTANGIBLE FIXED ASSETS

	Goodwill £
Cost	
At 1 July 2012 and 30 June 2013	<u>100,000</u>
Amortisation	
At 1 July 2012	42,500
Charge for the year	5,000
At 30 June 2013	<u>47,500</u>
Net book value	
At 30 June 2013	<u><u>52,500</u></u>
At 30 June 2012	<u><u>57,500</u></u>

STANLEY SERVICES LIMITED

NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED 30 JUNE 2013

9. TANGIBLE FIXED ASSETS

	Land and buildings £	Motor vehicles £	Fixtures, fittings and equipment £	Assets under construction £	Total £
Cost					
At 1 July 2012	12,305,209	825,288	1,335,192	723,126	15,188,815
Additions	322,648	25,441	69,303	984,773	1,402,165
Disposals	-	(62,195)	(32,625)	-	(94,820)
Transfer between classes	709,451	-	190,034	(899,485)	-
At 30 June 2013	<u>13,337,308</u>	<u>788,534</u>	<u>1,561,904</u>	<u>808,414</u>	<u>16,496,160</u>
Depreciation					
At 1 July 2012	5,192,476	535,648	809,294	-	6,537,418
Charge for the year	370,546	75,492	138,197	-	584,235
On disposals	-	(37,487)	(32,547)	-	(70,034)
At 30 June 2013	<u>5,563,022</u>	<u>573,653</u>	<u>914,944</u>	<u>-</u>	<u>7,051,619</u>
Net book value					
At 30 June 2013	<u>7,774,286</u>	<u>214,881</u>	<u>646,960</u>	<u>808,414</u>	<u>9,444,541</u>
At 30 June 2012	<u>7,112,733</u>	<u>289,640</u>	<u>525,898</u>	<u>723,126</u>	<u>8,651,397</u>

10. INVESTMENT PROPERTY

	Freehold investment property £
Valuation	
At 1 July 2012 and 30 June 2013	<u>966,583</u>
Comprising	
Valuation	<u>966,583</u>
At 30 June 2013	<u>966,583</u>

During the year, capital expenditure totalling £Nil (2012 - £10,029) was incurred in respect of investment property additions which have been valued by the directors at the year end.

The directors consider these valuations accurately reflect the open market value at the year end.

STANLEY SERVICES LIMITED

**NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED 30 JUNE 2013**

11. FIXED ASSET INVESTMENTS

	Investments in subsidiary undertakings £	Other investments £	Total £
Cost or valuation			
At 1 July 2012 and 30 June 2013	25,500	109,647	135,147
Impairment			
At 1 July 2012 and 30 June 2013	25,500	-	25,500
Net book value			
At 30 June 2013	-	109,647	109,647
At 30 June 2012	-	109,647	109,647

The shares in subsidiary undertakings represent 50,000 ordinary £1 shares, being 100% of the issued share capital of Stanley Support Services Limited, a company registered in the Falkland Islands. Stanley Support Services Limited is dormant and has not traded during the year.

Other investments represent:

100,000 £1 ordinary shares, being a 5% holding, in Stanley Bunkering Limited, a company registered and trading in the Falkland Islands in oil related products (bunker fuel);

4,350 £1 ordinary shares being a 2% holding in Solomon & Company (St Helena) plc, a company registered in England and Wales;

£100 being unlisted investments being a 0.14% holding in Falkland Farmers Limited at cost; and

50 £1 ordinary shares, being a 50% holding, in Falkland Islands Television Limited, a company registered and trading in the Falkland Islands in television production.

12. STOCKS

	2013 £	2012 £
Consumables	34,702	43,029
Stock in transit	339,623	287,055
Goods for resale	2,988,099	2,285,761
	<u>3,362,424</u>	<u>2,615,845</u>

The difference between purchase price of stocks and their replacement cost is not material.

STANLEY SERVICES LIMITED

**NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED 30 JUNE 2013**

13. DEBTORS

	2013	2012
	£	£
Trade debtors	1,021,459	1,271,251
Other debtors	95,477	113,157
Prepayments and accrued income	414,984	1,687,952
Hire purchase debtors	7,688	10,995
	1,539,608	3,083,355
	1,539,608	3,083,355

Rentals receivable as lessor

	2013	2012
	£	£
Rentals receivable under operating leases	96,852	530,252
Rentals receivable under finance leases	574	-
	97,426	530,252
	97,426	530,252

14. CREDITORS:

Amounts falling due within one year

	2013	2012
	£	£
Bank loan	94,000	94,000
Payments received on account	-	1,402,586
Trade creditors	1,295,285	1,608,165
Corporation tax	543,358	662,624
Social security and other taxes	34,451	44,161
Other creditors	293,087	200,401
Accruals and deferred income	219,498	207,636
	2,479,679	4,219,573
	2,479,679	4,219,573

The bank loan totalling £261,606 (2012 - £356,174) is secured by way of a floating charge dated 21 June 2006 over all present and future fuel stocks.

