



## TRISTAN DA CUNHA

### REVISED EDITION OF THE LAWS, 2017

### CONSTITUTIONAL AND ADMINISTRATIVE LAW

#### ISLAND COUNCIL (TRISTAN DA CUNHA) ORDINANCE, 1985<sup>1</sup>

*Ordinance T1 of 1985*

*In force 3 April 1985*

*Amended by Ordinances T1 of 1988, T1 of 1990, T2 of 1994, T3 of 1994, T1 of 1997, T1 of 2008, T3 of 2020 and L.N.1/2009*

*Subsidiary legislation:*

**INCOME TAX AND MEDICAL CONTRIBUTIONS ORDER, 2008**

*Made under section 16*

*In force on 1 June 2008*

#### **TRISTAN DA CUNHA BY-LAWS**

Calf Pen By-Laws

Children's Playground By-Laws

Disposal of Animal Carcasses By-Laws

Dogs Control By-Laws

*(Made in 1983 and replaced by the Dogs (Control) By-Laws of 1 May 1995 and 7 November 2003)*

Donkeys Limitation By-Laws

Education By-Laws

*(Amended by the Education (Amendment) By-Laws, 2008)*

Fire Prevention By-Laws

Fishing Boats Safety By-Laws

Library By-Laws

Litter By-Laws

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<sup>1</sup> Under section 10 of the Revised Edition of the Laws Ordinance, 1999 this text is authoritative and is the sole authentic edition in respect of the law contained in it as at 21 December 2020.

*(Amended by the Litter (Amendment) By- Laws, 2008)*

Livestock Limitation By-Laws

Livestock, Forestry and Poultry By-Laws

Motor Cycle Prohibition By-Laws

Prince Philip Hall Management By-Laws

Public Health By-Laws

Public Holidays By-Laws

School Children Medical and Dental By-Laws

Slaughterhouse By-Laws

Wood Control By-Laws

Youth Club By-Laws

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**ISLAND COUNCIL (TRISTAN DA CUNHA) ORDINANCE, 1985**

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AN ORDINANCE to provide for a Council and for the making of By-Laws and levying of taxes in Tristan da Cunha.

### Short title

1. This Ordinance may be cited as the Island Council (Tristan da Cunha) Ordinance, 1985.

### Interpretation

2. (1) In this Ordinance and in all By-Laws made under it, unless inconsistent with the context—

“**by-law**” means any by-law made in accordance with this Ordinance;

“**election offence**” means any offence specified in rule 5 (1) of Schedule 1 to this Ordinance;

“**general election**” means a general election of the elected members of the Island Council;

“**Island Council**” or “**Council**” means the Council established by section 3(1) of this Ordinance;

“**official seal**” means an official seal of Tristan da Cunha;

“**public office**” means an office of emolument in the public service;

“**public officer**” means the holder of any public office, and includes a person appointed to act in any public office;

“**the public service**” means the service of the Crown in a civil capacity in respect of the government of Tristan da Cunha.

(2) For the purposes of this Ordinance, a person is not considered to hold a public office by reason only that the person is in receipt of a pension or other like allowance in respect of service under the Crown.

### Island Council

3.<sup>2</sup> (1) There is to be a council in and for Tristan da Cunha, to be known as “the Island Council”, having such functions as are conferred on it by this Ordinance or by any other law in force in Tristan da Cunha.

(2) The Island Council is to consist of—

(a) the Administrator, who is to be the President;

(b) 3 appointed members, who must be British Overseas Territories Citizens, British Overseas Citizens or British Citizens and are to be appointed by the Administrator in writing under his or her hand and the official seal and with the prior approval of the Governor; and

(c) 8 elected members, of whom not less than one must be a woman, who must be persons qualified for election in accordance with this Ordinance, and elected in the manner provided by the Rules for the time being in force in Schedule 1 to this Ordinance.

(3) If the number of elected members under section 3(2)(c) falls below eight due to an insufficient number of candidates to fill the seats in accordance with Schedule 1, or as a

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<sup>2</sup> Section 3 amended by Ord T3 of 2020

result of the death or resignation of an elected member, the Administrator may, with the prior approval of the Governor and in consultation with the remaining members of the Island Council, increase the number of appointed members under section 3(2)(b) to bring the total number of the Island Council up to 12 until a by-election or the next Council election can be held.

### **Qualification for election as members**

**4.** Subject to the next following section, a person is qualified to be elected as a member of the Council if, and is not so qualified unless the person—

- (a) has attained the age of 21 years; and
- (b) is a British Overseas Territories Citizen, British Overseas Citizen or British Citizen who:
  - (i) was born in Tristan da Cunha; or
  - (ii) is domiciled in Tristan da Cunha and has been resident there for a period of at least 3 years immediately preceding the date of his or her nomination for election.

### **Disqualifications for elected membership**

**5.** No person is qualified to be elected as a member of the Council—

- (a) who has been convicted of an election offence and is disqualified from voting as an elector; or
- (b) who holds, or is acting in, any public office designated by the Administrator for the purpose of this section.

### **Tenure of office of members of Council**

**6. (1)** The seat of an appointed member or of an elected member of the Council becomes vacant—

- (a) in the event of the member's death or if the member resigns his or her seat by writing under his or her hand addressed to the Administrator; or
- (b) on a dissolution of the Council.

**(2)** The seat of an appointed member of the Council also becomes vacant if the member's appointment is revoked by the Administrator by writing under his or her hand and with the prior approval of the Governor.

**(3)** The seat of an elected member of the Council also becomes vacant if any circumstance arises that, if the person were not a member of the Council, would cause him or her not to be qualified for election to the Council under section 5.

### **Rules governing elections to Island Council**

**7. (1)** The qualifications and disqualifications of persons to be electors, the preparation and publication of a register or list of electors, the nomination of candidates for election as members of the Council and the method and conduct of an election are as provided by the Rules for the time being in force in Schedule 1 to this Ordinance.

**(2)** With the prior approval of the Governor by Order, the Administrator may revoke, vary or amend the Rules in Schedule 1 to this Ordinance.

### **Deputy President of Council**

**8. (1)** When the Council first meets after any general election and before it proceeds to the despatch of any other business, it must elect a person to be Deputy President

of the Council; and if the office of Deputy President falls vacant at any time before the next dissolution of the Council, the Council may, if it thinks fit, elect another person to that office.

(2) The Deputy President must be elected from among the members of the Council other than the Chief Islander.

(3) In respect of any election of a person to be Deputy President, every member of the Council present at the meeting is entitled to vote:

Provided that where 2 or more persons equally receive the greatest number of votes the Administrator or other member presiding has and must exercise a casting vote.

### **Chief Islander**

9. (1) The Administrator must appoint, as occasion may require, a person to be Chief Islander.

(2) The person appointed must that person who at the election has declared himself or herself willing to act as Chief Islander and who receives the greatest number of votes for Chief Islander out of the declared candidates for that post:

Provided that where 2 or more of the declared candidates equally receive the greatest number of votes, the Administrator must as soon as reasonably practicable hold a further ballot of the electorate, to determine which of the tied candidates is to be elected Chief Islander, and the candidate that receives the greatest number of votes at such election must be so appointed.

(3) The office of a person appointed as Chief Islander under subsection (2), without affecting vacation of that office for any other cause, becomes vacant upon the dissolution of Council next after such appointment, or at any time upon the holder of that office submitting his or her resignation in writing to the Administrator.

(4) Whenever a vacancy arises under subsection (3), the Administrator must appoint as Chief Islander that elected member of Council—

- (i) who received the next greatest number of votes at the election held under the proviso to subsection (2); or, if there is no such person -
- (ii) who received the next greatest number of votes cast for the position of Chief Islander at the general election.

(5) Any appointment by the Administrator of a person to be Chief Islander must be in writing under his or her hand and the official seal.

(6) The Chief Islander takes precedence in Tristan da Cunha after the Administrator and is, by virtue of the office, the Island Council leader.

### **Ballot Papers**

10. (1) Ballot papers and their counterfoils must be in the form set out in Schedule 2 to this Ordinance.

(2) Every ballot paper must—

- (a) be capable of being folded;
- (b) contain a list of candidates described as in their respective nomination papers and arranged alphabetically in the order of their surnames, and, if there are 2 or more candidates with the same surname, of their other names; and
- (c) contain a list of candidates for the position of Chief Islander described and arranged as for candidates in the preceding paragraph.

### **Administrator to consult Island Council**

**11. (1)** The Administrator must consult with the Island Council in the exercise of all powers relating to the government of Tristan da Cunha conferred upon the Administrator by any law for the time being in force in Tristan da Cunha except—

- (a) in the exercise of any power conferred upon the Administrator by any provision of section 3(2)(b), section 5(2), section 6(2), section 7(2), section 18(1), (2)(a) and (c), (3)(c),(4) or section 23(1) of this Ordinance; or
- (b) in the exercise of any power that in the Administrator's opinion relates to defence, external affairs, internal security, the police, the public service or labour relations.

**(2)** The Administrator is not obliged to consult with the Council in any case which is, in his or her opinion, too unimportant to require the advice of the Council or in which, in his or her opinion, the urgency of the matter requires the Administrator to act before the Council can be consulted.

**(3)** In any case in which the Administrator is required by subsection (1) of this section to consult the Council, the Administrator may, if he or she thinks it is right to do so, act against the advice given to him or her by the Council.

### **Meetings of and proceedings in Council, etc**

**12. (1)** The Council must not be summoned to meet except by the Administrator, and notice of such meetings must, subject to section 17, be given by notice affixed to the public notice board at the Office of the Administrator.

**(2)** A meeting of the Council must be held as soon as practicable after the holding of any general election and thereafter so far as practicable the Council must meet at intervals of not less than once in every 3 months and, in any event as soon as practicable after the expiration of any such period.

**(3)** The Administrator or, in his or her absence, the Deputy President, or in their absence a member of the Council elected by the Council for that meeting, must preside at every meeting of the Council.

**(4)** If the office of Deputy President is vacant, subsection (3) applies as if a person holding that office were absent.

**(5)** The quorum of the Council is 6 members in addition to the person presiding and no business except that of adjournment is to be transacted at a meeting of the Council unless a quorum is present.

**(6)** The Island Council is not disqualified for the transaction of business by reason only of any vacancy in its membership.

### **Voting**

**13. (1)** All questions proposed for decision at any meeting of the Council must be determined by a majority of the votes of the members present and voting.

**(2)** Subject to section 8(3), neither the Administrator nor the Deputy President when presiding in the Administrator's absence nor other member of the Council when presiding in their absence has an original vote at any proceedings of the Council but, if upon any question before the Council the votes are equally divided, the Administrator or, as the case may be, the Deputy President or other member presiding has, but need not exercise, a casting vote.

### **Direction to public officers to assist Council**

**14.** The Administrator may direct any public officer to attend any meeting of the Council, notwithstanding that such officer is not a member of the Council, if in the opinion of

the Administrator the business before the Council renders the presence of such officer desirable; and such officer is entitled to take part in the proceedings of the Council relating to the matters in respect of which he or she was directed to attend as if he or she were a member of the Council, but does not have the right to vote.

### **Power of Administrator to make By-Laws**

**15. (1)** Subject to subsection (9), the Administrator may make By-Laws to have the force of law in Tristan da Cunha or any part of it for or with respect to any matter that is included in Schedule 3 to this Ordinance and with respect to any matter incidental to any matter so included.

**(2)** The Administrator may in making any by-law under this section prescribe the fine with which a contravention of it is punishable, but such fine must not exceed for any one offence the sum of £250 or, in the case of a continuing offence, the sum of £20 for every day during which such offence is continued.

**(3)** Any contravention of any by-law may be heard and dealt with in a summary way by a Magistrate or Justice of the Peace, and if any forfeiture, penalty, due, sum of money, or expenses imposed or made payable under this Ordinance is not immediately paid, the Magistrate or Justice of the Peace may order the levying thereof by distress and sale.

**(4)** The Administrator must submit a draft of any proposed by-law to the Island Council for their consideration and advice before making any by-law under this section.

**(5)** Every by-law made by the Administrator under this section must be published by being affixed to the public notice board at the Office of the Administrator and comes into force on the date on which it is so published:

Provided that—

- (a)* the Administrator may in the by-law or by notice published at the same time as the by-law prescribe that the by-law or any provision of it comes into force on a date after such publication in which event the by-law or provision comes into force on the date so prescribed; and
- (b)* different dates may be prescribed in relation to different provisions of the by-law and such provisions come into force accordingly on the different dates so prescribed.

**(6)** Upon the publication in accordance with subsection (5) of any by-law, the Administrator must as soon as practicable transmit to the Governor a copy of the by-law certified by the Administrator to be a true copy of it and notice of the date of publication and of the date on which the by-law is to come into force or, if different dates have been prescribed in relation to different provisions of the by-law, such dates:

Provided that the validity of any by-law is not affected by the non-transmission of the certified copy of the by-law to the Governor.

**(7)** A copy of every by-law must be available for public inspection during office hours at the Office of the Administrator.

**(8)** The production of a copy of any by-law purporting to be certified by the Administrator to be a true copy of a by-law for the time being in force is evidence of the by-law and of the due making of the by-law and of its being in force.

**(9)** If any by-law made under this section is inconsistent with any enactment by the Governor and for the time being in force in Tristan da Cunha, that enactment, to the extent of the inconsistency, prevails over the by-law.

**(10)** The Governor may within 12 months of a by-law made under this section taking effect revoke or amend the by-law by notice published in accordance with subsection (5).

**(11)** A notice given by the Governor in accordance with subsection (10) has effect as if it were a by-law properly made by the Administrator under this section.

### **Power of Administrator to levy and assess taxes**

**16. (1)** The Administrator may with the approval of the Governor and after obtaining the advice of the Island Council levy and assess general or specific taxes for the purpose of meeting expenditure incurred in furtherance of—

- (a) the matters in respect of which the Administrator may make By-Laws under this Ordinance; and
- (b) the general purpose of this Ordinance.

**(2)** A tax levied under this section is payable—

- (a) by such person, persons or class of persons; and
- (b) in such amount; and
- (c) at such place; and
- (d) at such intervals,

as is specified by the Administrator in a notice published by the Administrator and affixed to the public notice board at the Office of the Administrator.

**(3)** A tax payable by a person in accordance with this section is a debt due to the Crown and may be sued for by the Administrator in any court of competent jurisdiction.

### **Rules of Procedure of Council**

**17. (1)** The regulation and conduct of the proceedings of the Island Council and the despatch of its business are to be as provided in the Rules of Procedure of the Council.

**(2)** Subject to the approval of the Governor, the Administrator may by order make, amend or revoke Rules of Procedure for the purposes of subsection (1).

### **Council committees**

**18. (1)** Subject to this section and to sections 19, 20, 21 and 22, the Administrator may, by directions in writing, establish one or more committees of the Island Council for such general or special purposes as are prescribed by such directions, and may from time to time revoke or amend any such directions.

**(2)** A committee of the Council, other than any committee appointed to deal with finance and general purposes must consist of—

- (a) the Administrator, or such person as the Administrator may appoint from among the members of the Council or from among persons who are not members, as Chair;
- (b) 3 persons elected by the members of the Council; and
- (c) 2 persons appointed by the Administrator.

**(3)** If a committee is appointed to be a Finance and General Purpose Committee it must consist of—

- (a) the Administrator, as Chair;
- (b) the Chief Islander; and
- (c) every person who is the Chair of a committee of the Council or, if any such person is not a member of the Council, a person appointed by the Administrator from among those members of that committee who are members of the Council.

**(4)** The Administrator may at any time by writing under his or her hand revoke the appointment of an appointed member of a committee of the Council.



(5) A member of any committee appointed or elected from among the members of the Council must vacate his or her seat as a member of the committee if he or she ceases to be a member of the Council for any reason other than a dissolution of the Council, and must also vacate his or her seat as a member of the committee on the date when the Council first meets following a general election.

### **Functions of Council committees**

19. In relation to any committee of the Council, without affecting any other provision of this Ordinance requiring the Administrator to obtain the advice of the committee, the Administrator must refer any matter concerning any purpose for which the committee was established to the committee for their consideration and advice and the committee must advise the Administrator accordingly, but the Administrator is not bound to act in accordance with the advice of the committee.

### **Rules of Procedure etc. of Council committees**

20. (1) The regulation and conduct of the proceedings of any committee of the Council and the despatch of its business are to be as provided in the Rules of Procedure set out in Schedule 4 to this Ordinance.

(2) The Administrator may revoke, vary or amend any of the Rules of Procedure for the time being in force.

### **Reports of committees**

21. (1) Subject to subsections (2) and (3), any committee of the Council must, at such times and either in writing or orally as determined by the Council, report to the Council on the exercise by the committee of its functions in respect of all matters entrusted to the committee.

(2) With respect to any matter on which the Administrator has consulted and obtained the advice of any committee, the Administrator may, if in his or her judgement it is desirable so to do, exercise his or her powers in respect of such matter prior to the report of the committee on it to the Council.

(3) Subsection (2) does not apply where the matter is the estimates of the revenues and expenditure of Tristan da Cunha for any financial year or is one in respect of which the approval of the Council is required by, or under, this Ordinance or any other enactment.

### **Oaths by members of Council or committees thereof**

22. (1) No appointed or elected member of the Council shall be permitted to take part in the proceedings of the Council (other than proceedings necessary for the purposes of this subsection) until he has made and subscribed before the Council—

an oath or affirmation for the due execution of his office in the form set out in Schedule 5 to this Ordinance; and

(b) an oath of secrecy in the form set out in Schedule 5 to this Ordinance: Provided that the election of a Deputy President of the Council may take place before the members of the Council have made such oath or affirmation.

