

Policy No:

Date Established:

Date last revised:

The Government of South Georgia & the South Sandwich Islands

Policy Statement

Application of UK Law

Summary

This policy gives guidance on how the Government of South Georgia & the South Sandwich Islands intend to approach the application and interpretation of the Application of Laws Ordinance 2017 (“the Ordinance”).

The purpose of the policy is to enhance clarity and certainty for those applying the Ordinance.

The Ordinance applies English legislation and common law generally, subject to specified modifications to adapt to circumstances in the Territory, and subject to a list of specified exclusions.

The list of exclusions operates by reference to descriptions of areas of law, making it easy for those with an interest to discover in relation to a particular area whether it is addressed by any relevant English law, failing which it either is, or may become, addressed by local law of the Territory.

This policy gives added clarity in the application of the Ordinance by setting out the principles that GSGSSI will apply in construing the descriptions of areas excluded from the application of English law.

Amendments to this policy may be made from time to time and where appropriate there will be stakeholder consultation prior to making significant amendments.

Policy

The exclusions listed in Schedule 2 to the Ordinance, as amplified by the Explanatory Note, will be construed by GSGSSI as follows—

- (a) the excluded area of agriculture including horticulture includes all forms of agriculture and subjects directly related to agriculture, including horticulture, growing plants and seeds, dairy farming and other livestock breeding and keeping, the use of land for grazing or other agricultural purposes, market gardens, allotments and agricultural development and employment;
- (b) the excluded area of animals includes all law relating to the breeding, import, export, keeping and control of animals of any kind (including quarantine);

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- (c) the excluded area of aviation includes airports, airport security, air passenger duty and other duties, carriage of goods and passengers by air, and space programme;
- (d) the excluded area of broadcasting includes all forms of broadcasting and subjects directly related to broadcasting, including wireless telegraphy, radio and television broadcasting, electronic communications and networks and systems and telecommunications;
- (e) the excluded area of building includes building regulation, party walls, and contaminated and derelict land;
- (f) the excluded area of charities includes the law of registration and regulation of charities, including matters relating to charity finances, trustees and taxation;
- (g) the excluded area of companies and partnerships includes all matters relation to the formation, operation, regulation and dissolution of companies and partnerships (including Limited Liability Partnerships);
- (h) the excluded area of constitutional law includes the law about Parliament and other legislatures, central government and central government finances, overseas aid and international development, European Union law and legislation concerning commonwealth countries and other overseas territories (excluding SG&SSI);
- (i) the excluded area of courts and the administration of justice includes the constitution and procedure of courts and tribunals, the appointment, practice and regulation of judges and judicial officers and any other matter relating to the administration of justice;
- (j) the excluded area of culture includes museums, art galleries and libraries;
- (k) the excluded area of customs and excise includes all forms of customs and excise law and duties, and subjects directly relating to customs and excise; including, in particular, duties on betting, gaming, alcohol, hydrocarbon oil and tobacco;
- (l) the excluded area of data protection includes all matters relating to personal data, including disclosure and storage;
- (m) the excluded area of ecclesiastical law includes subjects directly related to ecclesiastical law, including the law concerning the constitution of the Church of England, the ecclesiastical courts, clergy, public worship, church property, and laws relating to other religious bodies;
- (n) the excluded area of education law includes all forms of education and subjects directly related to education including universities, public

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schools, childcare and nurseries, primary and secondary education, further and higher education and training, academies, apprenticeships, standards, staffing and organisation, establishment and funding, admissions, attendance and student welfare, special educational provision and curriculum, independent schools, inspections, awards and grants;

- (o) the excluded area of elections and referendums includes all subjects directly related to elections and referendums including constituencies, franchise, registration, administration, campaign donations and funding, relevant aspects of the registration of political parties, and European elections;
- (p) the excluded area of employment and work includes all matters relating to the regulation of employment and other working relationships (including contractors), including full-time and part-time working and other working relationships, working hours, pay, allowances and leave and other benefits;
- (q) the excluded area of entertainment (including theatres) includes all aspects of public entertainment including theatrical and musical performances;
- (r) the excluded area of environment includes all matters relating to the preservation and control of the natural and built environments, including waste and waste management, pollution and emissions, air quality, graffiti, public nuisance, natural and cultivated open spaces, wildlife and countryside, historic buildings and monuments, and treasure;
- (s) the excluded area of financial services includes the regulation of banks, building societies, credit unions and other forms of financial institution, the stock exchange and the provision of financial advice and other financial services;
- (t) the excluded area of fire and rescue services includes all subjects directly related to emergency services including establishment, structure and functions;
- (u) the excluded area of fisheries (including freshwater fishing, fishing at sea, fish-farming, shell-fish, whaling and other hunting of marine animals) includes all subjects directly related to fisheries, including fishery conservation, fishing boats, grants, fishery limits and import and export of fishery products;
- (v) the excluded area of food (including food hygiene and labelling) includes subjects directly related to food including food standards, carriage of food and food safety;