STANLEY SERVICES LIMITED

**NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED 30 JUNE 2013**

**15. CREDITORS:
Amounts falling due after more than one year**

	2013 £	2012 £
Bank loan	<u>167,606</u>	<u>262,174</u>

Included within the above are amounts falling due as follows:

	2013 £	2012 £
Between one and two years		
Bank loan	<u>94,000</u>	<u>94,000</u>
Between two and five years		
Bank loan	<u>73,606</u>	<u>168,174</u>

The bank loan amounting to £261,606 (2012 - £356,174) is repayable in monthly installments and interest is charged at 1.5% above base rate. The bank loan is secured by way of a floating charge dated 21 June 2006 over all present and future fuel stocks.

16. DEFERRED TAXATION

	2013 £	2012 £
At beginning of year	1,324,798	1,057,797
Charge for year	234,025	267,001
At end of year	<u>1,558,823</u>	<u>1,324,798</u>

The provision for deferred taxation is made up as follows:

	2013 £	2012 £
Accelerated capital allowances	<u>1,558,823</u>	<u>1,324,798</u>

17. SHARE CAPITAL

	2013 £	2012 £
Authorised		
3,000,000 Ordinary shares of £1 each	<u>3,000,000</u>	<u>3,000,000</u>
Allotted, called up and partly paid (50p)		
1,000,100 Ordinary shares of £1 each	<u>500,050</u>	<u>500,050</u>

STANLEY SERVICES LIMITED

**NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED 30 JUNE 2013**

18. RESERVES

	Profit and loss account £
At 1 July 2012	12,406,850
Profit for the year	1,625,643
Dividends: Equity capital	(950,095)
	13,082,398
At 30 June 2013	13,082,398

19. RECONCILIATION OF MOVEMENT IN SHAREHOLDERS' FUNDS

	2013 £	2012 £
Opening shareholders' funds	12,906,900	11,922,332
Profit for the year	1,625,643	1,884,658
Dividends (Note 20)	(950,095)	(900,090)
	13,582,448	12,906,900
Closing shareholders' funds	13,582,448	12,906,900

20. DIVIDENDS

	2013 £	2012 £
Dividends paid on equity capital	950,095	900,090
	950,095	900,090

Dividends declared and paid during the year total 95 pence per share (2012 - 90 pence per share).

21. NET CASH FLOW FROM OPERATING ACTIVITIES

	2013 £	2012 £
Operating profit	2,401,080	2,815,981
Amortisation of intangible fixed assets	5,000	5,000
Depreciation of tangible fixed assets	584,235	584,347
Profit on disposal of tangible fixed assets	(12,266)	-
(Increase)/decrease in stocks	(746,579)	319,469
Decrease in debtors	1,543,747	266,537
Decrease in creditors	(1,620,628)	(489,467)
	2,154,589	3,501,867
Net cash inflow from operating activities	2,154,589	3,501,867

STANLEY SERVICES LIMITED

NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED 30 JUNE 2013

22. ANALYSIS OF CASH FLOWS FOR HEADINGS NETTED IN CASH FLOW STATEMENT

	2013 £	2012 £
Returns on investments and servicing of finance		
Interest received	8,099	8,732
Interest paid	(6,153)	(8,160)
	<hr/>	<hr/>
Net cash inflow from returns on investments and servicing of finance	1,946	572
	<hr/> <hr/>	<hr/> <hr/>
	2013 £	2012 £
Corporation tax	(662,624)	(511,725)
	<hr/> <hr/>	<hr/> <hr/>
	2013 £	2012 £
Capital expenditure and financial investment		
Purchase of tangible fixed assets	(1,402,165)	(1,264,585)
Sale of tangible fixed assets	37,050	29,448
Purchase of investment properties	-	(10,029)
	<hr/>	<hr/>
Net cash outflow from capital expenditure	(1,365,115)	(1,245,166)
	<hr/> <hr/>	<hr/> <hr/>
	2013 £	2012 £
	2013 £	2012 £
Financing		
Repayment of loans	(94,568)	(92,658)
	<hr/> <hr/>	<hr/> <hr/>

23. ANALYSIS OF CHANGES IN NET DEBT

	1 July 2012 £	Cash flow £	Other non-cash changes £	30 June 2013 £
Cash at bank and in hand	3,229,120	(915,867)	-	2,313,253
Debts due within one year	(94,000)	94,568	(94,568)	(94,000)
Debts falling due after more than one year	(262,174)	-	94,568	(167,606)
	<hr/>	<hr/>	<hr/>	<hr/>
Net funds	2,872,946	(821,299)	-	2,051,647
	<hr/> <hr/>	<hr/> <hr/>	<hr/> <hr/>	<hr/> <hr/>

STANLEY SERVICES LIMITED

NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2013

24. CONTINGENT LIABILITIES

There are on-going negotiations in respect of the historic rate that has been used to calculate the royalty income received by the company. It has been estimated there is a potential liability of \$928,555 (£610,246) however due to the early stages of these negotiations, the outcome of this is uncertain.

25. CAPITAL COMMITMENTS

At 30 June 2013 the company had capital commitments as follows:

	2013 £	2012 £
Contracted for but not provided in these financial statements	<u>26,250</u>	<u>129,749</u>

26. PENSION COMMITMENTS

The company participates in a compulsory Governmental defined contribution pension scheme. The pension cost charge represents contributions payable by the company to the fund and amounted to £40,284 (2012: £36,366) Contributions totalling £6,148 (2012 - £6,048) were payable to the fund at the balance sheet date.

