



## 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
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#### 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 <ul style="list-style-type: none"> <li>- Application Orders and Disapplication Orders</li> </ul>	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 <ul style="list-style-type: none"> <li>- Charities Regulations, 2005</li> <li>- Charities (Exempt Bodies) Regulations, 2006</li> <li>- Charities (Exempt Bodies) Regulations, 2007</li> <li>- Courts (Charities) Rules, 2015</li> </ul>	Applied by ASHL(TC)O, 1987
Companies Ordinance, 2004 <ul style="list-style-type: none"> <li>- Companies (Appointment of Registrar) Regulations, 2004</li> <li>- Companies (Fees and Forms) Regulations, 2004</li> </ul>	Applied by ASHL(TC)O, 1987
Co-operative Societies Ordinance, 1932 <ul style="list-style-type: none"> <li>- Co-Operative Societies Rules, 1951</li> </ul>	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, 1999 <sup>1</sup> .
- Supreme Court (Fees) Rules, 1984	Appeals Ordinance, 1960 applied to TdaC by Ordinance SH6 of 1960;
- Magistrates' Court Fees Rules, 1984	Courts (Rules) Ordinance, 1968,
- Sound Recordings Rules, 1989	applied by Ordinance T1 of 1988
- 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)	
Courts (Extension of Jurisdiction) Ordinance, 2016	Applied 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 Enforcement) Rules, 1961	
- Foreign Judgments (Australia and its External Territories) Order, 1994	

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<sup>1</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;”

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 <sup>2</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, 1987
Public Trustee Ordinance, 1977	Applied by ASHL(TC)O, 1987
Sheriff of St Helena Ordinance, 1969	Does not apply
<b>CRIME AND CRIMINAL PROCEDURE</b>	
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	Does not apply; see Firearms (TdC) Ordinance, 1997
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	
Protection of Women Ordinance, 1930	Does not apply; sections 2 and 3 'St Helena'

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

Public Order Ordinance, 1997	Applied by ASHL(TC)O, 1987
Summary Offences Ordinance, 1975	Applied by ASHL(TC)O, 1987
<b>EMPLOYMENT AND COMMERCE</b>	
Employees' Compensation Ordinance, 1946	Applied by Ordinance SH9 of 1959; see Employees' Compensation (Tristan Cunha) Ordinance, 1946
- Employees' Compensation da Regulations, 1947	
- Employees' Compensation (Prescribed Diseases) Regulations, 1978	
Employment Rights Ordinance, 2010	Applied by ASHL(TC)O, 1987
- Employment Rights (Labour Regulating Authority) Regulations, 2013	
- Employment Rights (Minimum Wage) Regulations, 2013	
- Employment Rights (Annual Leave Cycles) Regulations, 2015	
Enterprise St Helena Ordinance, 1994	Does not apply
Financial Services Ordinance, 2008	Applied by ASHL(TC)O, 1987
- Financial Services Regulations, 2017	
Media Standards Ordinance, 2011	Does not apply
Patents (Registration) Ordinance, 1927	Applied by ASHL(TC)O, 1987
- Patents (Fees) Regulations, 1989	
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	Applied by ASHL(TC)O, 1987
- Trade Marks (Registration) Rules, 1949	
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 - Animals (Diseases) Regulations, 1950	Applied by ASHL(TC)O, 1987
Bees Ordinance, 1995 - Bees Regulations, 2013	Applied by ASHL(TC)O, 1987
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, 1979	Does not apply

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.<sup>3</sup>

Petroleum Ordinance, 1966

- Petroleum Regulations, 1978

Applied by ASHL(TC)O, 1987

Post Office Ordinance, 1898

- Postage and Revenue Stamps (Invalidation) Order, 2008

Applied by Ordinance 13 of 1951; see Post Office (TdaC) Ordinance, 1898

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<sup>3</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.

Road Traffic Ordinance, 1985	Does not apply; see Road Traffic Road Traffic (Tristan da Cunha) Ordinance, 1969
Road Traffic Ordinance, 2016 <sup>4</sup>	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	Does not apply
- Water Regulations, 1982	
- Water (Tariffs) Regulations, 2012	
<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	Does not apply
- New Cemetery Rules, 1953	
French Government Lands (Vesting) Ordinance, 1858	Does not apply (site in St Helena)
Land Acquisition Ordinance, 2006	Applied by ASHL(TC)O, 1987
- Land Acquisition (Interest Rate) Regulations, 2006	
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	Applied by ASHL(TC)O, 1987
- Prospecting Regulations, 1927	
Pasturage (Government Lands) Ordinance, 1938	Does not apply; see Livestock Limitation By-Laws
Registered Land Ordinance, 1980	Applied by provisions of the Land

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



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

- Dental Nurses Regulations, 1955

Applied by ASHL(TC)O, 1987

- Dentists (Qualification) Regulations, - 2009	
Food Safety Ordinance, 2016	Applied by ASHL(TC)O, 1987
- Food Safety (Procedure and Fees) Regulations, 2017	
- Food Safety (Products of Animal Origin) Regulations, 2017	
- Food Safety (General Food Hygiene) Regulations, 2017	
Health and Safety Ordinance, 1977	Applied by ASHL(TC)O, 1987
- 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
- Medical Practitioners Regulations, 1951	
- Medical Practitioners (Qualifications) Regulations, 2009	
Mental Health and Mental Capacity Ordinance, 2015	Applied by ASHL(TC)O, 1987
- Courts (Mental Capacity and Appointment of Deputies) Rules, 2016	
- Mental Health & Mental Capacity (Lasting Powers of Attorney) Regulations, 2017	
Nurses and Midwives Ordinance, 1987	Applied by ASHL(TC)O, 1987
- Nurses and Midwives Regulations, 1988	
Pharmacy and Poisons Ordinance, 1937	Applied by ASHL(TC)O, 1987
- 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
- 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
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	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
<b>SECURITY AND LAW ENFORCEMENT</b>	
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 <sup>5</sup>
- 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)	

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<sup>5</sup> See note 2 above