

## **EXCO TOP LINES – TUESDAY 14 JUNE 2022**

### **Patents (Registration Fees) Regulations 2022**

- Executive Council advised that the Patents (Registration Fees) Regulations 2022 should be brought into force

#### **At the meeting**

- The Memorandum was presented by the Minister for Treasury, Infrastructure and Sustainable Development
- Ministers noted that costs associated with administration of applications for Patents exceed fees charged for the registration of a Patent in St Helena
- Ministers noted that Patents fees had not been revised since 2012
- Ministers advised that application fees should increase from £60 to £100
- The new fees will come into force upon publication of the required Legal Notice which will be issued as soon as possible

### **Trade Marks (Registration) (Amendment) Rules, 2022**

- Executive Council advised that the Trade Marks (Registration) (Amendment) Rules, 2022 should be brought into force

#### **At the meeting**

- The Memorandum was presented by the Minister for Treasury, Infrastructure and Sustainable Development
- Ministers noted that the proposed change to the Trade Marks Rules was to enable the renewal of Trade Marks to be facilitated by issuing a renewal certificate by the Registrar of Trade Marks rather than by endorsement of a Trade Mark certificate which would have been issued when applying to register a Trade Mark
- Trade Marks need to be renewed every 10 years
- This change will enable the Registrar of Trade Marks to issue Trade Mark renewals similarly to the same way as they are issued in the United Kingdom via a renewal certificate
- This change will come into effect upon publication of the required Legal Notice which will be issued as soon as possible

### **Criminal Justice (Fixed Penalties) Regulations, 2022**

Executive Council advised and the Governor agreed that the Criminal Justice (Fixed Penalties) Regulations, 2022 should be approved.

#### **At the meeting**

- The Memorandum was presented by the Minister for Safety, Security and Home Affairs.
- These Regulations are the first to apply the Criminal Justice (Fixed Penalties) Ordinance that was enacted in 2020 and introduce a Fixed Penalty Notice 'FPN' system.
- A Fixed Penalty System allows for those accused of certain minor offences to pay a penalty instead of proceeding to court.
- The Regulations include the provision to issue FPNs for certain minor offending and for various marine and fisheries offences.
- Payment of a monetary penalty for an offence via a Fixed Penalty Notice would mean that the offence would not be recorded as a criminal conviction; as such an individual would not incur a criminal record for such offence.
- The offences that can be dealt with via an FPN are listed in Schedule to the Regulations and include such matters as failure to comply with a noise abatement order, being drunk and disorderly, disposing of litter in a public place, parking offences, fishing without a licence
- It is likely that further offences will be added to those listed in due course
- The issue of a FPN will be a matter of discretion, not a right and will be issued only when proportionate to the offending in question.
- An FPN will not be issued unless the evidential test for a prosecution is met, ie, that there is sufficient evidence to provide a realistic prospect of a conviction at Court
- It will be a matter for an individual to accept a FPN or be tried by a Court
- The FPN system would also result in less Court time being taken up with the need to deal with relatively minor offences, as well as any previous offending, the severity of the offence and any mitigating circumstances
- The fees will be set in 3 tiers: £50, £100 and £200, with disorder offences being in the lower 2 tiers and offences for marine and fisheries being in the £100 - £200 region
- The Marine and Fisheries related offences are included to protect against environmental harm
- Payment of FPNs will be required within 60 days of an FPN being issued. However, if an individual makes payment within 30 days, a discount of 50% of the FPN fee will apply
- The Regulations will come into force on publication of the required Legal Notice and administrative steps undertaken to implement the scheme.
- The Minister for Environment, Natural Resources and Planning and the Minister for Safety, Security and Home Affairs, along with their respective Portfolio Directors will give additional information about this matter via both local radio stations and will also work with the SHG Press Office to ensure as much information as possible is made available to the public there will also be a joint information campaign from the respective Portfolios.

## **Other Business**

### **Directions to Chief Planning Officer**

The Governor in Council agreed the proposed minor amendments to the Directions to the Chief Planning Officer, in accordance with section 23(1) of the Land Development Control Ordinance, 2013 to provide further clarity on what development applications should be referred to the Governor-in-Council.

**ExCo**

**22 June 2022**