

**LEGISLATIVE ASSEMBLY**

**OF THE**

**FALKLAND ISLANDS**



**ORDER PAPER**

**09.00 AM**

**THURSDAY 29 OCTOBER 2015**

**IN THE CHAMBER OF COMMERCE**

**STANLEY**

**LEGISLATIVE ASSEMBLY**  
**THURSDAY 29 OCTOBER 2015**  
**IN THE CHAMBER OF COMMERCE**

**ORDER PAPER**  
**09.00**

1. Prayers
2. Confirmation of the Record of Legislative Assembly held on 27 August 2015
3. Papers to be laid on the table by the Honourable Chief Executive
4. Questions for Oral Answer
5. Motions:  
  
Motion Number 9 of 2015 by the Honourable Ian Hansen
6. Portfolio Reports:
  - The Honourable Dr Barry Elsby
  - The Honourable Ian Hansen
7. Order of the Day Bills:
  - Supplementary Appropriation (2015-2016) Bill 2015
  - Law Revision (Paving) Bill 2015;
  - Fisheries (Conservation and Management)(Amendment) Bill 2015;
8. Motion for Adjournment

**LEGISLATIVE ASSEMBLY**

**ORDER PAPER**

**THURSDAY 29 OCTOBER 2015**

**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.

- Taxes (Oil and Gas) Ordinance 2015 (Correction) Order 2015
- Fisheries (Individual Transferable Quota Fees) Regulations 2015
- Illex Fishing Licences (Applications, Fees and Refunds) Regulations 2015
- Fisheries (Conservation and Management)(Replacement of Schedule) Order 2015

In accordance with Public Account Committee Ordinance Section 11 (c) in respect of audit reports for:

- Retirement Pension Equalisation Fund
- Cash and Bank 2014-15
- Environmental Planning Department March 2015
- Registry Services June 2015
- Social Welfare April 2015
- Staff Travel and Subsistence Follow up Report May 2015
- Subvention Follow Up Report May 2015

In accordance with Section 80 (2) of the Constitution the report of the Public Accounts Committee in respect of accounts:

- Falkland Islands Tourist Board Year End Accounts 30 June 2014

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**SUBSIDIARY LEGISLATION**

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**TAXATION**

**Taxes (Oil and Gas) Ordinance 2015 (Correction) Order 2015**

S. R. & O. No: 11 of 2015

*Made: 10 September 2015*

*Published: 30 September 2015*

*Coming into force: see article 2*

IN EXERCISE of my powers under section 93 of the Interpretation and General Clauses Ordinance (Title 67.2) I make the following order —

**1. Title**

This order is the Taxes (Oil and Gas) Ordinance 2015 (Correction) Order 2015.

**2. Commencement**

This order comes into force on 1 October 2015.

**3. Correction of Taxes (Oil and Gas) Ordinance 2015**

The Taxes (Oil and Gas) Ordinance 2015 (No 6 of 2015) is amended in section 7 by omitting from the new section 124A(3) to the Taxes Ordinance the second occurrence of the word “not”.

Made 10 September 2015

C. P. Judge M.B.E.,  
*Attorney General.*

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

This order corrects a typographical error.

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## SUBSIDIARY LEGISLATION

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### FISHERIES

#### **Fisheries (Individual Transferable Quota Fees) Regulations 2015**

S. R. & O. No. 12 of 2015

*Made: ..... 29 September 2015*

*Published: .... 30 September 2015*

*Coming into force: on publication*

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

#### **1. Title**

These regulations are the Fisheries (Individual Transferable Quota Fees) Regulations 2015.

#### **2. Commencement**

These regulations are deemed to have come into force on 1 January 2015 and cease to have effect on 31 December 2015.

#### **3. Interpretation**

In these regulations —

“Director” means the Director of Fisheries; and

“ITQ” means Individual Transferable Quota.

#### **4. Validity of fees**

The fees in relation to Individual Transferable Quota held by different companies for the years 2007 to 2014 are declared valid as if regulations required under section 35 had been made in respect of them for each of those years.

#### **5. Fees and Payment Schedule**

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

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

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

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

**SCHEDULE 1  
FISHERY FEES**  
*(regulation 5(1))*

| <b>Description of Fishery</b> | <b>Licence Code</b> | <b>Fees (£)</b>                  |
|-------------------------------|---------------------|----------------------------------|
| Finfish                       | A                   | <b>1,129,012</b>                 |
| Squid – Jig or Trawl          | B                   | <b>ITQ not currently granted</b> |
| Squid (Summer)                | C                   | <b>2,133,230</b>                 |
| Skate                         | F                   | <b>247,121</b>                   |
| Squid and Restricted Finfish  | G                   | <b>845,900</b>                   |
| Restricted Finfish - Pelagic  | S                   | <b>60,419</b>                    |
| Restricted Finfish            | W                   | <b>1,341,160</b>                 |
| Toothfish – Longline          | L                   | <b>836,770</b>                   |
| Squid (Winter)                | X                   | <b>4,242,082</b>                 |

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

| <b>Description of Fishery</b> | <b>Licence Code</b> | <b>Payment Schedule</b>                                 |
|-------------------------------|---------------------|---|
| Finfish                       | A                   | Quarterly: 31 March, 30 June, 30 September, 17 December |
| Scallops                      |                     |   |
| Squid – Jig or Trawl          | B                   | See B licence conditions                                |
| Squid (Summer)                | C                   | 30 June   |
| Skate                         | F                   | Quarterly: 31 March, 30 June, 30 September, 17 December |
| Squid and Restricted Finfish  | G                   | Quarterly: 31 March and 30 June                         |

|                              |   |  |
|------------------------------|---|--|
| Restricted Finfish - Pelagic | S | Quarterly: 30 September and 17 December                    |
| Restricted Finfish           | W | Quarterly: 31 March, 30 June, 30 September and 17 December |
| Toothfish – Longline         | L | Monthly (beginning of each month)                          |
| Squid (Winter)               | X | 17 December  |

Made 29 September 2015

June Sandra Tyler-Haywood,  
*Acting Governor*

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**EXPLANATORY NOTE**  
*(not part of these regulations)*

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

The fees for 2015 are set out under Schedule 1 and Schedule 2 (the payment Schedule) indicates dates when payments are due in respect of all the different fishery licences.

*Regulation 2* provides for the period within which these fees remain valid – which is from 1 January to 31 December 2015, as the fees are set annually.

*Regulation 4* validates fees that were payable and set by Executive Council for the years 2007 to 2014 for which no regulations were made. The provision provides that those fees be deemed to have been set by regulations. The provision provides that those fees will be deemed to have been set by regulations so that there can be no challenge as to the manner in which they were set as required under the Ordinance.

*Regulation 5* sets out the fees and how they are calculated as well as the dates or times when those fees are payable. These are specified under Schedules 1 and 2.

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## SUBSIDIARY LEGISLATION

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### FISHERIES

#### *Illex* Fishing Licences (Applications, Fees and Refunds) Regulations 2015

S. R. & O. No. 13 of 2015

*Made: ..... 29 September 2015*

*Published: ... 30 September 2015*

*Coming into force: on publication*

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

#### **1. Title**

These regulations are the *Illex* Fishing Licences (Applications, Fees and Refunds) Regulations, 2015.

#### **2. Commencement**

Except where it is specifically provided for a particular provision to come into force at a later, specified date, these regulations are deemed to have come into force on 1 January 2015 and cease to have effect on 31 December 2015.

