

2017 No. 777

SOUTH ATLANTIC TERRITORIES

**The Falkland Islands Courts (Overseas Jurisdiction)
(Amendment) Order 2017**

Made - - - - - *19th July 2017*

Laid before Parliament *26th July 2017*

Coming into force - - - *21st August 2017*

At the Court at Buckingham Palace, the 19th day of July 2017

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by the British Settlements Acts 1887 and 1945(a), is pleased, by and with the advice of Her Privy Council, to order as follows:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Falkland Islands Courts (Overseas Jurisdiction) (Amendment) Order 2017 and comes into force on 21st August 2017.

(2) In this Order, “the principal Order” means the Falkland Islands Courts (Overseas Jurisdiction) Order 1989(b).

Amendments to the principal Order

2.—(1) In section 4(2)(d) of the principal Order, after “of any person charged with such an offence” insert “, or against whom an information has been laid in accordance with article 5(3) of this Order.”

(2) In section 5(3) of the principal Order, after “that a person in the Falkland Islands” insert “or in a Territory”.

Transitional provision

3. Article 2 applies in respect of offences committed after this Order comes into force.

Richard Tilbrook
Clerk of the Privy Council

(a) 1887 50 & 51 Vict. c. 54 and 1945 9 & 10 Geo. 6 & 7.
(b) S.I. 1989/2399, to which there are amendments not relevant to this Order.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Falkland Islands Courts (Overseas Jurisdiction) Order 1989 (S.I. 1989/2399) (“the 1989 Order”) to allow proceedings to be commenced by way of an information before the courts of the Falkland Islands where a person commits an offence or is suspected of committing an offence under the law of South Georgia and South Sandwich Islands or the British Antarctic Territory (“the Territories”), whether that person is in one of the Territories or in the Falkland Islands.

Whilst it is possible to commence proceedings by information against a person in regard to an offence under the law of one of the Territories in the Falkland Islands Courts, under the 1989 Order as originally enacted this was only possible when the person was in the Falkland Islands. There was no provision to allow proceedings to be commenced in the Falkland Islands Courts in relation to a person who was in one of the Territories. This amendment to the 1989 Order ensures that in the event an individual is suspected of committing a criminal offence in one of the Territories, an information can be laid against them for that offence whilst they are in that Territory.

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