



# **SOUTH GEORGIA AND SOUTH SANDWICH ISLANDS GAZETTE**

**PUBLISHED BY AUTHORITY**

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The following are published in this Gazette –

**Notices 9 – 14;**

**Visitors (Amendment) Ordinance 2019 (No 4 of 2019); and**

**Heavy Fuel Oil (Prohibition of Carriage and Use) Ordinance 2019 (No 5 of 2019).**

## NOTICES

No. 9

28 May 2019

### **Police Ordinance 2017** (section 6)

#### **Appointment of Police Officers**

In exercise of my powers under section 6(1) of the Police Ordinance 2017, I, Nigel James Phillips, Commissioner for South Georgia and the South Sandwich Islands hereby appoint:

**Samantha Davies;**  
**Alexander Peter Karpoff Douglas;**  
**Kevin Joseph Loftus;**  
**Douglas Scott Smith;**  
**Barry Thacker;** and  
**Kristiane Thorsen.**

as police officers for South Georgia and the South Sandwich Islands. These appointments have effect from the date below and continue in effect until terminated.

#### **Termination of Police Officer appointments**

In exercise of my powers under section 6(5) of the Police Ordinance 2017, I, Nigel James Phillips, Commissioner for South Georgia and the South Sandwich Islands hereby terminate the appointment of **Christopher John James Butler** as a police officer for South Georgia and the South Sandwich Islands with immediate effect.

Dated 28 May 2019

N. J. PHILLIPS C.B.E.,  
*Commissioner.*

No. 10

16 June 2019

### **Interpretation and General Clauses Ordinance 1977** (section 73)

#### **Public Holidays 2020**

In accordance with section 73 of the Interpretation and General Clauses Ordinance 1977, I declare that the following dates will be public holidays for South Georgia and the South Sandwich Islands during 2020:

1 January	New Year's Day
17 January	Possession Day
19 April	Good Friday
23 April	The Queen's Birthday (in lieu of 21 April)
25 April	Liberation Day
20 May	Shackleton Day
21 June	Midwinter Day
4 September	Toothfish Day
30 October	Environment Day
25 December	Christmas Day
26 December	Boxing Day

Dated 16 June 2019

N. J. PHILLIPS C.B.E.,  
*Commissioner.*

No. 11

9 August 2019

### **South Georgia and South Sandwich Islands Order** **1985** (section 7)

#### **Administration of Justice Ordinance 1949** (section 29)

#### **Appointment of Acting Attorney General** **and Acting Coroner**

1. In exercise of my powers under section 7 of the South Georgia and the South Sandwich Islands Order 1985, I appoint **Matthew John Jackson** to be Acting Attorney General for the purpose of carrying out the duties of the Attorney General at any time when the post is vacant, or the substantive holder of the post, Simon David Young, is unavailable to discharge the same through any absence from the Falkland Islands or inability to perform the functions and duties of the post.

2. In exercise of my powers under section 29 of the Administration of Justice 1949 in its application to South Georgia and the South Sandwich Islands, I appoint **Matthew John Jackson** to be Acting Coroner for the purpose of carrying out the duties of the Coroner at any time when the post is vacant, or the substantive holder of the post is unavailable to discharge the same through any absence from the Falkland Islands or inability to perform the functions and duties of the post.

3. These appointments have effect from the date given below, and continue in effect whilst Matthew John Jackson holds office as Head of Legal Services for the Falkland Islands Government, unless terminated sooner.

Dated 9 August 2019

N. J. PHILLIPS C. B. E.,  
*Governor*

No. 12

17 October 2019

### **Customs Ordinance 2016** (section 8)

#### **Customs (Declaration and Clearance) Order 2016** (article 8)

#### **Fees**

In accordance with article 8 of the Customs (Declaration and Clearance) Order 2016, I specify the fees payable by all vessels (including yachts) in connection with entry declarations and exit clearance declarations:

1. If an entry declaration and an exit clearance declaration are made during separate visits to the vessel by a customs officer, a fee of £35 is payable for each visit.

