

# EXECUTIVE COUNCIL

## PUBLIC

<b>Title:</b>	Travel Credit Scheme Regulations and Guidance
<b>Paper Number:</b>	12/19
<b>Date:</b>	27 March 2019
<b>Responsible Director:</b>	Financial Secretary
<b>Report Author:</b>	Financial Accountant
<b>Portfolio Holder:</b>	MLA Roger Spink
<b>Reason for paper:</b>	This paper is submitted to Executive Council For policy decision
<b>Publication:</b>	Yes
<b>Previous papers:</b>	Travel Credit Scheme 42/18 Travel Credit Scheme Legislation 165/18 Travel Credit Scheme 33/19
<b>List of Documents:</b>	Appendix A Travel Credit Scheme Regulations Appendix B Travel Credit Scheme Guidance Appendix C Travel Credit Scheme Bill Commencement Notice Appendix D Travel Credit Scheme Regulations Commencement Notice

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### 1. Recommendations

Honourable Members are recommended to -:

- (a) Approve the making of the amended Travel Credit Scheme Regulations after the Travel Credit Scheme Ordinance has been enacted
- (b) Approve the issuance of the Travel Credit Scheme Guidance after the Travel Credit Scheme Ordinance has been enacted
- (c) As Travel Credit Scheme administrators, to authorise FIG Treasury to make minor changes to the administration of the scheme in the future

- (d) Appoint 15 April 2019 as the date of commencement for the Travel Credit Scheme Ordinance 2019 and the Travel Credit Scheme Regulations 2019 and approve the publication in the Gazette of the commencement notices.
- (e) Authorise the Attorney General to correct typographical and minor drafting errors found in the Travel Credit Scheme Regulations 2019, the Travel Credit Scheme Guidance and the Commencement Notices prior to publication in the Gazette.

## **2. Additional Budgetary Implications**

None

## **3. Executive Summary**

- 3.1 Honourable Members are asked to approve the amended Travel Credit Scheme Regulations as shown in Appendix A.
- 3.2 Honourable Members are asked to approve the Travel Credit Scheme Guidance as shown in Appendix B
- 3.3 Honourable Members are also asked to authorise FIG Treasury to make minor administrative changes to the Scheme in the future which are not inconsistent with the Ordinance, Regulations or Guidance. Executive Council has approved the Policy and the budget, whereas the legislation is approved by the Legislative Assembly. However, FIG Treasury is responsible for administering the Scheme in accordance with the Legislation, and so it is important for FIG to be able to make minor administrative changes to deal with teething problems as required without reference to Executive Council.
- 3.4 Honourable Members are asked to authorise issuing of the Travel Credit Scheme Guidance to provide guidance to the public on registration and details of how the Scheme will operate.
- 3.5 Honourable Members are asked to appoint 15 April 2019 as the date of commencement of the Travel Credit Scheme Ordinance 2019 and the Travel Credit Scheme Regulations 2019 and authorise the publication in the Gazette of the commencement notices Appendices C and D

## **4. Background**

- 4.1 The Falkland Islands Government (FIG) is committed to improving the quality of life of Falkland Islanders and has pledged, in the 2018-2022 Islands Plan, a range of key investments to support the social and economic development of the Islands. One element of that investment programme is the introduction of a Travel Credit Scheme.
- 4.2 Funding for the Travel Credit Scheme for the next 5 years will be made available in the future annual budgets.

- 4.3 The policy objectives of the Scheme were outlined in the previous paper presented to Executive Council (Paper 42/18). The paper acknowledged that holidays and access to travel bring about improvements in individuals' and families' physical and mental health and other advantages. Furthermore, it was explained that travel costs, particularly for overseas travel, can be prohibitively high for families and for people at the lower end of the income scale. The aim of the Travel Credit Scheme is to offset some of the fare associated with travel, by allowing eligible individuals to accumulate travel credits which can be redeemed. As a result, it will be easier for Falkland Islanders to travel both within the Islands and further afield.
- 4.4 The draft legislation for the purpose of establishing the Travel Credit Scheme was included in the previous paper presented to Executive Council on the 12<sup>th</sup> December 2018 (Paper 165/18), which included an addendum prepared by the Attorney General to address certain points raised by a previous meeting. Executive Council subsequently approved amendments to the draft legislation by e-mail, and instructed the Attorney General to publish the Bill in the Gazette thereby commencing the legislative process as first reading.
- 4.5 Following concerns raised by the Honourable Members on the restrictions for refunds to be in arrears of travel a further paper was presented to Executive Council in February (Paper 33/19) amending the policy to include reimbursement in advance of travel for travel booked and paid for independently and to provide for the consequences of the potential for abuse of the scheme that this policy amendment entailed. The Travel Credit Scheme Bill was referred to a Select Committee on the Travel Credit Scheme Bill which was held on the 11<sup>th</sup> of March 2019 to agree the amendments to reflect the new policy. The Travel Credit Scheme Bill will be presented to Legislative Assembly on the 28<sup>th</sup> of March 2019.
- 4.6 The Regulations as shown in Appendix A were referred to in section 25(1) of the original draft legislation. They have been further amended to provide for the following additional matters reference the changes of policy referred to above:
- Cancellation, and deferment of travel;
  - Reimbursement of Scheme as a result of failure to travel; and
  - Sanction for the abuse of the Scheme.
- 4.7 The detail of changes made to the regulations as a consequence of the changes in policy are the following
- A definition of aborted travel is inserted which refers to regulation 11;
  - Adjustment of regulation 3 to clarify which documents are to be submitted in support of an application
  - Travel credits are forfeited where a registered person abuses the Scheme (regulation 7);

