



FALKLAND ISLANDS GAZETTE

Supplement

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The following are published in this Supplement —

Registration (Amendment) Regulations 2022 (SR&O No 18 of 2022);

Mental Health (Approved Practitioners) (No 2) Order 2022 (SR&O No 19 of 2022);

Planning (Environmental Impact Assessment) (Amendment) Regulations 2022 (SR&O No 20 of 2022); and

Road Traffic (Amendment) Bill 2022.

SUBSIDIARY LEGISLATION

Registration (Amendment) Regulations 2022

(No. 18 OF 2022)

ARRANGEMENT OF PROVISIONS

Regulation

1. Title and commencement
2. Registration Regulations 1949 amended

SUBSIDIARY LEGISLATION

Registration (Amendment) Regulations 2022

(made: 27 September 2022)

(commencement: on publication)

(published: 30 September 2022)

I make these Regulations under section 12 of the Registration Ordinance 1949 and section 50(3) of the Adoption Act 1976 (as applied in the Falkland Islands by the Law Revision and Publication Ordinance 2017) on the advice of Executive Council.

1. Title and commencement

These Regulations are the Registration (Amendment) Regulations 2022 and come into force on publication in the *Gazette*.

2. Registration Regulations 1949 amended

(1) These Regulations amend the Registration Regulations 1949.

(2) In regulation 7(1), after “births,” insert “adoptions,”.

(3) In Schedule 2 (Registrar General’s and Registrar’s fees) replace the table with —

“Description	Fee (£)
1. Certified copy of death or marriage certificate (further copies requested at the same time, per copy)	10.50 1.00
2. Search of registers, including registers of births, adoptions, deaths and marriages (proportion of hourly rate to be paid for every part hour plus additional photocopying fee)	41.80
3. Certified copy of birth or adoption certificate and up to 5 copies, provided at the time of registration of the birth or adoption	10.50
4. Certified copy of birth or adoption certificate provided other than at the time of registration of the birth or adoption (further copies, requested at the same time, per copy)	10.50 1.00
5. Certified copy of any other instrument	31.50
6. Registration of a deed poll (in duplicate) (any copies beyond 2 submitted at the same time, per copy)	63.00 10.50”.

Made 27 September 2022

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

EXPLANATORY NOTE
(not forming part of these Regulations)

These Regulations are made under section 12 of the Registration Ordinance 1949 and section 50(3) of the Adoption Act 1976 as applied by the Law Revision and Publication Ordinance 2017. They come into force on publication in the *Gazette* (*regulation 1*).

Regulation 2 amends the Registration Regulations 1949 extending the application of regulation 7 (searches and fees) to the register of adoptions and replaces the table in Schedule 2. Schedule 2 sets out the fees payable to the Registrar General and Registrars for searches of the registers of births, stillbirths, marriages and deaths and certified copies of entries. The amendments provide that at the time of registering a birth or adoption, if a certified copy of the registration certificate is requested up to 5 copies of the certificate will be provided at no extra charge. If a request for a certified copy of the birth or adoption certificate is made subsequently, there will be a separate charge for each copy.

SUBSIDIARY LEGISLATION

Mental Health (Approved Practitioners) (No 2) Order 2022

(No. 19 OF 2022)

ARRANGEMENT OF PROVISIONS

1. Title and commencement
2. Approved practitioners
3. Revocation

Schedule - Approved practitioners

SUBSIDIARY LEGISLATION

Mental Health (Approved Practitioners) (No 2) Order 2022

(made: 27 September 2022)

(commencement: on publication)

(published: 30 September 2022)

I make this order under section 91 of the Mental Health Ordinance 2010 (“**the Ordinance**”) —

- (a) after consulting the Chief Medical Officer in accordance with section 91(4); and
- (b) without consulting Executive Council under section 66(1) of the Constitution because, in my judgement, the matter is too unimportant.

1. Title and commencement

This order is the Mental Health (Approved Practitioners) (No 2) Order 2022 and comes into force on publication in the *Gazette*.

2. Approved practitioners

The following persons are approved practitioners for the purposes of the Ordinance —

- (a) the approved doctors listed in Part 1 of the Schedule; and
- (b) the approved professionals listed in Part 2 of the Schedule.

3. Revocation

The Mental Health (Approved Practitioners) Order 2022 is revoked.