#### **3. Interpretation**

In these regulations —

“Director” means the Director of Fisheries;

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

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

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

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



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

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

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

#### **4. Validity of fees**

The fees set by Executive Council in the years 2008 to 2014 in respect of *Illex* fishing licences are declared valid as if regulations required under section 41 and section 223(2)(p) have been made for each of those years.

#### **5. *Illex* fishing licences – applications and fees**

(1) All applications for fishing licences must be made to the Director so as to reach the Director before 17 December or such earlier date as may be set by the Director and the Director is not bound to receive any application received after this date.

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

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

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

#### **6. Refund policy**

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

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

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

(3) The refund policy for the 2015 fishing season is set out under Schedule 2.

## **7. Exploratory licences**

- (1) The Director may issue such number of exploratory licences as may be appropriate to verify the presence of *Illex* in any fishing waters.
- (2) The Director must specify the expiry date for each exploratory licence issued.
- (3) The Director must set the fees payable for exploratory licences.

## **8. Transshipment and export fees**

- (1) No transshipment fees are payable —
  - (a) for any fishing vessel with a valid fishing license;
  - (b) for any Falkland Islands fishing vessel; and
  - (c) for any vessel transshipping at FIPASS where cargo is crossing the dock.
- (2) The following must pay a transshipment fee of £1500 for the period January to December 2015 —
  - (a) subject to subsection (1)(b), any fishing vessel that is transshipping outside the period of validity of the fishing licence;
  - (b) a reefer vessel; or
  - (c) any unlicensed vessel.
- (3) Subsection (2) will come into effect 3 months after publication of these regulations in the *Gazette*.

### **SCHEDULE 1 FISHERY FEES (regulation 5)**

#### **PART A Fee Formula**

#### **Jigging Vessels:**

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

GT = Gross Tonnage

S = Number of Single Jigging Machines

D = Number of Double Jigging Machines

**Trawling Vessels:**

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

GT = Gross Tonnage

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

| <b>Payment Period</b>  | <b>Proportion of Fee %</b> |
|------------------------|----------------------------|
| 15 February – 15 March | 5%                         |
| 16 March – 15 May      | 80%                        |
| 16 May – 15 June       | 15%                        |
| <b>Total</b>           | <b>100%</b>                |

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***Explanatory Notes (for guidance only)***

*A minimum time period of 80% must be purchased.*

*A 10% deposit must be paid before the 30 January 2015*

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

*Payments will be eligible for the ^early payment discounts set out below, providing the payment is made on time by the relevant date (for example in order to receive a 6% early payment discount on the full fee (100%), the entire fee would have to be received by FIG by 31 January 2015.*

*Letters of Credit must have an expiry date of the **31 August 2015** no other date will be accepted.*

*^early payment discounts are as follows*

*6% for payment by 31 January 2015*

*5% for payment by 31 May 2015 \**

*4% for payment by 30 June 2015 \**

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

***Vessel History Discount:***

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

**SCHEDULE 2**  
**PAYMENT SCHEDULE**  
*(regulation 6(3))*

**2015 REFUND POLICY**

**(a) Licence Fee Refund Policy**

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

| <b>Catch (MT)</b> | <b>Column A<br/>Percentage Refund based<br/>on catch volume only.<br/>For use where average<br/>catch <math>\geq</math> 1000 tonnes</b> | <b>Column B<br/>Percentage Refund using<br/>catch volume and value.<br/>For use where average<br/>catch &lt; 1000 tonnes</b> |
|-------------------|---|--|
| > 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%  |

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***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 below.*

**(b) Licence Fee Refund Policy – Catch Value**

The refund policy is intended to be linked to catch and catch value. The base price used to calculate the figures in the table at (a) above is \$ 936 per tonne (whole *Illex*). If the 2015 *Illex* price is higher than the current base rate this will be factored into the refund calculation. In any case where the average *Illex* price is above \$ 936 the calculation will be:

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

For example if the 2013 *Illex* price is \$ 3000 and the average catch is 400 tonnes the calculation will be:

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

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

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

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

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

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

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

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

**(e) Monitoring of Catch Levels**

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

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

The refund policy set out here in section 6 will only apply to vessels which comply with the requirements of catch monitoring. A number of these are covered by mandatory requirements which in any case are covered by the Fisheries Ordinance and regulations, such as:

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

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

Made 29<sup>th</sup> September 2015

June Sandra Tyler-Haywood,  
*Acting Governor.*

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EXPLANATORY NOTE  
*(not part of these regulations)*

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

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

*Regulation 4* validates fees that were payable and set by Executive Council for the years 2008 to 2014 for which no regulations were made. The provision provides that those fees must be deemed to have been set through regulations so that there can be no challenge as to the manner in which they were set as required under the Ordinance.

*Regulation 5* provides for the application process including dates for making applications. It further provides for the fees and the formula; and this is set out under Schedule 1;

Section 223(2)(b) of the Ordinance provides that the Governor may make regulations for the refund of fees, charges or levies payable under any provision of the Ordinance. *Regulation 6* provides for the manner of making refunds and this is set out under Schedule 2 and it is based on a refund policy approved by Executive Council.

*Regulation 7* provides for exploratory licences which give effect to section 42 of the Ordinance which deals with licences that may be issued for research purposes.

*Regulation 8* provides for transshipment and export fees and under subsection (2) sets the fee at £1500 for any unlicensed fishing vessel, any fishing vessel (not being a Falkland Island vessel) that tranships outside the validity of a licence as well as any reefer vessel. A Falkland Islands fishing vessel is exempted from paying any transshipment fees as well as any vessel with a valid fishing licence. Fishing vessels transshipping through FIPASS are also excluded from paying any transshipment fees. This new requirement is to have effect 3 months after publication so as to give notice to those who will be affected by the new transshipment fee, which is being increased from £150 to £1500.

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## SUBSIDIARY LEGISLATION

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### FISHERIES

#### Fisheries (Conservation and Management) (Replacement of Schedule) Order 2015

S. R. & O. No. 14 of 2015

*Made: ..... 29 September 2015*

*Published: ..... 30 September 2015*

*Coming into force: on publication*

I make the following Order under section 16(2) of the Fisheries (Conservation and Management) Ordinance (No. 14 of 2005) on the advice of Executive Council.

#### 1. Title

This Order is the Fisheries (Conservation and Management) (Replacement of Schedule) Order 2015.

#### 2. Commencement

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

**3. Replacement of Schedule 2 of the Fisheries (Conservation and Management) Ordinance**  
Schedule 2 of the Fisheries (Conservation and Management) Ordinance is repealed and replaced with the following new Schedule —

**“SCHEDULE 2**  
**FISHERIES**  
*(section 16)*

| Description of Fishery | <u>Valid species</u>   | Dates within which fishery operates | Provisional Quota permitted to be granted | Licence Code |
|------------------------|--|-------------------------------------|---|--------------|
| Finfish                | All finfish species with the exception of Skate ( <i>Rajidae</i> ) and Toothfish ( <i>Dissostichus eleginoides</i> ) | All year                            | YES                                       | A            |
| Scallops               | <i>Zygochlamys patagonica</i>  | All year                            | YES                                       |              |
| Squid – Jig or Trawl   | <i>Illex argentinus</i> and <i>Martialia hyadesi</i>   | 15 February – 15 June               | YES                                       | B            |
| Squid (Summer)         | Falkland Calamari <i>Doryteuthis gahi</i>  | 24 February – 28 April              | NO  | C            |
| Skate                  | All species of Skate ( <i>Rajidae</i> )  | All year                            | YES                                       | F            |

|                              |   |                        |     |   |
|------------------------------|---|------------------------|-----|---|
| Squid and Restricted Finfish | <i>Illex argentinus</i> , <i>Martialia hyadesi</i> , all Finfish species except Hake ( <i>Merluccius spp.</i> ), Skate ( <i>Rajidae</i> ) and Toothfish ( <i>Dissostichus eleginoides</i> ) | 1 March – 31 May       | YES | G |
| Restricted Finfish - Pelagic | Southern Blue Whiting ( <i>Micromesistius australis</i> )<br>Hoki ( <i>Macruronus magellanicus</i> )  | All year               | YES | S |
| Restricted Finfish           | All finfish species except Hake ( <i>Merluccius spp.</i> )<br>Skate ( <i>Rajidae</i> ) and Toothfish ( <i>Dissostichus eleginoides</i> )  | All year               | YES | W |
| Toothfish – Longline         | Toothfish ( <i>Dissostichus eleginoides</i> )   | All year               | NO  | L |
| Squid (Winter)               | Falkland Calamari <i>Doryteuthis gahi</i>   | 29 July – 30 September | NO  | X |

Made 29<sup>th</sup> September 2015

June Sandra Tyler-Haywood,  
Acting Governor.