(2) Before a person who, not being an appointed or an elected member of the Council, has been appointed as the Chair or other member of a committee of the Council under paragraph (a) or (c) of section 18(2) may assume the functions of the office of Chair or other member, he or she must make before the Administrator, or some other person

authorised by the Administrator for the purpose—

an oath or affirmation for the due execution of the office in the form set out in Schedule 5 to this Ordinance; and

- (a) an oath of secrecy in the form set out in Schedule 5 to this Ordinance.

### **Dissolution of Council**

**23. (1)** Subject to the approval of the Governor, the Administrator may at any time dissolve the Council.

**(2)** The Administrator must dissolve the Council—

- (a) unless the Governor otherwise directs - at the expiration of 3 years from the date the Council first meets after the last dissolution of the Council; or
- (b) on a date, whether before or after the expiration of the period of 3 years referred to in paragraph (a) that the Governor directs.

**(3)** Every dissolution of the Council must be by notice given by the Administrator in writing under his or her hand and the official seal and affixed to the public notice board at the Office of the Administrator.

### **General election**

**24.** A general election must be held within one month of every dissolution of the Council, as appointed by the Administrator by notice in writing under his or her hand and the official seal and affixed to the public notice board at the Office of the Administrator.

## **SCHEDULE 1** (Sections 3 and 7)

### **RULES GOVERNING ELECTIONS TO ISLAND COUNCIL**

**1.** All persons of or over 18 years of age resident on Tristan da Cunha are qualified to be electors and to vote. A person is considered “resident” only if he or she has been born on the Island or has lived there for an aggregate period of at least 3 years before the date of the election.

**2. (1)** Each year the head of every house on the Island must submit to the Administrator on or before the 15th October a list showing the names of all persons of or over 18 years of age living in the house. The list must indicate those persons who are over 21 years of age.

**(2)** A list of all persons qualified to be electors must be prepared from the lists submitted, and the list so prepared is, subject to the proviso to this sub-rule, the list of registered voters (hereinafter referred to as the “electors”) and must be published in the place the Administrator directs not later than 22nd October in each year:

Provided that on the day preceding the date fixed for the receipt of nominations under rule 4 (2) the Administrator must add to the list of electors the names of all persons who have attained the age of 18 years and are otherwise qualified to be electors, and must indicate on the list of electors those persons who have attained the age of 21 years, since the immediately preceding 15th October.

**3.** The date of any general election to the Council must be fixed by the Administrator, in accordance with section 24 of the Ordinance.

**4.** The method and conduct of elections is as follows—

**(1)** The Administrator must give notice in writing under his or her hand and the official seal of the date fixed for the election at least one calendar month before the date.

**(2)** The Administrator must appoint a public officer to be Presiding Officer at the election who must fix a date and place for receipt of nominations, which must not be more than 21 days or less than 14 days before the date fixed for holding the election.

- (3) (a) The nomination of any person qualified to be an elected member of the Council must be made in writing to the Presiding Officer by 2 electors and must bear the signature of the person nominated as consent to nomination. No elector may nominate more than 8 candidates.
- (b) In the event that no candidates are nominated or the number of candidates nominated is less than the number of seats prescribed for elected members (that is to say, 8 elected members of whom not less than one must be a woman), the retiring councillors are deemed to have been duly nominated, excepting any such councillor who signifies in writing his or her unwillingness to serve, and they must be declared to have been returned unopposed or, as the case may be, a poll must be held in respect of any seat not filled.
- (4) A list of persons nominated must be published on the day following the date fixed for receipt of nominations.
- (5) If not more than 8 candidates are nominated and at least one of those candidates is a female candidate, they must be returned unopposed. In any other case, a poll must be taken on the date fixed for the election between the hours of 8 a.m. and 6 p.m.
- (6) All persons voting as electors must do so in person except that in respect of any elector who is unable through physical incapacity to go to the polling station or who is blind or makes an oral declaration of inability to read, the Presiding Officer must cast the vote of such elector if requested by him or her so to do, in which case the Presiding Officer must cast the vote in the manner directed by the elector; and all other electors must obtain from the Presiding Officer a ballot paper bearing the names of candidates, and in some convenient secret place in the place fixed by the Presiding Officer as a polling station each voter must mark an X against the names of not more than 8 candidates. On completion of marking, the elector must fold the ballot paper and place it in the locked ballot box provided. Before handing a ballot paper to an elector, the Presiding Officer must mark his or her name in the register and stamp the ballot paper with the official mark.
- (7) (a) At 6 p.m. on the day of the poll, the poll must be closed. The Presiding Officer must then count the votes. Any ballot paper bearing any mark other than the official mark or more than 8 crosses is invalid.
- (b) The 8 candidates who obtain the greatest number of votes validly cast must be declared elected provided that at least one of them is a female candidate. If no female candidate is included among such 8 candidates, the first 7 only must be declared elected and the eighth seat must be filled by the female candidate who has obtained the greatest number of votes validly cast irrespective of her position in the ballot in relation to the remaining male candidates, and she must be declared elected. If no female candidate is included among the nominated candidates, a by-election must be held to fill the eighth seat and, in respect of such by-election, a female candidate or candidates only may be nominated and a poll must be taken only if more than one such candidate is nominated.
- (c) The Presiding Officer must certify the result to the Administrator in a list showing the total votes validly cast for each candidate. This list must be countersigned by 2 other persons present at the counting of the votes.
- (d) If 2 or more candidates receive the same number of votes validly cast, the Administrator may determine the result in his or her discretion by a casting vote, or may determine by lot which of those candidates is deemed to be elected.
- (8) The results of the election, signed by the Administrator, must be posted on the public notice board at the Office of the Administrator as soon as possible after the counting of votes is completed.

- 5.** (1) A person commits an election offence if, without lawful authority or excuse—
- (a) the person enters more than one ballot paper or uses the ballot paper of another person; or
  - (b) the person prevents another person from exercising his or her right to vote; or
  - (c) by force, threat or bribery the person induces or attempts to induce another person to vote for any particular candidate or group of candidates; or
  - (d) by inducing another person by force or threat to reveal how he or she has voted or by any other act, the person infringes the secrecy of the ballot.
- (2) Any person convicted of an offence under paragraph (1) the immediately preceding paragraph is liable to a fine not exceeding £50 and to be disqualified from voting for a period not exceeding 3 years.

**SCHEDULE 2**

(Section 10)

**BALLOT PAPER**

**ISLAND COUNCIL ELECTION**

No.....	ADAMS, John Peter	
...		
Ballot Paper	BROWN, Peter Anthony	
	BUCKLEY, Sylvia Jean	
	CLINGHAM, John Oswald	
	EDWARDS, Barbara Jane	
	HENRY, Margaret Louise	
	JOHN, Robert Alexander	
	KNIPE, Edwin Charles	
	LEO, Peter Robert	
Elector's Serial No.....	MORRIS, William Patrick	
...	PRIOR, James	
	YARROW, Basil Andrew	

**CHIEF ISLANDER**

Ballot Paper

ADAMS, John Peter	
CLINGHAM, John Oswald	
MORRIS, William Patrick	

PRIOR, James	

**SCHEDULE 3**  
(Section 15)

**MATTERS WHICH MAY BE THE SUBJECT OF BY-LAWS**

**Health**

- (a) Sanitation and cleanliness, including the control and supervision of privies, cess-pools, septic tanks and other sewage purification plants;
- (b) the seizure, collection, removal and disposal of unwholesome flesh, fish, or other provisions or of rubbish, night-soil, trade or garden refuse or other filth;
- (c) the control, destruction and licensing of dogs and cats;
- (d) the control of vermin;
- (e) public health and medical services, the supply of medical equipment and drugs and medicines (including the provision of such equipment, drugs and medicines by the Government for the use of the public) and the prevention and control of infections and contagious diseases;
- (f) the control, regulation, restriction or prohibition of the importation into Tristan da Cunha, or of the movement or use after importation, of plants and animals whether alive or dead, which are or may be diseased or which may carry disease and the destruction of such plants and animals at the time of or after importation.

**Works**

- (g) The use to which particular areas of land may be put, the construction of pens or folds, the erection of buildings and the enclosure of land;
- (h) the drainage of storm water and of refuse water;
- (i) the construction, maintenance and cleaning of roads;
- (j) the supply of water, including the control and supervision of wells, water-tanks and cisterns;
- (k) the establishment, care and maintenance of cemeteries, including the prohibition of burials other than in specific localities;
- (l) the performing of public work.

**Amenities**

- (m) The planting of trees;
- (n) public holidays.

**Administration**

- (o) The provision, use and maintenance of public property;
- (p) the provision, use and maintenance of a public school, attendance at, and the general management of, such school;
- (q) the levy, assessment, payment and collection of general or specific taxes referred to in section 16 of the Ordinance.

## **General**

- (r) The prevention and abatement of nuisances;
- (s) the control of livestock, including branding or marking and the recording of brands and marks;
- (t) all other matters necessary for or conducive to the public safety, health or convenience, as to the Administrator shall seem fit;
- (u) any other matter which the Governor may from time to time declare by notice published in the *Gazette*.

## **SCHEDULE 4** (Section 20)

### **RULES OF PROCEDURE OF COMMITTEES OF THE COUNCIL**

#### **Application**

1. These Rules apply to all Committees of the Council.

#### **Time and place of meetings**

2. A Committee must meet at times and places the Chair directs. Except in an emergency, not less than 2 clear days' notice must be given of any meeting. Notice of the meeting must be sent to each member of the Committee by the Committee Secretary.

#### **Members may requisition meeting**

3. (1) Any 3 or more members of a Committee may requisition a meeting by giving notice of their request to the Chair in writing. The notice must be signed by all the members requisitioning the meeting and must state the business to be considered. The Chair must call a meeting of the Committee as soon as practicable after the receipt of such notice.

- (2) At a meeting of a Committee requisitioned under this rule no business is to be considered other than that stated in the notice requisitioning the meeting.

#### **Agenda**

4. (1) The Chair in consultation with the Administrator must decide the Agenda for the meeting (other than a meeting requisitioned under rule 3) and a copy of the agenda paper must be sent to each member together with the notice of the meeting.

- (2) No other business, unless the Chair judges it urgent, may be brought before the meeting.

#### **Presiding in Committee**

5. (1) The Chair must, so far as is practicable, preside at meetings of a Committee.

- (2) In the absence of the Chair, there must preside at the meeting a member, being a member of the Island Council, that the Administrator selects from among them.

#### **Quorum**

6. The quorum of a Committee is 3 members and no business except that of adjournment may be transacted at a meeting of a Committee unless a quorum is present.

## **Minutes**

7. (1) Minutes of a meeting of a Committee must be drawn up and entered in a book kept for that purpose and must be signed at the same or any subsequent meeting of the Committee by the Chair or other person presiding at the meeting.

(2) Minutes may be challenged only on accuracy and before they are signed.

(3) Copies of the minutes must be sent to the Administrator and to each member of the Island Council. If, however, the Chair considers that on account of their confidential nature distribution of the minutes to persons other than members of the Committee should be withheld, the Chair must withhold such distribution until he or she has obtained the directions of the Administrator.

## **Questions to be decided by majority vote**

8. All questions for the decision of a Committee must be determined by the majority of the votes of the members present and voting.

## **Method of Voting**

9. (1) Voting is by show of hands. If when the result is declared at least 2 members so require, a roll call must be taken of the members present and the individual votes must be listed in the minutes. If the roll call differs from the show of hands, the roll call prevails.

(2) The Chair or other member presiding has an original vote and, in the event of an equality of votes, has and must exercise a casting vote.

## **Pecuniary interest**

10. A member who has any pecuniary interest, direct or indirect, in any matter under consideration by a Committee must, as soon as practicable after such business is entered upon, disclose the fact and must not take part in the discussion of, or vote on, that matter.

## **Position of Committee in relation to staff of Government Departments**

11. If the Administrator has charged a Committee with responsibility for advising the Administrator on matters relating to any Department of the Government, the discussion of any matter relating to the appointment, promotion or disciplining of the staff of such Department, or their management, remuneration or conditions of service, is out of order. It is, nevertheless, within the competence of a Committee to consider matters relating to the methods of working and the training of such staff, and the numbers and grades of staff required.

## **Privacy of documents, etc.**

12. If any document submitted for the consideration of a Committee is marked "Secret" or "Confidential" or "In Confidence" its contents must in no circumstances be communicated to or divulged to any member of the public, nor may such document be alluded to in conversation with any person, other than a member of the Committee. This rule applies equally to confidential information orally imparted to a Committee.

## **Officials may be invited to assist Committee**

13. The Administrator may direct any public officer to attend a meeting of a Committee, even if the officer is not a member of the Committee, if in the Administrator's opinion the business before the Committee renders the presence of such officer desirable; and the officer is entitled to take part in the proceedings of the Committee relating to the matters in respect of which he or she was directed to attend as if the officer were a member of the Committee but does not have the right to vote.

**Matters which are the responsibility of more than one Committee**

**14. (1)** Where the business before a Committee touches upon any matter for which some other Council Committee is responsible, the Committee must not proceed to a decision on such business until such other Committee has been informed of the matter and its views on it, if any, have been received and considered.

**(2)** It is open to such Committees, if their respective Chairs so agree, to hold a joint meeting to consider any such matter. At any joint meeting the Chair of the Committee in which the business originated must preside.

**(3)** In the event of 2 or more Committees being unable to resolve any point of difference, the matter must be referred to the Administrator for directions.

**Chair may act on Committee’s behalf between meetings**

**15.** Between meetings of a Committee, the Administrator may consult the Chair of the Committee on matters which are of a routine nature or will not admit of delay. The Chair must report all such action at the next meeting of the Committee.

**SCHEDULE 5**

(Section 22)

**FORMS OF OATH AND AFFIRMATION**

Oath for due execution of office

I ..... do swear that I will well and truly serve Her Majesty Queen Elizabeth the Second, Her Heirs and Successors, in the office of (here insert the description of the office). So help me God.

Affirmation for due execution of office

I ..... do solemnly and sincerely affirm and declare that I will well and truly serve Her Majesty Queen Elizabeth the Second, Her Heirs and Successors, in the office of (here insert the description of the office).

Oath of secrecy

I ..... do swear that except with the authority of the Administrator, I will not directly or indirectly reveal the business or proceedings of the Island Council or the nature or contents of any document communicated to me as a member of the Council or as member of any committee of the Council, or any matter coming to my knowledge in my capacity as a member of the Council or of such committee, and that in all things I will be a true and faithful Councillor or committee member. So help me God.

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**ISLAND COUNCIL (TRISTAN DA CUNHA) ORDINANCE, 1985**

**INCOME TAX AND MEDICAL CONTRIBUTIONS ORDER, 2008**

(Section 16)

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**PART I  
PRELIMINARY**

**Citation and commencement**

1. (1) This Order may be cited as the Income Tax and Medical Contributions Order, 2008, and, subject to subparagraph (2), come into operation on 1 June 2008.
- (2) The following provisions come into operation on 1 January 2009:
  - (a) paragraphs 4(1)(b), 5(b) and 7(3)(c);
  - (b) Part B of Schedule 1 (and the reference in paragraph 7(3)(a) to Part B); and
  - (b) Note 5 and Part E of Schedule 2.

**Interpretation**

2. In this Order, unless the context otherwise requires—
 

“**employment**” includes any work performed or services rendered under a contract for services;

“**permanent resident**” means a person who is domiciled on Tristan da Cunha and who has been resident on the island for at least 5 years;

“**resident**” means a person who is or will be resident in Tristan da Cunha for a period of at least 4 months during the relevant year of assessment;

“**taxable income**” has the meaning given in paragraph 4;

“**year of assessment**” means the period of 12 months commencing on the first day of January in any year: Provided that the first year of assessment under this Order in respect of income earned from employment means the period of 6 months commencing on 1 June 2008.

## PART II LEVYING OF INCOME TAX

### Income Tax

3. (1) There is to be charged, levied and collected in accordance with this Order, a tax to be known as Income Tax.

(2) Subject to this Order, income tax is payable in respect of every year of assessment upon the taxable income of any person for that year.

### Taxable Income

4. The taxable income of a person in respect of any year of assessment—
- (a) from or in respect of any employment or office as referred to in Part A of Schedule 1 - is the total amount of the person's income arising in or derived from Tristan da Cunha during that year of assessment, as determined in accordance with Schedule 1; and
- (b) from carrying on any trade, business, profession or vocation referred to in Part B of Schedule 1 - is the total amount of the person's income arising in or derived from Tristan da Cunha during that year of assessment, as determined in accordance with Schedule 1,

reduced in each case by the amount of the medical contribution payable in respect of such income in that year under paragraph 7.

### Tax rates

5. Income tax is to be charged at the following rates:
- (a) in respect of income derived from employment referred to in paragraph 4(a), where the total annual taxable income from employment for the relevant year of assessment—

does not exceed £1,500	0 %
exceeds £1,500 but does not exceed £3,000	10 % on the income exceeding £1,500
exceeds £3,000	£150 plus 13 % on all income exceeding £3,000

- (b) in respect of income derived from any trade, business, profession or vocation referred to in paragraph 4(b), 10% per cent of the total annual taxable income from such trade, business, profession or vocation.

