

LEGISLATIVE ASSEMBLY

OF THE

FALKLAND ISLANDS



ORDER PAPER

09.00 AM

THURSDAY 13 DECEMBER 2018

IN THE COURT AND ASSEMBLY CHAMBERS

LEGISLATIVE ASSEMBLY

THURSDAY 13 DECEMBER 2018

IN THE COURT AND ASSEMBLY CHAMBERS

ORDER PAPER

09.00

1. Prayers
2. Oath of Allegiance, Brigadier Nicholas Timothy Sawyer
3. Confirmation of the Record of Legislative Assembly held on 25 October 2018
4. Papers to be Laid on the Table by the Honourable Chief Executive
5. Motions
6. Portfolio Reports
7. Order of the Day: Bills
8. Motion for Adjournment

LEGISLATIVE ASSEMBLY

THURSDAY 13 DECEMBER 2018

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.

- Retirement Pensions (Prescribed Rates) (Amendment) Regulations 2018
- Supplementary Appropriation (2018-2019) (No 2) Ordinance 2018 (Correction) Order 2018
- Fisheries (Individual Transferable Quota Fees) Regulations 2018
- Fishing, Transshipment and Export (Licences Fees etc) Regulations 2018

Process for Papers to be laid on the Table

CLERK Reads the list of Papers to be laid on the Table

Chief Executive Mr Speaker, I hereby lay the aforementioned Papers on the Table

Hon Roger Spink Mr Speaker, under Standing Order Section 41 (3) I move that the Retirement Pensions (Prescribed Rates) (Amendment) Regulations 2018 and Supplementary Appropriation (2018-2019) (No 2) Ordinance 2018 (Correction) Order 2018 be noted

----- Explanation -----

Mr Speaker Please could we have a seconder

Hon Roger Edwards Mr Speaker I second the Motion

-----Any Debate-----

Mr Speaker Honourable Members, the Motion is that the Retirement Pensions (Prescribed Rates) (Amendment) Regulations 2018 and Supplementary Appropriation (2018-2019) (No 2) Ordinance 2018 (Correction) Order 2018 are noted.

Hon Ian Hansen Mr Speaker, under Standing Order Section 41 (3) I move that the Fisheries (Individual Transferable Quota Fees) Regulations 2018 and Fishing, Transshipment and Export (Licences Fees etc) Regulations 2018 be noted

----- Explanation -----

Mr Speaker Please could we have a seconder

Hon Stacy Bragger Mr Speaker I second the Motion

-----Any Debate-----

Mr Speaker Honourable Members, the Motion is that the Fisheries (Individual Transferable Quota Fees) Regulations 2018 and Fishing, Transshipment and Export (Licences Fees etc) Regulations 2018 are noted.

SUBSIDIARY LEGISLATION

Retirement Pensions (Prescribed Rates) (Amendment) Regulations 2018

S. R. & O. No: 16 of 2018

Made: 4 October 2018
Published: 31 October 2018
Coming into force: 1 January 2020

I make the following regulations under section 11 of the Retirement Pensions Ordinance 1996, on the advice of the Executive Council.

1. Title

These Regulations are the Retirement Pensions (Prescribed Rates) (Amendment) Regulations 2018.

2. Commencement

These Regulations come into force on 1 January 2020.

3. Regulation 4 amended: Contributions by employers

Regulation 4(1) of the Retirement Pensions (Prescribed Rates) Regulations 1996 is amended by omitting “64” and replacing it with “65”.

Made 4 October 2018

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

EXPLANATORY NOTE *(not part of the regulations)*

These regulations amend the Retirement Pensions (Prescribed Rates) Regulations in regulation 4 by increasing 64 to 65. This brings the regulations in line with the amendment made to the Ordinance whereby the age at which a person becomes eligible to a pension is increased from 64 to 65. This amendment to the regulations will require employers to continue contributing until an employee is 65 years old.

SUBSIDIARY LEGISLATION

Supplementary Appropriation (2018-2019) (No 2) Ordinance 2018 (Correction) Order 2018

S. R. & O. No.: 17 of 2018

Made: 29 October 2018

Published: ... 31 October 2018

Coming into force: see article 2

IN EXERCISE of my powers under section 93 of the Interpretation and General Clauses Ordinance 1977 I make the following order —

1. Title

This Order may be cited as the Supplementary Appropriation (2018-2019) (No 2) Ordinance 2018 (Correction) Order 2018.

2. Commencement

This Order comes into force on publication in the Gazette.

3. Correction of Supplementary Appropriation (2018-2019) (No 2) Ordinance 2018

This Order corrects the Supplementary Appropriation (2018-2019) (No 2) Ordinance 2018.

4. Section 4 amended

Section 4 of the Supplementary Appropriation (2018-2019) (No 2) Ordinance 2018 is amended by omitting “Warrants” and replacing it with “Warrant”.

Made 29 October 2018

S. D. Young,
Attorney General.

EXPLANATORY NOTE (not forming part of the order)

This order corrects a typographical error in the Supplementary Appropriation (2018-2019) (No 2) Ordinance 2018.

SUBSIDIARY LEGISLATION

Fisheries (Individual Transferable Quota Fees) Regulations 2018

S. R. & O. No. 18 of 2018

Made: 30 November 2018

Published: 30 November 2018

Coming into force: see regulation 2

I make the following regulations under sections 35 and 223 of the Fisheries (Conservation and Management) Ordinance 2005 on the advice of Executive Council.

1. Title

These regulations are the Fisheries (Individual Transferable Quota Fees) Regulations 2018.

2. Commencement

These regulations come into force on 1 January 2019 and cease to have effect on 31 December 2019.

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 in Schedule 1 are the total fees payable in the 2019 calendar year in respect of the entire ITQ granted for the specified fisheries.

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

(3) A company holding ITQ in a fishery must pay the applicable fees in respect of the 2019 calendar year for the ITQ that 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	2,352,105
Skate	F	222,409
Squid and Restricted Finfish	G	761,300
Restricted Finfish – Pelagic	S	60,419
Restricted Finfish	W	1,146,650
Toothfish – Longline	L	966,525
Squid (Winter)	X	4,676,700

**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
Squid (Summer)	C	30 June
Skate	F	Quarterly: 31 March, 30 June, 30 September, 17 December
Squid and Restricted Finfish	G	31 March and 30 June
Restricted Finfish - Pelagic	S	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 30 November 2018

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

EXPLANATORY NOTE

These Regulations are made under sections 35 and 223 of the Fisheries (Conservation and Management) Ordinance 2005.

Section 35 provides that sums (payable to the Crown) may be prescribed in relation to Individual Transferable Quota (ITQ) held by a company, and that different sums may be prescribed in relation to different fisheries.

The ITQ fees for 2019 are provided for under *regulation 4* and are set out in Schedule 1. Schedule 2 (the payment Schedule) indicates dates when payments are due in respect of the different fisheries.

SUBSIDIARY LEGISLATION

Fishing, Transhipment and Export (Licence Fees etc) Regulations 2018

S. R. & O. No. 19 of 2018

Made: 30 November 2018

Published: 30 November 2018

Coming into force: see regulation 2

I make the following regulations under sections 41, 42, 46, 223(1), (2)(b) (p) and (y) of the Fisheries (Conservation and Management) Ordinance 2005 on the advice of Executive Council.

1. Title

These regulations are the Fishing, Transhipment and Export (Licence Fees etc) Regulations 2018.

2. Commencement

These regulations come into force on 1 January 2019 and cease to have effect on 31 December 2019.

3. Interpretation

In these regulations —

“Director” means the Director of Fisheries;

“export” has the same meaning as under the Ordinance;

“FIPASS” means the Falkland Interim Port and Storage System as defined under the Falkland Interim Port and Storage System Ordinance 1989;

“*Illex* fishing season” means the period between 15 February and 15 June (inclusive);

“fishing waters” has the same meaning as 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 referred to in regulation 5;

“the Ordinance” means the Fisheries (Conservation and Management) Ordinance 2005; and

“tranship” means to tranship fish in the fishing waters.

4. *Illex* fishing licences – applications and fees

- (1) All applications for fishing licences in respect of the *Illex* fishery must be made to the Director so as to reach the Director before 7 November 2018 or such earlier date as may be set by the Director and the Director is not bound to consider any application received after this date.
- (2) The fee payable for an *Illex* fishing licence is determined by the formula set out in Part A of Schedule 1.
- (3) The periods within which the licence fees are payable, and the proportions in which the fees are to be paid in each period are specified in Part B of Schedule 1.
- (4) When issuing fishing licences to which these regulations apply, the Director must take into account the Licence Allocation Policy.

5. *Illex* fishing licences - refund policy

- (1) The Director, in consultation with the Financial Secretary, may implement the refund policy in respect of *Illex* fishing licences set out in Schedule 2.
- (2) In any assessment for a refund the Director may take into account —
 - (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; and
 - (e) any other relevant factors.

6. *Illex* fishing- scientific permits

- (1) The Director may issue such number of scientific permits as may be appropriate to verify the presence of *Illex* in any fishing waters.
- (2) The Director must specify in each permit issued the expiry date for the permit.
- (3) The fee payable for a permit is such fee as the Director may determine in each case.

7. Transshipment and export licences

- (1) A licence issued by the Director under section 46 of the Ordinance may authorise transshipment or export or both.
- (2) A licence is valid for such period or periods as stated in it, and the period or periods of validity may be extended by the Director.

(3) A licence is valid only in respect of transhipment in such areas of the fishing waters as are stated in it.

(4) A licence may be stated to be valid only for so long as the licenced vessel remains continuously in the area or areas of the fishing waters to which the licence relates.

8. Transhipment and export licence fees

(1) No licence fee is payable in respect of a transhipment or export licence if the licence is issued only in respect of any of the following matters —

(a) transhipment or export by a fishing vessel holding a fishing licence which permits the vessel to fish in the fishing waters at the time of the transhipment;

(b) transhipment or export by a Falkland Islands fishing vessel;

(c) transhipment by a vessel transshipping at FIPASS, provided that the transhipment involves cargo crossing the dock.

(2) The owner, charterer or operator of a vessel not exempted under sub-regulation (1) must pay a fee of £1,700 in respect of a licence issued under section 46 of the Ordinance.

9. Revocation of the Fisheries (Transhipment and Export)(Fees) Regulations Order 1987

The Fisheries (Transhipment and Export)(Fees) Regulations Order 1987 (S.R. & O. No 27 of 1987) is revoked.

SCHEDULE 1 ILLEX FISHERY FEES

(regulation 4)

PART A Fee Formula

Jigging Vessels:

$$\text{Fee (£)} = \text{£}0.421 * (\text{GT} * (\text{S} + 1.5\text{D})) + 112610$$

GT = Gross Tonnage

S = Number of Single Jigging Machines

D = Number of Double Jigging Machines

Trawling Vessels:

$$\text{Fee (£)} = (4.2672 * \text{GT}) + 122472$$

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	85%
16 May – 15 June	10%
Total	100%

Explanatory Notes (for guidance only)

A minimum time period of 90% must be purchased.

A 10% deposit must be paid before **25 January 2019**

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 Falkland Islands Government by 31 January 2019).

Letters of Credit must have an expiry date of **31 August 2019** no other date will be accepted.

^early payment discounts are as follows:

6% for payment by 31 January 2019

5% for payment by 31 May 2019 *

4% for payment by 30 June 2019 *

*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
2019 *ILLEX* FISHING LICENCE REFUND POLICY

(regulation 5(1))

(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 the following paragraphs.

(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 2019 *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 as follows:

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

For example if the 2019 *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 90% 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 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

Falkland Islands Government 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 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 Ordinance 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 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 30 November 2018

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

EXPLANATORY NOTE
(not part of these regulations)

These regulations are made under sections 41, 42, 46 and 223 of the Fisheries (Conservation and Management) Ordinance 2005.

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 in connection with the *Illex* fishery, including the date for making applications. It further provides for the licence fees and the formula for calculating the fees; and this is set out in Schedule 1.

Regulation 5 provides for the manner of making *Illex* fishing licence fee refunds. This is set out in Schedule 2 and it is based on a refund policy approved by Executive Council.

Regulation 6 provides for the issue of scientific permits in respect of the *Illex* fishery, including the setting of permit fees.

Regulation 7 makes provision in connection with licences issued for the transshipment and export of fish.

Regulation 8 provides for fees for licences for the transshipment and export of fish, and under sub-regulation (2) sets the fee at £1,700. A Falkland Islands fishing vessel is exempted from paying any transshipment and export fees as well as any vessel with a valid fishing licence. Vessels transshipping fish through FIPASS are also excluded from paying any transshipment fees.

Regulation 9 Revokes the Fisheries (Transshipment and Export)(Fees) Regulations Order 1987 (S.R. & O. No 27 of 1987), which has been overtaken by the fees set under *Regulation 8*.

LEGISLATIVE ASSEMBLY

ORDER PAPER

THURSDAY 25 OCTOBER 2018

MOTIONS

Motion Number 34 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 - Internal Audit: Debtors

Proposed by the Honourable Roger Spink

Seconded by the Honourable Ian Hansen

Motion Number 35 of 2018 by The Honourable Stacy Bragger

That this House accepts the response from the Governor (in Council) on the report of the Public Accounts Committee - Internal Audit Follow Up Report: Stanley Leisure Centre

Proposed by the Honourable Stacy Bragger

Seconded by the Honourable Ian Hansen

Motion Number 36 of 2018 by The Honourable Dr Barry Elsby

That this House resolves to establish a Select Committee of the Whole House to examine the Constitution of the Falkland Islands, to call evidence, and to consider and report to this House on the current arrangements, making such recommendations as they think fit for changes to the Constitution.

Proposed: The Honourable Dr Barry Elsby

Seconded: The Honourable Mark Pollard

Motion Number 37 of 2018 by The Honourable Chief Executive

That this House notes and accepts the progress report on the Islands Plan to date.

Proposed: The Honourable Chief Executive

Seconded: The Honourable Roger Edwards

Motion Number 38 of 2018 by The Honourable Roger Spink

This House approves the recommendations of the Report of the Statute Law Commissioner on application of United Kingdom Laws for the month of December 2018 (reporting period 1 September – 30 November 2018) submitted under section 25 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 13 day of December 2018 that:

(a) 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;

(b) the Assembly recommends that the Governor makes an order in the form (or in similar form) to the order annexed to the Statute Law Commissioner's Report;

and the Statute Law Database should be amended accordingly.

Motion No: 34 of 2018

Mr Speaker, Honourable Members, this response is in relation to the Public Accounts letter of 18 July 2018 on the Internal Audit: Debtors 18/17 submitted to the House under Motion 24 of 2018.

Since the beginning of the 2018/19, important steps on the improvement of debt recovery processes have been undertaken, including:

- The appointment of a Credit Controller within the Treasury from 2 July 2018 onwards to work with departments on progressing the recovery of debts
- The Credit Controller progressing a review of unallocated cash receipts, and allocating those cash receipts to debtors to improve the accuracy of debt reporting
- The reformatting of FIG invoices to include payslips (with prepopulated information) to assist with cash allocation and ease of payment by the customer
- The Credit Controller progressing several overdue debtor cases to the AG's office for action
- Meetings with 15 overdue debtors and agreement of 12 payment plans with those debtors
- The commencement of deductions from the salaries of FIG employees where they are in an overdue debt position, as authorised by the Financial Secretary
- Further work being undertaken to ensure that overdue debtors are charged interest at an appropriate point in time ¹
- The current Debt Management Policy 2012 being reviewed with a view to processes being updated where this is deemed necessary

Though a number of the internal audit recommendations in relation to Debtors per the July 2017 report have been progressed, it is clear that significant further work is required in this area. Attached (at Appendix B) is the internal audit follow up report on Debtors completed in September 2018 for which the status is 'Partial Implementation'. This compares with a 'Limited Implementation' status as per the July 2017 internal audit report.

In relation to the specific points raised in the July 2017 letter, there are the following updates.

