



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

**PUBLISHED BY AUTHORITY**

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*No. 1*

*13 May 2022*

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The following are published in this Gazette —

**Notices 1 to 4; and**

**Fisheries (Transshipment Licence Fees) (Validation) Ordinance 2022 (No 1 of 2022);**

**Fisheries (Transshipment and Export) (Amendment) Order 2022 (SR&O No 1 of 2022; and**

**Entry Control Ordinance 2022 (No 2 of 2022).**

## NOTICES

No. 1 7 March 2022

### **Administration of Justice Ordinance 1949** *section 7B and section 29*

#### **Appointment of Senior Magistrate and Coroner**

1. Section 7B of the Administration of Justice Ordinance 1949 (Cap 3) in its application to South Georgia and the South Sandwich Islands provides for the appointment of a Senior Magistrate to the Magistrate's Court.

2. In exercise of my powers under section 7B of the Administration of Justice Ordinance 1949, I appoint **Malcolm Howard Simmons** to be Senior Magistrate.

3. Section 29 of the Administration of Justice Ordinance 1949 (Cap 3) in its application to South Georgia and the South Sandwich Islands provides for the appointment of Coroner.

4. In exercise of my powers under section 29 of the Administration of Justice Ordinance 1949, I appoint **Malcolm Howard Simmons** to be Coroner.

5. These appointments have effect from the date given below, and continue in effect whilst Malcolm Howard Simmons holds office as Senior Magistrate of the Falkland Islands, unless terminated sooner.

Dated 7 March 2022

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

No. 2 30 April 2022

### **Fisheries (Conservation and Management) Ordinance 2000** *section 4*

#### **Appointment of Fisheries Protection Officers**

1. Section 4(4) of the Fisheries (Conservation and Management) Ordinance 2000 provides for the Commissioner to appoint Fisheries Protection Officers.

2. In exercise of my powers under section 4(4) of the Fisheries (Conservation and Management) Ordinance 2000 I appoint:-

**Mark Belchier;**  
**Jennifer Black;**  
**Victoria Foster;**  
**George James Gittens;**  
**Susan Gregory;**  
**Nestor Santana Hernandez;**  
**Allison Kean;**  
**Gerald Peter McLeod;**  
**Paul Robert Morrison;**  
**Patrick Smith;**  
**Scott Hayden Thain;**  
**Laura Sinclair Willis; and**  
**Steven Winn**

to be Fisheries Protection Officers for the period 1 April 2022 to 31 March 2023 (subject to any earlier termination).

Dated 30 April 2022

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

No. 3 12 May 2022

### **Immigration Ordinance 1965** *section 3*

#### **Appointment of Immigration Officer**

1. Section 3 of the Immigration Ordinance 1965 provides for the Commissioner to appoint an Immigration Officer for the carrying out of the provisions of the Ordinance.

2. In exercise of my powers under section 3 of the Immigration Ordinance 1965 I appoint **Nestor Santana Hernandez** to be an Immigration Officer for South Georgia and the South Sandwich Islands.

3. This appointment has effect from the date of signature and continues in effect whilst the appointee holds office as a Government Officer of the Government of South Georgia and the South Sandwich Islands, unless terminated sooner.

Dated 12 May 2022

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

No. 4 12 May 2022

### **Police Ordinance 2017** *section 7*

#### **Appointment of Reserve Police Officer**

1. Section 7 of the Police Ordinance 2017 provides that the Commissioner may appoint individuals as reserve police officers if satisfied that they have appropriate knowledge and experience.

2. In exercise of my powers under section 7 of the Police Ordinance 2017 I appoint **Nestor Santana Hernandez** to be a reserve police officer for South Georgia and the South Sandwich Islands.

3. This appointment has effect from the date of signature and continues in effect whilst the appointee holds office as a Government Officer of the Government of South Georgia and the South Sandwich Islands, unless terminated sooner.

Dated 12 May 2022

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.*

**Fisheries (Transshipment Licence Fees) (Validation) Ordinance 2022**

(No. 1 of 2022)

**ARRANGEMENT OF PROVISIONS**

**Section**

1. Title
2. Commencement
3. Interpretation
4. Validation of transshipment fees

# ELIZABETH II



Territories of South Georgia  
and the South Sandwich Islands

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

## FISHERIES (TRANSHIPMENT LICENCE FEES) (VALIDATION) ORDINANCE 2022

(No. 1 of 2022)

*(enacted: 19 April 2022)*

*(commencement: on publication)*

*(published: 13 May 2022)*

### AN ORDINANCE

To validate transshipment licence fees collected without legislative authority.

