



# FALKLAND ISLANDS GAZETTE

## Supplement

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The following are published in this Supplement —

**Education (Financial Assistance for Further Education) Regulations 2022 (SR&O No 14 of 2022);**

**Misuse of Drugs (Amendment) Regulations 2022 (SR&O No 15 of 2022);**

**Misuse of Drugs (Exception of Controlled Drugs - Tetrahydrocannabinol) Order 2022 (SR&O No 16 of 2022); and**

**Supplementary Appropriation (2021-2022) Ordinance 2022 (No 14 of 2022).**

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## **SUBSIDIARY LEGISLATION**

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### **Education (Financial Assistance for Further Education) Regulations 2022**

**(No. 14 OF 2022)**

#### **ARRANGEMENT OF PROVISIONS**

##### **Regulation**

1. Title
2. Purpose
3. Commencement and application
4. Interpretation
5. Financial assistance
6. Approved courses
7. Eligibility
8. Applying for financial assistance
9. Acceptance of applications
10. Conditions
11. Acceptance of conditions
12. Circumstances affecting provision of financial assistance
13. Review of decisions

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## SUBSIDIARY LEGISLATION

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### Education (Financial Assistance for Further Education) Regulations 2022

(made: 3 August 2022)  
(commencement: on publication)  
(published: 5 August 2022)

I make these Regulations under section 19 of the Education (Governance and Accountability) Ordinance 2022 on the advice of Executive Council.

#### 1. Title

These Regulations are the Education (Financial Assistance for Further Education) Regulations 2022.

#### 2. Purpose

These Regulations make provision for financial assistance for persons who are over compulsory education age to secure education and training suitable to their needs, including skills development and work-based training.

#### 3. Commencement and application

(1) These Regulations come into force on publication in the *Gazette*.

(2) These Regulations apply to financial assistance provided in relation to an approved course starting on or after 1 September 2023.

#### 4. Interpretation

In these Regulations —

“**application**” means an application for financial assistance;

“**approved course**” has the meaning in regulation 6;

“**beneficiary**” has the meaning in regulation 10(2);

“**parent**” includes, in relation to a young person, any person who has parental responsibility for the young person within the meaning of the Children Ordinance 2014; and

“**young person**” means a person who is over compulsory education age and under the age of 18 years on the relevant date.

## 5. Financial assistance

(1) The Director must provide financial assistance to enable persons who are eligible and comply with any conditions imposed under regulation 10 to pursue approved courses.

(2) Financial assistance may be provided for all or part of —

- (a) course fees, after deduction of any scholarship, bursary or other grant that a person is entitled to receive in respect of a course;
- (b) subject to subregulation (3), the costs of accommodation;
- (c) travel expenses;
- (d) living expenses;
- (e) the cost of purchasing materials or equipment reasonably required for the purposes of an approved course or to enable a person to access an approved course; or
- (f) any other expenses reasonably and properly incurred in connection with attending an approved course.

(3) Financial assistance must not include the costs of accommodating a person with the person's parent.

(4) In this regulation —

**“costs of accommodation”** includes a deposit paid to secure such accommodation; and

**“course fees”** means charges made by an educational institution for an approved course including—

- (a) registration or enrolment fees;
- (b) tuition and examination fees; and
- (c) fees for boarding at the institution.

## 6. Approved courses

(1) The Governor, having consulted the Board of Education, may approve the description of courses of education and training for which financial assistance is provided (**“approved courses”**).

(2) An approved course must be —

- (a) full-time;
- (b) suitable for persons who are over compulsory education age; and
- (c) provided by an educational institution that is recognised by the government of the country or territory in which it is provided.

## **7. Eligibility**

(1) A person who is not a young person is eligible for financial assistance if, on the date of submitting an application, the person —

- (a) is under the age of 20 years;
- (b) is ordinarily resident in the Falkland Islands.

