

EXECUTIVE COUNCIL

RESTRICTED

Title of Report: **Finance Bill 2009**
 Immigration (Fees) Regulations 2009
 Retirement Pensions (Contributions)(Exemptions) Order 2009

Paper No: **107/09**

Date: **25 May 2009**

Report of: **Director of Finance**

1. **Purpose**

1.1 The attached Bill makes provision to implement the approval by Executive Council on 23 April 2009 of recommendations contained in Budget Policy 2009/10 (paper 78/09), and the approval by Executive Council on 26 February 2009 of recommendations made by the Department of Agriculture (paper 40/09) where changes are required to be made to statutory fees, charges, contributions, benefits and allowances.

1.2 The Bill would also amend the statutory charges made by the Attorney General's office in relation to licences to hold land, and the statutory charges made by notaries public and commissioners for oaths (clauses 4, 15 and 17). Those amendments were proposed following the instruction given by Executive Council in April for all managers to review their fees and charges.

1.3 The Bill also contains provision to reflect the recommendations of Executive Council papers 106/09, 109/09 and 121/09, which are to be considered at this meeting.

1.4 The annexed regulations would implement the recommendations of Executive Council paper 121/09.

1.5 The annexed order relates to recommendation 2.1(d) of Executive Council Paper 79/09.

2. Recommendation

It is recommended that:

- (a) the Finance Bill 2009 be presented to the Legislative Assembly on 26 May 2009 under a Certificate of Urgency in accordance with the provisions of Legislative Council/Assembly Standing Orders 36 and 37;
- (b) the Immigration (Fees) Regulations 2009 be made by the Governor; and
- (c) the Retirement Pensions (Contributions)(Exemptions) Order 2009 is made by the Governor.

3. Summary of Financial Implications

The financial implications as set out in ExCo papers 78/09, 40/09, 109/09 and 121/09 where appropriate, are taken into account in the Draft Estimates presented under the cover of ExCo paper 106/09.

4. Background

4.1 The following table details the provisions contained in the Finance Bill.

Finance Bill clause No. (and schedule No.)	Amendments	ExCo paper No. and recommendation No. (where relevant)
3 & 9	Increase in fees for registration/naturalisation and for applications for Falkland Islands status from 1 July 2009	121/09 – (a)
4, 15 & 17	Increase in fees for administration of oaths or affirmations, licences to hold land and notarial services from 1 July 2009	78/09 - 41
5 (& Schedule 1)	Increase in company registration fees from 1 July 2009	109/09
6	Increase in customs clearance/entrance fees from 1 July 2009	78/09 - 11
7	Increase in dog licence fee from 1 July 2009	78/09 - 37
8	Increase in elected members' allowances from 6 November 2009	106/09 – (e)
10	Increase in and introduction of means testing of family allowance from 1 July 2009	78/09 – 35 & 79/09

11 & 12	Increase in firearms and ammunition licence fees from 1 July 2009	78/09 - 27
13 (& Schedule 2)	Increase to fishery products fees from 1 July 2009	78/09 - 37
14 & 16 (& Schedules 3 & 4)	Increases to land registration and land charges fees	109/09
18	Increase in permit fees for the importation of plants from 1 July 2009	78/09 - 37
Finance Bill clause No. and schedule No. (where relevant)	Amendments	ExCo paper No. and recommendation No. (where relevant)
19	Increases to various fees in connection with marriages from 1 July 2009	109/09
20 & 21	Increases to various registration fees (including patents) from 1 July 1009	109/09
22	Increase in retirement pension contributions from 1 January 2010	78/09 - 29
23, 24 & 26	Increase in vehicle licence and other road traffic fees from 1 July 2009	78/09 - 26 & 27
25	Increase in income tax personal allowance from 1 January 2010	106/09 – 2(e)

4.2. The Immigration (Fees) Regulations 2009 reflect proposed fee increases which it is not appropriate to include in the Finance Bill (as explained in paragraph 5.3).

4.3 Executive Council considered the White Paper on Wealth Related Payments under paper 79/09 at the April meeting. It has since been identified that recommendation 2.1(d) (reference paragraph 6.3 of the White Paper) has legal implications. It was therefore considered appropriate to submit the Retirement Pensions (Contributions) (Exemptions) Order 2009 to this meeting of Executive Council for approval at the same time as the Finance Bill. The background to the order is explained in paragraph 5.5 of the legal implications section.

5. Legal Implications

Finance Bill 2009

5.1 In drafting the Finance Bill, it became apparent that some charges have been made by departments which do not reflect the law. Therefore the objects and reasons, which explain the effect of the proposed changes to be implemented by the Finance Bill, appear to show a very significant increase in relation to some charges; such increases were not reflected in the relevant ExCo papers. This is because the Bill reflects the law, not the charges as made by the department. An example of this is the application fee for approval of a factory vessel or establishment under the Fishery Products (Hygiene)(Fees) Regulations (see clause 13 and Schedule 2). There are also a number of examples in connection with registry fees.