The Head of Finance should ensure that where appropriate all debts are referred to the AG's Chambers

¹ Per page 6 of the Debt Management Policy 2012, FIG has the right to apply interest on overdue debt from the original due date

Referral of debt to the AG's Chambers can only be made successfully where debt collection procedures have been in accordance with the debt management policy, and where sufficient details are provided to enable the AG's office to pursue the debt through the courts. Prior to 1 July 2018, successful referrals to the AG's office had not been made for a number of years due to issues in adhering to these requirements.

Since 1st July 2018, 7 debt referral cases to the AG's office have been made and are in the process of being progressed through the legal system. This activity is expected to be increased during the financial year.

The Head of Legal Services should ensure that the land rent spreadsheet is reviewed for accuracy and completeness

The AG's office have progressed the review of all land rent leases and listing the land rents due into a spreadsheet. As of the time of this letter this exercise was substantially progressed, and is expected to be completed by Q3 2018/19.

Land Rent Invoices are raised with the relevant parties on a monthly / quarterly basis as appropriate.

The Head of Finance should hold meetings with MOD and FIC to discuss their outstanding debts

In relation to MOD related debtor issues, contact has been established with the MOD Command Secretary and liaising on debt related issues is now maintained.

Regular meetings with FIC have been conducted from July 2017 onwards with regards to the resolution of debt related issues.

Housing rent and service charge debts should be followed up in accordance with debt management policy.

Since 1 July 2018 activities to progress the issue of Housing Rent Debtors has included meeting with 12 individuals and agreement of 10 repayment plans. Further work is being undertaken by PWD and Treasury to improve the reporting in relation to these debtors.

FIG should establish a robust centralised debt collection system, which also has the capacity to prevent those already in debt access to further FIG credit.

In relation to the establishment of a centralised debt system, it should be noted that individual departments of FIG have had the responsibility in the first instance for the recovery of government debt since 2012. Recognising that the FIG debt position has worsened over several years, a Credit Controller post was requested in the 2018/19 budget, with the postholder taking up her position effective 2 July 2018. Although the issuing of letters 1 and 2 remains the responsibility of the individual departments in accordance with

the Debt Collection Policy, the Credit Controller has worked with departments to progress overdue debt as outlined above.

Motion Number 35/2018

Mr Speaker, Honourable Members, this response is in relation to the Public Accounts letter of 18 July 2018 on the Internal Audit Follow Up Report: Stanley Leisure Centre submitted to the House under Motion 28 of 2018. The Public Accounts Committee had recommended that contracts be put in place for the vending machines, cleaning and ground maintenance.

A contract for the vending machines was signed on 31st August 2018.

A cleaning contract has been in place between Falkland Islands Government and XS Cleaners since 15th August 2016.

Grounds maintenance at the school playing field and SLC has been undertaken by John Birmingham for the past 5 years. In addition, he undertakes various internal maintenance and odd-jobs considered too small by other contractors. According to SLC, he provides an excellent service. Mr Birmingham invoices SLC depending on the services requested by SLC. The arrangement needs to be formalised with an agreed hourly or day rate and SLC will finalise this with Mr Birmingham within the next six months.



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

DECEMBER 2018 (Reporting period: 1 September – 30 November 2018)

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

Contents:

- 1. Summary**
- 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 - Statutory Instruments Reviewed

Schedule 2 - Draft Legislative Assembly Resolution

Schedule 3 - Draft Order

1. SUMMARY

This report:

- (a) provides information on United Kingdom laws which have been made between 1 September and 30 November 2018; and
- (b) makes recommendations about the application of United Kingdom laws to the Falkland Islands.

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 requires the Statute Law Commissioner to regularly report to the Legislative Assembly about the application of United Kingdom laws; ordinarily monthly (but the report may cover a period of 90 days). The last report was made to the Assembly in September in respect of UK laws made between 1 August and 31 August 2018.

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 Falkland Islands authorities (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 in 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, 7 Acts have been passed, and over 300 statutory instruments 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 listed in the paragraphs below.

3.2 Paragraphs 3.5.1 to 3.5.6 concern the application of United Kingdom law to the Falkland Islands by decision of United Kingdom authorities (directly applied law).

3.3 Paragraphs 3.5.7 and 3.5.8 concern the application of United Kingdom law to the Falkland Island under the Law Revision and Publication Ordinance 2017 (adopted UK law).

3.4 Paragraphs 3.5.9 and 3.5.10 provide information about other United Kingdom laws, ie in terms of potential application to the Falkland Islands, and about recommendations for change.

3.5 Lists of UK laws:

3.5.1 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:

No Act of this type has been passed in the reporting period.

3.5.2 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:

No Act of this type has been passed in the reporting period.

3.5.3 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:

No Act of this type has been passed in the reporting period.

3.5.4 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:

No Order in Council of this type has been passed in the reporting period.

3.5.5 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:

The Sanctions (Overseas Territories) (Amendment of Information Provisions) Order 2018 (SI 2018/1076)

This Order applies to the Falkland Islands directly. The Order amends a large number of Sanctions Orders which also apply to the Falkland Islands. The Order extends existing requirements for financial institutions to provide certain information to the Governor about persons suspected to be the subject of a sanctions regime. The requirements now also extend to certain businesses such as auditors and accountants. The Order came into force on 7 November 2018.

3.5.6 List any other statutory instrument which has been made in the reporting period 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:

The Merchant Shipping (Confirmation of Legislation) (Falkland Islands) Order 2018 (SI 2018/1159)

This Order will come into force on publication of a proclamation to that effect by the Governor in the Gazette.

The Order will then have effect to confirm the repeal of various UK Merchant Shipping Acts by the Maritime Ordinance 2017. The Order is necessary because the Acts currently apply directly to the Falkland Islands under UK law; so the proposed repeal of them by the Maritime Ordinance requires confirmation by UK Order in Council.

A date hasn't yet been set for commencement of the Maritime Ordinance – that is dependent on a package of supporting regulations being approved, and an amending Bill being progressed through the Assembly in due course.

3.5.7 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]:

(a) *The Family Procedure (Amendment No. 2) Rules 2018 (SI 2018/1172)*

These rules automatically apply in the Falkland Islands through their amendment of the Family Procedure Rules 2010 (SI 2010/2955). The rules come into force on 10 December 2018.

Most of the amendments have little practical application in the Falkland Islands – because they reflect domestic jurisdictional issues only relevant to England and Wales. However, there is one potentially relevant amendment; which provides for appeal courts to hear appeals in family proceedings in public (subject to appropriate reporting restrictions to safeguard children involved). Family proceedings in the lower courts are heard in private. Some appeals in family proceedings may be heard in public, and this provision simply seeks to bring greater consistency to the manner of hearing of appeals in family matters.

(No recommendation for change)

(b) *The Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Miscellaneous Amendments) (EU Exit) Regulations 2018 (SI 2018/1202)*

The regulations apply in the Falkland Islands through their amendment of the Merchant Shipping and Fishing Vessels (Health and Safety at Work) Regulations 1997 (SI 1997/2962), which have been adopted in the Falkland Islands. Minor amendments are made to these regulations to ensure that they will still operate effectively when the UK leaves the EU. The regulations do not come into force substantively until the day that UK leaves the EU (exit day).

(No recommendation for change)

(c) *The Merchant Shipping (Fees) Regulations 2018 (SI 2018/1104)*

The regulations apply in the Falkland Islands through their revocation and replacement of the Merchant Shipping (Fees) Regulations 2006 and the Merchant Shipping (Fees) Regulations 2015, which apply here to the extent that the Falkland Islands does not have its own fees regulations (the Falkland Islands has set its own fees in connection with registration of ships). The regulations came into force on 13 November 2018.

Application of these new regulations should now be reflected by amendment to the list of statutory instruments in Schedule 1 to the Law Revision and Publication Ordinance (see the draft Order at **Schedule 3**)

(No recommendation for change)

(d) *The Merchant Shipping (Miscellaneous Provisions) (Amendments etc.) (EU Exit) Regulations 2018 (SI 2018/1221)*

The regulations apply in part in the Falkland Islands through their amendment of the regulations listed below, which have been adopted in the Falkland Islands:

- Merchant Shipping (Cargo Ship Construction) Regulations 1997 (SI 1997/1509)
- Merchant Shipping (Radio Installations) Regulations 1998 (SI 1988/1011)
- Merchant Shipping (Passenger Ship Construction: Ships of Classes I, II and II(A)) Regulations 1998 (SI 1988/2514)
- Merchant Shipping (Life-Saving Appliances for Ships Other than Ships of Classes III to VI(A)) Regulations 1999 (SI 1999/2721)
- Merchant Shipping (Life-Saving Appliances For Passenger Ships of Classes III To VI(A)) Regulations 1999 (SI 1999/2723)
- Merchant Shipping (Gas Carriers) Regulations 1994 (SI 1994/2464)
- Merchant Shipping (Small Workboats and Pilot Boats) Regulations 1998 (SI 1998/1609)
- Fishing Vessels (Codes of Practice) Regulations 2017 (SI 2017/943)

Minor amendments are made to ensure that relevant regulations will still operate effectively when the UK leaves the EU. The opportunity has also been taken to correct outdated references in various instruments to the European Economic area. The regulations come into force in relation to the latter amendments on 20 December 2018, and otherwise come into force on the day that UK leaves the EU (exit day).

(No recommendation for change)

(e) *The Merchant Shipping (Work in Fishing Convention) (Consequential Provisions) Regulations 2018 (SI 2018/1109)*

The regulations apply in part in the Falkland Islands to the extent that they amend a number of Merchant Shipping regulations which are adopted in the Falkland Islands.

The regulations largely come into force on 31 December 2018 (regulation 3 comes into force on 30 November 2019).

The regulations make consequential amendments to the UK's implementation of the Work in Fishing Convention through the Merchant Shipping (Work in Fishing Convention) Regulations 2018.

However, a detailed policy decision needs to be made whether that Convention should be implemented in the Falkland Islands (this is under consideration by the Director of Natural Resources, and should be the subject of industry/stakeholder consultation).

In the meantime it is therefore recommended that these regulations be disapplied (to the extent that they apply) through amendment of the Law Revision and Publication Ordinance 2017.

(Recommendation for change)

(f) *The Merchant Shipping (Work in Fishing Convention) Regulations 2018 (SI 2018/1106)*

The regulations apply in part in the Falkland Islands only to the extent that they revoke the Merchant Shipping (Provisions and Water) Regulations 1989 (SI 1989/102). The regulations come into force on 31 December 2018.

This revocation flows from the UK's implementation of the Work in Fishing Convention. As set out above, implementation of the Convention in the Falkland Islands is a matter for detailed policy consideration and consultation.

It is therefore recommended that the regulations be disapplied (to the extent that they apply) through amendment of the Law Revision and Publication Ordinance 2017.

(Recommendation for change)

(g) *The Misuse of Drugs (Amendments)(Cannabis and Licence Fees)(England, Wales and Scotland) Regulations 2018 (SI 2018/1055)*

The regulations apply in part in the Falkland Islands; only to the extent that they amend the Misuse of Drugs (Licence Fees) Regulations 2010. The amendment has effect to allow the Chief Medical Officer to waive the fee for licences issued under the Misuse of Drugs Ordinance and regulations. The amendment came into force on 1 November 2018.

The remainder of the regulations, which permit the wider use in UK of cannabis based products for medicinal use in humans do not apply in the Falkland Islands (because they amend UK regulations which do not apply in the Falkland Islands).

It is not recommended that the regulations be adopted in the Falkland Islands, which would require careful policy consideration and detailed advice from the Chief Medical Officer (the Chief Medical Officer has given a preliminary indication that she is not inclined to consider the matter further at this stage in the light of the poor evidence

around efficacy of use of cannabinoids in clinical practice – but will do so as more evidence becomes available – which is likely to happen in the UK in the light of these regulations having been made).

(No recommendation for change)

(h) *Taxation (Cross-border Trade) Act 2018 c. 22*

This Act makes preparatory provision in respect of Brexit concerning; customs, VAT and excise. The Act does not presuppose any particular outcome from the UK’s negotiations with the EU and the subsequent approval process but legislates for a range of outcomes (including “no deal”). The Act is to be brought into force in stages as required.

The Act makes a minor amendment to the International Organisations Act 1968, which is adopted in the Falkland Islands. However, the amendment would have no practical effect in the Falkland Islands, as it concerns VAT, which does not exist in the Falkland Islands.

(No recommendation for change)

3.5.8 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:

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

3.5.9 List every UK Act passed in the reporting period not listed above [*ie Acts which do not have any application in the Falkland Islands*]:

(a) *Assaults on Emergency Workers (Offences) Act 2018 c. 23*

This Act provides for assaults against emergency workers to be the subject of increased sentencing powers. The Act also provides that where other offences are committed against an emergency worker, that must be treated an aggravating factor in the offence. The Act came into force in England and Wales on 13 November.

The Act provides relatively discreet provision, so could, potentially be adopted as law in the Falklands with some amendment.

However, the Crimes Ordinance 2014 reflects a policy that most Falkland Islands criminal law should be reflected by local legislation (rather than adopted UK legislation) and should be consolidated within one statute. To adopt this Act would not reflect that policy, and risks returning to a fragmented criminal law which is difficult to access.

It is therefore recommended that this Act be considered during the next review of the Crimes Ordinance (the first review coincided with the anniversary of the Ordinance's commencement, and it is intended that regular reviews be continued).

(No recommendation to adopt the Act)

(b) *Mental Health Units (Use of Force) Act 2018 c. 27*

The Act makes provision to increase the oversight and management of use of force in mental health units. The Act will be brought into force on a future date.

King Edward Memorial Hospital would fall within the Act's definition of a mental health unit when it is the place of treatment for in-patients for mental disorder. However it is recommended that the question of whether the Act should be adopted in the Falkland Islands should be considered by the Health and Social Services Directorate as a matter of careful policy development, and that action should not be taken by the Assembly to immediately adopt the Act.

(No recommendation to adopt the Act)

(c) *Parental Bereavement (Leave and Pay) Act 2018 c. 24*

This Act, which has not yet come into force, creates a statutory entitlement to leave and pay in respect of bereaved parents.

The Act amends the UK Employment Rights Act 1996, which does not apply in the Falkland Islands (the Falkland Islands has its own Employment Protection Ordinance 1989). For this reason, the Parental Bereavement (Leave and Pay) Act 2018 is not particularly suitable for adoption by the Assembly. Further, the Islands Plan recognises that workplace legislation in the Island requires development. This matter therefore might best be considered in the context of a wholesale review of employment regulation connected to the development of workplace legislation.

(No recommendation to adopt the Act)

**(d) *Non-Domestic Rating (Nursery Grounds) Act 2018 c. 26*
Northern Ireland (Executive Formation and Exercise of Functions) Act 2018 c. 28
*Rating (Property in Common Occupation) and Council Tax (Empty Dwellings) Act 2018 c. 25***

These Acts makes provision in relation to UK domestic property rates and taxes, and in relation to the administration of Northern Ireland, so have no relevance to the Falkland Islands.

(No recommendation to adopt the Acts)

3.5.10 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:

All UK statutory instruments made in the reporting period and considered in this report are listed in **Schedule 1** of this report.

The Statute Law Commissioner does not recommend that any new statutory instrument be adopted by the Legislative Assembly.

But the Statute Law Commissioner does recommend that two instruments concerning the Fishing at Work Convention which apply automatically be disapplied, and that the Schedule to the Law Revision and Publication Ordinance be amended to reflect adoption of the new Merchant Shipping (Fees) Regulations 2018 (see paragraph 4 below).

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

4.1 Requirement for Recommendations

Section 25(5) provides that the Statute Law Commissioner must make a recommendation whether an amendment should be made to Schedule 1 of the Law Revision and Publication Ordinance 2017, in respect of each UK enactment listed under paragraphs **3.5.7 to 3.5.10** 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). The recommendations are set out below.

4.2 Recommendations:

4.2.1 The following regulations should be disapplied in the Falkland Islands to the extent that they apply by virtue of section 24 of the Law Revision and Publication Ordinance:

The Merchant Shipping (Work in Fishing Convention) (Consequential Provisions) Regulations 2018 (SI 2018/1109)

The Merchant Shipping (Work in Fishing Convention) Regulations 2018 (SI 2018/1106)

4.2.2 The following regulations should be confirmed as being adopted in the Falkland Islands to the extent that they apply by virtue of section 24 of the Law Revision and Publication Ordinance:

The Merchant Shipping (Fees) Regulations 2018 (SI 2018/1104)

4.2.3 Proposed amendment of Schedule 1 to the Law Revision and Publication Ordinance 2017 to implement these recommendations is reflected in the draft Order attached at **Schedule 3** to this report.

