



TRISTAN DA CUNHA

REVISED EDITION OF THE LAWS, 2017

ST HELENA LAWS APPLIED TO TRISTAN DA CUNHA

- *All St Helena Laws extant at 1 January 2018 (including UK laws applied to St Helena) apply to Tristan da Cunha with exceptions and modifications by virtue of the [Application of St Helena Law \(Tristan da Cunha\) Ordinance, 1987](#) (ASHL(TC)O 1987).*
- *The following is a list by category of St Helena laws that apply to Tristan da Cunha, either by their own terms, by virtue of the ASHL(TC)O, 1987 or by another Ordinance enacted in Tristan da Cunha*
- *St Helena Ordinances that have an equivalent in Tristan da Cunha do not apply – section 3(c) of the ASHL(TC)O, 1987. Some St Helena Ordinances are not appropriate for application or are expressed to be limited to St Helena.*
- *The precise way in which other St Helena laws apply to Tristan da Cunha, if not expressly stated in a TdaC Ordinance, needs to be judged by reference to section 2(2) of the ASHL(TC)O, 1987. This list is therefore not to be taken as authoritative. For guidance, see the court cases at the [General Introduction](#) to the website*
- *The text of the St Helena laws can be accessed on the [St Helena](#) section of the website.*

St Helena Law

Application to Tristan da Cunha

BASIC LAWS

Constitution of St Helena, Ascension and Tristan da Cunha, 2009

Applies by its own terms

St Helena, Ascension and Tristan da Cunha Royal Instructions, 2009

Apply by their own terms

St Helena and Dependencies Territorial Sea Order, 1989 (UK)

Applies by its own terms

Revised Edition of the Laws Ordinance, 1999

Applies by its own terms; see s. 14

CONSTITUTIONAL AND ADMINISTRATIVE LAW

Census Ordinance, 1986	Applied by ASHL(TC)O, 1987
Commission for Equality and Human Rights Ordinance, 2015	Applied by ASHL(TC)O, 1987
Commissions of Enquiry Ordinance, 1926	Applied by ASHL(TC)O, 1987
Decimal Currency Ordinance, 1971	Applied by Ordinance T1 of 1971
Elections Ordinance, 2009	Does not apply; see Island Council (TdaC) Ordinance, 1985
English Law (Application) Ordinance, 2005 - Application Orders and Disapplication Orders	Applied by s.2(1) ASHL(TC)O, 1987
Interpretation Ordinance, 1968	Applied by the Interpretation (TdaC) Ordinance, 1988
Legislative Council Proceedings Ordinance, 1974	Does not apply
Legislative Council (Remuneration and Allowances) Ordinance, 2010	Does not apply
Pensions Ordinance 2012	Does not apply; see Pensions and Benefits (TdaC) Ordinance, 2011
Statistics Ordinance, 2000	Applied by ASHL(TC)O, 1987

CORPORATE BODIES

Charities Ordinance, 2005 - Charities Regulations, 2005 - Charities (Exempt Bodies) Regulations, 2006 - Charities (Exempt Bodies) Regulations, 2007 - Courts (Charities) Rules, 2015	Applied by ASHL(TC)O, 1987
Companies Ordinance, 2004 - Companies (Appointment of Registrar) Regulations, 2004 - Companies (Fees And Forms) Regulations, 2004	Applied by ASHL(TC)O, 1987
Co-operative Societies Ordinance, 1932 - Co-Operative Societies Rules, 1951	Does not apply
Friendly Societies Ordinance, 1939	Applied by ASHL(TC)O, 1987

Mutual Organisations Ordinance, 2008

Does not apply; not in force in SH

COURTS AND JUSTICE

Administration of Estates Ordinance, 1986

Applied by ASHL(TC)O, 1987

- Administration of Estates (Forms) Rules, 1986
- Administration of Estates Rules, 2009

Civil Procedure Ordinance, 1968

Applied by ASHL(TC)O, 1987

- Civil Procedure Rules, 1969

Commissioners for Oaths Ordinance, 1968

Applied by ASHL(TC)O, 1987

- Commissioners For Oaths Rules, 1968

Coroners and Presumption of Death Ordinance, 2015

Applied by ASHL(TC)O, 1987

- Coroners (Inquests) Rules, 2015
- Coroners (Investigations) Regulations, 2015
- Coroners (Allowances, Fees and Expenses) Regulations, 2015

Courts (Appeals and Rules) Ordinance, 2017

Applied by ASHL(TC)O, 1987 and s.6(b) of the Revised Edition of the Laws Ordinance, 1999¹.

