



FALKLAND ISLANDS

Agricultural Returns Ordinance 2013

(ORDINANCE No. 2 OF 2013)

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FALKLAND ISLANDS

Agricultural Returns Ordinance 2013

AN ORDINANCE To provide a new legal basis for the collection and publication of statistics and information about agriculture; and for connected purposes.

[DATE OF COMMENCEMENT: 28TH FEBRUARY 2013]

1 Title

This Ordinance is the Agricultural Returns Ordinance 2013.

2 Commencement

This Ordinance comes into force on publication in the Gazette.

3 Interpretation

In this Ordinance-

"agriculture"-

- (a) includes using land to-
 - (i) keep or breed livestock, poultry or bees; or
 - (ii) grow crops, fruit or vegetables; and
- (b) also includes horticulture;

"approved form" means the form approved (or re-used) by the Director under section 5;

"deadline date" means the date set by the Director under section 6 by which forms (or parts of forms) must be returned; and

"Director" means either-

- (a) the Director of Natural Resources; or

- (b) a person appointed by the Director of Natural Resources to carry out some or all of the functions of the Director under this Ordinance.

4 Collection and publication of agricultural statistics and information

It remains a function of the Director to collect and publish statistics and other information about agriculture in the Falkland Islands.

5 Approved forms

(1) Each year, the Director may either-

- (a) approve one or more forms to be used for annual returns for that year from farmers, others engaged in agriculture and owners of agricultural land; or
- (b) use the same form or forms that were used the previous year (with minor changes, if appropriate).

(2) The Director may approve forms that consist of more than one part.

6 Deadline dates

(1) Each year, the Director will set the deadline date by which completed annual return forms must reach the Director.

(2) If the Director approves more than one form for a year, different dates may be set for different forms.

(3) If the Director approves a form with more than one part, different dates may be set for different parts of the form.

7 Sending approved forms to farmers, etc

(1) Each year, the Director will arrange for the approved form (or forms) to be sent to farmers, others engaged in agriculture and owners of agricultural land.

(2) However, the Director need not arrange for the approved form (or forms) to be sent to all of those persons.

8 Requirement to make annual return

(1) Every person to whom one or more approved forms are sent must make an annual return to the Director on the approved form (or forms, if more than one form is approved for that year).

(2) Every person required to make an annual return must take all reasonable steps to ensure that-

- (a) the required information is provided; and
- (b) the information provided is accurate.

(3) Completed forms (or parts of forms) must be sent back to the Director so that they reach the Director by the deadline date for that form (or part of a form).

(4) If a person required to make an annual return cannot provide all of the required information by the deadline date, the person must-

- (a) by the deadline date-
 - (i) provide as much of the information as possible; and
 - (ii) explain why it has not been possible to provide the remaining information; and
- (b) provide the remaining information as soon as possible afterwards.

(5) The Director may specify a date by which a person must provide the remaining information and, if so, the person must take all reasonable steps to ensure that the remaining information reaches the Director by that date.

9 Offences: failure to comply with duty about annual returns

- (1) It is an offence for a person not to comply with a duty on that person under section 8.
- (2) The penalty that may be imposed on a person convicted of an offence against subsection (1) is a fine of up to level 3 on the standard scale.

10 Offences: providing false or misleading information, etc

- (1) This section applies to a person whenever the person is providing information (or an explanation) under section 8.
- (2) When this section applies to a person, it is an offence for the person-
 - (a) knowingly to provide information (or an explanation) that is false or misleading in a material way; or
 - (b) to be reckless as to whether the information (or explanation) being provided is false or misleading in a material way.
- (3) The penalty that may be imposed on a person convicted of an offence against subsection (2) is a fine of up to level 5 on the standard scale.

11 Publication of information from annual returns

When publishing statistics and information about agriculture in the Falkland Islands, the Director-

- (a) may publish information provided under section 8; and
- (b) may also publish information contained in returns previously made under the Livestock Ordinance 2001; but

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- (c) may not publish information directly connected with an individual's income or a company's profits or losses.

12 Use of information from annual returns for other purposes

The Director may also use information obtained under section 8 (and information contained in returns previously made under the Livestock Ordinance) for all purposes connected with agriculture in the Falkland Islands.

13 Livestock Ordinance partially repealed

The following provisions of the Livestock Ordinance are repealed-

- (a) sections 23 and 24; and
- (b) the Schedule.

14 Subsidiary legislation

The Governor may make subsidiary legislation that is necessary or convenient for the purposes of this Ordinance.