5.2 In drafting the Bill, it also became apparent that there are two other minor errors in the schedule of charges provided by the Registrar General and annexed to paper 109/09. Those have been corrected in the Finance Bill as follows:

(a) under the Companies and Private Partnership Ordinance, new Schedule A, paragraph 6; the additional charge per page is intended to increase from 25 pence to 26 pence; and

(b) under the Land Charges Fees Rules, a fee for a certificate of cancellation was omitted; it is intended that the existing charge of £2.00 increase to £2.50.

Immigration (Fees) Regulations 2009

5.3 The fees for applications made under the Immigration Ordinance referred to in Executive Council paper 121/09 have never been regulated in the usual way. Therefore, for practical and technical reasons, it is most appropriate that the fees are reflected in a new set of regulations, rather than in the Finance Bill. Therefore the Immigration (Fees) Regulations 2009 are annexed to this paper to implement the recommendations for increase of the relevant fees under paper 121/09.

Various agricultural fees regulations

5.4 Similarly, some of the fees referred to in Executive Council paper number 40/09 appear to have been never regulated in the usual way. Again, the fees need to be provided for under new regulations rather than a Finance Bill. Because of time constraints, it has not proved possible for such regulations to accompany this paper, but it is intended that the new regulations will be put before the next meeting of Executive Council with a view to their being implemented on 1 July 2009. The fees relate to approvals/licences in connection with the importation of animals and animal products, and in connection with the exportation of animals, animal products and fishery products.

Retirement Pensions (Contributions)(Exemptions) Order 2009

5.5 Reference paragraph 4.3, a system of eligibility for exemption from retirement pension contributions in relation to camp residents was established by the Retirement Pensions (Contributions)(Exemptions) Order 2001. It has been recognised that the availability of such exemptions in law would have to be terminated in order to give effect to recommendation 2.1(d) of paper 79/09; then all persons seeking exemption/credit of retirement pensions contributions would be eligible under the same provisions which exist under the Retirement Pensions Ordinance. When preparing to draft an order bringing the camp contributions exemptions to an end, it became apparent that, by oversight, the exemptions have not been available in law since 2003 (the exemptions order, unusually, had a “sunset clause”, which means that it simply expired). Therefore, instead of simply bringing an existing exemptions order to an end, an order has been drafted extending the expired order to cover the intervening period, but bringing the exemptions to an end as of 30 June 2009.

6. Human Resource Implications

None.

Finance Bill 2009

(No: of 2009)

ARRANGEMENT OF PROVISIONS

Clause

1. Title
2. Commencement
3. Amendment of British Nationality Ordinance
4. Amendment of Commissioners for Oaths Rules
5. Amendment of Companies and Private Partnership Ordinance
6. Amendment of Customs (Fees) Regulations
7. Amendment of Dogs Rules
8. Amendment of Elected Councillors' Allowances Ordinance
9. Amendment of Falkland Islands Status (Application Fees) Regulations
10. Amendment of Family Allowances Ordinance
11. Amendment of Firearms and Ammunition (Fees) Regulations Order
12. Amendment of Firearms and Ammunition Ordinance
13. Amendment of Fishery Products (Hygiene)(Fees) Regulations
14. Amendment of Land Charges Fees Rules
15. Amendment of Land (Non-residents)(Fees) Regulations
16. Amendment of Land Ordinance
17. Amendment of Notaries Public Rules
18. Amendment of Plant Importation Regulations
19. Amendment of Registration of Marriage Regulations
20. Amendment of Registration of United Kingdom Patents Ordinance
21. Amendment of Registration Regulations
22. Amendment of Retirement Pensions (Prescribed Rates) Regulations

23. Amendment of Road Traffic Ordinance
24. Amendment of Road Traffic (Provisional) Regulations Order
25. Amendment of Taxes Ordinance
26. Amendment of Vehicle Licence Labels Regulations
27. Repeal

Schedule 1: New Schedule A to Companies and Private Partnership Ordinance

Schedule 2: New Schedule to Fishery Products (Hygiene)(Fees) Regulations

Schedule 3: New Schedule 1 to Land Charges Fees Rules

Schedule 4: New Schedule 4 to Land Ordinance

FINANCE BILL 2009

(No: of 2009)

(assented to: 2009)

(commencement: in accordance with section 2)

(published: 2009)

A BILL

for

AN ORDINANCE

To increase various allowances, benefits, charges, contributions, fees, and penalties provided for under the laws of the Falkland Islands, and to make new provision in relation to certain charges, fees, and penalties.

BE IT ENACTED by the Legislature of the Falkland Islands —

1. Title

This Ordinance is the Finance Ordinance 2009.

2. Commencement

(1) This Ordinance comes into force on 1 July 2009, subject to subsections (2) and (3).