### Exempt income

6. Notwithstanding anything herein contained to the contrary, there are excluded from the taxable income—

- (a) the official emoluments received by any person from—
- (i) the government of any other country or any international aid organisation; or
- (ii) any other foreign employer if such emoluments are taxed in another country;

- (b) the income of any ecclesiastical or charitable institution of a public character to the extent that such income is derived otherwise than from a trade or business carried on by such institution;
- (c) any pensions paid, whether or not in respect of past employment, and including any wound, disability or military pensions;
- (d) the income of the Savings Bank referred to in the Savings Bank (Tristan da Cunha) Ordinance, 1968 and any income arising as interest earned by any person on monies deposited with the Savings Bank.

### PART III MEDICAL CONTRIBUTIONS

#### Levy of medical contributions

7. (1) There is to be charged, levied and collected in accordance with this Order, an annual contribution towards the medical services which i, subject to paragraph 8, payable by every resident.

(2) The medical contribution is to be charged at a rate of 4% of the chargeable amount of such person as determined under subparagraph (3) for the relevant year of assessment.

- (3) The chargeable amount of a person for purposes of this paragraph is—
- (a) in the case of a permanent resident—
    - (i) the total taxable employment income of the person determined for the relevant year of assessment under Part A of Schedule 1; or
    - (ii) if the person does not have any employment income from employment during the relevant year, an amount of £2,848 (or such other amount as is determined by the Administrator from time to time as being the amount of the average annual salary income of all residents);
  - (b) in the case of any other resident, the greater of—
    - (i) the total taxable employment income of the person determined for the relevant year of assessment under Part A of Schedule 1; and
    - (ii) £2,848 (or such other amount as is determined by the Administrator under subparagraph (3)(a)(ii)); or
  - (c) where such person derives any income from any trade, business, profession or vocation arising in or derived from Tristan da Cunha, the total amount of his or her income during the relevant year of assessment as determined in accordance with Schedule 1, plus his or her taxable employment income (if any) under subparagraph (3)(a)(i) or (3)(b)(i), as the case may be.

(4) In the case of any person being liable for medical contributions in respect of a period in any year of assessment which is shorter than 12 months, the amount under subparagraph (3)(a)(ii) or (3)(b)(ii) (if applicable) is to be apportioned accordingly.

(5) The medical contributions paid by a person under this paragraph cover the person for—

- (a) any medical treatment on Tristan da Cunha; and
- (b) medical evacuation and treatment outside Tristan da Cunha, if the person is a permanent resident.

### **Exemption from medical contributions**

**8.** The following persons are exempt from paying the medical contribution under paragraph 7:

- (a) any child under the age of 16;
- (b) any child over the age of 16 years but under the age of 18 years and who is not in full time employment;
- (c) any person over the age of 65 years; and
- (d) any other person who is unemployed, provided such person is a permanent resident and has no income from any other source (other than any pension or social benefit payments).

## **PART IV PAYMENT AND ASSESSMENT OF TAX AND CONTRIBUTIONS**

### **Payment of tax and medical contribution**

**9. (1)** The amount of income tax and medical contribution chargeable in respect of a year of assessment under this Order must be paid to the Administrator by way of provisional monthly instalments which must be determined in accordance with Schedule 2.

**(2)** The monthly instalments of tax and medical contributions payable by any employee in respect of his or her income derived from employment must be deducted by his or her employer from the remuneration payable by the employer to the employee during that month.

**(3)** The instalment of tax and medical contributions due by a person in respect of any month must be paid by him or her (or, in the case of any amount withheld under subparagraph (2), by the employer of the person) to the Administrator within 7 days after the end of the relevant month.

**(4)** A person must, together with a payment under subparagraph (3), submit to the Administrator a statement in a form and containing the details required from time to time by the Administrator.

### **Annual calculation**

**10. (1)** Every person (other than a person in respect of whom subparagraph (2) applies) who is liable for any income tax or medical contributions in respect of any year of assessment must at the end of that year—

- (a) calculate his or her final liability for such tax and contributions for such year; and
- (b) within 30 days after the end of the year of assessment submit to the Administrator, in the form and containing the details the Administrator from time requires, a return of such final liability for tax and contributions.

**(2)** The total amount of monthly instalments of income tax and medical contributions paid by a person during the year of assessment in respect of his or her employment income is deemed to be the amount of his or her final liability for income tax and medical contributions for such year, if—

- (a) the monthly instalments were determined in accordance with Schedule 2;

- (b) no further employment income is paid to the person after the year of assessment in respect of which item 1(2) of Part A of Schedule 1 applies for the relevant year; and
- (c) the person did not derive any other taxable income.

### **Administrator to make assessment**

**11. (1)** The Administrator must assess every person liable to pay income tax or medical contributions as soon as may be after the expiration of the time allowed to the person for the delivery of his or her return under paragraph 10.

- (2)** If a person has delivered a return, the Administrator may—
- (a) accept the return and make an assessment accordingly; or
  - (b) refuse to accept the return and to the best of his or her judgement, determine the amount of the taxable income of the person and assess the person accordingly for income tax and medical contributions.

**(3)** If a person has not delivered a return and the Administrator is of the opinion that the person is liable to pay tax or medical contributions, the Administrator may, according to the best of his or her judgement, determine the amount of the taxable income of the person and assess him or her accordingly for income tax and medical contributions.

**(4)** The Administrator must serve on each person who is assessed to pay tax or medical contributions a notice of assessment stating the amount of his or her taxable income and the final amount of income tax and medical contributions payable by the person, and must in that notice inform the person of his or her rights under paragraph 14.

### **Payment of outstanding amount and refund**

**12. (1)** If the amount of income tax or medical contributions in respect a person which has been assessed under paragraph 11 for the year of assessment exceeds or is less than the amount of income tax or medical contributions paid by such person for such year under paragraph 9, the person —

- (a) in the case of an underpayment, must make arrangements for payment of the outstanding amount to the Administrator; or
- (b) in the case of an overpayment, is entitled to a refund of the amount overpaid.

**(2)** If notice of an objection or appeal has been given against an assessment, collection of income tax and medical contributions under the assessment remains in abeyance until the objection or appeal is determined:

Provided that the Administrator may enforce payment of that portion of the tax (if any) which is not in dispute.

### **Additional or revised assessments**

**13. (1)** If it appears to the Administrator that any person liable to pay tax or medical contributions has not been assessed or has been assessed at an amount which is more or less than that which ought to have been charged, the Administrator may (within the year of assessment in which such liability occurs, or within 6 years after the expiration of that year)

assess the person at such amount or such additional or reduced amount as, according to the Administrator's judgement, ought to have been charged.

(2) The provisions of paragraph 12 apply in respect of any underpayment or overpayment resulting from an assessment or revised assessment issued under subparagraph (1).

## **PART V OBJECTION AND APPEAL PROVISIONS**

### **Objection against assessment**

14. (1) If any person disputes an assessment for income tax or medical contributions made upon the person under this Order, he or she may apply to the Administrator, by notice of objection in writing, to review the assessment made upon the person.

(2) Every notice of objection must state precisely the grounds of the objections to the assessment and be made within 15 days from the date of the service of the notice of assessment, or any longer period the Administrator in the circumstances allows.

(3) On receipt of a notice of objection, the Administrator may—

- (a) require the person giving the notice of objection to provide any particulars the Administrator considers necessary with respect to the income of the person assessed and to produce all books or other documents in the person's custody or under the person's control relating to such income; and
- (b) summon any person who has or whom the Administrator believes to have knowledge of any such matter to attend before the Administrator and may examine such person on oath or otherwise.

(4) If a person who has objected to an assessment made upon him or her agrees with the Administrator as to the amount at which the person is liable to be assessed, the assessment must be amended accordingly, and notice of the income tax or medical contributions payable must be served upon the person.

### **Appeals against assessments**

15. (1) A person who is aggrieved by an assessment made upon him or her and who has failed to agree with the Administrator in the manner provided in paragraph 14(4), may appeal against the assessment to the Governor for a ruling on the matter, upon giving notice in writing to the Administrator within 15 days from the date of the refusal of the Administrator to amend the assessment as desired, or any longer period the Governor in the circumstances allows.

(2) If the Governor is satisfied that the assessment is in error, he or she must order that the assessment be amended in such manner (either by way of reduction or increase) as is necessary to bring the assessment into conformity with the provisions of this Order.

## **PART VI INFORMATION, NOTICES AND BOOKS OF ACCOUNTS**

## Notices and returns

**16.** (1) The Administrator may, by notice in writing, require any person to supply to the Administrator, within a reasonable time specified in the notice, such particulars concerning matters of which the Administrator needs to be aware for the purposes of the due administration of this Order and may require the person to produce for examination any books, documents, accounts or other records the Administrator considers necessary.

(2) Without limiting subparagraph (1), the matters about which the Administrator may require information to be supplied to the Administrator under that subparagraph include—

- (a) the income of the person to whom the notice is addressed, or of any other person in respect of whose income such person is or may be assessable under any provision of this Order;
- (b) any fact or circumstance affecting the entitlement of any person to any of the deductions in Schedule 1; and
- (c) any sums paid or to be paid by the person to whom the notice is addressed, being sums which are or may be liable to tax in the hands of the recipient of them, together with the name and address of each recipient of any such sum.

## Books of account

**17.** If a person liable to pay income tax fails or refuses to keep books or accounts which, in the opinion of the Administrator are adequate for the purposes of the tax, the Administrator may by notice in writing require the person to keep such records, books and accounts.

## Signature and service of notices

**18.** (1) Every notice to be given by the Administrator under this Order must be signed by the Administrator or by some person from time to time appointed by the Administrator for that purpose, and every such notice is valid if the signature of the Administrator or of such person is duly printed or written on it.

(2) Notices under this Order may be served upon a person either personally or by being delivered to the person's business or private address.

## PART VII TRUSTEES AND AGENTS

### Trustees of incapacitated persons

**19.** (1) Every trustee, guardian or other person having the direction, control, or management of any property or concern on behalf of any incapacitated person is assessable to income tax and medical contributions in the name of the incapacitated person in like manner and to the like amount as the person would be assessable if he or she were not an incapacitated person.

(2) The person who is assessable in respect of an incapacitated person is answerable for all matters required to be done by virtue of this Order for the assessment of the income of



any person for whom he or she acts, and for paying income tax or medical contributions assessable on that income.

(3) For the purpose of this paragraph “**incapacitated person**” means any person who lacks legal capacity to manage his or her own affairs.

### **Manager of bodies of persons**

20. The manager or other principal officer of every body of persons is answerable for doing all such acts, matters and things as are required to be done by virtue of this Order for the assessment of that body and payment of the tax.

### **Indemnification of representative**

21. Every person answerable under this Order for the payment of income tax or medical contributions on behalf of another person—

- (a) may retain out of any money coming to his or her hands on behalf of such other person sufficient money to pay the tax or contributions; and
- (b) is to be indemnified against any person whatsoever for all payments made by the person answerable pursuant to or by virtue of this Order.

### **Deceased persons**

22. (1) The liability of any person to pay income tax is not prejudiced or affected by the person’s death.

(2) The personal representative of every deceased person is liable to and charged with the payment (out of the assets of the estate) of any income tax which the deceased person would have been liable to pay if he or she had not died, and is answerable for doing such acts, matters and things as that person if that person were alive would be liable to do under this Order.

## **PART VIII OFFENCES AND PENALTIES**

### **Failure to furnish a return or information**

23. A person who fails or neglects to submit a return or to furnish information as required under this Order commits an offence.

(2) A person who wilfully fails to comply with a notice to keep books and accounts under paragraph 17, within 3 months of the service of the notice commits an offence.

(3) A person convicted of an offence under this paragraph is liable on summary conviction to a fine not exceeding £250 plus £1 for each day during which such non-compliance continues.

### **Penalty for non-payment of income tax or medical contribution**

24. (1) If any income tax or medical contribution is not paid within the period prescribed in paragraph 9(3), or any period allowed under an arrangement under paragraph

12(1)(a), a penalty equal to one-fifth of the amount of the tax or contribution is payable and is deemed to be a tax for purposes of section 16(3) of this Ordinance.

(2) The Administrator may remit the whole or any part of a penalty imposed under subparagraph (1) if satisfied that the failure to comply with the provisions of this Order was due to causes beyond the taxpayer's control, or to any other good or sufficient reason.

### **False statements and returns**

**25.** A person who—

- (a) for the purpose of obtaining any deduction or repayment in respect of income tax or medical contributions for that person or for any other person, in any return, account or information furnished with reference to the tax or contribution knowingly makes any false statement or false representations; or
- (b) aids, abets, assists, counsels, incites or induces another person—
  - (i) to make or deliver any false return or statement under this Order; or
  - (ii) to make or prepare any false accounts or particulars concerning any income on which income tax or medical contribution is payable under this Order,

commits an offence.

Penalty: A fine of £500.

### **Administrator may remit tax or contribution**

**26.** The Administrator may remit, wholly or in part, the income tax or medical contributions payable by any person under this Order, if satisfied that it is just and equitable to do so.

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## **SCHEDULE 1** (PARAGRAPH 4)

### **PART A** **INCOME FROM EMPLOYMENT**

#### **Income from employment or office**

**1.** (1) The income taxable under this Part comprises a person's gains or profits from any employment or holding of an office in Tristan da Cunha, including any monetary allowances granted in respect of such employment or holding of office.

(2) Any taxable income arising under sub-item (1) which is paid after the 1<sup>st</sup> day of January in any year in respect of the immediately preceding year of assessment is deemed to be taxable income accruing in that preceding year of assessment.

#### **Benefits in kind**

**2.** (1) Where in any year of assessment a person is employed or holds any office and by reason of such employment or office—

- (a) there is allowed to the person or paid to the person any sum as a benefit which, apart from this Item, is not treated as the person's taxable income; or

(b) there is provided for the person or for others being members of his or her family or household, any benefit to which a monetary value can be applied, such benefits must be evaluated in cash terms and the person is deemed to be in receipt of taxable income of an amount equal to the value of the benefits so received.

(2) For the purposes of sub-item (1) 'benefit' is limited to any benefit which relates to the provision of accommodation and meals.

## PART B PROFITS OF A TRADE OR BUSINESS

### **Profits of trade or business**

3. The income taxable under this Part comprises a person's gains or profits from any trade, business, profession or vocation which may have been carried on or exercised by the person.

### **Losses of trade or business**

4. If the amount of a loss incurred in any year of assessment in any trade, business, profession or vocation carried on by any person either solely or in partnership is such that it cannot be wholly set off against the person's income from other sources for the same year, the amount of such loss must, to the extent to which it is not allowed against the person's income from other sources for that year, be carried forward and set off against what would otherwise have been the person's taxable income for the next 5 years in succession.

### **Allowable deductions**

5. (1) For the purpose of ascertaining the taxable income of any person engaged in a trade, business, profession or vocation there is to be allowed to be deducted all outgoings and expenses wholly and exclusively incurred by the person in the production of the income, including—

- (a) sums payable by the person by way of interest upon any money borrowed by the person, where the Administrator is satisfied that the interest was payable on capital employed in acquiring the income;
- (b) rent paid by such person as tenant of land or buildings occupied by the person for the purpose of acquiring the income;
- (c) any sum expended by the person for repair of premises, plant and machinery employed in acquiring the income, or for the renewal, repair or alteration of any implement, utensil or article so employed;
- (d) any other deductions prescribed by any regulation made under this Order.

(2) In ascertaining the taxable income of any person engaged in a trade, business, profession or vocation, there is to be allowed as a deduction a reasonable amount for the exhaustion, wear and tear of property owned by the person, including plant and machinery, arising out of the use or employment of that property in the trade, business, profession or vocation during the year of assessment.

## PART C NON-PERMISSIBLE DEDUCTIONS

### **Non-permissible deductions**

**6.** For the purpose of ascertaining the taxable income of any person, no deduction is to be allowed in respect of—

- (a) domestic or private expenses;
- (b) any disbursements or expenses not being money wholly and exclusively laid out or expended for the purpose of acquiring the income;
- (c) any capital withdrawn or any sum employed or intended to be employed as capital;
- (d) any capital employed in improvements;
- (e) any sum expended which has been recovered under insurance or contract of indemnity;
- (f) rent of or cost of repairs to any premises or part of premises not paid or incurred for the purpose of producing the income.

## **SCHEDULE 2 (PARAGRAPH 9)**

### **TAX AND CONTRIBUTION TABLE**

- 1.** Part A sets out the monthly amounts of tax and medical contributions to be deducted by an employer from the salary paid to an employee during any month. Part A does not apply in respect of the tax and medical contribution to be deducted for June and December, respectively, if Part B or Part C is applicable in respect of such month. Columns 3 and 4 of Part A does not apply to any person who is not a permanent resident if the medical contribution of the person is to be determined with reference to the amount referred to in paragraph 7(3)(b)(ii).
- 2.** Part B applies for the calculation of the monthly amount of tax and medical contribution for June, if the amount of salary paid by the employer to the employee in any month during the period from January to June is higher or lower than the amount of salary paid to such employee in the other months during that period.
- 3.** Part C applies for the calculation of the monthly amount of tax and medical contribution for December, if the amount of salary paid by the employer to the employee in any month during the year is higher or lower than the amount of salary paid to such employee in the other months during that year.
- 4.** Part D sets out the monthly amounts of medical contribution in respect of any medical contribution payable by a person under paragraph 7(3)(a)(ii) or 7(3)(b)(ii).
- 5.** Part E applies for the calculation of the monthly amount of tax and medical contributions in respect of profits of a trade, business, profession or vocation.