2. If an entry declaration and exit clearance declaration are made during a single visit to the vessel by a customs officer, one fee of £35 is payable for the visit.

3. An additional fee is payable for each hour or part hour during which a customs officer is engaged in providing the customs services in connection with the entry declaration and exit clearance declaration.

4. The hourly fee during normal working hours is £25 per hour and the minimum additional fee payable is £50.

5. The hourly fee outside normal working hours is £40 per hour and the minimum additional fee payable is £80.

6. Normal working hours are between 0800 and 1630 hours local time Monday to Friday (public holidays excepted).

7. Fees must be paid to a customs officer or as directed by a customs officer.

8. Fees must be paid in the currency of the United Kingdom, the currency of the Falkland Islands or in such other currency approved by the customs officer.

Dated 17 October 2019

N. J. PHILLIPS C.B.E.,  
*Commissioner.*

No. 13

17 October 2019

**Customs Ordinance 2016**  
(section 8)

**Customs (Declaration and Clearance) Order 2016**  
(article 9)

**Exemptions**

In accordance with article 9 of the Customs (Declaration and Clearance) Order 2016:

1. I exempt persons in command of the following categories of vessels from the requirements to; make an entry declaration; make an exit clearance declaration; and pay fees in connection with those declarations:

(a) vessels engaged in service for the Government of the United Kingdom;

(b) vessels engaged in service for the Government of South Georgia and the South Sandwich Islands; and

(c) vessels entering the Territory as a result of *force majeure*.

2. I exempt persons in command of the following categories of vessels from the requirement to pay a fee in connection with an entry declaration or exit clearance declaration:

(a) vessels which have entered the Territory solely for the purposes of carrying out research for the Government of a country other than the United Kingdom; and

(b) vessels which have entered the Territory only for the purposes of complying with an instruction by a fishery protection officer.

Dated 17 October 2019

N. J. PHILLIPS C.B.E.,  
*Commissioner.*

No. 14

21 October 2019

**Visitors Ordinance 1992**  
(section 3)

**Passenger Landing Fee Notice 2019**

Section 3 of the Visitors Ordinance 1992 provides that the Commissioner may, by notice published in the Gazette provide for a passenger landing fee.

**Passenger landing fees**

1. Passenger landing fees must be paid in respect of a visitor to South Georgia as follows:

(a) for a visit lasting up to 3 days: £130.00;

(b) for a visit of more than 3 days and up to 30 days:

(i) £130.00; and

(ii) £20.00 for each additional day;

up to a maximum of £210.00;

(c) where a visit is more than 30 days, an additional amount must be paid in accordance with (a) and (b) as if a new visit has commenced; and

(d) paragraph (c) applies whenever a further 30 day period is exceeded.

2. Payment of the passenger landing fees must be in accordance with guidance issued by the Commissioner.

3. These passenger landing fees apply from date of commencement of this notice.

Dated 21 October 2019

N. J. PHILLIPS C. B. E.,  
*Governor*

# ELIZABETH II



## Territories of South Georgia and the South Sandwich Islands

NIGEL JAMES PHILLIPS C.B.E.,  
*Commissioner.*

### **Visitors (Amendment) Ordinance 2019**

(No: 4 of 2019)

#### ARRANGEMENT OF PROVISIONS

##### Section

1. Title
2. Commencement
3. Amendment of Visitors Ordinance
4. Section 2 amended — Interpretation
5. Section 3 omitted and replaced — Passenger landing fees
6. Section 4 amended — Payment of passenger landing fees
7. New section 5A inserted - Guidance
8. Section 6 omitted and replaced — Regulations
9. Validation of passenger landing fee

# ELIZABETH II



## Territories of South Georgia and the South Sandwich Islands

NIGEL JAMES PHILLIPS C.B.E.,  
*Commissioner.*

### VISITORS (AMENDMENT) ORDINANCE 2019

(No: 4 of 2019)

*(assented to: 17 October 2019)*  
*(commencement: on publication)*  
*(published: 21 October 2019)*

#### AN ORDINANCE

To amend the Visitors Ordinance 1992.