Also, the company participates in a voluntary defined contribution pension scheme which is open to certain of its employees. The pension cost charge represents contributions payable by the company to the fund and amounted to £93,785 (2012: £86,577) Contributions totalling £nil (2012 - £nil) were payable to the fund at the balance sheet date.

27. OTHER FINANCIAL COMMITMENTS

As at 30 June 2013 the company had no foreign exchange commitments.

In the prior year the company had a foreign exchange commitment to sell \$US 131,888 on 27 July 2012 for £84,677.

STANLEY SERVICES LIMITED

**NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED 30 JUNE 2013**

28. RELATED PARTY TRANSACTIONS

Related Parties

	2013 £	2012 £
Turnover		
Falkland Island Government - domestic fuel and retail sales	4,474,541	3,991,788
Lavinia Corporation - rentals and administration charges	535,720	473,339
Falklands Islands Television Limited	16,024	14,437
Costs		
Falkland Islands Government - overheads and ships agency costs	1,690,139	1,280,307
Falkland Islands Television Limited - advertising	40,957	44,784
S & J D Robertson Group Limited	3,842	1,871
Debtors: trade debtors		
The balances owed by related parties at 30 June were:		
Falkland Islands Government	303,188	92,764
Lavinia Corporation	164,587	146,096
Falklands Islands Television Limited	828	1,741
Debtors: other debtors		
Falkland Islands Television Limited	64,507	69,625
Creditors: amounts falling due within on year - trade creditors		
The balances owed to related parties at 30 June were:		
Falkland Islands Government	43,731	66,993
Falkland Islands Television Limited	1,660	7,790

The Falkland Islands Government, the Lavinia Corporation and S & J D Robertson Group Limited are shareholders in Stanley Services Limited.

Dividends paid to the Falkland Islands Government were £427,543 (2012 - £404,141).

Dividends paid to the Lavinia Corporation were £237,524 (2012 - £225,922).

Dividends paid to the S & J D Robertson Group Limited were £285,028 (2012 - £270,027).

At the year end, the company had advanced a total of £64,507 (2012 - £69,625) to Falkland Islands Television Limited, a company in which Stanley Services Limited holds a 50% shareholding.

29. CONTROLLING PARTY

In the opinion of the directors, there is no controlling party.

LEGISLATIVE ASSEMBLY

ORDER PAPER

THURSDAY 27 NOVEMBER 2014

MOTIONS

This House requests that the Government investigate and introduce measures, including if necessary further legislation consistent with the constitution, to promote the reduction of smoking and the harmful effects of smoking by aiming to create a tobacco-free generation

Proposed by: The Honourable Michael Poole

Seconded by: The Honourable Dr Barry Elsby

CREATING A SMOKE-FREE GENERATION OF FALKLAND ISLANDERS



LEGISLATIVE ASSEMBLY MOTION

NOVEMBER 2014

BRIEFING DOCUMENT

Document Produced by: Dr Barry Elsby

Mr Michael Poole

*“Humanity has never developed anything more deadly than
the cigarette”*

Dr. Crocker-Buqué, Public Health Specialist, 2014



Introduction

Although it is appreciated that, if submitted now, tobacco products would fail to be approved by health authorities, by historical accident, they are generally treated as legal products for adults. Largely because of the additive nature of the product, an immediate ban is perceived as unacceptably harsh. Numerous restrictive measures have been implemented worldwide, with a certain amount of success. Nevertheless, a clear path for getting from the present situation to a tobacco-free society has so far proved elusive (*British Medical Journal, 2011*).

This brief paper therefore provides supporting detail for a motion that is to be tabled in the Legislative Assembly on the 27th November 2014. The motion is to be proposed by Michael Poole and seconded by Dr Barry Elsby and reads:

This House requests that the Government investigate and introduce measures, including if necessary further legislation consistent with the constitution, to promote the reduction of smoking and the harmful effects of smoking by aiming to create a tobacco-free generation.

The motion looks to gain wide government support for FIG actively investigating the concept of introducing legislation during this Government term that would aim to create a smoke-free generation of Falkland Islanders in the future.

Very simply, the proposed legislation would make it an offence for retailers to sell nicotine products to any individual that was born in the year 2000 or later (the oldest of whom will currently be 14 years old, so cannot legally be provided tobacco currently).

This is being proposed due to high levels of smoking in the younger and middle age groups, a means of preventing initiation of smoking is worthy of consideration. The Tobacco Free Generation (TFG) proposal deals directly with the issue of smoking initiation and aims to prevent smoking uptake and subsequent lifelong nicotine addiction in a new generation of Falkland Islanders.

The practicalities of this law would need further discussion. The motion above would look to place an obligation on FIG to investigate this issue over the coming months and to reach a conclusion one way or another.

The remainder of this paper aims to provide an introduction to why smoking is so damaging, what is currently done in the Islands to combat it, and why legislation looking to create a smoke-free generation is a possible solution.

