



FALKLAND ISLANDS

Animal Health Ordinance 1998

(ORDINANCE No. 9 OF 1998)

ARRANGEMENT OF PROVISIONS

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FALKLAND ISLANDS

Animal Health Ordinance 1998

AN ORDINANCE To apply, with exceptions and modifications, the provisions of the Animal Health Act 1981 as law of the Falkland Islands so as to make more satisfactory provisions in relation to diseases, transportation and welfare of animals and matters connected therewith.

*[DATE OF COMMENCEMENT: 20TH JUNE 1998]
(Unless otherwise indicated)*

1 Short title

This Ordinance may be cited as the Animal Health Ordinance 1998 and shall come into force one month after its first publication in the Gazette.

[Revision w.e.f. 31/07/2017]

2 Application of Animal Health Act 1981 and orders under that Act

(1) The Animal Health Act 1981 (hereinafter in this section and in Schedule 1 called "the 1981 Act") is adopted as law of the Falkland Islands subject to the exceptions and modifications specified in Schedule 1 but, without prejudice to subsection (2), nothing in this subsection shall have effect so as to adopt any of the provisions of any order made or having effect under the 1981 Act. Every reference in Schedule 1 to a section is, unless the contrary is specifically stated in that Schedule in relation thereto, a reference to the section of that number in the 1981 Act.

(2) Without prejudice to any of his powers to make any order under any provision of the 1981 Act in its application to the Falkland Islands by virtue of subsection (1), the Governor may by order under this subsection apply as law of the Falkland Islands, subject to such exceptions and modifications (if any) as he may specify in the first-mentioned order, the provisions of any order made under any provision of that Act.

3 ...

[Revision w.e.f. 31/07/2017]

SCHEDULE 1
APPLICATION OF ANIMAL HEALTH ACT 1981

Animal Health Act 1981
(1981, c.22)

Extent of application

The whole Act, except sections 2, 3(1) and 3(4), 4(1), 5, 10(6), 12, 13(2) to 13(4) (inclusive), 14, 15(3), 15(6), 21(3) and 21(10), 22(7), 33, 34(6), 38(2), 40 to 59 (inclusive), 60(1), 63(8), 74, 75(2), 76, 79(4), 80 to 82 (inclusive), 85, 86, 90 to 96 (inclusive), 97(2), 97(3), Schedules 1 and 4 to 6 (inclusive).

[S.2 Ord. 17/22/w.e.f. 12/10/2022]

Modifications

1. Except as specified to the contrary in any subsequent modifications, every reference in the Act—

- (a) to “the Ministers”, “the Minister” and “the appropriate Minister” shall be construed as a reference to the Governor;
- (b) to “the United Kingdom”, “Great Britain” and “England and Wales” shall be construed as a reference to the Falkland Islands;
- (c) to a “constable” shall be construed as a reference to a police officer;
- (d) to an “inspector of the Minister” and “inspector of the Ministry” shall be construed as a reference to an inspector.

2. Every offence against any provision of the Act which is triable on indictment shall in the Falkland Islands be triable (and only be triable) summarily, but a court of summary jurisdiction convicting any person of an offence under the Act in its application to the Falkland Islands may impose any sentence on that person which could have been imposed by a court in England on convicting that person on indictment of the like offence.

3. Omit—

- (a) every reference—
 - (i) to any regulation of a local authority;
 - (ii) to Scotland or Northern Ireland;
- (b) any provision or part of a provision which only has reference to Scotland or Northern Ireland.

4. For section 3(2), substitute the following subsection:

“(2) Every Government Veterinary Officer may, and any other public officer in the Department of Agriculture authorised by the Director of Natural Resources may, inspect any animal to obtain any information required for the purpose of eradicating diseases of animals in the Falkland Islands.”

[Revision w.e.f. 31/07/2017]

5. For section 10(7), substitute the following subsection:

“(7) For the purposes of this section, the time of importation of animals and carcasses of poultry, eggs and other things animate or inanimate shall be deemed to be—

(a) if they are brought in by sea, the time when the ship carrying them comes within the limits of any harbour or naval port, or if they are unloaded other than within a harbour or naval port, the time they are unloaded;

(b) if they are brought in by air, the time when the aircraft carrying them lands in the Falkland Islands or the time when they are unloaded in the Falkland Islands, whichever is the earlier,

and for the purposes of this subsection “harbour” has the same meaning as it has in the Harbours Ordinance 1902 and “naval port” has the same meaning as it has in the Naval Ports Ordinance 1987.”

6. In section 10(8), for the words “the Commissioners of Customs and Excise” substitute the words “the Director of Natural Resources”.

[Revision w.e.f. 31/07/2017]

6A. In section 15(1)(b) replace “a constable of the police force for the police area in which the animal is so affected” with “a member of the veterinary service of the Government”.

