

LEGISLATIVE ASSEMBLY

OF THE

FALKLAND ISLANDS



THE BUDGET MEETING OF THE LEGISLATIVE ASSEMBLY

LEGISLATIVE ASSEMBLY CHAMBERS

FRIDAY 1 JUNE 2018

09.45 HRS

LEGISLATIVE ASSEMBLY

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ORDER PAPER

- 1 Order of the Day: Bills
 - Appropriation Bill 2018 (Remaining Stages)
 - Capital Appropriation Bill 2018 (Remaining Stages)
 - Finance Bill 2018 (Remaining Stages)
- 2 Motions
- 3 The Motion for Adjournment

**LEGISLATIVE ASSEMBLY
FRIDAY 1 JUNE 2018
PROCEDURE FOR TAKING THE APPROPRIATION BILL**

- CLERK** "The Appropriation Bill 2018"
- MR SPEAKER** Invites the Hon Financial Secretary to report on the proceedings of the Select Committee on the Estimates and Appropriation Bill
- FINANCIAL SECRETARY** Reports Back from Select Committee
- HON ROGER SPINK** Moves that the Report be accepted
- HON TESLYN BARKMAN** Seconds the Motion

DEBATE

- MR SPEAKER** Declares the Assembly to be in Committee
Sit
- CLERK** "Clauses 1 to 3"
- FINANCIAL SECRETARY** "I beg to move that Clauses 1 to 3 stand part of the Bill"
- MR SPEAKER** "The Motion is that Clauses 1 to 3 stand part of the Bill – any objection? Clauses 1 to 3 stand part of the Bill"
- CLERK** Schedule
- FINANCIAL SECRETARY** "I beg to move that the Schedule stands part of the Bill"
- MR SPEAKER** "The Motion is that the Schedule stands part of the Bill – any objection? The Schedule stands part of the Bill"
- MR SPEAKER** "The Assembly resumes"

Stand
- FINANCIAL SECRETARY** "I beg to move that the Bill be read a third time and do pass"
- MR SPEAKER** "Honourable Members, the Motion is that the Bill be read a third time

and passes – any objection? The Bill will be read a third time and passes”

CLERK

A Bill for an Ordinance to authorise the withdrawal from the Consolidated Fund of money for the financial year ending 30 June 2019.”

Appropriation Bill 2018

(No: of 2018)

ARRANGEMENT OF PROVISIONS

Clause

1. Title
2. Commencement
3. Appropriation

Schedule

APPROPRIATION BILL 2018

(No: of 2018)

(assented to: XX 2018)
(commencement: on publication)
(published: xx 2018)

A BILL

for

AN ORDINANCE

To authorise the withdrawal from the Consolidated Fund of money for the financial year ending 30 June 2019.

BE IT ENACTED by the Legislature of the Falkland Islands —

1. Title

This Ordinance is the Appropriation Ordinance 2018.

2. Commencement

This Ordinance comes into force on publication in the Gazette.

3. Appropriation

(1) The Financial Secretary may withdraw the sum of £70,567,955 from the Consolidated Fund.

(2) Any sum withdrawn under subsection (1) may be applied in the financial year ending 30 June 2019 for the purpose of supplying the votes set out in the Schedule.

SCHEDULE

	Operating Budget	Capital Charges	Departmental Expenditure	Less Internal Charges	Net Operating Budget
	£	£	£	£	£
Development and					
110 Commercial Services	6,753,714	377,490	6,376,224	116,982	6,259,242
120 Human Resources	1,011,269	800	1,010,469	1,700	1,008,769
200 Health and Social Services	12,094,401	567,480	11,526,921	201,060	11,325,861
250 Education	7,862,450	414,450	7,448,000	98,090	7,349,910
350 Public Works	14,908,557	3,530,200	11,378,357	298,910	11,079,447
410 Natural Resources	7,379,680	127,950	7,251,730	272,230	6,979,500
451 Law and Regulation	1,841,405	3,580	1,837,825	10,700	1,827,125
550 Emergency Services	3,449,638	287,030	3,162,608	48,100	3,114,508
600 Executive Management	6,339,981	59,150	6,280,831	21,380	6,259,451
615 Policy	959,060	0	959,060	3,940	955,120
620 Mineral Resources	582,702	3,020	579,682	3,380	576,302
700 The Treasury	3,074,206	6,190	3,068,016	12,250	3,055,766
997 Oil	800,000		800,000	0	800,000
999 Islands Plan	6,993,984		6,993,984	0	6,993,984
TOTAL OPERATING BUDGET	74,051,047	5,377,340	68,673,707	1,088,722	67,584,985
998 Fund Transfers	2,982,970		2,982,970		2,982,970
TOTAL EXPENDITURE	77,034,017	5,377,340	71,656,677	1,088,722	70,567,955

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 2018/19 financial year, in accordance with section 8(1) of the Finance & Audit Ordinance (Title 19.3).

PROCEDURE FOR TAKING THE CAPITAL APPROPRIATION BILL

CLERK	“The Capital Appropriation Bill 2018”
MR SPEAKER	Invites the Hon Financial Secretary to report on the proceedings of the Select Committee on the Estimates and Capital Appropriation Bill
FINANCIAL SECRETARY	“Mr Speaker, my report was covered by the earlier presentation”.
HON ROGER SPINK	Moves that the Report be accepted
HON TESLYN BARKMAN	Seconds the Motion

DEBATE

MR SPEAKER	Declares the Assembly to be in Committee <i>Sit</i>
CLERK	“Clauses 1 to 3”
FINANCIAL SECRETARY	“I beg to move that Clauses 1 to 3 stand part of the Bill”
MR SPEAKER	“The Motion is that Clauses 1 to 3 stand part of the Bill – any objection? Clauses 1 to 3 stand part of the Bill”
CLERK	Schedule
FINANCIAL SECRETARY	“I beg to move that the Schedule stands part of the Bill ”
MR SPEAKER	“The Motion is that the Schedule stands part of the Bill – any objection? The Schedule stands part of the Bill”
MR SPEAKER	“The Assembly resumes” <i>Stand</i>
FINANCIAL SECRETARY	“I beg to move that the Bill be read a third time and do pass”
MR SPEAKER	“Honourable Members, the Motion is that the Bill be read a third time and passes – any objection? The Bill will be read a third time and passes”

CLERK

“A Bill for an Ordinance to authorise the withdrawal from the Capital Equalisation Fund of money for capital projects.”

Capital Appropriation Bill 2018

(No: 1 of 2018)

ARRANGEMENT OF PROVISIONS

Clause

1. Title
2. Commencement
3. Appropriation

Schedule

CAPITAL APPROPRIATION BILL 2018

(No: of 2018)

(assented to: XX 2018)
(commencement: on publication)
(published: xx 2018)

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 2018.

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, £35,091,041 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 2017/18 £	Financial Year 2018/19 £	Total £
Economic Development	(3,592,791)	5,975,000	2,382,209
Infrastructure and Maintenance	(2,327,372)	22,819,368	20,491,996
Social Investment	(5,719,504)	17,936,340	12,216,836
	<u>(11,639,667)</u>	<u>46,730,708</u>	<u>35,091,041</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 2018/19 capital programme.

PROCEDURE FOR TAKING THE REMAINING STAGES OF THE FINANCE BILL

CLERK	Finance Bill 2018
SPEAKER	Invites the Honourable Financial Secretary to report on the proceedings of the Budget Select Committee on the Finance Bill 2017
THE HON FINANCIAL SECRETARY	Reports Back from Budget Select Committee
HON ROGER SPINK	Mr Speaker I move that the report is accepted
HON TESLYN BARKMAN	I second the Motion
DEBATE	
SPEAKER	No objections – the report of the Budget Select Committee is received
SPEAKER	Declares the Assembly to be in Committee of the Whole
CLERK	Clauses 1 to 14
FINANCIAL SECRETARY	I beg to move that Clauses 1 to 14 stand part of the Bill
SPEAKER	The motion is that clauses 1 to 14 stand part of the Bill – does any Member wish to speak to that Motion? [Yes [debate]/No] Is there any objection to passing this Motion? clauses 1 to 14 stand part of the Bill
CLERK	Schedule
FINANCIAL SECRETARY	Mr Speaker, Honourable Members, I beg to move that the Schedule stands part of the Bill.
SPEAKER	The motion is that Schedule stands part of the the Bill – does any Member wish to speak to that Motion? [Yes [debate]/No] Is there any objection to passing this Motion? The Schedule stands part of the Bill

MR SPEAKER

“The Assembly resumes”

Stand

FINANCIAL SECRETARY

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

MR SPEAKER

“Honourable Members, the Motion is that the Bill be read a third time and passes – any objection? The Bill will be read a third time and passes”

CLERK

A Bill for an Ordinance to increase various allowances, benefits, charges, contributions and fees provided for under the laws of the Falkland Islands; to amend the trivial threshold based on accrued pension fund value; to provide for additional assisted contributors in respect of retirement pension contributions; to amend the Taxes Ordinance and to provide for connected matters.

