

Falkland Islands

Falkland Islands Continental Shelf Proclamation

Proclamation

No. 1 of 1991

IN THE NAME OF HER MAJESTY ELIZABETH II, by the Grace of God of the United Kingdom of Great Britain and Northern Ireland and of Her other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith,

By HIS EXCELLENCY WILLIAM HUGH FULLERTON ESQUIRE, COMPANION OF THE ORDER OF SAINT MICHAEL AND SAINT GEORGE, Governor of the Falkland Islands,

WHEREAS for the purposes of international law the continental shelf around the Falkland Islands extends beyond the outer limit of the territorial sea of the Falkland Islands to a distance of 200 nautical miles from the baselines from which the breadth of the territorial sea is measured or to such other limit as prescribed by the rules of international law, including rules for the delimitation of maritime jurisdiction between neighbours,

WHEREAS the Falkland Islands (Continental Shelf) Order 1950 applies to the inner part of the continental shelf as prescribed by the rules of international law,

AND WHEREAS there is a need to regulate activity on the entire continental shelf around the Falkland Islands, subject to the rules of international law,

NOW THEREFORE I, WILLIAM HUGH FULLERTON, acting in pursuance of instructions given by Her Majesty through a Secretary of State, do HEREBY PROCLAIM as follows:

1. Any rights exercisable over the seabed and subsoil of the continental shelf, including the natural resources thereof, beyond and adjacent to the territorial sea around the Falkland Islands are hereby vested in Her Majesty.

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2. In addition to that area of the continental shelf described in Article 2 of the Falkland Islands (Continental Shelf) Order 1950, the areas of the continental shelf around the Falkland Islands within which the rights mentioned in section 1 above are exercisable comprise:

- (a) the area defined in section 2 of Proclamation No. 4 of 1986;
- (b) the area defined in section 2 of and the schedule to Proclamation No. 2 of 1990; and
- (c) any such area designated by a further Proclamation as an area within which any such rights are exercisable.

All such areas are hereafter referred to as designated areas.

3. Her Majesty will exercise the same jurisdiction in respect of the exploration and exploitation of designated areas, including the natural resources thereof, as She has in respect of those matters in the territorial sea of the Falkland Islands subject to such provision as may hereafter be made by law for the exploration and exploitation of the designated areas, including the natural resources thereof.

4. This Proclamation becomes effective forthwith.

GIVEN under my hand and the Public Seal of the Falkland Islands at Government House, Stanley, Falkland Islands, this 22nd day of November in the year of Our Lord One Thousand Nine Hundred and Ninety One.

W.H. FULLERTON,
Governor

GOD SAVE THE QUEEN

**Colony of the Falkland Islands
The Continental Shelf Ordinance 1991**

(No. 19 of 1991)

An Ordinance to make further and better provision in relation to the continental shelf of the Falkland Islands.

ENACTED by the Legislature of the Falkland Islands as follows:-

- 1.(1) This Ordinance may be cited as the Continental Shelf Ordinance 1991. *Short title commencement and application.*
- (2) This Ordinance shall come into force on such date as the Governor may appoint by notice published in the Gazette.
- (3) This Ordinance applies to the designated areas of the continental shelf.

2.(1) In this Ordinance:-

Interpretation.

"the continental shelf" has the meaning ascribed to that phrase for the purposes of international law in the first recital to Proclamation No. 1 of 1991;

"designated area" means any of the following areas of the continental shelf-

- (a) the area described and delineated in Article 2 of the Falkland Islands (Continental Shelf) Order in Council 1950;
- (b) the area defined in section 2 of Proclamation No. 4 of 1986;
- (c) the area defined in section 2 of and the Schedule to Proclamation No. 2 of 1990;
- (d) any other area designated by Proclamation as an area within which the rights of Her Majesty over the seabed and subsoil of the continental shelf, including the natural resources, are exercisable;

"explore" means to search or explore for any mineral and to carry out such work as may be necessary in relation to any such search or exploration and without prejudice to the generality of the foregoing includes-

- (a) field observations, geological and geophysical investigations and the use of remote sensing techniques, and
- (b) the obtaining of any sample;

"mineral" means any substance, other than water, and whether that substance is in solid, liquid or gaseous form, formed by or subject to geological process and being in or on the sea-bed of or in the subsoil of the continental shelf;

"person" includes a body corporate;

"the Secretary of State" means Her Majesty's Secretary of State for Foreign and Commonwealth Affairs.

(2) In this Ordinance the masculine includes the feminine and neuter and the singular includes the plural and vice versa.