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

This order replaces Schedule 2 of the Fisheries (Conservation and Management) Ordinance 2005, to update the list of fisheries as well as to include a column that shows the licence codes.



## Public Accounts Committee

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

Ref: PAC/15/08/01

12<sup>th</sup> August 2015

Members of the Legislative Assembly  
Gilbert House  
Stanley

Dear Members

### **Retirement Pensions Equalisation Fund**

These have been considered by Members at their meeting held on the 29<sup>th</sup> July 2015 and no comments were made other than to say thank you to MLA's for addressing the deficit in the fund.

Yours sincerely



Mrs L Harris  
Secretary  
PAC

cc: Financial Secretary

SENT TO NIC. 28/08

## Public Accounts Committee

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



Ref: PAC/15/08/02

27<sup>th</sup> August 2015

Members of the Legislative Assembly  
Gilbert House  
Stanley

Dear Members

### Falkland Islands Tourist Board Accounts

During our recent meeting of the Public Accounts Committee we reviewed the accounts for FITB for the year ending 30<sup>th</sup> June 2014. Two comments were made by members:

Firstly, concerns were raised regarding the levels of expenditure and repayment to Mr Austin Mason. Whilst the Committee is aware of the issues previously identified within FITB, Members would like to be re-assured that this level of private expenditure and reimbursement has now been addressed.

Secondly, whilst not a matter for the PAC directly, it was observed that there was a considerable reference to Argentina and its impact on tourism in the preamble to the accounts themselves. Whilst this is a political matter and for FITB and MLA's to decide upon, we wanted to bring to your attention that all of these documents become public when they are published on our website.

Otherwise the Committee had no issues with these accounts.

Yours sincerely

PP, Andrea Clausen  
Chairman  
Public Accounts Committee

cc: Chief Executive, FITB



21<sup>st</sup> September 2015

Andrea Clausen  
Chairman Public Accounts Committee  
Shackleton House  
Stanley  
Falkland Islands

Dear Andrea

RE: FALKLAND ISLANDS TOURISMT BOARD ACCOUNTS

Following discussions with FIG and its external auditors, FITB fundamentally changed the way it reimbursed personal expenditure in 2013/2014. Whilst this has reduced flexibility somewhat it has improved transparency, and the fact that FITB makes direct payments rather than reimbursing the General Manager can be seen by the significant drop in the Related Parties Transactions note on Page 14 of the accounts.

Since that time reimbursements have been made in accordance with the policies and procedures approved by the FITB Board. Due to the nature of the work undertaken, and the need to attend trade fairs and conferences around the world to further the goals of FITB and tourism development in the Islands, the General Manager necessarily incurs expenditure which needs to be reimbursed. These payments are recorded in the organisations financial records and are checked to ensure they are appropriate and in line with approved policies and procedures.

Yours sincerely

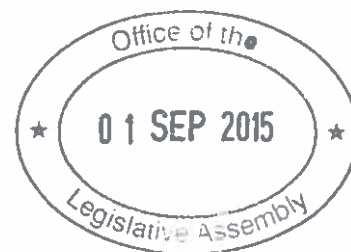
A handwritten signature in blue ink, appearing to read "Steph Middleton".

Steph Middleton  
Interim CEO

✓ Cc: Gilbert House

## Public Accounts Committee

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



Ref: PAC/15/08/03

28<sup>th</sup> August 2015

Members of the Legislative Assembly  
Gilbert House  
Stanley

Dear Members

### Audit Reports

The Public Accounts Committee examined the following reports at its meeting held on the 29<sup>th</sup> July 2015 where they were noted but Members had no additional comments to make:

Cash & Bank 2014-15  
Environmental Planning Department March 2015  
Registry Services June 2015  
Social Welfare April 2015  
Staff Travel & Subsistence Follow Up Report May 2015  
Subventions Follow Up Report May 2015

Yours sincerely

A handwritten signature in blue ink that reads "Leeann Harris".

Leeann Harris  
Secretary  
Public Accounts Committee

Cc: Internal Audit  
Treasury  
Social Welfare  
Environmental Planning

**LEGISLATIVE ASSEMBLY**

**ORDER PAPER**

**THURSDAY 29 OCTOBER 2015**

**QUESTIONS FOR ORAL ANSWER**

**Question Number 14/15 by the Honourable Phyl Rendell MBE**

Could the Honourable Ian Hansen update this House on any improvements made in recent months to the FM radio network that has enabled Camp residents to listen to the radio in their homes and nearby buildings? Are there any plans to provide FM radio to other locations where it is feasible to do so, and when will these upgrades takes place?

**LEGISLATIVE ASSEMBLY**

**ORDER PAPER**

**THURSDAY 29 OCTOBER 2015**

**MOTION**

**Motion No 9 by the Honourable Ian Hansen**

That this House notes the comments and recommendations of the Public Accounts Committee in respect of:

- Absence Management Audit Report
- Pay System (Payroll) Audit Report
- Immigration Follow Up Audit Report
- Quarry and Asphalt Follow Up Report;

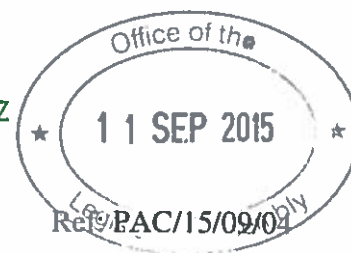
and in accordance to the Public Accounts Ordinance 2009, clause 14 (1) a written response is submitted to the Legislative Assembly by the Governor within six months.

Proposed by: The Honourable Ian Hansen

Seconded by: The Honourable Dr Barry Elsby

## Public Accounts Committee

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



8<sup>th</sup> September 2015

Members of the Legislative Assembly  
Gilbert House  
Stanley

Dear Members

### Pay System (Payroll) Audit Report

At our meeting held on 29<sup>th</sup> July 2015 we considered a further internal audit on Payroll. Firstly Members would like to acknowledge that there have clearly been some improvements since the previous audit and that the level of accuracy within payroll is very high.

However, it is yet again disappointing to see that the final audit assurance remains "Limited", largely as a result of what appears to be a lack of either commitment or ability to address the underlying poor control systems. At the time of the last audit there still remained 7 outstanding recommendations, 13 others had been implemented fully or partially since the previous internal audit (2012/13). When discussing this subject in detail with the Acting Chief Internal Auditor, it became clear that the problematic area in the operation of the payroll is the lack of robust lines of responsibility for data between Directors and the HR Staff. This is then compounded by poor understanding/lack of training with the CHRIS payroll software. Ultimately resulting in a very inefficient process which is time consuming and provides the environment of poor control.