Finance Bill 2018

(No: of 2018)

ARRANGEMENT OF PROVISIONS

Clause

1. Title
2. Commencement
3. Amendment of Banking Regulations Order
4. Amendment of British Nationality Ordinance
5. Amendment of Customs (Fees) Regulations
6. Amendment of Falkland Islands Pensions Scheme Ordinance
7. Amendment of Family Allowances Ordinance
8. Amendment of Falkland Islands Status (Application Fees) Regulations
9. Amendment of Harbours Regulations
10. Amendment of Immigration (Fees) Regulations
11. Amendment of Minimum Wage Ordinance
12. Amendment of Retirement Pensions Ordinance
13. Amendment of Retirement Pensions (Prescribed Rates) Regulations
14. Amendment of Taxes Ordinance

Schedule

FINANCE BILL 2018

(No: of 2018)

(assented to: 2018)
(commencement: in accordance with section 2)
(published: 2018)

A BILL

for

AN ORDINANCE

To increase various allowances, benefits, charges, contributions and fees provided for under the laws of the Falkland Islands; to amend the trivial threshold based on accrued pension fund value; to provide for additional assisted contributors in respect of retirement pension contributions; to amend the Taxes Ordinance and to provide for connected matters.

ENACTED by the Legislature of the Falkland Islands

1. Title

This Ordinance is the Finance Ordinance 2018.

2. Commencement

This Ordinance comes into force on 1 July 2018, except where it is provided that particular provisions come into force on a different date.

3. Amendment of Banking Regulations Order

(1) Regulation 4 of the Banking Regulations Order 1989 is amended by omitting “£9,000.00” and replacing it with “£10,000.00”.

(2) The amendment under subsection (1) comes into force on 1 January 2019.

4. Amendment of British Nationality Ordinance

The Schedule to the British Nationality Ordinance 1949 is amended by replacing the Table of Fees with the following —

“TABLE OF FEES

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
£910.00

(b) application relating to one child
£810.00

2. Application for naturalisation as a British Overseas Territories citizen under section 18(1) or 18(2) of the Act
£1,000.00

3. Registration of a declaration of renunciation of British Overseas Territories citizenship under section 24 of the Act
£372.00

4. Supply of 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. Facilitating applications for United Kingdom visas or nationality
£70.00

7. Taking photographs, set of four
£7.50".

5. Amendment of Customs (Fees) Regulations

The Customs (Fees) Regulations 2006 are amended as follows

(a) in regulation 3 —

(i) by omitting “£80.20” in each place it appears and replacing it with “£82.60”;

(ii) by omitting “£120.30” in each place it appears and replacing it with “£123.90”;

(iii) in paragraph (a)(ii) by omitting “£40.10” and replacing it with “£41.30”; and

(iv) in paragraph (c)(ii) by omitting “£60.15” and replacing it with “£61.95”;

(b) in regulation 4 —

(i) by omitting “£53.60” in each place it appears and replacing it with “£54.40”;

(ii) by omitting “£265.80” in each place it appears and replacing it with “£269.80”;

(iii) in subregulation (3)(a) by omitting “£26.80” and replacing it with “£27.20”;
and

(iv) in subregulation (3)(b) by omitting “£132.90” and replacing it with “£134.90”.

6. Amendment of Falkland Islands Pensions Scheme Ordinance

The Falkland Islands Pensions Scheme Ordinance 1997 is amended in section 28

(a) by omitting and replacing subsection (3A) with the following

“(3A) A member may elect to receive, in place of any benefit under subsection (1)(a) or (b), a sum equal to the accrued value of the member’s individual account if that value is less than £40,000.”

(b) in subsection (8) by omitting and replacing all the words after subparagraph (b) with the following

“and the member may, within 6 months of the deferral date, elect to receive, in place of any benefit under subsection (1)(b), a sum equal to the accrued value of the member’s individual account at that date if that value is less than £40,000.”;

(c) by omitting and replacing subsection (9) with the following

“(9) Where a member has elected to defer both the purchase of an annuity and the payment of a lump sum, the member may, within 6 months of the deferral date, elect to receive, in place of any benefit under subsection (1)(a) or (b), a sum equal to the accrued value of the member’s individual account if that value is less than £40,000.”

7. Amendment of Family Allowances Ordinance

Section 3(1) of the Family Allowances Ordinance 1960 is amended by omitting “£68.00” and replacing it with “£75.00”.

8. Amendment of Falkland Islands Status (Application Fees) Regulations

Regulation 2 of the Falkland Islands Status (Application Fees) Regulations 1999 is amended by omitting “£218.00” and replacing it with “£100.00”.

9. Amendment of Harbours Regulations

Schedule 3 to the Harbours Regulations 1944 is amended by omitting paragraph 1 and replacing it with the new paragraph in the Schedule to this Ordinance.

10. Amendment of Immigration (Fees) Regulations

Regulation 3 of the Immigration (Fees) Regulations 2009 is amended as follows

(a) by omitting paragraph (a) and replacing it with the following

“(a)(i) for a residence permit under section 16
£23.00

(ii) for renewal or extension of a residence permit under section 16
£0.00”;

(b) by omitting paragraph (b) and replacing it with the following

“(b)(i) for a work permit under section 17
£23.00

(ii) for renewal or extension of a work permit under section 17
£0.00”;

(c) in paragraph (c) by omitting “£218.00” and replacing it with “£100.00”;
(d) in paragraph (d) by omitting “£22.50” and replacing it with “£23.00”.

11. Amendment of Minimum Wage Ordinance

(1) Section 11(1) of the Minimum Wage Ordinance 2013 is amended by omitting “£6.58” and replacing it with “£6.67”.

(2) The amendment under subsection (1) comes into force on 1 January 2019.

12. Amendment of Retirement Pensions Ordinance

(1) Section 13(4) of the Retirement Pensions Ordinance 1996 is amended by the addition of the following paragraphs after paragraph (b)

“or

(c) is self-employed and shows to the satisfaction of the Board that his or her income does not exceed the amount prescribed under section 10(4); or

(d) is in receipt of welfare payments as determined by the Department of Social Services and shows to the satisfaction of the Board the number of weeks that the welfare payments were received.”

(2) The assisted contributions made by the Government under section 13 of the Retirement Pensions Ordinance 1996 between 1 July 2015 and the date of commencement of this section in respect of self-employed persons whose income did not exceed the amount prescribed under section 10(4), are deemed to be valid as if they had been provided for in the Finance Ordinance 2015.

13. Amendment of Retirement Pensions (Prescribed Rates) Regulations

(1) The Retirement Pensions (Prescribed Rates) Regulations 1996 are amended

(a) in regulation 3 as follows —

- (i) in paragraph (a) by omitting “£153.00” and replacing it with “£156.00”;
 - (ii) in paragraph (b) by omitting “£86.70” and replacing it with “£88.43”;
 - (iii) the amendments in subparagraphs (i) and (ii) come into force on 1 July 2018;
- (b) in regulation 5 as follows —
- (i) in subregulation (1)(a) by omitting “£15.75” and replacing it with “£16.75”
 - (ii) in subregulation (1)(b) by omitting “£31.50” and replacing it with “£33.50”;
 - (iii) in subregulation (1)(c) by omitting “£15.75” and replacing it with “£16.75”;
 - (iv) in subregulation (2) by omitting “£15.75” and replacing it with “£16.75”;
 - (v) in subregulation (2A) by omitting “£15.75” and replacing it with “£16.75”;
 - (vi) in subregulation (3)(a) by omitting “£31.50” and replacing it with “£33.50”;
 - (vii) in subregulation (4) by omitting “£31.50” and replacing it with “£33.50”;
- (c)(i) in regulation 6 by omitting “£232.00” and replacing it with “£266.80”;
- (ii) The earnings limits that were applied in 2017 and 2018 are deemed to be valid as if they were set in the respective Finance Ordinances.

(2) The amendments under subsection (1)(b) and (c) come into force on 1 January 2019.

14. Amendment of Taxes Ordinance

(1) Section 8(1) of the Taxes Ordinance 1997 is amended by deleting paragraph (h).

(2) The amendment under subsection (1) is deemed to have come into force on 1 January 2018 in respect of payments made under the Family Allowances Ordinance 1960.

SCHEDULE

New paragraph 1 of Schedule 3 to Harbours Regulations 1944

(section 9)

"1 Harbour dues

(a) Private pleasure yacht (under 50 tons)	£69.00
(b) Other vessels:	
Under 15 tons	£69.00
15 tons or more but under 30 tons	£126.00
30 tons or more but under 50 tons	£227.00
50 tons or more but under 800 tons	£343.00
800 tons or more but under 1,000 tons	£447.00
1,000 tons or more but under 1,500 tons	£514.00
1,500 tons or more but under 2,000 tons	£617.00
2,000 tons or more but under 5,000 tons	£754.00
5,000 tons or more but under 7,000 tons	£915.00
7,000 tons or more but under 10,000 tons	£1,371.00
10,000 tons or more but under 15,000 tons	£1,714.00
15,000 tons or more but under 20,000 tons	£2001.00
20,000 tons or more but under 25,000 tons	£2,286.00
25,000 tons or more but under 30,000 tons	£2,628.00
30,000 tons or more but under 35,000 tons	£2,971.00
35,000 tons or more but under 40,000 tons	£3,314.00
40,000 tons or more but under 50,000 tons	£3,885.00
50,000 tons or more but under 60,000 tons	£4,571.00
60,000 tons or more but under 70,000 tons	£5,027.00
70,000 tons or more but under 80,000 tons	£5,598.00
80,000 tons or more	£6,171.00".

OBJECTS AND REASONS

This Bill will implement the new and amended allowances, benefits, charges, contributions and fees set out below. The changes are with effect from 1 July 2018, except in relation to –

- (a) *clause 3*, which increases the banking licence fee;
 - (b) *clause 11* which increases the minimum wage rate;
 - (c) *clause 13(1)(b) and (c)* which increases the prescribed retirement pension rates;
- all effective from 1 January 2019.