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

#### **1. Title**

This Ordinance is the Fisheries (Transshipment Licence Fees) (Validation) Ordinance 2022.

#### **2. Commencement**

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

#### **3. Interpretation**

In this Ordinance —

“**transshipment licence**” has the same meaning as given in section 2 of the Fisheries (Conservation and Management) Ordinance 2000.

#### **4. Validation of transshipment licence fees**

Any fee for a transshipment licence demanded or collected on or after 1 May 2020 until the date of commencement of the Fisheries (Transshipment and Export) (Amendment) Order 2022 is validated as if the fee had been provided for in the Schedule to the Fisheries (Transshipment and Export) Regulations 1990.

Enacted 19 April 2022

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

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EXPLANATORY NOTE  
*(not part of the Ordinance)*

This Ordinance validates transshipment licence fees that were demanded and collected without legislative authority. The fees collected between 1 May 2020 and the date of commencement of the Fisheries (Transshipment and Export) (Amendment) Order 2022 were collected without the necessary legal process of amending the Schedule to the Fisheries (Transshipment and Export) Regulations 1990. To regularise the situation, an amendment to the transshipment fee will be made by the Fisheries (Transshipment and Export) (Amendment) Order 2022.

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**SUBSIDIARY LEGISLATION**

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**FISHERIES**

**Fisheries (Transshipment and Export) (Amendment) Order 2022**

(S. R. & O. No. 1 of 2022)

*(Made: ..... 19 April 2022)*

*(Published: ..... 13 May 2022)*

*(Coming into force: on publication)*

I make this Order under section 6(2) of the Fisheries (Conservation and Management) Ordinance 2000 —

**1. Title**

This Order is the Fisheries (Transshipment and Export) (Amendment) Order 2022.

**2. Commencement**

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

**3. Amendment of Fisheries (Transshipment and Export) Regulations 1990**

The Schedule to the Fisheries (Transshipment and Export) Regulations 1990 is amended by replacing “For every transshipment – £2,000” with “For every transshipment – £2,200”.

Made 19 April 2022

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

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

This Order revises the fee payable for a licence to tranship fish within the waters of South Georgia and South Sandwich Islands.

# ELIZABETH II



## Territories of South Georgia and the South Sandwich Islands

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

### **Entry Control Ordinance 2022**

(No. 2 of 2022)

#### ARRANGEMENT OF PROVISIONS

##### Section

##### PART 1 - INTRODUCTORY

1. Title
2. Commencement
3. Interpretation

##### PART 2 - ENTRY CONTROL

4. Purpose
5. General prohibition on entering or remaining in the Territories

##### PART 3 - PERMISSION TO ENTER AND REMAIN

6. Applications for permits for visits or work
7. Permits
8. Refusal of permits
9. Deemed permission
10. Revocation of permits
11. Review of decisions
12. Asylum seekers and refugees
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15. General offences
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19. Notice of offence
20. Response to notice of offence
21. Counter-notice
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#### PART 7 - IMMIGRATION OFFICERS

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24. Powers of immigration officers

#### PART 8 - REPEALS AND TRANSITIONAL PROVISION

25. Repeal and revocation
26. Transitional provision

Schedule 1 - Applications for permits: required information

Schedule 2 - Persons who have deemed permission

Schedule 3 - Information to be provided by masters



# ELIZABETH II



## Territories of South Georgia and the South Sandwich Islands

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

### ENTRY CONTROL ORDINANCE 2022

(No. 2 of 2022)

*(enacted: 4 May 2022)*  
*(published: 13 May 2022)*  
*(commencement: in accordance with section 2)*

#### AN ORDINANCE

To provide for the control of entry into and residence in South Georgia and the South Sandwich Islands and for the removal of persons from the Territories.

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

#### PART 1 - INTRODUCTORY

##### 1. Title

This Ordinance is the Entry Control Ordinance 2022.

##### 2. Commencement

This Ordinance comes into force on a day appointed by the Governor by notice in the *Gazette*.

