EXPLANATORY MEMORANDUM TO

THE FALKLAND ISLANDS COURTS (OVERSEAS JURISDICTION) (AMENDMENT) ORDER 2009

2009 No. 1737

1. This explanatory memorandum has been prepared by the Foreign and Commonwealth Office and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

This instrument amends the Falkland Islands Courts (Overseas Jurisdiction) Order 1989 to bring up to date the references in that Order to the Constitution of the Falkland Islands.

3. Matters of special interest to the Joint Committee on Statutory Instruments

None

4. Legislative Context

The Falkland Islands Courts (Overseas Jurisdiction) Order 1989 (S.I. 1989/2399) confers jurisdiction on the courts of the Falkland Islands to deal with certain civil and criminal proceedings arising under the law of the British Antarctic Territory and South Georgia and the South Sandwich Islands. That Order makes references to the Falkland Islands Constitution of 1985, which was revoked when the current Constitution came into force in January 2009. The present instrument amends the Order to substitute references to the current Falkland Islands Constitution, which is set out in the Falkland Islands Constitution Order 2008 (S.I. 2008/2846).

5. Territorial Extent and Application

This instrument applies to the Falkland Islands, the British Antarctic Territory and South Georgia and the South Sandwich Islands only.

6. European Convention on Human Rights

Although this instrument is laid before Parliament, there is no provision for further parliamentary proceedings and no statement is therefore required.

7. Policy background

- ***What is being done and why***

This Order updates the 1989 Order in light of the new Falkland Islands Constitution, and will therefore remove any doubt about the jurisdiction conferred on the Falkland Islands courts by the 1989 Order.

- ***Consolidation***

This is the only amendment to the 1989 Order, and no consolidation is yet necessary.

8. Consultation outcome

8.1 The Order has been agreed with the Falkland Islands authorities.

8.2 No public consultation was required in the United Kingdom as this Order forms part of the law of the Falkland Islands, the British Antarctic Territory and South Georgia and the South Sandwich Islands.

9. Guidance

No guidance is required.

10. Impact

No impact on business, charities or voluntary bodies in the United Kingdom or the United Kingdom public sector. An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

The legislation does not apply to small business in the United Kingdom.

12. Monitoring & review

None required.

13. Contact

Susan Dickson at the Foreign and Commonwealth Office, Tel: 020 7008 3317 or email: susan.dickson@fco.gov.uk can answer any queries regarding the instrument.