

**LEGISLATIVE ASSEMBLY
OF THE
FALKLAND ISLANDS**



THE BUDGET MEETING OF THE LEGISLATIVE ASSEMBLY

COURT AND ASSEMBLY CHAMBERS

TUESDAY 31 MAY 2016

09.00 AM

**LEGISLATIVE ASSEMBLY
TUESDAY 31 MAY 2016
09:00 AM**

PROCEDURE

The Speaker will enter the Chamber – announced by the CLERK and takes a seat on the dais (ALL STAND)

CLERK

“PRAYERS”

(Honourable Members remain standing whilst Prayers are said)

THE SPEAKER

Opens the Session

CLERK

THE CLERK ANNOUNCES HIS EXCELLENCY THE GOVERNOR INTO THE CHAMBER

THE SPEAKER

Invites His Excellency The Governor to address to the Legislative Assembly

HON MICHAEL POOLE

Thanks his Excellency the Governor for his Address.

The Governor will depart the Chamber

Assembly in recess for 15 minutes coffee break (Standing order 70 (3))

LEGISLATIVE ASSEMBLY

TUESDAY 31 MAY 2016

ORDER PAPER

1. Prayers
2. His Excellency The Governor's Address to the Legislative Assembly
(The Hon Michael Poole will thank the Governor for his Address to the Assembly)

(15 minute coffee break)
3. Motion numbers 7 & 8 of 2016 by the Honourable Michael Poole
4. Confirmation of the Record of the Legislative Assembly held on 24 March 2016
5. Papers to be Laid on the Table by the Honourable the Chief Executive
6. Questions for Oral Answer (see separate page)
7. Motion No 9 by the Honourable Michael Summers OBE
8. Order of the Day – Bills

LEGISLATIVE ASSEMBLY

ORDER PAPER

TUESDAY 31 MAY 2016

MOTION

Motion No 7/2016 by the Honourable Michael Poole

That this House agrees to suspend Standing Order 5(2) for this sitting of the Legislative Assembly to enable the Assembly to take Motions, of which notice has been given pursuant to Standing Order 43, out of order.

Proposed by the Honourable Michael Poole
Seconded by the Honourable Phyl Rendell MBE

Motion number 8 of 2016 by the Honourable Michael Poole

This House notes the address of HE the Governor and believes that this is an appropriate point for the Government to consider its agenda priorities for the forthcoming year.

Proposed by the Honourable Michael Poole
Seconded by the Honourable Phyl Rendell MBE

LEGISLATIVE ASSEMBLY

TUESDAY 31

Papers to be 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.

- Fisheries (Individual Transferable Quota Fees) Regulations 2016
- Illex Fishing Licences (Applications, Fees and Refunds) Regulations 2016
- Tussac Cutters' Hut, Kidney Island Designation Order 2016
- Administration of Justice (Payments to Jurors and Witnesses) Rules 2016

SUBSIDIARY LEGISLATION

FISHERIES

Fisheries (Individual Transferable Quota Fees) Regulations 2016

S. R. & O. No. 7 of 2016

Made: 5 April 2016

Published: 29 April 2016

Coming into force: see regulation 2

I make the following regulations under section 35 of the Fisheries (Conservation and Management) Ordinance (No. 14 of 2005) on the advice of Executive Council.

1. Title

These regulations are the Fisheries (Individual Transferable Quota Fees) Regulations 2016.

2. Commencement

These regulations are deemed to have come into force on 1 January 2016 and cease to have effect on 31 December 2016.

3. Interpretation

In these regulations —

“Director” means the Director of Fisheries; and

“ITQ” means Individual Transferable Quota.

4. Fees and Payment Schedule

(1) The fees set out under Schedule 1 are the total fees payable in respect of the entire Individual Transferable Quota granted to any company for the specified fisheries.

(2) The fees payable by each company holding ITQ in an established fishery are calculated by reference to the proportion of the total ITQ held by that company.

(3) A company holding ITQ in an established fishery must pay the applicable fees annually in respect of the calendar year for which ITQ has been granted to that company.

(4) The fees must be paid on or before the dates specified under Schedule 2.

SCHEDULE 1 FISHERY FEES (regulation 4(1))

Description of Fishery	Licence Code	Fees (£)
Finfish	A	1,129,012
Squid – Jig or Trawl	B	ITQ not currently granted
Squid (Summer)	C	2,133,230
Skate	F	247,121

Squid and Restricted Finfish	G	845,900
Restricted Finfish - Pelagic	S	60,419
Restricted Finfish	W	1,341,160
Toothfish – Longline	L	836,770
Squid (Winter)	X	4,242,082

SCHEDULE 2
PAYMENT SCHEDULE
(regulation 4(4))

Description of Fishery	Licence Code	Payment Schedule
Finfish	A	Quarterly: 31 March, 30 June, 30 September, 17 December
Scallops		
Squid – Jig or Trawl	B	See B licence conditions
Squid (Summer)	C	30 June
Skate	F	Quarterly: 31 March, 30 June, 30 September, 17 December
Squid and Restricted Finfish	G	Quarterly: 31 March and 30 June
Restricted Finfish - Pelagic	S	Quarterly: 30 September and 17 December
Restricted Finfish	W	Quarterly: 31 March, 30 June, 30 September and 17 December
Toothfish – Longline	L	Monthly (beginning of each month)
Squid (Winter)	X	17 December

Made 5th April 2016

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

EXPLANATORY NOTE

These Regulations are made under section 35 of the Fisheries (Conservation and Management) Ordinance (No. 14 of 2005) which requires that sums (payable to the Crown) be prescribed for different companies in relation to the amount of ITQs held by those companies.

The fees for 2016 are set out under Schedule 1 and Schedule 2 (the payment Schedule) indicates dates when payments are due in respect of all the different fishery licences.

Regulation 2 provides for the period within which these fees remain valid – which is from 1 January to 31 December 2016, as the fees are set annually.

Regulation 4 sets out the fees and how they are calculated as well as the dates or times when those fees are payable. These are specified under Schedules 1 and 2.

SUBSIDIARY LEGISLATION

FISHERIES

***Illex* Fishing Licences (Applications, Fees and Refunds) Regulations 2016**

S. R. & O. No. 8 of 2016

Made: 5 April 2016
Published: 29 April 2016
Coming into force: see regulation 2

I make the following regulations under section 41, section 223(2)(b) and (p) of the Fisheries (Conservation and Management) Ordinance (No. 14 of 2005) on the advice of Executive Council.

1. Title

These regulations are the *Illex* Fishing Licences (Applications, Fees and Refunds) Regulations, 2016.

2. Commencement

Except where it is specifically provided for a particular provision to come into force at a later, specified date, these regulations are deemed to have come into force on 1 January 2016 and cease to have effect on 31 December 2016.

3. Interpretation

In these regulations —

“Director” means the Director of Fisheries;

“exploratory or scientific purposes” means purposes related to the assessment of the commercial or practical viability of fishing for fish generally or for a particular species of fish or to the assessment or quantification of stocks of any species of fish or fish of any age, stage of maturity or size of a species of fish or the location in which they or any species of fish or fish of any age, stage of maturity or size may be found;

“FIPASS” means the Falkland Interim Port and Storage System as defined under the Falkland Interim Port and Storage System Ordinance (Title 57.1);

“*Illex* fishing season” means the period between 15 February to 15 June in any given year;

“fishing waters” has the same meaning under the Ordinance;

“Licence Allocation Policy” means the policy relating to *Illex* fishing licences set by Executive Council from time to time;

“refund policy” means the policy approved by Executive Council from time to time as set out under Schedule 2; and

“the Ordinance” means the Fisheries (Conservation and Management) Ordinance.

4. *Illex* fishing licences – applications and fees

(1) All applications for fishing licences must be made to the Director so as to reach the Director before 18 December or such earlier date as may be set by the Director and the Director is not bound to receive any application received after this date.

(2) The fees payable for an *Illex* fishing licence is determined by the formula set out under Part A of Schedule 1.

(3) The percentage of the fees and the period within which the fees are payable is specified under Part B of Schedule 1.

(4) When issuing fishing licences under these regulations the Director must take into account the Licence Allocation Policy.

5. Refund policy

(1) The Director in consultation with the Financial Secretary may, in any fishing season, implement the refund policy as set from time to time by Executive Council.

(2) In any assessment for a refund the Director may take into account the following —

- (a) the average catch in any fishing season;
- (b) the average catch value in any fishing season;
- (c) the full season catch taken by all licensed vessels;
- (d) the full high seas catches taken by all licensed vessels; or
- (e) any other factors as may be relevant.

(3) The refund policy for the 2016 fishing season is set out under Schedule 2.

6. Exploratory licences

(1) The Director may issue such number of exploratory licences as may be appropriate to verify the presence of *Illex* in any fishing waters.

(2) The Director must specify the expiry date for each exploratory licence issued.

(3) The Director must set the fees payable for exploratory licences.

7. Transshipment and export fees

(1) No transshipment fees are payable —

- (a) for any fishing vessel with a valid fishing license;
- (b) for any Falkland Islands fishing vessel; and
- (c) for any vessel transshipping at FIPASS where cargo is crossing the dock.

(2) The following must pay a transshipment fee of £1500 for the period January to December 2016 —

- (a) subject to subsection (1)(b), any fishing vessel that is transshipping outside the period of validity of the fishing licence;
- (b) a reefer vessel; or
- (c) any unlicensed vessel.

**SCHEDULE 1
FISHERY FEES**
(regulation 4)

**PART A
Fee Formula**

Jigging Vessels:

$$\text{Fee (£)} = \text{£}0.401 * (\text{GT} * (\text{S} + 1.5\text{D})) + 107250$$

GT = Gross Tonnage

S = Number of Single Jigging Machines

D = Number of Double Jigging Machines

Trawling Vessels:

$$\text{Fee (£)} = (4.064 * \text{GT}) + 116640$$

GT = Gross Tonnage

**PART B
Payment Periods and Proportion of Fee Payable**

Payment Period	Proportion of Fee %
15 February – 15 March	5%
16 March – 15 May	80%
16 May – 15 June	15%
Total	100%

Explanatory Notes (for guidance only)

A minimum time period of 80% must be purchased.

A 10% deposit must be paid before the 29 January 2016

Outstanding payments for each period must be paid (received by FIG's bank) at least 15 days in advance of the relevant fishing period.

Payments will be eligible for the ^early payment discounts set out below, providing the payment is made on time by the relevant date (for example in order to receive a 6% early payment discount on the full fee (100%), the entire fee would have to be received by FIG by 31 January 2016.

Letters of Credit must have an expiry date of the **31 August 2016** no other date will be accepted.

^early payment discounts are as follows:

- 6% for payment by 31 January 2016
- 5% for payment by 31 May 2016 *
- 4% for payment by 30 June 2016 *

*Payments can be held until these dates but must be guaranteed by an Irrevocable Letter of Credit or equivalent.