(2) A young person is eligible for financial assistance if —

- (a) the young person is ordinarily resident in the Falkland Islands; and
- (b) the young person's parent who submits the application in accordance with regulation 8(3) is ordinarily resident in the Falkland Islands.

## **8. Applying for financial assistance**

(1) An application for financial assistance for an approved course starting on or after 1 September in any academic year must be submitted to the Director on or before 30 November in the previous academic year.

(2) An application must include such information as may reasonably be required by the Director.

(3) An application by a young person must be submitted by a parent of the young person on the young person's behalf.

(4) The Director may require applicants to receive careers information, advice and guidance before applying for financial assistance.

## **9. Acceptance of applications**

(1) The Director must accept an application if the Director is satisfied that —

- (a) the applicant is eligible;
- (b) the course to which the application relates is an approved course; and
- (c) the applicant is offered a place on the course.

(2) The Director must notify applicants in writing whether their application is accepted or refused.

(3) If an application is refused, the notification must include the reasons for the decision and information about the right to a review of the decision under regulation 13.

(4) If an application is accepted, the notification must specify any conditions subject to which financial assistance is provided.

## **10. Conditions**

(1) The Director may make financial assistance subject to conditions relating to —

- (a) the behaviour of the beneficiary;

- (b) the beneficiary's regular attendance at an approved course;
- (c) courses of study to be taken, or qualifications to be attained, by the beneficiary;
- (d) the accommodation of the beneficiary while attending an approved course; or
- (e) the safeguarding and welfare of the beneficiary.

(2) In this regulation, “**beneficiary**” means a person whose application is accepted.

## **11. Acceptance of conditions**

A beneficiary (or, if the beneficiary is a young person, the parent who submitted the young person's application) who is notified that an application has been accepted must inform the Director in writing that the conditions are accepted, before any financial assistance is provided.

## **12. Circumstances affecting provision of financial assistance**

(1) The Director must in the circumstances in subregulation (2) cease providing financial assistance for a beneficiary.

(2) The circumstances are that on the relevant date —

- (a) the beneficiary does not meet the published minimum entry requirements for the approved course to which their application relates;
- (b) the beneficiary and, in the case of a beneficiary who is a young person, the beneficiary's parent, have not been ordinarily resident in the Falkland Islands for a continuous period of 12 months; or
- (c) either —
  - (i) the beneficiary does not have Falkland Islands status or a permanent residence permit; or
  - (ii) if the beneficiary is a young person, the beneficiary's parent who submitted the application does not have Falkland Islands status or a permanent residence permit.

(3) The Director may in the circumstances in subregulation (4) —

- (a) refuse to provide all or part of the financial assistance to which a beneficiary would otherwise be entitled;
- (b) reduce the amount of financial assistance; or
- (c) subject to subregulation (7), require a beneficiary to repay part or all of the financial assistance.

(4) The circumstances are —

- (a) the beneficiary, or any person on the beneficiary's behalf, provides false or misleading information that is material to a decision to provide financial assistance;

- (b) the beneficiary is in breach of one or more of the conditions that apply to the financial assistance;
- (c) the beneficiary ceases to be ordinarily resident in the Falkland Islands; or
- (d) at any time while the beneficiary is a young person, the beneficiary's parent who submitted the application ceases to be ordinarily resident in the Falkland Islands.

(5) Before acting under subregulation (3), the Director must give the beneficiary and, if the beneficiary is a young person, their parent an opportunity to make representations.

(6) The Director must give written notice of any change to financial provision made under this regulation and the notice must include the reasons for the decision and information about the right to a review of the decision under regulation 13.

(7) In respect of financial assistance provided for a beneficiary at a time when the beneficiary was a young person, the Director may require the parent who submitted the application and accepted the offer of financial assistance on the beneficiary's behalf to make the repayment.

(8) Any sum repayable under this regulation is recoverable in any manner in which a civil debt may be recovered by the Crown.

