



## TRISTAN DA CUNHA

### REVISED EDITION OF THE LAWS, 2017

#### ST HELENA LAWS APPLIED TO TRISTAN DA CUNHA

- *All extant St Helena Laws (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, 1988](#) (ASHL(TC)O, 1988).*
- *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, 1988, 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(TdaC)O, 1988. 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 of the ASLH(TdaC)O, 1988.<sup>1</sup> 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 this 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

---

<sup>1</sup> “(2) The said law of St Helena applies to Tristan da Cunha only in so far as it is applicable and suitable to local circumstances, and subject to such modifications, adaptations, qualifications, and exemptions as local circumstances render necessary.”

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, 1988
Commission for Equality and Human Rights Ordinance, 2015	Applied by ASHL(TC)O, 1988
Commissions of Enquiry Ordinance, 1926	Applied by ASHL(TC)O, 1988
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, 1988
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, 1988

## **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, 1988
Companies Ordinance, 2004 - Companies (Appointment of Registrar) Regulations, 2004 - Companies (Fees And Forms) Regulations, 2004	Applied by ASHL(TC)O, 1988
Co-operative Societies Ordinance, 1932	Does not apply

- Co-Operative Societies Rules, 1951

Friendly Societies Ordinance, 1939	Applied by ASHL(TC)O, 1988
Mutual Organisations Ordinance, 2008	Does not apply; not in force in SH

## COURTS AND JUSTICE

Administration of Estates Ordinance, 1986 <ul style="list-style-type: none"> <li>- Administration of Estates (Forms) Rules, 1986</li> <li>- Administration of Estates Rules, 2009</li> </ul>	Applied by ASHL(TC)O, 1988
Civil Procedure Ordinance, 1968 <ul style="list-style-type: none"> <li>- Civil Procedure Rules, 1969</li> </ul>	Applied by ASHL(TC)O, 1988
Commissioners for Oaths Ordinance, 1968 <ul style="list-style-type: none"> <li>- Commissioners For Oaths Rules, 1968</li> </ul>	Applied by ASHL(TC)O, 1988
Coroners and Presumption of Death Ordinance, 2015 <ul style="list-style-type: none"> <li>- Coroners (Inquests) Rules, 2015</li> <li>- Coroners (Investigations) Regulations, 2015</li> <li>- Coroners (Allowances, Fees and Expenses) Regulations, 2015</li> </ul>	Applied by ASHL(TC)O, 1988
Courts (Appeals and Rules) Ordinance, 2017 <ul style="list-style-type: none"> <li>- Supreme Court (Fees) Rules, 1984</li> <li>- Magistrates' Court Fees Rules, 1984</li> <li>- Sound Recordings Rules, 1989</li> <li>- Supreme Court (Miscellaneous Applications) Rules, 1992</li> <li>- Courts (Rights of Audience and Enrolment) Rules, 1992</li> <li>- Court of Appeal Rules, 1998</li> <li>- St Helena Court of Appeal (Appeal to Privy Council) Order, 1964 (UK)</li> <li>- Courts (Welfare Of Children)(Forms) Rules, 2010)</li> </ul>	Applied by ASHL(TC)O, 1988 and s.6(b) of the Revised Edition of the Laws Ordinance, 1999 <sup>2</sup> . 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, 1988

---

<sup>2</sup> “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;”

Foreign Judgments (Reciprocal Enforcement) Ordinance, 1961	Applied by its own terms; section 1
- Foreign Judgments (Reciprocal Enforcement) Rules, 1961	
- Foreign Judgments (Australia and its External Territories) Order, 1994	
Imperial Probates Ordinance, 1899	Applied by ASHL(TC)O, 1988
Law Officers Ordinance, 2013	Applied by ASHL(TC)O, 1988
Legal Aid, Assistance and Services Ordinance, 2017	Applied by ASHL(TC)O, 1988 and s.6(b) of the Revised Edition of the Laws Ordinance, 1999 <sup>3</sup>
- 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, 1988
Public Trustee Ordinance, 1977	Applied by ASHL(TC)O, 1988
Sheriff of St Helena Ordinance, 1969	Does not apply
<b>CRIME AND CRIMINAL PROCEDURE</b>	
Criminal Damage Ordinance, 1979	Applied by ASHL(TC)O, 1988
Criminal Procedure Ordinance, 1975	Applied by ASHL(TC)O, 1988
Drugs (Prevention of Misuse) Ordinance, 2003	Applied by ASHL(TC)O, 1988
- Drugs (Authorisation of Cultivation and Possession) Regulations, 2009	
Drugs (Trafficking Offences) Ordinance, 2003	Applied by ASHL(TC)O, 1988
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, 1988
Obscene Publications Ordinance, 1930	Applied by ASHL(TC)O, 1988
Police and Criminal Evidence Ordinance, 2003	Applied by ASHL(TC)O, 1988