- Travel credits may be claimed with effect from 1 July 2019 and travel may not be arranged two years in advance of claiming travel credits;
- The Scheme Administrator may request proof of booking and payment by a registered person;
- Regulation 11 has been redrafted to provide for aborted travel. Aborted travel is travel that fails to take place to the same destination within 14 days of the original date of travel. Where travel aborts the Scheme must be reimbursed with the refund obtained from the travel provider by the registered person or directly by a designated travel provider;
- The registration of a person who abuses the Scheme will be cancelled and the person is banned from re-joining the Scheme. Regulation 14 sets out what amounts to abusing the Scheme;
- Application forms are now in a Schedule to the regulations as required by the Bill.

4.8 Section 24 of the Travel Credit Scheme Bill 2019 authorises the issuing of guidance to deal with matters listed in this paragraph. That guidance must be approved by the Governor. The guidance which is Appendix B is to be made available to the general public as required by the draft legislation detailed in paragraph 4.4. The guidance will provide the public with key details in relation to the Scheme including:

- A general description of the scheme
- Registration
- Accruing of Travel Credits
- Redeeming of Travel Credits
- Cancellation and Suspension of Registration
- Arrangements with travel providers
- Guidance for designation of travel providers

4.9 It should be noted that variations to the Scheme may be considered by Executive Council in the future and funding will be automatically reviewed on an annual basis as part of the Budget. For example, depending on affordability consideration may be given to, amending the rate at which relevant individuals can accrue credits.

## **5. Options and Reasons for Recommending Relevant Option**

5.1 The Travel Credit Scheme policy principles were approved by previous Executive Council papers (Paper 42/18 & 33/19).

5.2 The draft Bill for the purpose of establishing the Travel Credit Scheme was approved by a previous Executive Council paper (Paper 165/18) and proposals for amendment were made by a Select Committee of the Legislative Assembly on the Travel Credit Scheme Bill 2019.

## **6. Resource Implications**

### **6.1 Financial Implications**

There are no further implications at this stage. The 2018/19 Budget included the provision of £760,140 in relation to this Scheme and the current policy is that funds will be made available for the next 5 years' budgets.

### **6.2 Human Resource Implications**

The legislation proposed in this paper does not place any immediate human resource implications on FIG. The funds referred to in 6.1 above already include 1 full time employee to administer the scheme

### **6.3 Other Resource Implications**

None

## **7. Legal Implications**

7.1 The Bill and regulations giving effect to the principles and operation of the Travel Credit Scheme have already been approved under a previous Executive Council paper (Paper 165/18). The Travel Credit Scheme Bill is currently going through the Legislative Assembly and amendments have been proposed by a Select Committee on the Travel Credit Scheme Bill. This paper proposes amendments to the regulations reflecting those changes. The amended regulations and guidance may only be made or issued once the Ordinance has been enacted. This paper contains recommendations for commencement of the Ordinance and Regulations.

## **8. Environmental & Sustainability Implications**

None

## **9. Significant Risks**

None

## **10. Consultation**

There is no further consultation planned for the Scheme.

## **11. Communication**

11.1 Information in relation to registration and guidance for the general public will be made via Press Release and advertisements in due course.

**EXCO COPY**

**With Proposed amendments post 2nd ExCo**

**Travel Credit Scheme Regulations 2019**

S. R. & O. No.        of 2019

Arrangement of Provisions

Regulation

1. Title and commencement
  2. Interpretation
  3. Application to register
  4. Accounts
  5. Dates when travel credits accrue
  6. Accrual of travel credits
  7. Forfeiture of travel credits
  8. Claims for travel credits
  9. Designation of travel providers
  10. Payment for travel and proof of travel
  11. Failure to travel
  12. Travel credits on suspension or termination of Scheme
  13. Suspension of registration
  14. Cancellation of registration
  15. Notice of cancellation or suspension of registration
  16. Lifting of suspension
  17. Appeals
  18. Delivery of notices
- Schedule (Application forms)**

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## SUBSIDIARY LEGISLATION

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### Travel Credit Scheme Regulations 2019

S. R. & O. No:            of 2019

*Made: ..... 2019*

*Published: ..... 2019*

*Coming into force: in accordance with regulation 1*

I make the following regulations under section 25 of the Travel Credit Scheme Ordinance 2019 on the advice of the Executive Council.

#### 1. Title and commencement

- (1) These regulations are the Travel Credit Scheme Regulations 2019.
- (2) These regulations come into force on a day appointed by the Governor by notice in the *Gazette*.

#### 2. Interpretation

In these regulations —

“aborted travel” means travel which fails to take place as set out in regulation 11(1);

“designated travel provider” means a travel provider who is designated by the Scheme Administrator under regulation 9(1);

“Principal Immigration Officer” means the Principal Immigration Officer appointed under the Immigration Ordinance 1999; and

“the Statistician” means the Statistician referred to in the Statistics Ordinance 2010.

