



IN THE MAGISTRATES COURT OF THE FALKLAND ISLANDS

CASE NUMBER: MC/CIV/05/26

Dated this 8th day of September 2026

Before

HIS HONOUR JUDGE MALCOLM SIMMONS

Between

FALKLAND ISLANDS GOVERNMENT

Plaintiff

and

ROSS POOLE

Defendant

The Plaintiff was represented by Momtaz Begum on behalf of the Attorney General of the Falkland Islands

The defendant did not appear

JUDGMENT

Introduction

1. This is a claim brought by the Falkland Islands Government for liquidated damages relating to unpaid invoices.
2. Proceedings were issued on 10th June 2026 and directions given on 27th July 2026.
3. The Plaintiff claims damages in the sum of £3,041.50 in respect of unpaid invoices. In the Form of Defence and Counterclaim, the defendant indicated that he disputed the full amount claimed.
4. On 27th July 2026, this matter was listed for final hearing on 8th September 2026.

5. On 3rd September 2026 the Court received a letter from the defendant in which, referring to the final hearing, he stated “...*I am not going to be there in person, my mental health is very poor at the moment and I find it very hard to speak with anyone in person at this time.*”
6. On 4th September 2026, a letter from the the court was personally served upon the defendant enquiring whether he wished to request an adjournment of the final hearing and informing him that unless he made such a request, the case would proceed. No response or application was received by the Court. Having been given that opportunity to participate and have declined or failed to make such an application, he has waived his right to be present.
7. In any event, I am satisfied that the court has before it all relevant evidence, as well as the defendants various written submissions in which he sets out his defence to the claim, to proceed.

The Claim

8. The defendant is the occupier of residential property at 9 Philomel Place, Stanley.
9. The Plaintiffs claim comprises unpaid invoices for service charges, unpaid invoices for electricity charges and interest on the unpaid invoices. I shall deal with each element of the Plaintiffs claim in turn.

Service Charges

10. On 31st July 2025 the Plaintiff issued invoice number SC26-01165 to the defendant in the sum of £551.86 comprising:
 - a. Water £361.63
 - b. Refuse collection £129.69
 - c. Community charge £60.54
11. The defendant has refused to pay that invoice, taking issue with each component of the charge.
12. In respect of the water charge in the sum of £361.63, the defendant has averred “*I do not believe that it is fair that a single occupant should pay the same as a household of six people*”. He says that he had requested the Public Works Department install a water meter and that it has failed or refused to do so.

13. Section 30 of the Stanley Rates Ordinance 1973 provides: “*there shall be payable by the occupier of domestic and other premises...such charges for services supplied to or in respect of those premises...[to include] an **unmeasured** supply of water...*” Therefore, in accordance with the Ordinance, there is no obligation on the Plaintiff to supply and fit a water meter and the defendant is liable to pay the invoice rendered by the Plaintiff for water charges.
14. In respect of refuse collection, the defendant has raised concerns with the Plaintiff regarding the collection of his household rubbish. He avers his refuse is often not collected and, when it is, the bin left some meters from his property.
15. Refuse collection is funded as a public service. The charges levied on customers covers the entire system rather than the single act of emptying a bin. Unfortunately, missed collections will, occasionally, occur and these should be reported to the relevant Government department. However, frustrating as missed bin collections are, the defendant is nevertheless liable for paying those fees. I can find no lawful justification for the defendants refusal to pay that fee – either in part or in full.
16. In respect of the Community charge, the defendant says “I don’t really know what that’s for”. This charge is levied on all occupiers of domestic premises and includes other municipal services.
17. In his various written submissions, the defendant objects to the allocation of public funds for the provision of certain services, in addition to those that, he says, he does not utilise.
18. Indeed, in his written submission, he stated: “*I’d like to point out the multitude of government services I do not use; sports facilities, education facilities, I barely [sic] drive on your roads, nor frequently use subsidised transport...I have zero dependants so don’t use your subsidised child care either, and use the hospital a lot less than most so you can say that I’m in the black so far as what I’ve paid in tax versus what I’ve taken out in services.*”
19. The submissions made by the defendant relate, arguably, to matters of public policy generally rather than the matters in issue in this case.
20. Living in a society means benefiting from a shared system of public services and infrastructure. Because these services are interconnected and generally provided collectively, individuals cannot reasonably choose to pay only for the services they personally expect to use.
21. First, many public services benefit people indirectly, even when they do not use them personally. Someone might rarely use public transport, libraries, schools, or emergency

services, but they still benefit from living in a society where those systems exist. For example, a functioning education system contributes to a better-skilled workforce and a more stable society, while emergency services provide security that benefits everyone simply by being available when needed.