4.2.4 It is not necessary to amend Schedule 1 where Acts or instruments adopted by virtue of section 24 of the Law Revision and Publication Ordinance 2017 are merely amending (Schedule 1 lists only substantive instruments, not instruments which merely apply as amendments).

4.3 Reasons for Recommendations:

4.3.1 The potential for implementation in the Falkland Islands of the Work in Fishing Convention should be considered as a matter of detailed policy development by the Directorate of Natural Resources. If it is determined that implementation of the Convention would be appropriate for the Falkland Islands, then detailed consideration needs to be given to the nature of the legislation most appropriately required to achieve that (which might be bespoke regulations rather than the adoption of the above UK regulations).

4.3.2 There is no reason why the Merchant Shipping (Fees) Regulations 2018 should not apply in the Falkland Islands as a simple replacement/update of the existing fees regulations.

**Report of the Statute Law Commissioner, Ros Cheek
5 December 2018**

SCHEDULE 1 – STATUTORY INSTRUMENTS REVIEWED: 01.09.18 – 30.11.18



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

DECEMBER 2018 (Reporting period: 1 September – 30 November 2018)

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

SCHEDULE 1 – STATUTORY INSTRUMENTS REVIEWED:

Statutory Instrument number	Title	Date made, application, and recommendation (if any)
SI 2018/0000	The Local Government Finance Act 1988 (Non-Domestic Rating Multipliers) (England) Order 2018	28.11.18 – Not applicable – no recommendation
SI 2018/1281	The Offshore Installations (Safety Zones) (No. 2) Order 2018	29.11.18 – Not applicable – no recommendation
SI 2018/1280	The A494 Trunk Road (Loggerheads, Denbighshire to Gwernymynydd, Flintshire) (40 mph Speed Limit) Order 2018	30.11.18 – Not applicable – no recommendation
SI 2018/1279	The Child Support (Miscellaneous Amendments) Regulations 2018	29.11.18 – Not applicable – no recommendation
SI 2018/1278	The Ionising Radiation (Basic Safety Standards) (Miscellaneous Provisions) (Amendment) (EU Exit) Regulations 2018	30.11.18 – Not applicable – no recommendation
SI 2018/1277	The Electronic Monitoring (Responsible Persons) (Amendment) Order 2018	26.11.18 – Not applicable – no recommendation
SI 2018/1276	The Accreditation of Forensic Service Providers Regulations 2018	28.11.18 – Not applicable – no recommendation
SI 2018/1275	The Quality Schemes (Agricultural Products and Foodstuffs) Regulations 2018	30.11.18 – Not applicable – no recommendation
SI 2018/1274	The South Cambridgeshire (Electoral Changes) Order 2018	30.11.18 – Not applicable – no recommendation
SI 2018/1273	The Leeds (Electoral Changes) (Amendment) Order 2018	30.11.18 – Not applicable – no recommendation
SI 2018/1272	The Windsor and Maidenhead (Electoral Changes) Order 2018	30.11.18 – Not applicable – no recommendation
SI 2018/1271	The South Somerset (Electoral Changes) Order 2018	30.11.18 – Not applicable – no recommendation

SI 2018/1270	The Bath and North East Somerset (Electoral Changes) Order 2018	30.11.18 – Not applicable – no recommendation
SI 2018/1269	The Sanctions Review Procedure (EU Exit) Regulations 2018	27.11.18 – Not applicable – no recommendation
SI 2018/1268	The Registration of Births, Deaths, Marriages and Civil Partnerships (Fees) (Amendment) and Multilingual Standard Forms Regulations 2018	27.11.18 – Not applicable – no recommendation [But brought to the attention of the Registrar General for policy consideration]
SI 2018/1267	The Social Services and Well-being (Wales) Act 2014 (Isles of Scilly Modification) Regulations 2018	29.11.18 – Not applicable – no recommendation
SI 2018/1266	The Government of Wales Act 2006 (Variation of Borrowing Power) Order 2018	29.11.18 – Not applicable – no recommendation
SI 2018/1265	The Wharves, Examination Stations and Temporary Storage Facilities (Approval Conditions) (EU Exit) Regulations 2018	29.11.18 – Not applicable – no recommendation
SI 2018/1264	The Wharves and Temporary Storage Facilities (Approval Condition and Transitional Provision) (EU Exit) Regulations 2018	29.11.18 – Not applicable – no recommendation
SI 2018/1262	The Thames Water Utilities Limited (Thames Tideway Tunnel) (Amendment) Order 2018	29.11.18 – Not applicable – no recommendation
SI 2018/1261	The Child Maintenance and Other Payments Act 2008 (Commencement No.16) Order 2018	28.11.18 – Not applicable – no recommendation
SI 2018/1260	The Customs (Contravention of a Relevant Rule) (Amendment) (EU Exit) Regulations 2018	29.11.18 – Not applicable – no recommendation
SI 2018/1258	The Customs Transit Procedures (EU Exit) Regulations 2018	29.11.18 – Not applicable – no recommendation
SI 2018/1257	The Service of Documents and Taking of Evidence in Civil and Commercial Matters (Revocation and Saving Provisions) (EU Exit) Regulations 2018	28.11.18 – Not applicable – no recommendation
SI 2018/1256	The Air Navigation (Restriction of Flying) (Edinburgh) Regulations 2018	26.11.18 – Not applicable – no recommendation
SI 2018/1255	The Branded Health Service Medicines (Costs) (Amendment) Regulations 2018	28.11.18 – Not applicable – no recommendation
SI 2018/1254	The Business Contract Terms (Assignment of Receivables) Regulations 2018	23.11.18 – Not applicable – no recommendation
SI 2018/1253	The Financial Services and Markets Act 2000 (Claims Management Activity) Order 2018	28.11.18 – Not applicable – no recommendation
SI 2018/1252	The Inquiries and Coroners (Amendment) (EU Exit) Regulations 2018	27.11.18 – Not applicable – no recommendation
SI 2018/1251	The Driving Licences (Amendment) (EU Exit) Regulations 2018	27.11.18 – Not applicable – no recommendation
SI 2018/1249	The Customs (Special Procedures and Outward Processing) (EU Exit) Regulations 2018	29.11.18 – Not applicable – no recommendation
SI 2018/1248	The Customs (Import Duty) (EU Exit) Regulations 2018	29.11.18 – Not applicable – no recommendation
SI 2018/1247	The Customs (Temporary Storage Facilities Approval Conditions and Miscellaneous Amendments) (EU Exit) Regulations 2018	29.11.18 – Not applicable – no recommendation
SI 2018/1246	The Investigatory Powers Act 2016 (Commencement No. 9) Regulations 2018	27.11.18 – Not applicable – no recommendation
SI 2018/1245	The Designation of Schools Having a Religious Character (Independent Schools) (England) (No.2) Order 2018	26.11.18 – Not applicable – no recommendation
SI 2018/1244	The Banks and Building Societies (Priorities on Insolvency) Order 2018	27.11.18 – Not applicable – no recommendation
SI 2018/1243	The Open Internet Access (Amendment etc.) (EU Exit) Regulations 2018	26.11.18 – Not applicable – no recommendation
SI 2018/1242	The European Union (Withdrawal) Act 2018 (Consequential Amendments) Regulations 2018	27.11.18 – Not applicable – no recommendation
SI 2018/1241	The Official Controls (Animals, Feed and Food) (England) (Amendment) (EU Exit) Regulations 2018	26.11.18 – Not applicable – no recommendation

SI 2018/1240	The A4076 Trunk Road (Hamilton Terrace, Milford Haven, Pembrokeshire) (Temporary Prohibition of Vehicles) Order 2018	26.11.18 – Not applicable – no recommendation
SI 2018/1239	The National Citizen Service Act 2017 (Commencement No. 2) Regulations 2018	26.11.18 – Not applicable – no recommendation
SI 2018/1238	The Livestock (Records, Identification and Movement) (England) (Amendment) (EU Exit) Regulations 2018	26.11.18 – Not applicable – no recommendation
SI 2018/1237	The Tax Collection and Management (Wales) Act 2016 and the Land Transaction Tax and Anti-avoidance of Devolved Taxes (Wales) Act 2017 (Consequential Amendments) Order 2018	21.11.18 – Not applicable – no recommendation
SI 2018/1236	The Financial Penalty Deposit and Fixed Penalty Offences (Miscellaneous Provisions) Order 2018	26.11.18 – Not applicable – no recommendation
SI 2018/1235	The Planning (Environmental Assessments and Miscellaneous Amendments) (EU Exit) (Northern Ireland) Regulations 2018	26.11.18 – Not applicable – no recommendation
SI 2018/1234	The Planning (Hazardous Substances and Miscellaneous Amendments) (EU Exit) Regulations 2018	26.11.18 – Not applicable – no recommendation
SI 2018/1233	The Road Safety (Financial Penalty Deposit) (Appropriate Amount) (Amendment) Order 2018	26.11.18 – Not applicable – no recommendation
SI 2018/1232	The Environmental Assessments and Miscellaneous Planning (Amendment) (EU Exit) Regulations 2018	26.11.18 – Not applicable – no recommendation
SI 2018/1231	The Electronic Communications (Universal Service) (Broadband) Regulations 2018	26.11.18 – Not applicable – no recommendation
SI 2018/1230	The Building (Amendment) Regulations 2018	28.11.18 – Not applicable – no recommendation [But brought to the attention of the Building Adviser for policy consideration]
SI 2018/1228	The Value Added Tax (Disclosure of Information Relating to VAT Registration) (EU Exit) Regulations 2018	26.11.18 – Not applicable – no recommendation
SI 2018/1227	The Environmental Protection (Miscellaneous Amendments) (England and Wales) Regulations 2018	22.11.18 – Not applicable – no recommendation
SI 2018/1226	The Higher Education and Research Act 2017 (Commencement No. 5) Regulations 2018	25.11.18 – Not applicable – no recommendation
SI 2018/1225	The Higher Education and Research Act 2017 (Transitional and Saving Provisions) (University Title) Regulations 2018	25.11.18 – Not applicable – no recommendation
SI 2018/1224	The Space Industry Act 2018 (Commencement No. 1) Regulations 2018	26.11.18 – Not applicable – no recommendation
SI 2018/1223	The M4 Motorway (Junction 23, Rogiet to the Wales/England Border, Monmouthshire) (Temporary Prohibition of Vehicles, Trafficking of the Hard Shoulder and 50 MPH Speed Limit) Order 2018	23.11.18 – Not applicable – no recommendation
SI 2018/1222	The M48 Motorway (Eastbound Carriageway and Entry Slip Road at Junction 2, Chepstow, Monmouthshire) (Temporary Prohibition of Vehicles) Order 2018	23.11.18 – Not applicable – no recommendation
SI 2018/1221	The Merchant Shipping (Miscellaneous Provisions) (Amendments etc.) (EU Exit) Regulations 2018	22.11.18 – Apply in part in the Falkland Islands by automatic adoption – see paragraph 3.5.7 above
SI 2018/1220	The Public Lending Right Scheme 1982 (Commencement of Variation) (No. 3) Order 2018	21.11.18 – Not applicable – no recommendation
SI 2018/1219	The State Pension Debits and Credits (Revaluation) Order 2018	22.11.18 – Not applicable – no recommendation
SI 2018/1218	The Occupational Pensions (Revaluation) Order 2018	22.11.18 – Not applicable – no recommendation
SI 2018/1217	The State Pension Revaluation for Transitional Pensions Order 2018	22.11.18 – Not applicable – no recommendation
SI 2018/1216	The Environment, Planning and Rural Affairs (Miscellaneous Amendments) (Wales) Regulations 2018	20.11.18 – Not applicable – no recommendation
SI 2018/1215	The Carcase Classification and Price Reporting (Wales) Regulations 2018	22.11.18 – Not applicable – no recommendation

SI 2018/1214	The Waste Electrical and Electronic Equipment (Amendment) (No. 2) Regulations 2018	19.11.18 – Not applicable – no recommendation
SI 2018/1213	The Sanctions and Anti-Money Laundering Act 2018 (Commencement No. 1) Regulations 2018	21.11.18 – Not applicable – no recommendation
SI 2018/1212	The Freedom of Information (Designation as Public Authority and Amendment) Order 2018	21.11.18 – Not applicable – no recommendation
SI 2018/1211	The Law Derived from the European Union (Wales) Act 2018 (Repeal) Regulations 2018	21.11.18 – Not applicable – no recommendation
SI 2018/1210	The Armed Forces (Aliens) (Amendment) Regulations 2018	20.11.18 – Not applicable – no recommendation
SI 2018/1209	The Landfill Disposals Tax (Tax Rates) (Wales) (Amendment) Regulations 2018	21.11.18 – Not applicable – no recommendation
SI 2018/1208	The Environmental Noise (Wales) (Amendment) Regulations 2018	20.11.18 – Not applicable – no recommendation
SI 2018/1207	The Local Authorities (Capital Finance and Accounting) (England) (Amendment) Regulations 2018	21.11.18 – Not applicable – no recommendation
SI 2018/1206	The Guarantees of Origin of Electricity Produced from High-efficiency Cogeneration (Amendment) (EU Exit) Regulations 2018	19.11.18 – Not applicable – no recommendation
SI 2018/1205	The Climate Change Agreements (Amendment of Agreements) (EU Exit) Regulations 2018	19.11.18 – Not applicable – no recommendation
SI 2018/1204	The International Road Transport Permits (EU Exit) Regulations 2018	20.11.18 – Not applicable – no recommendation
SI 2018/1203	The Trailer Registration Regulations 2018	20.11.18 – Not applicable – no recommendation
SI 2018/1202	The Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Miscellaneous Amendments) (EU Exit) Regulations 2018	18.11.18 – Apply in part in the Falkland Islands by automatic adoption (see paragraph 3.5.7 above)
SI 2018/1201	The Electronic Money, Payment Services and Payment Systems (Amendment and Transitional Provisions) (EU Exit) Regulations 2018	19.11.18 – Not applicable – no recommendation
SI 2018/1200	The Air Navigation (Restriction of Flying) (Leicester) (No. 2) (Emergency) (Revocation) Regulations 2018	31.10.18 – Not applicable – no recommendation
SI 2018/1199	The Credit Transfers and Direct Debits in Euro (Amendment) (EU Exit) Regulations 2018	19.11.18 – Not applicable – no recommendation
SI 2018/1198	The Nursing and Midwifery Council (Fees) (Amendment) Rules Order of Council 2018	19.11.18 – Not applicable – no recommendation
SI 2018/1197	The Value Added Tax (Special Accounting Schemes) (Supplies of Electronic, Telecommunication and Broadcasting Services) Order 2018	19.11.18 – Not applicable – no recommendation
SI 2018/1196	The Non-Domestic Rating Contributions (Wales) (Amendment) Regulations 2018	15.11.18 – Not applicable – no recommendation
SI 2018/1195	The Air Navigation (Restriction of Flying) (Leicester) (No. 2) (Emergency) Regulations 2018	29.10.18 – Not applicable – no recommendation
SI 2018/1194	The Value Added Tax (Place of Supply of Services) (Supplies of Electronic, Telecommunication and Broadcasting Services) Order 2018	19.11.18 – Not applicable – no recommendation
SI 2018/1193	The Non-Domestic Rating (Alteration of Lists) and Business Rate Supplements (Transfers to Revenue Accounts) (Amendment etc.) (England) Regulations 2018	19.11.18 – Not applicable – no recommendation
SI 2018/1192	The Non-Domestic Rating (Small Business Relief) (Wales) (Amendment) Order 2018	15.11.18 – Not applicable – no recommendation
SI 2018/1191	The Police (Amendment) Regulations 2018	15.11.18 – Not applicable – no recommendation
SI 2018/1190	The Spring Traps Approval (England) Order 2018	09.11.18 – Not applicable – no recommendation
SI 2018/1189	The Privacy and Electronic Communications (Amendment) Regulations 2018	15.11.18 – Not applicable – no recommendation