#### 3. Application to register

- (1) An application for registration under the Scheme —
  - (a) must be in ~~writing and~~ in the relevant form ~~approved by the Scheme Administrator~~set out in the Schedule;
  - (b) must be sent or delivered to the Scheme Administrator;

(c) if applicable, must include the applicant's electoral number under the Electoral Ordinance; and

(d) must, if required, include the documentation referred to in sub-regulation (6).

(2) An application form under sub-regulation (1) must include the following particulars —

(a) name and address of the applicant;

(b) email address and telephone number of the applicant, if available;

(c) in the case of an application on behalf of a child, the name, address and date of birth of the child;

(d) date of application;

(e) a statement that the applicant will comply with all the requirements and conditions of registration under the Ordinance; and

(f) a statement that the applicant is a status holder.

(3) A qualifying person whose name appears in a Register does not need to include any documents in support of his or her application.

(4) Subject to any law relating to privacy or confidentiality of information, the Scheme Administrator may use information in a Register and from records kept by the Principal Immigration Officer, the Statistician and other Government departments to verify information in an application.

(5) A question regarding whether or not a person is a status holder must be resolved by the Principal Immigration Officer.

(6) An application by or on behalf of a child —

~~(a) must be supported by a statement by the parent or guardian that the child is resident in the Falkland Islands, the following documents as evidence of being a status holder or as evidence of residence for the purposes of the Ordinance and any one of the following documents —~~

~~(i) a copy of his or her Falkland Islands Status Certificate issued under the Immigration Ordinance 1999; or~~

~~(ii) a copy of his or her Passport displaying Falkland Islands Status number; and~~

~~(e) a copy of his or her birth certificate;~~

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~~(d) a statement by the parent or guardian that the child is resident in the Falkland Islands; and.~~

(eb) may be supported by —

(i) a copy of his or her birth certificate; or

(ii) any other documents as may be requested by the Scheme Administrator.

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#### 4. Accounts

- (1) The Scheme Administrator must maintain in the account a record of travel credits that have been accrued, accumulated, redeemed or forfeited by a registered person.
- (2) A registered person may request a record of travel credits in his or her account and the Scheme Administrator must provide the information as soon as is reasonably practicable but not more than 10 working days after receiving the request.

#### 5. Dates when travel credits accrue

- (1) Subject to this regulation and regulation 6 —
  - (a) a registered person accrues travel credits from the date of registration; or
  - (b) a person who is born after 1 July 2018 accrues travel credits from the date of birth provided that the person is registered within 6 months of his or her birth, failing which accrual of travel credits is from date of registration.
- (2) A qualifying person who registers on or before the cut-off date accrues travel credits from 1 July 2018.
- (3) The cut-off date for the initial registration referred to in section 10(5) of the Ordinance is 14 June 2019.

#### 6. Accrual of travel credits

- (1) A registered person who is 16 years or over —
  - (a) accrues travel credits at the rate of £1.00 per day; and
  - (b) may accumulate a maximum of £1,826.00 in his or her account and no further credits may be accrued until the accumulated travel credits have been reduced below the maximum.
- (2) A registered person who is a child below 16 years —
  - (a) accrues travel credits at the rate of £0.50 per day; and
  - (b) may accumulate a maximum of £913.00 in his or her account and no further credits may be accrued until the accumulated travel credits have been reduced below the maximum.

## 7. Forfeiture of travel credits

(1) Travel credits which are accumulated in the account of a registered person will be forfeited if—

(a) the registered person dies; or

(b) the person's registration —

(i) is cancelled because the registered person abused the Scheme; or

(ii) subject to subsection (2), ~~the person's registration~~ is cancelled for any other reason.

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(2) A person whose registration is cancelled for any reason other than that of abusing the Scheme may redeem his or her accumulated travel credits within six months of cancellation of registration to avoid forfeiture.

## 8. Claims for travel credits

(1) Subject to sub-regulation (2), a registered person may claim accumulated travel credits from 1 ~~February~~July 2019.

(2) At the time of claiming travel credits the person's registration must not have been suspended or cancelled.

(3) Travel credits may not be redeemed in advance of their accrual.

(4) The minimum amount of travel credits per claim by a registered person is £50.00.

(5) To qualify for a claim for travel credits, travel by a registered person must involve a journey of a minimum of 10 miles.

(6) There is no limit on the number of times that claims for travel credits may be made subject to the total value of travel credits in the registered person's account.

(7) A registered person must not arrange travel more than two years in advance of the date of claiming the travel credits to pay for the fare.

## 9. Designation of travel providers

(1) The Scheme Administrator must designate travel providers for the purposes of this Ordinance and must publish a list of the designated travel providers in a way that makes it accessible to members of the public.

(2) The Scheme Administrator must comply with guidelines in guidance when designating travel providers.

## 10. Payment for travel and proof of travel

(1) Payment for fares must be made to a travel provider or a registered person by way of reimbursement in accordance with guidance or this regulation.

(2) A registered person who is 16 years or over, or a person who is the parent or guardian of a child, may be reimbursed for a fare paid by the registered person or by the parent or guardian provided that the amount of the reimbursement must not exceed the travel credits accumulated in the registered person's or child's account on the date he or she paid the fare.

(3) As an alternative to subsection (2), a registered person may be issued with vouchers of a value of some or all of his or her travel credits and he or she may use the vouchers to pay a designated travel provider for a fare in advance of travel, and the travel provider may be reimbursed by the Scheme for the value of the vouchers.