(9) In this regulation —

**“Falkland Islands status”** has the same meaning as in section 22(5) of the Constitution;

**“permanent residence permit”** has the same meaning as in the Immigration Ordinance 1999; and

**“relevant date”** means the date on which an approved course, in relation to which financial assistance is offered, commences.

### **13. Review of decisions**

(1) A person or, if a person is a young person, their parent may request a review by the Board of Education of a decision by the Director —

- (a) to refuse to accept the person's application for financial assistance; or
- (b) under regulation 12, in relation to financial assistance provided for the person.

(2) A request for a review must be made —

- (a) within 28 days of being informed of the decision in question; and
- (b) in writing, including a statement of the reasons for requesting the review and any documentary evidence relied on.

(3) The Board of Education must determine the review as soon as reasonably practicable and may confirm or rescind the decision.

(4) If the decision is rescinded, the Board may remit the matter to the Director for reconsideration or substitute its own decision.

Made 3 August 2022

A. M. BLAKE C.M.G.,  
*Governor.*

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EXPLANATORY NOTE  
*(not forming part of these Regulations)*

These Regulations are the Education (Financial Assistance for Further Education) Regulations 2022 and are made under section 19 of the Education (Governance and Accountability) Ordinance 2022. The Regulations come into force on publication in the *Gazette*.

The purpose of the Regulations is to provide a framework for funding further education for school leavers to ensure that students are able to pursue education and training opportunities overseas (*regulation 2*).

Financial assistance can be provided for course fees, accommodation costs, travel expenses, living expenses (i.e. a weekly allowance), materials and equipment (*regulation 5*). It can be provided only in relation to an approved course, that is a full-time course suitable for a person who is over 16 years of age at a recognised educational institution. The Governor in Council may, in consultation with the Board of Education, approve a description of courses for which financial assistance is provided (*regulation 6*).

A person is eligible for financial assistance if they are under 20 years of age on the date of application and ordinarily resident in the Falkland Islands. If the person is under 18 years of age on the date of application, their parent must be ordinarily resident in the Islands too (*regulation 7*).

Applications for financial assistance must be submitted to the Director of Education by 30 November in the academic year before the year in which the course starts (*regulation 8*). If the applicant is under 18 years of age, the application must be submitted by their parent.

The Director must accept an application if the applicant is eligible, the course they wish to pursue is an approved course and they have been offered a place on it (*regulation 9*). The Director may require compliance with conditions that, broadly speaking, are aimed at ensuring the student is able to make the most of their course (*regulation 10*). The conditions must be formally accepted in writing (*regulation 11*).

Financial assistance must not be provided if the person who benefits from it does not meet requirements relating to the published course entry criteria, immigration status and ordinary residence on the first day of the course. The Director may refuse to provide financial assistance, reduce the amount of financial assistance or require repayment of financial assistance if the beneficiary of that assistance is in breach of any of the conditions, the application included false or misleading information or the person who benefits (or, if under 18, their parent) ceases to be

ordinarily resident in the Falkland Islands (*regulation 12*). If financial assistance was provided for someone who is under 18, repayment can be claimed from the beneficiary's parent.

*Regulation 13* provides for reviews of the Director's decisions by the Board of Education.

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## **SUBSIDIARY LEGISLATION**

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### **Misuse of Drugs (Amendment) Regulations 2022**

**(No. 15 OF 2022)**

#### **ARRANGEMENT OF PROVISIONS**

##### **Regulation**

1. Title
2. Commencement
3. Misuse of Drugs Regulations Order 1997 amended

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## SUBSIDIARY LEGISLATION

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### Misuse of Drugs (Amendment) Regulations 2022

(made: 3 August 2022)  
(commencement: on publication)  
(published: 5 August 2022)

I make these Regulations under section 11 of the Misuse of Drugs Ordinance 1987 on the advice of Executive Council.