The Global Context

A significant amount of research into nicotine and smoking exists around the world. There has also been a lot written on the subject and related issues. This section looks to summarise very briefly why nicotine is so dangerous and why it is worthy of looking to significantly reduce its use. Smoking has been scientifically proven to cause:

- Lung cancer – the main cause of death of smokers
- Related illnesses such as blindness, vascular disease, respiratory disease, hearing loss, gum disease, cancers, heart disease, strokes and any number of other conditions.

Smoking nicotine products is known to be dangerous to a person's health whilst also being extremely addictive. For example, Health Canada recently stated that:

“Cigarettes are highly addictive. Studies have shown that tobacco can be harder to quit than heroin or cocaine”

Smoking also places significant costs on society due to the health issues it creates.

The World Health Organisation View

The following summarises the findings of the WHO as detailed in their May 2014 factsheet on smoking:

- ***The tobacco epidemic is one of the biggest public health threats the world has ever faced, killing nearly six million people a year*** (which is almost double the number that die from alcohol related illness). More than five million of those deaths are the result of direct tobacco use while more than 600,000 are the result of non-smokers being exposed to second-hand smoke. Approximately one person dies every six seconds due to tobacco, accounting for one in 10 adult deaths. Up to half of current users will eventually die of a tobacco-related disease.
- Tobacco users who become ill raise the cost of healthcare and slow economic development.
- In some countries, children from poor households are frequently employed in tobacco farming to provide family income. These children are especially vulnerable to "green tobacco sickness", which is caused by the nicotine that is absorbed through the skin from the

handling of wet tobacco leaves. Global reduction of smoking would help to avoid this problem and encourage diversification into new, less dangerous stocks.

- Because there is a lag of several years between when people start using tobacco and when their health suffers, the epidemic of tobacco-related disease and death has just begun.
- Tobacco caused 100 million deaths in the 20th century. If current trends continue, it may cause one billion deaths in the 21st century.
- Unchecked, tobacco-related deaths will increase to more than eight million p.a. by 2030.
- Global studies have also found that over 90% of people that have taken up smoking regret having done so.

The Falkland Islands Context

The Islands Plan

In the 2014-2018 Islands Plan, the Falkland Islands Government have committed to:

“Place a renewed emphasis on health prevention and promote healthy and active lifestyles to reduce the requirement for costly treatment (at home and overseas) in the longer term”

This proposed pieces of legislation looks to help achieve this goal. A goal which was decided upon due to the obvious benefits of looking to prevent health issues at source, and also to try and control the escalating costs of healthcare in the Islands.

The Annual Budget

The table below shows the total expenditure on healthcare over the past five years, with the next two years projections as well. The 2013/14 figures are only estimates at this stage until the accounts are finalised.

These figures show a significant step-change in the amount being expended on healthcare generally and on MTO in particular. Between 2009 and 2014, there has been a 46% jump in the cost of healthcare in the Islands. Research has not been done on the amount of this that is attributable directly to smoking, but it is safe to assume that a proportion of it is.

	Medical & Dental Services						
	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16
Medical Treatment Overseas	£1,137,790	£1,183,518	£1,442,703	£1,368,016	£2,180,000	£1,450,000	£1,450,000
Total Expenditure	£6,545,256	£6,841,666	£7,492,740	£7,883,850	£9,556,090	£9,069,330	£9,113,690

CIGARETTES			
Year	Quantity	Value	FIG Revenue
2009	1,377kg	£56,245	£558,781
2010	2195kg	£91,520	£587,739
2011	2598kg	£113,111	£638,374
2012	1150kg	£71,479	£641,711
2013	1508kg	£97,612	£607,733

The 2012 Census & KEMH Figures

The 2012 census showed us that some 27.7% of the FI population (aged 15 and over) report being smokers. The prevalence of smoking is more pronounced amongst men than women (30% of men are smokers compared to 25% of women). Smoking is also much more prevalent amongst young people – almost half (46%) of people aged 15-25 are smokers; as are 31% of people aged 25-40. The full detail available from the census is copied in the tables below:

	People who smoke by age					
	No		Yes		Total	
	Male	Female	Male	Female	Male	Female
15 Under 20	28	36	26	25	54	61
20 Under 25	42	45	46	30	88	75
25 Under 30	40	78	46	37	86	115
30 Under 35	75	71	38	30	113	101
35 Under 40	96	99	33	23	129	122
40 Under 45	103	82	53	26	156	108
45 Under 50	86	66	42	27	128	93
50 Under 55	88	87	36	17	124	104
55 Under 60	94	58	13	21	107	79
60 Under 65	74	44	14	11	88	55
65 Under 70	45	45	10	9	55	54
70 Under 75	37	28	5	2	42	30
75 Under 80	24	28	6	4	30	32
80 and over	28	27	1	2	29	29
Total	860	794	369	264	1229	1058