Clause 14 makes family allowances non-taxable with effect from payments made from 1 January 2018

Clause 3: Banking Licence

Banking Licence £9,000 increased to £10, 000

Clause 4: British 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 £866.00 increased to £910.00

(b) application relating to one child £779.00 increased to £810.00

2. Application for naturalisation as a British citizen or British Overseas Territories citizen under section 18(1) or 18(2) of the Act £962.00 increased to £1,000.00

3. Registration of a declaration of renunciation of British Overseas Territories citizenship under section 24 of the Act £321.00 increased to £372.00

4. Supply of 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

5. Administering the oath of allegiance for the purposes of the Act £5.00 – no change

6 Facilitating applications for United Kingdom visas or nationality £70.00 (new item).

7. Taking photographs, set of four £7.50 (new item).

Clause 5: Customs (Fees) Regulations

Service charges

Where services are provided during normal hours	£80.20 increased to £82.60
Hours engaged in providing the services (multiplied)	£40.10 increased to £41.30
Services provided outside normal hours of duty	£120.30 increased to £123.90
Hours outside normal hours (multiplied)	£60.15 increased to £61.95.

Entering and clearing charges

Entering and clearing at a declared port	£53.60 increased to £54.40
Entering and clearing other than at declared port	£265.80 increased to £269.80
Vessels less than 50 net tonnes (at declared port)	£26.80 increased to £27.20
Vessels less than 50 net tonnes (other than at declared port)	£132.90 increased to £134.90

Clause 6: Falkland Islands Pension Scheme Ordinance

This clause amends section 28 of the Falkland Islands Pension Scheme Ordinance so as to amend the trivial threshold to be based on accrued pension fund value of below £40,000.00

Clause 7: Family Allowances Ordinance

The family allowance is increased from £68.00 to £75.00

Clause 8: Falkland Islands Status (Application Fees) Regulations

Application fees for Falkland Islands status is reduced from £218.00 to £100.00

Clause 9 and Schedule: Harbours Regulations**1. Harbour Dues**

(a) Private pleasure yacht (under 50 tons)	£68.00 increased to £69.00
(b) Other vessels:	
Under 15 tons	£68.00 increased to £69.00
15 tons or more but under 30 tons	£124.00 increased to £126.00
30 tons or more but under 50 tons	£224.00 increased to £227.00
50 tons or more but under 800 tons	£338.00 increased to £343.00
800 tons or more but under 1,000 tons	£440.00 increased to £447.00
1,000 tons or more but under 1,500 tons	£506.00 increased to £514.00
1,500 tons or more but under 2,000 tons	£608.00 increased to £617.00
2,000 tons or more but under 5,000 tons	£743.00 increased to £754.00
5,000 tons or more but under 7,000 tons	£901.00 increased to £915.00
7,000 tons or more but under 10,000 tons	£1,351.00 increased to £1,371.00
10,000 tons or more but under 15,000 tons	£1,689.00 increased to £1,714.00

15,000 tons or more but under 20,000 tons	£1,971.00 increased to £2,001.00
20,000 tons or more but under 25,000 tons	£2,252.00 increased to £2,286.00
25,000 tons or more but under 30,000 tons	£2,589.00 increased to £2,628.00
30,000 tons or more but under 35,000 tons	£2,927.00 increased to £2,971.00
35,000 tons or more but under 40,000 tons	£3,265.00 increased to £3,314.00
40,000 tons or more but under 50,000 tons	£3,828.00 increased to £3,885.00
50,000 tons or more but under 60,000 tons	£4,503.00 increased to £4,571.00
60,000 tons or more but under 70,000 tons	£4,953.00 increased to £5,027.00
70,000 tons or more but under 80,000 tons	£5,515.00 increased to £5,598.00
80,000 tons or more	£6,080.00 increased to £6,171.00.

Clause 10: Immigration Fees

The application fee for a permanent residence permit is reduced from £218.00 to £100.00.

Renewal of a work permit or residence permit fee is reduced from £23.00 to £0.00.

The visa fee in current legislation is corrected from £22.50 to £23.00.

Clause 11: Minimum Wage Ordinance

Minimum wage rate £6.58 increased to £6.67.

Clause 12: Retirement Pensions Ordinance

The Retirement Pensions Ordinance is amended in section 13 so as to extend payment of assisted contributions for self-employed persons earning less than the prescribed amount and to persons who receive welfare payments.

Clause 13: Retirement Pensions Prescribed Rates

1. Weekly rate of retirement pension	£153.00 increased to £156.00
2. Married couples supplement	£86.70 increased to £88.43
3. Employee rate	£15.75 increased to £16.75
4. Self-employed or retired person	£31.50 increased to £33.50
5. Relevant MLA	£15.75 increased to £16.75
6. Employers	£15.75 increased to £16.75
7. Weekly rate by Office of Legislative Assembly	£15.75 increased to £16.75
8. Voluntary contribution weekly rates for residents	£31.50 increased to £33.50
9 Earnings limit	£232.00 increased to £266.80.

In 2017 and 2018 the earnings limit was increased without legislation. It has been necessary to validate the amounts that were applied as if they had been included in the Finance Ordinances of those years (*Clause 13(1)(c)(ii)*).

Clause 14: Taxes Ordinance

Section 8(1) is amended by deleting paragraph (h) which provides for taxation of family allowances. With effect from 1 January 2018, family allowances are no longer taxable.

LEGISLATIVE ASSEMBLY

FRIDAY 1 JUNE 2018

MOTIONS

Motion Number 12 of 2018 by The Honourable Financial Secretary

It is resolved by the Legislative Assembly, under section 113 of the Customs Ordinance 2003 that –

(a) The Customs Order 1948 is amended to increase the customs duties payable for tobacco products and alcoholic beverages as follows –

on beer, cider, Perry etc from 35p to 36p per litre;
on wines from 85p to 88p per litre;
on fortified wines from £1.03 to £1.06 per litre;
on spirituous beverages from £6.99 to £7.20 per litre;
on spirits from £12.79 to £13.43 per litre;
on cigars from £362.99 to £381.00 per kilo;
on cigarettes from £390.85 to £410.39 per kilo;
on tobacco from £238.59 to £250.52 per kilo; and

(b) this amendment of the Customs Order 1948 comes into force on 2 June 2018.

Proposed by: The Honourable Financial Secretary

Seconded by: The Honourable Roger Spink

Motion Number 13 of 2018 by the Honourable Roger Spink

This House approves the recommendations of the Report of the Statute Law Commissioner on the Application of United Kingdom Laws submitted under section 25 of the Law Revision and Publication Ordinance 2017."

Proposed by: The Honourable Roger Spink

Seconded by: Attorney General

Mr Speaker

It is resolved by the Legislative Assembly this 1 day of June 2018 that the recommendations of the Statute Law Commissioner submitted to the Legislative Assembly under section 25 of the Law Revision and Publication Ordinance 2017 are approved; and that no change should be made to the law of the Falkland Islands as a result of the Statute Law Commissioner's report.



**REPORT TO THE LEGISLATIVE ASSEMBLY
FROM THE STATUTE LAW COMMISSIONER
APPLICATION OF UNITED KINGDOM LAWS**

1 June 2018 (Reporting period: 1.4.18 – 30.4.18)

submitted under section 25 of the Law Revision and Publication Ordinance 2017

Contents:

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2. Background
3. United Kingdom legislation passed or made in the reporting period
4. Recommendations in respect of United Kingdom legislation passed or made in the reporting period

Schedule 1 – List of Statutory instruments considered during reporting period
Schedule 2 –Draft Resolution

1. SUMMARY

This report:

- (a) provides information on United Kingdom laws which have been made between 1 April and 30 April 2018; and
- (b) makes recommendations about the application of United Kingdom laws to the Falkland Islands (a recommendation for **no change**)

The Legislative Assembly is invited to pass a resolution approving the recommendations of this report, in the form set out in Schedule 2 to this report.

2. BACKGROUND

2.1 Section 25 of the Law Revision and Publication Ordinance 2017 provides that the Statute Law Commissioner must regularly report to the Legislative Assembly about the application of United Kingdom laws; ordinarily monthly. The last report was made to the Assembly on 26 April 2018 in respect of UK laws made between 1.3.18 and 31.3.18.

2.2 United Kingdom laws apply to the Falkland Islands by two routes; (a) by direct application by decision of United Kingdom authorities; or (b) by adoption by decision of the Falkland Islands (through the Law Revision and Publication Ordinance 2017).

2.3 The purpose of monitoring United Kingdom laws and reporting on them is to enable the Legislative Assembly to understand what United Kingdom laws have been made during the reporting period. The report identifies which laws apply to the Falkland Islands directly by decision of the United Kingdom authorities, and in respect of the adoption of UK law by the Falkland Islands, the report enables the Assembly to determine:

- (a) whether any changes made to UK laws which have been adopted by the Falkland Islands should continue to apply in the Falkland Islands (ie where such changes automatically apply to the Falkland Islands under the Law Revision and Publication Ordinance); and
- (b) whether any new UK law which does not apply in the Falkland Islands should be adopted by the Falkland Islands.

2.4 In the reporting period, no Acts have been passed, but 81 statutory instruments have been made.

3. UNITED KINGDOM LAWS PASSED OR MADE IN THE REPORTING PERIOD

3.1 Section 25 of the Ordinance provides ten categories of United Kingdom law which must be separately listed in this report. Those categories, and the relevant United Kingdom laws under them, are set out in the paragraphs below.

3.2 Paragraphs 3.4.1 to 3.4.6 provide information concerning the application of United Kingdom law to the Falkland Islands by decision of United Kingdom authorities (directly applied law).