(4) The Scheme Administrator may request a registered person to produce ~~a boarding pass or other~~ satisfactory proof of booking, payment and travel by the registered person that he or she undertook the travel in respect of which ~~the registered person is making a~~ he or she claimed or is claiming for travel credits.

## 11. ~~Failure to~~ Aborted travel

(1) Travel is considered to have aborted if —

(a) it is booked by a registered person either independently or through a designated travel provider;

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(b) travel credits are redeemed for the fare; and

(c) the registered person fails to travel to the same destination as booked within 14 days of the date originally booked for the travel.

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(2) A registered person must claim a refund for aborted travel from the travel provider and subject to sub-regulation (3), reimburse the Scheme with the amount that was refunded within 60 days of the date that the travel was originally booked to take place.

(3) A designated travel provider who arranged travel that aborted must reimburse the Scheme directly with the amount to be refunded.

(4) The Scheme Administrator must credit the registered person's account with the amount reimbursed under sub-regulation (1).

## 12. Travel credits on suspension or termination of Scheme

Any travel credits in the account of a registered person on termination or suspension of the Scheme may be claimed and redeemed within a period stated in the termination or suspension Order by the Governor.

### 13. Suspension of registration

- (1) The Scheme Administrator may suspend a person's registration on the following grounds —
  - (a) if the registered person has been sentenced to a term of custody by a court in any country;  
or
  - (b) in order to allow the Scheme Administrator time to investigate if the person still qualifies for registration and to investigate any grounds for cancellation
- (2) Suspension from the Scheme under —
  - (a) sub-regulation (1)(a) must be for the period of the custodial sentence; and
  - (b) sub-regulation (1)(b) must be for such period as determined by the Scheme Administrator.
- (3) A registered person referred to —
  - (a) in sub-regulation (1)(a) does not accrue travel credits for the period of suspension and any accumulated travel credits are frozen until the suspension is lifted; or
  - (b) in sub-regulation (1)(b) continues to accrue travel credits during the period of suspension but may not claim or redeem any travel credits during the period of suspension.
- (4) After an investigation under sub-regulation (1)(b), if the Scheme Administrator decides —
  - (a) to cancel registration, the Scheme Administrator must allow the registered person to redeem any accumulated travel credits in accordance with regulation 7(2); or
  - (b) not to cancel registration, the Scheme Administrator must confirm and credit the person's account, with the travel credits accrued during the period of suspension.

### 14. Cancellation of registration

- (1) The Scheme Administrator must cancel a person's registration if satisfied that —
  - (a) the registered person no longer meets the requirements under section 7 or, if the person is a child, section 8 of the Ordinance; or
  - (b) the registered person has abused the Scheme.
- (2) A cancellation of registration must be in writing.
- (3) Cancellation of registration takes effect at the expiry of the appeal period if the registered person does not appeal or on the date of the decision on appeal if the appeal fails.

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(4) A registered person abuses the Scheme if he or she —

(a) claims travel credits for a fare;

(b) receives a refund from a travel provider for aborted travel; and

(c) fails to reimburse the Scheme in accordance with regulation 11.

(5) A person whose registration is cancelled on account of abusing the Scheme is prohibited from re-joining the Scheme.

#### **15. Notice of cancellation or suspension of registration**

The Scheme Administrator must give the registered person notice of a cancellation or suspension of registration and the notice must —

(a) give reasons for the cancellation or suspension;

(b) include details of the registered person's right of appeal against the cancellation or suspension; and

(c) in the case of suspension, include the period of suspension.

#### **16. Lifting of suspension**

(1) The Scheme Administrator must lift the suspension of a registered person at any time if he or she is satisfied that the grounds for suspension no longer apply.

(2) Where the Scheme Administrator decides to lift a registered person's suspension, he or she must notify the registered person of the decision within five working days.

(3) A decision by the Scheme Administrator to lift a suspension takes effect on the date specified in the notice.

#### **17. Appeals**

(1) A registered person who is aggrieved by a decision of the Scheme Administrator —

(a) to suspend his or her registration;

(b) to cancel his or her registration; or

(c) related to such suspension or cancellation;

may appeal within 10 working days of the date of the notice of suspension or cancellation by making representations in writing to the Governor.

(2) The Governor must promptly consider any representations made under sub-regulation (1) and notify the appellant and the Scheme Administrator of the decision on the appeal.

(3) If the Governor allows an appeal under sub-regulation (1), the Scheme Administrator must lift the suspension or reinstate the registration and credit the registered person's account with the travel credits which would have accrued during the relevant period.

**18. Delivery of notices**

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

- (a) by delivering it to the registered person;
- (b) by sending it by post; or
- (c) subject to sub-regulation (3), by transmitting it electronically.

(2) A notice is deemed to be properly addressed if it is addressed to the last address of the registered person as stated in their application for registration or as subsequently notified to the Scheme Administrator.