Vessel History Discount:

A discount of 1% per year is available for any season fished by the vessel in the last 10 years. The maximum discount which may be claimed is 10%.

**SCHEDULE 2
PAYMENT SCHEDULE
(regulation 5(3))**

2016 REFUND POLICY

(a) Licence Fee Refund Policy

In the event of a poor season the Falkland Islands government will take account of the average catch in assessing refunds. The refund policy will be based on catch as follows:

Catch (MT)	Column A Percentage Refund based on catch volume only. For use where average catch ≥ 1000 tonnes	Column B Percentage Refund using catch volume and value. For use where average catch < 1000 tonnes
> 1500	No refund	0%
1500 – 1250	No refund	10%
1249 – 1000	No refund	25%
999 – 750	40%	40%
749 – 500	50%	50%
499 – 250	70%	70%
< 250	90%	90%

Explanatory Notes (for guidance only)

Referring to the above table if the average catch is 1000 tonnes or exceeds that level there will not be any refund as set out in column A.

If the average catch is less than 1000 tonnes and taking account of catch value results in an 'adjusted catch' less than 1500 tonnes the refund levels set out in column B will apply.

An example of the adjusted catch value is set out in below –

(b) Licence Fee Refund Policy – Catch Value

The refund policy is intended to be linked to catch and catch value. The base price used to calculate the figures in the table at (a) above is \$ 936 per tonne (whole *Illex*). If the 2016 *Illex* price is higher than the current base rate this will be factored into the refund calculation. In any case where the average *Illex* price is above \$ 936 the calculation will be:

$$(Average\ Price\ \$ / \$ 936) * Average\ Catch = Revised\ average\ catch\ for\ refund.$$

For example if the 2016 *Illex* price is \$ 3000 and the average catch is 400 tonnes the calculation will be:

$$(\$ 3000 / \$ 936) = 3.2$$

*Average catch (400 tonnes) * 3.2 = 1280 tonnes (This is the adjusted catch figure used for the refund calculation in column B of the table above).*

The adjustment will only be made if the price is above \$ 936. Price information will be collected from available sources.

(c) Refund Policy to take account of Full Season equivalent catch

The catch total used in the refund policy will take account of full season catches (15 February – 15 June). If the average catch of vessels fishing for 100% of the season exceeds 1000 tonnes there will be no refund for any vessels; including those which have fished for 80% of the season only and whose catches may be less than 1000 tonnes.

(d) Refund Policy to take account of High Seas Catches

The calculation of catch rates and totals in relation to the refund policy will take account of high seas catches taken by licensed vessels during 15 February – 15 June. Owners/operators of licensed vessels wishing to access the refund policy set out here in section 6 must provide catch reports for any days spent fishing on the high seas during the period of validity of their Falkland Islands fishing licence.

Owner/operators electing not to report high seas catches in accordance with the above may still be eligible for a refund but it is likely to be at a reduced rate compared to the refund policy calculation set out here (to be determined according to the relevant circumstances).

(e) Monitoring of Catch Levels

FIG will be the ultimate arbiter of catch levels and reserves the right to weight the assessment in favour of verified information. In order for this to work vessels may need to undergo additional inspections and give adequate notice of departure from the fishing zone etc.

This will be calculated on the basis of average vessel catch and not on an individual vessel basis.

The refund policy set out here in regulation 5 will only apply to vessels which comply with the requirements of catch monitoring. A number of these are covered by mandatory requirements which in any case are covered by the Fisheries Ordinance and regulations, such as:

- Full and reliable catch reporting
- Other fishery monitoring reports (Fishcom/end etc)
- Embarkation of an observer if required
- Sufficient notice of intention to leave fishing zones to allow for inspection

Additionally, the refund policy set out above will only apply to fishing vessels which report high seas catches during the fishing season (15 February – 15 June) and conduct transshipment operations in Falkland Island ports and harbours. Vessels not satisfying the criteria set out above will not ordinarily be eligible for a refund. If, in exceptional circumstances, it is determined that a vessel which has not complied should still receive a refund, that refund will be at a reduced rate (to be determined according to the relevant circumstances).

Made 5th April 2016

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

EXPLANATORY NOTE
(not part of these regulations)

These regulations are made under sections 41 and 223 of the Fisheries (Conservation and Management) Ordinance (No. 14 of 2005).

Section 41(1) provides for applications and fees for a fishing licence. *Regulations 1 and 2* provide for introductory matters while *regulation 3* provides for interpretation of different words and phrases used within the regulations.

Regulation 4 provides for the application process including dates for making applications. It further provides for the fees and the formula; and this is set out under Schedule 1;

Section 223(2)(b) of the Ordinance provides that the Governor may make regulations for the refund of fees, charges or levies payable under any provision of the Ordinance. *Regulation 5* provides for the manner of making refunds and this is set out under Schedule 2 and it is based on a refund policy approved by Executive Council.

Regulation 6 provides for exploratory licences which give effect to section 42 of the Ordinance which deals with licences that may be issued for research purposes.

Regulation 7 provides for transshipment and export fees and under subsection (2) sets the fee at £1500 for any unlicensed fishing vessel, any fishing vessel (not being a Falkland Island vessel) that tranships outside the validity of a licence as well as any reefer vessel. A Falkland Islands fishing vessel is exempted from paying any transshipment fees as well as any vessel with a valid fishing licence. Fishing vessels transshipping through FIPASS are also excluded from paying any transshipment fees.

SUBSIDIARY LEGISLATION

PLANNING AND BUILDING

Tussac Cutters' Hut, Kidney Island Designation Order 2016

S. R. & O. No: 9 of 2016

Made: 26 April 2016

Published: 29 April 2016

Coming into force: upon publication

I make the following order under section 65(1) of the Planning Ordinance (Title 55.3) —

(a) on the advice of Executive Council; and

(b) on the recommendation of the Historic Buildings Committee (composed as required by section 63(2)), as required by section 65(2)(b).

1. Title

This Order is the Tussac Cutters' Hut, Kidney Island Designation Order 2016.

2. Commencement

This Order comes into force upon publication in the Gazette.

3. Designation of Tussac Cutters' Hut, Kidney Island

(1) Subject to subparagraph (2), the building on Kidney Island known as the Tussac Cutters' Hut is designated as a building of special architectural and historic interest.

(2) The designation relates to the building in respect of both its external appearance and internal features.

Made 26th April 2016

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

EXPLANATORY NOTE

(This note is not part of the order)

This Order designates the Tussac Cutters' Hut on Kidney Island (the only building on Kidney Island) as a building of special architectural and historic interest.

This designation includes both the external appearance and the internal features of the building.

Planning permission or consent is required for its demolition, alteration or extension.

COURTS AND LEGAL SERVICES

SUBSIDIARY LEGISLATION

Jurors and Witnesses) Rules 2016

S. R. & O. No. 10 of 2016

Made: 26 April 2016

Published: 29 April 2016

Coming into force: upon publication

In exercise of the power conferred upon me by section 60 of the Administration of Justice Ordinance (Title 22.1), and in accordance with section 25 of the Jury Ordinance (Title 22.5), I make these rules on the advice of Executive Council —

1. Title

These rules are the Administration of Justice (Payments to Jurors and Witnesses) Rules 2016.

2. Commencement

These rules will come into force on publication in the *Gazette*.

3. Interpretation

In these rules, unless the context requires otherwise —

“appropriate officer” means the Attorney General, any member of the Attorney General’s staff or any member of the Court Service staff as may be designated by the Attorney General for any of the purposes of these rules;

“Constitution” means the Schedule to the Falkland Islands Constitution Order 2008 (S. I. No. 2008/2846);

“interpreter” must be construed in accordance with the qualification imposed by rule 4(1)(c);

“juror” must be construed in accordance with the qualification imposed by rule 4(1)(b);

“professional witness” means a witness practising as a member of the legal or medical profession or as an accountant, dentist or veterinary surgeon otherwise than in the service of the Crown;

“service of the Crown” any person employed by the Crown (which expression includes the Falkland Islands Government) or a person contracted by the Crown to provide interpreter services in relation to the relevant proceedings; and

“relevant amount” must be construed in accordance with rule 5.

4. Scope of the rules and general provisions

(1) Without prejudice to the power of the Governor in Council to allow for more than the entitlements provided for under these rules where the Governor in Council sees fit to do so, these rules provide for the entitlements to costs and expenses of —

(a) a witness who attends court or elsewhere to give evidence at the instance of the Attorney General, whether the witness gives evidence or not;

(b) a person who attends court having been called or selected for service as a member of a jury; and

(c) any other person who is not in the service of the Crown, in the opinion of the appropriate officer, necessarily attends court or elsewhere for the purpose of the prosecution's case otherwise than to give evidence (including an interpreter, but only if the interpreter is required because a person attending to give evidence at the instance of the Attorney General is unable to speak or comprehend English adequately),

in any proceedings conducted by the Attorney General in the discharge of the Attorney General's functions under section 72 of the Constitution.

(2) A person is not entitled to any of the costs or expenses under these rules if the person is a witness and, when called, refuses to give evidence.

(3) Such entitlements are the same for a person whether the person's attendance on any occasion is for the purpose of one case or more than one case.

(4) Where a person claims an entitlement under these rules, the appropriate officer must satisfy himself or herself of the person's entitlement before authorising the payment of a claim for costs or expenses.

5. Determination of scales or rates of allowances

(1) The scales or rates of the costs and expenses for which entitlements are provided for under these rules must be determined by the Attorney General with the consent of the Financial Secretary; and in these rules a reference to an allowance of or not exceeding the relevant amount is a reference to an allowance of or not exceeding an amount calculated in accordance with the scales or rates so determined.

(2) All costs and expenses arising out of the requirements of these rules must be paid out of moneys authorised to be deducted from the Consolidated Fund by the Legislative Assembly and held and administered by the Court Service.

(3) The Attorney General must arrange for the scales or rates referred to under sub-rule (1) to be published in the *Gazette*.

6. Allowances to professional witnesses for attendance

(1) A professional witness is entitled to receive a professional witness allowance for attending to give professional evidence on any day, which may be either —

(a) where the witness has necessarily incurred expenditure in providing a substitute professional person to take care of the witness's practice during that day, a locum allowance of an amount equal to actual expenditure incurred not exceeding the relevant amount; or

(b) where no claim is made under paragraph (a), a compensatory allowance of the relevant amount.

(2) This rule does not apply to an expert witness attending to give expert evidence.

7. Overnight subsistence allowances to professional or expert witnesses and to interpreters

(1) Any of the persons mentioned in sub-rule (2) whose attendance causes the person to be necessarily absent from the person's place of residence overnight is entitled to receive an overnight subsistence allowance of the relevant amount in respect of each night of absence.

