



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

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| 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

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| Census Ordinance, 1986 | Applied by ASHL(TC)O, 1987 |
| Commission for Equality and Human Rights Ordinance, 2015 | Applied by ASHL(TC)O, 1987 |

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| 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"> - 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

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|---|------------------------------------|
| Charities Ordinance, 2005 <ul style="list-style-type: none"> - 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 <ul style="list-style-type: none"> - Companies (Appointment of Registrar) Regulations, 2004 - Companies (Fees and Forms) Regulations, 2004 | Applied by ASHL(TC)O, 1987 |
| Co-operative Societies Ordinance, 1932 <ul style="list-style-type: none"> - 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

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| 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 ¹ . |
| - 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 | |

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;”

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| 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, 2019 |
| 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 | 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' |

² See note 2 above

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| 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 | Applied by Ordinance SH9 of 1959; |
| - Employees' Compensation da Regulations, 1947 | see Employees' Compensation (Tristan Cunha) Ordinance, 1946 |
| - 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, and as modified by LN T3/2020 |
| - 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

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| 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 |

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| 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, 1987 |
| - 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, 1987 |
| - 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. ³ |
| Petroleum Ordinance, 1966 | Applied by ASHL(TC)O, 1987 |
| - Petroleum Regulations, 1978 | |
| Post Office Ordinance, 1898 | Applied by Ordinance 13 of 1951; see Post Office (TdaC) Ordinance, 1898 |
| - Postage and Revenue Stamps (Invalidation) Order, 2008 | |

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.

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| 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 | Does not apply |
| - Water Regulations, 1982 | |
| - Water (Tariffs) Regulations, 2012 | |
| 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 |
| 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 |

⁴ 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

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| - 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

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| 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 |
| 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