- Supreme Court (Fees) Rules, 1984
- Magistrates' Court Fees Rules, 1984
- Sound Recordings Rules, 1989
- Supreme Court (Miscellaneous Applications) Rules, 1992
- Courts (Rights of Audience and Enrolment) Rules, 1992
- Court of Appeal Rules, 1998
- St Helena Court of Appeal (Appeal to Privy Council) Order, 1964 (UK)
- Courts (Welfare Of Children)(Forms) Rules, 2010)

Appeals Ordinance, 1960 applied to TdaC by Ordinance SH6 of 1960; Courts (Rules) Ordinance, 1968, applied by Ordinance T1 of 1988

Courts (Extension of Jurisdiction) Ordinance, 2016

Applies by its own terms; see definition of 'orders'

Crown Proceedings Ordinance, 1993

Applied by ASHL(TC)O, 1987

Foreign Judgments (Reciprocal Enforcement) Ordinance, 1961

Applied by its own terms; section 1

- Foreign Judgments (Reciprocal

¹ “6. In the preparation of a revised edition, the Commissioner has the following powers—
 (b) to consolidate into one Ordinance any 2 or more Ordinances in *pari materia*, making the alterations thereby rendered necessary and assigning a date to the Ordinance as may seem to be most convenient;”

- Enforcement) Rules, 1961
- Foreign Judgments (Australia and its External Territories) Order, 1994

Imperial Probates Ordinance, 1899	Applied by ASHL(TC)O, 1987
Law Officers Ordinance, 2013	Applied by ASHL(TC)O, 1987
Legal Aid, Assistance and Services Ordinance, 2017	Applied by ASHL(TC)O, 1987 and s.6(b) of the Revised Edition of the Laws Ordinance, 1999 ²
- Legal Aid Regulations, 2003	
Magistrates' Court Ordinance, 2011	Does not apply; see Magistrate's Court (TdaC) Ordinance, 1968
Powers of Attorney Ordinance, 1979	Applied by ASHL(TC)O, 1987
Public Trustee Ordinance, 1977	Applied by ASHL(TC)O, 1987
Sheriff of St Helena Ordinance, 1969	Does not apply

CRIME AND CRIMINAL PROCEDURE

Criminal Damage Ordinance, 1979	Applied by ASHL(TC)O, 1987
Criminal Procedure Ordinance, 1975	Applied by ASHL(TC)O, 1987
Drugs (Prevention of Misuse) Ordinance, 2003	Applied by ASHL(TC)O, 1987
- Drugs (Authorisation of Cultivation and Possession) Regulations, 2009	
Drugs (Trafficking Offences) Ordinance, 2003	Applied by ASHL(TC)O, 1987
Firearms Ordinance, 1997 Ordinance, 1997	Does not apply; see Firearms (TdC)
Juries Ordinance, 1979	Does not apply
Money Laundering Ordinance, 2008	Applied by ASHL(TC)O, 1987
Obscene Publications Ordinance, 1930	Applied by ASHL(TC)O, 1987
Police and Criminal Evidence Ordinance, 2003	Applied by ASHL(TC)O, 1987
- Codes of Practice Order, 2003	
- Code of Practice Order, 2009	