(2) The persons referred to in sub-rule (1) are —

(a) a juror;

(b) a witness who receives an allowance under rule 6 above;

(c) an expert witness who attends to give expert evidence; and

(d) an interpreter.

8. Allowances to jurors and witnesses, other than professional or expert, and to others for attendance

(1) Any of the persons mentioned in sub-rule (2) whose attendance causes the person —

(a) to incur any expenditure (other than on travelling, lodging or subsistence) to which the person would not otherwise be subject; or

(b) to suffer any loss of earnings, which the person would otherwise have received,

is entitled to receive a financial loss allowance of an amount equal to the actual expenditure incurred or loss suffered not exceeding any relevant amount in respect of that expense or loss.

(2) The persons referred to in sub-rule (1) are —

(a) a juror;

(b) a witness who attends to give evidence (other than professional or expert evidence); and

(c) any other person who, in the opinion of the appropriate officer, necessarily attends for the purpose of the prosecution's case otherwise than to give evidence (excluding an interpreter).

9. Subsistence allowances to jurors, witnesses, other than professional or expert, and to others

(1) Any of the persons mentioned in sub-rule (3) who attends court or elsewhere is entitled to a daily subsistence allowance of the relevant amount or, if the person's attendance makes it necessary for the person to stay overnight away from home, to an overnight subsistence allowance of the relevant amount for each night of absence.

(2) An overnight subsistence allowance under sub-rule (1) must be in respect of a period of 24 hours and a witness who receives such an allowance is entitled to a further allowance in respect of any period in excess of 24 hours which is not covered by such an allowance at the rate appropriate to a day subsistence allowance under that sub-rule.

(3) The persons referred to under sub-rule (1) are —

(a) a juror;

(b) a witness who attends to give evidence (other than professional or expert evidence); and

(c) any other person who, in the opinion of the appropriate officer, necessarily attends for the purpose of the prosecution's case otherwise than to give evidence (excluding an interpreter).

10. Reimbursement of travelling expenses incurred by jurors, witnesses and others

(1) Where a person who is entitled to an allowance under any of rules 6 to 9 travels to or from the place of the person's attendance by public transport (including by air) the person is, subject to sub-rule (2) and (3), entitled to be reimbursed the fare actually paid.

(2) Unless the appropriate officer for special reason authorises otherwise, only the standard economy class fare will be reimbursed under sub-rule (1) for travel by air or other means.

(3) Where the person travels to or from such place by air, the person's entitlement under sub-rule (1) to be reimbursed the fare actually paid arises only if, in the opinion of the appropriate officer there was no reasonable alternative to travel by air and the class of fare paid was reasonable in all the circumstances.

(4) Where the person travels to or from such place by a private hire vehicle, the person is entitled to be reimbursed in respect of that travel the amount of the fare paid by the person.

(5) Where such person travels to or from such place by a private motor vehicle, other than one in respect of which reimbursement under this sub-rule is claimed by another person in respect of the same journey, the person is entitled to be reimbursed in respect of that journey —

(a) in a case to which sub-rule (6) applies by payment of mileage at the “standard rate” determined under rule 5 and of any parking fee actually and reasonably incurred; and

(b) in any other case, by payment of mileage at the rate determined in accordance with rule 5.

(6) This sub-rule applies where a journey to or from such place is necessarily undertaken by private motor vehicle or where the use of the vehicle is more economical in the circumstances or is otherwise reasonable.

11. Certain persons not to be entitled to allowances or travelling expenses

There is no entitlement to any allowance or reimbursement for any of the travelling expenses provided for under these rules for —

(a) a member of, or special constable appointed or person employed for the purposes of, a police force, attending in the member’s capacity as such;

(b) a prison officer employed on a full-time basis, attending in the prison officer’s capacity as such;

(c) an inmate of such an institution in respect of any occasion on which the inmate is conveyed to attend at any place in custody.

Made 26th April 2016

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

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

These rules are made under section 60 of the Administration of Justice Ordinance (Title 22.1) and section 25 of the Jury Ordinance (Title 22.5).

Clauses 1 to 3 provide for introductory matters.

Clause 1 provides for the title of the rules and clause 2 provides for the rules to come into force on publication.

Clause 2 defines various terms used in the rules. “Appropriate officer” is defined to include staff from both the AG’s office and the Courts Service to potentially allow the separate administration of witness and juror’s expenses in the future.

Clause 4 provides for the scope of the rules, to set the rate of entitlements to costs and expenses for witnesses as described under sub-rule (1)(a); persons attending service as jurors and other persons as described under sub-rule (1)(a). Sub-rule (2) provides that no costs or expenses will be paid where a person called to give evidence refuses to do so.

Clause 5 provides for the Attorney General, with the consent of the Financial Secretary, to determine and set scales or rates for the costs and expenses payable under these rules. It further provides for the Attorney General to publish the rates in the Gazette. The budget for the payment of the allowances and expenses payable under these rules are to be administered by the Courts Service.

Clause 6 sets out the allowances payable to professional witnesses.

Clause 7 sets out the overnight subsistence allowance payable to professional or expert witnesses as well as to interpreters.

Clause 8 sets out the allowance payable to jurors and witnesses (other than professional or expert witnesses) for attendance as well as any financial loss suffered or any expenditure incurred as a reason of their attendance.

Clause 9 sets out the subsistence allowance for jurors and witnesses (other than professional or expert witnesses), this includes a daily subsistence allowance as well as an overnight subsistence allowance where the juror or the witness is required to stay overnight for purposes of the attendance.

Clause 10 provides for the reimbursement of any travelling expenses incurred by jurors, witnesses or other persons described under rules 6 to 9. The rule provides that only the standard fare paid on public transport will be reimbursed unless there are special reasons which an appropriate officer must authorise. The rule also provides for the determination of reimbursements for travel by air, private hire vehicle and private vehicle.

Clause 11 provides that members of the police force or prison service are not entitled to any of the allowances or reimbursement for travelling expenses as set out in the rules.

LEGISLATIVE ASSEMBLY

TUESDAY 31 MAY 2016

QUESTIONS FOR ORAL ANSWER

Question Number 12/16 by the Honourable Gavin Short

I would be grateful if the Honourable Roger Edwards could state how the delay in the Public Jetty project led to us losing approximately 50,000 Euros from the EDF10 funding and whether this information was transmitted to Honourable Members and/or relevant officers and also when it became known that the delay in the project could cause us this loss.

Question Number 13/16 by the Honourable Dr Barry Elsbey

Would the Honourable Mike Summers OBE please provide the following information:

- for each of the last five completed financial years the approved estimated cost of employing a full complement of five GP's at the King Edward Memorial Hospital;
- the actual cost for each financial year to fill the five positions to include all salaries, agency fees, additional flight costs if a position was filled for less than one year;
- an estimate of loss of rent to FIG if short term doctors received free or subsidised accommodation or any other subsidy not offered to a doctor on a contract of one year or more; and
- for the present financial year approved estimates for the five GP posts, what has been spent to date and an estimate of total spend at the end of this financial year to include the other costs previously mentioned.

LEGISLATIVE ASSEMBLY

TUESDAY 31 MAY 2016

MOTIONS

Motion number 9 of 2016 by the Honourable Mike Summers OBE:

That this House accepts the response from the Governor (in Council) on the report of the Public Accounts Committee following the Internal Audit Reports on:

- Internal Audit follow up of IT Facilities Management Agreement;
- Internal Audit report PWD Housing;
- Internal Audit report Falkland Islands Defence Force;
- External Auditors' Audit Strategy Memorandum Y/E June 2015.

Proposed by the Honourable Mike Summers OBE

Seconded by the Honourable Jan Cheek

Response to the Assembly on the PAC review of the Internal Audit Follow up on the IT Facilities Management Agreement in line with S14 of the Public Accounts Committee Ordinance

Recommendation - “We recommend that Members ensure the relevant actions are taken to address the issues raised.”

Response to Recommendation

The issues referred to by the PAC relating to Key Performance Indicators still needing to be agreed and amending the contract to codify report, that further work is required regarding security and creating a communication strategy and systems for backups and storage.

FIG continue to intend to address these weaknesses.

Recommendation accepted.

Response to the Assembly on the PAC review of the Internal Audit Report of PWD Housing in line with S14 of the Public Accounts Committee Ordinance

Recommendation - “We recommend that Members address this very real risk to FIG as a matter of urgency [issues of safety], ensuring that properties are constructed to the highest possible safety standards that the Director of Public Works believes to be achievable, taking local conditions into account, and that all appropriate safety checks are fully accounted for before a project is accepted as complete”.

Response to Recommendation

As per the Management response to the internal audit report: The highest possible safety standards are currently applied to all FIG properties at the time of construction and the issue identified during the internal audit is believed to be an isolated incident.

Recommendation accepted.

Response to the Assembly on the PAC review of the Internal Audit Report of the Falkland Islands Defence Force Up in line with S14 of the Public Accounts Committee Ordinance

Recommendation - “We recommend that the FIDF ordinance is updated as a priority with regard to current UK legislation.”

Response to Recommendation

It is accepted that the FIDF Ordinance is antiquated and requires a refresh and it has been added to the legislative drafting priority list.

The recommendation is accepted.

Response to the Assembly on the PAC review of the Audit Strategy Memorandum year ended June 2015 in line with S14 of the Public Accounts Committee Ordinance

Recommendation - "It is a matter of great concern, given that financial irregularities have already been identified for the Falkland Islands Tourist Board, that these accounts do not now require examination for a period of eighteen months. We strongly recommend that Members take appropriate steps to ensure that strict financial controls are in place and very firmly adhered to"

Response to recommendation from Falkland Islands Tourist Board

The letter from the PAC is both disappointing and unhelpful. To clarify, financial irregularities are where figures are misreported with a deliberate intent to defraud or deceive. This has never been the case with FITB and it is inaccurate, not to mention defamatory, to state this.

It is accepted that some control issues were identified in the past at FITB and we have worked closely with both FIG and our external auditors to address these. The most recent audit of the 6 months to 31st December, which reflected the final operating period of the old FITB, produced a clean audit report and three medium priority recommendations, which are being implemented. In addition the external auditors stated "Our testing did not find any evidence which would suggest controls have been overridden." The decision to produce accounts for an 18 month period was made by the organisation, in consultation with the external auditors, as the alternative would be the production of two consecutive 6 month sets of accounts which would be both disruptive in terms of staff time, and create an additional cost burden as two audits would be required.

Honourable Members will be well aware that in the last 12 months not only has a new Ordinance been implemented, which introduced a new Board and governance structure, but a Financial Controller position has been created for the organisation. Working closely with the Interim CEO, under this individual's oversight an updated Policies and Procedures manual has been introduced, the ledger has been upgraded to allow for more effective recording and classification of income and expenditure, in particular commitment accounting, monthly reporting of the financial position of the organisation has been rolled out and an additional level of checks and balances has been introduced within the organisation.