---

<sup>3</sup> See note 2 above

- Codes of Practice Order, 2003
- Code of Practice Order, 2009

Protection of Women Ordinance, 1930	Does not apply; sections 2 and 3 ‘St Helena’
Public Order Ordinance, 1997	Applied by ASHL(TC)O, 1988
Summary Offences Ordinance, 1975	Applied by ASHL(TC)O, 1988
<b>EMPLOYMENT AND COMMERCE</b>	
Employees’ Compensation Ordinance, 1946	Applied by Ordinance SH9 of 1959; see Employees’ Compensation (Tristan Cunha) Ordinance, 1946
<ul style="list-style-type: none"> <li>- Employees’ Compensation da Regulations, 1947</li> <li>- Employees’ Compensation (Prescribed Diseases) Regulations, 1978</li> </ul>	
Employment Rights Ordinance, 2010	Applied by ASHL(TC)O, 1988
<ul style="list-style-type: none"> <li>- Employment Rights (Labour Regulating Authority) Regulations, 2013</li> <li>- Employment Rights (Minimum Wage) Regulations, 2013</li> <li>- Employment Rights (Annual Leave Cycles) Regulations, 2015</li> </ul>	
Enterprise St Helena Ordinance, 1994	Does not apply
Financial Services Ordinance, 2008	Applied by ASHL(TC)O, 1988
Media Standards Ordinance, 2011	Does not apply
Patents (Registration) Ordinance, 1927	Applied by ASHL(TC)O, 1988
<ul style="list-style-type: none"> <li>- Patents (Fees) Regulations, 1989</li> </ul>	
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 (TdaC) Ordinance, 1996	Does not apply; see Race Relations
Trade Marks (Registration) Ordinance, 1949	Applied by ASHL(TC)O, 1988
<ul style="list-style-type: none"> <li>- Trade Marks (Registration) Rules, 1949</li> </ul>	
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, 1988
Weights and Measures Ordinance, 1905 - Weights and Measures (Fees) Regulations, 1997	Applied by ASHL(TC)O, 1988
<b>ENVIRONMENT AND NATURAL RESOURCES</b>	
Agriculture and Livestock Improvement Ordinance, 1940	Does not apply; see By-Laws made under the Island Council Ordinance, 1985
Animals (Diseases) Ordinance, 1944 - Animals (Diseases) Regulations, 1950	Applied by ASHL(TC)O, 1988
Bees Ordinance, 1995 - Bees Regulations, 2013	Applied by ASHL(TC)O, 1988
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 (TdaC) Ordinance, 2011	Does not apply; see Fish & Fish Products
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, 1988
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, 1988
Spear Guns Control Ordinance, 2014	Does not apply; waters of St Helena only
St Helena Fisheries Corporation Ordinance, 1979	Does not apply
Termites Ordinance, 1957	Does not apply; St Helena areas only

## **FAMILY, EDUCATION AND WELFARE**

Births and Deaths (Registration) Ordinance, 1853	Applied by Cap. 118 of the Revised Edition, 1950 and Ordinance.T1 of 1995; see Births and Deaths (Registration) (Tristan da Cunha) Ordinance, 1853
- Births and Deaths (Fees) Order, 2013	
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	Applied by ASHL(TC)O, 1988
- Matrimonial Causes Rules, 1973	
Social Security Ordinance, 2010	Does not apply; see Pensions and Benefits (TdaC) Ordinance,2011
Welfare of Children Ordinance, 2008	Applied by ASHL(TC)O, 1988
- 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	

## **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. <sup>4</sup>

---

<sup>4</sup> 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.