## **PART A Tax and medical contribution table**

<b>Monthly income (£'s)</b>	<b>Tax (£'s)</b>	<b>Medical contribution (£'s)</b>	<b>Total payable (£'s)</b>
1	0	0.04	0.04
2	0	0.08	0.08
3	0	0.12	0.12
4	0	0.16	0.16
5	0	0.20	0.20
6	0	0.24	0.24
7	0	0.28	0.28
8	0	0.32	0.32
9	0	0.36	0.36
10	0	0.40	0.40
11	0	0.44	0.44
12	0	0.48	0.48
13	0	0.52	0.52
14	0	0.56	0.56
15	0	0.60	0.60
16	0	0.64	0.64
17	0	0.68	0.68
18	0	0.72	0.72
19	0	0.76	0.76
20	0	0.80	0.80
21	0	0.84	0.84
22	0	0.88	0.88
23	0	0.92	0.92
24	0	0.96	0.96
25	0	1.00	1.00
26	0	1.04	1.04
27	0	1.08	1.08
28	0	1.12	1.12
29	0	1.16	1.16
30	0	1.20	1.20
31	0	1.24	1.24
32	0	1.28	1.28
33	0	1.32	1.32
34	0	1.36	1.36
35	0	1.40	1.40
36	0	1.44	1.44
37	0	1.48	1.48
38	0	1.52	1.52
39	0	1.56	1.56
40	0	1.60	1.60
41	0	1.64	1.64
42	0	1.68	1.68
43	0	1.72	1.72
44	0	1.76	1.76
45	0	1.80	1.80

<b>Monthly income (£'s)</b>	<b>Tax (£'s)</b>	<b>Medical contribution (£'s)</b>	<b>Total payable (£'s)</b>
46	0	1.84	1.84
47	0	1.88	1.88
48	0	1.92	1.92
49	0	1.96	1.96
50	0	2.00	2.00
51	0	2.04	2.04
52	0	2.08	2.08
53	0	2.12	2.12
54	0	2.16	2.16
55	0	2.20	2.20
56	0	2.24	2.24
57	0	2.28	2.28
58	0	2.32	2.32
59	0	2.36	2.36
60	0	2.40	2.40
61	0	2.44	2.44
62	0	2.48	2.48
63	0	2.52	2.52
64	0	2.56	2.56
65	0	2.60	2.60
66	0	2.64	2.64
67	0	2.68	2.68
68	0	2.72	2.72
69	0	2.76	2.76
70	0	2.80	2.80
71	0	2.84	2.84
72	0	2.88	2.88
73	0	2.92	2.92
74	0	2.96	2.96
75	0	3.00	3.00
76	0	3.04	3.04
77	0	3.08	3.08
78	0	3.12	3.12
79	0	3.16	3.16
80	0	3.20	3.20
81	0	3.24	3.24
82	0	3.28	3.28
83	0	3.32	3.32
84	0	3.36	3.36
85	0	3.40	3.40
86	0	3.44	3.44
87	0	3.48	3.48
88	0	3.52	3.52
89	0	3.56	3.56
90	0	3.60	3.60

<b>Monthly income (£'s)</b>	<b>Tax (£'s)</b>	<b>Medical contribution (£'s)</b>	<b>Total payable (£'s)</b>
91	0	3.64	3.64
92	0	3.68	3.68
93	0	3.72	3.72
94	0	3.76	3.76
95	0	3.80	3.80
96	0	3.84	3.84
97	0	3.88	3.88
98	0	3.92	3.92
99	0	3.96	3.96
100	0	4.00	4.00
101	0	4.04	4.04
102	0	4.08	4.08
103	0	4.12	4.12
104	0	4.16	4.16
105	0	4.20	4.20
106	0	4.24	4.24
107	0	4.28	4.28
108	0	4.32	4.32
109	0	4.36	4.36
110	0	4.40	4.40
111	0	4.44	4.44
112	0	4.48	4.48
113	0	4.52	4.52
114	0	4.56	4.56
115	0	4.60	4.60
116	0	4.64	4.64
117	0	4.68	4.68
118	0	4.72	4.72
119	0	4.76	4.76
120	0	4.80	4.80
121	0	4.84	4.84
122	0	4.88	4.88
123	0	4.92	4.92
124	0	4.96	4.96
125	0	5.00	5.00
126	0	5.04	5.04
127	0	5.08	5.08
128	0	5.12	5.12
129	0	5.16	5.16
130	0	5.20	5.20
131	0.08	5.24	5.32
132	0.17	5.28	5.45
133	0.27	5.32	5.59
134	0.36	5.36	5.72
135	0.46	5.40	5.86

<b>Monthly income (£'s)</b>	<b>Tax (£'s)</b>	<b>Medical contribution (£'s)</b>	<b>Total payable (£'s)</b>
136	0.56	5.44	6.00
137	0.65	5.48	6.13
138	0.75	5.52	6.27
139	0.84	5.56	6.40
140	0.94	5.60	6.54
141	1.04	5.64	6.68
142	1.13	5.68	6.81
143	1.23	5.72	6.95
144	1.32	5.76	7.08
145	1.42	5.80	7.22
146	1.52	5.84	7.36
147	1.61	5.88	7.49
148	1.71	5.92	7.63
149	1.80	5.96	7.76
150	1.90	6.00	7.90
151	2.00	6.04	8.04
152	2.09	6.08	8.17
153	2.19	6.12	8.31
154	2.28	6.16	8.44
155	2.38	6.20	8.58
156	2.48	6.24	8.72
157	2.57	6.28	8.85
158	2.67	6.32	8.99
159	2.76	6.36	9.12
160	2.86	6.40	9.26
161	2.96	6.44	9.40
162	3.05	6.48	9.53
163	3.15	6.52	9.67
164	3.24	6.56	9.80
165	3.34	6.60	9.94
166	3.44	6.64	10.08
167	3.53	6.68	10.21
168	3.63	6.72	10.35
169	3.72	6.76	10.48
170	3.82	6.80	10.62
171	3.92	6.84	10.76
172	4.01	6.88	10.89
173	4.11	6.92	11.03
174	4.20	6.96	11.16
175	4.30	7.00	11.30
176	4.40	7.04	11.44
177	4.49	7.08	11.57
178	4.59	7.12	11.71
179	4.68	7.16	11.84
180	4.78	7.20	11.98



<b>Monthly income (£'s)</b>	<b>Tax (£'s)</b>	<b>Medical contribution (£'s)</b>	<b>Total payable (£'s)</b>
181	4.88	7.24	12.12
182	4.97	7.28	12.25
183	5.07	7.32	12.39
184	5.16	7.36	12.52
185	5.26	7.40	12.66
186	5.36	7.44	12.80
187	5.45	7.48	12.93
188	5.55	7.52	13.07
189	5.64	7.56	13.20
190	5.74	7.60	13.34
191	5.84	7.64	13.48
192	5.93	7.68	13.61
193	6.03	7.72	13.75
194	6.12	7.76	13.88
195	6.22	7.80	14.02
196	6.32	7.84	14.16
197	6.41	7.88	14.29
198	6.51	7.92	14.43
199	6.60	7.96	14.56
200	6.70	8.00	14.70
201	6.80	8.04	14.84
202	6.89	8.08	14.97
203	6.99	8.12	15.11
204	7.08	8.16	15.24
205	7.18	8.20	15.38
206	7.28	8.24	15.52
207	7.37	8.28	15.65
208	7.47	8.32	15.79
209	7.56	8.36	15.92
210	7.66	8.40	16.06
211	7.76	8.44	16.20
212	7.85	8.48	16.33
213	7.95	8.52	16.47
214	8.04	8.56	16.60
215	8.14	8.60	16.74
216	8.24	8.64	16.88
217	8.33	8.68	17.01
218	8.43	8.72	17.15
219	8.52	8.76	17.28
220	8.62	8.80	17.42
221	8.72	8.84	17.56
222	8.81	8.88	17.69
223	8.91	8.92	17.83
224	9.00	8.96	17.96
225	9.10	9.00	18.10

<b>Monthly income (£'s)</b>	<b>Tax (£'s)</b>	<b>Medical contribution (£'s)</b>	<b>Total payable (£'s)</b>
226	9.20	9.04	18.24
227	9.29	9.08	18.37
228	9.39	9.12	18.51
229	9.48	9.16	18.64
230	9.58	9.20	18.78
231	9.68	9.24	18.92
232	9.77	9.28	19.05
233	9.87	9.32	19.19
234	9.96	9.36	19.32
235	10.06	9.40	19.46
236	10.16	9.44	19.60
237	10.25	9.48	19.73
238	10.35	9.52	19.87
239	10.44	9.56	20.00
240	10.54	9.60	20.14
241	10.64	9.64	20.28
242	10.73	9.68	20.41
243	10.83	9.72	20.55
244	10.92	9.76	20.68
245	11.02	9.80	20.82
246	11.12	9.84	20.96
247	11.21	9.88	21.09
248	11.31	9.92	21.23
249	11.40	9.96	21.36
250	11.50	10.00	21.50
251	11.32	10.04	21.36
252	11.45	10.08	21.53
253	11.57	10.12	21.69
254	11.70	10.16	21.86
255	11.82	10.20	22.02
256	11.95	10.24	22.19
257	12.07	10.28	22.35
258	12.20	10.32	22.52
259	12.32	10.36	22.68
260	12.45	10.40	22.85
261	12.57	10.44	23.01
262	12.70	10.48	23.18
263	12.82	10.52	23.34
264	12.95	10.56	23.51
265	13.07	10.60	23.67
266	13.20	10.64	23.84
267	13.32	10.68	24.00
268	13.45	10.72	24.17
269	13.57	10.76	24.33
270	13.70	10.80	24.50

<b>Monthly income (£'s)</b>	<b>Tax (£'s)</b>	<b>Medical contribution (£'s)</b>	<b>Total payable (£'s)</b>
271	13.82	10.84	24.66
272	13.95	10.88	24.83
273	14.07	10.92	24.99
274	14.20	10.96	25.16
275	14.32	11.00	25.32
276	14.44	11.04	25.48
277	14.57	11.08	25.65
278	14.69	11.12	25.81
279	14.82	11.16	25.98
280	14.94	11.20	26.14
281	15.07	11.24	26.31
282	15.19	11.28	26.47
283	15.32	11.32	26.64
284	15.44	11.36	26.80
285	15.57	11.40	26.97
286	15.69	11.44	27.13
287	15.82	11.48	27.30
288	15.94	11.52	27.46
289	16.07	11.56	27.63
290	16.19	11.60	27.79
291	16.32	11.64	27.96
292	16.44	11.68	28.12
293	16.57	11.72	28.29
294	16.69	11.76	28.45
295	16.82	11.80	28.62
296	16.94	11.84	28.78
297	17.07	11.88	28.95
298	17.19	11.92	29.11
299	17.32	11.96	29.28
300	17.44	12.00	29.44
301	17.56	12.04	29.60
302	17.69	12.08	29.77
303	17.81	12.12	29.93
304	17.94	12.16	30.10
305	18.06	12.20	30.26
306	18.19	12.24	30.43
307	18.31	12.28	30.59
308	18.44	12.32	30.76
309	18.56	12.36	30.92
310	18.69	12.40	31.09
311	18.81	12.44	31.25
312	18.94	12.48	31.42
313	19.06	12.52	31.58
314	19.19	12.56	31.75
315	19.31	12.60	31.91

<b>Monthly income (£'s)</b>	<b>Tax (£'s)</b>	<b>Medical contribution (£'s)</b>	<b>Total payable (£'s)</b>
316	19.44	12.64	32.08
317	19.56	12.68	32.24
318	19.69	12.72	32.41
319	19.81	12.76	32.57
320	19.94	12.80	32.74
321	20.06	12.84	32.90
322	20.19	12.88	33.07
323	20.31	12.92	33.23
324	20.44	12.96	33.40
325	20.56	13.00	33.56
326	20.68	13.04	33.72
327	20.81	13.08	33.89
328	20.93	13.12	34.05
329	21.06	13.16	34.22
330	21.18	13.20	34.38
331	21.31	13.24	34.55
332	21.43	13.28	34.71
333	21.56	13.32	34.88
334	21.68	13.36	35.04
335	21.81	13.40	35.21
336	21.93	13.44	35.37
337	22.06	13.48	35.54
338	22.18	13.52	35.70
339	22.31	13.56	35.87
340	22.43	13.60	36.03
341	22.56	13.64	36.20
342	22.68	13.68	36.36
343	22.81	13.72	36.53
344	22.93	13.76	36.69
345	23.06	13.80	36.86
346	23.18	13.84	37.02
347	23.31	13.88	37.19
348	23.43	13.92	37.35
349	23.56	13.96	37.52
350	23.68	14.00	37.68
351	23.80	14.04	37.84
352	23.93	14.08	38.01
353	24.05	14.12	38.17
354	24.18	14.16	38.34
355	24.30	14.20	38.50
356	24.43	14.24	38.67
357	24.55	14.28	38.83
358	24.68	14.32	39.00
359	24.80	14.36	39.16
360	24.93	14.40	39.33

<b>Monthly income (£'s)</b>	<b>Tax (£'s)</b>	<b>Medical contribution (£'s)</b>	<b>Total payable (£'s)</b>
361	25.05	14.44	39.49
362	25.18	14.48	39.66
363	25.30	14.52	39.82
364	25.43	14.56	39.99
365	25.55	14.60	40.15
366	25.68	14.64	40.32
367	25.80	14.68	40.48
368	25.93	14.72	40.65
369	26.05	14.76	40.81
370	26.18	14.80	40.98
371	26.30	14.84	41.14
372	26.43	14.88	41.31
373	26.55	14.92	41.47
374	26.68	14.96	41.64
375	26.80	15.00	41.80
376	26.92	15.04	41.96
377	27.05	15.08	42.13
378	27.17	15.12	42.29
379	27.30	15.16	42.46
380	27.42	15.20	42.62
381	27.55	15.24	42.79
382	27.67	15.28	42.95
383	27.80	15.32	43.12
384	27.92	15.36	43.28
385	28.05	15.40	43.45
386	28.17	15.44	43.61
387	28.30	15.48	43.78
388	28.42	15.52	43.94
389	28.55	15.56	44.11
390	28.67	15.60	44.27
391	28.80	15.64	44.44
392	28.92	15.68	44.60
393	29.05	15.72	44.77
394	29.17	15.76	44.93
395	29.30	15.80	45.10
396	29.42	15.84	45.26
397	29.55	15.88	45.43
398	29.67	15.92	45.59
399	29.80	15.96	45.76
400	29.92	16.00	45.92
401	30.04	16.04	46.08
402	30.17	16.08	46.25
403	30.29	16.12	46.41
404	30.42	16.16	46.58
405	30.54	16.20	46.74

<b>Monthly income (£'s)</b>	<b>Tax (£'s)</b>	<b>Medical contribution (£'s)</b>	<b>Total payable (£'s)</b>
406	30.67	16.24	46.91
407	30.79	16.28	47.07
408	30.92	16.32	47.24
409	31.04	16.36	47.40
410	31.17	16.40	47.57
411	31.29	16.44	47.73
412	31.42	16.48	47.90
413	31.54	16.52	48.06
414	31.67	16.56	48.23
415	31.79	16.60	48.39
416	31.92	16.64	48.56
417	32.04	16.68	48.72
418	32.17	16.72	48.89
419	32.29	16.76	49.05
420	32.42	16.80	49.22
421	32.54	16.84	49.38
422	32.67	16.88	49.55
423	32.79	16.92	49.71
424	32.92	16.96	49.88
425	33.04	17.00	50.04
426	33.16	17.04	50.20
427	33.29	17.08	50.37
428	33.41	17.12	50.53
429	33.54	17.16	50.70
430	33.66	17.20	50.86
431	33.79	17.24	51.03
432	33.91	17.28	51.19
433	34.04	17.32	51.36
434	34.16	17.36	51.52
435	34.29	17.40	51.69
436	34.41	17.44	51.85
437	34.54	17.48	52.02
438	34.66	17.52	52.18
439	34.79	17.56	52.35
440	34.91	17.60	52.51
441	35.04	17.64	52.68
442	35.16	17.68	52.84
443	35.29	17.72	53.01
444	35.41	17.76	53.17
445	35.54	17.80	53.34
446	35.66	17.84	53.50
447	35.79	17.88	53.67
448	35.91	17.92	53.83
449	36.04	17.96	54.00
450	36.16	18.00	54.16

<b>Monthly income (£'s)</b>	<b>Tax (£'s)</b>	<b>Medical contribution (£'s)</b>	<b>Total payable (£'s)</b>
451	36.28	18.04	54.32
452	36.41	18.08	54.49
453	36.53	18.12	54.65
454	36.66	18.16	54.82
455	36.78	18.20	54.98
456	36.91	18.24	55.15
457	37.03	18.28	55.31
458	37.16	18.32	55.48
459	37.28	18.36	55.64
460	37.41	18.40	55.81
461	37.53	18.44	55.97
462	37.66	18.48	56.14
463	37.78	18.52	56.30
464	37.91	18.56	56.47
465	38.03	18.60	56.63
466	38.16	18.64	56.80
467	38.28	18.68	56.96
468	38.41	18.72	57.13
469	38.53	18.76	57.29
470	38.66	18.80	57.46
471	38.78	18.84	57.62
472	38.91	18.88	57.79
473	39.03	18.92	57.95
474	39.16	18.96	58.12
475	39.28	19.00	58.28
476	39.40	19.04	58.44
477	39.53	19.08	58.61
478	39.65	19.12	58.77
479	39.78	19.16	58.94
480	39.90	19.20	59.10
481	40.03	19.24	59.27
482	40.15	19.28	59.43
483	40.28	19.32	59.60
484	40.40	19.36	59.76
485	40.53	19.40	59.93
486	40.65	19.44	60.09
487	40.78	19.48	60.26
488	40.90	19.52	60.42
489	41.03	19.56	60.59
490	41.15	19.60	60.75
491	41.28	19.64	60.92
492	41.40	19.68	61.08
493	41.53	19.72	61.25
494	41.65	19.76	61.41
495	41.78	19.80	61.58