3.3 Paragraphs 3.4.7 and 3.4.8 provide information concerning the application of United Kingdom law to the Falkland Island under the Law Revision and Publication Ordinance 2017 (adopted UK law).

3.4 Paragraphs 3.4.9 and 3.4.10 provide information about other United Kingdom laws, ie in terms of potential application to the Falkland Islands.

3.4.1 List each UK Act passed in the reporting period which provides expressly, or by necessary implication, for the Act's extension to or application in the Falkland Islands:

3.4.2 List each UK Act passed in the reporting period which provides for the Act's extension to or application in, the Falkland Islands by Order in Council:

3.4.3 List each UK Act passed in the reporting period which amends the extension to or application in the Falkland Islands of an Act described in the paragraphs above:

Nil – No Acts have been passed in the reporting period.

3.4.4 List any Order in Council made in the reporting period providing for a UK enactment [ie Act or instrument] to extend to or apply in the Falkland Islands:

Nil – No statutory instrument of this type has been made in the reporting period.

3.4.5 List any statutory instrument made in the reporting period under a UK Act which amends a provision which extends to or applies in the Falkland Islands by virtue of express provision of the enabling Act or of an Order in Council, where the amendment also extends to or applies in the Falkland Islands by virtue of express provision of the enabling Act or of an Order in Council, or by necessary implication:

(a) *The Armed Forces Act (Continuation) Order 2018 (SI 2018/519)*

This order provides for the Armed Forces Act 2006 to continue in force for a further year from 11 May 2018 to 11 May 2019. The Act extends to the Falkland Islands (and other overseas territories) by virtue of section 384. By necessary implication, an order extending the duration of the Act in the UK, must have effect to extend the duration of the Act as it applies in the Falkland Islands. The requirement for annual renewal of the Act is based on the assertion in the Bill of Rights 1688 that the Army (and other armed forces) may not be maintained in the United Kingdom without the consent of Parliament.

(b) *The Democratic People's Republic of Korea (Sanctions) (Overseas Territories) (Amendment) Order 2018 (SI No 2018/524)*

This order amends the Democratic People's Republic of Korea (Sanctions) (Overseas Territories) Order 2012, which applies to the Falkland Islands. The amending order is similarly extended to the Falkland Islands. The purpose of the order is to give effect to certain changes to the sanctions regime against North Korea as provided for in United Nations Security Council resolution 2397 of 22 December 2017.

3.4.6 List any other statutory instrument which has been made since the previous report under a UK Act and which extends to or applies in the Falkland Islands by virtue of express provision of the enabling Act or of an Order in Council, or by necessary implication:

Nil – No statutory instrument of this type has been made in the reporting period.

3.4.7 List each UK enactment [Act or instrument] passed or made in the reporting period which amends or modifies a UK enactment which applies in the Falkland Islands by virtue of section 21 or 23 of the Law Revision and Publication Ordinance (ie which will ordinarily apply in the Falkland Islands under section 24 of the Ordinance):

Nil – No Act or statutory instrument of this type has been made in the reporting period.

3.4.8 List any UK statutory instrument made in the reporting period under a UK enactment which applies in the Falkland Islands by virtue of section 23 of the Law Revision and Publication Ordinance 2017:

Nil - No statutory instrument of this type has been made in the reporting period.

3.4.9 List every UK Act passed in the reporting period not listed above:

Nil – no Acts have been passed in the reporting period.

3.4.10 List any UK statutory instrument made in the reporting period in respect of which the Statute Law Commissioner wants to make a recommendation to the Legislative Assembly:

The Statute Law Commissioner has reviewed the 81 statutory instruments made in the reporting period (and also five statutory instruments made in the previous reporting period, which were not published until after the previous report had been produced). *For ease of reference the instruments are listed in the Schedule to this report.*

The Commissioner makes no recommendation in respect of application of the instruments to the Falkland Islands.

The instruments either have no immediate relevance to the Falkland Islands or are made in respect of areas where the Falkland Islands has its own distinct policies and laws.

However the Commissioner has alerted the relevant FIG Directorate in the following cases:

(a) where new UK laws have been made which develop United Kingdom policies from which Falkland Islands law has been very clearly drawn; or

(b) where the new UK law is made in an area where there is a clear legislative gap in the Falkland Islands but which cannot immediately be filled (for practical or other reasons) by adoption of the relevant UK law.

This will enable policy consideration about whether recommendations should be made as part of the Government's legislative programme in due course to change the relevant law in the Falkland Islands.

4. RECOMMENDATIONS IN RESPECT OF UNITED KINGDOM LAW PASSED OR MADE IN THE REPORTING PERIOD

4.1 Section 25(5) provides that the Statute Law Commissioner must make a recommendation as to whether an amendment should be made to Schedule 1 of the Law Revision and Publication Ordinance, in respect of each UK enactment listed under paragraphs 3.4.7 to 3.4.10 above (whether that recommendation is to provide for application of the relevant law to the Falkland Islands, for exclusion from application, for modification, or otherwise).

4.2 The Statute Law Commissioner recommends that **no change** be made to the law of the Falkland Islands.

4.3 The recommendation of no change is made because there are no instruments listed under paragraphs 3.4.7 to 3.4.9, and for the reasons set out in 3.4.10 above.

4.4 Section 25(7) of the Law Revision and Publication Ordinance 2017 provides that, on consideration of a report laid before the Assembly under section 25, the Legislative Assembly may; approve it entirely, approve it in part, or reject it entirely.

Report of the Statute Law Commissioner, Ros Cheek

18.5.18

SCHEDULE 1 – Statutory Instruments considered during reporting period

[This Schedule is available electronically from Gilbert House]

SCHEDULE 2 – Draft Legislative Assembly Resolution

It is resolved by the Legislative Assembly this 1 day of June 2018 that the recommendations of the Statute Law Commissioner submitted to the Legislative Assembly under section 25 of the Law Revision and Publication Ordinance 2017 are approved; and that no change should be made to the law of the Falkland Islands as a result of the Statute Law Commissioner’s report.



**REPORT TO THE LEGISLATIVE ASSEMBLY
FROM THE STATUTE LAW COMMISSIONER
APPLICATION OF UNITED KINGDOM LAWS**

1 June 2018 (Reporting period: 1.4.18 – 30.4.18)

submitted under section 25 of the Law Revision and Publication Ordinance 2017

SCHEDULE – Statutory Instruments considered during reporting period

Statutory Instrument number	Title	Date made, application, and recommendation (if any)
SI 2018/562	M4 Motorway (Slip Roads at Junction 27 (Highcross), Newport) (Temporary Prohibition of Vehicles) Order 2018	25.4.18 – Not applicable, no recommendation
SI 2018/561	A487 Trunk Road (Heol Pentrerhedyn, Machynlleth, Powys) (Part-time 20 mph Speed Limit) Order 2018	24.4.18 – Not applicable, no recommendation
SI 2018/558	Building Regulations &c. (Amendment) (Excepted Energy Buildings) (Wales) Regulations 2018	30.4.18 – Not applicable, no recommendation
SI 2018/552	The Building (Amendment) (Wales) Regulations 2018	30.4.18 – Not applicable, no recommendation
SI 2018/551	Digital Government (Welsh Bodies) (Wales) Regulations 2018	25.4.18 – Not applicable, no recommendation
SI 2018/550	Local Government Byelaws (Wales) Act 2012 (Commencement No. 3) Order 2018	12.4.18 – Not applicable, no recommendation
SI 2018/549	Prison and Young Offender Institution (Amendment) Rules 2018	27.4.18 – Not applicable, no recommendation [but brought to the attention of the Prison Manager for policy consideration]
SI 2018/548	Preston (Electoral Changes) Order 2018	25.4.18 – Not applicable, no recommendation
SI 2018/547	Forest of Dean (Electoral Changes) Order 2018	26.4.18 – Not applicable, no recommendation
SI 2018/546	Insurance Distribution (Regulated Activities and Miscellaneous Amendments) Order 2018	30.4.18 – Not applicable, no recommendation
SI 2018/545	Prisons (Interference with Wireless Telegraphy)(Guernsey) Order 2018	24.4.18 - Not applicable, no recommendation