(3) If the notice is transmitted electronically —

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

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**APPLICATION TO REGISTER ON  
TRAVEL CREDIT SCHEME  
18 YEARS AND OVER**

**\*ARE YOU REGISTERED ON THE FALKLAND ISLANDS REGISTER OF  
ELECTORS EITHER WITH THE CAMP CONSTITUENCY OR STANLEY  
CONSTITUENCY?**

**YES**  **NO**

*\* To qualify to register for the Travel Credit Scheme you must be on the Register of Electors.*

If No, please state date when application was sent to Registrar General: \_\_\_\_\_

**1. Applicant's Details**

<b><u>Full Name:</u></b>	
<b><u>Address:</u></b>	
<b><u>Date of Birth:</u></b>	
<b><u>Electoral Number:</u></b>	
<b><u>Tax Identification Number (TIN):</u></b>	
<b><u>Falkland Islands Status holder:</u></b>	<b><u>Yes / No</u></b>
<b><u>Date status obtained (if after 1 July 2018):</u></b>	
<b><u>Land Telephone Number:</u></b>	
<b><u>Mobile Number:</u></b>	

<b><u>E-mail Address:</u></b>	
<b><u>Preferred method of contact:</u></b>	<b><u>Telephone   Mobile   E-mail   Post</u></b>

**2. Declaration**

I certify that:

2.1 To the best of my knowledge and belief, all information contained in this application is true and accurate.

2.2 When requested I will provide the Treasury with any updated information requested for the continuity of my registration under the Scheme

2.3 I understand that my registration may be assessed regularly to satisfy the Treasury that I continue to comply with the Travel Credit Scheme Ordinance 2019.

2.4 I am aware that it is an offence not to declare any changes in my circumstances that affect my entitlement to registration under the Scheme, within 10 working days from the date of change.

2.5 I am also aware that I may be liable to prosecution if I knowingly or recklessly make a false statement in this application or in a claim for travel credits.

2.6 I will comply with all the requirements and conditions of registration under the Ordinance.

Name: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

*When you have completed this form, send it to: **The Treasury, Travel Credit Scheme, Stanley** or email: [travelcreditscheme@sec.gov.fk](mailto:travelcreditscheme@sec.gov.fk)*

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**FOR TREASURY USE ONLY**

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<u>Date</u>	
<u>Added by</u>	

<u>Received by 14 June 2019</u>	<u>YES</u>		<u>NO</u>	
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# APPLICATION TO REGISTER ON TRAVEL CREDIT SCHEME 16 TO 18 YEARS

## 1. Applicant's Details

<u>Full Name:</u>	
<u>Address:</u>	
<u>Date of Birth:</u>	
<u>Residence status*:</u>	
<u>Falkland Islands Status holder:</u>  <u>Date Status obtained (if after 1 July 2018):</u>	<u>Yes / No</u>
<u>Land Telephone Number:</u>	
<u>Mobile Number:</u>	
<u>E-mail Address:</u>	
<u>Preferred method of contact:</u>	<u>Telephone    Mobile    E-mail    Post</u>

*\*To qualify for the Travel Credit Scheme you must have Falkland Islands Status and be resident in the Falkland Islands*

## 2. Please indicate which documents (copies) you have attached to support the application

*Please tick*

<u>Passport (displaying Falkland Islands Status number): OR</u>	<input type="checkbox"/>
<u>Falkland Islands Status Certificate:</u>	<input type="checkbox"/>

**Please note that when you turn 18 years, you will have 12 months to register on the Register of Electors or your registration under the Scheme will be cancelled.**

**3. Declaration:**

I certify that:

3.1 To the best of my knowledge and belief, all information contained in this application and in the accompanying statements and documents is true and accurate.

3.2 When requested I will provide the Treasury with any updated information for the continuity of my registration.

3.3 I understand that my registration may be assessed regularly to satisfy the Treasury that I continue to comply with the Travel Credit Scheme Ordinance 2019.

3.4 I am aware that it is an offence not to declare any changes in my circumstances that affect my entitlement to registration under the Scheme, within 10 working days from the date of change.

3.5 I am also aware that I may be liable to prosecution if I knowingly and recklessly make a false statement in this application or in a claim for travel credits.

3.6 I will comply with all the requirements and conditions of registration under the Ordinance.

Name of applicant: \_\_\_\_\_

Signature applicant: \_\_\_\_\_ Date: \_\_\_\_\_

When you have completed this form, send it, together with copies of all documents required e.g. passport copies to: **The Treasury, Travel Credit Scheme, Stanley** or email: [travelcreditscheme@sec.gov.fk](mailto:travelcreditscheme@sec.gov.fk)

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**FOR TREASURY USE ONLY**

<u>TIN</u>	
<u>Date</u>	

<u>Added by</u>	
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<u>Received by 14 June 2019</u>	<u>YES</u>		<u>NO</u>	
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**APPLICATION TO REGISTER ON  
TRAVEL CREDIT SCHEME  
UNDER 16 YEARS**

**1. Details of Child to be registered**

<u>Full Name of Child:</u>	
<u>Address:</u>	
<u>Child's Date of Birth:</u>	
<u>Child's residence status*:</u>	
<u>Falkland Islands Status holder:</u>	<u>Yes / No</u>
<u>Date Status obtained (if after 1 July 2018):</u>	

*\* To qualify for the Travel Credit Scheme the child must have Falkland Islands Status and be resident in the Falkland Islands.*

**2. Please indicate which documents (copies) you have attached to support the application**

*Please tick*

<u>Passport (displaying Falkland Islands Status number): OR</u>	
<u>Falkland Islands Status Certificate:</u>	

**3. Details of Parent(s)/Legal Guardian(s)**

<b><u>Relationship to Child**:</u></b>	
<b><u>Full Name:</u></b>	
<b><u>Address:</u></b>	
<b><u>Land Telephone Number:</u></b>	
<b><u>Mobile Number:</u></b>	
<b><u>E-mail Address:</u></b>	
<b><u>Preferred method of contact:</u></b>	<b><u>Telephone   Mobile   E-mail   Post</u></b>