	Number of cigarettes smoked per day						Total
	5 or Less	5-10	11-20	21-30	31-40	41 or more	
15 Under 20	17	16	16	1	0	1	51
20 Under 25	22	23	30	0	0	1	76
25 Under 30	20	30	28	3	0	1	82
30 Under 35	18	17	28	4	0	0	67
35 Under 40	17	11	27	2	0	0	57
40 Under 45	15	21	34	6	2	1	79
45 Under 50	6	15	35	10	3	0	69
50 Under 55	7	8	32	6	1	0	54
55 Under 60	3	9	19	3	1	0	35
60 Under 65	1	10	8	5	1	0	25
65 Under 70	7	4	6	2	0	0	19
70 Under 75	3	2	0	2	0	0	7
75 Under 80	1	4	3	2	0	0	10
80 and over	0	0	3	0	0	0	3
Total	137	170	269	46	8	4	634

The additional table below here summarises the figures available from the EMIS records system at KEMH as of October 2014. In contrast to the 2012 census figures, they show a 21% total smoking rate, with more women than men smoking, and it being more prevalent in younger age groups. The discrepancy between these figures and the 2012 census figures is likely due to down to the fact that EMIS does not have a recorded smoking status for a significant number of registered patients.

	Male			Female		
	Smokers	Non-smokers	Don't know	Smokers	Non-smokers	Don't know
[0 - 4]	0	0	92	0	0	76
[5 - 16]	0	6	201	0	11	240
[17 - 24]	20	36	139	34	49	147
[25 - 34]	43	55	196	79	102	206
[35 - 44]	65	115	272	87	155	249
[45 - 54]	58	110	255	57	139	205
[55 - 64]	42	117	185	52	123	171
[65 - 74]	33	101	129	28	76	99
[75 - 84]	9	43	48	17	54	59
[85 - 89]	1	13	12	3	10	11
[90+]	0	4	5	1	4	7
TOTAL	271	600	1534	358	723	1470

Whilst no local research has been undertaken on the direct impact on the FI health service from smoking, research from elsewhere in the world finds that 70% of acute hospital admissions are smoking-related.

What FIG currently does to reduce the level of smoking

There have been a range of efforts by FIG over recent years to look to reduce the take-up of smoking and to help people that currently smoke to quit. These involve:

- Having in place a law (last updated in 2007) which prohibits the sale of tobacco products to any person under the age of 18.
- Having in place a law prohibiting smoking in public places such as pubs and restaurants, this has been in place since February 2011.
- Allocating £20,000 per annum in the health budget for expenditure on smoking cessation aids that are then prescribed to those wishing to quit free of charge. This has generally been underspent.
- Organising for the practice nurse to see patients for smoking cessation advice as and when required, with occasional smoking-cessation clinics.
- It is intended that from 2015 the pharmacy staff will run structured smoking cessation clinics (the details are yet to be finalised).
- KEMH staff used to go in every week to FICS as part of PHSE to talk about the dangers of smoking. With training having been provided, this is now done by the FICS staff themselves. The health visitor also gives health eating and anti-smoking advice to students when she visits the schools.
- The vast majority of cigarettes are imported from the UK, and therefore abide by UK legislation in terms of warning labels on packets.
- With most TV/Radio coming from the UK or the US, restrictions on the promotion of cigarettes in both radio and TV advertising also apply in the Islands.

Why a smoke-free generation?

Are there other solutions?

There are clearly a range of potential solutions to the issue of reducing smoking across all age groups. These are grouped into broad headings and can be categorised as follows:

1. Education initiatives
2. Warning systems e.g. on-packet warnings
3. Importation restrictions
4. Financial penalties e.g. taxes
5. Legislative e.g. age or 'place' related

As we have seen in the previous section, a number of these approaches are already in place in the Islands and have been utilised for a number of years.

The concept on a smoke-free generation specifically looks to address the issue of taking up smoking and it would be viewed as sitting alongside the other solutions above (which are predominantly focused on reducing the level of current smokers).

Supporting this motion and this concept would:

1. Demonstrate our clear commitment to the future of the Falkland Islands, our children, our grandchildren and generations to come.
2. Demonstrate our clear commitment to phasing out the scourge of tobacco in a careful and managed way over 40 years.
3. Demonstrate our genuine commitment to a clean, green and health community.
4. Demonstrate our wish to avoid the problems of a sudden ban on smoking, such as a black market, by bringing in sales restrictions very slowly.

What would this mean practically?

A more detailed FAQ Sheet is attached at [Appendix A](#). However, in summary, the proposal would mean that:

- Legislation would need to be drafted, consulted on, and hopefully introduced that would look to make it an offence for retailers to sell nicotine products to those born in the year 2000 or later.

- This law would then become active in 2018 (when the first person born in 2000 could legally buy cigarettes currently).
- It would mean that retailers could not legally sell to those people. They could legally smoke and be supplied by other people, but the evidence is that even this measure will significantly reduce the number of people that take up smoking.
- It is hoped that, over time, this would result in a much smaller number of smokers and that it would also boost the economy. This would happen due to lower levels of money going overseas to purchase tobacco and on expensive healthcare. Money not spent on cigarettes would then also be spent on other items, a proportion of which would circulate within the Islands.

Why just smoking and not other 'vices'?

This is a valid question and the basic answer is because there is no 'safe' level of smoking. Cigarettes, no matter how few you smoke, are harmful to you.