##### 3. Interpretation

In this Ordinance —

“**the Commissioner**” has the same meaning as in the South Georgia and South Sandwich Islands Order 1985 (SI 1985/ 449);

“**counter-notice**” has the meaning in section 20(1)(a);

“**deemed permission**” has the meaning in section 9(1);

“**enter**” means to land in the Territories and “**entry**” is to be interpreted accordingly;

“**health insurance**” has the meaning in section 8(4);

“**immigration officer**” means the Principal Immigration Officer or any other person who is an immigration officer by virtue of section 23;

“**master**” includes a ship’s captain and every other person having command or charge of a sea-going vessel;

“**notice of admission**” has the meaning in section 20(1)(b);

“**notice of offence**” has the meaning in section 19(2);

“**permit**” means permission to enter and remain in the Territories issued under section 7;

“**the Principal Immigration Officer**” means the person employed for the time being as the Principal Immigration Officer by the Government of South Georgia and the South Sandwich Islands;

“**removal order**” has the meaning in section 13;

“**specified period**” means a limited period during which a permit holder or person who has deemed permission or permission under section 12 may remain in the Territories;

“**the Territories**” and “**the territorial seas**” have the same meaning as in the South Georgia and South Sandwich Islands Order 1985 (SI 1985/ 449);

“**visit**” has the meaning in section 6(1)(a); and

“**work**” means work, whether paid or unpaid, including —

- (a) work done for another person (whether as an employee or under any other arrangement);
- (b) pursuing any business, trade, profession or calling on one’s own account;
- (c) undertaking research; and
- (d) pursuing a course of education or vocational training of any kind.

## **PART 2 - ENTRY CONTROL**

### **4. Purpose**

The control of entry of persons in the Territories is for the purposes of —

- (a) limiting the impact of people on the ecosystem of the Territories;
- (b) ensuring that the reasonable needs of people in the Territories for accommodation and other facilities can be met within the constraints of existing infrastructure; and
- (c) security.

## **5. General prohibition on entering or remaining in the Territories**

Except as provided by this Ordinance, no person is permitted to enter or remain in the Territories.

### **PART 3 - PERMISSION TO ENTER AND REMAIN**

## **6. Applications for permits for visits or work**

(1) A person who wishes to enter the Territories and who is not entitled to deemed permission under section 9 must apply in accordance with this section for a permit for either—

(a) tourism, leisure or other purpose of a private nature that is not work (“**a visit**”); or

(b) work.

(2) An application for a permit must contain the information specified in Schedule 1 (applications for permits: required information) and such other information as may reasonably be required by the Principal Immigration Officer.

(3) The Commissioner may by notice in the *Gazette* require the payment of a fee before an application is considered and the notice must specify the amount of the fee.

(4) An application must be submitted to the Principal Immigration Officer with any fee not less than 14 days before the date on which the applicant intends to enter the Territories.

(5) The Principal Immigration Officer may accept an application for a permit submitted less than 14 days before the date of intended entry, if satisfied that it was not reasonably practicable to apply at an earlier date.

(6) An application for permission to visit the Territories may include more than one proposed visit within a 6 month period.

## **7. Permits**

(1) The Principal Immigration Officer may issue a permit to any person who applies under section 6 and who is not of a description in section 8(1).

(2) The Principal Immigration Officer may impose such conditions in a permit as the Principal Immigration Officer considers to be necessary.

(3) A permit must include a specified period, that must not exceed —

(a) in the case of a permit for a visit, 30 days from the expected date of the permit holder first entering the Territories;

(b) in the case of a permit for work, 12 months from the expected date of the permit holder first entering the Territories or the period required to perform the contract or other agreement under which the work is to be done, whichever is the shorter.

(4) The Principal Immigration Officer may extend the specified period —

(a) in the case of a permit for a visit, by up to 30 days; or

- (b) in the case of a permit for work, by up to 6 months.
- (5) The Commissioner may, in exceptional circumstances, extend the specified period.
- (6) A permit holder may leave and re-enter the Territories during the specified period, subject to any condition imposed under subsection (2).