3.(1) No person shall explore for any mineral in any designated area except under the authority of a licence granted under section 4. *Prohibition of certain acts.*

(2) No person shall extract or remove any mineral in or from any designated area except in so far as a licence granted under section 4 authorises him so to do (and such a licence shall not authorise him to remove any minerals in any greater quantity than is reasonably

necessary for the purpose of inspection or analysis of any mineral or testing for the presence of any mineral in a commercially exploitable quantity).

(3) A person who contravenes subsection (1) or subsection (2) commits an offence and is liable on conviction to a fine not exceeding £250,000.

4.(1) The Governor may with the consent of the Secretary of State *Licences.* grant to any person a licence authorising him to explore for any mineral or minerals in a designated area or in any part of a designated area specified in the licence.

(2) A licence granted under this section-

- (a) shall specify the period or periods of its validity;
- (b) shall not be capable of assignment without the prior consent of the Governor acting on the advice of the Secretary of State, and shall so specify;
- (c) may be granted on payment of such fee as the Governor, with the consent of the Secretary of State, shall specify;
- (d) may be granted on such terms and subject to such conditions to be performed by the licensee and specified in the licence as the Governor after consultation with the Secretary of State may think fit.

(3) Any licensee who contravenes any term or condition of the licence granted to him under this section commits an offence and is liable on conviction to a fine not exceeding £100,000.

(4) Any person who for the purpose of inducing the Governor to grant a licence under this section to him or any other person or for the purpose of inducing the Governor to believe that the terms and conditions of any licence are being or have been observed and performed by the licensee-

- (a) makes any statement which he knows is false in a material particular or issues or utters any document which he knows is false in a material particular;
- (b) recklessly makes a statement which is false in a material particular or recklessly issues or utters any document which is false in a material particular;

commits an offence and is liable on conviction to a fine not exceeding £250,000.

- 5.(1) The Governor may at any time revoke any licence granted under section 4. *Revocation of licences and variation of licence conditions.*
- (2) The Governor may at any time in writing vary or add to the terms and conditions of a licence granted under section 4 but, unless the licensee consents thereto, shall not do so with effect retrospective from the date of such variation or addition.
- (3) Where the Governor has under subsection (2) varied or added to the conditions of a licence, section 4(3) shall apply thenceforth in respect of any contravention by the licensee thereafter of the terms and conditions of the licence as so varied or added to.
- (4) No appeal shall lie to any court, tribunal or authority from any decision of the Governor-
- (a) to revoke a licence; or
 - (b) to vary or add to the terms and conditions of a licence.

6.(1) Where anything is done or omitted which would constitute an offence by the licensee if done or omitted by the licensee, it shall constitute that offence by the licensee if it is proved that that thing was done or omitted by any employee, agent or contractor of the licensee with the consent or connivance of the licensee, but nothing in this subsection shall operate so as to prevent the person who did or omitted that thing being proceeded against, in addition to or instead of the licensee, in respect of that offence. *Offences by licensees and bodies corporate.*

(2) Without prejudice to subsection (1), where any officer under any provision of this Ordinance has been committed by a body corporate and is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or similar officer of the body corporate or any person who was purporting to act in any such capacity, he as well as the body corporate has committed that offence and is liable to be proceeded against and punished accordingly.

- 7.(1) The Governor may make regulations under this section- *Regulations.*
- (a) for all or any of the following purposes-
 - (i) of prescribing the manner in which and the time or times within which applications for licences under this Ordinance may be made;
 - (ii) of prescribing the form in which any application for licence shall be made and the information which shall be supplied in connection with any such application, whether upon any such form or otherwise;

- (iii) of prescribing model clauses which shall be inserted in every licence granted under this Ordinance;
- (iv) of preventing accidents collisions or hazards to navigation or fishing operations arising out of or in connection with the operations of any person under the authority of a licence granted under this Ordinance;
- (v) of preventing interference or obstruction by the operations of a licensee with the operations of any other licensee;

(b) for any other purpose for which the Governor considers it necessary or convenient that regulations should be made for the purposes of this Ordinance and whether or not for a purpose similar to or related to any purpose mentioned in (a) of this paragraph of this subsection.

(2) Regulations made under this section may provide that a contravention of any regulation specified therein shall constitute an offence punishable on conviction by a fine of such amount, not exceeding £100,000, specified in such regulations in relation to that offence.

8. The Magistrate's Court and the Summary Court shall each have jurisdiction to try and determine any proceedings for an offence under this Ordinance or under any regulations made under this Ordinance and to impose any fine provided for by this Ordinance or by any such regulations in respect of that offence.

*Jurisdiction
in respect of
offences.*

9. On the commencement of this Ordinance the Mining Ordinance shall cease to apply to the continental shelf.

*Mining Ordinance
to cease to apply
to the continental
shelf.
Cap.48*

Figure 7 Falkland Islands
 Designated Areas of the Continental Shelf under the Proclamation of November 1991

