

LEGISLATIVE ASSEMBLY

OF THE

FALKLAND ISLANDS



ORDER PAPER

09.00 AM

THURSDAY 18 DECEMBER 2014

IN THE COURT AND ASSEMBLY CHAMBER

STANLEY

LEGISLATIVE ASSEMBLY

THURSDAY 18 DECEMBER 2014

IN THE LEGISLATIVE ASSEMBLY CHAMBER

TOWN HALL

ORDER PAPER

09.00

1. Prayers
2. Confirmation of the Record of Legislative Assembly held on 27 November 2014.
3. Papers to be laid on the Table by the Honourable Chief Executive
4. Questions for Oral Response
5. Portfolio Reports:
 - The Honourable Roger Edwards
 - The Honourable Phyl Rendell MBE
6. Motion for Adjournment

LEGISLATIVE ASSEMBLY

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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.

- Stanley Common (Erection of Memorials) Regulations 2014

SUBSIDIARY LEGISLATION

ENVIRONMENTAL PROTECTION

Stanley Common (Erection of Memorials) Regulations 2014

S. R. & O. No. 16 of 2014

Made: November 2014

Published: 2014

Coming into force: on publication

IN EXERCISE of my powers under section 10(c)(i) of the Stanley Common Ordinance (Title 34.5) and under any other enabling provision, I make the following Regulations on the advice of Executive Council —

1. Title

These Regulations are the Stanley Common (Erection of Memorials) Regulations 2014.

2. Commencement

These Regulations come into force on publication in the *Gazette*, following their approval by resolution of the Legislative Assembly.

3. Applications for permission to erect memorials in the Common

(1) A person who wishes to erect a memorial on the Common may apply in writing to the Governor for permission to do so.

(2) An application may be made for the retrospective approval of any memorial existing on the Common as of the date of publication of these Regulations in the *Gazette*, and the Governor may grant such retrospective approval.

(3) An application under paragraph (1) must be in writing and must clearly set out —

- (a) the identity of the applicant;
- (b) the reason for the intended memorial;
- (c) the precise intended location of the memorial;
- (d) the proposed design of the memorial, complete with dimensions and an artistic representation of it; and
- (e) the source of funding for the erection of the memorial,

and where any form of application is prescribed for use in any such application by any other subsidiary legislation under the Ordinance, the applicant must use that form.

(4) An application under paragraph (2) must, in addition to complying with paragraph (3), specify the reason for it having been erected in contravention of the Ordinance.

(5) For the purposes of these Regulations “memorial” includes a monument and any associated physical structure or feature adding to the amenity of the monument.

4. Power to authorise erection of specific memorials without submission of written application

(1) Despite regulation 3, the Governor may authorise the erection of a specific memorial without a written application having been made.

(2) The power under paragraph (1) can only be exercised where there are extreme time constraints owing to exigent circumstances.

5. Consideration of applications

(1) In considering an application under either of regulations 3 and 4, the Governor must consider whether the erection of the memorial —

(a) will be inconsistent with the section 3 of the Ordinance;

(b) will materially interfere with the use of the Common in accordance with section 3 of the Ordinance;

(c) will result in the overcrowding of the Common with memorials owing to the number of memorials already erected there or for which approval has been given to erect,

and may only grant the application if satisfied that the erection of the monument will cause no inconsistency, will not result in material interference, and will not result in overcrowding.

(2) When considering an application under regulation 3(2), the Governor must, in addition to the factors set out in paragraph (1), also consider whether the memorial remaining in the Common is desirable in all the circumstances.

6. Grant or refusal applications

(1) Where the Governor is satisfied in the manner required by regulation 5, the Governor must grant the application within a reasonable time and give to the applicant written confirmation of the approval.

(2) Where the Governor is not satisfied in the manner required by regulation 5, the Governor must refuse the application and provide the applicant, within a reasonable time, with written confirmation of the refusal which must include reasons.

(3) Specifically with respect to an application under regulation 3(2), if the Governor concludes in the negative in respect of the consideration set out at regulation 5(2), the Governor may order that the memorial be removed at the expense of person or persons responsible for erecting it and may resort to legal process to ensure that this is done within a reasonable time.

7. Appeals

Where an applicant is aggrieved by the refusal of his or her application, whether or not that refusal is accompanied by an order under regulation 6(3), the applicant may appeal in writing to the Governor who must, in his or her discretion, consider and make a final determination on the application within a reasonable time.

Made

November 2014

June Sandra Tyler-Haywood,
Acting Governor.

EXPLANATORY NOTE *(not forming part of the Regulations)*

These Regulations set out a framework for the receipt and consideration of applications for permission to erect memorials on the Stanley Common and provide for the grant or refusal of such applications. They provide for grant of permission retrospectively.

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QUESTION FOR ORAL RESPONSE

Question Number 13/14 by the Honourable Gavin Short

Could the Honourable Michael Poole please inform this House what the present rules are for dogs being walked on common land and also Cape Pembroke and Surf Bay if these are different from those pertaining to common land.

Question Number 14/14 by the Honourable Gavin Short

Could the Honourable Phyl Rendell please inform the House whether there are any plans to increase the time period for the dosing of dogs for Hydatid and if so, whether it is deemed to be good practice.

Question Number 15/14 by the Honourable Dr Barry Elsby

Can the Honourable Gavin Short please inform the House as to what exactly the legal status of the raised walkways on Ross Road is please and whether moves are being made to obtain signage and also describe them in law.

Question Number 16/14 by the Honourable Gavin Short

Could the Honourable Roger Edwards advise this House if any consideration has been given to the re-introduction of the old "pound a day scheme" please. What was its cost per annum at the time of its cessation and what would be the cost now if it were to be re-introduced using the same rules as pertained before.

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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