<b>Monthly income (£'s)</b>	<b>Tax (£'s)</b>	<b>Medical contribution (£'s)</b>	<b>Total payable (£'s)</b>
496	41.90	19.84	61.74
497	42.03	19.88	61.91
498	42.15	19.92	62.07
499	42.28	19.96	62.24
500	42.40	20.00	62.40
501	42.52	20.04	62.56
502	42.65	20.08	62.73
503	42.77	20.12	62.89
504	42.90	20.16	63.06
505	43.02	20.20	63.22
506	43.15	20.24	63.39
507	43.27	20.28	63.55
508	43.40	20.32	63.72
509	43.52	20.36	63.88
510	43.65	20.40	64.05
511	43.77	20.44	64.21
512	43.90	20.48	64.38
513	44.02	20.52	64.54
514	44.15	20.56	64.71
515	44.27	20.60	64.87
516	44.40	20.64	65.04
517	44.52	20.68	65.20
518	44.65	20.72	65.37
519	44.77	20.76	65.53
520	44.90	20.80	65.70
521	45.02	20.84	65.86
522	45.15	20.88	66.03
523	45.27	20.92	66.19
524	45.40	20.96	66.36
525	45.52	21.00	66.52
526	45.64	21.04	66.68
527	45.64	21.08	66.72
528	45.77	21.12	66.89
529	45.89	21.16	67.05
530	46.02	21.20	67.22
531	46.14	21.24	67.38
532	46.39	21.28	67.67
533	46.52	21.32	67.84
534	46.64	21.36	68.00
535	46.77	21.40	68.17
536	46.89	21.44	68.33
537	47.02	21.48	68.50
538	47.14	21.52	68.66
539	47.27	21.56	68.83
540	47.39	21.60	68.99



<b>Monthly income (£'s)</b>	<b>Tax (£'s)</b>	<b>Medical contribution (£'s)</b>	<b>Total payable (£'s)</b>
541	47.52	21.64	69.16
542	47.64	21.68	69.32
543	47.77	21.72	69.49
544	47.89	21.76	69.65
545	48.02	21.80	69.82
546	48.14	21.84	69.98
547	48.27	21.88	70.15
548	48.39	21.92	70.31
549	48.52	21.96	70.48
550	48.64	22.00	70.64
551	48.76	22.04	70.80
552	48.89	22.08	70.97
553	49.01	22.12	71.13
554	49.14	22.16	71.30
555	49.26	22.20	71.46
556	49.39	22.24	71.63
557	49.51	22.28	71.79
558	49.64	22.32	71.96
559	49.76	22.36	72.12
560	49.89	22.40	72.29
561	50.01	22.44	72.45
562	50.14	22.48	72.62
563	50.26	22.52	72.78
564	50.39	22.56	72.95
565	50.51	22.60	73.11
566	50.64	22.64	73.28
567	50.76	22.68	73.44
568	50.89	22.72	73.61
569	51.01	22.76	73.77
570	51.14	22.80	73.94
571	51.26	22.84	74.10
572	51.39	22.88	74.27
573	51.51	22.92	74.43
574	51.64	22.96	74.60
575	51.76	23.00	74.76
576	51.88	23.04	74.92
577	52.01	23.08	75.09
578	52.13	23.12	75.25
579	52.26	23.16	75.42
580	52.38	23.20	75.58
581	52.51	23.24	75.75
582	52.63	23.28	75.91
583	52.76	23.32	76.08
584	52.88	23.36	76.24
585	53.01	23.40	76.41

<b>Monthly income (£'s)</b>	<b>Tax (£'s)</b>	<b>Medical contribution (£'s)</b>	<b>Total payable (£'s)</b>
586	53.13	23.44	76.57
587	53.26	23.48	76.74
588	53.38	23.52	76.90
589	53.51	23.56	77.07
590	53.63	23.60	77.23
591	53.76	23.64	77.40
592	53.88	23.68	77.56
593	54.01	23.72	77.73
594	54.13	23.76	77.89
595	54.26	23.80	78.06
596	54.38	23.84	78.22
597	54.51	23.88	78.39
598	54.63	23.92	78.55
599	54.76	23.96	78.72
600	54.88	24.00	78.88
601	55.00	24.04	79.04
602	55.13	24.08	79.21
603	55.25	24.12	79.37
604	55.38	24.16	79.54
605	55.50	24.20	79.70
606	55.63	24.24	79.87
607	55.75	24.28	80.03
608	55.88	24.32	80.20
609	56.00	24.36	80.36
610	56.13	24.40	80.53
611	56.25	24.44	80.69
612	56.38	24.48	80.86
613	56.50	24.52	81.02
614	56.63	24.56	81.19
615	56.75	24.60	81.35
616	56.88	24.64	81.52
617	57.00	24.68	81.68
618	57.13	24.72	81.85
619	57.25	24.76	82.01
620	57.38	24.80	82.18
621	57.50	24.84	82.34
622	57.63	24.88	82.51
623	57.75	24.92	82.67
624	57.88	24.96	82.84
625	58.00	25.00	83.00
626	58.12	25.04	83.16
627	58.25	25.08	83.33
628	58.37	25.12	83.49
629	58.50	25.16	83.66
630	58.62	25.20	83.82

<b>Monthly income (£'s)</b>	<b>Tax (£'s)</b>	<b>Medical contribution (£'s)</b>	<b>Total payable (£'s)</b>
631	58.75	25.24	83.99
632	58.87	25.28	84.15
633	59.00	25.32	84.32
634	59.12	25.36	84.48
635	59.25	25.40	84.65
636	59.37	25.44	84.81
637	59.50	25.48	84.98
638	59.62	25.52	85.14
639	59.75	25.56	85.31
640	59.87	25.60	85.47
641	60.00	25.64	85.64
642	60.12	25.68	85.80
643	60.25	25.72	85.97
644	60.37	25.76	86.13
645	60.50	25.80	86.30
646	60.62	25.84	86.46
647	60.75	25.88	86.63
648	60.87	25.92	86.79
649	61.00	25.96	86.96
650	61.12	26.00	87.12
651	61.24	26.04	87.28
652	61.37	26.08	87.45
653	61.49	26.12	87.61
654	61.62	26.16	87.78
655	61.74	26.20	87.94
656	61.87	26.24	88.11
657	61.99	26.28	88.27
658	62.12	26.32	88.44
659	62.24	26.36	88.60
660	62.37	26.40	88.77
661	62.49	26.44	88.93
662	62.62	26.48	89.10
663	62.74	26.52	89.26
664	62.87	26.56	89.43
665	62.99	26.60	89.59
666	63.12	26.64	89.76
667	63.24	26.68	89.92
668	63.37	26.72	90.09
669	63.49	26.76	90.25
670	63.62	26.80	90.42
671	63.74	26.84	90.58
672	63.87	26.88	90.75
673	63.99	26.92	90.91
674	64.12	26.96	91.08
675	64.24	27.00	91.24

<b>Monthly income (£'s)</b>	<b>Tax (£'s)</b>	<b>Medical contribution (£'s)</b>	<b>Total payable (£'s)</b>
676	64.36	27.04	91.40
677	64.49	27.08	91.57
678	64.61	27.12	91.73
679	64.74	27.16	91.90
680	64.86	27.20	92.06
681	64.99	27.24	92.23
682	65.11	27.28	92.39
683	65.24	27.32	92.56
684	65.36	27.36	92.72
685	65.49	27.40	92.89
686	65.61	27.44	93.05
687	65.74	27.48	93.22
688	65.86	27.52	93.38
689	65.99	27.56	93.55
690	66.11	27.60	93.71
691	66.24	27.64	93.88
692	66.36	27.68	94.04
693	66.49	27.72	94.21
694	66.61	27.76	94.37
695	66.74	27.80	94.54
696	66.86	27.84	94.70
697	66.99	27.88	94.87
698	67.11	27.92	95.03
699	67.24	27.96	95.20
700	67.36	28.00	95.36
701	67.48	28.04	95.52
702	67.61	28.08	95.69
703	67.73	28.12	95.85
704	67.86	28.16	96.02
705	67.98	28.20	96.18
706	68.11	28.24	96.35
707	68.23	28.28	96.51
708	68.36	28.32	96.68
709	68.48	28.36	96.84
710	68.61	28.40	97.01
711	68.73	28.44	97.17
712	68.86	28.48	97.34
713	68.98	28.52	97.50
714	69.11	28.56	97.67
715	69.23	28.60	97.83
716	69.36	28.64	98.00
717	69.48	28.68	98.16
718	69.61	28.72	98.33
719	69.73	28.76	98.49
720	69.86	28.80	98.66

Monthly income (£'s)	Tax (£'s)	Medical contribution (£'s)	Total payable (£'s)
721	69.98	28.84	98.82
722	70.11	28.88	98.99
723	70.23	28.92	99.15
724	70.36	28.96	99.32
725	70.48	29.00	99.48
726	70.60	29.04	99.64
727	70.73	29.08	99.81
728	70.85	29.12	99.97
729	70.98	29.16	100.14
730	71.10	29.20	100.30
731	71.23	29.24	100.47
732	71.35	29.28	100.63
733	71.48	29.32	100.80
734	71.60	29.36	100.96
735	71.73	29.40	101.13
736	71.85	29.44	101.29
737	71.98	29.48	101.46
738	72.10	29.52	101.62
739	72.23	29.56	101.79
740	72.35	29.60	101.95
741	72.48	29.64	102.12
742	72.60	29.68	102.28
743	72.73	29.72	102.45
744	72.85	29.76	102.61
745	72.98	29.80	102.78
746	73.10	29.84	102.94
747	73.23	29.88	103.11
748	73.35	29.92	103.27
749	73.48	29.96	103.44
750	73.60	30.00	103.60

**PART B**  
**Deduction calculation for June**

*(If income payments for January to June are all equal amounts, use the Table in Part A to calculate tax and medical contribution for June)*

**Total income (January to end June):** £ \_\_\_\_\_ (A)  
**Total tax deducted (January to end May):** £ \_\_\_\_\_ (B)  
**Total medical contributions deducted (January to end May):** £ \_\_\_\_\_ (C)

**To calculate June deduction:**

**Step 1:** Calculate annual equivalent of income:  $A \times 2 =$  £ \_\_\_\_\_ (D)  
**Step 2:** Calculate annual medical contribution:  $D \times 4/100 =$  £ \_\_\_\_\_ (E)

**Step 3:** Calculate annual taxable income:  $D - E =$  £ \_\_\_\_\_ (**F**)

**Step 4:** Calculate annual tax using one of the following: £ \_\_\_\_\_ (**G**)

**Formula 1:**

If F does not exceed £1500:

$$(G) = 0$$

**Formula 2:**

If F exceeds £1500 but does not exceed £3000:

$$(G) = (F - 1500) \times 10/100$$

**Formula 3:**

If F exceeds £3000:

$$(G) = [(F - 3000) \times 13/100] + 150$$

**Step 5:** Calculate tax due to end June:  $G \div 2 =$  £ \_\_\_\_\_ (**H**)

**Step 6:** Calculate medical contribution to end June:  $E \div 2 =$  £ \_\_\_\_\_ (**I**)

**Tax payable for June:**

£ \_\_\_\_\_

$$H - B =$$

**Medical contribution payable for June:**  $I - C =$  £ \_\_\_\_\_

### PART C

#### Deduction calculation for December

*(If income payments for January to December are all equal amounts, use the table in Part A to calculate tax and medical contribution for December)*

**Total income (January to end December):** £ \_\_\_\_\_ (**A**)

**Total tax deducted (January to end November):** £ \_\_\_\_\_ (**B**)

**Total medical contributions deducted (January to end November):** £ \_\_\_\_\_ (**C**)

**To calculate December deduction:**

**Step 1:** Calculate annual medical contribution:  $A \times 4/100 =$  £ \_\_\_\_\_ (**D**)

**Step 2:** Calculate annual taxable income:  $A - D =$  £ \_\_\_\_\_ (**E**)

**Step 3:** Calculate annual tax using one of the following: £ \_\_\_\_\_ (**F**)

**Formula 1:**

If E does not exceed £1500:

$$(F) = 0$$

**Formula 2:**

If E exceeds £1500 but does not exceed £3000:

$$(F) = (E - 1500) \times 10/100$$

**Formula 3:**

If E exceeds £3000:

$$(F) = [(E - 3000) \times 13/100] + 150$$

**Tax payable for December:**

$$F - B =$$

£ \_\_\_\_\_

**Medical contribution payable for December:**

$$D - C = \quad \text{£} \underline{\hspace{2cm}}$$

#### PART D

#### Calculation of medical contribution under paragraph 7(3)(a)(ii) or 7(3)(b)(ii)

Annual medical contribution:                      £2,848 x 4/100 =                      £ 113.92

**Monthly medical contribution:                      £ 9.50**

#### PART E

#### Calculation of monthly tax and medical contribution payments in respect of profits from business, trade, profession or vocation

The amount of the monthly tax and medical contribution payable by a person during any year of assessment in respect of profits from business, trade, profession or vocation shall be determined in accordance with the following formula:

Total annual profits from business, trade, profession or vocation for previous year of assessment (as adjusted\*):

£ \_\_\_\_\_ (A)

Calculate annual tax:  $A \times 10/100 =$

£ \_\_\_\_\_ (B)

Calculate after tax income:  $A - B =$

£ \_\_\_\_\_ (C)

Calculate annual medical contribution:  $C \times 4/100 =$

£ \_\_\_\_\_ (D)

(\*The Administrator may for this purpose adjust the annual profits of the preceding year under (A) by such a percentage as may be agreed between the taxpayer and the Administrator to reflect a reasonable estimate of the projected profits for the current year of assessment.)

**Tax payable per month:**

$$B \div 12 =$$

£ \_\_\_\_\_

**Medical contribution per month:**

$$D \div 12 =$$

£ \_\_\_\_\_

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### ISLAND COUNCIL (TRISTAN DA CUNHA) ORDINANCE, 1985

#### TRISTAN DA CUNHA BY-LAWS

(Section 15)

#### TABLE OF BY-LAWS

**Calf Pen By-Laws**

**Children's Playground By-Laws**

**Disposal of Animal Carcasses By-Laws**

**Dogs Control By-Laws**

**Donkeys Limitation By-Laws**

**Education By-Laws**

**Fire Prevention By-Laws**

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**Livestock, Forestry and Poultry By-Laws**

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**Public Health By-Laws**

**Public Holidays By-Laws**

**School children Medical and Dental By-Laws**

**Slaughterhouse By-Laws**

**Wood Control By-Laws**

**Youth Club By-Laws**

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### **CALF PEN BY-LAWS**

- 1.** Calf pens must be sited only either in the East Pasture east of the Volcano Road, or in the pasture west of the Hottentot Gulch gate.
- 2.** Calf pens must be constructed to a size not less than 6 feet by 10 feet and must have a cement or cement wash floor and the inside walls to a height of 3 feet must be constructed either of cement or of soft stone.
- 3.** No more than 5 stock owners may share in the use of any one calf pen.



4. A person who fails to comply with these By-Laws commits an offence.

Penalty: A fine not exceeding £5 or in the case of a continuing offence a fine not exceeding £2 for each day during which the offence continues.

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### **CHILDREN'S PLAYGROUND BY-LAWS**

1. The area known as the Gulbenkian Children's Playground hereinafter called the Playground is set aside exclusively as a playground for children.

2. No person over the age of 15 years is permitted to make use of any of the play equipment in the Playground.

3. No person over 10 years of age may use the small roundabout or the small swings.

4. The Playground may not be used before 6am or after 8pm. during the months of November to April inclusive nor before 7am or after 7pm in the months of May to October inclusive.

5. Any person who damages any equipment in the Playground is liable to pay the cost of repairing or replacing the same as may be directed by the court.

6. A person who fails to comply with the provisions of these By-Laws or damages any equipment commits an offence.

Penalty: A fine not exceeding £5.

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### **DISPOSAL OF ANIMAL CARCASSES BY-LAWS**

1. The owner of any animal which dies in the area between Shateler's Hut on the west, through and including all the Patches and the Village to Big Beach on the east and below 200 feet above sea level, must bury or cause to be buried the carcass of that animal within 24 hours of its discovery in such a way that it cannot attract or become a breeding place for flies.

2. The Administrator may in special circumstances and on application of the owner extend the time limit or otherwise vary the application of the previous By-Law, having due regard for the protection of the health of the community.

3. Neglect to comply with the requirements of By-Law 1 or any variation of those requirements permitted under By-Law 2 is an offence and renders the owner of any dead domestic animal liable to a fine not exceeding £1 on the first or £2 on any subsequent conviction.