² See note 2 above

Protection of Women Ordinance, 1930	Does not apply; sections 2 and 3 ‘St Helena’
Public Order Ordinance, 1997	Applied by ASHL(TC)O, 1987
Summary Offences Ordinance, 1975	Applied by ASHL(TC)O, 1987
EMPLOYMENT AND COMMERCE	
Employees’ Compensation Ordinance, 1946 <ul style="list-style-type: none"> - Employees’ Compensation da Regulations, 1947 - Employees’ Compensation (Prescribed Diseases) Regulations, 1978 	Applied by Ordinance SH9 of 1959; see Employees’ Compensation (Tristan Cunha) Ordinance, 1946
Employment Rights Ordinance, 2010 <ul style="list-style-type: none"> - Employment Rights (Labour Regulating Authority) Regulations, 2013 - Employment Rights (Minimum Wage) Regulations, 2013 - Employment Rights (Annual Leave Cycles) Regulations, 2015 	Applied by ASHL(TC)O, 1987
Enterprise St Helena Ordinance, 1994	Does not apply
Financial Services Ordinance, 2008	Applied by ASHL(TC)O, 1987
Media Standards Ordinance, 2011	Does not apply
Patents (Registration) Ordinance, 1927 <ul style="list-style-type: none"> - Patents (Fees) Regulations, 1989 	Applied by ASHL(TC)O, 1987
Price Control Ordinance, 1957	Does not apply; see Price Control (TdaC) Ordinance, 1968
Public Holidays Ordinance, 1945	Does not apply; see Public Holidays By-Laws
Race Relations Ordinance, 1997	Does not apply; see Race Relations (TdaC) Ordinance, 1996
Trade Marks (Registration) Ordinance, 1949 <ul style="list-style-type: none"> - Trade Marks (Registration) Rules, 1949 	Applied by ASHL(TC)O, 1987
Trade Unions and Trade Disputes Ordinance, 1959	Does not apply; section 1. See Trade Unions & Trade Disputes (TdaC) Ordinance, 1969
United Kingdom Designs (Protection) Ordinance, 1930	Applied by ASHL(TC)O, 1987

Weights and Measures Ordinance, 1905	Applied by ASHL(TC)O, 1987
- Weights and Measures (Fees) Regulations, 1997	

ENVIRONMENT AND NATURAL RESOURCES

Agriculture and Livestock Improvement Ordinance, 1940	Does not apply; see By-Laws made under the Island Council Ordinance, 1985
Animals (Diseases) Ordinance, 1944	Applied by ASHL(TC)O, 1987
- Animals (Diseases) Regulations, 1950	
Bees Ordinance, 1995	Applied by ASHL(TC)O, 1987
- Bees Regulations, 2013	
Birds Protection Ordinance, 1996	Does not apply; see Conservation of Native Organisms, etc. (TdaC) Ordinance, 2012
Conservation and Management of Fisheries Resources Ordinance, 2003	Does not apply; see Fish and Fish Products (TdaC) Ordinance, 2012
Dogs and Cats Ordinance, 2011	Does not apply; see Dogs Control By-Laws
Environmental Protection Ordinance, 2016	Does not apply; see section 3
Fish and Fish Products Ordinance, 2010	Does not apply; see Fish & Fish Products (TdaC) Ordinance, 2011
Fishery Limits Ordinance, 1977	Does not apply; St Helena only. See Fishery Limits (TdaC) Ordinance, 1983
Forestry Ordinance, 1954	Does not apply; see section 1
High Seas Fishing Ordinance, 2001	Applied by ASHL(TC)O, 1987
National Parks Ordinance, 2003 1988	Does not apply (St Helena only; s.3)
Plants Protection Ordinance, 1938	Does not apply; see Conservation of Native Organisms, etc. (TdaC) Ordinance, 2012
Protection of Animals Ordinance, 1969	Applied by ASHL(TC)O, 1987
Spear Guns Control Ordinance, 2014	Does not apply; waters of St Helena only
St Helena Fisheries Corporation Ordinance,	Does not apply

1979

Termites Ordinance, 1957

Does not apply; St Helena areas only

FAMILY, EDUCATION AND WELFARE

Births and Deaths (Registration) Ordinance, 1853

- Births and Deaths (Fees) Order, 2013

Applied by Cap. 118 of the Revised Edition, 1950 and Ordinance.T1 of 1995; see Births and Deaths (Registration) (Tristan da Cunha) Ordinance, 1853

Education Ordinance, 2008

Does not apply; see Education (School Attendance) By-Laws

Marriage Ordinance, 1851

Does not apply; see Marriage (TdaC) Ordinance, 2017

Matrimonial Causes Ordinance, 1961

- [Matrimonial Causes Rules, 1973](#)