SI 2018/1188	The Beef and Veal Labelling (Wales) (Amendment) Regulations 2018	15.11.18 – Not applicable – no recommendation
SI 2018/1187	The Building Societies Legislation (Amendment) (EU Exit) Regulations 2018	14.11.18 – Not applicable – no recommendation
SI 2018/1186	The Export of Objects of Cultural Interest (Control) (Amendment etc.) (EU Exit) Regulations 2018	13.11.18 – Not applicable – no recommendation
SI 2018/1185	The School and Early Years Finance (England) (No. 2) Regulations 2018	14.11.18 – Not applicable – no recommendation
SI 2018/1184	The Central Counterparties (Amendment, etc., and Transitional Provision) (EU Exit) Regulations 2018	13.11.18 – Not applicable – no recommendation
SI 2018/1183	The Electricity and Gas (Energy Company Obligation) Order 2018	12.11.18 – Not applicable – no recommendation
SI 2018/1182	The Sustainable Drainage (Enforcement) (Wales) Order 2018	13.11.18 – Not applicable – no recommendation
SI 2018/1181	The Sustainable Drainage (Appeals) (Wales) Regulations 2018	13.11.18 – Not applicable – no recommendation
SI 2018/1180	The Civil Enforcement of Bus Lane and Moving Traffic Contraventions (County of Carmarthenshire) Designation Order 2018	13.11.18 – Not applicable – no recommendation
SI 2018/1179	The Plant Health etc. (Fees) (Wales) Regulations 2018	13.11.18 – Not applicable – no recommendation
SI 2018/1178	The North Devon (Electoral Changes) Order 2018	13.11.18 – Not applicable – no recommendation
SI 2018/1177	The Redcar and Cleveland (Electoral Changes) Order 2018	13.11.18 – Not applicable – no recommendation
SI 2018/1176	The Van Benefit and Car and Van Fuel Benefit Order 2018	13.11.18 – Not applicable – no recommendation
SI 2018/1175	The Dartford (Electoral Changes) Order 2018	13.11.18 – Not applicable – no recommendation
SI 2018/1174	The Armed Forces (Specified Aviation and Marine Functions) Regulations 2018	12.11.18 – Not applicable – no recommendation
SI 2018/1173	The Government of Wales Act 2006 (Budget Motions and Designated Bodies) Order 2018	12.11.18 – Not applicable – no recommendation
SI 2018/1172	The Family Procedure (Amendment No. 2) Rules 2018	08.11.18 – Apply in the Falkland Islands by automatic adoption (see paragraph 3.5.7 above)
SI 2018/1170	The Crime and Courts Act 2013 (Deferred Prosecution Agreements) (Amendment of Specified Offences) Order 2018	18.09.18 – Not applicable – no recommendation
SI 2018/1169	The Antarctic (Isle of Man) (Amendment) Regulations 2018	09.11.18 – Not applicable – no recommendation
SI 2018/1168	The Antarctic (Guernsey) (Amendment) Regulations 2018	09.11.18 – Not applicable – no recommendation
SI 2018/1167	The Antarctic (Jersey) Regulations 2018	09.11.18 – Not applicable – no recommendation
SI 2018/1166	The Armed Forces (Terms of Service) (Amendments Relating to Flexible Working) Regulations 2018	07.11.18 – Not applicable – no recommendation
SI 2018/1165	The Rail Passengers' Rights and Obligations (Amendment) (EU Exit) Regulations 2018	05.11.18 – Not applicable – no recommendation
SI 2018/1164	The Carcase Classification and Price Reporting (England) Regulations 2018	06.11.18 – Not applicable – no recommendation
SI 2018/1163	The A55 Trunk Road (Junction 3 (Pen Caledog Interchange) to Junction 8 (Ael y Bowl Interchange), Isle of Anglesey) (Temporary Prohibition of Vehicles, Cyclists & Pedestrians) Order 2018	07.11.18 – Not applicable – no recommendation
SI 2018/1162	The Third Parties (Rights Against Insurers) Act 2010 (Consequential Amendment of Companies Act 2006)	02.11.18 – Not applicable – no recommendation

	Regulations 2018	
SI 2018/1161	The Technical and Further Education Act 2017 (Commencement No. 4) Regulations 2018	05.11.18 – Not applicable – no recommendation
SI 2018/1160	The Air Navigation (Amendment) (No. 2) Order 2018	07.11.18 – Not applicable – no recommendation
SI 2018/1159	The Merchant Shipping (Confirmation of Legislation) (Falkland Islands) Order 2018	07.11.18 – Applies directly in the Falkland Islands (see paragraph 3.5.6 above)
SI 2018/1158	The Inspectors of Education, Children’s Services and Skills (No. 4) Order 2018	07.11.18 – Not applicable – no recommendation
SI 2018/1157	The Trade Marks (Isle of Man) (Amendment) Order 2018	07.11.18 – Not applicable – no recommendation
SI 2018/1156	The Air Navigation (Restriction of Flying) (Brands Hatch) (Emergency) (Revocation) Regulations 2018	26.10.18 – Not applicable – no recommendation
SI 2018/1155	The Companies (Directors’ Report) and Limited Liability Partnerships (Energy and Carbon Report) Regulations 2018	06.11.18 – Not applicable – no recommendation
SI 2018/1154	The A483 Trunk Road (Towy Terrace, Ffairfach, Carmarthenshire) (Prohibition of Waiting) Order 2018	06.11.18 – Not applicable – no recommendation
SI 2018/1153	The Geo-Blocking (Enforcement) Regulations 2018	06.11.18 – Not applicable – no recommendation
SI 2018/1152	The Zootechnical Standards (Wales) Regulations 2018	06.11.18 – Not applicable – no recommendation
SI 2018/1151	The Greater London Authority (Consolidated Council Tax Requirement Procedure) Regulations 2018	06.11.18 – Not applicable – no recommendation
SI 2018/1150	The Income Tax (Indexation) Order 2018	06.11.18 – Not applicable – no recommendation
SI 2018/1149	The EEA Passport Rights (Amendment, etc., and Transitional Provisions) (EU Exit) Regulations 2018	06.11.18 – Not applicable – no recommendation
SI 2018/1148	The Air Navigation (Restriction of Flying) (Leicester) (Emergency) (Revocation) Regulations 2018	28.10.18 – Not applicable – no recommendation
SI 2018/1147	The Communication of Investments (Revocation) (EU Exit) Regulations 2018	05.11.18 – Not applicable – no recommendation
SI 2018/1146	The Cambridgeshire and Peterborough Combined Authority (Adult Education Functions) Order 2018	05.11.18 – Not applicable – no recommendation
SI 2018/1145	The Tees Valley Combined Authority (Adult Education Functions) Order 2018	05.11.18 – Not applicable – no recommendation
SI 2018/1144	The West Midlands Combined Authority (Adult Education Functions) Order 2018	05.11.18 – Not applicable – no recommendation
SI 2018/1143	The West of England Combined Authority (Adult Education Functions) Order 2018	05.11.18 – Not applicable – no recommendation
SI 2018/1142	The Liverpool City Region Combined Authority (Adult Education Functions) Order 2018	05.11.18 – Not applicable – no recommendation
SI 2018/1141	The Greater Manchester Combined Authority (Adult Education Functions) Order 2018	05.11.18 – Not applicable – no recommendation
SI 2018/1140	The Wireless Telegraphy (Exemption and Amendment) (Amendment) (No. 2) Regulations 2018	06.11.18 – Not applicable – no recommendation
SI 2018/1139	The A470 Trunk Road (Caersws to Clatter, Powys) (50 mph Speed Limit) Order 2018	25.10.18 – Not applicable – no recommendation
SI 2018/1138	The Social Security (Scotland) Act 2018 (Best Start Grants) (Consequential Modifications and Saving) Order 2018	29.10.18 – Not applicable – no recommendation
SI 2018/1137	The Non-Contentious Probate (Amendment) Rules 2018	01.11.18 – Not applicable – no recommendation
SI 2018/1136	The Plant Health (England) (Amendment) (No. 5) Order 2018	01.11.18 – Not applicable – no recommendation
SI 2018/1135	The Education Administration Rules 2018	01.11.18 – Not applicable – no recommendation

SI 2018/1134	The National Health Service (General Medical Services Contracts) (Prescription of Drugs etc.) (Amendment) Regulations 2018	01.11.18 – Not applicable – no recommendation
SI 2018/1133	The Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority (Establishment and Functions) Order 2018	01.11.18 – Not applicable – no recommendation
SI 2018/1132	The Air Navigation (Restriction of Flying) (Brands Hatch) (Emergency) Regulations 2018	25.10.18 – Not applicable – no recommendation
SI 2018/1131	The Air Navigation (Restriction of Flying) (Leicester) (Emergency) Regulations 2018	27.10.18 – Not applicable – no recommendation
SI 2018/1130	The Child Tax Credit (Amendment) Regulations 2018	31.10.18 – Not applicable – no recommendation
SI 2018/1129	The Universal Credit and Jobseeker's Allowance (Miscellaneous Amendments) Regulations 2018	30.10.18 – Not applicable – no recommendation
SI 2018/1128	The Local Government (Boundary Changes) Regulations 2018	31.10.18 – Not applicable – no recommendation
SI 2018/1127	The Coroners Allowances, Fees and Expenses (Amendment) Regulations 2018	26.10.18 – Not applicable – no recommendation
SI 2018/1126	The Recovery of Costs (Remand to Youth Detention Accommodation) (Amendment No. 3) Regulations 2018	30.10.18 – Not applicable – no recommendation
SI 2018/1125	The International Recovery of Maintenance (Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance 2007) (EU Exit) Regulations 2018	30.10.18 – Not applicable – no recommendation
SI 2018/1124	The Civil Jurisdiction and Judgments (Hague Convention on Choice of Court Agreements 2005) (EU Exit) Regulations 2018	30.10.18 – Not applicable – no recommendation
SI 2018/1123	The Data Retention and Acquisition Regulations 2018	31.10.18 – Not applicable – no recommendation [But brought to the attention of Crown Counsel (Prosecution) and the Telecommunications Regulator for policy consideration]
SI 2018/1122	The Ship Recycling (Requirements in relation to Hazardous Materials on Ships) (Amendment etc.) Regulations 2018	30.10.18 – Not applicable – no recommendation
SI 2018/1121	The Department for Transport (Fees) (Amendment) (EU Exit) Regulations 2018	29.10.18 – Not applicable – no recommendation
SI 2018/1120	The Animal By-Products and Transmissible Spongiform Encephalopathies (England) (Amendment) (EU Exit) Regulations 2018	29.10.18 – Not applicable – no recommendation
SI 2018/1119	The Ministry of Defence Police (Conduct and Appeals Tribunals) (Amendment) Regulations 2018	29.10.18 – Not applicable – no recommendation
SI 2018/1118	The School Organisation Code (Appointed Day) (Wales) Order 2018	27.10.18 – Not applicable – no recommendation
SI 2018/1117	The Air Navigation (Restriction of Flying) (Tower of London) Regulations 2018	24.10.18 – Not applicable – no recommendation
SI 2018/1116	The Childcare (Miscellaneous Amendments) (EU Exit) (England) Regulations 2018	24.10.18 – Not applicable – no recommendation
SI 2018/1115	The Financial Regulators' Powers (Technical Standards etc.) (Amendment etc.) (EU Exit) Regulations 2018	25.10.18 – Not applicable – no recommendation
SI 2018/1114	The National Health Service (Pharmaceutical Services, Charges and Prescribing) (Amendment) Regulations 2018	24.10.18 – Not applicable – no recommendation
SI 2018/1113	The Home Loss Payments (Prescribed Amounts) (Wales) Regulations 2018	24.10.18 – Not applicable – no recommendation

SI 2018/1112	The Medicines and Healthcare Products Regulatory Agency Trading Fund (Amendment) (EU Exit) Order 2018	23.10.18 – Not applicable – no recommendation
SI 2018/1111	The Armed Forces Pension Schemes and Early Departure Payments Schemes (Amendments Relating to Flexible Working and Miscellaneous Amendments) Regulations 2018	18.10.18 – Not applicable – no recommendation
SI 2018/1110	The Zoonotic Disease Eradication and Control (Amendment) (England) (EU Exit) Regulations 2018	22.10.18 – Not applicable – no recommendation
SI 2018/1109	The Merchant Shipping (Work in Fishing Convention) (Consequential Provisions) Regulations 2018	31.12.18 – Apply in part in the Falkland Islands by automatic adoption (see paragraph 3.5.7 above)
SI 2018/1108	The Merchant Shipping (Work in Fishing Convention) (Medical Certification) Regulations 2018	24.10.18 – Not applicable – no recommendation [But brought to the attention of the Director of Natural Resources for policy consideration]
SI 2018/1107	The Merchant Shipping (Work in Fishing Convention) (Survey and Certification) Regulations 2018	24.10.18 – Not applicable – no recommendation [But brought to the attention of the Director of Natural Resources for policy consideration]
SI 2018/1106	The Merchant Shipping (Work in Fishing Convention) Regulations 2018	24.10.18 – Apply in part in the Falkland Islands by automatic adoption (see paragraph 3.5.7 above)
SI 2018/1105	The Cultural Tests (Films, Television Programmes and Video Games) (Amendment) (EU Exit) Regulations 2018	22.10.18 – Not applicable – no recommendation
SI 2018/1104	The Merchant Shipping (Fees) Regulations 2018	13.11.18 – Apply in the Falkland Islands by automatic adoption – see paragraph 3.5.7 above
SI 2018/1103	The Occupational Pension Schemes (Governance) (Amendment) Regulations 2018	22.10.18 – Not applicable – no recommendation
SI 2018/1102	The Occupational Pension Schemes (Cross-border Activities) (Amendment) Regulations 2018	22.10.18 – Not applicable – no recommendation
SI 2018/1101	The Further Education (Recognition of Professional Qualifications) (Amendment) Regulations 2018	15.10.18 – Not applicable – no recommendation
SI 2018/1100	The Town and Village Greens (Landowner Statements) (Wales) (No. 2) Regulations 2018	17.10.18 – Not applicable – no recommendation
SI 2018/1099	The Armed Forces and Reserve Forces (Compensation Scheme) (Amendment No. 2) Order 2018	11.10.18 – Not applicable – no recommendation
SI 2018/1098	The Air Navigation (Restriction of Flying) (Stokes Bay) Regulations 2018	02.10.18 – Not applicable – no recommendation
SI 2018/1097	The Pensions Act 2004 (Code of Practice) (Authorisation and Supervision of Master Trusts) Appointed Day Order 2018	17.10.18 – Not applicable – no recommendation
SI 2018/1096	The A44 Trunk Road (West of Llangurig, Powys) (Temporary Prohibition of Vehicles) Order 2018	16.10.18 – Not applicable – no recommendation
SI 2018/1095	The Sea Fishing (Miscellaneous Amendments) (Wales) Order 2018	16.10.18 – Not applicable – no recommendation
SI 2018/1094	The Special Fissile Materials (Right of Use and Consumption) (EU Exit) Regulations 2018	17.10.18 – Not applicable – no recommendation
SI 2018/1093	The Electricity (Guarantees of Origin of Electricity Produced from Renewable Energy Sources) (Amendment) (EU Exit) Regulations 2018	16.10.18 – Not applicable – no recommendation
SI 2018/1092	The Feed-in Tariffs and Contracts for Difference (Amendment) (EU Exit) Regulations 2018	16.10.18 – Not applicable – no recommendation
SI 2018/1091	The Civil Aviation Act 1982 (Amendment) (EU Exit) Regulations 2018	15.10.18 – Not applicable – no recommendation