(2) Section 8 comes into force on 6 November 2009.

(3) Sections 22 and 25 come into force on 1 January 2010.

3. Amendment of British Nationality Ordinance

The Schedule to the British Nationality Ordinance (Title 52.1) is amended —

(a) by omitting “Order” in each place where it occurs and substituting “Ordinance”;

(b) in paragraph 1 by omitting paragraph (5).

(c) in paragraph 2 by omitting “these Regulations” and substituting “this Ordinance”; and

(d) in the table of fees —

(i) by repealing paragraphs 1 to 3 and substituting —

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

(a) Application relating to one person (adult or child) £460.00

(b) Application relating to two or more children who have the same parent or parents (plus increase per additional child of £50.00) £510.00

2. Application for naturalisation as a British citizen or British Overseas Territories citizen under sections 6 or 18 of the Act;

(a) Application relating to one person £640.00

(b) Joint application from husband and wife or civil partners” £690.00

(ii) in paragraph 4 by omitting “£385” and substituting “£395.00”; and

(iii) in paragraph 7 by omitting “£59” and substituting “£63.00”.

4. Amendment of Commissioners for Oaths Rules

Rule 2(1)(a) of the Commissioners for Oaths Rules (Title 22.1.1) is amended by omitting “£6.00” and substituting “£6.50”.

5. Amendment of Companies and Private Partnership Ordinance

The Companies and Private Partnership Ordinance (Title 18.1) is amended by repealing Schedule A and substituting the Schedule set out in Schedule 1.

6. Amendment of Customs (Fees) Regulations

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

(a) in regulation 4 —

(i) by omitting “£46.00” in each place where it appears and substituting in each case “£49.00”;

(ii) by omitting “£228.00” in each place where it appears and substituting in each case “£240.00”;

(b) in regulation 4(3) —

(i) by omitting “£23.00” and substituting “£24.00”; and

(ii) by omitting “£114.00” and substituting “£120.00”.

7. Amendment of Dogs Rules

Rule 3 of the Dogs Rules (Title 5.2.1) is amended by omitting “£25” and substituting “£30.00”.

8. Amendment of Elected Councillors’ Allowances Ordinance

The Schedule to the Elected Councillors’ Allowances Ordinance (Title 19.2) is amended —

(a) in paragraph 3 by omitting “£3,477.50” and substituting “£4,083.00”;

(b) in paragraph 4 by omitting “£105” and substituting “£123.50”; and

(c) in paragraph 9 by omitting “£25” and substituting “£29.50”.

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

Regulation 2 of the Falkland Islands Status (Application Fees) Regulations (Title 52.3.2) is amended —

(a) in paragraph (1) by omitting “£180” and substituting “£200.00”; and

(b) in paragraph (2) by omitting “£130” and substituting “£140.00”.

10. Amendment of Family Allowances Ordinance

Section 3 of the Family Allowances Ordinances (Title 65.1) is repealed, and the following section substituted —

“3. Payment of Family Allowance

(1) An allowance is payable by the Postmaster at the maximum rate of £60.00 per month in respect of each child of a family.

(2) A child is not eligible in relation to the payment of family allowance —

(a) unless the child —

(i) has been ordinarily resident in the Falkland Islands for six months immediately before payment of the allowance;

(ii) was born in the Falkland Islands less than six months before payment of the allowance; or

(iii) was born outside the Falkland Islands less than six months before payment of the allowance, to a mother who was ordinarily resident in the Falkland Islands at the time of the child's birth;

(b) if the person to whom the allowance would belong to does not satisfy subsection (3)(b), unless the child has Falkland Islands status;

(c) if the child lives in the same household as a person who is exempted from the liability to pay income tax —

(i) by virtue of a law of the Falkland Islands; or

(ii) by extra statutory concession from the Commissioner of Taxation.

(3) An allowance is not payable if the person to whom the allowance would belong —

(a) is entitled to an allowance, which the Director of Finance is satisfied is a similar allowance, in respect of the child, from the person's state or country of residence;

(b) does not have Falkland Islands status or a permanent residence permit, unless the child in respect of whom the allowance would be payable has Falkland Islands status.

(4) An allowance is not payable if the annual income of the family household, for the calendar year before that in which the allowance would be payable, exceeded £46,500.

(5) Half of the allowance is payable if the annual income of the family household for the calendar year before that in which the allowance would be payable, exceeded £31,000, but did not exceed £46,500.

(6) If an allowance is not payable only by virtue of subsection (2)(a)(i), the allowance becomes payable retrospectively for the six month period as soon as the child has been ordinarily resident for six months.

(7) The Governor may make regulations —

(a) to determine what constitutes the income of a family household for the purposes of subsections (4) and (5); and

(b) to make further provision giving effect to this section.