<b><u>Relationship to Child**:</u></b>	
<b><u>Full Name:</u></b>	
<b><u>Address:</u></b>	
<b><u>Land Telephone Number:</u></b>	
<b><u>Mobile Number:</u></b>	
<b><u>E-mail Address:</u></b>	
<b><u>Preferred method of contact:</u></b>	<b><u>Telephone   Mobile   E-mail   Post</u></b>

*\*\* Parent/Guardian must have full or joint custody of the child, in the case of guardianship please provide proof.*

**4. Declaration**

I the undersigned parent/guardian certify that:

4.1 To the best of my knowledge and belief, all information contained in this application and in the accompanying statements and documents are true and accurate.

4.2 When requested I will provide the Treasury with any updated information requested for the continuity of the child's registration under the Scheme.

4.3 I understand that the application may be assessed regularly to satisfy the Treasury that the child continues to comply with the Travel Credit Scheme Ordinance 2019.

4.4 I am aware that it is an offence not to declare any changes in circumstances that affect the child's entitlement to registration under the Scheme, within 10 working days from the date of change.

4.5 I am also aware that I may be liable to prosecution if I knowingly and recklessly make a false statement in this application or in a claim for travel credits.

4.6 I will comply with all the requirements and conditions of registration under the Ordinance.  
**All parents/guardians listed above must sign below**

Name of applicant: \_\_\_\_\_

Signature applicant: \_\_\_\_\_ Date: \_\_\_\_\_

Name of applicant: \_\_\_\_\_

Signature applicant: \_\_\_\_\_ Date: \_\_\_\_\_

When you have completed this form, send it, together with copies of all documents required e.g. passport copies to: **The Treasury, Travel Credit Scheme, Stanley** or email: [travelcreditscheme@sec.gov.fk](mailto:travelcreditscheme@sec.gov.fk)

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**FOR TREASURY USE ONLY**

<u>TIN</u>	
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<u>Date</u>	
<u>Added by</u>	

<u>Received by 14 June 2019</u>	<u>YES</u>		<u>NO</u>	
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Made 2019

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

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EXPLANATORY NOTE  
(not part of the regulations)

These regulations provide for certain administrative and procedural arrangements related to the Travel Credit Scheme Ordinance 2019. Further arrangements will be contained in guidance.

Regulation 3 provides for the application procedure including the details that must be supplied by an applicant. Application forms are included in the Schedule. A qualifying person whose name is in a Register of Electors does not have to submit any supporting documents. An application on behalf of a child must ~~include~~comply with the ~~documents~~requirements listed in regulation 3(6). A qualifying person who is 16 years or over may submit his or her own application for registration.

The Scheme Administrator must maintain a record of travel credits accrued, redeemed or forfeited (regulation 4). A registered person may request a statement of his or her record of travel credits and the Scheme Administrator must provide the information within 10 working days.

The cut-off date for initial registration is ~~14 June~~31 March 2019. All qualifying persons who register by that date accrue credits with effect from 1 July 2018. Any other qualifying person (except an infant) accrues travel credits with effect from the date of registration. A child born after 1 July 2018 who is registered within six months of birth, accrues travel credits from the date of birth. A person who qualifies for registration after the cut-off date accrues travel credits with effect from the date of registration (regulation 5).

A registered person who is 16 years or over accrues travel credits at the rate of £1.00 per day and may accumulate up to a maximum of £1,826.00. A child below 16 years accrues travel credits at the daily rate of £0.50 and may accumulate up to a maximum of £913.00 (regulation 6). A registered person who has accumulated the maximum number of travel credits cannot accrue further travel credits until he or she has used some of the travel credits to reduce the number below the maximum. Travel credits accumulated by a person who dies or whose registration is cancelled (including voluntary cancellation) are forfeited in accordance with regulation 7. A person whose registration is cancelled for reasons other than abuse of the Scheme is allowed six months in which to redeem his or her travel credits before the travel credits are forfeited.

Regulation 8 provides for claims for travel credits. Travel credits may start to be claimed from 1 ~~July~~April 2019. A registered person must still meet the qualifying criteria on the date of claiming travel credits. A minimum of £50.00 worth of travel credits must be claimed at any one time. A claim for travel must relate to a journey of not less than ten miles. Claims can be made any number of times as long as the registered person has sufficient travel credits in his or her account.

Regulation 9 deals with designation of travel providers. Regulation 10 provides for payment for travel credits. Payment may be made to the registered person, parent or guardian ~~as reimbursement only~~after booking and payment for travel. Alternatively vouchers may be issued to a registered person who must use them to pay a designated travel provider. The Scheme Administrator may require a registered person to produce proof of travel ~~in the form of a boarding pass or other evidence~~. Where travel is cancelled after payment using travel credits, the amount to be paid back is ~~the amount used to pay for the aborted travel or~~ the amount refunded by the travel provider (regulation 11).

Regulation 12 provides for ~~cancellation~~termination or suspension of the Scheme and what happens to travel credits in that eventuality.

Cancellation and suspension of a person's registration must follow the process in regulations 13 to 16. A notice must be given setting out the reasons for the suspension or cancellation. Appeals are to the Governor in accordance with regulation 17. Notices are delivered in terms of regulation 18. Application forms are prescribed in the Schedule as required by the Ordinance.