SCHEDULE – Approved practitioners

(article 2)

PART 1 - APPROVED DOCTORS

Dr Rebecca Edwards
Dr Mukhtar Uqaili
Mr Ahmed Cheema
Dr Mary Whittle
Dr Maciej Stronczak
Dr Tim McInerny
Dr Fraser Gibb
Dr Doug Johnson
Dr Rosasharn Browne

PART 2 - APPROVED PROFESSIONALS

Janice Dent
Mandy Heathman
Phillip Kelly
Kristina Vincent
Lesley Hadden
Mick Norman
Thomas Docherty
Lucy Blackmore
Annette Murphy
Karen Rimicans
Derek Henry

Made 27 September 2022

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

EXPLANATORY NOTE *(not part of the order)*

This Order is made under section 91(1) of the Mental Health Ordinance 2010 (“**the Ordinance**”) and comes into force on publication (*article 1*). It provides for the list of approved doctors and approved professionals who are approved practitioners for the purposes of the Ordinance (*article 2*), which is set out in the *Schedule*.

The expressions “approved doctor” and “approved professional” are defined in section 91(1) and (2) of the Ordinance respectively. The term “approved practitioner” is defined in section 3 of the Ordinance.

Before making the Order, the Governor consulted the Chief Medical Officer in accordance with section 91(4) of the Ordinance. The Governor has departed from the usual practice of seeking the approval of Executive Council in accordance with section 66(1) of the Constitution before making the Order because in her judgement the matter is too unimportant and falls within the exceptions provided in section 66(2)(c) and (e).

Article 3 revokes the Mental Health (Approved Practitioners) Order 2022.

SUBSIDIARY LEGISLATION

Planning (Environmental Impact Assessment) (Amendment) Regulations 2022

(No. 20 OF 2022)

ARRANGEMENT OF PROVISIONS

Regulation

1. Title and commencement
2. Planning (Environmental Impact Assessment) Regulations 2015 amended

SUBSIDIARY LEGISLATION

Planning (Environmental Impact Assessment) (Amendment) Regulations 2022

(made: 29 September 2022)

(commencement: on publication)

(published: 30 September 2022)

I make these Regulations under section 33 of the Planning Ordinance 1991 on the advice of Executive Council.

1. Title and commencement

These Regulations are the Planning (Environmental Impact Assessment) (Amendment) Regulations 2022 and come into force on publication in the *Gazette*.

2. Planning (Environmental Impact Assessment) Regulations 2015 amended

Amend the Planning (Environmental Impact Assessment) Regulations 2015 as follows —

(a) replace regulation 4(4) with —

“(4) In advising an applicant as to the required content of an environmental impact statement, the Planning Officer must pay due regard to any circulars, notes or guidance issued by the Governor under section 35(2) of the Planning Ordinance 1991.”;

(b) in regulation 4(5) omit “in accordance with regulation 5”;

(c) revoke regulation 5; and

(d) in regulation 6, replace “In addition to the power under regulation 5, the” with “The”.

Made 29 September 2022

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

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

These Regulations are made under section 33 of the Planning Ordinance 1991 and come into force on publication in the *Gazette* (regulation 1).

Regulation 2 amends the Planning (Environmental Impact Assessment) Regulations 2015 by revoking regulation 5 and making consequential amendments. Regulation 5 relates to the power to issue circulars, notes or guidance.

The provision is unnecessary as the Governor has power to issue circulars, notes or guidance under section 35(2) of the Planning Ordinance 1991, to which the Planning Committee must have regard when determining any application for planning permission.

Road Traffic (Amendment) Bill 2022

(ORDINANCE No. OF 2022)

ARRANGEMENT OF PROVISIONS

Clause

1. Title and commencement
2. Amendment of Road Traffic Ordinance 1948
3. Section 2 amended (interpretation)
4. Section 37 replaced
5. Section 38 repealed
6. Consequential amendments

Schedule - Consequential amendments

Road Traffic (Amendment) Bill 2022

(assented to: 2022)
(commencement: on publication)
(published: 2022)

A BILL

for

AN ORDINANCE

To amend the Road Traffic Ordinance 1948.

BE IT ENACTED by the Legislature of the Falkland Islands —

1. Title and commencement

This Ordinance is the Road Traffic (Amendment) Ordinance 2022 and comes into force on publication in the *Gazette*.

2. Amendment of Road Traffic Ordinance 1948

This Ordinance amends the Road Traffic Ordinance 1948 (“**the Ordinance**”).

3. Section 2 amended (interpretation)

In section 2(1) of the Ordinance —

(a) after the definition of “**drug**” insert —

““**electrically assisted cycle**” means a cycle with 2 or more wheels that is fitted with —

(a) pedals by means of which it is capable of being propelled;

(b) no motor other than an electric motor which —

(i) has an output of 750 watts or less; and

(ii) cannot propel the vehicle when it is travelling at more than 20 miles per hour; and

(c) does not include a throttle or any other mechanism by which the power or speed of the engine is regulated other than the cycle’s pedals or brakes;”;

(b) replace the definition of “**invalid carriage**” with —

““**mobility scooter**” means a mechanically propelled vehicle which is designed and constructed (not merely adapted) for the use of a person with a disability, is solely used by such a person and has an unladen weight not exceeding 254 kilograms;”;

(c) replace the definition of “**motor vehicle**” with —

““**motor vehicle**” means any vehicle propelled by any form of mechanical power and intended or adapted for use on roads but does not include —

- (a) electrically assisted cycles; or
- (b) mobility scooters;”.