ENACTED by the Commissioner for South Georgia and South Sandwich Islands —

#### **1. Title**

This Ordinance is the Visitors (Amendment) Ordinance 2019.

#### **2. Commencement**

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

#### **3. Amendment of Visitors Ordinance**

This Ordinance amends the Visitors Ordinance 1992.

#### **4. Section 2 amended — Interpretation**

Section 2 is amended by inserting the following definitions in alphabetical order —

““**commencement of visit**” means the time when a visit commences as determined in guidance;

“**guidance**” means guidance issued by the Commissioner under section 5A;”.

#### **5. Section 3 omitted and replaced — Passenger landing fees**

Section 3 is omitted and replaced with —

### **“3. Passenger landing fees**

“(1) Subject to this section, there must be paid in respect of every visitor to South Georgia who is 16 years and above at the commencement of the visit, a passenger landing fee in such sum as may be prescribed by notice made by the Commissioner and published in the *Gazette*.

(2) A notice under subsection (1) may provide that a landing fee is calculated by reference to—

- (a) a fixed minimum amount;
- (b) variable sums depending on the duration of the visit; or
- (c) both.

(3) For purposes of calculating a landing fee —

- (a) a day means a period of 24 hours starting from midnight; and
- (b) part of a day will be treated as a full day.

(4) Fees are not payable where a visitor stays additional days for reasons beyond their control (force majeure).

(5) The currencies of the United Kingdom and of the Falkland Islands are approved currencies for purposes of payment of a passenger landing fee.

(6) Payment of landing fees in the equivalent to the relevant sum in another currency approved by the Commissioner by notice published in the *Gazette* must be accepted.”.

### **6. Section 4 amended — Payment of passenger landing fees**

Section 4 is amended —

(a) by omitting subsection (3) and replacing it with —

“(3) Unless otherwise approved by the Commissioner, passenger landing fees must be paid at a time as provided in guidance.”

(b) by adding the following subsections after subsection (3) —

“(4) Guidance may provide for —

- (a) payment of all or part of a landing fee in advance or on landing depending on the nature of the visit or the transport used to make the visit; and
- (b) the method of payment of the landing fees.

(5) The Commissioner may refund a visitor or vessel operator whose visit ends prematurely for reasons beyond their control (force majeure).”.

### **7. New section 5A inserted — Guidance**

The following section is inserted immediately after section 5 —

**“5A. Commissioner to issue guidance**

(1) The Commissioner may issue guidance generally under this Ordinance.

(2) Guidance issued under subsection (1) may commence with effect from a past date and must be published on the Government’s website.”.

**8. Section 6 omitted and replaced — Regulations**

Section 6 is omitted and replaced with —

**“6. Regulations**

The Commissioner may make regulations for giving effect to this Ordinance or for any matters that may be prescribed or require regulations to be made under the Ordinance and in particular for —

(a) the passenger landing fee payable by a visitor; and

(b) an additional passenger landing fee payable on extension of a visit.”.

**9. Validation of passenger landing fee**

Any passenger landing fee that was charged —

(a) under the Visitors Ordinance 1992, Notification of amount of passenger landing fee Notices published before the commencement of this Visitors (Amendment) Ordinance 2019 is hereby validated as if the fee was authorised under the Ordinance; and

(b) before the Passenger Landing Fee Notice 2019 was made is hereby validated as if it was authorised under that notice.