The difference with the other key public health issues such as alcohol abuse and obesity is that, alcohol and fatty foods, if taken in moderation, may not harm you physically.

We do recognise however the wider damage these public health challenges bring with them and believe that they too are worthy of further discussion in the future, however for now, the focus is on how to address the smoking epidemic.

References

British Medical Association <http://bma.org.uk/>

Tobacco Free Singapore <http://www.tobaccofreesingapore.info/the-facts/faqs/>

World Health Organisation <http://who.int/>

Appendices

APPENDIX A

Frequently Asked Questions on the Smoke-Free Generation Concept

Without a sudden ban, how can we get to a tobacco-free society?

Around the world, health professionals and experts have made several suggestions. Most have the weakness that at some stage in future, they create a large group of addicts whose addiction is problematic. This provides fertile ground for a black market. However, this proposal attempts to avoid that problem.

What does the proposal say?

It doesn't affect anyone currently legally able to smoke. To repeat: *no present smoker's legal rights are affected.*

It will prevent people from selling tobacco to Falkland Islanders born in or after the year 2000. Under present laws, a child born in 2000 can legally be provided with cigarettes from 2018 onwards (and can legally smoke them from 2016 onwards). Under the proposed law, when 2018 comes, it will continue to be illegal to sell them cigarettes.

Where did the new proposal come from?

It's made in Singapore – it was developed by a team consisting of a lung cancer surgeon, medical officers, a university professor and a civil servant. The idea is also being seriously discussed in Tasmania. This is where the author got all of his information from.

How easy is it to administer?

Administering this could easily be achieved in our small community via putting the onus on the purchaser to demonstrate (via ID) that they could legally be sold nicotine products.

Where and from whom do children currently get their cigarettes – and why smoke?

Most adolescents get cigarettes from their same age peers, and smoke because of peer pressure.¹
Therefore as the cohorts of the Tobacco Free generation get older, fewer and fewer will be tempted to smoke.

How can you tell a post-2000 from the rest as they grow older?

No “telling” needed: the retailer checks that the ID - birth-year begins with a 1 and not a 2 – that’s simple, no matter what age the customer is. Customers will soon learn: no ID, no sale.

If the present ban on selling cigarettes to under-18s doesn’t stop them from buying, how would the proposed law change that?

Rite of passage – saying it’s only for adults (the present policy) makes kids want to do it to appear grown-up.

Saying it’s okay for an 18-year-old suggests that it can’t be too dangerous for a 17 or 16-year-old. However, because nicotine is so addictive, it *is* too dangerous.

When we say that it’s never going to be okay for someone born after 2000 to be sold nicotine products, the perception of smoking as a normal, grown-up activity changes.

Will prevention of legal sales encourage a black market in cigarettes?

No, because nicotine addicts will not be deprived of cigarettes, so there won’t be any desperate buyers.

Won’t some teenagers want to smoke just because they cannot buy cigarettes?

It’s true that there will always be a few who want to defy authority, but how many people do you see riding motorcycles without a helmet just to defy authority?

If this measure causes smoking rates to fall from 28% to say 10%, it will still be a huge boost to the long term health of Islanders.

What do you do with Falkland Islanders who go to live overseas, pick up smoking there, and then return home?

¹ [Large European study: 62% initiation attributed to peers. Large US study: 86% of 15/16-year-old-smokers pass cigarettes to same-age peers.] ASSAD study in Tasmania.

This is certainly a fair question and does pose issues, particularly with a significant number of Islanders going overseas for education or training.

However, under the proposed law, an affected Islander (someone presently aged at most 14) would know that so long as they wish to live in the Falkland Islands they'll have restricted access to tobacco for the rest of their lives if they take up smoking. That strong disincentive from starting smoking doesn't exist at the moment.

Will retailers be affected?

This measure takes effect very slowly. For example, the first year when it has any legal effect is 2018. Don't forget that money not spent on cigarettes becomes available to be spent on other things.

Will FIG revenue be affected?

Tax revenue will only reduce very gradually over many years. On the other hand, as the measure takes effect, there will be much greater savings in healthcare costs and gains in productivity from a healthier workforce that far exceed this minimal lost revenue.

How will the Falkland Islands public react?

The fact is that nicotine is an historical accident that only became so widespread and acceptable in its use because it wasn't known, until very late, that it is so extremely dangerous. Elected representatives are expected to act when they see harm being done e.g. with asbestos, contaminated milk and legal highs. There is therefore an obligation on MLAs to at least consider what more can be done to reduce the levels of smoking.

There will undoubtedly be some that feel that is Government encroaching on personal freedoms, and that it is a breach of civil liberties. That is a perfectly valid point of view and is one that needs open and detailed discussion. This motion hopes to achieve that. Any decision that is ultimately reached needs to be informed and fact-based.

Will this measure deter people from coming to the Islands?

There is no evidence that the introduction of legislation curtailing smoking in other jurisdictions has negatively impacted their immigration movements. It is hoped that the favourable publicity

generated by such a forward-looking move would ultimately possibly attract families to settle in the Islands.

Will the measure affect tourism here?

It's not intended to target tourists, who carry foreign passports and therefore could be exempt. The Falklands already attracts tourists with its image of being clean, green and safe, and it is expected that this move would only contribute to that image.