The new FITB Ordinance requires the annual reporting of FITB's governance and assurance mechanisms, which will allow for greater transparency of FITB's control environment, and we welcome the opportunity to have this information in the public domain.

The recommendation is accepted in principle but the content of the PAC letter is not accepted.

LEGISLATIVE ASSEMBLY

TUESDAY 31 MAY 2016

ORDER OF THE DAY: BILLS

- 1 The Supplementary Appropriation (2015-2016) (No 2) Bill 2016**
- 2 Appropriation Bill 2016 (first and second readings)**
- 3 Capital Appropriation Bill (2016/17) Bill 2016 (first and second readings)**
- 4 Finance Bill 2016 (first and second readings)**

Supplementary Appropriation (2015-2016) (No. 2) Bill 2016

(No: of 2016)

ARRANGEMENT OF PROVISIONS

Clause

1. Title
2. Commencement
3. Withdrawal of additional sum
4. Replenishment of Contingencies Fund

Schedule

SUPPLEMENTARY APPROPRIATION (2015-2016) (No. 2) BILL 2016

(No: of 2016)

(assented to: 2016)

(commencement: on publication)

(published: 2016)

A BILL

for

AN ORDINANCE

To authorise the withdrawal from the Consolidated Fund of the additional sum of £5,218,250.00 for the financial year ending 30 June 2016.

BE IT ENACTED by the Legislature of the Falkland Islands —

1. Title

This Ordinance is the Supplementary Appropriation (2015-2016) (No. 2) Ordinance 2016.

2. Commencement

This Ordinance comes into force on publication in the Gazette.

3. Withdrawal of additional sum

(1) The Financial Secretary may withdraw an additional sum of £5,218,250.00 from the Consolidated Fund.

(2) Any additional sum withdrawn under subsection (1) may be applied in the financial year ending 30 June 2016 in accordance with section 4 and the Schedule.

4. Replenishment of Contingencies Fund

If any sum has been withdrawn from the Contingencies Fund by the authority of Contingencies Warrant Nos 9 and 10 of 2015/2016, the Financial Secretary will replenish the fund from the additional sum withdrawn under section 3.

SCHEDULE

Number	Head of Service	Amount £
	Operating Budget	
0110	Central Services	33,500.00
0200	Health and Social Services	10,250.00
0600	Executive Management	24,500.00
0999	Islands' Plan Investments	5,150,000.00
	Total Operating Budget	<u>5,218,250.00</u>
	Total Schedule	<u>5,218,250.00</u>

OBJECTS AND REASONS

The Bill provides for:-

- (1) supplementary expenditure of £5,218,250
- (2) the Contingencies Fund to be replenished to the extent that any sums have been advanced under the authority of Contingencies Warrant Nos 9 and 10 of 2015/2016.

The Bill is proposed in accordance with section 26 of the Finance and Audit Ordinance (Title 19.3).

FALKLAND ISLANDS
GOVERNMENT

Annex B

Report No 3 of 2015/2016 to Executive Council on advances authorised by the Financial Secretary to be issued out of the Contingencies Fund for application to the service of the 2015/16 Financial Year to enable the need for unforeseen expenditure to be met pursuant to the provisions of Section 26 of the Finance and Audit Ordinance
Advances only authorised when required due to cap on Contingencies Fund

Account Code	Advance Amount £	Contingencies Warrant No	Reasons
<u>0110 CENTRAL SERVICES</u>			
<u>0102 FIGAS</u>			
0614 Fuel/Lubricants	<u>33,500.00</u>	33,500.00 9 - SFC 24/03/16	Funding required due to the increase in AVGAS SFC Minute 6 refers
<u>0200 HEALTH & SOCIAL SERVICES</u>			
<u>0201 MEDICAL</u>			
1429 Specialist/Consultancy	<u>10,250.00</u>	10,250.00 10 - SFC 27/04/16	Funding for consultancy on Vulnerable Peoples Strategy SFC Minute 7.1 refers
<u>0600 EXECUTIVE MANAGEMENT</u>			
<u>0601 Secretariat</u>			
0335 Recruitment	<u>24,500.00</u>	24,500.00 10 - SFC 27/04/16	Additional funding for Chief Executive recruitment SFC Minute 9 refers
<u>0999 ISLANDS' PLAN INVESTMENTS</u>			
4114 FIMCO (Abattoir subsidy)	150,000.00	10 - SFC 27/04/16	Additional funding for the operating of FIMCo SFC Minute 16 refers
5007 Transfer to Capital Equalisation Fund	<u>5,000,000.00</u>	5,150,000.00 BSC 04/15/16	Additional transfer to the Capital Equalisation Fund to finance additional infrastructure

TOTAL	<u>5,218,250.00</u>	<u>5,218,250.00</u>
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SUMMARY

Contingencies Warrant No 9	33,500.00	SFC 24/03/16
Contingencies Warrant No 10	184,750.00	SFC 27/04/16
BSC 04/05/16	<u>5,000,000.00</u>	
	<u>5,218,250.00</u>	

Summary by Directorate

0110 DIRECTORATE OF CENTRAL SERVICES	33,500.00
0200 HEALTH AND SOCIAL SERVICES	10,250.00
0600 EXECUTIVE MANAGEMENT	24,500.00
0999 ISLANDS' PLAN INVESTMENTS	<u>5,150,000.00</u>
	<u>5,218,250.00</u>

Appropriation Bill 2016

(No: of 2016)

ARRANGEMENT OF PROVISIONS

Clause

1. Title
2. Commencement
3. Appropriation

Schedule

APPROPRIATION BILL 2016

(No: of 2016)

(assented to: 3rd June 2016)
(commencement: on publication)
(published: xx 2016)

A BILL

for

AN ORDINANCE

To authorise the withdrawal from the Consolidated Fund of money for the financial year ending 30 June 2017.

BE IT ENACTED by the Legislature of the Falkland Islands —

1. Title

This Ordinance is the Appropriation Ordinance 2016.

2. Commencement

This Ordinance comes into force on publication in the Gazette.

3. Appropriation

(1) The Financial Secretary may withdraw the sum of £62,859,400 from the Consolidated Fund.

(2) Any sum withdrawn under subsection (1) may be applied in the financial year ending 30 June 2017 for the purpose of supplying the votes set out in the Schedule.

SCHEDULE

DIRECTORATE	Total Operating Budget	Capital Charges	Department al Expenditure	Less Internal Charges	Net Operating Budget
<i>OPERATING BUDGET</i>	£	£	£	£	£
110 Central Services	6,020,150	481,170	5,538,980	131,890	5,407,090
120 Human Resources	487,360	-	487,360	1,700	485,660
Health & Social		737,560	10,239,310	190,560	10,048,750
200 Services	10,976,870				
250 Education	6,915,210	425,550	6,489,660	95,590	6,394,070
350 Public Works	13,627,200	3,919,040	9,708,160	120,700	9,587,460
410 Natural Resources	7,065,780	117,620	6,948,160	300,730	6,647,430
451 Law & Regulation	1,322,240	3,640	1,318,600	21,880	1,296,720
550 Emergency Services	2,827,920	290,710	2,537,210	49,130	2,488,080
Executive		62,410	2,962,910	25,320	2,937,590
600 Management	3,025,320				
620 Mineral Resources	551,460	3,020	548,440	3,380	545,060
700 The Treasury	2,518,980	5,340	2,513,640	12,250	2,501,390
TOTAL DEPT BUDGET	55,338,490	6,046,060	49,292,430	953,130	48,339,300
Islands' Plan	10,125,830	-	10,125,830	-	10,125,830
999 Investments					
998 Social Investments	1,468,270	-	1,468,270	-	1,468,270
TOTAL MTFP EXPENDITURE	66,932,590	-	60,886,530	-	59,933,400
997 Oil	2,926,000	-	2,926,000	-	2,926,000
TOTAL LTFP EXPENDITURE	69,858,590	6,046,060	63,812,530	953,130	62,859,400

OBJECTS AND REASONS

The Bill provides for the withdrawal from the Consolidated Fund of the sums necessary to supply the expenditure votes contained in the annual estimates for the 2016/17 financial year, in accordance with section 8(1) of the Finance & Audit Ordinance (Title 19.3).

Capital Appropriation Bill 2016

(No: 1 of 2016)

ARRANGEMENT OF PROVISIONS

Clause

1. Title
 2. Commencement
 3. Appropriation
- Schedule

CAPITAL APPROPRIATION BILL 2016

(No: of 2016)

(assented to: 3rd June 2016)
(commencement: on publication)
(published: xx 2016)

A BILL

for

AN ORDINANCE

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

BE IT ENACTED by the Legislature of the Falkland Islands —

1. Title

This Ordinance is the Capital Appropriation Ordinance 2016.

2. Commencement

This Ordinance comes into force on publication in the Gazette.

3. Appropriation

(1) The Financial Secretary may make payments out of the Capital Equalisation Fund not exceeding, in total, £ 20,029,850 as are required to fund the amendments to the capital programme detailed in the Schedule.

(2) The authorisation given in subsection (1) authorises payments additional to those authorised by order made under section 11(2) of the Public Funds Ordinance (Title 19.7).

SCHEDULE

section 3

Capital Programme

	Financial Year	Financial Year	Total
	2015/16	2016/17	
	£	£	£
Economic Development	-	350,000	350,000
Population and Workforce	-	90,000	90,000
Transport & Communications	400	1,339,000	1,339,400
Education & Training	130,000	300,000	430,000
Health & Social Care	36,600	4,089,400	4,126,000
Maintenance	18,540	924,000	942,540
Infrastructure	3,813,450	8,424,310	12,237,760
Safety & Security	152,800	255,700	408,500
Protecting the Environment	-	85,650	85,650
Community & Culture	-	20,000	20,000
	<u>4,151,790</u>	<u>15,878,060</u>	<u>20,029,850</u>

OBJECTS AND REASONS

The Bill provides for the withdrawal from the Capital Equalisation Fund of the additional sums necessary to supply the expenditure votes contained in the 2016/17 capital programme.