SI 2018/1090	The Chemical Weapons (Asset-Freezing) and Miscellaneous Amendments Regulations 2018	16.10.18 – Not applicable – no recommendation
SI 2018/1089	The Environmental Noise (England) (Amendment) Regulations 2018	15.10.18 – Not applicable – no recommendation
SI 2018/1088	The Airports (Groundhandling) (Amendment) (EU Exit) Regulations 2018	15.10.18 – Not applicable – no recommendation
SI 2018/1087	The Ecclesiastical Exemption (Listed Buildings and Conservation Areas) (Wales) Order 2018	15.10.18 – Not applicable – no recommendation
SI 2018/1086	The Return of Cultural Objects (Revocation) (EU Exit) Regulations 2018	10.10.18 – Not applicable – no recommendation
SI 2018/1085	The Social Security (Updating of EU References) (Amendment) (Northern Ireland) Regulations 2018	15.10.18 – Not applicable – no recommendation
SI 2018/1084	The Social Security (Updating of EU References) (Amendment) Regulations 2018	15.10.18 – Not applicable – no recommendation
SI 2018/1083	The Public Lending Right Scheme 1982 (Amendment) (EU Exit) Regulations 2018	10.10.18 – Not applicable – no recommendation
SI 2018/1082	The Insolvency (Scotland) (Company Voluntary Arrangements and Administration) Rules 2018	11.10.18 – Not applicable – no recommendation
SI 2018/1081	The Airport Charges (Amendment) (EU Exit) Regulations 2018	10.10.18 – Not applicable – no recommendation
SI 2018/1080	The Computer Reservation Systems (Amendment) (EU Exit) Regulations 2018	10.10.18 – Not applicable – no recommendation
SI 2018/1079	The Nuclear Safeguards Act 2018 (Commencement No. 1) Regulations 2018	11.10.18 – Not applicable – no recommendation
SI 2018/1078	The Proceeds of Crime Act 2002 (External Investigations and External Orders and Requests) (Amendment) Order 2018	10.10.18 – Not applicable – no recommendation
SI 2018/1077	The Sustainable Drainage (Approval and Adoption Procedure) (Wales) Regulations 2018	10.10.18 – Not applicable – no recommendation
SI 2018/1076	The Sanctions (Overseas Territories) (Amendment of Information Provisions) Order 2018	10.10.18 – Applies directly in the Falkland Islands (see paragraph 3.5.5 above)
SI 2018/1075	The Sustainable Drainage (Application for Approval Fees) (Wales) Regulations 2018	10.10.18 – Not applicable – no recommendation
SI 2018/1074	The Sustainable Drainage (Approval and Adoption) (Wales) Order 2018	10.10.18 – Not applicable – no recommendation
SI 2018/1073	The Antarctic Act 1994 (Guernsey) (Amendment) Order 2018	10.10.18 – Not applicable – no recommendation
SI 2018/1072	The Police, Fire and Crime Commissioner for Northamptonshire (Fire and Rescue Authority) Order 2018	10.10.18 – Not applicable – no recommendation
SI 2018/1071	The European Union (Definition of Treaties) (Partnership and Cooperation Agreement) (Turkmenistan) Order 2018	10.10.18 – Not applicable – no recommendation
SI 2018/1070	The European Union (Definition of Treaties) (Partnership Agreement on Relations and Cooperation) (New Zealand) Order 2018	10.10.18 – Not applicable – no recommendation
SI 2018/1069	The European Union (Definition of Treaties) (Enhanced Partnership and Cooperation Agreement) (Kazakhstan) Order 2018	10.10.18 – Not applicable – no recommendation
SI 2018/1068	The European Union (Definition of Treaties) (Political Dialogue and Cooperation Agreement) (Cuba) Order 2018	10.10.18 – Not applicable – no recommendation
SI 2018/1067	The European Union (Definition of Treaties) (Framework Agreement) (Australia) Order 2018	10.10.18 – Not applicable – no recommendation
SI 2018/1066	The European Union (Definition of Treaties) (Strategic Partnership Agreement) (Canada) Order 2018	10.10.18 – Not applicable – no recommendation
SI 2018/1065	The European Union (Definition of Treaties) (Association Agreement) (Central America) Order 2018	10.10.18 – Not applicable – no recommendation
SI 2018/1064	The Plant Health (Wales) Order 2018	09.10.18 – Not applicable – no recommendation

SI 2018/1063	The European Union (Definition of Treaties) (Comprehensive and Enhanced Partnership Agreement) (Armenia) Order 2018	10.10.18 – Not applicable – no recommendation
SI 2018/1062	The European Communities (Designation) (No. 2) Order 2018	10.10.18 – Not applicable – no recommendation
SI 2018/1061	The Inspectors of Education, Children’s Services and Skills (No. 3) Order 2018	10.10.18 – Not applicable – no recommendation
SI 2018/1060	The North Korea (United Nations Sanctions) (Amendment) (No. 2) Order 2018	10.10.18 – Not applicable – no recommendation
SI 2018/1059	The Lambeth College (Designated Institution in Further Education) Order 2018	09.10.18 – Not applicable – no recommendation
SI 2018/1058	The M4 Motorway (Junction 35 (Pencoed) to Junction 37 (Pyle), Bridgend) (Temporary 50 MPH Speed Limit) Order 2018	08.10.18 – Not applicable – no recommendation
SI 2018/1057	The Landfill Disposals Tax (Wales) Act 2017 (Site Restoration Relief) (Amendment) Regulations 2018	10.10.18 – Not applicable – no recommendation
SI 2018/1056	The Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) (No. 2) Regulations 2018	10.10.18 – Not applicable – no recommendation
SI 2018/1055	The Misuse of Drugs (Amendments) (Cannabis and Licence Fees) (England, Wales and Scotland) Regulations 2018	09.10.18 – Apply in part in the Falkland Islands by automatic adoption (see paragraph 3.5.7)
SI 2018/1054	The Higher Education and Research Act 2017 (Commencement No. 4) Regulations 2018	09.10.18 – Not applicable – no recommendation
SI 2018/1053	The Tribunal Procedure (Amendment No. 2) Rules 2018	04.10.18 – Not applicable – no recommendation
SI 2018/1052	The Design Right (Semiconductor Topographies) (Amendment) (EU Exit) Regulations 2018	09.10.18 – Not applicable – no recommendation
SI 2018/1051	The Plant Health (England) (Amendment) (No. 4) Order 2018	08.10.18 – Not applicable – no recommendation
SI 2018/1050	The A483 Trunk Road (Wind Street, Ammanford, Carmarthenshire) (Temporary Traffic Prohibitions & Restriction) Order 2018	08.10.18 – Not applicable – no recommendation
SI 2018/1049	The A483 Trunk Road (Ffairfach, Carmarthenshire) (Temporary Prohibition of Vehicles) Order 2018	08.10.18 – Not applicable – no recommendation
SI 2018/1048	The Plant Health (Forestry) (Amendment) (England and Scotland) Order 2018	08.10.18 – Not applicable – no recommendation
SI 2018/1047	The Safety of Sports Grounds (Designation) (Amendment) (No. 2) Order 2018	08.10.18 – Not applicable – no recommendation
SI 2018/1046	The Groceries Code Adjudicator Act 2013, Small Business, Enterprise and Employment Act 2015 and Enterprise Act 2016 (Amendment) (EU Exit) Regulations 2018	05.10.18 – Not applicable – no recommendation
SI 2018/1045	The Financial Guidance and Claims Act 2018 (Commencement No. 4) Regulations 2018	05.10.18 – Not applicable – no recommendation
SI 2018/1044	The M1 Motorway (Junctions 23A to 25) (Variable Speed Limits) (Amendment) Regulations 2018	04.10.18 – Not applicable – no recommendation
SI 2018/1043	The Tenants’ Associations (Provisions Relating to Recognition and Provision of Information) (England) Regulations 2018	03.10.18 – Not applicable – no recommendation
SI 2018/1042	The Firearms (Amendment) Rules 2018	03.10.18 – Not applicable – no recommendation
SI 2018/1041	The Recall Petition (Petition Officer’s Charges) (Northern Ireland) Regulations 2018	28.09.18 – Not applicable – no recommendation
SI 2018/1040	The Legislative Reform (Regulator of Social Housing) (England) Order 2018	30.09.18 – Not applicable – no recommendation
SI 2018/1039	The Friendly Societies (Amendment) (EU Exit) Regulations 2018	27.09.18 – Not applicable – no recommendation
SI 2018/1038	The Consumer Credit (Amendment) (EU Exit) Regulations 2018	27.09.18 – Not applicable – no recommendation

SI 2018/1037	The Zootechnical Standards (England) Regulations 2018	26.09.18 – Not applicable – no recommendation [But brought to the attention of the Senior Veterinary Officer and Director of Natural Resources for policy consideration]
SI 2018/1036	The M4 Motorway (Eastbound and Westbound Exit Slip Roads at Junction 28 (Tredegar Park Interchange), Newport) (40 MPH Speed Limit) Regulations 2018	24.09.18 – Not applicable – no recommendation
SI 2018/1035	The A483 Trunk Road (Junction 1 (Ruabon Interchange) to the Wales/England Border, Wrexham County Borough) (Temporary Traffic Prohibitions and Restrictions) Order 2018	25.09.18 – Not applicable – no recommendation
SI 2018/1034	The Seal Products (Amendments) (EU Exit) Regulations 2018	25.09.18 – Not applicable – no recommendation [But brought to the attention of the Environment Officer and Director of Policy and Economic Development for policy consideration]
SI 2018/1033	The Animal Health and Welfare (Miscellaneous Amendments) (England) (EU Exit) Regulations 2018	25.09.18 – Not applicable – no recommendation [But brought to the attention of the Senior Veterinary Officer and Director of Natural Resources for policy consideration]
SI 2018/1032	The Mission and Pastoral etc. (Amendment) Measure 2018 (Commencement No. 2) Order 2018	25.09.18 – Not applicable – no recommendation
SI 2018/1031	The M6 Toll Motorway (Coleshill) (Temporary Restriction and Prohibition of Traffic) (No. 2) Order 2018	21.09.18 – Not applicable – no recommendation
SI 2018/1030	The Occupational Pension Schemes (Master Trusts) Regulations 2018	25.09.18 – Not applicable – no recommendation
SI 2018/1029	The Financial Guidance and Claims Act 2018 (Commencement No. 3 and Transitory Provisions (Modification)) Regulations 2018	25.09.18 – Not applicable – no recommendation
SI 2018/1028	The A40 Trunk Road and Link Road (Travellers' Rest, Carmarthenshire) (Temporary 30 MPH Speed Limit) Order 2018	21.09.18 – Not applicable – no recommendation
SI 2018/1027	The A470 Trunk Road (Llanrwst, Conwy) (Temporary Prohibition of Vehicles, Cyclists and Pedestrians) Order 2018	21.09.18 – Not applicable – no recommendation
SI 2018/1026	The Common Agricultural Policy Basic Payment and Support Schemes (England) (Amendment) Regulations 2018	24.09.18 – Not applicable – no recommendation
SI 2018/1025	The Timber and Timber Products and FLEGT (EU Exit) Regulations 2018	21.09.18 – Not applicable – no recommendation [But brought to the attention of the Environment Officer and Director of Policy and Economic Development for policy consideration]
SI 2018/1024	The Air Navigation (Restriction of Flying) (Windsor Castle) (No. 2) Regulations 2018	24.09.18 – Not applicable – no recommendation
SI 2018/1023	The M4 Motorway (Junction 34 (Miskin), Rhondda Cynon Taf to Junction 49 (Pont Abraham), Carmarthenshire) (Temporary Prohibition of Vehicles) Order 2018	20.09.18 – Not applicable – no recommendation
SI 2018/1022	The Planning (Wales) Act 2015 (Commencement No. 5 and Transitional Provisions) Order 2018	19.09.18 – Not applicable – no recommendation
SI 2018/1021	The Town and Village Greens (Landowner Statements) (Wales) Regulations 2018	19.09.18 – Not applicable – no recommendation
SI 2018/1020	The Eggborough Gas Fired Generating Station Order 2018	20.09.18 – Not applicable – no recommendation
SI 2018/1019	The A55 Trunk Road (Junction 4 (Dalar Hir Interchange) to Junction 6 (Nant Turnpike Interchange), Isle of Anglesey) (Temporary Prohibition of Vehicles, Cyclists & Pedestrians) Order 2018	18.09.18 – Not applicable – no recommendation

SI 2018/1018	The A494 Trunk Road (Llanycil, Gwynedd) (Temporary Speed Restrictions & No Overtaking) Order 2018	19.09.18 – Not applicable – no recommendation
SI 2018/1017	The A483 Trunk Road (Welshpool Bypass, Welshpool, Powys) (Temporary Prohibition of Vehicles) Order 2018	17.09.18 – Not applicable – no recommendation
SI 2018/1016	The Ferrybridge Multifuel 2 Power Station (Amendment) Order 2018	19.09.18 – Not applicable – no recommendation
SI 2018/1015	The Diocese of York (Educational Endowments) (Kilburn Church of England Primary School) Order 2018	18.09.18 – Not applicable – no recommendation
SI 2018/1014	The Diocese of Lincoln (Educational Endowments) (Aby Church of England Primary School) Order 2018	18.09.18 – Not applicable – no recommendation
SI 2018/1013	The Diocese of Oxford (Educational Endowments) (Harpsden Church of England School) (No. 2) Order 2018	18.09.18 – Not applicable – no recommendation
SI 2018/1012	The European Union (Definition of Treaties Orders) (Revocation) (EU Exit) Regulations 2018	18.09.18 – Not applicable – no recommendation
SI 2018/1011	The European Communities (Designation Orders) (Revocation) (EU Exit) Regulations 2018	18.09.18 – Not applicable – no recommendation
SI 2018/1010	The A55 Trunk Road (Junction 23 (Llanddulas) to Junction 22 (Old Colwyn), Conwy County Borough) (Temporary Traffic Prohibitions and Restrictions) Order 2018	11.09.18 – Not applicable – no recommendation
SI 2018/1009	The Air Navigation (Restriction of Flying) (Remembrance Sunday) Regulations 2018	17.09.18 – Not applicable – no recommendation
SI 2018/1008	The A48 Trunk Road (Cross Hands Roundabout to South-East of Pensarn Roundabout) and the A40 Trunk Road (Pensarn Roundabout to St Clears Roundabout, Carmarthenshire) (Temporary Traffic Restrictions and Prohibition) Order 2018	10.09.18 – Not applicable – no recommendation
SI 2018/1007	The Environment Agency (Teggynose Reservoir and Langley Bottoms Reservoir) Drought Order 2018	13.09.18 – Not applicable – no recommendation
SI 2018/1006	The A487 Trunk Road (Penmorfa, Gwynedd) (Temporary Speed Restrictions and No Overtaking) Order 2018	03.09.18 – Not applicable – no recommendation
SI 2018/1005	The A470 & A458 Trunk Roads (Moat Lane Level Crossing, Caersws and Buttington Level Crossing, Buttington, Powys) (Temporary Prohibition of Vehicles) Order 2018	13.09.18 – Not applicable – no recommendation
SI 2018/1004	The Vehicle Drivers (Certificates of Professional Competence) (Amendment) (EU Exit) Regulations 2018	05.09.18 – Not applicable – no recommendation
SI 2018/1003	The Financial Guidance and Claims Act 2018 (Commencement No. 2) Regulations 2018	12.09.18 – Not applicable – no recommendation
SI 2018/1002	The NHS Foundation Trusts (Trust Funds: Appointment of Trustees) Revocation Order 2018	13.09.18 – Not applicable – no recommendation
SI 2018/1001	The Rating Lists (Valuation Date) (Wales) Order 2018	12.09.18 – Not applicable – no recommendation
SI 2018/1000	The A5 Trunk Road (North of Bethesda to Llys y Gwynt, Bangor, Gwynedd) (Temporary Speed Restrictions & No Overtaking) Order 2018	12.09.18 – Not applicable – no recommendation
SI 2018/999	The Immigration and Nationality (Fees) (Amendment) (EU Exit) (No. 2) Regulations 2018	12.09.18 – Not applicable – no recommendation
SI 2018/998	The School Teachers' Pay and Conditions Order 2018	11.09.18 – Not applicable – no recommendation
SI 2018/997	The Police and Firefighters' Pensions (Amendment) Regulations 2018	10.09.18 – Not applicable – no recommendation
SI 2018/996	The A479 Trunk Road (Glanusk Park to Bronllys, Powys) (Temporary Prohibition of Vehicles) Order 2018	11.09.18 – Not applicable – no recommendation
SI 2018/995	The Copyright and Related Rights (Marrakesh Treaty etc.) (Amendment) Regulations 2018	11.09.18 – Not applicable – no recommendation
SI 2018/994	The A19/A184 Testo's Junction Alteration Development Consent Order 2018	12.09.18 – Not applicable – no recommendation
SI 2018/993	The Adoption and Children Act Register (Search and Inspection) (Amendment) Regulations 2018	10.09.18 – Not applicable – no recommendation