## **8. Refusal of permits**

- (1) The Principal Immigration Officer must refuse to issue a permit to an applicant who —
  - (a) deliberately or recklessly gives false or misleading information to, or withheld information that is material to a decision under this Ordinance, or permits another to give or withhold such information on their behalf;
  - (b) is a person in respect of whom a removal order under section 13 or a deportation order under the Immigration Ordinance 1965 has been made;
  - (c) is included in the United Kingdom Sanctions List published by the United Kingdom Government under the Sanctions and Anti-Money Laundering Act 2018 c.13 or is otherwise a person notified by the United Kingdom Government to the Government of South Georgia and the South Sandwich Islands as presenting a risk to national security; or
  - (d) does not have health insurance.
- (2) The Principal Immigration Officer may refuse to issue a permit to an applicant —
  - (a) who has committed a criminal offence that would, if prosecuted in the Territories, be punishable by a sentence of imprisonment;
  - (b) if the officer has reasonable grounds for believing the applicant is a risk to the security of the Territories or that the applicant's entry would otherwise not be consistent with the purpose of this Ordinance; or
  - (c) who is suffering from a contagious or infectious disease or from any other physical or mental illness for which the person needs or may need treatment or care of a kind that is not available in the Territories.
- (3) The Principal Immigration Officer must give written notice to a person whose application for a permit is refused, including reasons for the refusal.
- (4) In this section, “**health insurance**” means medical expenses insurance cover —
  - (a) of such sum as may be determined by the Commissioner from time to time and published in the *Gazette*;
  - (b) that includes all the costs of —
    - (i) emergency evacuation of the permit holder for treatment of any medical condition or injury that cannot be adequately treated in the Territories to the nearest country where adequate and appropriate treatment can be provided, including the costs of transportation and medical care in transit; and

(ii) in the event of the permit holder's death in the Territories, transportation of the deceased's mortal remains from the place of death to the county in which the deceased was ordinarily resident.

## **9. Deemed permission**

(1) A person is deemed to have permission to enter and reside in the Territories for a specified period ("**deemed permission**") if the person is —

(a) of a description in Schedule 2 (persons who have deemed permission); and

(b) in the case of a person who is of a description in Schedule 2 Parts A and B, not a person who must or may be refused a permit under section 8 had the person applied for one.

(2) The specified period in relation to a person who has deemed permission is —

(a) in the case of persons of a description in Schedule 2 Parts A and C, the period during which they continue to be of that description;

(b) in the case of persons of a description in Schedule 2 paragraph 7(a), 48 hours;

(c) in the case of persons of a description in Schedule 2 paragraph 7(b), 96 hours; or

(d) such other period (whether longer or shorter than the period that would otherwise apply under paragraphs (a), (b) or (c)) as may be determined by the Principal Immigration Officer.

(3) A person who is of a description in Schedule 2 paragraph 7 must have health insurance before entering the Territories.

## **10. Revocation of permits**

(1) The Principal Immigration Officer must revoke a permit if the officer becomes aware that the permit holder is a person of a description in section 8(1).

(2) The Principal Immigration Officer may revoke a permit if —

(a) the permit holder breaches any condition in the permit; or

(b) the officer becomes aware that the permit holder is a person who may be refused a permit under section 8(2).

(3) Revocation of a permit has effect when either —

(a) the period for requesting a review under section 11 has expired and a request has not been made; or

(b) the review has been determined and the revocation has been confirmed.

(4) Written notice of revocation must be given to the permit holder and must include the reasons for the decision.

## **11. Review of decisions**

- (1) No appeal lies to any person, tribunal or authority against a removal order or from any decision or determination made by the Commissioner under this section or section 12.
- (2) A person may request a review by the Commissioner of a decision to —
  - (a) refuse an application for a permit; or
  - (b) revoke a permit.
- (3) A request for a review must be made within 72 hours of receipt of notice of the decision in question and must include a statement of the reasons for requesting the review and any documentary evidence relied on.
- (4) The Commissioner must review the decision as soon as reasonably practicable and may either confirm the decision or rescind it.
- (5) If a decision to refuse to issue a permit is rescinded, the Commissioner must determine the specified period and any conditions that apply to the permit and an immigration officer must issue the permit in accordance with that determination.
- (6) If a decision to revoke a permit is rescinded, the permit or deemed permission continues to have effect for the remainder of the specified period.
- (7) The person who requested the review must be informed of the outcome as soon as reasonably practicable.