Doesn't this proposal still allow some Islanders to be smoking even in 50 years' time?

Yes, this proposal is a compromise. Its aim is to get around the problems that a sudden ban would have.

Also, the knowledge that the Islands are heading towards becoming a tobacco-free society will encourage some present smokers to quit. There is evidence that social factors can be helpful in this.

Is it unfair to deny this century's Islanders the right to be sold tobacco?

In any society there are limits on individuals' rights. In the Islands we already have laws which protect the public related to gun control, drink driving, wearing seatbelts, alcohol consumption and many more.

We already have laws which prevent the sale or supply of illicit drugs and 'legal highs'. In view of the overwhelming evidence of the harm caused by tobacco, it would be inconsistent not to similarly protect future generations from tobacco.

Doesn't this measure discriminate against 21st century Islanders?

Discriminate "against" or in favour? All Islanders will eventually benefit from a reduction in deaths due to smoking and reduced costs to the economy. The benefits will be seen in a reduction in chronic illness and serious disability as a result of less people smoking, therefore reduced demand on the health system for smoking related diseases such as heart disease, cancers, lung disease and asthma.

Previous examples of age related legislation are:

- a. Pension contributions

- b. Compulsory education
- c. Tobacco
- d. Alcohol
- e. Infant vaccinations

Shouldn't adults have the right to make their own decisions about smoking?

What about buying heroin, owning a gun, seatbelts in cars, poison/ prescription drug restrictions, or not wearing a helmet on a motorbike? At times the level of danger requires the government to act on behalf of its citizens, protect them from harm and our health system from excessive costly budget blowouts.

What's next – fatty foods?

Every harmful substance is a separate issue. Tobacco is special: There is no 'safe' level of consumption and it's a highly addictive substance that people typically take up before they are old enough (or well-informed enough) to understand the consequences, and later find that they are unable to quit.

Are there any other measures that could help make the Falkland Islands tobacco-free?

There are a number of other measures that can reduce tobacco consumption. For example, laws elsewhere ban the display of cigarettes in shops and removing brand advertising from cigarette packets and we already have restrictions on smoking in public places.

Although these measures will probably help to reduce the uptake of smoking, the goal of making the Islands tobacco-free can only be achieved by preventing young Islanders from ever becoming smokers.

Policy Debate

Debate the challenges facing the profession - everything from healthcare reform to improving and protecting health.

Why we should ban the sale of cigarettes to people born after 2000 (Motion 205)



Timothy Oliver Crocker-Buque 16 Jun 2014 9 53 AM

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That this Meeting acknowledges both the substantial harm to health caused by smoking cigarettes and that nicotine addiction is very hard to break. It therefore calls on the BMA to campaign to ban forever the sale of cigarettes to any individual born after the year 2000.

Background

Humanity has never developed anything more deadly than the cigarette. The combination of its addictive power and devastating health effects, coupled with historical social norms and powerful advertising campaigns, killed 100 million people in the 20th century. The World Health Organisation predicts that this continuing epidemic will kill 1 billion more in the 21st [i]. Tobacco products cause the death of 50% of their users [ii] and, for each death, 20 other people suffer from a smoking related disease [iii]. This cycle of suffering and death is unconscionable and it is now time to play the tobacco endgame [iv].

The solution proposed here is to prohibit the sale of cigarettes to people born after the year 2000. As this generation reach 18 in 2018 they would be prevented from buying cigarettes for their lifetime in a move that would progressively phase out cigarette sales. It is not expected that this policy will instantly prevent all people from smoking. Instead it aims to progressively de-normalise cigarette smoking and over time reduce the number of people who become addicted to nicotine. For the full rationale behind the policy please see Berrick AJ, *The tobacco free generation proposal*, Tobacco Control 2013;22:i22-i26.

Smoking Epidemiology

Each year around 207,000 children start smoking [v]. While the proportion of children who have ever smoked is declining slowly over time; in 2012 23% of all children had smoked at least once. The prevalence of regular smoking increases with age from <0.5% of 11 year olds to 10% of 15 year olds.

Smoking causes over 100,000 deaths in the UK each year [vi], all of which are preventable. This is more than the deaths from obesity (34,100), alcohol (6,669), road traffic accidents (1,850) and illegal drugs (1,605) combined. Alongside this, around 460,000 NHS hospital admissions per year are attributable to smoking.

The evidence around the positive effects of stopping smoking on individual health is well established [vii]. However, The Lancet recently published a large meta-analysis showing the incredible effects that smoke-free legislation has had on child health, including reducing premature births and hospital attendances for asthma attacks [viii].

Free Will and Choice

Smoking is a choice made by children that results in an adulthood of addiction and an early death.

This move may be unpopular among people who view banning the sale of cigarettes as a restriction of personal freedom. However, choosing to take up smoking is rarely an informed choice of adulthood.

- 80% of smokers start in their teens [ix] and this decision is heavily influenced by peer pressure and a

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desire to appear more adult, rather than a rational choice.