SI 2018/992	The Reserve Forces (Payments to Employers and Partners) (Isle of Man) Regulations 2018	10.09.18 – Not applicable – no recommendation
SI 2018/991	The Reserve Forces Act 1996 (Isle of Man) (Amendment) Regulations 2018	10.09.18 – Not applicable – no recommendation
SI 2018/990	The Bank of England and Financial Services Act 2016 (Commencement No. 5 and Transitional Provisions) Regulations 2018	10.09.18 – Not applicable – no recommendation
SI 2018/989	The Social Security (Claims and Payments) (Social Fund Maternity Grant) (Amendment) Regulations 2018	10.09.18 – Not applicable – no recommendation
SI 2018/988	The Pension Protection Fund (Pensionable Service) and Occupational Pension Schemes (Investment and Disclosure) (Amendment and Modification) Regulations 2018	10.09.18 – Not applicable – no recommendation
SI 2018/987	The Financial Guidance and Claims Act 2018 (Commencement No. 1 and Transitional Provision) Regulations 2018	06.09.18 – Not applicable – no recommendation
SI 2018/985	The Income-related Benefits (Subsidy to Authorities) Amendment Order 2018	06.09.18 – Not applicable – no recommendation
SI 2018/984	The Road Vehicles (Approval) (Amendment) Regulations 2018	05.09.18 – Not applicable – no recommendation
SI 2018/983	The Occupational Pension Schemes (Master Trusts) Regulations 2018	05.09.18 – Not applicable – no recommendation
SI 2018/982	The Riot Compensation (Amendment) Regulations 2018	05.09.18 – Not applicable – no recommendation
SI 2018/981	The Health Education and Improvement Wales (Transfer of Staff, Property, Liabilities) (Wales) Order 2018	06.09.18 – Not applicable – no recommendation
SI 2018/980	The Scotland Act 2016, Wales Act 2017 and Onshore Petroleum (Consequential, Transitional and Saving Provisions and Model Clauses) Regulations 2018	05.09.18 – Not applicable – no recommendation
SI 2018/979	The A494 Trunk Road (Ewloe Green, Flintshire to Dolgellau, Gwynedd) (Temporary Traffic Restrictions & Prohibitions) Order 2018	05.09.18 – Not applicable – no recommendation
SI 2018/978	The A470 Trunk Road (South of Dolwyddelan, Conwy County Borough) (Temporary Prohibition of Vehicles, Cyclists & Pedestrians) Order 2018	05.09.18 – Not applicable – no recommendation
SI 2018/977	The Veterinary Surgeons and Veterinary Practitioners (Registration) (Amendment) (No. 2) Regulations Order of Council 2018	05.09.18 – Not applicable – no recommendation
SI 2018/976	The Veterinary Surgeons (Examination of Commonwealth and Foreign Candidates) (Amendment) Regulations Order of Council 2018	05.09.18 – Not applicable – no recommendation
SI 2018/974	The Marketing of Ornamental Plant Propagating Material (Amendment) (England and Wales) Regulations 2018	03.09.18 – Not applicable – no recommendation
SI 2018/973	The A465 Trunk Road (Exit Slip Roads at Rhymney Interchange, Rhymney, Caerphilly County Borough) (Temporary Prohibition of Vehicles) Order 2018	04.09.18 – Not applicable – no recommendation
SI 2018/972	The M4 Motorway (Slip Roads at Junction 45 (Ynysforgan), Swansea) (Temporary Prohibition of Vehicles) Order 2018	03.09.18 – Not applicable – no recommendation
SI 2018/971	The Tonnage Tax (Training Requirement) (Amendment etc.) Regulations 2018	04.09.18 – Not applicable – no recommendation
SI 2018/970	The Police, Fire and Crime Commissioner for North Yorkshire (Fire and Rescue Authority) Order 2018	04.09.18 – Not applicable – no recommendation
SI 2018/969	The Petroleum Licensing (Charges) (Wales) Regulations 2018	04.09.18 – Not applicable – no recommendation
SI 2018/968	The Transmissible Spongiform Encephalopathies (Wales) Regulations 2018	04.09.18 – Not applicable – no recommendation
SI 2018/967	The Electricity (Individual Exemptions from the Requirement for a Generation Licence) (England and Wales) Order 2018	04.09.18 – Not applicable – no recommendation
SI 2018/966	The Simple Pressure Vessels, Electrical Equipment and Pressure Equipment (Miscellaneous Amendments) (Northern	04.09.18 – Not applicable – no recommendation

	Ireland) Regulations 2018	
SI 2018/965	The Pension Schemes Act 2017 (Commencement No. 2) Regulations 2018	04.09.18 – Not applicable – no recommendation
SI 2018/964	The Rural Development Programme (Transfer) (England) Regulations 2018	03.09.18 – Not applicable – no recommendation
SI 2018/937	The Network Rail (Felixstowe Branch Line Improvements – Level Crossings Closure) Order 2018	05.09.18 – Not applicable – no recommendation

SCHEDULE 2 – Draft Legislative Assembly Resolution

It is resolved by the Legislative Assembly this 13 day of December 2018 that:

(a) 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;

(b) the Assembly recommends that the Governor makes an order in the form (or in similar form) to the order annexed to the Statute Law Commissioner’s Report;

and the Statute Law Database should be amended accordingly.

—
SUBSIDIARY LEGISLATION
—

**DRAFT – Law Revision and Publication Ordinance 2017 (Amendment) (No 3)
Order 2018**

S. R. & O. No. of 2018

Made: 2018
Published: 2018
Coming into force: on publication

I make this Order under section 25(8)(b) of the Law Revision and Publication Ordinance 2017 to give effect to a recommendation of the Statute Law Commissioner approved by the Legislative Assembly.

1. Title

This Order is the Law Revision and Publication Ordinance 2017 (Amendment) (No 3) Order 2018.

2. Commencement

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

3. Amendment of Schedule 1 to the Law Revision and Publication Ordinance

Schedule 1 to the Law Revision and Publication Ordinance 2017 (UK enactments which apply to Falkland Islands) is amended as set out in the Schedule to this Order.

SCHEDULE
AMENDMENT OF SCHEDULE 1 TO THE LAW REVISION AND PUBLICATION
ORDINANCE 2017

1. Application of Merchant Shipping (Fees) Regulations 2018

Part 2 is amended by omitting the entries in the table in respect of the Merchant Shipping (Fees) Regulations 2006 (SI 2006/2055) and the Merchant Shipping (Fees) Regulations 2015 (SI 2015/315), and substituting the following entry —

Merchant Shipping (Fees) Regulations 2018 (SI 2018/1104)	2018	Whole Regulations	1. Subject to paragraph 2, the Regulations are subject to the modifications specified in Schedule 2 of the Merchant Shipping (Adoption of Legislation) Ordinance 1992.
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			2. The Regulations apply as if the Merchant Shipping (Work in Fishing Convention) (Consequential Provisions) Regulations 2018 (SI 2018/1109) had never been made.
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2. Amendment of application of various Merchant Shipping Regulations

Part 2 is amended by omitting the entries in respect of the statutory instruments referred to in the left hand column of the table below, and substituting the entries in respect of those instruments as set out in the table below —

Merchant Shipping and Fishing Vessels (Health and Safety at Work) Regulations (SI 1997/2962)	1997	Whole Regulations	<p>1. Subject to paragraph 2, the Regulations are subject to the modifications specified in Schedule 2 of the Merchant Shipping (Adoption of Legislation) Ordinance 1992.</p> <p>2. The Regulations apply as if the Merchant Shipping (Work in Fishing Convention) (Consequential Provisions) Regulations 2018 (SI 2018/1109) had never been made.</p>
Merchant Shipping (Crew Agreements, Lists of Crew and Discharge of Seamen)(Fishing Vessels) Regulations (SI 1972/919)	1972	Whole Regulations	<p>1. Subject to paragraph 2, the Regulations are subject to the modifications specified in Schedule 2 of the Merchant Shipping (Adoption of Legislation) Ordinance 1992.</p> <p>2. The Regulations apply as if the Merchant Shipping (Work in Fishing Convention) (Consequential Provisions) Regulations 2018 (SI 2018/1109) had never been made.</p>
Merchant Shipping (Provisions and Water) Regulations (SI 1989/102)	1989	Whole Regulations	<p>1. Subject to paragraph 2, the Regulations are subject to the modifications specified in Schedule 2 of the Merchant Shipping (Adoption of Legislation) Ordinance 1992.</p> <p>2. The Regulations apply as if the Merchant Shipping (Work in Fishing Convention) Regulations 2018 (SI 2018/1106) had never been made.</p>

Merchant Shipping (Repatriation) Regulations 1979 (SI 1979/97)	1979	Whole Regulations	<p>1. Subject to paragraph 2, the Regulations are subject to the modifications specified in Schedule 2 of the Merchant Shipping (Adoption of Legislation) Ordinance 1992.</p> <p>2. The Regulations apply as if the Merchant Shipping (Work in Fishing Convention) (Consequential Provisions) Regulations 2018 (SI 2018/1109) had never been made.</p>
Merchant Shipping (Seamen's Wages and Accounts) (Fishing Vessels) Regulations (SI 1972/1701)	1972	Whole Regulations	<p>1. Subject to paragraph 2, the Regulations are subject to the modifications specified in Schedule 2 of the Merchant Shipping (Adoption of Legislation) Ordinance 1992.</p> <p>2. The Regulations apply as if the Merchant Shipping (Work in Fishing Convention) (Consequential Provisions) Regulations 2018 (SI 2018/1109) had never been made.</p>

Made [] 2018

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

EXPLANATORY NOTE
(not forming part of this Order)

This Order amends Part 2 of Schedule 1 of the Law Revision and Publication Ordinance 2017

(a) to insert reference to the Merchant Shipping (Fees) Regulations 2018 (SI 2018/1104) in substitution for regulations revoked by them; and

(b) to disapply the following regulations, which would otherwise have effect in the Falkland Islands by virtue of section 24 of the Law Revision and Publication Ordinance —

Merchant Shipping (Work in Fishing Convention) Regulations 2018 (SI 2018/1106)

Merchant Shipping (Work in Fishing Convention) (Consequential Provisions) Regulations 2018 (SI 2018/1109)

LEGISLATIVE ASSEMBLY

ORDER PAPER

THURSDAY 25 OCTOBER 2018

Portfolio Reports:

- The Hon Roger Edwards
- The Hon Dr Barry Elsby

LEGISLATIVE ASSEMBLY

ORDER PAPER

THURSDAY 25 OCTOBER 2018

Order of the Day Bills:

Supplementary Appropriation (2018-2019) (No 3) Bill 2018

Child Minding and Day Care Bill 2018

**LEGISLATIVE ASSEMBLY
PROCEDURE FOR TAKING GOVERNMENT BILLS WHICH HAVE NOT BEEN PUBLISHED IN THE
GAZETTE
(NOT READ FOR THE FIRST TIME)**

- CLERK** "Orders of the day – Bills"
- CLERK** **Supplementary Appropriation (2018-2019) (No 3) Bill 2018**
- FINANCIAL SECRETARY** "Mr Speaker, I beg to move the first reading of the Bill.
- HON ROGER SPINK** "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** **S Supplementary Appropriation (2018-2019) (No 3) Bill 2018**
- FINANCIAL SECRETARY** Mr Speaker, this Bill..... (EXPLANATION)... I beg to move that the bill will be read a second time"
- HON ROGER SPINK** "I second the Motion"
- MR SPEAKER** "The Motion is that the Bill be read a second time – does and Honourable Member wish to speak to this Motion?"
- Debate if any -----
- If no debate then the short procedure to be followed
- or** "No objection, the Bill will be read a second time"
- CLERK** **Supplementary Appropriation (2018-2019) (No 2) Bill 2018**
- MR SPEAKER** Declares the Assembly to be in Committee
- CLERK** "Clauses 1-4"
- MOVER** "I beg to move that Clauses 1-4 stand part of the Bill"
- MR SPEAKER** "The Motion is that Clauses 1-4 stand part of the Bill – any objection to the Motion? No objection, Clauses 1-4 stand part of the Bill"
- CLERK** "Schedule"

MOVER	“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 to the Motion? No objection, the schedule stands part of the Bill”
MR SPEAKER	“The Assembly resumes”
FINANCIAL SECRETARY	“I beg to move the Bill be read a third time and do pass”
MR SPEAKER	“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 passes”
CLERK	Supplementary Appropriation (2018-2019) (No 3) Bill 2018

SHORT TRACK PROCEDURE

2a) Immediately after an exposition has been given on the contents of the Bill the President may, if he thinks fit, enquire as to whether any Member other than the proposer and seconder wish to speak in relation to the Bill. If no such member indicates a desire to speak, the President may indicate that the Bill will be dealt with in accordance with the short procedure. Otherwise the Bill shall be dealt with thereafter in accordance with paragraph 3 to 6 of this Standing orders and standing orders 43 to 46, the long procedure.

2b) Where a Bill is to be dealt with by the short procedure, the President shall enquire whether any amendments of the Bill are desired if there are, any councillors shall straightaway be informed of them, if there are any, Council shall straightaway be informed of them and ask whether they will be agreed to. If any Member so requires they shall individually be put to the vote and accepted or rejected accordingly. Immediately after any desired amendments have to be dealt with, and if none are desired straightaway, the President shall declare the Bill to be read a third time and to have passed

FALKLAND ISLANDS

Supplementary Appropriation (2018-2019) (No.3) Bill 2018

(No. 2018)

ARRANGEMENT OF PROVISIONS

Clause

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

Schedule

FALKLAND ISLANDS

Supplementary Appropriation (2018-2019) (No. 3) Bill 2018

(assented to: 12 June 2018)
(commencement: on publication)
(published: 29 June 2018)

A BILL

for

AN ORDINANCE

To authorise the withdrawal from the Consolidated Fund of the additional sum of £4,026,584 for the financial year ending 30 June 2019.

ENACTED by the Legislature of the Falkland Islands —

1. Title

This Ordinance is the Supplementary Appropriation (2018-2019) (No. 3) Ordinance 2018.

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 £4,026,584 from the Consolidated Fund.

(2) Any additional sum withdrawn under subsection (1) may be applied in the financial year ending 30 June 2019 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 No. 4 of 2018/2019, the Financial Secretary will replenish the fund from the additional sum withdrawn under section 3.

SCHEDULE

Number	Head of Service	Amount £
	Operating Budget	
0110	Development & Commercial Services	25,130
0200	Health & Social Services	40,000
0350	Public Works	1,466,650
0410	Natural Resources	17,000
0615	Policy Unit	29,814
	Total Operating Budget	<u><u>1,578,594</u></u>
0999	Fund Transfer and Transfer Payments	<u><u>2,447,990</u></u>
	Total Schedule	<u><u>4,026,584</u></u>

OBJECTS AND REASONS

The Bill provides for—

- (1) supplementary expenditure of £4,026,584;
- (2) the Contingencies Fund to be replenished to the extent that any sums have been advanced under the authority of Contingencies Warrant No. 4 of 2018/2019.

The Bill is proposed in accordance with sections 76(3) and 78(2) of the Constitution as read together with section 26(3) of the Finance and Audit Ordinance 1988.

LEGISLATIVE ASSEMBLY

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

CLERK	“Orders of the Day – Bills”
CLERK	Child Minding and Day Care Bill 2018
The Hon Stacy Bragger	“Mr Speaker, this Bill etc.....(explanation) I beg to move the second reading of the Bill”
The Hon Leona Roberts	“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	Child Minding and Day Care Bill 2018

MR SPEAKER Declares that the **Assembly is in Committee**

CLERK Clauses 1 and/to.....