In conclusion the PAC recommend that FIG, at a corporate level, ensure that these deficiencies in systems along with the lack of clarity on responsibilities at a senior level are addressed and rectified at the earliest possible time.

Yours sincerely

A handwritten signature in black ink, appearing to read "Andrea Clausen".

Andrea Clausen  
Chairman  
Public Accounts Committee

Cc: Internal Audit  
Chief Executive  
Senior Personnel Officer, HR

## Public Accounts Committee

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



8<sup>th</sup> September 2015

Members of the Legislative Assembly  
Gilbert House  
Stanley

Dear Members

### Absence Management Audit Report

At our meeting held on the 29<sup>th</sup> July 2015 we considered an Internal Audit Report on Absence Management. Whilst the overall assurance for Absence Management was "Satisfactory" there are clearly a number of weaknesses that need addressing.

It appears that record keeping is poor and inconsistent across FIG and that more concerning is the fact that there is no corporate/central oversight or management. This lack of centralization/oversight will increase FIG's vulnerability and could have a detrimental impact on FIG's ability to provide the services it is responsible for.

It further concerned the PAC that it appears that the out of date Management Code is a key contributing factor for this data not being collected and managed in the appropriate manner.

In conclusion the PAC recommend that FIG put in place a generic data system across all departments with a centralized control/oversight.

PAC further recommend that this system is incorporated into the Management Code.

Yours sincerely

A handwritten signature in black ink, appearing to read "Andrea Clausen".

Andrea Clausen  
Chairman  
Public Accounts Committee

Cc: Internal Audit  
Chief Executive  
Senior Personnel Officer, HR



## Public Accounts Committee

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



Ref: PAC/15/09.01

8<sup>th</sup> September 2015

Members of the Legislative Assembly  
Gilbert House  
Stanley

Dear Members

### Quarry & Asphalt Follow Up Audit Report

The follow up report from Internal Audit on Quarry & Asphalt was considered by PAC at our meeting held on the 29<sup>th</sup> July 2015. We note that there has been partial implementation on the six Internal Audit recommendations, however PAC were more concerned to learn that there is not likely to be any further progress on replacing the asphalt equipment until FIG decides whether or not to tarmac the MPA road. PAC are concerned that regardless of whether FIG tarmac the entire MPA road or not, there is an urgent requirement to replace old and frankly dangerous equipment as this poses a health risk to it's employees.

PAC recommend that FIG replace the dangerous and uneconomical equipment at their earliest convenience.

Yours sincerely

A handwritten signature in black ink, appearing to read "A Clausen".

Andrea Clausen  
Chairman  
Public Accounts Committee

Cc: Internal Audit  
Director, Public Works

## Public Accounts Committee

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



Ref: PAC/15/09/02

8<sup>th</sup> September 2015

Members of the Legislative Assembly  
Gilbert House  
Stanley

Dear Members

### **Immigration Follow Up Audit Report**

PAC recently reviewed the Internal Audit on Immigration. Whilst the overall assurance was "Satisfactory" it was brought to our attention that there was "Limited" implementation.

PAC would like assurance from FIG that this lack of implementation of recommendations from Internal Audit is addressed by Immigration at the earliest convenience.

Yours sincerely

A handwritten signature in black ink, appearing to read "Andrea Clausen".

Andrea Clausen  
Chairman  
Public Accounts Committee

Cc: Internal Audit  
Principal Immigration Officer

**LEGISLATIVE ASSEMBLY**

**ORDER PAPER**

**THURSDAY 29 OCTOBER 2015**

**Portfolio Reports:**

The Honourable Dr Barry Elsby

The Honourable Ian Hansen

**LEGISLATIVE ASSEMBLY**

**ORDER PAPER**

**THURSDAY 29 OCTOBER 2015**

**ORDER OF THE DAY: BILLS**

Supplementary Appropriation (2015-2016) Bill 2015

Law Revision (Paving) Bill 2015;

Fisheries (Conservation and Management) (Amendment) Bill 2015;

**Supplementary Appropriation (2015-2016) Bill 2015**

(No:            of 2015)

**ARRANGEMENT OF PROVISIONS**

Clause

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

Schedule

## SUPPLEMENTARY APPROPRIATION (2015-2016) BILL 2015

(No:                    of 2015)

*(assented to:                    2015)*

*(commencement: on publication)*

*(published:                    2015)*

A BILL

for

AN ORDINANCE

To authorise the withdrawal from the Consolidated Fund of the additional sum of £3,361,800.00 for the financial year ending 30 June 2016.

BE IT ENACTED by the Legislature of the Falkland Islands —

### **1. Title**

This Ordinance is the Supplementary Appropriation (2015-2016) Ordinance 2015.

### **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 £3,361,800.00 from the Consolidated Fund.

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

### **4. Replenishment of Contingencies Fund**

If any sum has been withdrawn from the Contingencies Fund by the authority of Contingencies Warrant Nos 1 to 3 of 2015/2016, the Financial Secretary will replenish the fund from the additional sum withdrawn under section 3.

## SCHEDULE

| Number | Head of Service               | Amount<br>£         |
|--------|-------------------------------|---------------------|
|        | <b>Operating Budget</b>       |                     |
| 0110   | Central Services              | 162,460.00          |
| 0120   | Human Resources               | 102,850.00          |
| 0200   | Health & Social Services      | 184,560.00          |
| 0250   | Education & Training          | 48,800.00           |
| 0350   | Public Works                  | 134,000.00          |
| 0410   | Natural Resources             | 15,160.00           |
| 0450   | Law & Regulation              | 215,580.00          |
| 0550   | Emergency Services            | 21,770.00           |
| 0600   | Executive Management          | 587,800.00          |
| 0700   | The Treasury                  | 283,140.00          |
| 0620   | Mineral Resources             | 95,110.00           |
| 0997   | Oil and Gas Development       | 206,000.00          |
| 0999   | Island Plan Investments       | 1,304,570.00        |
|        | <b>Total Operating Budget</b> | <b>3,361,800.00</b> |
|        | <b>Total Schedule</b>         | <b>3,361,800.00</b> |

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### OBJECTS AND REASONS

The Bill provides for:-

- (1) supplementary expenditure of £3,361,800.00
- (2) the Contingencies Fund to be replenished to the extent that any sums have been advanced under the authority of Contingencies Warrant Nos 1 to 3 of 2015/2016.

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

Report No 1 of 2015/2016 to Executive Council on advances authorised by the Financial Secretary to be issued out of the Contingencies Fund for application to the service of the 2015/16 Financial Year to enable the need for unforeseen expenditure to be met pursuant to the provisions of Section 26 of the Finance and Audit Ordinance  
Advances only authorised when required due to cap on Contingencies Fund