11. Amendment of Firearms and Ammunition (Fees) Regulations Order

The Firearms and Ammunition (Fees) Regulations Order (Title 23.2.1) is amended —

(a) by omitting “£16.00” in each place where it appears and substituting in each case “£17.00”;

(b) in the Schedule —

(i) by omitting “£58.00” and substituting “£61.00”; and

(ii) by omitting “£32.00” and substituting “£33.50”.

12. Amendment of Firearms and Ammunition Ordinance

The Firearms and Ammunition Ordinance (Title 23.2) is amended by inserting the following section after section 4 —

“4A. Replacement licence

(1) This section applies to —

(a) a firearms and ammunition dealer’s licence issued under section 9; and

(b) a firearm licence issued under section 13.

(2) If a person who held a licence satisfies the Chief Police Officer that —

(a) the licence has been lost or defaced; and

(b) the person is entitled to continue to hold the licence;

the Chief Police Officer may issue a replacement licence.

(3) A fee of £6.50 is payable for the issue of a licence under subsection (2).

(4) A licence which has been defaced must be returned to the Chief Police Officer at the time that an application is made for a replacement licence.

(5) A person who has been issued with a replacement for a licence which has been lost must take all reasonable steps to return the original licence to the Chief Police Officer if the original licence is found.”

13. Amendment of Fishery Products (Hygiene)(Fees) Regulations

The Fishery Products (Hygiene)(Fees) Regulations (SR&O No 41 of 1998) are amended —

(a) by revoking regulation 2 and substituting —

“2. Payment of fees

(1) The fees specified in the Schedule are payable in connection with designation of a factory vessel or fishery product establishment under section 3 of the Ordinance.

(2) A reference to “the Regulations” in the Schedule is to the Fishery Products (Hygiene) Regulations 1998 (SR&O No 38 of 1998).”

(b) by revoking the Schedule and substituting the Schedule set out in Schedule 2.

14. Amendment of Land Charges Fees Rules

The Land Charges Fees Rules (SR&O No 3 of 1997) are amended by revoking Schedule 1 and substituting the Schedule set out in Schedule 3.

15. Amendment of Land (Non-residents)(Fees) Regulations

Regulation 3 of the Land (Non-residents)(Fees) Regulations (SR&O No 13 of 2007) is amended by omitting “£100” in each place where it appears and substituting in each case “£105.00”.

16. Amendment of Land Ordinance

The Land Ordinance (Title 45.2) is amended by repealing Schedule 2 and substituting the Schedule set out in Schedule 4.

17. Amendment of Notaries Public Rules

The Schedule to the Notaries Public Rules (Title 22.1.2) is amended —

- (a) in paragraph 1 by omitting “£5.00” and substituting “£6.50”;
- (b) by omitting “£85.00” in each place where it appears and substituting in each case “£90.00”;
- (c) by omitting “£25.00” in each place where it appears and substituting in each case “£26.50”;
- (d) in paragraph 3(a) by omitting “£30.00” and substituting “£31.50”;
- (e) in paragraph 3(b) by omitting “£17.50” and substituting “£18.50”;
- (f) by omitting “£12.50” in each place where it appears and substituting in each case “£13.00”; and
- (g) in paragraph 5(b) by omitting “25p” and substituting “26 pence”.

18. Amendment of Plant Importation Regulations

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

- (a) in paragraph (3)(a) by omitting “£3” and substituting “£3.30”;
- (b) in paragraph (3)(b) by omitting “£100” and substituting “£110.00”; and
- (c) by adding —

“(c) a permit for a single commercial import: £13.20 (regardless of the quantity of items imported by the applicant on the particular occasion).”

19. Amendment of Registration of Marriages Regulations

Section 18 of the Registration of Marriages Regulations (SR&O No 17 of 1999) is amended by —

- (a) by omitting “£20” in each place where it appears and substituting “£23.00”;

(b) in paragraph (1)(b) by omitting “£50” and substituting “£59.00”;

(c) by omitting “£15” in each place where it appears and substituting “£18.00”;
and

(d) in paragraph (1)(h) by omitting “£100” and substituting “£300.00”.

20. Amendment of Registration of United Kingdom Patents Ordinance

The Registration of United Kingdom Patents Ordinance (Title 43.1) is amended —

(a) in section 3(d) by omitting “£200” and substituting “£400.00”; and

(b) in section 7 by omitting “£30” and substituting “£35.00”.

21. Amendment of Registration Regulations

Schedule 2 of the Registration Regulations (Title 62.2.1) is amended by omitting paragraphs 1 to 4 and substituting —

“1. Certified copy of entry of birth	£12.00
2. Certified copy of entry of marriage	£23.00
3. Search of register of births, deaths or marriages within ten years (per name per register)	£12.00
4. Search of register of births, deaths or marriages; each additional year (per name per register)	£2.00
5. Certified copy of death certificate	£10.00
6. Registration of an instrument (includes birth)	£12.00”

22. Amendment of Retirement Pensions (Prescribed Rates) Regulations

Regulation 5 of the Retirement Pensions (Prescribed Rates) Regulations (SR&O No 39 of 1996) is amended —

(a) by omitting “£11.50” in each place where it appears and substituting in each case “£12.50”;

(b) by omitting “£23.00” in each place where it appears and substituting in each case “£25.00”; and

(c) in paragraph (3)(b) by omitting “£26.50” and substituting “£31.50”.