4. Section 37 replaced

Replace section 37 of the Ordinance with —

“37. Cycles

(1) Any person cycling on a road commits an offence if —

- (a) the cycle is not equipped with a means of giving audible and sufficient warning of its approach; or
- (b) when cycling at night, the cycle does not have —
 - (i) showing to the front a white light that is visible for a reasonable distance; and
 - (ii) showing to the rear a red light or red reflector that is visible for a reasonable distance.

(2) Any person riding a cycle on the pavement or footway of a road or on a public jetty commits an offence.

(3) In subsection (1), “**at night**” means the period between one hour after sunset and one hour before sunrise.

Penalty: A fine not exceeding level 2 on the standard scale.”.

5. Section 38 repealed

Section 38 of the Ordinance is repealed.

6. Consequential amendments

The Schedule has effect to amend the legislation listed in the first column to the extent specified in the second column.

SCHEDULE - CONSEQUENTIAL AMENDMENTS

(section 6)

Primary legislation	Amendment
Crimes Ordinance 2014	In sections 362(3) and (4) omit “pedal”.
Highways (Weight Limits) Ordinance 2004	<p>1. In section 2(1) —</p> <p>(a) omit the definition of “invalid carriage” and insert in the correct alphabetical sequence —</p> <p>““mobility scooter” means a mechanically propelled vehicle which is designed and constructed (not merely adapted) for the use of a person with a disability, is solely used by such a person and has an unladen weight not exceeding 254 kilograms;” and</p> <p>(b) in the definition of “motor car” replace “an invalid carriage” with “a mobility scooter”.</p> <p>2. In section 3(a) replace “invalid carriages” with “mobility scooters”.</p>
Secondary legislation	Amendment
Construction and Use (Seat Belts) Regulations Order 1996	In article 2(1), in the definition of “ motor car ” replace “an invalid carriage” with “a mobility scooter”.
Road Traffic (Provisional) Regulations Order 1986	<p>1. In the second column (“Definitions”) of the table in regulation 5(1), in the entry for Class “B1” omit “, invalid carriage”.</p> <p>2. In the heading to regulation 19 replace “Pedal cycles” with “Cycles”.</p> <p>3. In regulation 19 replace “a pedal cycle” with “a cycle”.</p> <p>4. In Schedule 1, in the entry for Class B1 of column 1 of the table omit “, invalid carriage”.</p> <p>5. In Schedule 3 form D1, in the entry for Category B1 licence omit “, invalid carriage” under “Description”.</p>
Stanley Common (Restricted Driving on Beaches) Regulations 2020	1. In regulation 3, omit the definitions of “ electrically assisted pedal cycle ” and “ mobility scooter ”.

	<p>2. In regulation 3, replace the definition of “motor vehicle” with —</p> <p>““motor vehicle” has the same meaning as in the Road Traffic Ordinance 1948;”.</p> <p>3. Omit regulation 4(3)(a).</p>
Taxes (Benefits in Kind) Rules 2003	In regulation 2(3)(b) and (c) replace “an invalid carriage” with “a mobility scooter”.

OBJECTS AND REASONS

This Bill amends the Road Traffic Ordinance 1948 (“the Ordinance”) (*clause 2*).

Clause 1 of the Bill provides for the title and commencement of the Bill.

Clause 3 amends section 2 of the Ordinance by:-

- introducing a new definition of “**electrically assisted cycle**” (“EAC”);
- replacing the term “**invalid carriage**” with “**mobility scooter**” and updating the definition;
- amending the definition of “**motor vehicle**” to exclude both EACs and mobility scooters.

The effect of the amendments is that the requirements that apply to motor vehicles in relation to registration and licensing do not apply to EACs or mobility scooters.

Section 37 of the Ordinance is replaced by *clause 4*, omitting paragraph (a) as the behaviour prohibited is covered by the offence of careless cycling in section 39G. The opportunity is taken to correct a drafting error, by separating offences relating to the use of a cycle on the road and the use of a cycle on the pavement or a public jetty.

Section 38 of the Ordinance is repealed by *clause 5* as the behaviour it prohibits is covered by the offences of careless and dangerous cycling (sections 39C and 39G).

Clauses 6 and the Schedule make consequential amendments to other legislation, to replace references to “invalid carriage” with “mobility scooter” and ensure the use of “cycle” is consistent with the use of that word in the Road Traffic Ordinance.