MOVER I beg to move the Clauses 1 and/to....stand part of the Bill

MR SPEAKER “The Motion is that Clauses 1 and/to...stand part of the Bill. Is there any objection to the Motion?”

No objection, Clauses 1 and/to....stand part of the Bill”

CLERK Schedules (if any)

MOVER I beg to move the Schedule(s) stand part of the Bill.

MR SPEAKER The Motion Is that Schedule(s) stand part of the Bill – any objection? No Objection, the schedule stands part of the Bill.

MR SPEAKER Declares that the **Assembly resumes.**

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

MR SPEAKER “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 Reads the short title of the Bill

Child Minding and Day Care Bill 2018

(No. of 2018)

ARRANGEMENT OF PROVISIONS

Clause

PART 1 —PRELIMINARY

1. Short title and commencement
2. Interpretation
3. Child minding and day care
4. Exemptions to section 3

PART 2 —REGISTERS AND DUTY TO REGISTER

5. Register of child minders
6. Duty of child minders to register
7. Register of providers of day care
8. Duty of providers of day care to register

PART 3 —APPLICATION FOR REGISTRATION

9. Application for registration as child minder
10. Requirements for registration as a child minder
11. Application for registration as a provider of day care
12. Requirements for registration as a provider of day care
13. Entry in the register and certificate of registration
14. Conditions on registration
15. Regulations governing activities of registered persons

PART 4 —CANCELLATION AND SUSPENSION OF REGISTRATION

16. Cancellation of registration
17. Suspension of registration
18. Voluntary removal from register
19. Protection of children in an emergency: cancellation of registration
20. Protection of children in an emergency: change to conditions
21. Procedure for taking certain steps
22. Objection by applicant or registered person
23. Appeals
24. Disqualification
25. Consequences of disqualification

PART 5 — INSPECTION

- 26. Inspection
- 27. Powers of entry
- 28. Powers of inspection

PART 6 — INFORMATION

- 29. Director may request information
- 30. Report and supply of information

PART 7 — OFFENCES, CRIMINAL PROCEEDINGS AND FIXED PENALTIES

- 31. Offence of making false or misleading statement
- 32. Offences by corporate bodies
- 33. Offences by unincorporated associations

PART 8 — MISCELLANEOUS

- 34. Fees
- 35. Giving of notices
- 36. Death of registered person
- 37. Director to issue guidance
- 38. Subsidiary legislation

PART 9 — TRANSITIONAL PROVISIONS

- 39. Continuation of child minding and provision of day care
- 40. Application for provisional registration
- 41. Provisional registration
- 42. Extension of time
- 43. Full registration
- 44. Interpretation in this Part

CHILD MINDING AND DAY CARE BILL 2018

(No: of 2018)

(assented to: 2018)

(commencement: in accordance with section 1)

(published: 2018)

A BILL

for

AN ORDINANCE

To provide for the regulation of child minding and day care for children; to provide for the registration of child minders or day care providers and to provide for incidental matters.

BE IT ENACTED by the Legislature of the Falkland Islands —

PART 1 — PRELIMINARY

1. Short title and commencement

(1) This Ordinance is the Child Minding and Day Care Ordinance 2018.

(2) This Ordinance comes into operation on a day appointed by the Governor by notice published in the *Gazette*.

2. Interpretation

In this Ordinance, unless the context otherwise requires —

“applicant” means a person who applies for registration as a child minder or a day care provider under this Ordinance;

“body corporate” means a company or any other incorporated body;

“child” means a person below the age of 12 years;

“child minder” means a person referred to in section 3(1)(a);

“development” means physical, intellectual, emotional, social or behavioural development;

“Director” means the Director of Education or the Director’s nominated representative;

“domestic premises” means any premises which are used wholly or mainly as a private dwelling;

“employee” means an individual who is employed by a registered person to assist in looking after children on premises.

“harm” means ill-treatment or impairment of health, including impairment suffered from seeing or hearing the ill-treatment of another;

“ill-treatment” includes sexual abuse and any form of ill-treatment which is not physical;

“new condition” means a condition imposed otherwise than at the time of the person’s registration as a child minder or a provider of day care;

“premises” means a place where children are looked after by a child minder or a provider of child care;

“prescribed” means prescribed by order or in regulations;

“provider of day care” means a person referred to in section 3(1)(b);

“registered person” means a person registered under this Ordinance as a child minder or as a provider of day care; and

“unincorporated association” includes sole traders, partnerships, trusts, voluntary organisations or other similarly constituted bodies.

3. Child minding and day care

(1) Subject to section 4, a person who looks after children at any time other than as an employee—

(a) on domestic premises, is a child minder;

(b) on premises other than domestic premises, is a provider of day care.

(2) The Governor may by order amend the definition of “child” to substitute a different age limit.

4. Exemptions to section 3

(1) The Governor may by order specify circumstances when a person is not acting as a child minder or a provider of day care in terms of this Ordinance.

(2) The order under subsection (1) may relate to any of the following matters, among others —

(a) the person who is the child minder or provider of day care;

(b) the child or children for whom the child minding or day care is provided;

(c) the nature of the child minding or day care;

- (d) the premises on which the child minding or day care is provided;
- (e) the times during which the child minding or day care is provided; and
- (f) the arrangements under which the child minding or day care is provided.

PART 2 — REGISTERS AND DUTY TO REGISTER

5. Register of child minders

- (1) The Director must maintain a child minders' register containing a list of all persons who are registered as child minders and the premises on which they are authorised to operate.
- (2) Any person may request to inspect the register maintained under subsection (1) during the hours that the Director's office is open for business.

6. Duty of child minders to register

- (1) A person must not act as a child minder on domestic premises unless that person is registered as a child minder in respect of those premises under section 9(3).
- (2) A person who acts as a child minder in contravention of subsection (1) without reasonable excuse commits an offence and is liable on conviction to a fine not exceeding level 5 on the standard scale.

7. Register of providers of day care

- (1) The Director must maintain a register containing a list of persons who are registered as providers of day care and of the premises on which they are authorised to provide the day care.
- (2) Any person may request to inspect the register maintained under subsection (1) during the hours that the Director's office is open for business.

8. Duty of providers of day care to register

- (1) A person must not provide day care on any premises unless they are registered as a provider of day care on those premises under section 11(3).
- (2) A person who contravenes subsection (1) without reasonable excuse commits an offence and is liable on conviction to a fine not exceeding level 5 on the standard scale.

PART 3 — APPLICATION FOR REGISTRATION

9. Application for registration as child minder

- (1) A person who proposes to act as a child minder must apply to the Director for registration as a child minder.
- (2) An application must —
 - (a) give information on such matters as may be prescribed;

(b) give any other information which the Director may reasonably require the applicant to give; and

(c) be accompanied by the prescribed fee, if any.

(3) The Director must register the applicant if —

(a) the applicant is not disqualified in terms of section 24;

(b) it appears to the Director that all the prescribed requirements for registration as a child minder are satisfied and are likely to continue to be satisfied; and

(c) the applicant has paid the prescribed fee, if any.

(4) The Director must refuse to register an applicant who does not meet the requirements of subsection (3).

10. Requirements for registration as a child minder

The Governor may prescribe requirements for registration as a child minder which may include requirements relating to —

(a) the applicant, the application and its form;

(b) the premises on which the child minding is to be provided;

(c) the number of children to be looked after;

(d) the arrangements for child minding on those premises;

(e) any person who may be looking after children on those premises; or

(f) any other person who may be on those premises.

11. Application for registration as a provider of day care

(1) A person who proposes to provide day care on particular premises must apply to the Director for registration as a provider of day care on those premises.

(2) An application must —

(a) give information on such matters as may be prescribed; or

(b) give any other information which the Director may reasonably require the applicant to give; and

(c) be accompanied by the prescribed fee, if any.

- (3) The Director must register the applicant if —
- (a) the applicant is not disqualified under section 24;
 - (b) it appears to the Director that all the prescribed requirements for registration as a provider of day care are satisfied and are likely to continue to be satisfied; and
 - (c) the applicant has paid the prescribed fee.
- (4) The Director must refuse an application which does not meet the requirements of subsection (3).

12. Requirements for registration as a provider of day care

The Governor may prescribe requirements for registration of providers of day care which may include requirements relating to —

- (a) the applicant, the application and its form;
- (b) the premises on which the children are to be looked after;
- (c) the number of children to be looked after;
- (d) the arrangements for looking after children on those premises;
- (e) any person who may be looking after children on those premises, and
- (f) any other person who may be on those premises.

13. Entry in the register and certificate of registration

- (1) If an application under section 9 is approved, the Director must —
- (a) register the applicant in the child minders' register in respect of the domestic premises applied for; and
 - (b) give the applicant a certificate of registration.
- (2) If an application under section 11 is approved, the Director must —
- (a) register the applicant in the providers of day care register in respect of the premises applied for; and
 - (b) give the applicant a certificate of registration.
- (3) A certificate of registration under subsection (1) or (2) must contain such information as is prescribed.

(4) A registered person must advise the Director of a change in circumstances which requires the amendment of a certificate of registration and if the Director agrees with the changes, he or she must give the registered person an amended certificate.

(5) If the Director is satisfied that a certificate of registration has been lost or destroyed, the Director must give the registered person a copy, on payment of the prescribed fee, if any.

14. Conditions on registration

(1) The Director may impose such conditions as the Director considers necessary on the registration of a child minder or a provider of day care.

(2) The power to impose conditions may be exercised at the time of registration under section 9 or 11 or at any subsequent time after registration.

(3) The Director may at any time vary or remove a condition imposed under this section.

(4) Before varying or imposing new conditions, the Director must comply with sections 21 and 22.

(5) A registered person who without reasonable excuse, fails to comply with a condition imposed under this section commits an offence and is liable on conviction to a fine not exceeding level 5 on the standard scale.

15. Regulations governing activities of registered persons

(1) The Governor may make regulations on the activities of registered persons.

(2) Regulations made under subsection (1) may prescribe the following matters, among others—

(a) welfare and development of the children concerned;

(b) suitability to look after, or to be in regular contact with, the children concerned;

(c) qualifications and training;

(d) maximum number of children who may be looked after on premises and the number of persons required to assist in looking after the children;

(e) maintenance, safety and suitability of premises and equipment;

(f) procedures for dealing with complaints;

(g) supervision of employees;

(h) keeping of records;

(i) provision of information;

(j) persons who may live in or visit the premises where child minding or day care is provided; and

(k) hygiene requirements relating to changing rooms, kitchen, sick bay and other areas.

PART 4 — CANCELLATION AND SUSPENSION OF REGISTRATION

16. Cancellation of registration

(1) The Director must cancel a person's registration if it appears that the registered person has become disqualified under section 24 or under section 19.

(2) The Director may cancel a person's registration if any of the following applies —

(a) the requirements for registration that apply under section 10 or 12 are no longer satisfied or will no longer be satisfied;

(b) the registered person has failed to comply with a condition imposed on that person's registration;

(c) the registered person has failed to comply with a requirement imposed on that person by this Ordinance or regulations; or

(d) the registered person has failed to pay the prescribed fee, if any.

(3) Where conditions imposed under section 14 require the registered person to make changes or additions to any services, equipment or premises, registration may only be cancelled —

(a) when the time set for complying with the requirement has expired, and

(b) if it is shown that the defect or insufficiency is due to the fact that the relevant changes or additions have not been made.

(4) A cancellation under this section must be in writing.

(5) The Governor may prescribe other circumstances in which registration may be cancelled.

(6) A registered person may appeal against a cancellation of registration in terms of section 23.

17. Suspension of registration

(1) The Governor may make regulations providing for the suspension of a registered person.

(2) Regulations under subsection (1) may include —

(a) the period of suspension;

(b) the circumstances in which registration may be suspended; or

(c) the circumstances in which a registered person may be suspended at their own request.

(3) A registered person may appeal against a suspension in terms of section 23.

(4) A person must not act as a child minder or a provider of day care on premises at a time when their registration is suspended.

(5) A person who contravenes subsection (4) commits an offence and is liable on conviction to a fine not exceeding level 6 on the standard scale.

18. Voluntary removal from register

(1) A registered person may give notice to the Director requesting to be removed from the register of child minders or register of providers of day care.

(2) Subject to subsection (3), if a registered person gives notice under subsection (1), the Director must remove that person from the relevant register.

(3) The Director must not act under subsection (2) if —

(a) the Director has sent a notice under section 21(3) of an intention to cancel the person's registration and the Director intends to take that step; and

(b) the time within which an appeal under section 23 may be brought has not expired or, if an appeal has been brought, it has not been determined.

(4) A person whose name is removed from the register under subsection (1) must surrender the certificate of registration to the Director.

19. Protection of children in an emergency: cancellation of registration

(1) The Director may cancel a person's registration if it appears on reasonable grounds that a child for whom child minding or day care is being, or may be, provided is suffering, will suffer or is likely to suffer significant harm as a result of the child minding or day care provided.

(2) A cancellation of a registration under subsection (1) may be made without prior notice, must be in writing and takes effect from the time that it is made.

(3) If a cancellation is made under subsection (1), the Director must serve the following on the registered person as soon as is reasonably practicable after the cancellation is made —

(a) the notice of cancellation;

(b) a copy of any written statement in support of the cancellation; and

(c) notice of any right of appeal conferred by section 23.

(4) The documents referred to in subsection (3) may be served on the registered person in terms of section 35.

20. Protection of children in an emergency: change to conditions

(1) Where the Director believes that unless he or she acts against a registered person, a child will suffer or is likely to suffer significant harm as a result of the child minding or day care provided, the Director may vary or remove a condition for the time being in force or impose a new condition.

(2) The Director must inform the registered person in writing of the decision under subsection (1) and the decision takes effect from the time when the notice is served or when the registered person is informed whichever is the earlier.

(3) When informing the registered person, the Director must —

(a) state reasons for believing that the circumstances fall within subsection (1); and

(b) where the Director has varied, removed or imposed a new condition, specify the condition varied, removed or imposed, and explain the right of appeal conferred by section 23.

21. Procedure for taking certain steps

(1) This section applies if the Director proposes to take any of the following steps —

(a) refuse an application for registration;

(b) impose a new condition on a person's registration;

(c) vary or remove any condition imposed on a person's registration;

(d) refuse to grant an application for the variation or removal of any such condition; or

(e) cancel or suspend a person's registration.

(2) This section does not apply to action taken under section 19(1) or 20(1).

(3) The Director must give notice of an intention to take a step mentioned in subsection (1) to the applicant for registration or to a registered person.

(4) A notice under subsection (3) must include the Director's reasons for proposing to take the step and must inform the applicant or registered person of their rights under sections 22 and 23.

(5) Subject to sections 22 and 23, the Director may take the step at the end of 28 days from the day when notice was given and the Director must notify the applicant or registered person of the decision.

22. Objection by applicant or registered person

- (1) The Director must give the person receiving a notice under section 21 (“the recipient”) an opportunity to object within a period specified by the Director in the notice.
- (2) An objection under subsection (1) must be in writing and may be made by the recipient or the recipient’s representative.
- (3) A step taken under paragraph (b), (c) or (e) of section 21(1) does not have effect until —
 - (a) the expiry of the time allowed for an appeal under section 23; or
 - (b) the appeal is determined, and the taking of the step is confirmed.
- (4) A step takes effect immediately where the person concerned notifies the Director that he or she does not intend to object or appeal.
- (5) An applicant may not withdraw an application without the consent of the Director if the Director gives notice that he or she intends to refuse the application.

23. Appeals

- (1) An applicant or a registered person may, within 30 days of receiving a notice under section 21(3), appeal to the Governor against the taking of any of the steps referred to in section 21(1).
- (2) The following persons may also appeal to the Governor —
 - (a) an applicant or a registered person in respect of a determination made by the Director under this Ordinance;
 - (b) a registered person against whom section 19 is applied; and
 - (c) a registered person against whom section 20 is applied.
- (3) On appeal the Governor may —
 - (a) confirm the taking of the step, the determination or the giving of the notice; or
 - (b) direct that the step does not, or ceases to, have effect.
- (4) If the Governor does not confirm the taking of a step referred to in section 21(1)(a) or (e) or the Director’s decision under section 19 or 20, the Governor may do either or both of the following —
 - (a) impose new conditions on the registration of the person concerned; or
 - (b) vary or remove any condition previously imposed on the person’s registration.