23. Amendment of Road Traffic Ordinance

The Road Traffic Ordinance (Title 63.1) is amended —

(a) in section 4(1) —

(i) in paragraph (a) by omitting “£45.00” and substituting “£47.50”;

- (ii) in paragraph (b) by omitting “£104.00” and substituting “£109.50”;
 - (iii) in paragraph (c) by omitting “£160.00” and substituting “£168.50”;
 - (iv) in paragraph (d) by omitting “£38.00” and substituting “£40.00”; and
- (b) in section 5(3) by omitting “£5.00” and substituting “£5.50”.

24. Amendment of Road Traffic (Provisional) Regulations Order

The Road Traffic (Provisional) Regulations Order (Title 63.1.1) is amended —

- (a) in regulation 2(5) by omitting “£37.00” and substituting “£39.00”;
- (b) in regulation 5(4) —
 - (i) by omitting “£25.00” in each place where it appears and substituting in each case “£26.50”;
 - (ii) in paragraph (c) by omitting “£12.00” and substituting “£12.50”; and
- (c) by inserting the following regulation after regulation 5 —

“5A Replacement driver’s licence

(1) If a person who held a driver’s licence satisfies the Chief Police Officer that—

- (a) the licence has been lost or defaced; and
- (b) the person is entitled to continue to hold the licence;

the Chief Police Officer may issue a replacement licence and endorse on the replacement licence any particulars endorsed upon the original licence.

(2) A fee of £10.50 is payable for the issue of a licence under paragraph (1).

(3) A licence which has been defaced must be returned to the Chief Police Officer at the time that an application is made for a replacement licence.

(4) A person who has been issued with a replacement for a licence which has been lost must take all reasonable steps to return the original licence to the Chief Police Officer if the original licence is found.”

25. Amendment of Taxes Ordinance

Section 16(1) of the Taxes Ordinance (Title 69.1) is amended by omitting “£13,000” and substituting “£14,000”.

26. Amendment of Vehicle Licence Labels Regulations

Regulation 5(2) of the Vehicle Licence Labels Regulations (SR&O No 33 of 1998) is amended by omitting “£5.00” and substituting “£5.50”.

27. Repeal

Section 5 of the Finance Ordinance 2002 is repealed.

SCHEDULE 1 **New Schedule A to Companies and Private Partnership Ordinance** (section 5)

SCHEDULE A (section 4)

<u>Description</u>	<u>Fee</u>
1. Registration of incorporation of a company	£352.00
2. Registration of change of name of a company	£70.00
3. Certificate of registration of a company (other than on incorporation)	£70.00
4. Registration of mortgage, debenture or other charge	£59.00
5. Company file search	£23.00
6. Certified copy of any document held on a company file (plus additional charge of 26 pence per page certified in addition to the first page)	£23.00
7. Filing an annual return; except in relation to a company which the Registrar is satisfied is not trading	£70.00
8. Filing an annual return for a company which the Registrar is satisfied is not trading	£12.00
9. Penalty for the late filing of an annual return	£200.00
10. Notification of change of director or change of registered office	£12.00
11. Penalty for the late notification of a change of director or change of registered office (more than 14 days)	£50.00
12. Penalty for the late notification of a change of company secretary (more than 14 days)	£50.00
13. Notification of increase in nominal capital	£10.00
14. Notification of change of company accounting reference date	£10.00
15. Filing of company accounts	£50.00
16. Return of allotment of shares	£10.00

SCHEDULE 2
New Schedule to Fishery Products (Hygiene)(Fees) Regulations
(section 13)

SCHEDULE
(regulation 2)

<u>Description</u>	<u>Fee</u>
1. Application for approval of factory vessel or fishery establishment (regulation 3 of the Regulations)	£545.00
2. Application for variation of approval (regulation 5 of the Regulations)	£100.00
3. Annual inspection by authorised officer (Section 1, Chapter V of the Schedule to the Regulations)	£220.00
4. Inspection on transhipment of product (Section 1, Chapter V of the Schedule to the Regulations)	£115.00
5. Additional charges for inspection under 3 or 4 where factory vessel is not in Stanley Harbour:	
(a) vessel in Port William	£50.00
(a) vessel in Berkeley Sound	£150.00
6. Surcharge for services provided outside normal office hours (for this purpose, normal office hours are 8am to 5pm Monday to Friday, excluding public holidays)	additional 50% on all charges