# TRAVEL CREDIT SCHEME GUIDANCE

## March 2019

### 1. Introduction

The Falkland Islands Government (FIG) is committed to improving the quality of life of Falkland Islanders and has pledged, in the 2018-2022 Islands Plan, to support the social and economic development of the Islands. One element of that programme is the introduction of a Travel Credit Scheme.

It is acknowledged that holidays and access to travel bring about improvements in individuals' and families' physical and mental health and other advantages. The aim of the Travel Credit Scheme is to offset some of the costs associated with travel, by allowing eligible individuals to accumulate travel credits which can be redeemed against specific travel costs. As a result, it will be easier for Falkland Islanders to travel both within the Islands and further afield.

This guidance is issued under section 24 of the Travel Credit Scheme Ordinance 2019

### 2. General description of scheme

- The Travel Credit Scheme administrator will be the Financial Secretary, and any queries in relation to the Scheme should be addressed to email [travelcreditscheme@sec.gov.fk](mailto:travelcreditscheme@sec.gov.fk)).
- The Travel Credit Scheme is only open to Falkland Island Status holders who meet the requirements for registration. The Scheme is not open to Falkland Island Permanent Resident Permit holders
- To join the Travel Credit Scheme, an application to be registered must be made (see section 3 below). Initial registration will be between 15<sup>th</sup> April 2019 and 14<sup>th</sup> June 2019, and persons who register during the initial registration accrue travel credits from 1<sup>st</sup> July 2018
- On successful registration, persons will accrue travel credits which can be used for travel (see section 4 below)
- Accumulated travel credits may be redeemed either by reimbursement for costs for travel already undertaken, reimbursement for travel booked independently and paid for, or by the use of vouchers to be redeemed by a designated travel provider (see section 5 below).

The Scheme Administrator will cancel a person's registration if the person no longer meets any of the requirements for registration as paraphrased above (in this guidance (see section 6).

### 3. Registration

#### 3.1 Who can register?

- Individuals with Falkland Islands status aged 18 years and over -

Applies on their own behalf. Must be on the register of electors.

- Individuals with Falkland Islands Status aged 16 to 18 years.

May apply on their own behalf, or parents may apply for them. Must be resident in the Falkland Islands at the time of application (see note 1).

- Individuals with Falkland Islands Status aged 16 years and under

Parent or guardian of child applies on their behalf. Must be resident in the Falkland Islands at the time of application (see note 1).

#### 3.2 How to register:

- Initial registration period starts 15<sup>th</sup> April 2019 and ends on 14<sup>th</sup> June 2019 (the 'cut-off date'). Those individuals who apply within the initial application period and are successful will accrue travel credits from 1<sup>st</sup> July 2018.

Those individuals who apply for registration after 14<sup>th</sup> of June 2019 and are successful will accrue travel credits from the date of registration.

- To apply to join the Travel Credit Scheme, please send in a completed registration form (see Appendix A) to the scheme administrator by email to [travelcreditscheme@gov.sec.fk](mailto:travelcreditscheme@gov.sec.fk) or by post to The Treasury, Travel Credit Scheme, Stanley. Forms can be obtained from the Scheme Administrator by calling 28400.
- The application should be supported by the documents listed on the Registration form if applicable.
- Application forms will be assessed by the Scheme Administrator within 10 working days. If an application is successful confirmation will be sent using your preferred method of contact as stated on your form, applicants will also be notified if an application is unsuccessful.

#### 4. Accruing of Travel Credits

- Registered persons will accumulate travel credits at £1 per day if aged 16 years or over and 50p per day if aged under 16 years.
- A person's account can reach a maximum of £1,826 for those who are 16 years and over and £913 for the under 16s. These amounts equate to 5 years' worth of travel credits. Please note that children's travel credits are accumulated in their own name and not the name of parents or guardians.

#### 5. Redeeming Travel Credits

Individuals will be able to draw down travel credits from 1<sup>st</sup> July 2019. Redemption of travel credits can occur in three ways by application to the Scheme Administrator (email to [travelcreditscheme@gov.sec.fk](mailto:travelcreditscheme@gov.sec.fk)).

- **Reimbursement for costs for travel already undertaken:** Making a claim to the Scheme Administrator with the necessary documents including proof of travel either by email (see above) or by submitting the documents by post to The Treasury, Travel Credit Scheme, Stanley.
- **Reimbursement for costs for travel booked independently and paid for:** Making a claim to the Scheme Administrator with the necessary documents including proof of payment. The travel date must be within two years of the claim being made. Claims can be made either by email (see above) or by submitting the documents by post to The Treasury, Travel Credit Scheme, Stanley.

If travel aborts after a claim has been made from the Travel Credit Scheme, the registered person must obtain a refund from the travel provider. The amount refunded must be reimbursed to the scheme within 60 days of the date when travel was originally booked to be undertaken. 'Aborting' in this context means failure to travel to the same destination within 14 days of the date originally booked for the travel in the claim.

- **Use of vouchers for travel to be undertaken:** A registered person would obtain a quote for travel from a designated travel provider (note 2) and would request a voucher for the appropriate amount from the Scheme Administrator. The voucher would be presented to the designated travel provider by email from the Scheme Administrator within 5 working days of the application, in advance of travel for use by the registered person. If a registered person fails to travel for any reason, any cancellation charges incurred by the travel provider will be

recovered through the deduction of travel credits from the registered person's account.