SI 2018/544	Air Navigation (Restriction of Flying) (Clacton-on-Sea) Regulations 2018	27.4.18 – Not applicable, no recommendation
SI 2018/543	Air Navigation (Restriction of Flying) (Jet Formation Display Teams) (No. 2) (Amendment) Regulations 2018	27.4.18 – Not applicable, no recommendation
SI 2018/542	Air Navigation (Restriction of Flying) (Eastbourne) Regulations 2018	27.4.18 – Not applicable, no recommendation
SI 2018/541	Parole Board (Amendment) Rules 2018	26.4.18 – Not applicable, no recommendation
SI 2018/540	Children’s Homes (England)(Amendment) Regulations 2018	26.4.18 – Not applicable, no recommendation
SI 2018/539	Burma (European Union Financial Sanctions) Regulations 2018	27.4.18 – Not applicable, no recommendation
SI 2018/538	Insurance Companies (Taxation of Re-insurance Business) Regulations 2018	26.4.18 – Not applicable, no recommendation
SI 2018/537	Public Service (Civil Servants and Others) Pensions (Amendment) Regulations 2018	26.4.18 – Not applicable, no recommendation
SI 2018/536	West Berkshire (Electoral Changes) Order 2018	26.4.18 – Not applicable, no recommendation
SI 2018/535	Hertsmere (Electoral Changes) Order 2018	25.4.18 – Not applicable, no recommendation
SI 2018/534	South Gloucestershire (Electoral Changes) Order 2018	26.4.18 – Not applicable, no recommendation
SI 2018/533	A494 Trunk Road (Gwyddelwern, Denbeighshire)(Part-time 20pmh Speed Limit) Order 2018	25.4.18 – Not applicable, no recommendation
SI 2018/532	Welfare Reform Act 2012 (Commencement No. 17, 19, 22, 23 and 24 and Transitional and Transitory Provisions (Modification)) Order 2018	26.4.18 – Not applicable, no recommendation
SI 2018/531	Diocese of Lincoln (Educational Endowments)(Saxilby Church of England School) Order 2018	26.4.18 – Not applicable, no recommendation
SI 2018/530	Police Pension Schemes and Additional Voluntary Contributions (Amendment) (England and Wales) Regulations 2018	25.4.18 – Not applicable, no recommendation
SI 2018/529	Employment Rights Act 1996 (Itemised Pay Statement) (Amendment) (No. 2) Order 2018	25.4.18 – Not applicable, no recommendation
SI 2018/528	Companies (Disclosure of Address) (Amendment) Regulations 2018	25.4.18 – Not applicable, no recommendation
SI 2018/527	Bathing Water (Amendment) (England) Regulations 2018	23.4.18 – Not applicable, no recommendation
SI 2018/526	Transfer of Functions (Digital Government) Order 2018	24.4.18 – Not applicable, no recommendation
SI 2018/525	Double Taxation Relief and International Tax Enforcement (Kyrgyzstan) Order 2018	24.4.18 – Not applicable, no recommendation
SI 2018/524	Democratic People’s Republic of Korea (Sanctions) (Overseas Territories) (Amendment) Order 2018	24.4.18 – Applies in the Falkland Islands directly (see paragraph 3.4.5 above)
SI 2018/523	North Korea (United Nations Sanctions) (Amendment) Order 2018	24.4.18 – Not applicable, no recommendation
SI 2018/522	The Registration (Entries of Overseas Births and Deaths) (Amendment) Order 2018	24.4.18 – Not applicable, no recommendation
SI 2018/521	Terrorism Act 2000 (Enforcement in Different Parts of the United Kingdom) Order 2018	24.4.18 - Not applicable, no recommendation
SI 2018/520	European Union (Definition of Treaties) (Work in Fishing Convention) Order 2018	24.4.18 - Not applicable, [but brought to the attention of the Director of Natural Resources for policy consideration]

SI 2018/519	Armed Forces Act (Continuation) Order 2018	24.4.18 – Applies in the Falkland Islands directly [see paragraph 3.4.5 above]
SI 2018/518	International Tax Enforcement (Bermuda) Order 2018	24.4.18 – Not applicable, no recommendation
SI 2018/517	Special Restrictions on Adoptions from Abroad (Ethiopia) Order 2018	18.4.18 – Not applicable, no recommendation
SI 2018/516	A483 Trunk Road (Tremont Road, Llandrindod Wells) (Part-time 20 mph Speed Limit) Order 2018	20.4.18 – Not applicable, no recommendation
SI 2018/515	Agricultural Sector (Wales) Act 2014 (Continuation of Effect) Order 2018	18.4.18 – Not applicable, no recommendation
SI 2018/514	Oil and Gas Authority (Offshore Petroleum) (Retention of Information and Samples) Regulations 2018	23.4.18 – Not applicable, no recommendation [but brought to the attention of Director of Mineral Resources for policy consideration]
SI 2018/513	General Osteopathic Council (Continuing Professional Development) (Amendment) Rules Order of Council 2018	18.4.18 – Not applicable, no recommendation
SI 2018/512	Pharmacy (Premises Standards, Information Obligations, etc.) Order 2016 (Commencement) (England, Wales and Scotland) Order of Council 2018	18.4.18 – Not applicable, no recommendation [but brought to the attention of Director of Health and Social Services for policy consideration]
SI 2018/511	Tribunal Procedure (Amendment) Rules 2018	18.4.18 – Not applicable, no recommendation
SI 2018/510	Plant Health etc. (Fees) (England) (Amendment) Regulations 2018	19.4.18 – Not applicable, no recommendation
SI 2018/509	First-tier Tribunal and Upper Tribunal (Chambers) (Amendment) Order 2018	20.4.18 – Not applicable, no recommendation
SI 2018/508	[Not published as at 16.5.18]	
SI 2018/507	Export (Penalty) (Amendment) Regulations 2018	20.4.18 – Not applicable, no recommendation
SI 2018/506	Network and Information Systems Regulations 2018	19.4.18 – Not applicable, no recommendation
SI 2018/505	A55 Trunk Road (Junction 11 (Llys y Gwynt Interchange), Bangor, Gwynedd to Junction 36a (Broughton), Flintshire) and The A494 Trunk Road (Ewloe Interchange, Flintshire to the Wales/England Border) (Temporary Prohibition of Vehicles, Cyclists & Pedestrians and Right Hand Turns) Order 2018	27.3.18 – Not applicable, no recommendation
SI 2018/504	[Not published as at 16.5.18]	
SI 2018/503	[Not published as at 16.5.18]	
SI 2018/502	A470 Trunk Road (Pont yr Afanc, Betws-y-Coed, Conwy County Borough) (Temporary Speed Restrictions and No Overtaking) Order 2018	7.3.18 – Not applicable, no recommendation
SI 2018/501	Pigs (Records, Identification and Movement) (Amendment) Order 2018	16.4.18 – Not applicable, no recommendation
SI 2018/500	Air Navigation (Restriction of Flying) (Headcorn) (Amendment) Regulations 2018	17.4.18 – Not applicable, no recommendation
SI 2018/499	Air Navigation (Restriction of Flying) (Royal Albert Hall) Regulations 2018	9.4.18 – Not applicable, no recommendation
SI 2018/498	Recovery of Costs (Remand to Youth Detention Accommodation) (Amendment No. 2) Regulations 2018	18.4.18 – Not applicable, no recommendation

SI 2018/497	Children and Social Work Act 2017 (Commencement No. 4 and Transitional and Saving Provisions) Regulations 2018	18.4.18 -- Not applicable, no recommendation [but brought to the attention of the Director of Health and Social Services for policy consideration]
SI 2018/496	Air Navigation (Restriction of Flying) (Isle of Islay) Regulations 2018	17.4.18 - Not applicable, no recommendation
SI 2018/495	Air Navigation (Restriction of Flying) (Commonwealth Heads of Government Meeting) Regulations 2018	16.4.18 – Not applicable, no recommendation
SI 2018/494	Safeguarding Boards (General) (Wales) (Amendment) Regulations 2018	17.4.18 – Not applicable, no recommendation
SI 2018/493	Local Government Pension Scheme (Amendment) Regulations 2018	17.4.18 – Not applicable, no recommendation
SI 2018/492	A5 Trunk Road (Chirk Bypass, Wrexham County Borough) (Temporary Traffic Prohibitions & Restrictions) Order 2018	27.3.18 – Not applicable, no recommendation
SI 2018/491	A40 Trunk Road (Llanhamlach, Powys) (50 mph Speed Limit) Order 2018	14.3.18 – Not applicable, no recommendation
SI 2018/490	International Tax Compliance (Amendment) Regulations 2018	17.4.18 – Not applicable, no recommendation
SI 2018/489	Local Land Charges Fees (England) Rules 2018	16.4.18 – Not applicable, no recommendation
SI 2018/488	Civil Enforcement of Traffic Contraventions (Consequential Amendments) (England) Regulations 2018	16.4.18 - Not applicable, no recommendation
SI 2018/487	Pollution Prevention and Control (Designation of the Medium Combustion Plant Directive) (Offshore) Order 2018	16.4.18 – Not applicable, no recommendation
SI 2018/486	Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018	16.4.18 – Not applicable, no recommendation [but brought to the attention of the Senior Veterinary Officer for policy consideration]
SI 2018/485	Capital Allowances (Designated Assisted Areas and Amendment) Order 2018	16.4.18 – Not applicable, no recommendation
SI 2018/484	[Not published as at 16.5.18]	
SI 2018/483	Customs (Contravention of a Relevant Rule) (Amendment) Regulations 2018	16.4.18 – Not applicable, no recommendation
SI 2018/482	Ionising Radiation (Basic Safety Standards) (Miscellaneous Provisions) Regulations 2018	16.4.18 – Not applicable, no recommendation [but brought to the attention of Head of Policy - HMG has extended relevant international requirements to FI, so regulations are required in FI in due course]
SI 2018/481	Air Navigation (Restriction of Flying) (Kensington and Westminster) Regulations 2018	9.4.18 – Not applicable, no recommendation
SI 2018/480	Data Protection (Charges and Information) Regulations 2018	11.4.18 – Not applicable, no recommendation
SI 2018/479	Civil Procedure (Amendment No. 2) Rules 2018	9.4.18 – Not applicable, no recommendation
SI 2018/478	A55 Trunk Road (Junction 11 (Llys y Gwynt Interchange), Bangor, Gwynedd to the Wales/England Border) and the A494/A550 Trunk Road (Ewloe Interchange to the Wales/England Border, Flintshire) (Temporary Speed Restrictions & Prohibition of Vehicles) Order 2018	28.3.18 – Not applicable, no recommendation
SI 2018/477	Electronic Commerce Directive (Miscellaneous Provisions) Regulations 2018	3.4.18 – Not applicable, no recommendation
SI 2018/476	A40 Trunk Road (Llandovery Level Crossing, Llandovery, Carmarthenshire) (Temporary Prohibition of Vehicles) Order	3.4.18 – Not applicable, no recommendation