## **12. Asylum seekers and refugees**

- (1) This section applies to any persons who enter the Territories, with or without a permit or deemed permission, and make a claim for asylum or otherwise claim on humanitarian grounds that it would be unconscionable to take action to remove them from the Territories (“**claimants**”).
- (2) A claimant must make a claim to the Principal Immigration Officer as soon as reasonably practicable and in any event within 48 hours of landing in the Territories.
- (3) The Commissioner may give a claimant permission to remain in the Territories for a specified period and may extend the period.
- (4) Permission under subsection (3) may be —
  - (a) subject to conditions;
  - (b) withdrawn if —
    - (i) the claimant breaches any condition imposed under paragraph (a);
    - (ii) the claimant is a person who would have been refused a permit under section 8(1)(a) to (c) or 8(2) had the claimant applied for one; or

(iii) the Commissioner has reasonable grounds for believing that the continued presence of the claimant is a risk to the security of the Territories or is otherwise not consistent with the purpose of this Ordinance.

(5) If a claim is refused or permission to remain is withdrawn, the Commissioner must give written notice of the decision to the claimant.

### **13. Removal orders**

(1) This section applies to a person who is present in the Territories and who —

(a) does not have a permit, deemed permission or permission under section 12; or

(b) had a permit, deemed permission or permission under section 12 but the specified period has expired, the permit has been revoked or permission under section 12 has been withdrawn.

(2) The Commissioner may by order (“**a removal order**”) —

(a) require the person to leave the Territories, or be removed from the Territories to any place specified in the order; and

(b) prohibit that person from re-entering the Territories for a specified period or indefinitely.

(3) Before making a removal order, the Commissioner must notify the person concerned that such an order may be made and consider any representations made by the person.

(4) Notice given under subsection (3) must —

(a) be in writing;

(b) include the reasons for the proposed order; and

(c) invite the person to make representations within 48 hours as to why they should not be the subject of an order.

(5) A removal order may provide that the person who is the subject of it is to be arrested and detained until the person can conveniently be removed from the Territories and such provision is sufficient authority for —

(a) an immigration officer to arrest and detain the person and place that person on board a vessel for the purposes of such removal;

(b) the person’s detention on the vessel while it is in the territorial seas.

(6) The costs and expenses of, and incidental to, the removal from the Territories of a person under this section are to be charged on the Consolidated Fund.

(7) The removal order may provide for all or any of the property of the person who is the subject of it to be applied towards the costs and expenses referred to in subsection (6).

## **PART 4 - MASTERS' DUTIES**

### **14. Masters' duties**

- (1) A master must not allow any person to disembark in the Territories unless satisfied that the person has a permit or deemed permission to enter the Territories.
- (2) In relation to any person who has a permit or deemed permission by virtue of paragraphs 4 to 7 of Schedule 2, the master must provide the Principal Immigration Officer with the information in Schedule 3 (information to be provided by masters) and any other information that may reasonably be required about the person before the person disembarks.
- (3) A master must not allow a person to disembark in the Territories other than at a place authorised by the Principal Immigration Officer.

## **PART 5 - OFFENCES**

### **15. General offences**

- (1) A person who enters or remains in the Territories without a permit, deemed permission or permission under section 12 commits an offence.
- (2) A person who fails to comply with a reasonable request or instruction of an immigration officer commits an offence.
- (3) A person who obstructs an immigration officer in performance of the officer's duties commits an offence.
- (4) A person who deliberately or recklessly gives false or misleading information to, or withholds information from, an immigration officer or the Commissioner that is material to a decision of the immigration officer or Commissioner under this Ordinance, or causes or permits another to give or withhold such information on their behalf commits an offence.

**Penalty:** a fine or a period of imprisonment not exceeding 6 months.

### **16. Offences committed by masters**

A master who fails to comply with section 14 commits an offence.

**Penalty:** a fine or a period of imprisonment not exceeding 6 months.

### **17. Offences committed by owners, charterers or operators**

- (1) This section applies where a master of a vessel commits an offence under section 16.
- (2) The owner, charterer, or operator of the vessel are deemed to have committed the offence likewise and may be prosecuted, convicted and sentenced in respect of that offence accordingly.
- (3) It is not a defence to a prosecution under this section to prove —
  - (a) that the defendant had no knowledge of the act or omission giving rise to, or no reasonable means of preventing, the commission of the offence; or
  - (b) that the offence was committed contrary to any instructions the defendant may have given to any person.