Petroleum Ordinance, 1966 - Petroleum Regulations, 1978	Applied by ASHL(TC)O, 1988
Post Office Ordinance, 1898 - Postage and Revenue Stamps (Invalidation) Order, 2008 - Post Office (Rates of Charge) Order, 2013	Applied by Ordinance 13 of 1951; see Post Office (TdaC) Ordinance, 1898
Road Traffic Ordinance, 1985/ Road Traffic Ordinance, 2016 <sup>5</sup>	Do not apply; see Road Traffic Do not apply; see Road Traffic Ordinance, 1984 and Road Safety Ordinance, 2010
Telecommunications Ordinance, 1989	Does not apply; see Telecommunications (TdaC) Ordinance, 1997
Utility Services Ordinance, 2013	Does not apply
Water Ordinance, 1978 - Water Regulations, 1982 - Water (Tariffs) Regulations, 2012	Does not apply
<b>LAND OWNERSHIP AND USE</b>	
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
Burial Grounds Ordinance, 1895 - New Cemetery Rules, 1953	Does not apply
French Government Lands (Vesting) Ordinance, 1858	Does not apply (site in St Helena)
Land Acquisition Ordinance, 2006 - Land Acquisition (Interest Rate) Regulations, 2006	Applied by ASHL(TC)O, 1988
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

---

<sup>5</sup> The SH 985 RTO will be replaced by the 2016 RTO when that is brought into force



Mining Ordinance, 1923 Prospecting Regulations, 1927	Applied by ASHL(TC)O, 1988
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, 1988 and s.3 of the Commemorative Coinage (Tristan da Cunha) Ordinance, 1976
Customs and Excise Ordinance, 1999 - Customs (Export And Import Control) Regulations, 1988 - Customs (Entry Forms) Regulations, 1999 - Customs (Drawback on Goods for use on Her Majesty's Ships) Regulations, 1999 - Customs (Miscellaneous Fees) Regulations, 2006 - Customs (Tariffs and Exemptions) Regulations, 2011 - Customs (Designation Of Customs Areas) Regulations, 2014 - Excise (Tariffs) Regulations, 2014 - Customs and Excise (Arriving & Departing Ships and Aircraft) Regulations, 2016 - Orders made under the Customs (Tariffs & Exemptions) Regulations, 2011: - Customs Duty (Commercial Fishing)	Applied by ASHL(TC)O, 1988

Exemption Order, 2014	
- Customs Duty (Commercial Fishing)	
- Exemption Order, 2016	
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	Applied by ASHL(TC)O, 1988 (The SH Orders made under it do not apply)
Services Tax Ordinance, 2011	Does not apply
Special Funds Ordinance, 2012	Does not apply
Stamp Duties Ordinance, 1987	Applied by ASHL(TC)O, 1988
- Stamp Duties Rules, 1987	
<b>PUBLIC HEALTH AND SAFETY</b>	
Dentists Ordinance, 1955	Applied by ASHL(TC)O, 1988
- Dental Nurses Regulations, 1955	
- Dentists (Qualification) Regulations, 2009	
Food Safety Ordinance, 2016	Applied by ASHL(TC)O, 1988
Health and Safety Ordinance, 1977	Applied by ASHL(TC)O, 1988
- Health and Safety Regulations, 1977	
Ionising Radiations (Protection) Ordinance,	Applied by ASHL(TC)O, 1988
Medical Practitioners Ordinance, 1910	Applied by ASHL(TC)O, 1988
- Medical Practitioners Regulations, 1951	
- Medical Practitioners (Qualifications) Regulations, 2009	
Mental Health and Mental Capacity Ordinance, 2015	Applied by ASHL(TC)O, 1988
- Courts (Mental Capacity and Appointment of Deputies) Rules, 2016	
Nurses and Midwives Ordinance, 1987	Applied by ASHL(TC)O, 1988
- Nurses and Midwives Regulations, 1988	

Pharmacy and Poisons Ordinance, 1937	Applied by ASHL(TC)O, 1988
- 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, 1988
- Tobacco Control (Smoke-Free Exemption) Order, 2012	
Vaccination Ordinance, 1854	Does not apply; section 2(2) residents of St Helena

## **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, 1988
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, 1988
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, 1988 and s.6(b) of the Revised Edition of the Laws Ordinance, 1999 <sup>6</sup>
- British Nationality (Fees) Order, 1991	
Consular Conventions Ordinance, 1950	Applied by ASHL(TC)O, 1988
Consular Relations Ordinance, 1972	Applied by Ordinance T1 of 1979
- Consular Relations (Merchant Shipping) Orders	
Emergency Powers Ordinance, 1978	Applied by ASHL(TC)O, 1988
- Emergency Powers Order in Council, 2017	

---

<sup>6</sup> See note 2 above

Fire Service Ordinance, 1985	Does not apply; see Fire Prevention By-Laws
Immigration Ordinance, 2011	Does not apply; see Entry Control (TdaC) Ordinance, 1967
Prisons Ordinance, 1960	Applied by ASHL(TC)O, 1988
- Prisons Rules, 1999	
- Colonial Prisoners Removal Order in Council, 1907 (UK)	

---