#### 1. Title

These Regulations are the Misuse of Drugs (Amendment) Regulations 2022.

#### 2. Commencement

These Regulations come into force on publication in the *Gazette*.

#### 3. Misuse of Drugs Regulations Order 1997 amended

In the Misuse of Drugs Regulations Order 1997, after regulation 2 (interpretation) insert —

##### “2A. Application

This Regulations Order does not apply to a controlled drug that is an excepted product under the Misuse of Drugs (Exception of Controlled Drugs - Tetrahydrocannabinol) Order 2022.”.

Made 3 August 2022

A. M. BLAKE C.M.G.,  
*Governor.*

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#### EXPLANATORY NOTE (not forming part of these Regulations)

These Regulations are made under section 11 of the Misuse of Drugs Ordinance 1987 and come into force on publication in the *Gazette*.

The Regulations amend the Misuse of Drugs Regulations Order 1997 by inserting a new *provision* 2A to ensure the requirements of the Regulations Order do not apply to controlled drugs that are excepted products under the Misuse of Drugs (Exception of Controlled Drugs - Tetrahydrocannabinol) Order 2022.

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## **SUBSIDIARY LEGISLATION**

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### **Misuse of Drugs (Exception of Controlled Drugs - Tetrahydrocannabinol) Order 2022**

**(No. 16 OF 2022)**

#### **ARRANGEMENT OF PROVISIONS**

##### **Article**

1. Title
2. Commencement
3. Interpretation
4. Importation and exportation, retail sale and possession of excepted products
5. Review

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## SUBSIDIARY LEGISLATION

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### Misuse of Drugs (Exception of Controlled Drugs - Tetrahydrocannabinol) Order 2022

(made: 3 August 2022)  
(commencement: on publication)  
(published: 5 August 2022)

I make this Order under section 7 of the Misuse of Drugs Ordinance 1987 on the advice of Executive Council.

#### 1. Title

This Order is the Misuse of Drugs (Exception of Controlled Drugs - Tetrahydrocannabinol) Order 2022.

#### 2. Commencement

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

#### 3. Interpretation

In this Order —

“**excepted product**” means a preparation or other product consisting of one or more component parts, any of which contains the controlled drug tetrahydrocannabinol, where —

- (a) the preparation or other product is not designed for administration of tetrahydrocannabinol to a human being or animal;
- (b) the tetrahydrocannabinol in any component part is packaged in such a form, or in combination with other active or inert substances in such a manner, that it cannot be recovered by readily applicable means or in a yield which constitutes a risk to health;
- (c) no one component part of the product or preparation contains more than one milligram of tetrahydrocannabinol; and
- (d) the preparation or other product does not contain any other controlled drug.

*Regulation 2 Misuse of Drugs Regulations 2001 SI No. 3998 (UK)*

“**Ordinance**” means the Misuse of Drugs Ordinance 1987.

#### 4. Importation and exportation, retail sale and possession of excepted products

- (1) Subject to paragraph (2) —

- (a) excepted products are excepted from the prohibition on importation and exportation in section 3(1) of the Ordinance;
  - (b) a person lawfully conducting a retail business may, in relation to an excepted product, lawfully engage in an activity that would otherwise be an offence under section 4(c) to (e) of the Ordinance; and
  - (c) it is not an offence under section 5(1) of the Ordinance for a person to have an excepted product in their possession.
- (2) For the purpose of paragraph (1)(a) and (b), an excepted product must —
- (a) be in the original packaging; and
  - (b) clearly labelled with the contents in either or both English and Spanish.

## 5. Review

- (1) The Chief Medical Officer must, having consulted the Collector of Customs, review the risks to public health from the excepted products and the effectiveness of this Order and its implementation in mitigating those risks.
- (2) The review must be undertaken within 12 months after the coming into force of this Order.
- (3) The Chief Medical Officer must report the outcome of the review to the Governor if requested to do so or if, in the opinion of the Chief Medical Officer, the Order should be revoked or amended to better manage the risks to public health.