Enacted 17 October 2019

N. J. PHILLIPS C.B.E.,  
*Commissioner.*

**ELIZABETH II**



Territories of South Georgia  
and the South Sandwich Islands

NIGEL JAMES PHILLIPS C.B.E.,  
*Commissioner.*

**Heavy Fuel Oil (Prohibition of Carriage and Use) Ordinance 2019**

(No: 5 of 2019)

**ARRANGEMENT OF PROVISIONS**

**Section**

1. Title
2. Commencement
3. Interpretation
4. Purpose
5. Ordinance binds the Crown
6. Application of Ordinance
7. Prohibition
8. Offence and penalty
9. Commission of offence by officer of body corporate

Schedule - Designated area - For purposes of the prohibition of heavy fuel oil



# ELIZABETH II



## Territories of South Georgia and the South Sandwich Islands

NIGEL JAMES PHILLIPS C.B.E.,  
*Commissioner.*

### HEAVY FUEL OIL (PROHIBITION OF CARRIAGE AND USE) ORDINANCE 2019

(No: 5 of 2019)

*(assented to: 18 October 2019)*

*(commencement: on publication)*

*(published: 21 October 2019)*

#### AN ORDINANCE

To provide for eliminating carriage or use of heavy fuel oil on a vessel in the Territories and the maritime zone, and for related purposes.

ENACTED by the Commissioner of South Georgia and the South Sandwich Islands —

#### **1. Title**

This Ordinance is the Heavy Fuel Oil (Prohibition of Carriage and Use) Ordinance 2019.

#### **2. Commencement**

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

#### **3. Interpretation**

(1) In this Ordinance, unless otherwise stated or the context otherwise requires —

“**Annex 1**” means Annex 1 to the International Convention for the Prevention of Pollution from Ships, 1973 as modified by the Protocol of 1978, as amended by Resolution MEPC.189(60) of the International Maritime Organisation;

“**heavy fuel oil**” means —

(a) crude oil having a density at 15°C higher than 900 kg/m<sup>3</sup>;

(b) oil, other than crude oil, having a density at 15°C higher than 900 kg/m<sup>3</sup> or a kinematic viscosity at 50°C higher than 180 mm<sup>2</sup>/s; or

(c) bitumen, tar and their emulsions;

“**designated area**” means the area of —

(a) the territorial waters; and

(b) the maritime zone established by Proclamation No. 1 of 1993,

that is east and south-east of the line 33.295732° W, 58.181013° S; 31.347187° W, 55.785836° S; 30.945788° W, 53.775386° S (as illustrated on the map in the Schedule);

“**vessel**” means a vessel, hovercraft or other means by which a person or thing is transported from place to place on, over or through water.

(2) Unless otherwise stated or the context otherwise requires, an expression in this Ordinance that is in this Ordinance and in Annex 1 has the same meaning as in Annex 1.

#### **4. Purpose**

The purpose of this Ordinance is to give effect to Annex 1, regulation 43 in the designated area.

#### **5. Ordinance binds the Crown**

(1) This Ordinance binds the Crown.

(2) This Ordinance does not operate to make the Crown liable to be prosecuted for an offence against this Ordinance, however, an officer, employee or agent of the South Georgia and South Sandwich Islands Government may be prosecuted for an offence against this Ordinance.

#### **6. Application of Ordinance**

(1) This Ordinance has effect in addition to, and not in derogation of or in substitution for, any other law prohibiting the carriage or use of heavy fuel oil in the Territories or the maritime zone.

(2) This Ordinance applies to a body corporate —

(a) regardless of where the body corporate was incorporated; and

(b) as if the body corporate were an individual person aged 18 or more.

#### **7. Prohibition**

The following are prohibited in the designated area —

(a) carriage of heavy fuel oil in bulk as cargo on a vessel;

(b) carriage for use, and use, of heavy fuel oil as fuel on a vessel;

(c) use of heavy fuel oil as ballast on a vessel.

#### **8. Offence and penalty**

(1) In this section —

“**person**”, in relation to a vessel —

(a) means —

(i) the person having command or charge of the vessel;

(ii) the person operating the vessel;

(iii) the owner of the vessel;

(iv) the charterer of the vessel; or

(v) the owner of the cargo carried on the vessel; and

(b) for the avoidance of doubt, includes a body corporate.