| Account Code                                    | Advance Amount<br>£ | Contingencies Warrant<br>No | Reasons  |
|---|---------------------|-----------------------------|--|
| <b><u>0110 CENTRAL SERVICES</u></b>             |                     |                             |  |
| <b><u>0104 CENTRAL SERVICES</u></b>             |                     |                             |  |
| 1429 Specialist/Consultancy Services            | 42,760.00           | 3 - SFC 26/08/15            | Carryover from 2014/2015 - Continuation of coastal shipping review & telecoms consultancy            |
| 4632 Contribution to Defence – Met. Services    | 36,500.00           | 3 - SFC 26/08/15            | Carryover from 2014/2015 - Late invoicing  |
| <b><u>0257 LEISURE CENTRE</u></b>               |                     |                             |  |
| 0601 Clothing                                   | 2,260.00            | 3 - SFC 26/08/15            | Carryover from 2014/2015 - Delay in purchase of new SLC uniforms due to time finalising logo         |
| <b><u>0607 COMPUTER SECTION</u></b>             |                     |                             |  |
| 0901 Computer Software                          | <u>80,940.00</u>    | 162,460.00 3 - SFC 26/08/15 | Carryover from 2014/2015 - Purchase of Qube stock control system                                     |
| <b><u>0120 HUMAN RESOURCES</u></b>              |                     |                             |  |
| <b><u>0120 HUMAN RESOURCES</u></b>              |                     |                             |  |
| 2000 Budget Reserve                             | <u>102,850.00</u>   | 102,850.00 3 - SFC 26/08/15 | Carryover from 2014/2015 - Funding set aside for various Human Resources consultancy                 |
| <b><u>0200 HEALTH &amp; SOCIAL SERVICES</u></b> |                     |                             |  |
| <b><u>0201 MEDICAL</u></b>                      |                     |                             |  |
| 0761 Mandatory Training/CPD                     | 35,000.00           | 3 - SFC 26/08/15            | Carryover from 2014/2015 - Medical training delayed until early 2015/16 due to trainer availability  |
| 1429 Laboratory Testing                         | 11,000.00           | 3 - SFC 26/08/15            | Carryover from 2014/2015 - No invoices for pathology testing received in 2015                        |
| 0310 Salaries & Wages                           | 30,000.00           | 3 - SFC 26/08/15            | Carryover from 2014/2015 - Funds for extra dental clinics to clear backlog caused by staff vacancies |
| 1342 Young Persons Unit                         | 46,870.00           | 3 - SFC 26/08/15            | Carryover from 2014/2015 - Final works on property delayed until July/August 2015                    |
| <b><u>0203 SOCIAL WELFARE</u></b>               |                     |                             |  |
| 1119 Child Safeguarding Action Plan             | <u>61,690.00</u>    | 184,560.00 3 - SFC 26/08/15 | Carryover from 2014/2015 - Continuation of Child Safeguarding Action Plan                            |
| <b><u>0250 EDUCATION &amp; TRAINING</u></b>     |                     |                             |  |
| <b><u>0251 EDUCATION - ADMIN</u></b>            |                     |                             |  |
| 0767 Private Sector Training                    | 11,800.00           | 3 - SFC 26/08/15            | Carryover from 2014/2015 - Timing of expenses claimed for private sector training funded via CDS     |
| <b><u>0254 ACCOMMODATION CAMP CHILDREN</u></b>  |                     |                             |  |
| 3160 Stanley House Improvements                 | 30,000.00           | 3 - SFC 26/08/15            | Carryover from 2014/2015 - Underspend used for works at Stanley House as approved by SFC             |
| <b><u>0259 INFANT/JNR SCHOOL</u></b>            |                     |                             |  |
| 1021 Repairs & Maint. Government Buildings      | <u>7,000.00</u>     | 48,800.00 3 - SFC 26/08/15  | Carryover from 2014/2015 - Delay in planned works at IJS due to availability of builder              |



Report No 1 of 2015/2016 to Executive Council on advances authorised by the Financial Secretary to be issued out of the Contingencies Fund for application to the service of the 2015/16 Financial Year to enable the need for unforeseen expenditure to be met pursuant to the provisions of Section 26 of the Finance and Audit Ordinance  
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| Account Code                                    | Advance Amount<br>£ | Contingencies Warrant<br>No | Reasons  |
|---|---------------------|-----------------------------|--|
| <b><u>0350 PUBLIC WORKS</u></b>                 |                     |                             |  |
| <b><u>0352 DESIGN &amp; CONTRACTS</u></b>       |                     |                             |  |
| 3064 Contribution to Defence                    | 9,580.00            | 3 - SFC 26/08/15            | Carryover from 2014/2015 - Late invoicing  |
| <b><u>0353 QUARRY PRODUCTS</u></b>              |                     |                             |  |
| 0450 Plant Hire                                 | 7,950.00            | 3 - SFC 26/08/15            | Carryover from 2014/2015 - Late invoicing for crane hire at quarry                               |
| 0613 Repairs & Maint. Major Equipment           | 8,530.00            | 3 - SFC 26/08/15            | Carryover from 2015/2015 - Late invoicing for quarry spares and associated freight costs         |
| 0990 Explosives                                 | 95,000.00           | 3 - SFC 26/08/15            | Carryover from 2014/2015 - Order awaiting next available vessel suitable for carrying explosives |
| <b><u>0354 PLANT &amp; VEHICLE WORKSHOP</u></b> |                     |                             |  |
| 0761 Mandatory Training/CPD                     | 4,180.00            | 3 - SFC 26/08/15            | Carryover from 2014/2015 - LGV inspection training delayed due to instructor availability        |
| <b><u>0356 PROPERTY &amp; MUNICIPAL</u></b>     |                     |                             |  |
| 1021 Repairs & Maint. Government Buildings      | <u>8,760.00</u>     | 134,000.00 3 - SFC 26/08/15 | Carryover from 2014/2015 - Delay in supply of pumps for FICS by supplier                         |
| <b><u>0410 NATURAL RESOURCES</u></b>            |                     |                             |  |
| <b><u>0400 AGRICULTURE</u></b>                  |                     |                             |  |
| 0335 Recruitment Costs                          | 9,000.00            | 3 - SFC 26/08/15            | Carryover from 2014/2015 - Recruitment costs of two Agricultural Advisors slipping into 2015/16  |
| <b><u>0401 VETERINARY</u></b>                   |                     |                             |  |
| 1429 Specialist/Consultancy Services            | 4,000.00            | 3 - SFC 26/08/15            | Carryover from 2014/2015 - Hydatid workshop budgeted for June delayed until October              |
| 1098 RIM/RIF Sampling                           | <u>2,160.00</u>     | 15,160.00 3 - SFC 26/08/15  | Carryover from 2014/2015 - Unusually slow invoicing for fishery sample testing                   |
| <b><u>0450 LAW &amp; REGULATION</u></b>         |                     |                             |  |
| <b><u>0101 REGULATION</u></b>                   |                     |                             |  |
| 1429 Specialist/Consultancy Services            | 16,960.00           | 3 - SFC 26/08/15            | Carryover from 2014/2015 - Telecoms retail price cap funding currently paused due to review      |
| <b><u>0451 GOVTLEGAL SERVICES</u></b>           |                     |                             |  |
| 0761 Mandatory Training/CPD                     | 1,250.00            | 3 - SFC 26/08/15            | Carryover from 2014/2015 - Approved BOSIET training delayed until December                       |
| 1118 Legal Costs                                | 67,670.00           | 3 - SFC 26/08/15            | Carryover from 2014/2015 - Costs associated with ongoing FIG legal case                          |
| 1118 Legal Costs                                | 90,000.00           | 2 - SFC 29/07/15            | Additional provision approved for anticipated legal costs.                                       |
| 1429 Specialist/Consultancy Services            | 20,000.00           | 3 - SFC 26/08/15            | Carryover from 2014/2015 - Drafting re: tax legislation as approved in ExCo paper 145/14         |
| 1429 Specialist/Consultancy Services            | <u>19,700.00</u>    | 215,580.00 3 - SFC 26/08/15 | Carryover from 2014/2015 - Implementation of Crimes Legislation passed in 2014                   |