Please note the following rules in relation to claims

- Travel Credits accrued may not be paid as cash other than as reimbursement for costs paid in respect of travel booked or travel taken
- Travel Credits accumulated by a registered person are not transferable and may only be used for the benefit of that person
- Any claim must relate to travel originating in the Falkland Islands (note 3 provides a list of items that cannot be claimed for)
- Any claim must be for a minimum of £50 per registered person
- Any claim must be for travel of at least 10 miles
- Any claim on behalf of a child by an adult can only be made in respect of travel by the child. If claims are made by different persons in respect of the same child, the claims will be processed in order of the date on which they are received.

## **6. Cancellation or Suspension of Registration**

- The Scheme Administrator must cancel a person's registration if the person no longer meets any of the requirements for registration as paraphrased in this guidance. This would include for example an adult no longer being registered on the electoral register, or a child ceasing to be resident in the Falkland Islands. If a registered child is leaving the Falkland Islands to take up residence in another country, a parent or guardian, should contact the Scheme Administrator (email to [travelcreditscheme@gov.sec.fk](mailto:travelcreditscheme@gov.sec.fk)) to explain the situation. In some circumstances a child may be considered to be resident in the Falkland Islands even if they are no longer physically living in the Islands (for example if the absence is for the purpose of education).

A person whose registration is cancelled for any reason other than abuse of the Scheme, must claim any accumulated travel credits within 6 months of cancellation. Failure to redeem travel credits within 6 months of cancellation results in forfeiture of the remaining travel credits. Any remaining travel credits cannot be claimed as cash.

- The Scheme Administrator may suspend a person's registration if the person is serving a custodial sentence. Suspension is for the period of the custody. During the sentence period, a registered person does not accrue travel credits and any accumulated travel credits are frozen until the suspension is lifted.

Registration may also be suspended to give the Scheme Administrator time to investigate whether a person remains eligible to be registered under the Scheme. If suspension is to facilitate an investigation, the registered person continues to accrue travel credits during the period of suspension (but may not claim them until the suspension is lifted).

- The Scheme Administrator may permanently terminate a person’s registration on the Scheme if they are found to have abused the Scheme with any remaining travel credits being forfeited. ‘Abuse of Scheme’ means to obtain unintended financial benefits from the Scheme by engaging in conduct as prescribed. The prescribed conduct entails claiming travel credits by the registered person and failure by that person to refund the Scheme when travel aborts for any reason. Travel aborts when a person fails to travel to the same destination within 14 days of the date originally booked for travel to take place.

## **7. Other**

- A registered person who is aggrieved by a decision of the Scheme Administrator
  - (a) to suspend their registration;
  - (b) to cancel their registration; or
  - (c) related to such suspension or cancellationmay appeal within 10 working days of the date of the notice of suspension or cancellation by making representations in writing to the Governor.
- A person who, in an application for registration or for the purpose of claiming travel credits knowingly or recklessly for a material issue or particular
  - (a) makes a false statement or representation; or
  - (b) provides an incorrect document or false information; or
  - (c) withholds any information,commits an offence and is liable on conviction to a fine not exceeding level 2 on the standard scale (level 2 is a maximum of £500).

## **Supplementary Notes**

### Note 1 Qualification for Registration

- The test whether a child is resident in the Falkland Islands is based on the residency requirements for eligibility for registration on the Register of Electors (as detailed in the Electoral Ordinance 1988  
<https://www.legislation.gov.fk/view/html/inforce/2019-03-19/fiord-1988-21>)
- A child must also meet the relevant requirements of section 32 of the Constitution ([https://www.legislation.gov.fk/view/html/2019-03-19/uksi-2008-2846#qualifications\\_of\\_electors](https://www.legislation.gov.fk/view/html/2019-03-19/uksi-2008-2846#qualifications_of_electors)) concerning qualification for registration as an elector (i.e. as if the child were 18 years or older)
- It should be noted that these criteria are automatically adhered to by an adult through their registration on the Register of Electors

#### Note 2 List of designated travel providers

- Falkland Islands Company Ltd
- International Tours and Travel Ltd
- Falklands Islands Tours and Travel Ltd
- Workboat Services Ltd
- Falkland Islands Government Air Service

To qualify for inclusion as a designated travel provider a company must submit an application to the Scheme Administrator demonstrating that the company meets the following criteria:

- It is a limited company or partnership registered with the Registry Service in the Falkland Islands (company registration number must be provided on the application)
- It is a Falkland Islands Government department.
- It must have been actively trading for more than six months at the time of the application

#### Note 3 Costs that cannot be funded by travel credits

Travel credits will not be redeemed for cash other than as reimbursement for the fare;

Travel credits may not be used to pay for the following items:

1. Embarkation tax (please note that fares for the Airbridge will be paid for the amount less the value of embarkation tax included in the ticket price)
2. Shipping and/or cargo costs
3. Transfers (Transfers include charges for transport between an airport and a hotel or place of residence)
4. Excess baggage charges
5. Travel insurance
6. Travel fares for distances less than 10 miles

It should be noted that this is not an exhaustive list of excluded items

Issued by:  
James Wilson, Financial Secretary  
Scheme Administrator  
27<sup>th</sup> March 2019

Approved by Executive Council on 27<sup>th</sup> of March 2019