24. Disqualification

The Governor may make regulations providing for disqualification from being a child minder, provider of day care or from being employed to perform work that is related to looking after children under this Ordinance.

25. Consequences of disqualification

(1) A person who is disqualified under section 24 must not —

(a) act as a child minder or be directly or indirectly engaged in looking after children; or

(b) provide day care or be directly or indirectly involved or engaged in the management of any provision of day care.

(2) A person must not employ, in connection with the provision of day care or child minding, a person who is disqualified under section 24.

(3) A person who contravenes subsection (1) or (2) commits an offence and is liable on summary conviction to imprisonment for a term not exceeding one year or to a fine not exceeding level 6 on the standard scale, or both.

(4) A person who contravenes subsection (2) does not commit an offence under subsection (3) if the person demonstrates in writing to the Director's reasonable satisfaction that the person did not know, and had no reasonable grounds for believing, that the person employed was disqualified.

PART 5 — INSPECTION

26. Inspection

(1) The Governor may make regulations providing for —

(a) inspection of child minding and day care facilities and services, provided by registered persons;

(b) inspection of premises prior to registration; and

(c) publication of reports of the inspection in such manner as the Governor considers appropriate.

(2) Regulations may provide for the inspection to be organised by the Director or any other person under arrangement made with the Director.

(3) Regulations may provide that for purposes of the law of defamation, any report published under the regulations is privileged.

(4) Regulations made under subsection (3) do not limit any privilege subsisting except as provided in those regulations.

27. Powers of entry

- (1) The Governor may authorise a person to enter any premises on which child minding or day care is provided to exercise the powers given under section 28.
- (2) The Governor may authorise a person to enter any premises if the Governor has reasonable cause to believe that a child is being looked after on those premises in contravention of this Ordinance and that person may exercise the powers given under section 28.
- (3) Authorisation under subsection (1) or (2) may be given for a particular occasion, period or generally and may be given subject to conditions.
- (4) A person exercising any power conferred by this section or section 28 must, on request, produce a duly authenticated document showing their authority.

28. Powers of inspection

- (1) Subject to subsection (3), a person entering premises under section 27 may, subject to any conditions imposed under that section —
 - (a) inspect the premises;
 - (b) inspect, and take copies of any records kept by the child minder or provider of day care and any other documents containing information relating to child minding or provision of day care;
 - (c) seize and remove any document or other material or thing found on the premises which the authorised person has reasonable grounds to believe may be evidence of a failure to comply with any condition or requirement under this Ordinance or regulations;
 - (d) take measurements and photographs or make recordings;
 - (e) inspect any children being looked after on the premises, and the arrangements made for their welfare;
 - (f) interview in private any person looking after children, or living or working, on the premises, who consents to be interviewed.
- (2) The power in subsection (1)(b) includes —
 - (a) power to require any person holding or accountable for documents or records kept on the premises to produce them;
 - (b) in relation to records which are kept by means of a computer, power to require the records to be produced in a form in which they are legible and can be taken away.
- (3) The powers in subsection (1)(b) and (c) do not include power —

(a) to require a person to produce any record or document in respect of which a claim to legal professional privilege could be maintained in legal proceedings; or

(b) to take copies of such a record or document or to seize and remove it.

(4) A person authorised for the purposes of section 27, subject to any conditions imposed under that section —

(a) may obtain access to, and inspect and check the operation of, any computer and associated apparatus or material which the person considers is or has been in use in connection with the documents; and

(b) may require a person within subsection (5) to give such reasonable assistance as may be required for the purpose of inspecting the documents, computer or associated apparatus or material.

(5) A person is within this subsection if the person is —

(a) the person by whom or on whose behalf the computer is or has been used; or

(b) a person having charge of, or otherwise concerned with the operation of, the computer, apparatus or material.

(6) A person entering premises under section 27, subject to any conditions imposed under that section may require any other person to afford them such facilities and assistance with respect to matters within the other person's control as are necessary to enable them to exercise powers under section 27 or this section.

(7) Any person who, without reasonable excuse, obstructs a person exercising any power under section 27 or this section, or fails to comply with any requirement imposed under this section, commits an offence and is liable on conviction to a fine not exceeding level 5 on the standard scale.

PART 6 — INFORMATION

29. Director may request information

The Director may at any time require a registered person to provide information connected with the person's activities as a child minder or provider of day care which the Director considers necessary for the purposes of exercising the Director's functions under this Ordinance.

30. Report and supply of information

(1) The Director must submit an annual report to the Governor with such information as the Director considers necessary and the information must include the number of registered persons, whether or not there have been suspensions or cancellations of registration and any other statistics the Director considers necessary.

(2) The information which may be prescribed for the purposes of this section is information which would assist the Governor in the discharge of their functions under this Ordinance.

(3) The Director may provide information about whether or not a person is registered to a person exercising statutory powers, for purposes connected with the exercise of those functions.

PART 7 — OFFENCES, CRIMINAL PROCEEDINGS AND FIXED PENALTIES

31. Offence of making false or misleading statement

A person who knowingly or recklessly makes a statement which is false or is misleading in a material particular, in an application for registration, commits an offence and is liable on conviction to a fine not exceeding level 5 on the standard scale.

32. Offences by corporate bodies

If an offence is committed by a body corporate and is proved to have been committed with the consent or connivance of or attributable to any neglect on the part of any director, manager or other similar officer of that body corporate, or of any person who was purporting to act in any such capacity, that person as well as the body corporate commits an offence and is liable to be proceeded against and punished accordingly.

33. Offences by unincorporated associations

(1) Proceedings for an offence which is alleged to have been committed by an unincorporated association must be brought in the name of the association and not in the name of its members.

(2) For the purpose of proceedings under subsection (1), rules of court relating to the service of documents are to have effect as if the association were a body corporate.

(3) A fine imposed on an unincorporated association on conviction of an offence is to be paid out of the funds of the association.

(4) If an offence by an unincorporated association is shown —

(a) to have been committed with the consent or connivance of one or more officers of the association or members of its governing body; or

(b) to be attributable to any neglect on the part of such an officer or member,

the officer or member as well as the association commit the offence and are liable to be proceeded against and punished accordingly.

PART 8 — MISCELLANEOUS

34. Fees

(1) A registered person may be required to pay a prescribed fee in respect of any functions performed by the Director under this Ordinance.

(2) Regulations may provide for such fee and for circumstances in which the fee may be varied or waived.

35. Giving of notices

(1) A notice under this Ordinance or regulations may be given to the registered person —

- (a) by delivering it to the person in question;
- (b) by sending it by post to the person's last known address; or
- (c) subject to subsection (3), by transmitting it electronically.

(2) A notice is deemed to be properly addressed if it is addressed to the last address notified by the registered person on their application for registration or subsequently.

(3) If the notice is transmitted electronically —

- (a) the registered person must have indicated to the Director their willingness to receive notices transmitted by electronic means and provided a suitable address for that purpose;
- (b) the notice must be sent to the address provided by the registered person; and
- (c) any notice sent in terms of this sub-section will be deemed to have been received by the registered person on the next working day after the day on which it is sent.

(4) An indication of a willingness to receive notices transmitted by electronic means for purposes of subsection (3) may be given generally for the purposes of notices to be given under the Ordinance or these regulations or may be limited to notices of a particular description.

36. Death of registered person

(1) Regulations may —

- (a) provide for this Ordinance to apply with modifications in cases where a person who was the only registered person in respect of the provision of day care at particular premises has died;
- (b) require the personal representatives of a deceased registered person to notify the Director of the death.

(2) Regulations under subsection (1)(a) may in particular —

- (a) provide for the day care to be provided at the premises for a prescribed period by a person who is not registered but is not a disqualified person; and
- (b) include provision for the prescribed period to be extended by such further period as the Director may determine.

37. Director to issue guidance

(1) The Director may issue guidance –

(a) for minimum standards to apply to child minding and provision of day care; or

(b) for any matter which is to be prescribed under a provision of this Ordinance but which has not been prescribed.

(2) The Director must make arrangements for any guidance issued under subsection (1) to be made available to all child minders, providers of day care and other relevant parties. (electronically or in hard copy).

38. Subsidiary legislation

(1) The Governor may make regulations or orders generally for giving effect to this Ordinance, and in particular regulations for —

(a) enforcement, revocation and suspension of registration;

(b) disqualification;

(c) quality of service provided;

(d) governance and management of service provided;

(e) complaints procedures;

(f) measures to be put in place for the protection of children, their welfare, development and healthcare;

(g) what happens when a registered person dies;

(h) safety and hazards;

(i) training requirements for registered persons and persons employed by the provider of day care or child minder; and

(j) any other matter under this Ordinance which requires regulations to be made or to be prescribed.

(2) Regulations under this section may provide that a registered person who without reasonable excuse contravenes, or fails to comply with, any requirement of the regulations, commits an offence and on conviction, is liable to a fine not exceeding level 5 on the standard scale.

PART 9 — TRANSITIONAL PROVISIONS

39. Continuation of child minding or provision of day care

Subject to sections 40, 41 and 42, any person who immediately before the date of commencement of this Ordinance is engaged in looking after children as a child minder or provider of day care, may continue to be engaged as such for a period of not more than 12 months from the date of commencement of this Ordinance.

40. Application for provisional registration

A person referred to in section 39 must apply to the Director in a form approved by the Director for provisional registration as a child minder or provider of day care within 30 days of the commencement of this Ordinance if he or she wishes to continue operating as a child minder or provider of day care during the transitional period.

41. Provisional registration

(1) The Director must within 30 days from the end of the application period, provisionally register the person making an application under section 40 if the person demonstrates that he or she can meet the requirements of sections 9 to 13 to the reasonable satisfaction of the Director.

(2) The Director must, during the transitional period, continuously monitor the operations of a person who has been provisionally registered as a child minder or provider of day care under subsection (1) for the progress he or she is making towards full compliance with the requirements of this Ordinance.

(3) A person who continues engaging in looking after children as a child minder or provider of day care after the application period without having secured provisional registration under subsection (1) commits an offence and is liable on conviction to a fine not exceeding level 5 on the standard scale.

42. Extension of time

(1) The Governor may on the recommendation of the Director, by order extend the period of 12 months stated in section 39 generally or for a specific child minder or provider of day care who has been provisionally registered, for the purposes of enabling the person to comply with the requirements of the Ordinance.

(2) A recommendation by the Director under subsection (1) must be guided by the best interests of the children being looked after, both physical and mental.

43. Full registration

On or before the expiry of the transitional period, a person with provisional registration who wishes to continue to operate beyond the transitional period as a child minder or provider of day care, must obtain full registration as such under this Ordinance.

44. Interpretation in this Part

In this Part —

“application period” means the period of 30 days referred to in section 40;

“full registration” means registration as a child minder or provider of day care under this Ordinance.

“provisional registration” means registration of a child minder or a provider of day care under section 41; and

“transitional period” means a period of 12 months from the date of commencement of this Ordinance or any extended period under section 42;

OBJECTS AND REASONS

The Falkland Islands Government recognises that businesses involving children need to be regulated to ensure safeguarding of the children and standardisation of the service. This Ordinance provides for the regulation of child minders and providers of day care. Specific requirements for registration are prescribed in the Ordinance. The Director of Education has the responsibility of registering child minders and providers of day care. The premises where the children are looked after will be assessed for suitability before and after registration.

Part 1 of the Ordinance contains preliminary provisions.

Clause 1 is the short title and provides for commencement on a day appointed by the Governor by notice in the Gazette.

Clause 2 defines certain words used in the Ordinance. A child is defined as a person below the age of 12 years. *Clause 3* sets out what constitutes child minding and day care. A child minder looks after children on domestic premises and a provider of day care does it on other premises. *Clause 4* allows for exemptions to be made. The Governor may by order specify circumstances which do not amount to child minding or provision of day care.

Part 2 provides for registers and the duty to register.

The Director is required to keep a register of child minders and providers of day care. A duty is also imposed on persons wishing to be child minders or providers of day care to register in terms of the Ordinance.

Part 3 provides for the application processes and requirements for registration.

Clauses 9 and 11 deal with applications for registration and confer power to prescribe information that may be required for registration. *Clauses 10 and 12* provide for requirements for registration. Information relating to the applicant and the premises needs to be submitted by an applicant. Fees for registration may be charged.

Clause 14 allows the Director to impose conditions when registering an applicant. *Clause 15* empowers the Governor to make regulations on specific matters listed in that clause including

the suitability of the applicant, welfare and development of the children, maximum number of children to be looked after, supervision of staff, keeping of records etc.

Part 4 provides for cancellation and suspension of registration.

Clauses 16 and 17 regulate cancellation and suspension of registration respectively. The registration of a person who becomes disqualified under *clause 24* must be cancelled. Other discretionary grounds for cancellation are in *sub-clauses 16(2) and (3)*.

Clause 18 allows a registered person to request cancellation of their registration as long as it is not done to avoid an action by the Director. Children must be protected in the event of cancellation or in an emergency. This is provided for in *clauses 19 and 20*. *Clause 21* provides for procedures to be followed when the Director takes certain steps including refusal of registration, imposing a new condition, cancellation of registration etc. *Clause 22* gives the applicant or registered person an opportunity to object to such steps being taken and to appeal to the Governor under *clause 23*.

Disqualification from activities related to looking after children and the consequences are dealt with in *clauses 24 and 25*. Regulations will be made to provide for this in detail.

Part 5 provides for inspections for purposes of regulation and enforcement.

Inspections are essential to monitor the service that is provided and the suitability of the premises. Powers of entry and inspection are given under *clauses 26, 27 and 28*.

Part 6 deals with requests for information.

Clause 29 allows the Director to request information from a registered person for purposes of exercising the Director's functions. *Clause 30* requires the Director to make a quarterly report to the Governor containing prescribed information. The Director may give information regarding the registration status of a person to another person exercising statutory powers.

Part 7 provides for offences and penalties.

This part facilitates enforcement of the Ordinance by making certain conduct punishable.

Part 8 contains miscellaneous provisions.

Clause 34 empowers fees to be levied in respect of functions performed by the Director. *Clause 35* sets out how notices are to be given under the Ordinance. Regulations may be made under *clause 36* to provide for what happens in the event of the death of a registered person. *Clause 37* permits the Director to issue guidance on minimum standards and on other matters set out in the clause. These need to be flexible so as to react to changed circumstances. *Clause 38* is the general regulation making power and it allows the regulations to provide for penalties for non-compliance.

Part 9 contains transitional provisions. *Clause 39* gives up to twelve months to persons already engaged in child minding and provision of day care to comply with the new regulatory regime. It is essential to allow a transitional period after the commencement of the Ordinance. A person who wishes to carry on as a child minder or provider of day care during and after the transitional period, must apply for provisional registration within 30 days of commencement (*clause 40*).

Clause 41 provides that the Director may, within 30 days after the end of the application period grant provisional registration to persons who apply. Before granting provisional registration, the Director must be satisfied that the person applying can meet the requirements of *clauses 9 to 13*. The Director must also continuously monitor the operations of those persons who are provisionally registered for the progress the persons are making towards full registration.

Clause 42 allows the Governor to extend the transitional period either generally or for a specific person for the purpose of enabling the person to comply with the requirements for full registrations. *Clause 43* provides for full registration at the end of the transitional period. Terms used in Part 9 are defined in *clause 44*.

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LEGISLATIVE ASSEMBLY

ORDER PAPER

THURSDAY 25 OCTOBER 2018

PROCEDURE FOR THE MOTION FOR ADJOURNMENT

CLERK	“Motion for Adjournment”
CHIEF EXECUTIVE	“Mr Speaker I beg to move that House stands adjourned sine die.” Honourable Members may speak to the Motion.
THE SPEAKER	“The House stands adjourned accordingly.” Mr Speaker then departs