Applied by ASHL(TC)O, 1987

Social Security Ordinance, 2010

Does not apply; see Pensions and Benefits (TdaC) Ordinance, 2011

Welfare of Children Ordinance, 2008

- Welfare of Children Regulations, 2010
- [Courts \(Welfare of Children\)\(Forms\) Rules, 2010](#)
- [Welfare of Children \(Adoption\) Regulations, 2015](#)
- Welfare of Children (Official Foster Care) Regulations, 2017

Applied by ASHL(TC)O, 1987

INFRASTRUCTURE AND PUBLIC UTILITIES

Electricity Ordinance, 1961

Does not apply; see Electricity(TdaC) Ordinance, 1968

Highways Ordinance, 1881

Does not apply ('Island of St Helena')

Motor Vehicles (Third Party Insurance) Ordinance, 1962

Does not apply.³

Petroleum Ordinance, 1966

- Petroleum Regulations, 1978

Applied by ASHL(TC)O, 1987

Post Office Ordinance, 1898

Applied by Ordinance 13 of 1951; see Post

³ This Ordinance when enacted in 1962 specified that it did not apply to Tristan da Cunha. Section 27 of the Road Traffic (Tristan da Cunha) Ordinance, 1969 required motor vehicle insurance. That section was repealed by Ordinance T2 of 2012.

<ul style="list-style-type: none"> - Postage and Revenue Stamps (Invalidation) Order, 2008 - Post Office (Rates of Charge) Order, 2013 	Office (TdaC) Ordinance, 1898
Road Traffic Ordinance, 1985	Does not apply; see Road Traffic Road Traffic (Tristan da Cunha) Ordinance, 1969
Road Traffic Ordinance, 2016 ⁴	Does not apply; see RTO 1984
Telecommunications Ordinance, 1989	Does not apply; see Telecommunications (TdaC) Ordinance, 1997
Utility Services Ordinance, 2013	Does not apply
Water Ordinance, 1978 <ul style="list-style-type: none"> - Water Regulations, 1982 - Water (Tariffs) Regulations, 2012 	Does not apply
LAND OWNERSHIP AND USE	
Animal Trespass Ordinance, 1982	Does not apply; see Calf Pen By-Laws
Building Control Ordinance, 2013 only	Does not apply; section 2(3) St Helena only
Burial Grounds Ordinance, 1895 <ul style="list-style-type: none"> - New Cemetery Rules, 1953 	Does not apply
French Government Lands (Vesting) Ordinance, 1858	Does not apply (site in St Helena)
Land Acquisition Ordinance, 2006 <ul style="list-style-type: none"> - Land Acquisition (Interest Rate) Regulations, 2006 	Applied by ASHL(TC)O, 1987
Land Planning and Development Control Ordinance, 2013	Does not apply
Minerals Vesting Ordinance, 1951	Applied by its own terms - section 7; see Minerals Vesting (TdaC) Ordinance, 1951
Mining Ordinance, 1923 <ul style="list-style-type: none"> - Prospecting Regulations, 1927 	Applied by ASHL(TC)O, 1987

⁴ The SH 1985 RTO will be replaced by the 2016 RTO when that is brought into force

Pasturage (Government Lands) Ordinance, 1938

Does not apply; see Livestock Limitation By-Laws

Registered Land Ordinance, 1980

Applied by provisions of the Land Adjudication (TdaC) Ordinance, 1997

MARITIME AND AVIATION LAWS

Airport Development Ordinance 2006

Does not apply

Aviation Ordinance 2015

Does not apply

Merchant Shipping laws

Apply as listed in 'UK Laws applied to St Helena, Ascension and Tristan da Cunha'

Ports Ordinance, 2016

Does not apply; see Harbour (TdaC) Regulations, 1968 made under the former Harbours Ordinance

Ports (Health) Ordinance, 1905

- [Ports \(Health\) Regulations, 1932](#)

Applied by Ordinance SH12 of 1966; see Ports (Health) (TdaC) Ordinance, 1905

PUBLIC FINANCE AND REVENUE LAW

Currency Ordinance, 1975

- [Currency Regulations, 1976](#)

Applied by ASHL(TC)O, 1987 and s.3 of the Commemorative Coinage (Tristan da Cunha) Ordinance, 1976