(2) A person must not engage in conduct that results in —

(a) heavy fuel oil being carried in bulk as cargo on a vessel in the designated area;

(b) heavy fuel oil being used, or carried for use, as fuel on a vessel in the designated area;  
or

(c) heavy fuel oil being used as ballast on a vessel in the designated area.

(3) Each person who contravenes subsection (2) commits an offence and is liable on conviction to a fine.

(4) It is a defence for a person charged with an offence under this section to prove that the vessel was in the designated area because of force majeure or for the purpose of securing the safety of a vessel or saving life at sea.

(5) A person does not commit an offence under this section if —

(a) heavy fuel oil was previously carried or used as fuel or ballast on the vessel;

(b) there is residue of the heavy fuel oil on the vessel; and

(c) the residue is heavy fuel oil that has not been cleaned or flushed from a tank or pipeline of the vessel.

## **9. Commission of offence by officer of body corporate**

(1) In this section —

“**officer of a body corporate**” means —

(a) a director, secretary, manager or other similar officer of a body corporate;

(b) if the body corporate is a limited liability partnership, a partner;

(c) if the affairs of the body corporate are managed by the members of the body corporate, a member of the body corporate; or

(d) if an officer of a body corporate is another body corporate, an officer of that other body corporate.

(2) If an offence under section 8 is proved to have been committed by a body corporate —

(a) the offence is also committed by each officer of the body corporate;

(b) the officer may be proceeded against and, if convicted, sentenced (even if the body corporate is sentenced); and

(c) the officer is liable on conviction to a fine.

(3) It is a defence for an officer of a body corporate charged with an offence under this section to prove that —

(a) the offence was committed without the officer's knowledge;

(b) the officer did not authorise, permit or participate in the commission of the offence;

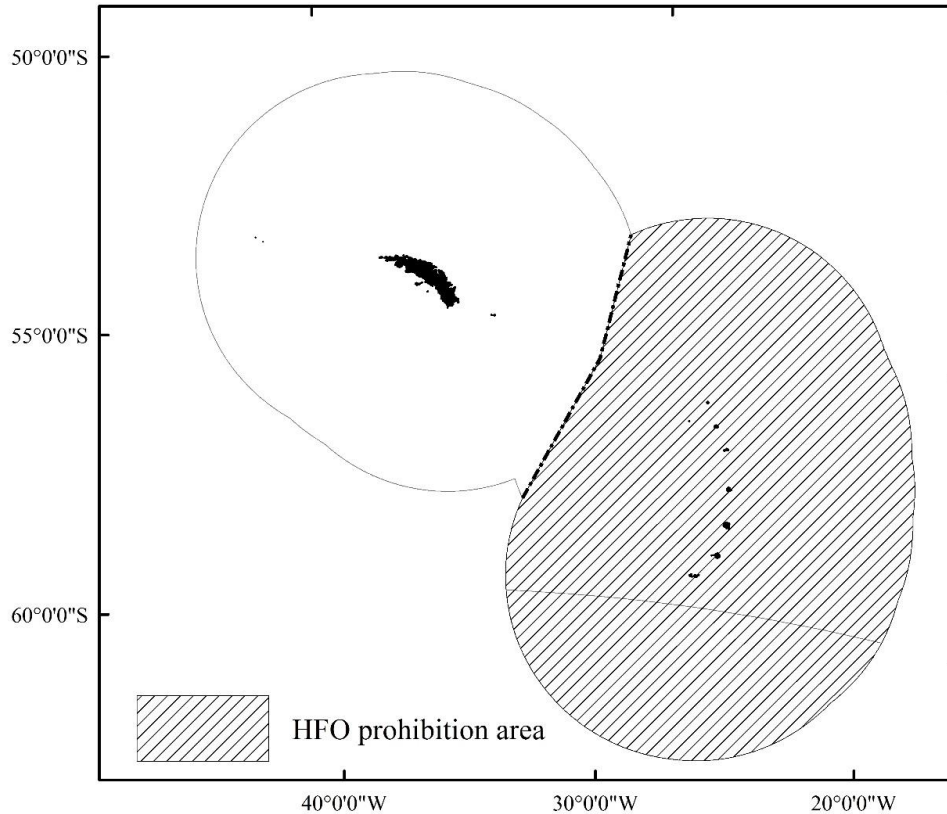
(c) the officer took all reasonable actions to prevent the commission of the offence; or

(d) the commission of the offence was not attributable to the negligence of the officer.