Report No 1 of 2015/2016 to Executive Council on advances authorised by the Financial Secretary to be issued out of the Contingencies Fund for application to the service of the 2015/16 Financial Year to enable the need for unforeseen expenditure to be met pursuant to the provisions of Section 26 of the Finance and Audit Ordinance  
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| Account Code                                       | Advance Amount<br>£ | Contingencies Warrant<br>No | Reasons  |
|--|---------------------|-----------------------------|--|
| <b><u>0550 EMERGENCY SERVICES</u></b>              |                     |                             |  |
| <b><u>0551 POLICE &amp; PRISONS</u></b>            |                     |                             |  |
| 0334 Passages & Travel Expenses                    | 1,540.00            | 3 - SFC 26/08/15            | Carryover from 2014/2015 - Late invoicing for flights taken in November/December 2014        |
| 1150 Investigation Expenses                        | 4,230.00            | 3 - SFC 26/08/15            | Carryover from 2014/2015 - Delay in purchase of some DVI equipment due to availability       |
| 1800 Improvement Fixed Assets                      | <u>16,000.00</u>    | 21,770.00 3 - SFC 26/08/15  | Carryover from 2014/2015 - Completion of prison fence  |
| <b><u>0600 EXECUTIVE MANAGEMENT</u></b>            |                     |                             |  |
| <b><u>0615 POLICY UNIT</u></b>                     |                     |                             |  |
| 1429 Specialist/Consultancy Services               | 83,500.00           | 3 - SFC 26/08/15            | Carryover from 2014/2015 - Continuation of Immigration Review & Social Effects Monitoring    |
| 2000 Budget Reserve                                | 111,910.00          | 3 - SFC 26/08/15            | Carryover from 2014/2015 - Unreleased funding for SAERI GAP project                          |
| 4111 Passage Scheme                                | 12,570.00           | 3 - SFC 26/08/15            | Carryover from 2014/2015 - Remaining credit available of Holiday Credit Scheme               |
| <b><u>0616 ENVIRONMENTAL PLANNING</u></b>          |                     |                             |  |
| 3153 Historic Building Renewal Programme           | 12,020.00           | 3 - SFC 26/08/15            | Carryover from 2014/2015 - Completion of historic building projects approved in 2014/15      |
| 3154 Energy Conservation Programme                 | 3,660.00            | 3 - SFC 26/08/15            | Carryover from 2014/2015 - Continuation of Energy Conservation Programme (supported by FIDC) |
| 4169 Environmental Studies                         | 590.00              | 3 - SFC 26/08/15            | Carryover from 2014/2015 - Final payments relating to Elephant Seal Research Project         |
| 4872 Energy Grants Camp                            | 53,030.00           | 3 - SFC 26/08/15            | Carryover from 2014/2015 - Continuation of Camp Energy Grants Scheme (supported by FIDC)     |
| <b><u>0617 SAERI</u></b>                           |                     |                             |  |
| 0960 Research Grants                               | 32,410.00           | 3 - SFC 26/08/15            | Carryover from 2014/2015 - Continuation of various SAERI research projects                   |
| 1709 Office Furniture                              | 2,780.00            | 3 - SFC 26/08/15            | Carryover from 2014/2015 - Completion of SAERI conservatory works falling into 15/16         |
| <b><u>0641 SAERI - GIS</u></b>                     |                     |                             |  |
| All  | 47,700.00           | 3 - SFC 26/08/15            | Carryover from 2014/2015 - for continuation of project.                                      |
| <b><u>0642 SAERI - INSHORE FISHERIES</u></b>       |                     |                             |  |
| All  | 26,760.00           | 3 - SFC 26/08/15            | Carryover from 2014/2015 - for continuation of project.                                      |
| <b><u>0643 SAERI - GAP</u></b>                     |                     |                             |  |
| All  | 42,250.00           | 3 - SFC 26/08/15            | Carryover from 2014/2015 - for continuation of project.                                      |
| <b><u>0644 SAERI - MARINE SPATIAL PLANNING</u></b> |                     |                             |  |
| All  | 34,460.00           | 3 - SFC 26/08/15            | Carryover from 2014/2015 - for continuation of project.                                      |
| <b><u>0645 SAERI - STUDENTSHIP</u></b>             |                     |                             |  |
| All  | 14,890.00           | 3 - SFC 26/08/15            | Carryover from 2014/2015 - for continuation of project.                                      |
| <b><u>0646 SAERI - SG DEMAND PROJECT</u></b>       |                     |                             |  |
| All  | 68,890.00           | 3 - SFC 26/08/15            | Carryover from 2014/2015 - for continuation of project.                                      |
| <b><u>0647 SAERI - EU BEST</u></b>                 |                     |                             |  |
| All  | 4,420.00            | 3 - SFC 26/08/15            | Carryover from 2014/2015 - for continuation of project.                                      |

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Advances only authorised when required due to cap on Contingencies Fund

| Account Code                                 | Advance<br>Amount<br>£ | Contingencies<br>Warrant<br>No | Reasons   |
|--|------------------------|--------------------------------|---|
| <b><u>0600 EXECUTIVE MANAGEMENT Cont</u></b> |                        |                                |   |
| <b><u>0800 LEGISLATURE</u></b>               |                        |                                |   |
| 1393 Expenses Overseas Visits                | 35,960.00              | 587,800.00 3 - SFC 26/08/15    | Carryover from 2014/2015 - Delay in payment of costs relating to diplomatic trip to United States |
| <b><u>0700 CORPORATE RESOURCES</u></b>       |                        |                                |   |
| <b><u>0602 TREASURY</u></b>                  |                        |                                |   |
| 1354 Contribution Credits                    | 65,610.00              | 3 - SFC 26/08/15               | Carryover from 2014/2015 - Unclaimed contribution credits which may be applied for in the future  |
| 2000 Budget Reserve                          | 41,600.00              | 3 - SFC 26/08/15               | Carryover from 2014/2015 - Unspent funding in Rent Equalisation Reserve                           |
| 4170 Donations & Subventions                 | 20,280.00              | 3 - SFC 26/08/15               | Carryover from 2014/2015 - Approved subventions remaining unclaimed at end of June                |
| <b><u>0609 TAXATION</u></b>                  |                        |                                |   |
| 1200 Tax Agents in UK                        | 28,820.00              | 3 - SFC 26/08/15               | Carryover from 2014/2015 - Late invoicing   |
| 1429 Specialist/Consultancy Services         | 126,830.00             | 283,140.00 3 - SFC 26/08/15    | Carryover from 2014/2015 - Continuation of oil consultancy work around tax legislation            |
| <b><u>0620 MINERAL RESOURCES</u></b>         |                        |                                |   |
| 0334 Passages & Expenses                     | 5,590.00               | 3 - SFC 26/08/15               | Carryover from 2014/2015 - Flights for BOSIET training and FIG witness for trial delayed          |
| 0338 Travel & Subsistence                    | 1,750.00               | 3 - SFC 26/08/15               | Carryover from 2014/2015 - Allowances for BOSIET training and delay in invoicing for other trips  |
| 0602 Repairs & Maint, Minor Equipment        | 560.00                 | 3 - SFC 26/08/15               | Carryover from 2014/2015 - Painting of unit delayed due to weather                                |
| 0761 Mandatory Training/CPD                  | 1,810.00               | 3 - SFC 26/08/15               | Carryover from 2014/2015 - BOSIET training delayed until September                                |
| 1003 Photocopier charges                     | 1,500.00               | 3 - SFC 26/08/15               | Carryover from 2014/2015 - Court case, for which increased budget was requested in 14/15, delayed |
| 1393 Expenses Overseas Visits                | 3,000.00               | 3 - SFC 26/08/15               | Carryover from 2014/2015 - Invoices for 2014/15 trips not received before year end                |
| 3118 Hydrocarbon Consultancies               | 80,900.00              | 95,110.00 3 - SFC 26/08/15     | Carryover from 2014/2015 - Delay in invoicing from suppliers and timing of works                  |
| <b><u>0997 OIL DEVELOPMENT</u></b>           |                        |                                |   |
| 5000 Oil Development Reserve                 | 206,000.00             | 206,000.00 3 - SFC 26/08/15    | Carryover from 2014/2015 - Funding for various oil related projects                               |