Customs and Excise Ordinance, 1999

Does not apply

Income Tax Ordinance, 2012

Does not apply; see Income Tax and

Medical Contributions Order, 2008

Light Dues Ordinance, 1955

Does not apply; St Helena only

Liquor Duty Ordinance, 2014

Does not apply; see Liquor (TdaC) Ordinance, 1956

Public Finance Ordinance, 2010

Does not apply; see Financial Regulations

Services Tax Ordinance, 2011

Does not apply

Special Funds Ordinance, 2012

Does not apply

Stamp Duties Ordinance, 1987

- [Stamp Duties Rules, 1987](#)

Applied by ASHL(TC)O, 1987

PUBLIC HEALTH AND SAFETY

Dentists Ordinance, 1955	Applied by ASHL(TC)O, 1987
<ul style="list-style-type: none"> - Dental Nurses Regulations, 1955 - Dentists (Qualification) Regulations, 2009 	
Food Safety Ordinance, 2016	Applied by ASHL(TC)O, 1987
Health and Safety Ordinance, 1977	Applied by ASHL(TC)O, 1987
<ul style="list-style-type: none"> - Health and Safety Regulations, 1977 	But see s.12(4) re 'St Helena'
Ionising Radiations (Protection) Ordinance, 1966	Applied by ASHL(TC)O, 1987
Medical Practitioners Ordinance, 1910	Applied by ASHL(TC)O, 1987
<ul style="list-style-type: none"> - Medical Practitioners Regulations, 1951 - Medical Practitioners (Qualifications) Regulations, 2009 	
Mental Health and Mental Capacity Ordinance, 2015	Applied by ASHL(TC)O, 1987
<ul style="list-style-type: none"> - Courts (Mental Capacity and Appointment of Deputies) Rules, 2016 	
Nurses and Midwives Ordinance, 1987	Applied by ASHL(TC)O, 1987
<ul style="list-style-type: none"> - Nurses and Midwives Regulations, 1988 	
Pharmacy and Poisons Ordinance, 1937	Applied by ASHL(TC)O, 1987
<ul style="list-style-type: none"> - Poisons Lists Order, 1937 - Pharmacy & Poisons (Forms and Fees) Rules, 1937 	
Public Health Ordinance, 1939	Does not apply; see Public Health By-Laws
Tobacco Control Ordinance, 2011	Applied by ASHL(TC)O, 1987
<ul style="list-style-type: none"> - Tobacco Control (Smoke-Free Exemption) Order, 2012 	
Vaccination Ordinance, 1854	Does not apply; section 2(2) 'residents of St Helena' and s.9(2) Births etc. Ordinance, 1853

RECREATION AND TOURISM

Community Centres Ordinance, 1988	Does not apply; see Prince Philip Hall Management By-Laws
Gaming Machines Ordinance, 1984	Applied by ASHL(TC)O, 1987

Liquor Ordinance, 1988	Does not apply; see Liquor (TdaC) Ordinance, 1956
Protection of Wrecks and Marine Archaeological Heritage Ordinance, 2014	Applied by ASHL(TC)O, 1987
Public Recreation Grounds Ordinance, 1938	Does not apply; see Children's Playground By-Laws
St Helena National Trust Ordinance, 2001	Does not apply
SECURITY AND LAW ENFORCEMENT	
British Nationality and Passports (Fees & Offences) Ordinance, 2017	Applied by ASHL(TC)O, 1987 and s.6(b) of the Revised Edition of the Laws Ordinance, 1999 ⁵
- British Nationality (Fees) Order, 1991	
Consular Conventions Ordinance, 1950	Applied by ASHL(TC)O, 1987
Consular Relations Ordinance, 1972	Applied by Ordinance T1 of 1979
- Consular Relations (Merchant Shipping) Orders	
Emergency Powers Ordinance, 1978	Applied by ASHL(TC)O, 1987
- Emergency Powers Order in Council, 2017	
Fire Service Ordinance, 1985	Does not apply; see Fire Prevention By-Laws
Immigration Ordinance, 2011	Does not apply; see Entry Control (TdaC) Ordinance, 1967
Police Service Ordinance, 1975	Does not apply
Prisons Ordinance, 1960	Applied by ASHL(TC)O, 1987
- Prisons Rules, 1999	
- Colonial Prisoners Removal Order in Council, 1907 (UK)	

⁵ See note 2 above