[S.2 Ord. 17/22/w.e.f. 12/10/2022]

7. In section 17(3), omit the words “or of a local authority”.

8. In sections 21(6), (7) and (8), for the words “the Minister” substitute the words “Director of Natural Resources” and in section 21(6), for the words “the Minister’s duty” substitute the words “the Director of Natural Resources’ duty”.

[Revision w.e.f. 31/07/2017]

9. In section 30—

(a) in subsection (1), for the words “the appropriate Minister” and “that Minister” substitute the words “the Director of Natural Resources” and “the Director” respectively;

[Revision w.e.f. 31/07/2017]

(b) in subsection (2), for the words “veterinary inspector” substitute the words “Government Veterinary Officer or any other officer in the Department of Natural Resources authorised by the Director of Natural Resources”.

[Revision w.e.f. 31/07/2017]

10. In section 32(1), for the words “the Minister” substitute the words “the Director of Natural Resources”, and for section 32(3) substitute the following subsection:

“(3) The Director of Natural Resources shall within twenty-eight day’s pay for animals slaughtered under this section such amount as he believes to be fair and adequate compensation for them and any person entitled to such compensation who is dissatisfied with the amount of compensation paid to him in pursuance of this subsection may within twenty-eight days of receipt of the payment apply to the Supreme Court to increase the compensation payable to him. The Supreme Court shall have power to make such order on determining that application as it thinks just, including power to award interest and costs.”

[Revision w.e.f. 31/07/2017]

11. In section 34—

(a) in subsections (1) to (5) (inclusive), for the words “the Minister” and “the Minister’s” substitute the words “the Director” and “the Director of Natural Resources” respectively;

[Revision w.e.f. 31/07/2017] [S.2 Ord. 17/22/w.e.f. 12/10/2022]

(b) in subsection (4), for the words “or any common or unenclosed land” substitute the words “or any land in the ownership and occupation of the Crown”;

(c) in subsection (7), omit paragraph (b) and all words appearing after paragraph (c).

12. In section 35(4), omit the words “or of a local authority”.

13. In section 36—

(a) for subsections (1) and (2), substitute the following subsections:

“(1) Any Order made by virtue of section 35(1) shall require the Director of Natural Resources to pay within twenty-eight days what he considers to be fair and adequate compensation to the owner of anything animate or inanimate seized pursuant to such an Order, including the carcase of or anything obtained from or produced by any animal or bird affected by any disease to which the Order relates.

(2) Any person entitled under subsection (1) to payment of compensation who is dissatisfied with the amount of compensation paid to him in pursuance of this subsection may within twenty-eight days of receipt of the payment apply to the Supreme Court to increase the amount of compensation payable to him. The Supreme Court shall have power to make such order on determining that application as it thinks just, including power to award interest and costs.”

[Revision w.e.f. 31/07/2017]

(b) in subsection (4), for the words “the Minister” substitute the words “the Director of Natural Resources”;

[Revision w.e.f. 31/07/2017]

(c) in subsection (5), omit paragraphs (a) and (b).

14. In section 39(1), add the words “(including horses)” immediately after the word “animals”.

15. For section 63(5)(a), substitute the following paragraph:

“(a) any vessel, boat, aircraft or vehicle of any other description which is for the time being in any harbour (within the meaning of the Harbours Ordinance 1902), naval port (within the meaning of the Naval Ports Ordinance 1987) or at Mount Pleasant Airport or Stanley Airport;”.

16. ...

[S.2 Ord. 17/22/w.e.f. 12/10/2022]

17. In section 77, omit all words after “civil debt”.

18. In section 78, for the words “a magistrates’ court in England and Wales” substitute the words “a court of summary jurisdiction”, and for the words “Crown Court” substitute the words “Supreme Court”.

19. In section 79(1), omit all the words after “inspector” where it first appears.

[S.2 Ord. 17/22/w.e.f. 12/10/2022]

20. ...

[S.2 Ord. 17/22/w.e.f. 12/10/2022]

21. In section 89, for the definition of “inspector” substitute the following definition:

“‘inspector’ means every Government Veterinary Officer, without further appointment, and any other public officer in the Department of Agriculture appointed as an inspector by the Director of Natural Resources;”.

[Revision w.e.f. 31/07/2017]

22. In Schedule 3 —

(a) for the words “the Minister” substitute the words “the Director of Natural Resources”;

[Revision w.e.f. 31/07/2017]

(b) ...

(c) omit the words in parentheses in sub-paragraph (b) of paragraph 1(3);

(d) omit paragraphs 1(4), 2(3), 3(2), 4(2) and 5(3);

(e) add the following paragraph 6:

“6. Where any animal or poultry is slaughtered pursuant to any foregoing provision of this Schedule, section 32(3) of this Act (payment of compensation) shall apply as if the animal or poultry had been slaughtered pursuant to section 32(1)”.

SCHEDULE 2 . . .

[Revision w.e.f. 31/07/2017]