**Penalty:** a fine or a period of imprisonment not exceeding 6 months.

## **18. Jurisdiction**

(1) All penalties, offences and proceedings under this Ordinance may be recovered, prosecuted and taken before any court of summary jurisdiction in South Georgia and the South Sandwich Islands or, pursuant to the provisions of the Falkland Islands Courts (Overseas Jurisdiction) Order 1989 (SI 2399/1989), the Magistrate's Court of the Falkland Islands, and those courts have jurisdiction to try and determine any offence under this Ordinance.

(2) Any court before which any such proceeding is heard has jurisdiction to impose any fine provided for under this Ordinance and may award to the Crown such costs and expenses (including expenses incurred in relation to the prosecution of any such offence) as may appear to it to be appropriate.

## **PART 6 - ADMINISTRATIVE PENALTIES**

### **19. Notice of offence**

(1) This section applies in relation to offences committed under sections 16 or 17 where —

(a) the Commissioner reasonably considers it would be appropriate to impose a penalty under this Part having regard to the nature of the offence and the previous conduct of the master or any person who is liable to prosecution under section 17; and

(b) the Attorney General has not given a direction that a prosecution must be brought in respect of the offence.

(2) The Principal Immigration Officer must serve written notice ("**notice of offence**") on the person who committed the offence, setting out —

(a) the date and nature of the offence;

(b) a summary of the facts on which the allegation that an offence has been committed is based (being a sufficient summary fully and fairly to inform the person of the allegations made against them);

(c) any other matters (not being previous convictions) that the Commissioner considers relevant to the imposition of a penalty; and

(d) the amount of the monetary penalty, which must not exceed £10,000.

(3) The notice of offence must be endorsed with the provisions of this section.

### **20. Response to notice of offence**

(1) A person on whom a notice of offence is served must, within 28 days after the date of service, serve written notice on the Commissioner either —

(a) requiring proceedings in respect of the alleged offence to be dealt with by a court having jurisdiction to try and determine that offence ("**counter-notice**"); or

(b) admitting the offence ("**notice of admission**").

(2) A person who serves a notice of admission may at the same time make written representations in relation to the monetary penalty.

(3) A person who fails to comply with subsection (1) is deemed to admit the offence.

### **21. Counter-notice**

(1) This section applies if a counter-notice is served.

(2) The Commissioner must not take any further proceedings under this Part.

(3) The person who served the counter-notice may be prosecuted for the offence, and if convicted, may be subject to any penalty imposed by the court in accordance with this Ordinance.

### **22. Payment of penalty**

(1) This section applies to a person who either —

(a) serves notice of admission; or

(b) is deemed to admit the offence under section 20(3).

(2) The Commissioner may, after taking into account any representations made by the person, confirm or reduce the monetary penalty and notice of that decision must be given to the person.

(3) A person must pay the penalty to the Crown within 28 days after the date of service of notice under subsection (2).

(4) A penalty under this section is recoverable by the Crown in any manner in which a civil debt to the Crown may be recovered.

(5) A person must not be prosecuted in respect of any offence that is admitted or is deemed to have been admitted under section 20.

## **PART 7 - IMMIGRATION OFFICERS**

### **23. Responsibilities of Principal Immigration Officer and designation of immigration officers**

(1) The Principal Immigration Officer is responsible to the Commissioner for the administration of, and for the performance of the functions of the Principal Immigration Officer under, this Ordinance.

(2) Every person who is a police officer for the purposes of the Police Ordinance 2017 is an immigration officer for the purposes of this Ordinance.

(3) The Chief Executive of the Government of South Georgia and the South Sandwich Islands may designate other public officers as immigration officers, to assist the Principal Immigration Officer.

(4) An immigration officer may with the authority of the Principal Immigration Officer perform any function conferred on the Principal Immigration Officer by this Ordinance.

(5) Any person who is an immigration officer by virtue of subsection (2) or (3) must, in the performance of functions under this Ordinance, obey the reasonable instructions of the Principal Immigration Officer.

#### **24. Powers of immigration officers**

(1) An immigration officer may, for the purposes of this Ordinance —

(a) board and search any vessel in the territorial seas and anything on it, or that has been removed from it, for the purpose of determining whether there is any person on board who wishes to enter the Territories and, if so, whether that person should be permitted to do so;

(b) request any person who arranges, facilitates or provides transport for others to the Territories, or offers to do so, to provide any information about any person for whom such arrangements or facilities are, or provision is, made;

(c) search and question any person who enters or wishes to enter the Territories for the purpose of establishing the person's identity and determining whether the person has been or should be permitted to enter the Territories or not;

(d) examine and take possession of any passport or other documents for such period as may be reasonably necessary —

(i) for the purpose of establishing whether the person has or should be given permission to enter the Territories; or

(ii) in connection with any proceedings under this Ordinance for any offence, the making of a removal order, or a review under section 11;

(e) arrest and detain any person for up to 48 hours, if the officer has reasonable grounds for believing that the person has committed an offence under this Ordinance and any person so detained is in lawful custody; or

(f) take any other action that is reasonably necessary for the purposes of administering and enforcing this Ordinance.