	2018	
SI 2018/475	Police Powers of Designated Civilian Staff and Volunteers (Excluded Powers and Duties of Constables) Regulations 2018	10.4.18 – Not applicable, no recommendation
SI 2018/474	[Considered for purposes of previous Report]	
SI 2018/473	Air Navigation (Restriction of Flying) (Great Yarmouth) Regulations 2018	9.4.18 – Not applicable, no recommendation
SI 2018/472	Education (Student Support) (Amendment) (No. 3) Regulations 2018	5.4.18 – Not applicable, no recommendation
SI 2018/471	A55 Trunk Road (Penmaenbach Tunnel, Conwy County Borough) (Temporary Traffic Prohibitions & Restrictions) Order 2018	6.4.18 – Not applicable, no recommendation
SI 2018/470	Higher Education (Access and Participation Plans) (England) Regulations 2018	5.4.18 – Not applicable, no recommendation
SI 2018/469	[Considered for purposes of previous Report]	
SI 2018/468	Finance Act 2009, Sections 101 and 102 and Schedules 55 and 56 (Soft Drinks Industry Levy) (Appointed Day) Order 2018	4.4.18 – Not applicable, no recommendation
SI 2018/467	Finance Act 2017, Paragraph 3 of Schedule 11 (Appointed Day) Regulations 2018	4.4.18 – Not applicable, no recommendation
SI 2018/466	[Considered for purposes of previous Report]	
SI 2018/465	[Considered for purposes of previous Report]	
SI 2018/464	Finance Act 2017, Part 2 (Appointed Day No. 2) Regulations 2018	4.4.18 – Not applicable, no recommendation

Motion Number 14 of 2018 by the Attorney General

This House approves the recommendations of the Report of the Attorney General submitted to the Legislative Assembly under section 15(4) of the Law Revision and Publication Ordinance 2017; the Assembly recommends that the Governor makes an order in the form (or in similar form) to the order annexed to that Report; and the defects in the Statute Law Database should be rectified accordingly.

Proposed by: The Attorney General

Seconded by: The Honourable Roger Spink

Mr Speaker

It is resolved by the Legislative Assembly this 1 day of June 2018 that:

- (a) the Report of the Attorney General submitted to the Legislative Assembly under section 15(4) of the Law Revision and Publication Ordinance 2017 is approved;**
- (b) the Assembly recommends that the Governor makes an order in the form (or in similar form) to the order annexed to that Report;**

and the defects in the Statute Law Database should be rectified accordingly.



**REPORT TO THE LEGISLATIVE ASSEMBLY
FROM THE ATTORNEY GENERAL
CONCERNING RECTIFICATION OF DEFECTS IN THE STATUTE LAW
DATABASE**

1 June 2018

submitted under section 15 of the Law Revision and Publication Ordinance 2017

Contents:

- 1. Summary**
- 2. Background**
- 3. Identification of Defects in the Statute Law Database**
- 4. Proposals for Rectification of Defects in the Statute Law Database**
- 5. Views of the Statute Law Commissioner**

Schedule 1 - Draft Resolution

Schedule 2 - Draft Order

1. SUMMARY

This report seeks approval by the Legislative Assembly of proposals to rectify defects in the Statute Law Database. The defects are detailed in paragraph 3, and the proposals for rectification are set out in paragraph 4.

The Legislative Assembly is invited to pass a resolution giving effect to the recommendations set out in this report in the form set out in Schedule 1 to this report.

2. BACKGROUND

2.1 The Law Revision and Publication Ordinance 2017 provides for the appointment of a Statute Law Commissioner who is responsible for the publication and maintenance of a Statute Law Database of the Falkland Islands (the Database).

2.2 The Database must contain the complete and up to date text of all Ordinances and subsidiary legislation in force in the Falkland Islands and a list of United Kingdom enactments having force in the Falkland Islands.

2.3 Section 14 of the Ordinance provides that the Statute Law Database is the authoritative statement of the legislation applying in or in relation to the Falkland Islands by or by virtue of Ordinance.

2.4 Section 15 provides a mechanism for the rectification of defects in the Database. The starting point is that the Attorney General thinks that the text of a provision included in the Database is inaccurate as a result of error; (a) in anything done by the Commissioner in pursuance of functions under the Ordinance; or (b) in the process of compiling or maintaining the Database. The Attorney General may reach this view as a result of reference from a court or otherwise. The Attorney General must report such matters to the Legislative Assembly.

2.5 The report must:

- (a) identify the error,
- (b) set out proposals for its rectification; and
- (c) if the Attorney General thinks it is necessary or desirable to rectify the error by legislation, be accompanied by a draft of an order for that purpose;

and the report must include the views of the Statute Law Commissioner.

2.6 This report meets those requirements, and the Assembly is invited to pass a resolution (as set out in Schedule 1) recommending that the Governor make the relevant rectification order.

3. IDENTIFICATION OF DEFECTS IN THE STATUTE LAW DATABASE

3.1 The Statute Law Database was first published electronically through the internet on 31 July 2017. Since publication, a low level of defects in the Database has been identified. This is the second report made in this regard (a previous report was made to the Assembly in April).

3.2 The defects which have been identified, in an Ordinance and subsidiary legislation, are set out below:

Customs (Importation of Food and Animal Products from South America) Proclamation 2001 (Proclamation No 3 of 2001)

The Customs (Importation of Food and Animal Products from South America) Proclamation 2001 was amended by the Importation of Food and Animal Products from South America (Amendment) Proclamation 2017 (Proclamation No 1 of 2017). The amendments came into force on publication in the Gazette on 28 February 2017.

However, the amendments have not been reflected in the 2001 Proclamation as it appears on the Database, meaning that there is an error in the Database.

The Statute Law Commissioner identified the error and reported the matter to the Attorney General.

Offshore Installations (Safety Case) Order 2008 (S.R. & O. No 7 of 2008)

The Offshore Installations (Safety Case) Order 2008 applies to the law of the Falkland Islands the United Kingdom Offshore Installations (Safety Case) Regulations 2005 as set out in the schedule to the Order. The United Kingdom regulations, in turn, contain their own schedules.

However, due to a technical fault, the United Kingdom regulations do not appear on the Database in full in the schedule to the Order. Only the schedules to the United Kingdom regulations appear in the schedule to the Order on the Database as displayed on its web-pages. The substantive United Kingdom regulations do not appear (although the United Kingdom regulations do appear in full if the Order is downloaded from the Database).

The technical service provider for the Database identified the error and reported it.

Organic Foods Ordinance 2000

The Organic Foods Ordinance 2000 contains 7 schedules.

However, due to a technical fault, the schedules do not appear on the Database in full. Sections A1 to A5 of schedule 3, and sections C1 and C2 of schedule 5 do not appear on the Database as displayed on its web-pages (although the schedules do appear in full if the Ordinance is downloaded from the Database).

The technical service provider for the Database identified the error and reported it.

Petroleum Survey Licences (Model Clauses) Regulations 1992 (S.R. & O. No 25 of 1992)

The Petroleum Survey Licences (Model Clauses) Regulations 1992 contain in the schedule model clauses for petroleum exploration licences. The model clauses, in turn, contain their own schedules.

However, due to a technical fault, the schedules to the model clauses do not appear on the Database in full. Schedule 1 to the model clauses does not appear on the Database as displayed on its web-pages (although the schedules do appear in full if the Regulations are downloaded from the Database).

The technical service provider for the Database identified the error and reported it.

4. PROPOSALS FOR RECTIFICATION OF DEFECTS ON THE STATUTE LAW DATABASE

4.1 Section 15 of the Law Revision and Publication Ordinance provides that, on reporting such matters to the Legislative Assembly, if the Attorney General thinks it is necessary or desirable to rectify an error by legislation, the Attorney General may include a draft of an order for that purpose in the report. The Attorney General believes that it is necessary for the errors detailed in this report to be rectified by legislation, and a draft order for that purpose is included in Schedule 2 to this report.

4.2 Proposals for rectifications of defects in the Database are set out below:

Customs (Importation of Food and Animal Products from South America) Proclamation 2001

The Customs (Importation of Food and Animal Products from South America) Proclamation 2001 should be amended on the Database to properly and fully reflect the provisions of the Importation of Food and Animal Products from South America (Amendment) Proclamation 2017; to have effect as if included in the original publication of the principal Proclamation on the Database on 31 July 2017.

Offshore Installations (Safety Case) Order 2008 (S.R. & O. No 7 of 2008)

The Offshore Installations (Safety Case) Order 2008 should be amended on the Database to properly and fully reflect the schedule to the Order; to have effect as if the text missing from the schedule had been included in the original publication of the Order on the Database web-pages on 31 July 2017.

Organic Foods Ordinance 2000

The Organic Foods Ordinance 2000 should be amended on the Database to properly and fully reflect the schedules to the Ordinance; to have effect as if the text missing from the schedules had been included in the original publication of the Ordinance on the Database on 31 July 2017.

Petroleum Survey Licences (Model Clauses) Regulations 1992 (S.R. & O. No 25 of 1992)

The Petroleum Survey Licences (Model Clauses) Regulations 1992 should be amended on the Database to properly and fully reflect the schedules to the model clauses; to have effect as if the text missing from the schedules had been included in the original publication of the Regulations on the Database web-pages on 31 July 2017.

5. VIEWS OF THE STATUTE LAW COMMISSIONER

5.1 The Statute Law Commissioner has confirmed that the omission of the amending Proclamation 2017 referred to above was an unintentional oversight, and agrees that the Database should be corrected, to have effect as if the amendments were correctly

applied on publication of the Database on 31 July 2017. Such correction requires an order under section 15 of the Law Revision and Publication Ordinance 2017.