## SCHEDULE

section 3

Designated area - For purposes of the prohibition of heavy fuel oil



Enacted 18 October 2019

N. J. PHILLIPS C.B.E.,  
*Commissioner.*

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### EXPLANATORY NOTE *(not part of the Ordinance)*

The purpose of the Ordinance is to give effect to MARPOL 73/78, Annex 1, regulation 43 in the Territories and the maritime zone by prohibiting the carriage in bulk as cargo, and the carriage and use, of heavy fuel oil on a vessel in the designated area. “Designated area” is defined in *section 3* of the Bill.

The Ordinance binds the Crown in a manner that does not make the Crown liable to be prosecuted for contravening the Ordinance, although an officer, employee or agent of the South Georgia and South Sandwich Islands may be prosecuted for an offence against the Ordinance.

The Ordinance also applies to bodies corporate, regardless of where incorporated, as if bodies corporate were persons aged 18 or more.

If the owner, operator, charterer, person having command or charge of a vessel, or the owner of the cargo carried on a vessel engages in conduct that results in heavy fuel oil being carried in bulk as cargo, being used or carried for use as fuel or being used as ballast on the vessel, the owner, operator, charterer or person commits an offence and is liable to a fine of an unlimited amount.

A person does not commit the offence if it is proved that the vessel was in the designated area because of force majeure or for the purposes of saving life at sea. In addition, a person does not commit the offence if the heavy fuel oil on the vessel is the residue of heavy fuel oil previously carried or used as fuel or ballast on the vessel that has not been cleaned or flushed from a tank or pipeline on the vessel.

If the person who is proved to commit the offence is a body corporate, the offence is also committed by each officer of the body corporate. It is a defence if an officer of a body corporate proves that the officer did not know about, authorise, permit or participate in committing the offence, took all reasonable steps to prevent the offence being committed or the commission of the offence was not attributable to the negligence of the officer.

*Section 1* specifies the title of the Ordinance.

*Section 2* specifies the commencement of the Ordinance.

*Section 3* defines “heavy fuel oil”, “designated area” and “vessel”.

*Section 4* provides that the purpose of the Ordinance is to give effect to MARPOL 73/78, Annex 1, regulation 43, in the designated area.

*Section 5* provides that the Ordinance binds the Crown although the Crown is not liable to be prosecuted for an offence against the Ordinance. However, an officer, employee or agent of the South Georgia and South Sandwich Islands Government may be prosecuted for an offence against the Ordinance.

*Section 6* provides that the Ordinance applies —

- (a) in addition to any other law that has the effect of prohibiting the carriage or use of heavy fuel oil in the Territories or the maritime zone; and
- (b) to bodies corporate regardless where incorporated as if they were persons aged 18 years or more.

*Section 7* prohibits the carriage in bulk as cargo, and the carriage and use as fuel or ballast, of heavy fuel oil on a vessel in the designated area.

*Section 8* creates an offence for contravening the prohibition, specifies the penalty for the offence and provides a defence to committing the offence.

*Section 9* provides that if it is proved that a body corporate commits an offence under *section 8*, each of the officers of the body corporate also commit the offence and may be prosecuted and sentenced unless the officer proves that —

- (a) the offence was committed without the officer's knowledge;
- (b) the officer did not authorise, permit or participate in the commission of the offence;
- (c) the officer took all reasonable actions to prevent the commission of the offence; or
- (c) the commission of the offence was not attributable to the negligence of the officer.

The *Schedule* sets out the plan illustrating the designated area referred to in in *section 3(1)* of the Ordinance.