Finance Bill 2016

(No: of 2016)

ARRANGEMENT OF PROVISIONS

Clause

1. Title
 2. Commencement
 3. Amendment of Administration of Estates Rules
 4. Amendment of Banking Regulations Order
 5. Amendment of British Nationality Ordinance
 6. Amendment of Civil Cases (Fees) Rules
 7. Amendment of Commissioners for Oaths Rules
 8. Amendment of Coroners Rules
 9. Amendment of Court Fees (Family Proceedings) Rules
 10. Amendment of Customs (Fees) Regulations
 11. Amendment of Customs (Import Prohibitions) (Fees) Regulations
 12. Amendment of Dogs Rules
 13. Amendment of Licensing Ordinance
 14. Amendment of Minimum Wage Ordinance
 15. Amendment of Notaries Public Rules
 16. Amendment of Planning (General) Regulations
 17. Amendment of Plant Importation Regulations
 18. Amendment of Retirement Pensions (Prescribed Rates) Regulations
 19. Amendment of Road Traffic (Provisional) Regulations Order
 20. Amendment of Taxes Ordinance
- Schedule 1: New Schedule 2 to Administration of Estates Rule
Schedule 2: New Schedules to Civil Cases (Fees) Rules
Schedule 3: New Schedule to Court Fees (Family Proceedings) Rules
Schedule 4: New Schedule to Licensing Ordinance
Schedule 5: New Schedule to Notaries Public Rules
Schedule 6: New Schedule to Planning (General) Regulations

FINANCE BILL 2016

(No: of 2016)

(assented to: 2016)
(commencement: in accordance with section 2)
(published: 2016)

A BILL

for

AN ORDINANCE

To increase various allowances, benefits, charges, contributions and fees provided for under the laws of the Falkland Islands, to make new provision for certain new charges and to increase the threshold on corporation tax.

BE IT ENACTED by the Legislature of the Falkland Islands

1. Title

This Ordinance is the Finance Ordinance 2016.

2. Commencement

(1) Sections 4, 14, 18(c) and 20 come into force on 1 January 2017.

(2) The rest of this Ordinance comes into force on 1 July 2016.

3. Amendment of Administration of Estates Rules

Schedule 2 of the Administration of Estates Rules (Title 68.1.1) is revoked and replaced with the schedule set out under Schedule 1.

4. Amendment of Banking Regulations Order

Regulation 4 of the Banking Regulations Order (Title 10.1.1) is amended by omitting “£7,000.00” and replacing it with “£8,000.00”.

5. Amendment of British Nationality Ordinance

The Schedule to the British Nationality Ordinance (Title 52.1) is amended by replacing the Table of Fees with the following —

“TABLE OF FEES

Matter in which fee may be taken	Annual fee
Matter in which fee may be taken	Amount of fee
1. Application under the Act, except an application under section 5, for registration as a British Overseas Territories citizen,	
(a) application relating to one adult	£833.00
(b) application relating to one child	£749.00
2. Application for naturalisation as a British Overseas Territories citizen	

under section 18(1) or 18(2) of the Act,	£925.00
3. Registration of a declaration of renunciation of British Overseas Territories citizenship under section 24 of the Act,	£272.00
4. Supply a certified copy of a notice, certificate, order, declaration or entry, given, granted or made under the Act or any of the former nationality Acts,	£ 20.00
5. Administering the oath of allegiance for the purposes of the Act.	£5.00”

6. Amendment of Civil Cases (Fees) Rules

Schedules 1 and 2 of the Civil Cases (Fees) Rules (Title 16.1.1) are revoked and replaced with the schedules set out under Schedule 2.

7. Amendment of Commissioners for Oaths Rules

Rule 2(1) of the Commissioners for Oaths Rules (Title 22.1.1) is amended in paragraph (b) by omitting “£4.00” and replacing it with “£5.00”.

8. Amendment of Coroners Rules

Schedule 1 of the Coroners Rules (Title 22.1.4) is revoked and replaced with the following —

“SCHEDULE 1
FEES

1. For a copy of all or part of any document	28p per page
2. Standard copy fee for sealed /verified copy of any documents	
For the first copy	£10.00
For every subsequent copy of the same document if supplied at the same time”	28p

9. Amendment of Court Fees (Family Proceedings) Rules

The Schedule to the Court Fees (Family Proceedings) Rules (Title 38(2).5.1) is revoked and replaced with the schedule set out under Schedule 3.

10. Amendment of Customs (Fees) Regulations

The Customs (Fees) Regulations (SR&O No 10 of 2006) are amended as follows —

(a) in regulation 3 —

- (i) by omitting “£77.80” in each place it appears and replacing it with “£78.60”;
- (ii) by omitting “£116.70” in each place it appears and replacing it with “£117.90”;
- (iii) in paragraph (a)(ii) by omitting “£38.90” and replacing it with “£39.30”; and
- (iv) in paragraph (c)(ii) by omitting “£58.35” and replacing it with “£58.95”; and

(b) in regulation 4 —

- (i) by omitting “£53.10” in each place it appears and replacing it with “£53.60”;

- (ii) by omitting “£263.20” in each place it appears and replacing it with “£265.80”;
- (iii) in subregulation (3)(a) by omitting “£26.55” and replacing it with “£26.80”; and
- (iv) in subregulation (3)(b) by omitting “£131.60” and replacing it with “£132.90”.

11. Amendment of the Customs (Import Prohibitions) (Fees) Regulations

Regulation 3 of the Customs (Import Prohibitions) (Fees) Regulations (SR &O No 12 of 2009) is amended by omitting —

(a) paragraph (a) and replacing it with the following —

“(a) Importation of Animals etc. Proclamation 2000 (No 2 of 2000) —

(i) licence for importation of animal – standard (per licence)	£128.90
(ii) licence for importation of animal – poultry/exotic pet (per licence)	£32.80
(iii) licence for importation of animal – poultry/exotic pet (annual)	£65.50
(iv) inspection and treatment on arrival	£11.10 plus the cost of necessary drug treatment
(v) clearance from port of arrival – (per importer)	£116.00
(vi) inspection following house quarantine (per animal)	£11.10”;

(b) paragraph (b) and replacing it with the following —

“(b) Importation of Food and Animal Products from South America Proclamation 2001 (No 3 of 2001) —

(i) licence for the importation of animal/animal product (commercial – single importation)	£16.00
(ii) licence for the importation of animal/animal product (commercial – annual)	£128.90
(iii) licence for the importation of animal/animal product (non-commercial).”;	£4.10

(c) paragraph (c) and replacing it with the following —

“(c) Proclamation Number 6 of 1985 —

Inspection of shearing equipment by the Government Veterinary Officer”.	£39.90
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12. Amendment of Dogs Rules

Rule 3 of the Dogs Rules (Title 5.2.1) is amended by omitting “£31.90” and replacing it with “£32.20”.

13. Amendment of Licensing Ordinance

Schedule 3 of the Licensing Ordinance (Title 48.2) is revoked and replaced with the schedule set out under Schedule 4.

14. Amendment of Minimum Wage Ordinance

The Minimum Wage Ordinance (No 10 of 2013) is amended under section 11(1) by omitting “£5.38” and replacing it with “£5.81”.

15. Amendment of Notaries Public Rules

The Schedule to the Notaries Public Rules (Title 22.1.2) is revoked and replaced with the schedule set out in Schedule 5.

16. Amendment of Planning (General) Regulations

The Schedule to the Planning (General) Regulations (Title 55.3.3) is revoked and replaced with the schedule set out under Schedule 6.

17. Amendment of Plant Importation Regulations

Regulation 7 of the Plant Importation Regulations (Title 4.4.1) is amended by omitting —

- (a) “£4.00” and replacing it with “£4.10”;
- (b) “£127.60” and replacing it with “£128.90”; and
- (c) “£15.40” and replacing it with “£15.60”.

18. Amendment of Retirement Pensions (Prescribed Rates) Regulations

The Retirement Pensions (Prescribed Rates) Regulations (SR&O No 39 of 1996) are amended —

- (a) in regulation 3 by omitting -
 - (i) “£147.00” and replacing it with “£150.00”; and
 - (ii) “£83.00” and replacing it with “£85.00”;
- (b) in regulation 5(3)(b) by omitting “£49.00” and replacing it with “£50.00”; and
- (c) in regulation 6 by omitting “£215.00” and replacing it with “£232”.

19. Amendment of Road Traffic (Provisional) Regulations Order

The Road Traffic (Provisional) Regulations Order (Title 63.1.1) is amended in article 5(4)(aa) by omitting “£1.50” and replacing it with “£5.00”.

20. Amendment of Taxes Ordinance

Section 28(2) of the Taxes Ordinance (Title 69.1) is amended by omitting “£1,000,000.00”, and replacing it with “£500,000.00” in each place it appears.

SCHEDULE 1

New Schedule 2 of the Administration of Estates Rules

(section 3)

SCHEDULE 2

The following fees are payable in respect of the non-contentious items:

Item	Fee
1. On application for a grant of probate, letters of administration or for resealing a grant of probate or letters of administration —	
(a) net estate is £5,000 or less	no fee
(b) net estate exceeds £5,000	£150.00
2. For the entry or withdrawal of a caveat	£20.00
3. For a search for any document	£10.00
4. For a copy of all or part of any document	28p per page
5. Standard copy fee for sealed /verified copy of any documents	
For the first copy	£10.00
For every subsequent copy of the same document if supplied at the same time	28p
6. For pursuing and settling citations, advertisements, oaths, affidavits or other documents —	
(a) For any one document settled	£20.00
(b) For any number of additional documents in the same case at the same time	£20.00

SCHEDULE 2

New Schedules to the Civil Cases (Fees) Rules

(section 6)

SCHEDULE 1 FEES PAYABLE IN SUPREME COURT

1. The following notes have effect in relation to the Table of Fees appearing below:

(a) “Originating process” includes a writ commencing an action, originating summons, petition in bankruptcy, petition for winding up a company or other body corporate and an application for leave to apply for judicial review;

(b) For purposes of the Table an application of any kind is made —

(i) when a document of any kind requesting the court to entertain that application is delivered to the court office, and not when the application is heard by the court; and

(ii) in relation to any other matter (such as, for example, a writ of execution or sale pursuant to such a writ) specified in Part II of the Table, the relevant fee is payable on the delivery to the court office of a document of any kind requesting the issue of the process is delivered to the court office and not when that process is issued.

TABLE

Fee number	Amount of fee
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PART I COMMENCEMENT PROCEEDINGS

1. Issue of originating process	£300.00
2. Application for an injunction ancillary to any cause of action	£150.00
3. (a) On the making of a general application —	
(i) on notice	£150
(ii) by consent/ without notice	£50
(b) On filing a counter claim	The same fee as if the remedy sought were the subject of separate proceedings

PART 2
ENFORCEMENT PROCEEDINGS

4. Upon issuing enforcement action following an earlier judgment	£300.00
5. Sale under a writ of execution—	
(a) Removing or taking steps to remove goods to a place of deposit	reasonable expenses incurred as determined by the Court
(b) for the sale of goods, including all necessary catalogues, commissions and other matters	reasonable expenses incurred as determined by the Court

PART 3
MISCELLANEOUS

6. Service by the court of any summons or other document —	
(a) if served by post	No fee
(b) request for personal service by the Court of any summons or other document	
(i) East Falkland	£70.00
(ii) West Falkland and other islands fee and	£70.00 plus reasonable travel and subsistence costs as determined by the Court
7. On filing a notice of appeal from any Court or tribunal from which an appeal lies to the Supreme Court (<i>other than in relation to appeals of prohibition orders under the Licensing Ordinance or orders of the Workmen's Compensation Commission for which there is no fee</i>)	£150.00
8. Copy documents per A4 page	28p
9. On taxation of costs by the Registrar	
(a) where the party is legally aided	Nil
(b) where the party is not legally aided	5p per £1.00 of profit costs and disbursements allowed
10. On issue of a costs certificate	£10.00

11. On appeal of taxation by the Registrar	£200.00
12. On deposing an affidavit or affirmation before an officer of the court	£7.50 plus £3.50 for each exhibit
13. Upon lodging an appeal for judicial review —	
(a) upon seeking first permission	£150.00
(b) upon granting of permission	£300.00
14. Upon requesting a certificate of satisfaction	£10.00
15. Upon the making of a Constitutional reference	£500.00

SCHEDULE 2
FEES PAYABLE IN THE MAGISTRATE'S COURT AND THE SUMMARY COURT

1. Except as provided in the Table below the fees prescribed in Schedule 1 apply to the equivalent steps or items in civil proceedings in the Magistrate's Court or in the Summary Court.