- Someone who starts smoking at age 15 is three times more likely to die of tobacco related cancer than someone who starts in their mid-20s [xi].
- Almost 99% [xii] of people think adolescents should be prevented from taking up smoking.

By the time smokers reach adulthood, the majority continue smoking to relieve the unpleasant sensation of nicotine withdrawal, rather than to gain any pleasurable effect from the nicotine itself. Addiction, by definition, is not an expression of free will. This is reflected in the fact that 2 in 3 smokers wish they could stop [xiii] and 9 in 10 wish they had never started [xiiii]. If smoking were a true choice, there would be far fewer smokers in the world. For further detail and debate on the fallacy of a "right to smoke" please see Van Der Eijk & Porter, *Human rights and ethical considerations for a tobacco free generation*, Tobacco Control, Pub online 10th October 2013.

Legislation and Prohibition

Legislation is often the most effective way to implement a life saving public health measure where education and incentives alone will not work. The inevitable comparison of this policy with alcohol prohibition in the 1920s is hard to ignore. However, substantial differences exist between the nature of alcohol and the nature of tobacco:

- Most people who smoke are nicotine addicts responding to withdrawal symptoms who wish they could stop [xiv].
- In contrast, the majority of people who drink alcohol do so recreationally for its pleasurable effects.
- Alcohol is substantially less addictive than nicotine and so a much smaller proportion of drinkers become alcoholics.
- If 90% people who drank became alcoholics there would be total public outrage.

In recognition of the harms caused by tobacco, over time there has been a supportive public response to tobacco legislation, including health warnings, advertising bans, smoke-free public places and preventing smoking in cars with children. It would be surprising to suddenly see a large proportion of the population take up clandestine smoking in response to this kind of ban, particularly as current smokers would be able to continue buying cigarettes without hindrance.

Experience Elsewhere

This policy proposal originated in Singapore with the support from the National Cancer Centre and has since resulted in a coalition of leading cancer centres from 10 countries in Asia signing up to the Goyang Declaration, a commitment to develop and adopt policies towards a tobacco free Asia. Prohibiting the sale of cigarettes to people born after the year 2000 was unanimously approved by the upper house in the Australian state of Tasmania, however has not made it through the lower house as yet. The policy is also actively being considered in Finland.

Implementation

This motion makes no statement about how this policy should be implemented and that would be up to any government who passes such legislation to consider. However, we currently restrict a number of products by age that requires shopkeepers to ask for ID and this should be no more challenging than that. There will be a crossover period where there will be people aged 21 who can buy cigarettes and aged 20 who cannot, however over time this quirk will become less important as a larger portion of the population are prohibited from buying cigarettes.

[i] WHO Tobacco Factsheet, ; www.who.int/mediacentre/factsheets/fs339/en/.

[ii] Doll R, Peto R, Boreham J and Sutherland I. *Mortality in relation to smoking: 50 years' observations on male British Doctors*. *BMJ* 2004;326:1519.

[iii] Smoking Statistics, Illness and Death, ASH Factsheet, April 2013.

[iv] "The Tobacco Endgame", Tobacco Control 2013, volume 22, supplement 1.

[v] Young People and Smoking, Ash Factsheet, January 2014.

[vi] Smoking Statistics: Illness and Death, ASH Fact Sheet, April 2013.

[vii] Pirie K, Peto R, Rees GK, Freen J & Beral V. *The 21st century hazards of smoking and benefits of stopping: a prospective study of one million women in the UK*. *The Lancet*;381(9861):133-141.

[viii] Been JV, Nurmatov UB, Cox B, Nawrot TS, van Schayck CP & Sheikh A. *Effect of smoke-free legislation on perinatal and child health: systematic review and meta-analysis*. *The Lancet*, 2014;383(9928):1549-1560.

[ix] Young People and Smoking, Ash Factsheet, January 2014.

[x] Doll R & Peto R. *The casus of cancer: quantitative estimates of avoidable risks of cancer in the United States today*. *J Natl Cancer Inst* 2981;66(6):1191-308.

[xi] Khoo D, Chiam Y, Ng P, Berrick AJ & Koong HN. *Phasing-out tobacco: proposal to deny access to tobacco for those born from 2000*. *Tobacco Control* 2010;19:355-360.

[xii] Smoking Statistics: who smokes and how much, Ash Factsheet, October 2013.

[xiii] Gallup Poll Social Series: Annual Consumption Poll, 2012; www.gallup.com/poll/157466/smokers-light-less-ever.aspx.

[xiv] Nicotine and Addiction, ASH Factsheet, June 2013.

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LEGISLATIVE ASSEMBLY

ORDER PAPER

THURSDAY 27 NOVEMBER 2014

REPORTS

Portfolio Reports:

The Honourable Jan Cheek

The Honourable Ian Hansen

LEGISLATIVE ASSEMBLY

ORDER PAPER

THURSDAY 27 NOVEMBER 2014

PROCEDURE FOR THE MOTION FOR ADJOURNMENT

CLERK

“Motion for Adjournment”

CHIEF EXECUTIVE

“Mr Speaker I beg to move that House stands adjourned sine die.”

Honourable Members may speak to the Motion.

THE SPEAKER

“The House stands adjourned accordingly.” Mr Speaker then departs