(2) The Principal Immigration Officer may rescind a decision by another immigration officer to refuse to issue or extend a permit.

### **PART 8 - REPEALS AND TRANSITIONAL PROVISION**

#### **25. Repeal and revocation**

(1) Repeal the Immigration Ordinance 1965.

(2) Revoke the Immigration Regulations 1965.

#### **26. Transitional provision**

(1) Subject to subsection (2), an employment permit issued under the Immigration Ordinance 1965 continues to have effect as if it is a permit for work issued under section 7.

(2) The specified period of a permit to which subsection (1) applies ends on whichever is the first to occur of —

- (a) the date any period specified in the permit expires;
- (b) the expiration of 3 months after this Ordinance comes into force; or
- (c) the departure of the permit holder from the Territories.

(3) Subject to subsection (4), an entry permit issued to any person under the Immigration Ordinance 1965 continues to have effect as if it is a permit for a visit issued under this Ordinance.

(4) The specified period of a permit to which subsection (3) applies ends on the departure of the permit holder from the Territories or 30 days after this Ordinance comes into force, whichever is the first to occur.

## **SCHEDULE 1 - APPLICATIONS FOR PERMITS: REQUIRED INFORMATION**

*section 6*

All applications must include the following information about the applicant:

1. Full name and any previous name(s).
2. Date of birth.
3. Nationality/ nationalities.
4. Occupation.
5. Passport or other travel document details including number, date of issue and date of expiry.
6. Intended date of entry in, and intended date of departure from, the Territories or, if making an application for a permit for a visit and more than one visit is proposed, the intended dates of entry and departure for each visit included in the application.
7. The registered name of the vessel on which the applicant intends to arrive in the Territories.
8. Whether the applicant has health insurance.
9. (**Applications for permits for work only**) Details of the contract or other arrangement under which the applicant proposes to work in the Territories, including (but not limited to) the nature of the work, the place at which the work is to be done and the expected duration of the work.

## SCHEDULE 2 - PERSONS WHO HAVE DEEMED PERMISSION

section 9

### *Part A - Persons who have deemed permission to enter the Territories for work or work-related reasons*

1. A person who is a member of the naval, military or air forces of the Crown, acting in the course of their duties.
2. A person employed in the civil service of the Crown in right of the Government of the United Kingdom who is required in the course of that employment to work in the Territories.
3. A person in the service of the Crown in right of the Government of South Georgia and the South Sandwich Islands.
4. A person employed or engaged in the provision of goods or services for the purposes of the Government of South Georgia and the South Sandwich Islands.
5. A person who works for or on behalf of the British Antarctic Survey and who is required, in the course of that work, to work in the Territories.
6. A person who lands in the Territories in the course of dealing with, or responding to, an emergency situation affecting others, provided the Commissioner or the Principal Immigration Officer agrees that such a situation has arisen.

### *Part B - Deemed permission for ships' crews*

7. A member of a crew of a vessel in the territorial seas who is required by the master of the vessel to disembark —
  - (a) for the purposes of re-provisioning, off-loading or loading cargo, repair or maintenance to the vessel; or
  - (b) to escort passengers who have permission to enter the Territories.

### *Part C – Persons who have deemed permission for other reasons*

8. A person who is required by law to remain in the Territories.
9. A person who lands in the Territories by misadventure at sea or in the air, provided that the person either leaves the Territories or applies for a permit at the earliest opportunity.
10. A person who by reason of illness or injury is unable to leave the Territories or to apply for a permit or an extension to a permit within the specified period.

## SCHEDULE 3 - INFORMATION TO BE PROVIDED BY MASTERS

*section 14*

Information to be provided about persons intending to disembark in the Territories:

1. Full name (and any previous names).
2. Date of birth.
3. Nationality/nationalities.
4. Passport or other travel document details including number, date of issue and date of expiry.
5. If the person has a permit, the date of issue of the permit and the specified period.
6. If the person has deemed permission —
  - (a) the paragraph of Schedule 2 that applies to the person;
  - (b) the specified period; and
  - (c) whether the person has health insurance.