5.2 The Statute Law Commissioner also confirms that the Database requires correction to ensure that text missing from the other statutes detailed above is properly displayed on the Database web-pages. Whilst this might be perceived as only a technical matter given that the correct text of the legislation can be obtained by downloading the relevant documents from the Database, it seems important, in terms of transparency of process, that the relevant changes to substantive text on the Database as reflected on its web-pages are formally corrected by authority of order.

**Report of Attorney General, Simon Young
21 May 2018**

Schedule 1 - Draft Legislative Assembly Resolution

It is resolved by the Legislative Assembly this 1 day of June 2018 that:

(a) the Report of the Attorney General submitted to the Legislative Assembly under section 15(4) of the Law Revision and Publication Ordinance 2017 is approved;

(b) the Assembly recommends that the Governor makes an order in the form (or in similar form) to the order annexed to that Report;

and the defects in the Statute Law Database should be rectified accordingly.

DRAFT SUBSIDIARY LEGISLATION DRAFT

DRAFT - Statute Law Database (Rectification) (No 2) Order 2018

S. R. & O. No. of 2018

Made: 2018

Published: 2018

Coming into force: on publication

I make this order under section 15(4) of the Law Revision and Publication Ordinance 2017 to give effect to a report of the Attorney General approved by the Legislative Assembly.

1. Title

This order is the Statute Law Database (Rectification) (No 2) Order 2018.

2. Commencement

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

3. Rectification of Defects in the Statute Law Database

Certain defects in the Statute Law Database must be rectified as set out in the Schedule.

SCHEDULE

RECTIFICATION OF THE STATUTE LAW DATABASE

1. Customs (Importation of Food and Animal Products from South America) Proclamation 2001 (Proclamation No 3 of 2001)

(1) The Customs (Importation of Food and Animal Products from South America) Proclamation 2001 as it appears on the Statute Law Database must be amended to reflect the provisions of the Importation of Food and Animal Products from South America (Amendment) Proclamation 2017.

(2) The amendments are deemed to have effect as if they were included in the original publication of the Customs (Importation of Food and Animal Products from South America) Proclamation 2001 on the Statute Law Database on 31 July 2017.

2. Offshore Installations (Safety Case) Order 2008 (S.R. & O. No 7 of 2008)

(1) The Offshore Installations (Safety Case) Order 2008 as it appears on the Statute Law Database must be amended to reinstate the omissions from the schedule to the Order made when compiling the database.

(2) The amendments are deemed to have effect as if the text missing from the schedule had been included in the original publication of the Order on the Statute Law Database web-pages on 31 July 2017.

3. Organic Foods Ordinance 2000

(1) The Organic Foods Ordinance 2000 as it appears on the Statute Law Database must be amended to reinstate the omissions from the schedule to the Ordinance made when compiling the database.

(2) The amendments are deemed to have effect as if the text missing from the schedule had been included in the original publication of the Ordinance on the Statute Law Database web-pages on 31 July 2017.

4. Petroleum Survey Licences (Model Clauses) Regulations 1992 (S.R. & O. No 25 of 1992)

(1) The Petroleum Survey Licences (Model Clauses) Regulations 1992 as they appear on the Statute Law Database must be amended to reinstate the omissions from the schedules to the model clauses (set out in the schedule to the Regulations) made when compiling the database.

(2) The amendments are deemed to have effect as if the text missing from the schedule had been included in the original publication of the Regulations on the Statute Law Database web-pages on 31 July 2017.

Made 2018

N. J. Phillips C.B.E.,
Governor.

EXPLANATORY NOTE
(not forming part of this order)

This order provides for the rectification of defects in the Statute Law Database.

The Statute Law Database is the authoritative statement of the legislation applying to or in relation to the Falkland Islands by virtue of Ordinance. Section 15 of the Ordinance

provides for the rectification of defects in the database following a report of such defects to the Legislative Assembly by the Attorney General.

The order provides for the rectification of defects in respect of the following legislation as it appears on the database:

- *Customs (Importation of Food and Animal Products from South America) Proclamation 2001 (Proclamation No 3 of 2001)*

The defect concerns omission of amendment to the proclamation (which was caused by oversight).

The order also provides for rectification of defects in respect of the following legislation as it appears on the database:

- *Offshore Installations (Safety Case) Order 2008 (S.R. & O. No 7 of 2008)*
- *Organic Foods Ordinance 2000 (No 22 of 2000)*
- *Petroleum Survey Licences (Model Clauses) Regulations 1992 (S.R. & O. No 25 of 1992)*

The defects concern omission of substantive legislative text as displayed on-line (which was caused by a technical fault). The text is correctly included in the version of the legislation which can be downloaded from the database.

The rectifications to be made are contained in the schedule to the order.

Motion Number 15 of 2018 by the Honourable Roger Spink

This House approves the recommendations of the Report of the Statute Law Commissioner Interim Law Revision Programme submitted under section 8 of the Law Revision and Publication Ordinance 2017."

Proposed By: The Hon Roger Spink

Seconded By: Attorney General

Mr Speaker

It is resolved by the Legislative Assembly this 1 day of June 2018 that the recommendations of the Statute Law Commissioner submitted to the Legislative Assembly for an interim programme of law revision are approved.



**REPORT TO THE LEGISLATIVE ASSEMBLY
FROM THE STATUTE LAW COMMISSIONER
INTERIM LAW REVISION PROGRAMME**

1 June 2018

submitted under section 8 of the Law Revision and Publication Ordinance 2017

Contents:

- 1. Summary**
- 2. Background**
- 3. Proposals for Interim Programme of Law Revision**

1. SUMMARY

This report:

- (a) makes proposals for an interim programme of law revision; and
- (b) seeks Legislative Assembly approval of the proposed programme

The Legislative Assembly is invited to pass a resolution approving the recommendations of this report, in the form set out the Schedule.

2. BACKGROUND

2.1 Section 7 of the Law Revision and Publication Ordinance 2017 provides that the Statute Law Commissioner must undertake a continual programme of law revision for the Falkland Islands. Section 8 of the Ordinance provides that the Law Commissioner must submit an annual report to the Assembly, which will provide usage statistics for the Statute Law Database, and will also include:

(a) specific proposals for priorities and objectives in respect of the Commissioner's revision programme for the following year; and

(b) a long-term plan for priorities and objectives in respect of the Commissioner's revision programme for the following five years.

2.2 The Statute Law Database (the Database) was first published on 31 July 2017. This means that the first annual report to the Assembly will be submitted in August or September 2017, ie to include statistics for the first year of operation. The report will make law revision proposals for the 18/19 year, and in respect of the following five years.

2.3 The Law Commissioner has, until recently, been focussing on updating the Database, and monitoring United Kingdom laws as also required by the Ordinance. The Commissioner has also begun formulating the law revision proposals for 18/19 and the following five years, and will begin consultation on those proposals shortly in preparation for the annual report to be submitted to the Assembly in August/September.

2.4 However, the Commissioner will also have a small amount of capacity to start additional revision work in the intervening period, so seeks the Assembly's approval of a short interim programme of law revision.

What is law revision and how is it carried out?

2.5 Law revision is not defined within the Law Revision and Publication Ordinance, but does have a generally accepted meaning. That is; it involves reorganisation of the law and improvement of its accessibility and clarity, but it is not intended to alter the law.

2.6 Under section 7 of the Law Revision and Publication Ordinance, law revision includes the following four main areas of work;

(a) preparation of reports to the Assembly about the development of United Kingdom laws;

(b) the repeal/revocation of obsolete laws;

(c) revision/consolidation of Falkland Islands laws; and

(d) the process of consolidating adopted UK laws into the form of a local statute; ie replacing the application of the UK law with a self-sufficient local statute.

2.7 The work at (a) is already occurring through the regular (ordinarily monthly) preparation and submission of reports to the Assembly about the development of UK laws, which are required under section 25 of the Ordinance.

2.8 The work at (b) is fairly self-explanatory in nature – a statute book containing obsolete laws can be confusing and will become less effective over time.

2.9 The work at (c) involves reorganising and/or bringing together laws on a particular subject, and modernising and simplifying the language used; in order to make the law on that subject clearer, more accessible, and more effective (but without changing it).

2.10 The work at (d) is particularly significant to the Falkland Islands in terms of advancing localisation of our laws. This type of consolidation brings with it the advantage of breaking the policy dependence on the UK, but of course must be balanced against our limited resources for maintaining our own policy development and producing our own legislation.

3. PROPOSALS FOR INTERIM PROGRAMME OF LAW REVISION

3.1 Potential areas for law revision

3.1.1 Repeal/revocation of obsolete laws

3.1.1.1 During the process of gathering legislation for the Statute Law Database, the Law Commissioner noted a number of laws for potential repeal, but which could not be incorporated for repeal under the Law Revision and Publication Ordinance (due to very limited time available for analysis for that purpose).

3.1.1.2 It is proposed that the relevant laws should be reconsidered for repeal under this interim law revision programme, and any laws which can be quickly and confidently confirmed as suitable for repeal will be included in a Repeal Bill to be presented to the Assembly (likely in September).

3.1.2 Revision and consolidation of locally made legislation

3.1.2.1 The Interpretation and General Clauses Ordinance 1977 is key to clarity in the construction, application and interpretation of the laws in the Falkland Islands. The Ordinance's primary purpose is to make provision in relation to the construction, application and interpretation of laws in the Falkland Islands, but it also makes general provision in relation to the following things:

- (a) printing and publication of laws;
- (b) Legislative Assembly processes around the making of secondary legislation;
- (c) public officers;
- (d) making of rules for the process of appeals to the Governor in Council;
- (e) fees and charges;
- (f) penalties;
- (g) forfeiture of property; and
- (h) declaration of town, and division of the Falkland Islands into districts.