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### **DOGS (CONTROL) BY-LAWS**

*(Made in 1983 and replaced by the Dogs (Control) By-Laws of 1 May 1995 and 7 November 2003)*

### **TABLE OF CONTENTS**

1. Definitions
2. Offences by dog owners
3. Conditions of ownership

#### **1. Definitions**

(1) In these By-Laws:

“livestock” means cattle, sheep, pigs or poultry;

“owner”, in respect of a dog, includes the person for the time being in charge of or otherwise in control of the dog;

“worry” means to bite, pull about with teeth or chase.

(2) The occupier of premises where a dog is kept or permitted to live or remains is taken to be the owner of the dog for the purposes of these By-Laws unless the contrary is proved.

## **2. Offences by dog owners**

(1) The owner of a dog must ensure that the dog does not kill or worry livestock.

Penalty: A fine not exceeding £250.

(2) The owner of a dog must keep the dog under control.

Penalty: A fine not exceeding £250.

(3) If a dog bites someone and they need to go to the Doctor, the person bitten can complain to the Police and either the dog is put down or the owner is fined £250.

(4) The owner of a dog must not allow the dog to be at large between 9.00pm on one day at 6.00am on the following day.

Penalty: A fine not exceeding £100.

(5) A person must not import a dog into Tristan da Cunha, whether permanently or for any temporary period, without the approval of the Agricultural Officer.

Penalty: A fine not exceeding £100.

(6) The Agricultural Officer must not give approval for the purpose of subclause (5) unless there is produced to him or her:

(a) a veterinary certificate showing the dog to be in good health; and

(b) in the case of a bitch dog - a certificate showing that the bitch is incapable of producing progeny.

(7) If a Magistrate finds the owner of a dog guilty of an offence under these By-Laws the magistrate may, if he or she considers it in the public interest to do so, order the owner to destroy the dog within a period the Magistrate specifies.

(8) The owner of a dog must comply with an order made under paragraph (7).

Penalty: A fine not exceeding £25 for each day or part of a day during which the order is not complied with

## **3. Conditions of ownership**

(1) Before the purchase of any dog a licence must be obtained from the Administrator in consultation with the Agricultural Officer. A Register of Dogs will be kept at the Administration Office and the licensee must sign the Register.

(2) Only one dog (working dog or pet) per household (which is defined as a single, separate dwelling unit with its own separate entrance) will be licensed.

(3) Those households, which currently have more than one dog, will be permitted to keep the extra dog or dogs, but will not be permitted to replace those extra animals when the said animals die.

(4) A licensed dog must be kept on the property of the person to whom it is licensed.

(5) Once a dog has reached the age of 8 years, or is no longer able to work through ill health, the owner may apply to be granted a licence to own another dog.

(6) If a bitch becomes pregnant, the litter must be destroyed, unless the owner can show that there are sufficient Islanders, eligible to be granted a licence, who wish to own a dog from that litter.

(7) No dog may be imported or purchased on the Island without prior authority from the Administrator.

(8) No expatriate is allowed to keep a dog. However, if an expatriate wishes to bring with them a dog, they must undertake to export the animal when he/she leaves or have the dog put down.

(9) A healthy dog may not be destroyed unless destruction has been ordered by the Administrator or sufficient cause is shown to the Administrator why that dog should be destroyed.

(10) A person who fails to comply with this by-law commits an offence.  
Penalty: A fine of £250.

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### DONKEYS LIMITATION BY-LAW

1. In this by-law —
- “**jack**” means male donkey;
  - “**jinny**” means female donkey;
  - “**family**” means a person or persons separately owning, and maintaining potato patches;
  - “**unit**” a group of three families;
  - “**owner**” means every person who is for the time being in chief charge or control of the donkey.

2. The families on the Island of Tristan da Cunha are to be divided into units of 3 families to each group. Each unit will be allowed to keep and own 2 jacks and one jinny. Any person or persons found in possession of more than this amount commits an offence.

Penalty: A fine of £1.

3. (1) Every unit must—

- (a) register any change in the composition of the units within one month of any such change with the Administrator or other such person as is appointed; and
- (b) seek the permission of the Administrator to rear the foal as a replacement for an existing donkey if the unit wishes to retain the foal and in the event that permission is granted to rear the foal, it may be kept for 2 years without being counted.

(2) Failure to notify any changes will render the persons concerned liable to a fine of 25p each.

4. Any family wishing to opt out of the requirements of by-law 2 may do so but will only be allowed to keep one donkey and the penalties of by-law 2 will apply and the provisions of by-law 3 must be adhered to.

5. In the event of any dispute concerning the composition of units as defined or the use of animals within the group, the decision of the Administrator will be final.

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## EDUCATION BY-LAWS

*(Amended by the Education (Amendment) By-Laws, 2008 which came into force on 14 January 2008)*

1. This by-law may be cited as the Education By-Laws.

2. In this by-law—

“**Committee**” means the Education Committee established in accordance with section 18 of the Ordinance;

“**Education Officer**” means the officer appointed under paragraph 5 of this by-law;

“**School**” means St. Mary’s School, Edinburgh, or such other schools as may hereafter be established;

“**Teacher**” includes an assistant teacher.

3. Subject to any rules made under by-law 6(1), it is the duty of the parent of every child who has reached the age of 5 years and has not reached the age of 16 years to cause such child to attend school during the whole of the time prescribed for attendance of such child unless there is reasonable excuse for non-attendance; and a parent who fails to perform such duty commits an offence:

Provided that no child shall be required to attend school on Sunday or on any Public Holiday.

4. The following are to be deemed reasonable excuses for the non-attendance of a child at school—

- (a) That the child is prevented from attending school by sickness and that such absences of a week or longer is duly certified by a Medical Officer;
- (b) That the child is in the opinion of the Education Officer under efficient instruction in some other manner;
- (c) That the child is absent because by agreement with the Education Officer the parents have arranged for their child-

- (i) to take part in one longboat trip to Nightingale per year during school term providing such child has made no other trip to Nightingale that calendar year;
- (ii) to make a trip overseas for recreational or medical purposes;
- (iii) to take part in a day trip away from the Settlement area.

**5.** There is to be an Education Officer who must be appointed in accordance with paragraph 1 of the Schedule to these By-Laws and who is responsible to the Administrator for the running of the school in accordance with paragraph 2 of that Schedule.

**6. (1)** The Committee may, with the approval of the Administrator in Council, make rules for—

- (a) the appointment, dismissal, terms of service and remuneration of teachers and creche workers;
- (b) the good government, discipline and routine work of the school and for preparing hours of attendance;
- (c) prescribing the duration of terms and for declaring school holidays;
- (d) the provision of new schools or additional buildings and for the improvement or enlargement of existing buildings;
- (e) the provision of an annual routine medical inspection and adequate dental inspection when a dental officer is available and adequate treatment following such inspections;
- (f) the provision of playing fields and equipment and for regulating the terms and conditions upon which they may be used;
- (g) the provision of staffing, management and routine work of a public library;
- (h) the provision of staffing, management and routine work of the c reche;
- (i) the provision of suitable types of adult education;
- (j) the making of grants towards the expenses of voluntary organisations such as the uniformed organisations in providing or in aiding the provision of facilities for physical training and recreation and for prescribing the condition of eligibility for such grants;
- (k) determining whether and upon what terms scholars may be admitted to school before the age of 5 years or allowed to leave after the age of 14 years before attaining the age of 16 years;
- (l) the provision and operation of a Youth Club;
- (m) generally for carrying into effect the purposes and provisions of these By-Laws.

**(2)** Rules made under sub-rule (1) may provide that breaches of, or failure to comply with, any provision thereof are punishable on conviction by a fine not exceeding £25.

**7.** Religious instruction may be provided in accordance with the provisions of paragraphs 3 and 4 of the Schedule.

**8.** A person who wilfully damages school property commits an offence.

**9.** Any person guilty of an offence under these By-Laws is liable on conviction to a fine not exceeding £25 or in the event of a continuing offence £2 for each day during which the offence continues and in the event of damage to property to pay the costs of repair or replacement as may be directed by the Court.

## **SCHEDULE**

(by-law 6)

1. The Education Officer must be selected by the Governor in consultation with the Administrator, Island Council, and Committee. His or her salary must be paid by the Administration of Tristan da Cunha. He or she is to be the Head Teacher of the school.

2. The Education Officer is responsible to the Administrator for the efficient internal management of the school, teaching in, and examination of the school, the drafting of syllabuses and the training of teachers and in respect of other duties assigned to him or her by the Administrator.

3. The Chaplain licensed by the Archbishop of Cape Town for Tristan da Cunha must be invited to teach religious instruction in school and to lead school in worship. At the discretion of the Chaplain school worship and religious instruction may take place elsewhere than in school.

4. Any person may withdraw his or her child from worship and religious education on giving notice to the Education Officer. Any person may also request that his or her child be given facilities for receiving religious instruction otherwise than in accordance with Anglican principles and the Education Officer is responsible for arranging that such instruction is given by a competent person if this is practicable.

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### **FIRE PREVENTION BY-LAWS**

1. There is to be established a Tristan da Cunha Volunteer Fire Service which is to consist of the number of men that the Administrator from time to time directs and the Fire Service is to be under the command of a person the Administrator in writing appoints.

2. It is the duty of all male persons over the age of 15 years to give such aid and assistance in the fighting of any fires as the Administrator or the person in command of the Volunteer Fire Service directs. Any person who fails to render such aid or assistance when called upon to do so commits an offence.

3. It is the duty of the Superintendent of Public Works of the Tristan da Cunha Administration or any other person the Administrator in writing directs, to maintain in good working order the fire fighting apparatus and appliances and the fire alarm system.

4. It is an offence for a person without reasonable cause to interfere with or damage any fire fighting apparatus or appliances or the fire alarm system.

5. A person who commits an offence against these by-laws is on conviction liable to a fine not exceeding £5.

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### **FISHING BOATS SAFETY REGULATIONS BY-LAWS**

1. In these By-Laws—

<b>“Tristan local Waters”</b>	Within 3 miles of the Coast of the Island of Tristan da Cunha;
<b>“Company”</b>	Tristan Investments Co., (Pty.) Ltd. or any successor company thereto;
<b>“Company Fishing Vessels”</b>	This refers to M.V. Tristania or M.V. Frances Repetto or any sea going ship subsequently used by the Company for carrying out similar functions;

<b>“Shorebased”</b>	Relates to all those craft belonging to or used by the Company which operate from the Island of Tristan da Cunha;
<b>“Motor Boat Coxswain”</b>	The Senior man in each motor boat, so appointed by the Company;
<b>“Senior Representative”</b>	A person so appointed by the Tristan da Cunha Development Company;

2. These By-Laws apply to shorebased fishing dinghies, checking dinghies, and motor powered boats owned by the Company, or used by the Company.

3. Each fishing dinghy, and checking dinghy owned by the Company or used by the Company, on putting to sea, must be in possession of a torch, a whistle, and a lifebelt or lifejacket for each person. Each item of this equipment must be in good working order. Failure to comply with this regulation renders the Company, on conviction, liable to a fine not exceeding £5.

4. Each motor powered boat owned or used by the Company, on putting to sea, must be in possession of a main bow light of such intensity as to satisfy the Administrator or any person appointed by him or her under regulation 10 of this by-law, a torch, a whistle, a watch, a walkie talkie radio, a Very pistol and a lifebelt or lifejacket for each of the motor powered boat’s crew. Each item of equipment must be in good working order. Failure to comply with this regulation renders the Company on conviction liable to a fine not exceeding £5.

5. Every person whilst at sea in any fishing boat whether dinghy or motor powered boat must wear the lifejacket or lifebelt provided at all times. Any person who fails to do so commits an offence.

Penalty: A fine of £5.

6. Each torch and whistle as described in regulation 3 and 4 must only be used to attract attention when in difficulty.

7. In the event of a Company fishing vessel being outside Tristan local waters, the motor boat coxswain must ensure that all nets are raised, and each dinghy is ready for towing not later than one hour before sunset north of a line drawn across the Island of Tristan da Cunha from Anchorstock Point to Sandy Point, and 2 hours before sunset south of this line. The latest time for raising nets on each day is to be determined by the Senior Representative or his or her deputy, and the leading hands informed accordingly. Failure to comply with this regulation renders the Company and the motor boat coxswain liable to a fine on conviction not exceeding £10.

8. If any dinghy is not ready for towing one hour after the signal for raising nets has been given, each person in the Dinghy is liable on conviction to a fine not exceeding £1.

9. The Senior Representative must arrange for a signal for raising nets which is clearly recognisable and easily understood, and is responsible for seeing that all persons employed by the Company are aware of the signal.

10. All craft operated by the company other than those operated by a Company fishing vessel in Tristan local Waters or other motor powered craft which the Administrator specially or generally exempts must return to the harbour before sunset. The occupants of any craft which fails to do so commit an offence.

Penalty: A fine of £5.

In the event that any craft other than those operated by a Company Fishing vessel or a craft exempted by the Administrator under this by-law fails to return to the harbour by 10 minutes after sunset the Senior Representative or his or her deputy must personally inform the Administrator as soon as possible.

**11. (1)** Whenever fishing dinghies are at sea pursuant to a request of the duly appointed representative of Tristan in Investments (Pty) Ltd., the representative must cause a power boat of the company to remain on patrol off shore until the last dinghy and its crew are safely ashore.

**(2)** A person who fails to comply with the provisions of this bye law commits an offence.

Penalty: A fine of £5.

**12.** The Administrator, or any person appointed by the Administrator, may inspect craft owned by the Company to ensure that the regulations prescribed are being adhered to.

**13.** The Administrator must in writing appoint one or more persons not in the permanent employment of the Company to inspect all shore based company craft once a year and must if satisfied upon receipt of the inspecting officer's report issue a Certificate of Seaworthiness in respect of each craft. No craft may put to sea unless a Certificate of Seaworthiness has been issued in respect of it. If any craft puts to sea without a Certificate of Seaworthiness, the Company and the persons putting to sea in such craft each commits an offence.

Penalty: A fine of £5.

**14.** The Administrator after consultation with but not necessarily in accordance with the advice of such Committee of the Island Council as he or she designates for the purpose may make regulations supplementary to and not inconsistent with the provisions of this by-law for the more effective safeguarding of the safety of fishing boats at sea if in his or her opinion such regulations are necessary. The regulations may if the Administrator so decides incorporate any standing orders issued by the Company for the safety of its craft and may provide that any breach of them or failure to comply with them is punishable upon conviction by a fine not exceeding £5.

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## ISLAND BOATS SAFETY REGULATION BY-LAWS

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2. Board of Inspectors
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10. Senior coxswain
11. Voyage discipline
12. Safety stores
13. Lifejackets
14. Communications

#### **Citation**

1. These By-Laws may be cited as the Island Boats Safety Regulation by-laws.



### **Board of Inspectors**

2. A Board of Inspectors shall be appointed from time to time with the Administrator as Chair and not more than six nor less than four members, appointed by the Administrator from amongst those at the time being resident in Tristan da Cunha. Not more than two members shall be temporary residents.

### **Licensing of boats**

3. Before an Island boat can be used it must be licensed by the Administrator. Licences will be granted after the boat and its equipment have been inspected by at least 2 members of the Board of Inspectors, one of whom must be an Islander. Licences will only be granted if the boat and its equipment is considered to be in a seaworthy condition and all oars will be marked after inspection and only such oars can be used in the boat. Licences are to be of two sorts —

- (a) for local use—that is for use in the waters immediately around Tristan da Cunha;
- (b) for general use—that is for use for trips to Nightingale and Inaccessible.

### **Licences**

4. Licences are renewable during January of each year, and are valid until the 31st December of the year of issue only.

### **Fees**

5. (1) The following fees are payable prior to the issue of a licence—

- (a) for a long boat 50p per annum or part thereof;
- (b) for a dinghy 40p per annum or part thereof.

(2) Any person who uses a boat, or permits a boat to be used which has not a current licence commits an offence.

Penalty: A fine of £5.

The coxswain of any boat so used shall render himself liable to have his or her name removed from the register of coxswains.

### **Coxswains**

6. There is to be a Register of Coxswains maintained by the Administrator or an officer appointed by the Administrator for the purpose. Only these men and women who are at the time of coming into force of this amending by-law listed in such Register or who thereafter receive a Coxswains Certificate from the Administrator may be permitted to take Island boats to Nightingale or Inaccessible:

Provided that no such certificate may be issued by the Administrator unless 2 senior coxswains have certified to the Administrator that the person in respect of whom a certificate is to be issued is in their judgment competent in all respects to take an Island boat to Nightingale or Inaccessible. Any person whose name is not on the Register of Coxswains who takes an Island boat to Nightingale or Inaccessible commits an offence.

Penalty: A fine of £5.

### **Commencement of journey**

7. Before any boat sets out for Nightingale or Inaccessible the coxswain for the trip must report to the Administrator informing the Administrator who will travel in the boat with the coxswain. No boat is to be granted permission to leave Tristan da Cunha unless it has at least 4 competent crew members besides the coxswain.

## **Rations**

**8. (1)** Each boat must be provided with 3 days reserve of fresh water and food for all those in the boat and the coxswain will be held responsible to ensure that these reserves of food and water are carried at all times.

**(2)** Any coxswain who fails to obtain sufficient reserves of water and food in his or her boat commits an offence.

Penalty: A fine of £ and removal of the person's name from the register of coxswains.

## **Responsibility for personnel**

**9.** The coxswain is responsible for all the people in his or her boat, and must give clear instructions when necessary. He or she must ensure that the boat is never overloaded. A person who fails to carry out any reasonable instructions given by the coxswain commits an offence.