Report No 1 of 2015/2016 to Executive Council on advances authorised by the Financial Secretary to be issued out of the Contingencies Fund for application to the service of the 2015/16 Financial Year to enable the need for unforeseen expenditure to be met pursuant to the provisions of Section 26 of the Finance and Audit Ordinance  
 Advances only authorised when required due to cap on Contingencies Fund

| Account Code                        | Advance Amount<br>£ | Contingencies Warrant<br>No | Reasons  |
|-------------------------------------|---------------------|-----------------------------|--|
| <b>0999 ISLAND PLAN INVESTMENTS</b> |                     |                             |  |
| 1176 Public Relations               | 2,650.00            | 3 - SFC 26/08/15            | Carryover from 2014/2015 - Late invoicing for Falklands Facts & Fiction leaflet                  |
| 1844 Revision of Laws               | 316,390.00          | 3 - SFC 26/08/15            | Carryover from 2014/2015 - Continuation of Revision of Laws project                              |
| 4105 Wool Freight Subsidy           | 14,000.00           | 3 - SFC 26/08/15            | Carryover from 2014/2015 - Not all claims for subsidy received before end of year                |
| 4114 Abattoir Subsidy               | 105,000.00          | 1 - SFC 15/07/15            | Additional operating subsidy approved.<br>SFC Paper 28/15 refers                                 |
| 4175 Disaster Aid Relief            | 24,970.00           | 3 - SFC 26/08/15            | Carryover from 2014/2015 - Matched funding approved for Nepal appeal                             |
| 4205 Shipping Loan                  | 544,880.00          | 3 - SFC 26/08/15            | Carryover from 2014/2015 - Shipping subsidy requested as per business plan not claimed as of yet |
| 4631 Rural Development Strategy     | 191,680.00          | 3 - SFC 26/08/15            | Carryover from 2014/2015 - Continuation of RDS (requested by FIDC due to anticipated projects)   |
| 4639 Economic Development Strategy  | 105,000.00          | 3 - SFC 26/08/15            | Carryover from 2014/2015 - Continuation of EDS   |
| <b>TOTAL</b>                        | <b>3,361,800.00</b> | <b>1,304,570.00</b>         |  |

Report No 1 of 2015/2016 to Executive Council on advances authorised by the Financial Secretary to be issued out of the Contingencies Fund for application to the service of the 2015/16 Financial Year to enable the need for unforeseen expenditure to be met pursuant to the provisions of Section 26 of the Finance and Audit Ordinance  
Advances only authorised when required due to cap on Contingencies Fund

| Account Code                         | Advance<br>Amount<br>£ | Contingencies<br>Warrant<br>No | Reasons      |
|--------------------------------------|------------------------|--------------------------------|--------------|
| <b><u>SUMMARY</u></b>                |                        |                                |              |
| Contingencies Warrant No 1           |                        | 105,000.00                     | SFC 15/07/15 |
| Contingencies Warrant No 2           |                        | 90,000.00                      | SFC 29/07/15 |
| Contingencies Warrant No 3           |                        | 3,166,800.00                   | SFC 26/08/15 |
|                                      |                        | <b><u>3,361,800.00</u></b>     |              |
| <b><u>Summary by Directorate</u></b> |                        |                                |              |
| 0110 CENTRAL SERVICES                |                        | 162,460.00                     |              |
| 0120 HUMAN RESOURCES                 |                        | 102,850.00                     |              |
| 0200 HEALTH & SOCIAL SERVICES        |                        | 184,560.00                     |              |
| 0250 EDUCATION & TRAINING            |                        | 48,800.00                      |              |
| 0350 PUBLIC WORKS                    |                        | 134,000.00                     |              |
| 0410 NATURAL RESOURCES               |                        | 15,160.00                      |              |
| 0450 LAW & REGULATION                |                        | 215,580.00                     |              |
| 0550 EMERGENCY SERVICES              |                        | 21,770.00                      |              |
| 0600 EXECUTIVE MANAGEMENT            |                        | 587,800.00                     |              |
| 0700 THE TREASURY                    |                        | 283,140.00                     |              |
| 0620 MINERAL RESOURCES               |                        | 95,110.00                      |              |
| 0997 OIL AND GAS DEVELOPMENT         |                        | 206,000.00                     |              |
| 0999 ISLAND PLAN INVESTMENTS         |                        | 1,304,570.00                   |              |
|                                      |                        | <b><u>3,361,800.00</u></b>     |              |

**Law Revision (Paving) Bill 2015**

(No: of 2015)

**ARRANGEMENT OF PROVISIONS**

Clause

1. Title
2. Commencement
3. Appointment of Statute Law Commissioner
4. Statute Law Database
5. Reports to Legislative Assembly

## LAW REVISION (PAVING) BILL 2015

(No: of 2015)

(assented to: 2015)

(commencement: on publication)

(published: 2015)

A BILL

for

AN ORDINANCE

To make provision in connection with the revision and publication of the law of the Falkland Islands.

BE IT ENACTED by the Legislature of the Falkland Islands —

### **1. Title**

This Ordinance is the Law Revision (Paving) Ordinance 2015.

### **2. Commencement**

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

### **3. Appointment of Statute Law Commissioner**

(1) The Governor must appoint a person as the Statute Law Commissioner.

(2) The Commissioner holds and vacates office in accordance with terms specified by the Governor on making the appointment.

(3) The Commissioner's appointment must be notified in the *Gazette*.

(4) Appointment as Commissioner may be held separately or together with another appointment.

(5) The terms of appointment may (but need not) require the Commissioner to report to, and comply with directions of or comply with guidance issued by, the Attorney General or another specified official.

(6) Any subsisting appointment of a Law Commissioner under the Revised Edition of the Laws Ordinance (Title 67.3) will lapse on appointment of the Statute Law Commissioner under this section.

### **4. Statute Law Database**

(1) The Statute Law Commissioner is responsible for the preparation of —

(a) a database of the laws of the Falkland Islands; and

(b) draft legislation which enables the Legislative Assembly to approve the Statute Law Database as an authoritative statement of the laws of the Falkland Islands.

(2) The Commissioner must aim to ensure that the Statute Law Database —

(a) is complete not later than 31 March 2017; and

(b) is as accessible to all residents of the Falkland Islands as is reasonably practicable.

(3) In complying with subsection (2)(b) the Commissioner —

(a) must treat the internet as the primary means of access to the database, but

(b) must also have regard to the needs of those who have no access, or limited access, to the internet, or who prefer to access information in other ways.

(4) The Commissioner's primary objective is to ensure that the database serves the needs of residents of the Falkland Islands; but subject to that, the Commissioner must also have regard to the needs of others who may wish to access the database.

(5) The Statute Law Database must contain —

(a) the complete and up to date text of all Ordinances of the Falkland Islands in force;

(b) the complete and up to date text of all subsidiary legislation, made under Ordinances of the Falkland Islands, in force; and

(c) a list of United Kingdom enactments having force in or in relation to the Falkland Islands.

(6) For the purposes of subsection (1) the Commissioner may take as the authoritative text of an Ordinance or of subsidiary legislation any version produced in accordance with the Revised Edition of the Laws Ordinance that appears to the Commissioner to be accurate.