22. Second, many public services cannot operate effectively on an individual "pay as you go" basis. Services such as policing, fire protection, roads, public health infrastructure and waste collection need to be maintained continuously and must be available when required. It would be impractical to fund them only at the moment an individual decides to use them. A fire service, for instance, cannot wait for a person to purchase coverage after their house has caught fire.
23. Third, taxation is based on the principle of collective responsibility. People contribute according to rules established through a democratic process, rather than choosing which individual benefits they personally value. This allows essential services to be provided universally, including to people who could not otherwise afford them. In this sense, taxation is not simply a transaction in which an individual buys a particular service; it is a contribution towards maintaining the society in which everyone participates.
24. Finally, allowing individuals to opt out of services they consider unnecessary would create a fundamental free-rider problem. People could continue benefiting from the infrastructure, stability, and protections provided by society while refusing to contribute towards them. If everyone were able to make that choice, the collective funding needed to maintain those services could disappear.
25. Therefore, the fact that someone does not personally use, value, or agree with a particular public service does not by itself justify refusing to contribute towards it. The underlying principle is that membership of society involves both benefits and obligations: people contribute to the collective system, and in return they live within and benefit from a properly functioning society.
26. Put simply: the defendant cannot simply pick and choose for which services he is prepared to contribute.
27. Therefore, in respect of the service charges in the sum of £551.86, I find for the Plaintiff.

Electricity Charges

28. In respect of electricity charges, invoices have been raised on a regular basis since October 2023. Between 21st January and 6th August 2025, no meter reading was taken. A meter

reading taken on 7th August 2025 showed consumption by the defendant of 7,284 units, in respect of which invoice number ELEC-84518 in the sum of £2,549.40 was issued on 14th August 2025. That invoice remains unpaid.

29. In respect of electricity charges, a credit note (CRN11261) in the sum of £239.64 was issued to the defendant on 22nd August 2022. After invoice ELEC-84518 was issued on 14th August 2025, that sum was credited to the defendants electricity account. Therefore, the amount outstanding on the electricity account is £2,309.76.
30. The Public Works Department ordinarily read meters quarterly. However, customers may provide their own readings should they wish to receive invoices more frequently.
31. The invoice represents the defendants consumption of electricity. I understand his frustration at being suddenly presented with a large bill. However, he was given the opportunity by the Plaintiff to pay the invoice by instalments. He refused that offer.
32. Section 31 of the Electricity Supply Regulations 1969, applied in the Falkland Islands pursuant to section 3 of the Electricity Supply Ordinance 1939 provide that customers are bound by an official meter reading unless there is evidence the official meter reading is incorrect.
33. There is no evidence before the Court that the official meter reading taken on 7th August 2025 is incorrect. Therefore, the defendant is liable to pay the electricity invoice.
34. Therefore, I find for the Plaintiff in the sum of £2,309.76.

Interest Charges

35. Pursuant to the Interest on Debts Ordinance 2002, the Plaintiff may charge interest on invoices that remain unpaid after a 30 day credit period. Interest is calculated at a rate of 8% above the Bank of England base rate.
36. Interest to date is in the sum of £249.38. That sum to be added to the Plaintiffs claim.
37. **THEREFORE**, I find for the Plaintiff in respect of the Service Charges in the sum of £551.86, electricity charges in the sum of £2,309.76 and interest on the unpaid invoices to the date hereof in the sum of £249.38, a total sum of £3,111.00 and make the following

ORDER

- A. Before 4pm on 30th September 2026, the defendant shall pay to the Plaintiff:
- a. Damages in the sum of £3,111.00
 - b. Costs, that I assess in the sum of £500.00
- B. The Plaintiff shall have liberty to apply in respect of enforcement of this Order.