

**APPLICATION OF LAWS BILL**  
(No. [] of 2017)

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**APPLICATION OF LAWS BILL**  
(No. [] of 2017)

**A BILL**

**for**

**AN ORDINANCE**

To apply certain laws of the United Kingdom to the Territory.

ENACTED by the Commissioner as follows:

**PART 1**  
**PRELIMINARY**

**1. Title**

This Ordinance may be cited as the Application of Laws Ordinance 2017.

**2. Commencement**

This Ordinance comes into force when it is published in the *Gazette*.

**PART 2**

**APPLICATION OF ENGLISH LAW**

**3. Application of English Law**

- (1) English law applies in relation to the Territory—
  - (a) by virtue of this section, and
  - (b) subject to the modifications and exclusions provided for by and under this Ordinance.
- (2) For the purposes of this section “English law” means the following as they have effect from time to time—
  - (a) Acts of Parliament that extend to England and Wales and apply in relation to England;
  - (b) subordinate legislation which is made under an Act falling within paragraph (a) and applies in relation to England; and
  - (c) the common law as it applies in relation to England.

**4. Modifications**

- (1) In its application to the Territory by virtue of this Ordinance English law has effect subject to—
  - (a) the modifications set out in Schedule 1, and
  - (b) any other modification required to give effect to the law in relation to the Territory.
- (2) The Commissioner may by Order amend Schedule 1; and an Order—
  - (a) may add, remove or amend modifications;
  - (b) may provide for modifications that apply generally or only in relation to specified laws or classes of law, or only in relation to specified cases or circumstances;

- (c) may make different provision for different laws, classes of law, cases or circumstances;
- (d) may include transitional, incidental or consequential provision.

**5. Exclusions**

- (1) A law specified in Schedule 2 does not apply in relation to the Territory.
- (2) The Commissioner may by Order amend Schedule 2; and an Order—
  - (a) may add, remove or amend entries;
  - (b) may provide for exclusions to apply generally or only in relation to specified laws or classes of law, or only in relation to specified cases or circumstances;
  - (c) may make different provision for different laws, classes of law, cases or circumstances;
  - (d) may apply retrospectively (but not so as to create retrospective criminal liability); and
  - (e) may include transitional, incidental or consequential provision.

**6. Saving for directly applicable UK law**

- (1) This Ordinance is without prejudice to any Act of Parliament, Order of Council, or instrument made under an Act of Parliament, which extends to or is expressed to have effect or application in or in relation to the Territory.
- (2) A provision of this Ordinance, and any provision made under this Ordinance, has effect subject to the provisions of any Act or instrument falling within subsection (1).

**7. Saving for express local law**

- (1) No English law applies in relation to the Territory by virtue of this Ordinance if or to the extent that it is inconsistent with any provision of or under an Ordinance.
- (2) Subsection (1) applies whether or not the English law is the subject of express exclusion in accordance with section 5 and Schedule 2.

**SCHEDULES**

**SCHEDULE 1**

## **MODIFICATIONS OF LAWS IN THEIR APPLICATION TO THE TERRITORY**

### **Section 4**

1. A reference to the United Kingdom, to England and Wales or to England is a reference to the Territory.
2. A reference to the Secretary of State or any other Minister of the Crown (including a person or body which is a Minister within the meaning of the Minister of the Crown Act 1975) is a reference to the Commissioner.
3. A reference to a Government Department (whether to a specified Department or to Departments in general) is a reference to the Commissioner.
4. A reference to the Government is a reference to the Commissioner.
5. A reference to any public official or authority, where an equivalent official or authority is appointed or constituted for the Territory, is a reference to that equivalent official or authority.
6. Subject to paragraph 5, a reference to any public official or authority (including a local authority) is a reference to the Commissioner.
7. A reference to Parliament, or either House of Parliament, is a reference to the Commissioner.
8. A reference to laying before Parliament is a reference to publication in the *Gazette*.
9. A provision which enables the making of subordinate legislation shall be treated as conferring the same power on the Commissioner; and—
  - (a) any reference to Parliamentary scrutiny or proceedings shall be ignored (subject to paragraphs 7 and 8 above); and
  - (b) this paragraph is without prejudice to the application to the Territory, by virtue of this Ordinance, of any subordinate legislation made under the enabling provision.
10. A reference to Acts in general or to any class of Act is a reference to Ordinances in general or to the equivalent class of Ordinance.
11. A reference to the London Gazette is a reference to the *Gazette*.
12. A reference to residence in the United Kingdom or any part of the United Kingdom is a reference to presence in the Territory.