Penalty: A fine of £1.

## **Senior coxswain**

**10. (1)** Before any boats leave for Nightingale or Inaccessible, the Administrator must appoint one of the coxswains to be regarded as senior coxswain for the trip. The person so appointed senior coxswain is responsible for issuing such instructions to the other coxswains as he or she considers fit.

**(2)** If 2 or more boats want to leave Nightingale or Inaccessible for a day when the senior coxswain does not intend leaving he or she may, if he or she considers the weather reasonable, give permission to the boats to leave, after he or she has nominated one of the coxswains to be regarded as senior coxswain:

But the Senior Coxswain must not give permission for any boats to leave Nightingale or Inaccessible or any day after 1.30pm local time.

## **Voyage discipline**

**11.** The senior coxswain must ensure that all the boats keep together during the trip to and from Nightingale or Inaccessible, and must see that any damaged boat or boat with a weak crew is kept in front of the rest of the fleet.

**(2)** The senior coxswain must decide when it is a good day to return from Nightingale or Inaccessible, and no boat may leave without his or her permission.

**(3)** A person, including another coxswain, who fails to carry out any reasonable instruction given by the senior coxswain commits an offence.

Penalty: A fine of £2 and removal of the person's name (if a coxswain) from the register of coxswains.

## **Safety stores**

**12. (1)** Before any boat leaves Tristan da Cunha for Nightingale or Inaccessible, or at any other time as the Administrator directs, the coxswain must arrange for safety stores to be collected from the Administrator and taken in the coxswain's boat for use in an emergency. Such stores must be returned as soon as the boats return to Tristan da Cunha, and the coxswain will be held responsible for the stores until they are returned to the Administrator.

**(2)** A person who contravenes paragraph (1) or who, being responsible for safety stores fails to take reasonable care of them, commits an offence.

Penalty: A fine of £5 and removal of the person's name (if a coxswain) from the register of coxswains either permanently or for a period the court directs.

### **Lifejackets**

**13.** Every person while at sea in any boat must wear a lifejacket of a type the Administrator approves. The Coxswain of every boat must ensure that this regulation is complied with. A person who fails to wear a lifejacket or any coxswain who fails to ensure that such lifejackets are worn commits an offence.

Penalty: A fine of £5.

### **Communications**

**14.** The Senior Coxswain is for the collection and safe custody of the radio set and must nominate a person to operate it and to maintain daily schedules with Tristan Radio. If the Senior Coxswain fails to do so he or she commits an offence.

Penalty: A fine of £5.

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## **LIBRARY BY-LAWS**

**1.** There is to be a Public Library maintained by the government of Tristan da Cunha which is to be housed in such building as the Administrator directs.

**2.** The Public Library is to be under the day to day control of a librarian who must be appointed by and is responsible to the Administrator.

**3.** The librarian may appoint such assistant staff as he or she considers necessary subject to their appointment receiving the approval of the Administrator. Such assistant staff may be paid such honorarium (if any) as the Administrator directs.

**4.** The Public Library is to be divided into an Adult and a Children's Section. No person under 14 years of age may use the Adult section except with the permission in writing of the Administrator. No child under 5 years of age may use the Public Library.

**5.** Books may be borrowed from the Public Library by any person residing on Tristan whether temporarily or permanently; but before any book is borrowed by any person a Library Users ticket in a form approved by the Administrator must be issued to the person by the Librarian.

**6.** The number of books which may be borrowed by any one person at any one time is to be fixed by the Librarian with the approval of the Administrator and is until so fixed unlimited.

**7.** Books borrowed from the Public Library must be returned on or before the expiry of 15 days inclusive of the day of issue and return. Any person who fails so to return any book is liable to pay a fine of 1p for any week or part of a week in excess of the authorised period of 15 days during which the book is retained by the borrower.<sup>3</sup>

**8.** The Public Library must be opened daily except Sunday for a period of not less than one hour and the Librarian, with the approval of the Administrator, may fix and vary the hours within which the Library is open. One week's notice of any variation of hours must be given by public notice.

**9.** A person who fails to comply with these By-Laws or damages or loses any book from the Public Library commits an offence.

Penalty: A fine of £5; and in the event of loss or damage to a book to pay the cost of repair or replacement as the court directs.

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<sup>3</sup> Under the Decimal Currency Ordinance, 1971, three old pennies become 1p

## LITTER BY-LAWS

*(Made on 23 November 2001, and amended by the Litter (Amendment) By-Laws, 2008 which came into force on 1 March 2008)*

**1.** These By-Laws may be known as the Litter By-Laws, and apply equally to the Islands of Tristan da Cunha, Nightingale, Inaccessible and Gough.

**2.** A person must not throw or deposit, or cause or permit to be thrown or deposited any dust, dirt, ashes, refuse, offal, rubbish, bottles, any material dangerous to animals or other matter or thing anywhere other than in a refuse bin or receptacle or in an area set aside by the Administrator for the disposal of such dirt, dust, ashes, offal, rubbish, bottles, material dangerous to animals or such any other matter or thing.

**3.** A person who contravenes by- Law 2 commits an offence.  
Penalty: (a) for a first offence, a fine of £25; or  
(b) for any subsequent offence, a fine of £100,  
and, in either case, a further fine of £3 for every day during which the offence is continued after conviction.

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## LIVESTOCK LIMITATION BY-LAWS

**1.** In these By-Laws—  
“**livestock**” means cattle and sheep;

“**owner**” means the person in whose name livestock are registered;

**2.** No owner of livestock may retain in his or her possession livestock in excess of the number approved by Island Council.

**3.** A person who contravenes by-law 2 commits an offence.  
Penalty: A fine of £2 and a further fine of £1 for each day the offence continues after conviction.

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## LIVESTOCK, FORESTRY, AND AGRICULTURE BY-LAWS

### TABLE OF CONTENTS

- Definitions
- Agricultural Committee
- Duties of Agriculture Committee
- Control of Pastures
- Agriculture
- Forestry
- Schedule: Livestock Return

### Definitions

**1.** In these By-Laws, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say—  
“**Administrator**” in relation to any function under these By-Laws includes a person appointed in writing by the Administrator for the purpose of performing that function;  
“**crop**” includes all trees grown either for timber, fuel, food production or any other purpose.

“**disease**” includes damage by insects and other pests.

“**grazing area**” means one of the following areas: Settlement, Anchorstock, Caves, Stonybeach, Sandy Point, Hill, Inaccessible, Nightingale, Gough.

“**livestock**” includes all cattle, sheep, dogs, donkeys, pigs, geese, poultry and any other animal declared by the Administrator to be included in this definition for the purpose of these By-Laws.

“**owner**” means every person for the time being in chief charge or control, or in the case of joint ownership, the senior partner, over livestock or agricultural land which term includes “The Patches”.

“**pasture**” means the areas specifically fenced off for controlled grazing known as Beacon Field, Cemetery Field, Stableford Field, and Hottentot Field, and any other areas that are from time to time fenced.

“**valuable timber**” means all timber other than Island Wood (*Phylca Nitida*) unless personally owned.

### **Agricultural Committee**

2. There is to be an Agricultural Committee consisting of the Administrator as the Chair, and 4 members of the Island Council, who must themselves be owners of livestock, elected annually at the first meeting of the Island Council each year.

### **Duties of Agriculture Committee**

3. The duties of the Agricultural Committee are to assist the Administrator in the following matters—

- (a) control of the pastures and grazings;
- (b) control of the number of types of livestock permitted for each owner;
- (c) selection of male animals for breeding purposes;
- (d) allocation of land;
- (e) enforcement of the provisions of these By-Laws.

4. Every owner of livestock must during the first fortnight of January in each year complete a return thereof on the form prescribed in the Schedule to these By-Laws, and must deliver the same to the Administrator not later than the 20th day of January each year. An owner who fails to do so commits an offence.

Penalty: As provided in by-law 27.

5. Copies of the prescribed form are to be available from the Administrator.

6. Every owner must register with the Administrator the owner’s Brand or Mark. The Administrator must keep a Register known as “The Brand Book” for the purpose of registering brands and marks.

7. Any owner wishing to acquire, or change his or her brand or mark after the coming into force of this by-law can do so only by making prior application to the Administrator for approval of the proposed brand or mark. Having given his or her approval the Administrator must forthwith register the brand or mark in the Brand Book.

8. (1) Every owner, before moving any livestock from one grazing to another, must obtain permission from the Administrator for such move, and the Administrator must inspect such livestock and make such stipulations as he or she considers fit for dipping or spraying the livestock prior to its movement. An owner who fails to obtain such permission or to comply with such stipulations commits an offence.

Penalty: As provided in by-law 27.

**(2)** The Administrator must keep a register known as the “Stock Movement Register” in the form prescribed in the first schedule to this by-law, in which the Administrator must register all authorised movements of stock.

**9.** Every owner must, within 24 hours of obtaining the information himself or herself, report to the Administrator the birth, sickness or death of any animal, and must take such action as directed by the Administrator. An owner who fails to make such report or to take such action as the Administrator directs commits an offence.

Penalty: As provided in by-law 27.

**10.** Every owner must, where practical within the month of January and at such other times as the Administrator directs, arrange for all his or her sheep to be dipped to the satisfaction of the Administrator.

**11. (1)** Every owner must, when slaughtering livestock for human consumption, arrange for the carcass to be inspected by the Medical Officer prior to its being cut up. An owner who fails to do this commits an offence.

Penalty: As provided in by-law 27.

**(2)** All cutting up of meat must where practical be done in the slaughter house provided for that purpose.

**12.** Every owner must arrange for the castration of all male calves, donkeys, lambs, and pigs before they are 6 months old, unless the owner obtains a permit from the Administrator to use the animal for breeding purposes. An owner who fails to arrange such castration commits an offence.

Penalty: As provided in by-law 27.

**13.** Every owner of geese must on or before the 31st day of March each year, kill all his or her geese with the exception of one goose and one gander.

### **Control of Pastures**

**14.** Owners may not allow their livestock onto any of the pastures without the permission of the Administrator. An owner who allows such livestock without permission commits an offence.

Penalty: As provided in by-law 27.

**15.** Owners are responsible for moving their livestock from the pastures when instructed so to remove them by the Administrator. An owner who fails to do so commits an offence.

Penalty: As provided in by-law 27.

**16.** No person may remove dung from any pasture.

**17.** No person may remove turf or soil from any pasture without the permission of the Administrator or an officer appointed in writing by him. A person who removes such turf or soil without permission commits an offence.

Penalty: As provided in by-law 27.

### **Agriculture**

**18.** Every owner must, when requested by the Administrator, submit a return showing the number, location and use to which he or she has put any agricultural plots in his or her possession.

**19.** Nobody may enclose any land, or build a wall, house or other structure on any land not already fenced at the coming into force of this by-law without the permission of the Administrator. The Administrator must seek the advice of the Agricultural Committee before

granting permission to enclose land. A person who encloses any such land or builds any such wall, house or other structure without the permission of the Administrator commits an offence.

Penalty: As provided in by-law 27.

**20.** Every owner must maintain in good order the walls, and gates round his or her property or land, and must help with the maintenance of the public gates when called upon by the Agricultural Committee to do so. An owner who fails to do so commits an offence.

Penalty: As provided in by-law 27.

**21.** Every owner must report to the Administrator within 24 hours of finding it, any form of disease or insect pests the owner finds in his or her plots, and must take such action to rid the plots of the disease as the Administrator orders. An owner who fails to take such action commits an offence.

Penalty: As provided in by-law 27.

**22.** Every owner must, if so instructed by the Administrator spray all or any portion of his or her land with selective weed-killer if the Administrator considers it is in the general interests of good husbandry that that land should be so sprayed. An owner who fails to carry out such instructions commits an offence.

Penalty: As provided in by-law 27.

### **Forestry**

**23.** Every owner must, when requested by the Administrator, render a return of all fruit and other valuable trees in his or her possession, giving the location, number and approximate age of the trees. An owner who fails to do so commits an offence.

Penalty: As provided in by-law 27.

**24.** No person may clear any area for the purpose of planting trees without first obtaining permission from the Administrator. A person who so clears without such permission commits an offence.

Penalty: As provided in by-law 27.

**25.** No person may fell any timber either valuable or Island wood (*Phylica Nitida*) in the area bounded by "Big Gulch" and "East End" without first obtaining a permit from the Agricultural Committee so to do. A person who fells any tree without first obtaining such permit commits an offence.

Penalty: As provided in by-law 27.

**26.** Any person wishing to obtain timber from valuable trees must apply to the Agricultural Committee who will issue, if they think fit, a permit on payment of the prescribed fee.

**27.** A person convicted of any offence against these By-Laws is on conviction liable to a fine not exceeding £10 or the confiscation of the livestock or to both such fine and confiscation.

## **SCHEDULE**

(by-law 4)

### **LIVESTOCK RETURN**

To be completed by each owner and handed to the Administrator or an officer appointed in writing by the Administrator before the 20th January each year.

Owners Registered Mark

.....

Owners Name

.....

		SETTLEMENT	ANCHOR STOCK	CAVES	STONCY FRAG HILL	INACCESSIBLE	NIGHTINGALE	GOVEN	SANDY POINT	TOTAL
CATTLE	COVES									
	BULLOCKS									
SHEEP	EWES									
	RAMS									
DONKEYS	JENNYS									
	JACKS									
	PIGS									
	DOGS									
	GEESE									
	POULTRY									

STOCK MOVEMENT REGISTER

To be kept by the Administrator or an officer appointed in writing by the Administrator.

NO      NAME      NUMBER      FROM      TO      DATE      APPROVED  
          OF      AND  
          OWNER      CLASS OF  
                          STOCK


\_\_\_\_\_



### MOTOR CYCLE PROHIBITION BY-LAWS

1. These By-Laws may be cited as the Motor Cycle Prohibition By-Laws.
2. In these By-Laws except when the context requires otherwise—  
**“Motor Cycle”** has the meaning ascribed to it in the Road Traffic (Tristan da Cunha) Ordinance, 1996.
3. No person may import into Tristan da Cunha any motor cycle or motor scooter having an engine capacity exceeding 200cc.
4. A person who contravenes by-law 3 commits an offence.

Penalty: A fine of £25 or, in the case of a continuing offence, the sum of £2 for every day during which such offence is continued.

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### PRINCE PHILIP HALL MANAGEMENT BY-LAWS

1. In these By-Laws —  
**“the Hall”** means the Prince Philip Hall;  
**“the Management Committee”** means the Prince Philip Hall Management Committee established under by-law 3.
2. The Administrator may make regulations providing for—
  - (a) the proper use of the Hall,
  - (b) the maintenance and improvement of the Hall,
  - (c) the management and control of any bar licensed to serve alcoholic drinks on the premises of the Hall,
  - (d) the collection, accounting and use of funds accruing to the Hall through the running of a licensed bar, or from any other source.
3. A committee to be known as the “Prince Philip Hall Management Committee” is constituted consisting of—
  - (a) 2 *ex officio* members, namely, the Administrator who is to be President, and the person holding the office of Chief Islander;
  - (b) 3 members appointed by the Island Council for a period of one year, at least one of whom should be a woman;
  - (c) 3 members to be nominated by the Administrator to serve for a period of 2 years; one of whom must be a senior Administration official who is to be Treasurer.
4. At its first meeting each year the Committee must elect a Chair from amongst the elected and nominated members who must preside at meetings of the Committee; but that the President may summon a meeting of the Committee and may preside at such a meeting if he or she so desires.
5. The function of the Management Committee is to advise the Administrator on regulations made under these By-Laws, and the manner in which funds accruing to the Hall should be used in the maintenance and improvement of the Hall.
6. A person who—
  - (a) wilfully damages any part of the fabric or any article of equipment in the Hall;
  - (b) obstructs persons lawfully using the Hall;

(c) uses the Hall contrary to the provisions of any regulation made under by-law 2;

(d) uses the Hall during prohibited hours,

commits an offence.

Penalty: A fine of £5; and in the event of damage to pay the costs of repair and replacement as directed by the court.

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## PUBLIC HEALTH AND PUBLIC WORKS BY-LAWS

1. In these By-Laws—

“**building premises**” includes houses, hotels, schools, factories, garages, and other buildings in which persons are employed, and the curtilage of any building;

“**Committee**” means the Public Health & Public Works Committee established by by-law 13;

“**Medical Officer**” means the Principal Medical Officer of the Tristan da Cunha Administration or any other medical practitioner that the Administrator in writing designates;

“**occupier**” means in the case of a building or part of a building the person in occupation or having the charge management or control of it, either on his or her own account or as the agent of another person, and in the case of a ship means the master or other person in charge of it;

“**owner**” means the person for the time being receiving the rent of the premises in connection with which the word is used, or who would be in receipt of such rent according to the Law of England if any rent were paid;

“**premises**” includes lands, buildings, vehicles, structures of any kind, streams ditches or open spaces, covered or enclosed, whether built on or not and whether natural or artificial and any ship lying in the territorial waters of Tristan da Cunha;

“**privy accommodation**” includes water closets, earth closets, privies or any similar accommodation;

“**Settlement**” means the Settlement of Edinburgh and any other Settlement which may hereafter be established;

“**slaughter house**” means the place or building so designated by the Administrator in writing

2. The Administrator may from time to time appoint such Public Health Officers, operators or workers as the Administrator considers necessary for the due execution of these By-Laws. Such persons hold office during the Administrator’s pleasure.