Enacted 4 May 2022

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

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

This Ordinance establishes a new regime for controlling entry to South Georgia and the South Sandwich Islands (“**the Territories**”). It replaces the Immigration Ordinance 1965 which is repealed, and the Immigration Regulations 1965 which are revoked, by *section 25*.

The Ordinance comes into force on a day appointed by the Commissioner by publication of a notice in the *Gazette* (*section 2*).

The purpose of the Ordinance, set out in *section 4*, is to limit the impact of people on the ecosystem of the Territories; ensure that the existing limited infrastructure is not overwhelmed by visitors; and to protect the Territories from security threats. Entry otherwise than in accordance with the Ordinance is prohibited (*section 5*) and the Ordinance provides a complete framework to manage the entry of persons in the Territories. No one is entitled to live long-term or permanently in the Territories.

The Ordinance provides for applications to be made for permission to enter and remain in the Territories for visits of a private nature or for work purposes (*section 6 and Schedule 1*). The Principal Immigration Officer can only issue a permit for a limited period (*section 7*). In the

case of a permit for a visits or visits, the specified period must not exceed 30 days, which can be extended by a further period of 30 days. A permit for work may be issued for up to 12 months or the period required to complete the work, whichever is shorter. A permit for work may be extended by up to 6 months. The Commissioner has power to extend a permit for a specified period, which may be longer. During the specified period, the permit holder may leave and re-enter the Territories, in accordance with the terms of the permit.

*Section 8* provides for permit applications to be refused in certain circumstances. Applications must be refused if the applicant deliberately or recklessly gives false information, is the subject of a removal order or is included in the UK Sanctions List. The Principal Immigration Officer has discretion to refuse applications from persons who commit criminal offences, whose entry would not be consistent with the purpose of the Ordinance or who have a contagious or infectious disease.

*Section 9* provides for “**deemed permission**” for persons of a description in Schedule 2 who, in the case of persons included in Parts A and B of Schedule 2, are not persons who would or might be refused entry under section 8. Any person who is not automatically entitled to deemed permission must apply for a permit in the usual way. Deemed permission is also time-limited. The specified period depends on the category of person and is linked to the reason for which they need to enter the Territories.

*Section 10* provides for permits to be revoked in certain circumstances and *section 11* provides for reviews by the Commissioner of immigration officers’ decisions to refuse permits or extensions, or to revoke permits. Requests for reviews must be made within 72 hours of being notified of the decision complained of.

*Section 12* provides for the Commissioner to give permission to asylum seekers and refugees to remain for a specified period. There are no facilities or services to properly support refugees in the Territories but this provision recognises that in exceptional circumstances it may be necessary to accommodate refugees temporarily while arrangements are made for them to be transferred to another country or territory.

*Section 13* provides for persons who enter the Territories without permission or stay on after their permission has expired to be removed. Any persons who are in the Territories without permission commit an offence under *section 15* and if convicted may be subject to a fine or imprisonment.

*Section 14* sets out the duties of ships’ masters, who must not allow any person to disembark unless satisfied they have a permit or deemed permission to enter the Territories. Masters must provide information of the matters set out in *Schedule 3* before allowing anyone to disembark. This requirement does not apply to military personnel, civil servants of the UK Government or of the Government of the Territories. No one should be allowed to disembark other than at an authorised place. A master who is in breach of section 14 commits an offence, punishable by a fine or a term of imprisonment (*section 16*). The person who owns the vessel or who chartered it or who operates it is similarly liable to prosecution (*section 17*).

*Part 6* provides for administrative penalties in relation to relatively minor offences committed under sections 16 and 17 as an alternative to a criminal prosecution. Administrative penalties are capped at £10 000, unlike fines which are unlimited.

*Part 7* sets out who is an immigration officer for the purposes of the Ordinance and the powers of immigration officers. “**Principal Immigration Officer**” is defined for the

purposes of the Ordinance in *section 3*. The Principal Immigration Officer may delegate some or all of their functions to any other immigration officer.

*Section 26* makes transitional provision for any person who has a permit issued under the Immigration Ordinance 1965 before this Ordinance comes into force.