2. For purposes of paragraph 1 the following table has effect:

TABLE

1. On the issuing of proceedings for the recovery of a sum of money or delivery of goods	£70.00
2. On the filing of a counterclaim, on the amount or value (if any)	£70.00
3. Upon issuing enforcement action following an earlier judgment	£70.00
4. Service by the court of any summons or other document —	
(a) if served by post	Nil
(b) request for personal service by the Court of any summons or other document	
(i) East Falkland	£70.00
(ii) West Falkland and other islands	£70.00 plus reasonable travel and subsistence costs as determined by the Court
5. On requesting a certificate of satisfaction	£10.00
6. Upon the lodging of an appeal with the Summary Court constituted	

as the Employment Tribunal

(a) where the appellant's annual earnings in the last tax year are less than £15, 000.00	Nil
(b) where the appellant's annual earnings in the last tax year are more than £15, 000.00	£160.00
7. Upon the lodging of an application with the Fisheries Disputes Commission	£200.00

SCHEDULE 3

New Schedule to Court Fees (Family Proceedings) Rules

(section 9)

SCHEDULE FEES PAYABLE IN FAMILY PROCEEDINGS

1. In the Table of Fees below, "Originating process" includes a petition, writ, originating summons or other process commencing proceedings.

2. The following Table of Fees has effect:

TABLE

PART 1 COMMENCEMENT OF PROCEEDINGS

Fee number	Amount of fee
1. Issue of originating process (including an application for an injunction or restraining order where that is sought other than as ancillary to other relief)	£300.00
2. On application to make a decree nisi absolute	£45.00
3. On any other application under the Matrimonial Causes Ordinance	
(a) by consent	£50.00
(b) other than by consent	£150.00

PART 2 Proceedings under the Children Ordinance

1. On application for any originating process (excluding financial relief)	£200.00
2. Any application within proceedings (excluding financial relief)	£100.00
3. On application for an order for financial relief —	
(a) by consent	£50.00
(b) other than by consent	£150.00

4. On application to vary or discharge a financial order —	
(a) on consent	£50.00
(b) other than by consent	£150.00
5. On appeal relating to fostering or hosting provisions	£150.00
6. On requesting a parental responsibility order following the completion of a parental responsibility agreement	£50.00
7. On application for a maintenance order to be sent abroad	£50.00
8. On application for variation of an existing financial order from abroad (under reciprocal enforcement legislation or similar)	£150.00

SCHEDULE 4

New Schedule to Licensing Ordinance

(section 13)

SCHEDULE 3

COURT FEES PAYABLE IN CONNECTION WITH JUSTICES' LICENCES

1. On the application for the grant of a new justices' licence	£100.00
2. On the grant (including a grant on transfer) or renewal of a justices' on-licence, other than a Part V licence or an occasional licence	£235.00
3. On the grant (including a grant on transfer) or renewal of a Part V licence	£235.00
4. On the grant (including a grant on transfer) or renewal of a justices' off-licence	£235.00
5. On an application for a protection order	£50.00
6. On the grant of an application for a protection order	£60.00
7. On inspection of the register of licences pursuant to section 25(1)	£10.00
8. On an application for a special hours certificate	£20.00
9. On the grant of a special hours certificate	£150.00
10. On application for a club registration certificate	Nil
11. On the grant or renewal of a club registration certificate	£80.00
12. On application for a children's certificate	Nil

13. On grant of a children's certificate	£50.00
14. On application for a Camp exemption order	Nil
15. On grant of a Camp exemption order	£20.00
16. On application for an extension of permitted hours	£20.00
17. On the grant of an extension of permitted hours, for every hour or part thereof to which the extension relates	£15.00 per hour or part thereof
18. On application for an occasional licence	£20.00
19. On the grant of an occasional licence, for every day or part thereof to which the occasional licence relates	£35.00 per day up to a maximum of £100.00
20. On application for a prohibition order	Nil

SCHEDULE 5

New Schedule to Notaries Public Rules

(section 15)

SCHEDULE

1. For every affidavit and exhibit to an affidavit	£10.00 for every affidavit and £5.00 for every exhibit thereto
2. Preparing a Note of Protest or other document (including any certificate thereon)	£100.00 for every hour engaged therein and proportionately for every part of an hour, with a minimum fee of £50.00
3. Preparing and attesting any notarial act	(a) £35.00 if a notarial act in public form; (b) £25.00 otherwise (but no fee where Fee 2 is charged)
4. Extending a Protest	£100
5. Examining any document with the original thereof and certifying it as a true and correct copy	(a) if not copied by the notary public, £25.00 plus £5.00 for every page (b) if copied by or under the supervision of the notary public, £25.00 plus

	50 pence for every page.
6. Attending to Protest a Bill of Exchange or Promissory Note	£100.00 and proportionately for part of an hour thus engaged plus reasonable travelling expenses incurred (if applicable) with a minimum fee of £50.00.
7. Any other notarial act done by a notary public	£100

SCHEDULE 6

New Schedule to Planning (General) Regulations

(section 16)

SCHEDULE

(regulation 8)

TYPE OF APPLICATION	FEE	
1. Application for demolition	Full application	£20.00
2. Mobile home park/temporary accommodation park (excluding proposals for individual mobile homes)	Outline	£48.00
	Reserved matters	£36.00
	Full planning	£72.00
	Building Permit	£90.00*
	Joint application	£150.00*
		*building permit only required if each unit is within 6m of another
3. Construction of buildings, structures or erections for use as residential accommodation (excluding Mobile Homes) – charge per unit	Outline application	£32.00
	Reserved matters application	£24.00
	Full planning	£48.00
	Building Permit application	£64.00
	Joint application	£80.00
4. Subdivision of land for residential development	Outline planning	£20.00
	Reserved matters	£20.00
	Full planning	£30.00

5. Application by householder to enlarge, improve or alter an existing dwelling-house	Outline application	£16.00
	Reserved matters application	£12.00
	Full planning	£24.00
	Building Permit application	£32.00
	Joint application	£40.00
6. Erection of garage within residential area over 108m ³ (cubic metres)	Outline planning	£20.00
	Reserved matters	£20.00
	Full planning	£30.00
	Building permit	£40.00
	Joint application	£60.00
7. Erection of buildings for non-residential uses (area less than 75sqm).	Outline application	£48.00
	Reserved matters application	£36.00
	Full planning	£72.00
	Building Permit application	£96.00
	Joint application	£120.00
8. Erection of buildings for non-residential uses (area more than 75sqm)	Outline application	£160.00
	Reserved matters application	£120.00
	Full planning	£240.00
	Building Permit application	£320.00
	Joint application	£400.00
Mixed Use Proposals	Fee as per component uses	
9. Infrastructure such as drainage, roads & accesses, power and water and laydown areas	Private residential:	
	Outline planning	£24.00
	Reserved matters	£24.00
	Full planning	£48.00
	Building Permit	£56.00
	Joint application	£85.00

	Other: Outline planning	£56.00
	Reserved matters	£56.00
	Full planning	£112.00
	Building Permit	£125.00
	Joint application	£215.00
10. Siting of containers outside of container parks (other than for private domestic use)	Full planning	£48.00
	Renewal	£55.00
11. For permission to construct or maintain a car park	No fee if for individual dwelling	
(a) Residential	If for more than one dwelling:	
	Outline application	£20.00
	Full/Reserved matters application	
	<ul style="list-style-type: none"> • £25.00 where the area of gross car park space does not exceed 40 sq. m; • £30.00 where the area of gross car park space exceeds 40 sq. m but does not exceed 75 sq. m 	
(b) Industrial/Commercial	Where the area of gross car park space exceeds 75 sq. m £50 for each 75 sq. m (or part thereof).	
	Outline application	£75.00
	Full / Reserved matters application	
	<ul style="list-style-type: none"> • £50 where the area of gross car park space does not exceed 75 sq. m • Where the area of gross car park space exceeds 75 sq. m £100.00 for each 75 sq. m (or part thereof) 	
12. Operations connected with exploratory drilling for appraisal, extraction or export of oil or natural gas	£401.00 per 0.1 ha or the site	
	Maximum	£30,240
13. For permission to place or assemble equipment in any part of any marine water for the purpose of fish farming	£100.00 per application	
14. For permission to engage in winning and working of minerals (excluding peat & calcified seaweed)	£202.00 per 0.1 ha of site (or part thereof)	
	Maximum	£30,240

15. For permission to engage in winning and working of peat & calcified seaweed	£50.00 per application
16. Change of use of a building for use as one or more dwelling-houses	£80.00 per each additional dwelling-house to be created by the development
17. For permission to use, dispose of waste/storage of minerals	
(a) use of land for disposal of refuse or waste materials or for the deposit of material remaining after minerals have been extracted from land.	£50.00 per application
(b) the use of land for the storage of minerals in the open	£50.00 per application
18. For permission for other change of use	
Making of a material change in the use of a building or land or in the use of equipment placed or assembled in marine waters	(a) Where the end use is residential or incidental to residential
	£30.00
	Building Permit
	£30.00
	Joint application
	£50.00
	(b) Where the end use is commercial/industrial
	£60.00
	Building Permit
	£56.00
	Joint application
	£100.00
19. Application to vary or remove a condition on an existing permission (or renew a permission)	£30.00
20. Planning Searches	£20 per search

OBJECTS AND REASONS

This Bill would implement the new and amended allowances, benefits, charges, contributions and fees set out below, with effect from 1 July 2016 (except in relation to *clause 4*, which increases the banking licence fee, *clause 14* which increases the minimum wage rate, *clause 18(c)* which provides for the earnings limit for pension contributions, and *clause 20*, which increases the corporation tax threshold, which all come into force on 1 January 2017)

Clause 3: Administration of Estates Rule

The fees have been revised and reformulated to take into account the work done in the process and some are new while some have been revised as follows:

1. On application for a grant of probate, letters of administration or for resealing a grant of probate or letters of administration, the following fees are payable —

(a) net estate is £5,000 or less Nil

(b) net estate exceeds £5,000 £150.00

2. For the entry or withdrawal of a caveat £20.00

3. For a search for any document £10.00

4. For a copy of all or part of any document 28p per page

5. Standard copy fee for sealed /verified copy of any documents

For the first copy £10.00

For every subsequent copy of the same document if supplied at the same time 28p

6. For pursuing and settling citations, advertisements, oaths, affidavits or other documents —

(a) For any one document settled £20.00

(b) For any number of additional documents in the same case at the same time £20.00

Clause 4: Banking Licence

Banking Licence £7,000 increased to £8, 000

Clause 5: Nationality fees

1. Application under the Act, except an application under section 5, for registration as a British Overseas Territories citizen

(a) application relating to one adult £666.00 increased to £833.00

(b) application relating to one child £599.00 increased to £749.00

2. Application for naturalisation as a British citizen or British Overseas Territories citizen under section 18(1) or 18(2) of the Act, £740.00 increased to £925.00

3. Registration of a declaration of renunciation of British Overseas Territories citizenship under section 24 of the Act £223.00 increased to £272.00

4. Supply a certified copy of a notice, certificate, order, declaration or entry, given, granted or made under the Act or any of the former nationality Acts £20.00 –no change

6. Administering the oath of allegiance for the £5.00 – no change

purposes of the Act

Clause 6: Civil Cases (Fees) Rules

PART I
COMMENCEMENT PROCEEDINGS IN THE SUPREME COURT

- | | |
|---|---|
| 1. Issue of originating process | £112.00 increased to £300.00 |
| 2. Application for an injunction ancillary to any cause of action | £46.00 increased to £150.00 |
| 3. (a) On the making of a general application — | |
| (i) on notice | £150 new fee |
| (ii) by consent/ without notice | £50 new fee |
| (b) On filing a counter claim | The same fee as if the remedy sought were the subject of separate proceedings |

PART 2
ENFORCEMENT PROCEEDINGS

- | | |
|--|---|
| 4. Upon issuing enforcement action following an earlier judgment | £70.00 increased to £300.00 |
| 5. Sale under a writ of execution— | |
| (a) Removing or taking steps to remove goods to a place of deposit | reasonable expenses incurred as determined by the Court |
| (b) for the sale of goods, including all necessary catalogues, commissions and other matters | reasonable expenses incurred as determined by the Court |

PART 3
MISCELLANEOUS

- | | |
|--|--|
| 6. Service by the court of any summons or other document — | |
| (a) if served by post | No fee |
| (b) request for personal service by the Court of any summons or other document | |
| (i) East Falkland | £20.50 increased to £70.00 |
| (ii) West Falkland and other islands | £20.50 increased to £70.00 plus reasonable travel and subsistence costs as determined by the Court |

7. On filing a notice of appeal from any Court or tribunal from which an appeal lies to the Supreme Court (<i>other than in relation to appeals of prohibition orders under the Licensing Ordinance or orders of the Workmen's Compensation Commission for which there is no fee</i>)	£150.00 new fee
8. Copy documents per A4 page	50p decreased to 28p
9. On taxation of costs	
(a) where the party is legally aided	Nil
(b) where the party is not legally aided	5p per £1.00 of profit costs and disbursements allowed
10. On issue of a costs certificate	£10.00 new fee
11. On appeal of taxation by the Registrar	£200.00 new fee
12. On deposing an affidavit or affirmation before an officer of the court	£7.50 plus £3.50 for each exhibit new fee
13. Upon lodging an appeal for judicial review —	
(a) upon seeking first permission	£150.00 new fee
(b) upon granting of permission	£300.00 new fee
14. Upon requesting a certificate of satisfaction	£10.00 new fee
15. Upon the making of a Constitutional reference	£500.00 new fee

SCHEDULE 2
FEES PAYABLE IN THE MAGISTRATE'S COURT AND THE SUMMARY COURT

TABLE

1. On the issuing of proceedings for the recovery of a sum of money or delivery of goods	£70.00 new fee
2. the same fee as if the remedy sought were the subject of separate proceedings	£70.00 new fee
3. Upon issuing enforcement action following an earlier judgment	£70.00 new fee
4. Request for personal service by the Court of any summons or other document —	
(a) if served by post	Nil
(i) East Falkland	£70.00 new fee

(ii) West Falkland and other islands £70.00 new fee
plus reasonable travel and subsistence costs as determined by the Court

5. On requesting a certificate of satisfaction £10.00 new fee

6. Upon the lodging of an appeal with the Summary
Court constituted as the Employment Tribunal

(a) where the appellant's annual earnings in the Nil
last tax year are less than £15, 000.00

(b) where the appellant's annual earnings £160.00 new fee
in the last tax year are more than £15, 000.00

7. Upon the lodging of an application with the Fisheries Disputes Commission £200.00 new fee

Clause 7: Commissioners for Oaths

2. Exhibit to affidavit, affirmation or declaration £4.00 increased to £5.00

Clause 8: Coroners Rules

1. For a copy of all or part of any document 25p increased to 28p per page

2. Standard copy fee for sealed /verified copy of any documents

For the first copy £1.50 increased to £10.00 for first copy

For every subsequent copy of the same document 25p increased to 28p
if supplied at the same time

Clause 9: Court Fees (Family Proceedings) Rules

PART 1

1. Issue of originating process £102.00 increased to £300.00

2. On application to make a decree nisi absolute £45.00 new fee

3. On any other application under the Matrimonial Causes Ordinance

(a) by consent £50.00

(b) other than by consent £150.00

Deletes Part 2 and 3 and provides for new fees as follows –

PART 2

Proceedings under the Children Ordinance

1. On application for any originating process (excluding financial relief) £200.00

2. Any application within proceedings (excluding financial relief) £100.00

3. On application for an order for financial relief —	
(a) on consent	£50.00
(b) other than by consent	£150.00
4. On application to vary or discharge a financial order —	
(a) on consent	£50.00
(b) other than by consent	£150.00
5. On appeal relating to fostering or hosting provisions	£150.00
6. On requesting a parental responsibility order following the completion of a parental responsibility agreement	£112.00
7. On application for a maintenance order to be sent abroad	£50.00
8. On application for variation of an existing financial order from abroad (under reciprocal enforcement legislation or similar)	£150.00

Clause 10: Customs (Fees) Regulations

where the whole of those services are provided during normal hours	£77.80 increased to £78.60
such fee as is generated by multiplying the number of hours engaged in providing those services	£38.90 increased to £39.30
where those services are provided outside normal hours of duty	£116.70 increased to £117.90
such fee as is generated by multiplying the number of hours outside normal hours	£58.35 increased to £58.95
entering at a declared port	£53.10 increased to £53.60
entering other than at a declared port	£263.20 increased to £265.80
clearing other than at a declared port	£263.20 increased to £265.80
In respect of any vessel of less than 50 net registered tonnes	£53.10 increased to £53.60
	£131.60 increased to £132.90

Clause 11: Animal imports

1. Importation of animal	£127.60 increased to £128.90
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2. Importation of animal – poultry/exotic pet (single)	£32.50 increased to £32.80
3. Importation of animal – poultry/exotic pet (annual)	£64.90 increased to £65.50
4. Inspection and treatment on arrival	£11.00 increased to £11.10
5. Clearance from port of arrival – (per importer)	£114.80 increased to £116.00
6. Inspection following house quarantine - (per animal)	£11.00 increased to £11.10
7. Animal products import permit:	
Commercial – single importation	£15.80 increased to £16.00
Commercial – annual	£127.60 increased to £128.90
Individual (non-commercial)	£3.60 increased to £3.80
8. Inspection of shearing gear/equipment	£39.50 increased to £39.90

Clause 12: Dogs

Dog licence (pets)	£31.90 increased to £32.20
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Clause 13: Licensing Ordinance

1. On the application for the grant of a new justices' licence	£50.00 increased to £100.00
2. On the grant (including a grant on transfer) or renewal of a justices' on-licence, other than a Part V licence or an occasional licence	£200 increased to £235.00
3. On the grant (including a grant on transfer) or renewal of a Part V licence	£80.00 increased to £235.00
4. On the grant (including a grant on transfer) or renewal of a justices' off-licence	£235.00 new fee
5. On an application for a protection order	£20.00 increased to £50.00
6. On the grant of an application for a protection order	£35.00 increased to £60.00
7. On inspection of the register of licences pursuant to section 25(1)	£10.00 remains the same
8. On an application for a special hours certificate	£20.00 new fee
9. On the grant of a special hours certificate	£50.00 increased to £150.00
10. On application for a club registration certificate	Nil
11. On the grant or renewal of a club registration certificate	£50.00 increased to £80.00
12. On application for a children's certificate	Nil
13. On grant of a children's certificate	£50.00 new fee

14. On application for a Camp exemption order	Nil
15. On grant of a Camp exemption order	£20.00 new fee
16. On application for an extension of permitted hours	£20.00 new fee
17. On the grant of an extension of permitted hours, for every hour or part thereof to which the extension relates	£10.00 increased to £15.00
18. On application for an occasional licence	£20.00 new fee
19. On the grant of an occasional licence, for every day or part thereof to which the occasional licence relates	£20.00 increased to £35.00 per day up to £100.00
20. On application for a prohibition order	Nil

Clause 14: Minimum Wage Ordinance

Minimum wage rate	£5.38 increased to £5.81
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Clause 15: Notarial services

1. For every affidavit and exhibit to an affidavit	£10.00 remains the same £4.00 increased to £5.00
2. Preparing a Note of Protest or other document (including any certificate thereon)	£100.00 remains the same £50.00 remains the same
3. Preparing and attesting any notarial act	£35.00 remains the same £23.00 increases to £25.00
4. Extending a Protest	£100 remains the same
5. Examining any document with the original thereof and certifying it as a true and correct copy	(a) £23.00 increases to £25.00 £4.00 increases to £5.00 (b) £25.00 plus 50 pence for every Page remains the same
6. Attending to Protest a Bill of Exchange or Promissory Note	£110.00 decreases to £100.00 and £50.00 remains the same
7. Any other notarial act done by a notary public	£110.00 decreases to £100

Clause 16: Planning Fees

Revised fees and new ones as follows:

TYPE OF APPLICATION	FEE
1. Application for demolition	Full application £20.00 remains the same