SCHEDULE 3
New Schedule 1 to Land Charges Fees Rules
(section 14)

SCHEDULE 1
(rule 3)

<u>Description</u>	<u>Fee</u>
1. Registration, renewal, rectification or cancellation of entry in register (per name)	£6.00
2. Certificate of cancellation	£2.50
3. Entry of priority notice (per name)	£2.50
4. Inspection of entry (per entry)	£2.50

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|--|--------|
| 5. Office copy of entry, including plan (per copy) | £2.50 |
| 6. Search of index, including certificate of result (per name) | £12.00 |

SCHEDULE 4
New Schedule 2 to Land Ordinance

(section 16)

SCHEDULE 2

Description

Fee

Part I

(section 9(3))

- | | |
|---|---------|
| 1. Registration of order of the Court under section 9 | £12.00 |
| 2. Registration of any other deed, instrument or document — | |
| (a) first deed, instrument or document presented on the same occasion and affecting land in the same ownership | £117.00 |
| (b) subsequent deed, instrument or document presented on the same occasion affecting the same title, not being a deed subdividing land under the same title | £23.00 |
| (c) power of attorney — | |
| (i) the first title for which it is to be registered | £47.00 |
| (ii) every subsequent title | £18.00 |
| (d) revocation of a power of attorney — | |
| (i) the first title for which it is to be registered | £12.00 |
| (ii) every subsequent title | £6.00 |
| (e) change of name deed — | |
| (i) the first title for which it is to be registered | £70.00 |
| (ii) every subsequent title | £35.00 |
| (f) severance of joint tenancy in equity | £29.00 |
| (g) discharge of mortgage (for every title affected) | £12.00 |
| (h) assent (for every title affected) | £12.00 |

3. Certified copy deed, instrument or document (plus additional charge of 26 pence per page certified in addition to the first page)	£12.00
4. Preparation of plan	£29.00
5. Certification of registration of deed, instrument or document	£12.00
6. Preparation of deed, instrument or document, except Crown Grant or Crown Lease; hourly rate (proportion of hourly rate to be paid for every part hour)	£59.00

Part II

(section 45)

1. Title search; hourly rate (proportion of hourly rate to be paid for every part hour)	£47.00
2. Production of register or index for inspection (for each one)	£12.00
3. Comparing deed with registered deed	£12.00

OBJECTS AND REASONS

This Bill would implement the new and amended allowances, benefits, charges, contributions, fees, and penalties set out below.

The changes are all intended to have effect from 1 July 2009, except for:

- (a) the increase to elected members' allowances, which will not have effect until after the general election (which is due to take place on 5 November 2009); and
- (b) the increase to the income tax personal allowance, and the increases to retirement pension contributions, which will not have effect until 1 January 2010.

Clause 3: British Nationality

(a) Application for registration	£400.00 increased to £460.00
(b) New fee for application of registration of multiple children (increasing by £50 per child)	£510.00
(c) Application for naturalisation (single application)	£575.00 increased to £640.00
(d) Application for naturalisation (joint application)	£575.00 increased to £690.00
(e) Application for renunciation of nationality	£385.00 increased to £395.00

(f) Preparing/sending application to Home Office £59.00 increased to £63.00

Clause 4: Commissioners for oaths

Administration of oath or affirmation £6.00 increased to £6.50

Clause 5: Companies

(a) Registration of incorporation of a company £300.00 increased to £352.00

(b) Registration of change of name of a company £60.00 increased to £70.00

(c) Certificate of registration of a company (other than on incorporation) £60.00 increased to £70.00

(d) Registration of mortgage, debenture or other charge £50.00 increased to £59.00

(e) Company file search £20.00 increased to £23.00

(f) Certified copy of any document on a company file (plus additional charge of per page certified in addition to the first page) £20.00 increased to £23.00
25p increased to 26p

(g) Filing an annual return (trading company) £60.00 increased to £70.00

(h) Filing an annual return (non-trading company) £10.00 increased to £12.00

(i) Penalty for the late filing of an annual return £100.00 increased to £200.00

(j) Notification of change of director or registered office £10.00 increased to £12.00

(k) New penalty for the late notification of a change of director, registered office, or company secretary (more than 14 days) £50.00

(l) New charge for notification of increase in nominal capital £10.00

(m) New charge for notification of change of company accounting reference date £10.00

(n) New charge for filing of company accounts £50.00

(o) New charge for return of allotment of shares £10.00

Clause 6: Customs

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|--|------------------------------|
| (a) Vessel of 50 tons or more entering or clearing a declared port | £46.00 increased to £49.00 |
| (b) Vessel of 50 tons or more entering or clearing any other port | £228.00 increased to £240.00 |
| (c) Vessel of less than 50 tons entering or clearing a declared port | £23.00 increased to £24.00 |
| (d) Vessel of less than 50 tons entering or clearing any other port | £114.00 increased to £120.00 |