3. (1) It is not lawful to erect any building or to rebuild any building without sufficient privy accommodation. A person who erects any building without sufficient privy accommodation commits an offence.

Penalty: As provided in by-law 15(2).

(2) If any building appears to the Medical Officer to be without sufficient privy accommodation he or she must by written notice require the owner or occupier of the building within a reasonable time specified in the notice, being not less than one month, to provide sufficient privy accommodation.

4. (1) On the complaint of any person to the Medical Officer that any drain, privy accommodation, cesspool or septic tank on or belonging to any premises is a nuisance, or if on the report of any Public Health Officer appointed under by-law 2 the Medical Officer has reason to suspect that any such drain, privy accommodation, cesspool or septic tank is a nuisance or injurious to health, any person authorised in writing by the Administrator may enter

such premises and cause the ground to be opened and examine any such drain, privy accommodation, cesspool or septic tank.

(2) If on an examination under paragraph (1) the drain, privy accommodation, cesspool or septic tank is found to be in a proper condition, the authorised person must cause the ground to be closed and any damage done to be made good. If the drain, privy accommodation, cesspool or septic tank appears to be in bad condition or to require alteration or repair, the Medical Officer must forthwith cause written notice to be given to the owner or occupier of the premises requiring the owner forthwith to do the necessary work.

(3) If the owner or occupier fails to comply with a notice given under paragraph (2)

(a) the Administrator may in writing direct that the Superintendent of Public Works or some other person to do the work at the expense of the Tristan da Cunha Administration and such expense shall be recoverable from the owner or occupier as the Court directs; and

(b) the owner or occupier commits an offence;

Penalty: As provided in by-law 15(2).

(b)

5. (1) Whenever the Medical Officer has reason to believe that the privy accommodation in any factory or public building is insufficient or unsuitable by reason of the number of persons employed in or resorting thereto he or she must forthwith give notice in writing to the owner or occupier in a form and specifying a time the Administrator by regulation provides, requiring the owner or occupier to provide or maintain such accommodation as is required or has been specified for such building in any Regulation made by the Administrator.

(2) If an owner or occupier fails to comply with a notice under paragraph (1) at the expiration of the prescribed period –

(a) the Administrator may in writing direct that the Superintendent of Public Works or some other person to do the work at the expense of the Tristan da Cunha Administration and such expense is recoverable from the owner or occupier as the court directs; and

(b) the owner or occupier commits an offence;

Penalty: As provided in by-law 15(2).

6. The Tristan da Cunha Administration may provide such Public Privy Accommodation as the Administrator by regulation prescribes and any person who misuses any privy accommodation provided in connection with any factory, school or other public building commits an offence.

Penalty: As provided in by-law 15(2).

7. (1) The following are deemed to be nuisances—

(a) any premises in such a state as to be a nuisance or injurious to health in the opinion of the Medical Officer or if a drain is so foul or in such state as to be a nuisance or injurious to health in the opinion of the Medical Officer.

(b) any animal so kept as to be a nuisance or injurious to health in the opinion of the Medical Officer.

(c) any accumulation or deposit which is a nuisance or injurious to health in the opinion of the Medical Officer.

(d) any other matter so declared by the Administrator.

(2) The person by reason of whose act, default, or sufferance, a nuisance arose, exists, or continues commits an offence.

Penalty: As provided in by-law 15(2).

**(3)** The court may order that any building wherein a nuisance proved to exist is such as to render the building in the judgement of the court unfit for human habitation to prohibit the using of the building for that purpose until in its judgement the building is rendered fit for that purpose.

**8. (1)** If an inmate of any building used for human habitation is suffering from any disease deemed to be infectious by regulation made by the Administrator, the head of the family to which the inmate belongs must forthwith give notice thereof to the Medical Officer and must comply with any directions the Medical Officer gives thereafter for dealing with such disease.

**(2)** A person required by paragraph (1) to give notice who fails to do so, or who fails to comply with any direction given by the Medical Officer, commits an offence.

Penalty: As provided in by-law 15(2).

**(3)** If in the opinion of the Medical Officer there is an outbreak of any disease deemed by regulation to be infectious, the Administrator may by regulation prescribe such general measures as seem to him or her necessary

**(4)** If the Medical Officer is of the opinion that the cleansing and disinfecting of any building or part thereof would tend to prevent or check infectious disease, the Administrator must in writing direct the owner or occupier of the building to disinfect the building in a manner the Medical Officer specifies. A person who fails to comply with such direction commits an offence.

Penalty: As provided in by-law 15(2).

**9. (1)** If the Medical Officer has reason to suspect that the milk or water supplied from any dairy or water supply is likely to propagate an infectious disease, the Medical Officer must examine any premises, dairy, cowshed or water supply suspected and may examine any animal, pipe, stream or resident of any premises. The Medical Officer must forthwith report the results to the Administrator who must in writing direct the person who, in the Administrator's opinion, is most concerned to take such steps as the Administrator directs to prevent or check the spread of such infectious disease.

**(2)** A person who refuses to comply with such directions or who refuses to allow the Medical Officer to inspect the person's premises or animals commits an offence.

Penalty: As provided in by-law 15(2).

**10. (1)** No person, without permission in writing from the Medical Officer, may retain a body unburied elsewhere than in a public mortuary or in a place not used at the time as a dwelling house or workroom for more than a period prescribed by regulation made by the Administrator.

**(2)** A person who contravenes paragraph (1) commits an offence.

Penalty: As provided in by-law 15(2).

**11.** Every person who intends to erect, reconstruct, alter or extensively repair any building used or to be used for human habitation must give notice of such intention to the Administrator. Any person who fails to do so commits an offence.

Penalty: As provided in by-law 15(2).

**12.** The Medical Officer may inspect any animal, meat, poultry, game, flesh, fish, bird, milk, flour, rice, butter or other food, fresh preserved or canned which he or she has reason to believe is intended for sale for or to be used for human consumption. If any food as aforesaid appears to the Medical Officer to be unwholesome or unfit for human consumption he or she must forthwith report the fact to the Administrator, who must in writing direct the Medical Officer, or any other person the Administrator thinks fit, to seize and to destroy such food.

**13. (1)** A Committee to be known as the Public Health and Public Works committee is hereby constituted. It is to consist of—

- (a) the Administrator;
- (b) the Medical Officer;
- (c) 2 persons elected by the Island Council from amongst the elected members thereof.
- (d) 2 persons appointed by the Administrator.

**(2)** The members elected under paragraph 13(i)(c) are to be elected annually at the first meeting of the Island Council following the elections to that body. The persons nominated under paragraph 13(i)(d) are to be appointed annually to hold office for the same period as the persons elected under paragraph 13(i)(c).

**(3)** The Administrator is Chair of the Committee but in the Administrator's absence from any meeting the Medical Officer is Chair of that meeting.

**(4)** The quorum for a meeting of the committee is 4, of whom at least one must be an elected member of the Island Council.

**(5)** In the event of an equality of votes on any issue the person presiding has a second or casting vote.

**(6)** The functions of the Public Health and Public Works Committee are to—

- (a) exercise a general supervision over the Public Health and Sanitation matters of Tristan da Cunha;
- (b) advise the Administrator on the making of regulations under this by-law.

**(7)** The minutes of the Public Health and Public Works Committee must be submitted to the Island Council for their approval at the meeting of that body next after the meeting of the Committee.

**14.** The Administrator may make Regulations—

- (a) for regulating the establishment of, conditions of admission to, and the use, conduct, management and inspection of, slaughter houses;
- (b) providing for the inspection of dairy cattle;
- (c) for securing the cleanliness of vessels used for containing milk for sale;
- (d) prescribing precautions to be taken for protecting milk against infection or contamination;
- (e) prescribing precautions to be taken for protecting any article, whether solid or liquid intended for human consumption against infection or contamination;
- (f) prohibiting the washing of clothes in streams in the Settlement and prescribing other measures for preventing pollution of water supplies;
- (g) defining any portion of the Settlement as an area within which swine, goats or fowls may not be kept;
- (h) prescribing which infectious diseases are notifiable;
- (i) specifying the amount and types of privy accommodation which are to be provided in any building and for specifying the time within which repairs to or provision of privy accommodation are to be effected;
- (j) declaring the matters which are deemed to be a nuisance;
- (k) prescribing where and of what type public privy accommodation must be provided;

- (l) prescribing necessary measures for dealing with outbreaks of infectious diseases and the action to be taken to prevent or control the outbreak or spread of such diseases;
- (m) prescribing the period during which a body may remain unburied either generally or in terms of by-law 10 above;
- (n) prescribing the conditions under which any body, or the remains of any body, interred in any cemetery or burial ground or other place, may be exhumed:
 

Provided that this paragraph does not affect the right of a judicial or other lawful authority to order the exhumation of a body or the remains of a body for the purpose of enquiry into the cause of death of any person;
- (o) the construction, maintenance and method or cleansing of roads and streets in the Settlement, for the naming of them and for the provision of name boards;
- (p) providing the method and control of supplying water to factories, ships and the Settlement and for preventing the wastage of water as may be necessary;
- (q) providing the manner in which storm water is to be drained and for the maintenance of storm water drains and ditches;
- (r) providing the manner in which the public cemeteries are to be maintained and for the prescribing of hours of burial;
- (s) providing the manner in which fences and buildings are to be erected and providing minimum standards for all new buildings;
- (t) providing the method by which and times at which refuse is to be collected and for the disposal of refuse and the control of refuse dumps;
- (u) providing for inspection, otherwise than as already provided for in these By-Laws, of cesspools, septic tanks, drains and sewers and the manner in which the public sewerage system is to be maintained;
- (v) providing for the inspection and licensing of dogs and for the conditions upon which and the manner in which they are to be destroyed.
- (w) providing the methods necessary and manner in which rodent control is to be effected;
- (x) prescribing the area within which and the manner in which animal pens are to be erected.

**15. (1)** A person who —

- (a) wilfully damages any public sewer, drain or any part of the public water supply;
- (b) deposits rubbish anywhere but in the private or public receptacles provided for the purpose; or
- (c) fails to comply with the terms of any Regulation made under by-law 14,

commits an offence.

Penalty: As provided in paragraph (2).

(2) A person who commits any offence under these By-Laws is liable on conviction to a fine not exceeding £5, or in the case of a continuing offence to a fine of £2 for each day during which the offence continues and in the event of damage to pay the costs of repair or replacement as directed by the court.

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## PUBLIC HOLIDAYS BY-LAWS

- 1.** The following days are to be Public Holidays on Tristan da Cunha:

January 1st (New Year's Day);  
 January 6th (Epiphany);  
 Good Friday;  
 Easter Monday;  
 Ascension day;  
 Whit Monday;  
 December 25th (Christmas Day);  
 December 26th (Boxing Day);

2. In addition a Public Holiday to be called Queen's Day is to be kept annually on a date in October, not being a Sunday, to be fixed and announced by the Administrator as may be most convenient.

3. The Administrator may by notice declare as a Public Holiday any additional day intended to mark special and particular occasions.

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### SCHOOLCHILDREN MEDICAL AND DENTAL CARE BY-LAWS

1. The Education Officer must make arrangements with the Medical Officer for the medical and dental inspection and treatment of all schoolchildren at least once every year.

2. The Head Teacher of any school, or any officer of the Public Health Department who is authorised by the Medical Officer to carry out inspections of school children, may direct any child attending such school, whose person or clothing is infected with vermin or is in a dirty condition, to leave the school until cleansed, and may give to the parent of any such child written notice requiring the parent to cleanse properly the person and clothing of the child, within a period specified in the notice.

3. If a notice is served on the parent of a child under these By-Laws requiring the parent to cleanse the person and clothing of the child, the person signing the notice must at the same time issue instructions to the parent describing the manner in which such cleansing may be best effected.

4. The parent to whom a notice has been given must carry out the cleansing of the child within the period prescribed in the notice, and at the expiration of the period must cause the child to return to the school duly cleansed to the satisfaction of the Head Teacher or the officer of the Public Health Department who signed the notice.

5. A parent who fails to comply with the requirements of a notice issued under these By-Laws or who wilfully and without good cause prevents the medical or dental inspection of a child commits an offence.

Penalty: A fine of £5.

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### SLAUGHTERHOUSE BY-LAWS

1. These By-Laws may be cited as the Slaughterhouse By-Laws.

2. In these by-laws—

“**Agricultural Officer**” means the Agricultural Officer of the Tristan da Cunha Administration;

“**carcass**” means the dead body of an animal from which the stomach and the intestines have been removed;

“**Medical Officer**” means the Medical Officer of the Tristan da Cunha Administration;

**“Settlement”** means that area of land lying between the ‘Big Watron’ on the East and ‘Hottentot Gulch’ on the West;

**“slaughterhouse”** means a place or building so designated by the Administrator in writing .

**3.** A slaughterhouse must be used exclusively for the processing of carcasses intended for human consumption.

**4.** No person may cause or allow any live animal, whether intended for slaughter or not, to enter or remain within a slaughterhouse building.

**5.** No person may bring or cause to be brought into a slaughterhouse or allow to remain therein any carcass which he has reason to believe is unfit for human consumption, whether through disease or otherwise.

**6.** No person shall bring or cause to be brought into a slaughterhouse or allow to remain therein any carcass which has been deemed unfit for human consumption by either the Agricultural Officer or the Medical Officer.

**7.** No person who has reason to believe that he or she has suffers from any contagious disease liable to contaminate meat may enter a slaughterhouse while the processing of carcasses is in progress.

**8.** No person who is considered by the Medical Officer to be suffering from any contagious disease liable to contaminate meat may enter a slaughterhouse for such periods of time as the Medical Officer specifies.

**9.** All knives, saws, hooks and other instruments to be used within a slaughterhouse for the processing of carcasses must be clean, safe and in good repair, to the satisfaction of the Agricultural Officer.

**10.** A person using a slaughterhouse must exercise all reasonable care and immediately upon completion of the processing of carcasses must clean the slaughterhouse to the satisfaction of the Agricultural Officer, failing which the person is liable to pay the full costs of any repairs and cleansing.

**11.** A person using a slaughterhouse must ensure that all offal resulting from the processing of carcasses is stored outside the slaughterhouse building in a covered container and is removed for safe burial outside the boundary of the Settlement within 3 hours of the slaughtering.

**12.** The Agricultural Officer is responsible for the overall management and proper functioning of slaughterhouses in accordance with the terms of these By-Laws.

**13.** The Administrator may prescribe a scale of charges for the use of slaughterhouse facilities.

**14.** A person who contravenes or fails to comply with any of these By-Laws commits an offence and is liable to prosecution under section 15(2) of the Public Health and Public Works By-Laws.

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### **WOOD (CONTROL OF) BY-LAWS**

**(1)** Every family or section of a family having or using one hearth or kitchen-range for cooking purposes is be entitled to send one of its members or one agent to fell living trees for drying and subsequent collection in the area between Big Point and Big Ridge on one day only each year.

**(2)** The head of any family or section of a family found cutting down trees on more than one occasion in each calendar year, unless in exceptional circumstances specially permitted by the Administrator in Council, commits an offence.

Penalty: A fine of £1 for the first offence or £2 for any subsequent offence.



**(3)** A tree felled in accordance with by-law (1) must be marked and when so marked is the property of the member of the family by or for whom it was felled and marked. A member of a family who touches, removes or tampers with wood felled and marked in accordance with this by-law by another family, unless given permission, commits an offence.

Penalty: A fine of £1 for the first offence or £2 for any subsequent offence.

## **YOUTH CLUB BY-LAWS**

**1.** There is to be established a Youth Club under the direction of the Education Committee of the Island Council.

**2.** The Youth Club is to be permitted the free use of such government buildings as the Administrator in his or her discretion directs, during the hours the Administrator by notice specifies.

**3.** The Youth Club is open to all unmarried person over the age of 13 who pay a membership fee as hereinafter provided.

**4.** The Youth Club must conform to the Rules laid down in the Schedule to these By-Laws.

**5.** The Administrator may in his or her discretion exclude all or any persons from membership of the Youth Club and may delegate his or her powers under these By-Laws to any person he or she appoints.

## **SCHEDULE** (By-Law 4)

### **YOUTH CLUB RULES**

- 1.** There is to be a committee to administer the Youth Club which is to consist of—
- (a) the Administrator as President.
  - (b) a person nominated by the Administrator.
  - (c) 3 other persons, one of whom must be a female, elected by the members.

The Administrator's nominee on the committee is to be Chair of the committee and also Treasurer of the club. The committee must appoint one of the elected members to be Secretary of the club.

**2.** All members must pay a membership fee of 5p per year which is due and payable on or before the 15th January, in each year.

**3.** The funds of the club must be deposited in a Post Office Saving Bank account and may only be withdrawn on the signature of 2 members of the committee one of whom must be the person nominated to the committee by the administrator.

**4.** A general meeting of all members must be held at least once in every calendar year on or before the 1st February in each year. At that meeting the accounts and the report of the committee must be presented to the meeting and the committee must be elected. A copy of the report and accounts must at the same time be submitted to the Administrator.

**5.** A person who misbehaves and when told to stop by a committee member refuses to do so, or who when told for good and sufficient reason to leave the club premises by a committee member refuses to do so, or who damages any club or government property is liable to be banned from use of the club for a period the Administrator, after hearing the recommendation of the club committee and the person concerned, directs.

**6.** No person other than a member of the committee may have access to the store and record room. If no committee member is present in the club, the store and record room must remain closed.

**7.** The duty committee member is responsible for checking the contents of the store each night and for returning the cash and keys to the Chair each night.

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