## **SCHEDULE 2**

### **EXCLUSIONS**

## Section 5

Unless applied by or under an Ordinance, an English law does not apply to the territory if and in so far as it deals with any of the following matters—

- (a) agriculture (including horticulture and forestry);
- (b) animals;
- (c) aviation;
- (d) broadcasting (including electronic communications and telecommunications);
- (e) building;
- (f) charities;
- (g) companies and partnerships;
- (h) constitutional law;
- (i) courts and administration of justice;
- (j) culture;
- (k) customs and excise;
- (l) data protection;
- (m) ecclesiastical law;
- (n) education law;
- (o) elections and referendums;
- (p) employment and work;
- (q) entertainment (including theatres);
- (r) environment;
- (s) financial services (including banking, building societies, cooperative societies and the stock exchange);
- (t) fire and rescue services;
- (u) fisheries (including freshwater fishing, fishing at sea, fish-farming, shell-fish, whaling and other hunting of marine animals);
- (v) food (including food hygiene and labelling);

- (w) forestry;
- (x) freedom of information;
- (y) highways;
- (z) housing law;
- (aa) immigration;
- (bb) inland waterways;
- (cc) insolvency (including bankruptcy);
- (dd) legal professions;
- (ee) licensing;
- (ff) local authorities;
- (gg) marriage and personal relationships;
- (hh) medical and health care professionals;
- (ii) mines and quarries;
- (jj) the National Health Service and health and social care;
- (kk) nationality;
- (ll) pensions;
- (mm) police;
- (nn) railways;
- (oo) road traffic;
- (pp) social security (including welfare and pensions);
- (qq) taxation;
- (rr) time (including time zone);
- (ss) town and country planning law;
- (tt) utilities (including electricity, gas, sewerage and water, and postal services);  
and

- (uu) wills and probate.

## **EXPLANATORY NOTE**

*(This Note is not part of the Ordinance)*

This Ordinance makes provision for the application of certain United Kingdom law to South Georgia and the South Sandwich Islands (“SGSSI”).

Section 3 applies English law generally to SGSSI, including primary and subordinate legislation and the common law. The application is subject to the modifications provided for in Schedule 1, and to the list of exclusions in Schedule 2.

Section 4 and Schedule 1 provide for the modifications subject to which English law applies to SGSSI. There is power for the Commissioner to amend the list by Order.

Section 5 and Schedule 2 provide the list of exclusions from the application of English law to SGSSI. There is power for the Commissioner to amend the list by Order.

Section 6 clarifies that the Ordinance has no effect on UK legislation which expressly applies to SGSSI.

Section 7 gives precedence to laws of SGSSI so that English law does not apply if and to the extent that it is inconsistent with express law of SGSSI.

Schedule 2 lists areas of law in respect of which English law does not have automatic effect under this Ordinance in relation to SGSSI. In particular, the Schedule excludes—

- (a) agriculture, including horticulture;
- (b) animals (including import, export and quarantine);
- (c) aviation;
- (d) broadcasting, including electronic communications and telecommunications;
- (e) building (including building regulation);
- (f) charities;
- (g) companies and partnerships;
- (h) constitutional law;
- (i) courts and administration of justice (including judges);
- (j) culture (including museums and other places of culture);

- (k) customs and excise (including all duties);
- (l) data protection;
- (m) ecclesiastical law;
- (n) education law (including childcare and nurseries, primary and secondary education, further and higher education and training);
- (o) elections, including referendums;
- (p) employment and work;
- (q) entertainment (including theatres);
- (r) environment;
- (s) financial services (including financial institutions and regulation);
- (t) fire and rescue services;
- (u) fisheries (including freshwater fishing, fishing at sea, fish-farming, shell-fish, whaling and other hunting of marine animals);
- (v) food (including food hygiene and labelling);
- (w) forestry;
- (x) freedom of information;
- (y) highways (including bridges and tunnels);
- (z) housing law (including landlord and tenant);
- (aa) immigration;
- (bb) inland waterways (including canals, rivers and lakes)
- (cc) insolvency (including bankruptcy);
- (dd) the legal profession (including legal aid);
- (ee) licensing;
- (ff) local authorities (including local government finance);
- (gg) marriage and personal relationships;

- (hh) medical and health care professionals (including doctors, nurses, midwives, dentists, opticians, osteopaths, chiropractors, pharmacists and veterinary surgeons);
- (ii) mines and quarries;
- (jj) the National Health Service, including health and social care;
- (kk) nationality;
- (ll) pensions (including superannuation);
- (mm) police;
- (nn) railways;
- (oo) road traffic;
- (pp) social security (including welfare and pensions);
- (qq) taxation;
- (rr) time (including time zone);
- (ss) town and country planning law (including compulsory acquisition of land);
- (tt) utilities (including electricity, gas, sewerage and water, and postal services);  
and
- (uu) wills and probate.