Made 3 August 2022

A. M. BLAKE C.M.G.,  
Governor.

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### EXPLANATORY NOTE (not forming part of this Order)

This Order is made under section 7 of the Misuse of Drugs Ordinance 1987 and comes into force on publication in the *Gazette* (regulations 1 and 2).

*Regulation 4* provides that a number of criminal offences under the Misuse of Drugs Ordinance 1987 do not apply to “**excepted products**”. It is not an offence to import or export or for a lawful retail business to sell, or offer for sale, an excepted product provided it is in the original packaging and the contents are clearly labelled in English or Spanish. It is not an offence to possess an excepted product.

An “**excepted product**” is a product that includes tetrahydrocannabinol (commonly known as THC), the product does not contain any other controlled drug, and inclusion of THC —

- (a) is entirely incidental to the purpose for which the product was designed;
- (b) cannot be re-processed to extract the controlled drug in any significant quantity; and
- (c) is present at a very low concentration (*regulation 3*).

Within 12 months after the Order comes into force, the Chief Medical Officer must review the risks to public health from the excepted products, in consultation with the Collector of Customs. The Chief Medical Officer may provide a report on her review to the Governor in Council, if requested to do so or if she considers any legislative change is needed (*regulation 5*).

**ELIZABETH II**



**FALKLAND ISLANDS**

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ALISON MARY BLAKE C.M.G.,  
*Governor.*

**Supplementary Appropriation (2021-2022) Ordinance 2022**

**(No. 14 OF 2022)**

**ARRANGEMENT OF PROVISIONS**

**Section**

1. Title
2. Commencement
3. Appropriation
4. Replacement of amount withdrawn by authority of Contingencies Warrant

**Schedule**

# ELIZABETH II



## FALKLAND ISLANDS

ALISON MARY BLAKE C.M.G.,  
*Governor.*

### **Supplementary Appropriation (2021-2022) Ordinance 2022**

*(assented to: ..... 4 August 2022)*  
*(commencement: on publication)*  
*(published: ..... 5 August 2022)*

#### AN ORDINANCE

To authorise the appropriation from the Consolidated Fund of the additional amount of £7,691,000 for the financial year ending 30 June 2022.

ENACTED by the Legislature of the Falkland Islands —

#### **1. Title**

This Ordinance is the Supplementary Appropriation (2021-2022) Ordinance 2022.

#### **2. Commencement**

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

#### **3. Appropriation**

(1) The additional amount of £7,691,000 is appropriated from the Consolidated Fund for the financial year ending 30 June 2022.

(2) The issue of the additional amount from the Consolidated Fund in the amounts necessary to replace an amount in accordance with section 4 and to supply the votes set out in the Schedule is authorised.

#### 4. Replacement of amount withdrawn by authority of Contingencies Warrant

If an amount has been withdrawn from the Contingencies Fund by the authority of Contingencies Warrant number 1 of 2021-2022, the amount withdrawn must be replaced from the amount appropriated under section 3.

#### SCHEDULE

*section 3*

Number	Head of Service of Government	Amount £
<b>Operating Budget</b>		
0200	Health & Social Services	1,316,000
0350	Public Works	1,614,000
0600	Executive	706,000
0700	The Treasury	1,400,000
<b>Total Operating Budget</b>		<b>5,036,000</b>
0999	<b>Fund Transfer and Transfer Payments</b>	<b>2,655,000</b>
<b>Total Schedule</b>		<b>7,691,000</b>

Passed by the Legislature of the Falkland Islands on 4 August 2022.

CHERIE YVONNE CLIFFORD,  
*Clerk of the Legislative Assembly.*

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Assembly and is found by me to be a true and correctly printed copy of the said Bill.

CHERIE YVONNE CLIFFORD,  
*Clerk of the Legislative Assembly.*

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