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- (w) the excluded area of forestry includes the Forestry Commissioners, regulation of felling trees, advisory bodies and funding and grants;
- (x) the excluded area of freedom of information includes all matters relating to the disclosure of information held by public authorities;
- (y) the excluded area of highways includes all forms of highway and all subjects directly related to highways including bridges and tunnels, highway authorities, the creation, maintenance and improvement of highways, private streets, and traffic management;
- (z) the excluded area of housing law (including landlord and tenant) includes all subjects directed related to housing including duties to house, regulation of rents, protection from eviction, housing conditions and standards, security of tenancies, fitness for habitation, over-crowding, homelessness, residential accommodation, housing finance and social housing;
- (aa) the excluded area of immigration includes all matters relating to the control of immigration, including rights to enter and remain, and including deportation and detention and other powers in connection with immigration;
- (bb) the excluded area of inland waterways includes all matters relating to all inland waterways and watercourses including canals, rivers and lakes (including drainage and extraction);
- (cc) the excluded area of insolvency (including bankruptcy) includes substantive and procedural law relating to the insolvency of companies and other bodies and individuals;
- (dd) the excluded area of the legal profession includes legal aid, the regulation of legal practitioners and legal services;
- (ee) the excluded area of licensing includes licensing of the sale and supply of alcohol, licensing of clubs, gambling, theatres, cinemas and other public entertainments, sports grounds and caravan sites;
- (ff) the excluded area of local authorities includes all subjects directly related to local authorities including structure, boundaries, maladministration and the Ombudsman, local government finance (including rating and taxes) and audit;
- (gg) the excluded area of marriage and personal relationships includes law about marriage (including same-sex marriage) and civil partnerships, including formation, dissolution, registration and fiscal and other effects;
- (hh) the excluded area of medical and health care professionals includes the regulation of all medical professions including doctors, midwives,

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nurses, dentists, opticians, osteopaths, chiropractors, pharmacists and veterinary surgeons;

- (ii) the excluded area of mines and quarries includes all operations in relation to the mining or quarrying of natural mineral and other resources, onshore and offshore and deep-sea, as well as all matters relating to rights to mineral and other resources;
- (jj) the excluded area of the National Health Service and health and social care includes the including promotion and provision of the health service, its establishment and structure, services provided, charging, finance and property, standards, complaints and regulation, the National Institute for Health and Care Excellence, and other matters relating to the general provision and regulation of health and social care;
- (kk) the excluded area of nationality includes all matters relating to nationality and nationality status;
- (ll) the excluded area of pensions (including superannuation) includes all matters relating to the administration, calculation and taxation of pensions;
- (mm) the excluded area of police includes all subjects directly related to policing including the establishment of police forces, their structure, the appointment, powers and duties of police officers, their supervision and discipline, the administration of criminal records, complaints, and police representative bodies;
- (nn) the excluded area of railways includes all forms of railways and all subjects directly related to railways including construction, safety, and regulation of railways, including tramways and trolley vehicles;
- (oo) the excluded area of road traffic includes all forms of road traffic (including all forms of motor and other vehicles) and all subjects directly related to road traffic including road safety, road traffic offences, licensing of drivers and vehicles, safety of vehicles, taxis, traffic regulation and vehicle excise duty;
- (pp) the excluded area of social security (including welfare and pensions) includes all areas of social security, welfare and pensions including, national insurance contributions, and all allowances, benefits, support, credits, grants, state and non-state pensions, including appeals and tribunals, commutation of pensions and all administration;
- (qq) the excluded area of taxation includes all forms of tax and all subjects directly related to tax including income tax, corporation tax, capital gains tax, inheritance tax, petroleum revenue tax, stamp duty and value added tax;

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- (rr) the excluded area of time (including time zone) includes all law relating to the calculation of time and periods of time, and all law relating to the application and administration of time zones;
- (ss) the excluded area of town and country planning includes the use and development of land, listed building and conservation areas, and the compulsory acquisition of land (including compensation);
- (tt) the excluded area of utilities (including electricity, gas, sewerage and water) includes the abstraction, generation, supply, storage, transmission, treatment, nuclear power, regulation, and conservation of energy (including carbon capture and storage), and the regulation and administration of postal services; and
- (uu) the excluded area of wills and probate includes all matters relating to the formalities of wills and the grant and administration of probate.

Reason for the Policy

To enhance the rule of law GSGSSI wishes to give as much clarity as possible to users of legislation about how it will be applied and construed by GSGSSI.

Who is affected by this Policy

The policy applies to all persons coming within the legal jurisdiction of the Territory. It will be of interest to all persons carrying out activities or undertakings in the Territory or planning to carry out activities or undertakings in the Territory.

Responsible Officer

The Attorney General has overall responsibility for the application of the policy.

Procedures

There are no formal procedures required in connection with the application of the policy.

Related Information

This policy relates directly to the Application of Laws Ordinance 2016.

Contact

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