3.1.2.2 Although the Ordinance has been subject to some amendment since it was made, its effectiveness has never been subject to full review, and some of its provisions now appear to be significantly out of date, unclear, or simply inapplicable to current circumstances. For these reasons, revision of this Ordinance is considered be the first, most obvious, and potentially most beneficial, subject of the proposed interim law revision programme.

3.1.3 Consolidation of United Kingdom Laws adopted in the Falkland Islands

3.1.3.1 The Falkland Islands currently adopts just under 400 United Kingdom Laws (roughly 210 Acts, and 175 secondary instruments).

3.1.3.2 Replacing our adoption of some of these laws with text having the same effect in the form of a bespoke Falkland Islands statute is proposed as part of our law revision programme because this would make the relevant law much easier to access and to understand.

3.1.3.3 It is often difficult to understand how adopted English laws apply in the Falkland Islands because law in one area can be made up of a combination of several United Kingdom laws of varying age, together with modifications contained in our own adopting law, ie you have to look at two or three documents at the same time to establish what the law is.

3.1.3.4 The Revised Laws Project also identified a number of areas where the Falkland Islands relies on out-dated versions of English law. This makes the law particularly difficult to access; because the relevant version will often difficult to find (especially for someone without legal experience or with no access to legal advice); even with the lists of applicable UK laws now being readily available through the Statute Law Database.

3.1.3.5 The Statute Law Commissioner believes that the following are the most significant areas where our law is both difficult to access and to understand for at least one of the reasons given above:

- (a) Administration of Justice (civil procedure; including coroners, execution against debts, and bailiffs)
- (b) Companies
- (c) Bankruptcy/Insolvency
- (d) Charities
- (e) Consumer rights
- (f) Adoption

(g) Mental Capacity

3.1.3.6 Consolidating any of these areas of law would involve a project too large to achieve within the short period available for the interim programme of law revision, but it is proposed that preliminary research work will be done to enable a clear programme to be put to the Assembly in due course (and which will be the subject of consultation with Executive Council and other key stakeholders).

3.2 SUMMARY of interim law revision programme:

It is proposed that the following work will make up an interim law revision programme (to cover the period May – August):

- (a) Production of a Statute Repeal Bill to incorporate any laws which can be confirmed for repeal without significant further research or consultation;
- (b) Commencement of revision of the Interpretation and General Clauses Ordinance 1977;
- (c) Initial research into appropriate prioritisation of consolidation of UK laws in the areas referred to in paragraph 3.1.3 above;
- (d) Working with the Speaker and legislative colleagues to determine whether the Legislative Assembly's Standing Rules and Orders could benefit from amendment to deal most efficiently with any Bills arising from the law revision programme.

**Report of the Statute Law Commissioner, Ros Cheek
18.5.18**

SCHEDULE – Draft Legislative Assembly Resolution

It is resolved by the Legislative Assembly this 1 day of June 2018 that the recommendations of the Statute Law Commissioner submitted to the Legislative Assembly for an interim programme of law revision are approved.

Motion Number 16 of 2018 by the Honourable Leona Roberts

That this House accepts the response from the Governor (in Council) on the report of the Public Accounts Committee Report on Falkland Islands Community School.

Proposed by the Honourable Leona Roberts

Seconded by the Honourable Roger Spink

Motion Number 17 of 2018 by the Honourable Roger Spink

That this House accepts the response from the Governor (in Council) on the report of the Public Accounts Committee Report on Medical Treatment Overseas.

Proposed by the Honourable Roger Spink

Seconded by the Honourable Teslyn Barkman

Motion Number 16 of 2018 by the Honourable Leona Roberts

Response to the Public Accounts Committee

Mr Speaker, I would firstly apologise to the House for the delay in the response to the PAC's letter of the 3rd July 2017, which was presented to the House under Motion 12/17, this was an administrative oversight.

This related to an Internal Audit on the Falkland Islands Community School which raised the issue of a large overpayment made to a supply teacher and seeking assurances that systems have been put in place to ensure this type of incident does not reoccur.

The response to the audit was dealt with by the Director of Education at the time who wrote to the supply teacher in question. After further correspondence between the Education Department and the supply teacher, an agreement was made to pay back the money by way of instalments at a £100 per month. A payment plan was prepared by the Treasury in September 2017.

A payment of £300 was made on 7th December 2017 for October, November & December instalments, and a further payment on 5th April 2018 of £400 to bring the payments up to date. In a conversation between the Education Finance Officer and the supply teacher, she indicated that she would be setting up a standing order, going forwards.

The debt has reduced from £3,953.32 to £3,253.32 and payments are currently up to date. However, it will still take another three years for the debt to be cleared.

Education Finance undertook a review of all supply teacher invoices at the time of the audit findings (April 2017) to ascertain whether other similar mistakes had been made or if this was an isolated problem. All other payments to supply teachers have been based upon correctly calculated claim forms. Another matter that is highlighted by this case is that a supply teacher who is resident in the Falkland Islands for more than 31 days in any 12 month period will be liable to tax. Work has been completed between the Tax Office and DHSS to provide agency workers at KEMH with the opportunity to have tax deducted from payments due to them. An instruction will be issued to FIG departments that payments to individuals should be taxed, and that sending in what purports to be an invoice is a claim form.

During 2018/19 the Treasury will review the overall debtor process to see what improvements can be made. This will include seeing if better use can be made of the Collections Management module within Dynamics, and also to have earlier engagement with debtors. From the case described above, a change that should be put in place is for repayment plans to be decided by Treasury, who have ultimate responsibility for collection of debts.

Public Accounts Committee

PO Box 420 Stanley Falkland Islands FIQQ1ZZ

Tel +500 22905

Email: pacsecretary@horizon.co.fk

Ref: PAC/17/06/07

3rd July 2017

Members of the Legislative Assembly
Gilbert House
Stanley

Dear Members,

Internal Audit: Falkland Islands Community School

At our Committee Meeting held on 8th June, the Chief Internal Auditor appraised us of an Internal Audit regarding the Falkland Islands Community School.

We understand that the audit was satisfactory, however we were alerted to instances of recruitment where HR procedures were not correctly followed. We understand that this has been rectified. More concerning is the situation of a large overpayment made to a supply teacher. Members would like assurance that systems will be improved to ensure that this type of incident will not occur again.

Yours sincerely,



Dr Andrea Clausen
Chairman
Public Accounts Committee

cc: Chief Internal Auditor

Motion Number 17 of 2018 by the Honourable Roger Spink

Response to the Public Accounts Committee

Mr Speaker, I would firstly apologise to the House for the delay in the response to the PAC's letter of the 3rd July 2017, which was presented to the House under Motion 5/17, this was an administrative oversight.

This related to an Internal Audit on the Medical Treatment Overseas seeking assurances that the policy for medical treatment overseas is to be re-drafted so that individuals cannot profit from FIG as a result of receiving treatment overseas. We understand that, in a recent case, an individual gained substantively and would also like assurance that appropriate action has been taken.

The current Overseas Medical Treatment Policy was approved by ExCo in March 2016 and has been reviewed in May 2018 to ensure the maximum amount able to be claimed and that any claim has to be supported by receipts is clear.

In September 2017 two new documents were introduced that clarified payments available are provided before people leave for planned medical treatment overseas. These clearly identify eligibility and funding rules. The publication 'Information for Patients - Funding Available for Medical Treatment Overseas' clearly states that if people are booking their own accommodation the allowance is up to a *maximum* of £80 per night and that this is for the patient only.

The KEMH Finance Clerk has confirmed that reimbursement for self-booked accommodation is only made within the £80 per night rate and that receipts are required before payment is made. The Medical Treatment Overseas policy has been amended to ensure that this is clear.

In respect of the individual the Public Accounts Committee described as having 'gained substantively' it is confirmed that the additional money was recovered with £3,240 being repaid. The documentation introduced in September 2017 avoids such events occurring in the future.

Public Accounts Committee

Shackleton House PO Box 420 Stanley Falkland Islands FIQQ1ZZ
Tel +500 22905 Email: pacsecretary@horizon.co.fk

Ref: PAC/17/04/02

13th April 2017

Members of the Legislative Assembly
Gilbert House
Stanley

Dear Members,

Medical Treatment Overseas

At our Committee Meeting held on 2nd November, the Chief Internal Auditor appraised us of an Internal Audit regarding Medical Treatment Overseas.

We understand that the audit was satisfactory overall but have some questions to ask. The Internal Auditor identified weaknesses in the system. We would like assurance from MLAs that the policy for medical treatment overseas is to be re-drafted so that individuals cannot profit from FIG as a result of receiving treatment overseas. We understand that, in a recent case, an individual gained substantively and would also like assurance that appropriate action has been taken.

Yours sincerely,



Dr Andrea Clausen
Chairman
Public Accounts Committee

cc: Chief Internal Auditor

LEGISLATIVE ASSEMBLY

FRIDAY 1 JUNE 2017

MOTION FOR ADJOURNMENT

DEPUTY CLERK "Motion for Adjournment"

CHIEF EXECUTIVE Mr Speaker I beg to move that this House stands adjourned sine die"

(Honourable Members may speak to the Motion)

After last Honourable Members has spoken: -

MR SPEAKER "The House stands adjourned accordingly". Mr Speaker then departs.