Clause 7: Dog licence

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|--------------------|----------------------------|
| Annual dog licence | £25.00 increased to £30.00 |
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Clause 8: Elected Member's Allowances

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|---|----------------------------------|
| (a) Annual allowance | £3,477.50 increased to £4,083.00 |
| (b) Daily allowance | £105.00 increased to £123.50 |
| (c) Daily subsistence (overseas business) | £25.00 increased to £29.50 |

Clause 9: Falkland Islands status

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|----------------------------|------------------------------|
| (a) Application for status | £180.00 increased to £200.00 |
| (b) Status ceremony | £130.00 increased to £140.00 |

Clause 10: Family allowance

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|--|----------------------------|
| (a) Monthly family allowance | £53.50 increased to £60.00 |
| (b) New introduction of means testing: family allowance will be means tested, the relevant thresholds being; | |
| (i) where family household earnings are over £31,000, only half the allowance will be payable; and | |
| (ii) where family household earnings are over £46,500, no allowance is payable. | |

Clauses 11 and 12: Firearms

(a) Application for registration as dealer or licence holder	£16.00 increased to £17.00
(b) Firearms and ammunition dealer's licence	£58.00 increased to £61.00
(c) Ammunition dealer's licence	£16.00 increased to £17.00
(d) Firearms licence	£32.00 increased to £33.50
(e) New fee for replacement licence	£6.50

Clause 13: Fishery Products

(a) Application fee for approval	£250.00 increased to £545.00
(b) New fee for annual inspection	£220.00
(c) New fee for inspection on transshipment	£115.00
(d) New surcharge for inspection in Port William	£50.00
(e) New surcharge for inspection in Berkeley Sound	£150.00
(f) New surcharge for services provided outside normal office hours	additional 50% on all charges

Clause 14: Land Charges Register

(a) Registration, renewal, rectification or cancellation of entry in register (per name)	£5.00 increased to £6.00
(b) Certificate of cancellation	£2.00 increased to £2.00
(c) Entry of priority notice (per name)	£2.00 increased to £2.50
(d) Inspection of entry (per entry)	£2.00 increased to £2.50
(e) Office copy of entry, including plan (per copy)	£2.00 increased to £2.50
(f) Search of index, including certificate of result	£5.00 increased to £12.00 (per name)

Clause 15: Licence to hold land

Licence for non-residents	£100.00 increased to £105.00
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Clause 16: Land Register

(a) Registration of order of the Court	£10.00 increased to £12.00
(b) Registration of any other deed/instrument/document:	
(i) first item affecting land in same ownership	£110.00 increased to £117.00
(ii) subsequent item presented on same occasion affecting the same title (but not subdividing land under the same title)	£20.00 increased to £23.00
(c) Power of attorney —	
(i) the first title for which it is to be registered	£40.00 increased to £47.00
(ii) every subsequent title	£15.00 increased to £18.00
(d) Revocation of a power of attorney —	
(i) the first title for which it is to be registered	£10.00 increased to £12.00
(ii) every subsequent title	£5.00 increased to £6.00
(e) Change of name deed —	
(i) the first title for which it is to be registered	£60.00 increased to £70.00
(ii) every subsequent title	£30.00 increased to £35.00
(f) Severance of joint tenancy in equity	£25.00 increased to £29.00
(g) Discharge of mortgage (for every title affected)	£10.00 increased to £12.00
(h) New charge for registration of assent	£12.00
(i) Certified copy deed, instrument or document (plus additional charge per page certified in addition to the first page)	£10.00 increased to £12.00 25p increased to 26p
(j) Preparation of plan	£25.00 increased to £29.00
(k) Certification of registration of deed, etc	£10.00 increased to £12.00
(l) Preparation of deed, instrument or document; hourly rate	£50.00 increased to £59.00
(m) Title search; hourly rate	£40.00 increased to £47.00
(n) Production of register or index for inspection	£10.00 increased to £12.00

(o) Comparing deed with registered deed £10.00 increased to £12.00

Clause 17: Notarial services

- (a) Administration of affidavit £5.00 increased to £6.50
- (b) Administration of protests £85.00 increased to £90.00
- (c) Minimum fee in connection with (b) £25.00 increased to £26.50
- (d) Preparation and attestation of notarial act in public form £30.00 increased to £31.50
- (e) Preparation and attestation of notarial act not in public form £17.50 increased to £18.50
- (f) Certification of true copies £12.50 increased to £13.00
- (g) Certain copy charges in connection with (f) 25p increased to 26p

Clause 18: Importation of plants

- (a) Permit for private importation £3.00 increased to £3.30
- (b) Permit for annual commercial importation £100.00 increased to £110.00
- (c) New fee for permit for single commercial importation £13.20