2. Mobile home park/temporary accommodation park (excluding proposals for individual mobile homes)	<p>Outline £48.00 new fee</p> <p>Reserved matters £36.00 new fee</p> <p>Full planning £72.00 new fee</p> <p>Building Permit £90.00* new fee</p> <p>Joint application £150.00* new fee *building permit only required if each unit is within 6m of another</p>
3. Construction of buildings, structures or erections for use as residential accommodation (excluding Mobile Homes) – charge per unit	<p>Outline application £32.00 remains the same</p> <p>Reserved matters application £24.00 remains the same</p> <p>Full planning £48.00 remains the same</p> <p>Building Permit application £64.00 new fee</p> <p>Joint application £80.00 remains the same</p>
4. Subdivision of land for residential development	<p>Outline planning £20.00 new fee</p> <p>Reserved matters £20.00 new fee</p> <p>Full planning £30.00 new fee</p>
5. Application by householder to enlarge, improve or alter an existing dwelling-house	<p>Outline application £16.00 new fee</p> <p>Reserved matters application £12.00 new fee</p> <p>Full planning £24.00 new fee</p> <p>Building Permit application £32.00 new fee</p> <p>Joint application £40.00 new fee</p>
6. Erection of garage within residential area over 108m ³ (cubic metres)	<p>Outline planning £20.00 new fee</p> <p>Reserved matters £20.00 new fee</p> <p>Full planning £30.00 new fee</p> <p>Building permit £40.00 new fee</p> <p>Joint application £60.00 new fee</p>
7. Erection of buildings for non-residential uses (area less than 75sqm).	<p>Outline application £48.00 remains the same</p> <p>Reserved matters application £36.00 remains the same</p> <p>Full planning £72.00 remains the same</p> <p>Building Permit application £96.00 new fee</p>

	Joint application £120.00 remains the same
8. Erection of buildings for non-residential uses (area more than 75sqm)	Outline application £160.00 remains the same Reserved matters application £120.00 remains the same Full planning £240.00 remains the same Building Permit application £320.00 new fee Joint application £400.00 remains the same
Mixed Use Proposals	Fee as per component uses
9. Infrastructure such as drainage, roads & accesses, power and water and laydown areas	Private residential: Outline planning £24.00 new fee Reserved matters £24.00 new fee Full planning £48.00 new fee Building Permit £56.00 new fee Joint application £85.00 new fee Other: Outline planning £56.00 new fee Reserved matters £56.00 new fee Full planning £112.00 new fee Building Permit £125.00 new fee Joint application £215.00 new fee
10. Siting of containers outside of container parks (other than for private domestic use)	Full planning £48.00 new fee Renewal £55.00 new fee
11. For permission to construct or maintain a car park	Nil remains the same
(a) Residential	If for more than one dwelling: Outline application £20.00 remains the same Full/Reserved matters application £25.00 remains the same £30.00 remains the same
(b) Industrial/Commercial	Outline application £75.00 remains the same Full / Reserved matters application

£50 remains the same
£100.00 remains the same

12. Operations connected with exploratory drilling for appraisal, extraction or export of oil or natural gas £401.00 per 0.1 ha or the site
Maximum £30,240 remains the same
13. For permission to place or assemble equipment in any part of any marine water for the purpose of fish farming £100.00 per application remains the same
14. For permission to engage in winning and working of minerals (excluding peat & calcified seaweed) £202.00 per 0.1 ha of site (or part thereof)
Maximum £30,240 remains the same
15. For permission to engage in winning and working of peat & calcified seaweed £50.00 per application remains the same
16. Change of use of a building for use as one or more dwelling-houses £80.00 remains the same
17. For permission to use, dispose of waste/storage of minerals
- (a) use of land for disposal of refuse or waste materials or for the deposit of material remaining after minerals have been extracted from land. £50.00 per application remains the same
- (b) the use of land for the storage of minerals in the open £50.00 per application remains the same
18. For permission to change use
Making of a material change in the use of a building or land or in the use of equipment placed or assembled in marine waters
- (a) Where the end use is residential or incidental to residential £30.00 remains the same
Building Permit £30.00 new fee
Joint application £50.00 new fee
- (b) Where the end use is commercial/industrial £60.00 remains the same
Building Permit £56.00 new fee

Joint application £100.00 new fee

19. Application to vary or remove a condition on an existing permission (or renew a permission) £30.00 remains the same

20. Planning Searches £20 per search remains the same

Clause 17: Importation of Plants

1. Permit for private importation £4.00 increased to £4.10

2. Permit for annual commercial importation £127.60 increased to £128.90

3. Permit for single commercial importation £15.10 increased to £15.60

Clause 18: Retirements pension rates

1. Weekly retirement pension £147.00 increased to £150.00

2. Married couple's supplement (weekly) £83.00 increased to £85.00

3. Voluntary overseas contribution rate £49.00 increased to £50.00

4. Earnings limit £215.00 increased to £232.00

Clause 19: driver licensing

8. Photocard driving licence £1.50 increased to £5.00

Clause 20: Tax

Corporation tax (threshold) £1,000,000 decreased to £500,000

LEGISLATIVE ASSEMBLY

PROCEDURE FOR TAKING GOVERNMENT BILLS WHICH HAVE BEEN PUBLISHED IN THE GAZETTE

CLERK	“Orders of the Day – Bills”
CLERK	Title of Bill
PROPOSER	“Mr Speaker, this Bill etc.....(explanation) I beg to move the second reading of the Bill”
SECONDER	“I second the motion”.
MR SPEAKER	“Does any Honourable Member wish to speak on the Bill?”
	“There is no debate”
	Is there any objection to dealing with this Bill by the short procedure?
	No Objection
	Does any Member wish to propose any amendments to the wording of the Bill?
	No Amendments
	“I declare that the Bill will be read for a third time and do Pass”
Debate	
MR SPEAKER	The Motion is that the Bill be read a second time – any objection to the Motion?
	No Objection – the Bill will be read a second time.
CLERK	Title of Bill
MR SPEAKER	Declares that the Assembly is in Committee
CLERK	Clauses
MOVER	I beg to move the Clauses to stand part of the Bill
MR SPEAKER	“The Motion is that Clauses to stand part of the Bill. Is there any objection to the Motion?”
	No objection, Clauses to stand part of the Bill”
CLERK	No Schedules
MR SPEAKER	Declares that the Assembly resumes.

FINANCIAL
SECRETARY
MR SPEAKER

“I beg to move the Bill be read a third time and do Pass”

“The Motion is that the Bill be read a third time and do Pass – any objection to the Motion?”

No objection, the Bill will be read a third time and do Pass”

CLERK

Title of Bill

LEGISLATIVE ASSEMBLY

TUESDAY 31 MAY 2016

PROCEDURE FOR TAKING THE APPROPRIATION BILL

- CLERK** Appropriation Bill 2016
- FINANCIAL SECRETARY** “I propose the first reading of the Bill”
- Hon R Edwards** “ I second the Motion”
- MR SPEAKER** “The Motion is that the Bill be read a first time – any objection to the Motion? No objection – the Bill will be read a first time”
- CLERK** “A Bill for an Ordinance to authorise the withdrawal from the Consolidated Fund of money for the financial year ending 30 June 2017.
- FINANCIAL SECRETARY** “I beg to move that the Bill be read a second time” (Explanation.....)
- Hon R Edwards** “I second the Motion”
- MR SPEAKER** “The Motion is that the Bill be read a second time – does any Honourable Member wish to speak to the Motion?”
- (Debate – if any)
- MR SPEAKER** “The Motion is that the Bill be read a second time – any objection to the Motion? No objection – the Bill will be read a second time”
- CLERK** “A Bill for an Ordinance to authorise the withdrawal from the Consolidated Fund of money for the financial year ending 30 June 2017”.
- FINANCIAL SECRETARY** “I beg to move that the Bill and the Draft Estimates be referred the Select Committee on the Estimates”
- MR SPEAKER** “The Motion is that the Bill and the Draft Estimates be referred to the Select Committee on the Estimates – any objection to the Motion? No objection – the Bill is now referred to a Select Committee on the Estimates

LEGISLATIVE ASSEMBLY

TUESDAY 31 MAY 2016

PROCEDURE FOR TAKING THE CAPITAL APPROPRIATION BILL

- CLERK** Capital Appropriation Bill (2016/17) Bill 2016
- FINANCIAL SECRETARY** “I propose the first reading of the Bill”
- Hon R EDWARDS** “ I second the Motion”
- MR SPEAKER** “The Motion is that the Bill be read a first time – any objection to the Motion? No objection – the Bill will be read a first time”
- CLERK** “A Bill for an Ordinance to authorise the withdrawal from the Capital Equalisation Fund of money for capital projects”
- FINANCIAL SECRETARY** “I beg to move that the Bill be read a second time” (Explanation.....)
- Hon R Edwards** “I second the Motion”
- MR SPEAKER** “The Motion is that the Bill be read a second time – does any Honourable Member wish to speak to the Motion?”
- (Debate – if any)
- MR SPEAKER** “The Motion is that the Bill be read a second time – any objection to the Motion? No objection – the Bill will be read a second time”
- CLERK** “A Bill for an Ordinance to authorise the withdrawal from the Capital Equalisation Fund of money for capital projects”
- FINANCIAL SECRETARY** “I beg to move that the Bill be referred the Select Committee on the Estimates”
- MR SPEAKER** “The Motion is that the Bill be referred to the Select Committee on the Estimates – any objection to the Motion? No objection – the Bill is now referred to a Select Committee on the Estimates

LEGISLATIVE ASSEMBLY

TUESDAY 31 MAY 2016

PROCEDURE FOR TAKING THE FINANCE BILL

- CLERK** Finance Bill 2016
- FINANCIAL SECRETARY** “I beg to move the first reading of the Bill”
- Hon R EDWARDS** “I second the Motion”
- MR SPEAKER** “The Motion is that the Bill be read a first time – any objection to the Motion? No objection – the Bill will be read a first time”
- CLERK** “To increase various allowances, benefits, charges, contributions and fees provided for under the laws of the Falkland Islands, to make new provision for certain new charges and to increase the threshold on corporation tax.
- FINANCIAL SECRETARY** “Mr Speaker this Bill (explanation) I beg to move that this Bill be read a second time.”
- Hon R Edwardds** “I second the Motion”
- MR SPEAKER** “The Motion is that the Bill be read a second time – does any Honourable Member wish to speak to the Motion?”
- (Debate if any)
- MR SPEAKER** “The Motion is that the Bill be read a second time – any objection to the Motion? No objection – the Bill will be read a second time”
- CLERK** “To increase various allowances, benefits, charges, contributions and fees provided for under the laws of the Falkland Islands, to make new provision for certain new charges and to increase the threshold on corporation tax.
- FINANCIAL SECRETARY** “I beg to move that the Bill be referred to the Select Committee on the Estimates”
- MR SPEAKER** The Motion is that the Bill be referred to the Select Committee on the Estimates – any objection to the Motion? No objection – the Bill is now referred to the Select Committee on the Estimates. **THE LEGISLATIVE ASSEMBLY IS IN RECESS UNTIL 09:45 ON FRIDAY 3 JUNE 2016.**