## **5. Reports to Legislative Assembly**

(1) The Statute Law Commissioner must lay before the Legislative Assembly reports about progress in complying with the duty under section 4.

(2) The first report must be laid as soon as reasonably practicable after the end of the period of 3 months beginning with the date of the Commissioner's appointment.

(3) Subsequent reports must be laid as soon as reasonably practicable after the end of each subsequent period of 3 months.

(4) If the Legislative Assembly debates a report under this section and makes recommendations, the Commissioner must give effect to those recommendations.



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## OBJECTS AND REASONS

This Bill paves the way for publication of an up to date statement of the laws of the Falkland Islands in order to improve accessibility of the law.

*Clause 3* provides for the appointment of a Statute Law Commissioner to facilitate the necessary work.

*Clause 4* provides that the Statute Law Commissioner is responsible for the preparation of a database of the laws of the Falkland Islands. This is in preparation for publication of an up to date statement of the Laws of the Falkland Islands, which is intended to be published no later than 31 March 2017 (after approval of the database by the Legislative Assembly under further legislation).

*Clause 4* sets out the following principles for compilation of the database of the laws:

- that the primary objective is accessibility for Falkland Islands residents (but that the needs of others must be considered);
- the assumption that publication will primarily be on the internet (but that the needs of non-internet users must also be considered);

*Clause 4* also provides that the previous publications under the Revised Edition of the Laws Ordinance (Title 67.3) may provide a starting point for compilation of the database (to avoid the unnecessary duplication of work).

*Clause 5* would ensure that the Statute Law Commissioner regularly reports on progress of the work to the Legislative Assembly.

**Fisheries (Conservation and Management) (Amendment) Bill 2015**

(No:      of 2015)

**ARRANGEMENT OF PROVISIONS**

Clause

1. Title
2. Commencement
3. Amendment of Fisheries (Conservation and Management) Ordinance
4. Amendment of Fishing (Nets and Supplementary Net Equipment) Regulations Order
5. Amendment of Fishing Regulations Order
6. Amendment of Inshore Fishing Regulations

**FISHERIES (CONSERVATION AND MANAGEMENT)(AMENDMENT) BILL 2015**

(No: of 2015)

(assented to: 2015)  
(commencement: on publication)  
(published: 2015)

A BILL

for

AN ORDINANCE

To amend the Fisheries (Conservation and Management) Ordinance (No 14 of 2005), the Fishing (Nets and Supplementary Net Equipment) Regulations Order, the Inshore Fishing Regulations and the Fishing Regulations Order to specify penalties for contravention of any offences.

BE IT ENACTED by the Legislature of the Falkland Islands —

**1. Title**

This Ordinance is the Fisheries (Conservation and Management) (Amendment) Ordinance 2015.

**2. Commencement**

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

**3. Amendment of Fisheries (Conservation and Management) Ordinance**

(1) This Ordinance amends the Fisheries (Conservation and Management) Ordinance.

(2) Section 223 is amended as follows —

(a) in subsection (2) by omitting paragraph (a) and replacing it with the following —

“(a) providing that an offence against —

(i) paragraph (d), (e), (f), (g), (h), (j), (k) or (m) shall be punishable on conviction by such fine, not exceeding the maximum of Level 9 on the standard scale as is specified in the regulations in respect of that offence; and

(ii) paragraphs (i), (l), (n), (o), (q), (r), (s), (t), (u), (v), or (w) shall be punishable on conviction by such fine, not exceeding the maximum of Level 8 on the standard scale as is specified in the regulations in respect of that offence;” and

(b) by deleting subsection (3).

#### **4. Amendment of the Fishing (Nets and Supplementary Net Equipment) Regulations Order (Title 39.1.4)**

The Fishing (Nets and Supplementary Net Equipment) Regulations Order is amended in regulation 18 by adding the following new sub-regulation after sub-regulation (2) —

“(3) A person who commits an offence under these Regulations is liable to a fine not exceeding the maximum of Level 9.

#### **5. Amendment of the Fishing Regulations Order (Title 39.1.6)**

The Fishing Regulations Order is amended under regulation 61 as follows —

- (a) under sub-regulation (1) by omitting “£50, 000” and substituting “Level 9”;
- (b) under sub-regulation (2) by omitting “£50, 000” and substituting “Level 9”; and
- (c) under sub-regulation (3) by omitting “£20, 000” and substituting “Level 8”.

#### **6. Amendment of Inshore Fishing Regulations (Title 39.1.5)**

The Inshore Fishing Regulations are amended under regulation 9 by omitting “£5,000” and substituting “Level 5”.

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### OBJECTS AND REASONS

This Bill amends the Fisheries (Conservation and Management) Ordinance (No. 14 of 2005) to correct inconsistencies relating to penalties that may be imposed under regulations made under the Ordinance.

*Clause 3* amends section 223 to provide for different penalties to be imposed on the different regulations that the Governor may make under the Ordinance.

*Clause 4* amends the Fishing (Nets and Supplementary Net Equipment) Regulations Order (Title 39.1.4) to provide for a penalty as one is not currently provided.

The Inshore Fishing Regulations and the Fishing Regulations Order are some of the subsidiary legislation saved from the repealed Ordinance under section 224 and therefore have lower penalties than those under the new Ordinance; so clauses 5 and 6 amend both to increase the penalties to match those under the Ordinance as well as to reflect the standard scale of fines.

*Clause 5* amends Fishing Regulations Order to reflect the penalties by levels and provides for levels 8 and 9.

*Clause 6* amends the Inshore Fishing Regulations to update the penalty from £5,000 to Level 5.

## LEGISLATIVE ASSEMBLY

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

|                                      |   |
|--------------------------------------|---|
| CLERK                                | “Orders of the Day – Bills”   |
| CLERK                                | Reads title of Bill   |
| FINANCIAL SECRETARY                  | “Mr Speaker, this Bill etc.....(explanation) I beg to move the second reading of the Bill”  |
| THE HON. ROGER EDWARDS<br>MR SPEAKER | “I second the motion”.<br>“Does any Honourable Member wish to speak on the Bill?”<br><br>“There is no debate”<br><br>Is there any objection to dealing with this Bill by the short procedure?<br><br>No Objection<br><br>Does any Member wish to propose any amendments to the wording of the Bill?<br><br>No Amendments<br><br>“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?<br><br>No Objection – the Bill will be read a second time.   |
| CLERK                                | Reads the short title of the Bill   |
| MR SPEAKER                           | Declares that the <b>Assembly is in Committee</b>   |
| CLERK                                | Clauses 1 and/to.....   |
| FINANCIAL SECRETARY                  | 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?<br><br>No objection, Clauses 1 and/to....stand part of the Bill”   |

|                                      |  |
|--------------------------------------|--|
| CLERK                                | Schedules (if any)   |
| FINANCIAL<br>SECRETARY<br>MR SPEAKER | I beg to move the Schedule(s) stand part of the Bill.<br><br>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 <b>Assembly resumes.</b>   |
| FINANCIAL<br>SECRETARY<br>MR SPEAKER | “I beg to move the Bill be read a third time and do Pass”<br><br>“The Motion is that the Bill be read a third time and do Pass – any objection to the Motion?<br><br>No objection, the Bill will be read a third time and do Pass” |
| CLERK                                | Reads the short title of the Bill  |

**LEGISLATIVE ASSEMBLY**

**ORDER PAPER**

**THURSDAY 29 OCTOBER 2015**

**PROCEDURE FOR THE MOTION FOR ADJOURNMENT**

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