Clause 19: Marriages

- (a) Notice of marriage £20.00 increased to £23.00
- (b) Certified copy marriage certificate £20.00 increased to £23.00
- (c) Marriage by registrar £20.00 increased to £23.00
- (d) Registrar General's licence £50.00 increased to £59.00
- (e) Caveat against grant of licence £15.00 increased to £18.00
- (f) Notice or certificate under Foreign Marriage Act £15.00 increased to £18.00
- (g) Licence from Governor £100.00 increased to £300.00

Clause 20: Patents

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|---------------------------------------|----------------------------|
| (a) Registration of new patent | £200 increased to £400.00 |
| (b) Renewal of registration of patent | £30.00 increased to £35.00 |

Clause 21: Registration

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|---|----------------------------|
| (a) Certified copy of entry of birth | £5.00 increased to £12.00 |
| (b) Certified copy of entry of marriage | £5.00 increased to £23.00 |
| (c) Search of register of births, deaths or marriages within ten years (per name per register) | £10.00 increased to £12.00 |
| (d) Search of register of births, deaths or marriages; each additional year (per name per register) | £1.00 increased to £2.00 |
| (e) Registration of an instrument (including birth) | £10.00 increased to £12.00 |

Clause 22: Retirement pensions

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|---|----------------------------|
| (a) Weekly contribution by employee and employer | £11.50 increased to £12.50 |
| (b) Weekly contribution by self employed contributor | £23.00 increased to £25.00 |
| (c) Weekly contribution by voluntary resident contributor | £23.00 increased to £25.00 |
| (d) Weekly contribution by voluntary non-resident contributor | £26.50 increased to £31.50 |
| (e) Weekly assisted contribution payable by the Government | £23.00 increased to £25.00 |

Clauses 23, 24 and 26: Vehicle duty (tax), licensing and registration, and driver licensing

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|--|------------------------------|
| (a) Annual vehicle duty (tax) for a motor vehicle weighing 500kg or less | £45.00 increased to £47.50 |
| (b) Annual vehicle duty (tax) for: | |
| (i) a motor vehicle weighing between 500kg and 3400kg; and | |
| (ii) an agricultural tractor | £104.00 increased to £109.50 |

(c) Annual vehicle duty (tax) for a motor vehicle weighing more than 3400kg	£160.00 increased to £168.50
(d) Replacement of lost vehicle licence (tax disc)	£5.00 increased to £5.50
(e) Annual public service vehicle licence	£5.00 increased to £5.50
(f) Registration of vehicle/change of ownership	£37.00 increased to £39.00
(g) Driving licence	£25.00 increased to £26.50
(h) Provisional driving licence	£12.00 increased to £12.50
(i) Driving test fee	£25.00 increased to £26.50
(j) New fee for replacement driving licence	£10.50

Clause 25: Tax

Personal allowance	£13,000 increased to £14,000
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The order was stated to cease to have effect on 31 December 2003 unless extended by further order.

It is apparent that it was intended that the order be extended, but that the extension was overlooked.

The effect of this order is to deem that the order was extended until 30 June 2009. After 30 June 2009, the exemptions in relation to the payment of retirement pensions contributions by persons resident and employed in camp will no longer have effect.

SUBSIDIARY LEGISLATION

IMMIGRATION

Immigration (Fees) Regulations 2009

S.R & O. No. of 2009

Made: 2009

Published: 2009

Coming into force:1 July 2009

IN EXERCISE of my powers under section 40(1)(d) of the Immigration Ordinance (Title 52.2), I make the following regulations —

1. Title

These regulations are the Immigration (Fees) Regulations 2009.

2. Commencement

These regulations come into force on 1 July 2009.

3. Fees

(1) The following application fees are payable under the Ordinance —

- | | |
|--|---------|
| (a) for a residence permit, or for renewal or extension of a residence permit, under section 16; | £20.00 |
| (b) for a work permit, or for renewal or extension of a work permit, under section 17; | £20.00 |
| (c) for a permanent residence permit under section 18; | £200.00 |
| (d) for a visa under section 5; | £20.00 |
| (e) additional charge for each child included in an application for a visa; | £1.00. |

(2) An officer recruited by the Falkland Islands Government from outside the Falkland Islands is exempt from the fees under paragraphs (1)(b), (d) and (e) in respect of a first application for a work permit or a visa.

Made

2009

A. E. Huckle,
Governor.

EXPLANATORY NOTE
(not forming part of the above regulations)

These regulations make new provision for the payment of application fees under the Immigration Ordinance (the fees were previously provided for under the Finance Ordinance 2002 (No 14 of 2002)).

The fees for the following types of application (including applications for renewal or extension where relevant) are increased from £15.00 to £20.00 —

- (a) residence permit;
- (b) work permit; and
- (c) visa.

An additional charge of £1.00 per child is introduced in relation to inclusion of a child in an application for a visa.

The fee for an application for a permanent residence permit is increased from £155.00 to £200.00.

The changes to the fees introduced by these regulations have effect from 1 July 2009.