



FALKLAND ISLANDS

Livestock and Meat Products Ordinance 2010

(ORDINANCE No. 14 OF 2010)

ARRANGEMENT OF PROVISIONS

Section

1. Title
2. Commencement
3. Interpretation
4. Power to make regulations
5. Application of EU law
6. Application of UK law
7. Officials
- 7A. Powers of competent authority - official controls
8. Licences and certificates
- 8A. Examination and monitoring of chemicals, residues, etc.
- 8B. Sale, import and use of veterinary medicinal products
9. Inspections generally
- 9A. Authorised persons - Entry
- 9B. Entry and search under warrant
- 9C. Enforcement
10. Notices
11. Repeals



FALKLAND ISLANDS

Livestock and Meat Products Ordinance 2010

AN ORDINANCE To provide for: the regulation of the treatment of animals kept for slaughter; the regulation of abattoirs; and treatment of meat products in the course of export or domestic trade; and for connected purposes.

[DATE OF COMMENCEMENT: 30TH NOVEMBER 2010]

1 Title

This Ordinance is the Livestock and Meat Products Ordinance 2010.

2 Commencement

This Ordinance comes into force upon publication in the Gazette.

3 Interpretation

(1) In this Ordinance-

"abattoir" has the meaning given by subsection (2);

"animal by-product" means the entire body or parts of an animal, a product of animal origin or other products obtained from an animal, which are not intended for human consumption, including oocytes, embryos and semen;

[S. 4(a)/Ord. 17/2013/w.e.f. 17/12/2013.]

"authorised official" means an inspector or official referred to under section 7;

[S. 4(b)/Ord. 11/2015/w.e.f. 24/12/2015.]

"authorised person" means a person authorised in writing by the Senior Veterinary Officer to be an authorised person for the purposes of this Ordinance or regulations made under it;

[S. 4(b)/Ord. 11/15/w.e.f. 24/12/15.]

"designated abattoir" means an abattoir designated by Notice for the purpose of producing and processing meat for placing on the market for human consumption and the Notice must specify the meat which the designated abattoir produces for placing on the market for human consumption;

[S. 4/Ord. 8/16/w.e.f. 31/8/16.]

"domestic purposes" has the meaning given by subsection (4);

"EU" means the European Union;

"EU legislation" means a Directive, Regulation or any other legislation enacted by an institution of the European Union;

"export season" ...

[S. 4(b)/Ord. 17/13/w.e.f. 17/12/13.]

"fresh meat" means meat that has not undergone any preserving process other than chilling, freezing or quick-freezing, including meat that is vacuum-wrapped or wrapped in a controlled atmosphere;

[S. 4(b)/Ord. 11/15/w.e.f. 24/12/15.]

"inspector" means a person authorised by the Senior Veterinary Officer under section 7(7);

[S. 4(b)/Ord. 11/15/w.e.f. 24/12/15.]

"livestock" means –

- (a) an animal that is kept, fattened or bred for the production of food, wool, fur, feathers, hides and skins or any other product obtained from that animal;
- (b) an animal that is kept for other farming purposes; or
- (c) an animal that is not being kept for farming purposes but that is of a kind normally kept for such purposes.

[S. 4(b)/Ord. 11/15/w.e.f. 24/12/15.] [s. 6/Ord. 7/22/w.e.f. 03/05/22]

"meat" means the edible parts of an animal;

[S. 4(c)/Ord. 17/13/w.e.f. 17/12/13.]

"meat products" means processed products resulting from the processing of meat or from the further processing of such processed products, so that the cut surface shows that the product no longer has the characteristics of fresh meat;

[S. 4(b)/Ord. 11/15/w.e.f. 24/12/15.]

"Notice" has the meaning given by section 10;

"official controls" means the tasks and activities undertaken by the competent authority aimed towards ensuring there is compliance with the requirements of this Ordinance and regulations made under it as set out under section 7A;

[S. 4(b)/Ord. 11/15/w.e.f. 24/12/15.]

"Regulations" means regulations made by the Governor;

"UK legislation" means -

- (i) an Act of Parliament,
- (ii) an Act of the Scottish Parliament,
- (iii) an Act of the Northern Ireland Assembly,
- (iv) an Act or Measure of the National Assembly for Wales or an Act of Senedd Cymru; and
- (v) an enactment or instrument under legislation specified in paragraphs (i) to (iv);

[s. 6/Ord. 7/22/w.e.f. 03/05/22]

"veterinary medicinal product" means any substance or combination of substances-

- (a) presented as having properties for treating or preventing disease in animals; or
- (b) that may be used in, or administered to, animals with a view to-
 - (i) restoring, correcting or modifying physiological functions by exerting a pharmacological, immunological or metabolic action; or
 - (ii) making a medical diagnosis.

[S. 4(b)/Ord. 11/15/w.e.f. 24/12/15.]

(2) **"Abattoir"** includes any place used or intended to be used for the slaughtering of animals.

(3) **"Designated abattoir"** means an abattoir designated by Notice for the purpose of producing meat for export to a Member State of the EU.

(4) **"Domestic purposes"** means purposes other than export and, in particular, includes-

- (a) commercial and non-commercial purposes, and
- (b) supply for consumption on board a vessel.

(5) ...

[S. 4(d)/Ord. 17/13/w.e.f. 17/12/13.]

4 Power to make regulations

(1) Regulations may make provision about any aspect of-

- (a) importing animals into the Falkland Islands;
- (b) the conditions under which animals are kept;
- (c) carrying out medical, chemical or other tests on animals;
- (d) the slaughtering of animals;
- (e) the disposal of dead animals (whether or not slaughtered);

- (f) the treatment of animals and meat at abattoirs before and after slaughter;
- (g) the treatment of meat in the course of export or domestic trade (including retail);
- (h) carrying out chemical or other tests on meat;
- (i) the disposal of waste produced in the course of slaughtering animals or preparing meat; and
- (j) importing meat into the Falkland Islands;
- (k) the treatment and control of animal by-products;

[S. 5/Ord. 17/13/w.e.f. 17/12/13 and s. 5(a)/Ord. 11/15/w.e.f. 24/12/15.]

- (l) the use, sale, import and export of veterinary medicinal products; and

[S. 5(b)/Ord. 11/15/w.e.f. 24/12/15.]

- (m) the payment of fees.

[S. 5(b)/Ord. 11/15/w.e.f. 24/12/15.]

(2) The powers in subsection (1) are to be used for one or more of the following purposes-

- (a) the health and welfare of livestock;
- (b) the safety and quality of livestock feed and meat;
- (c) effects of the production of livestock and meat on human health or the environment;
- (d) compliance with legal or other requirements applied in other countries to which livestock or meat are exported from the Falkland Islands.

[s. 7/Ord. 7/22/w.e.f. 03/05/22]

(3) ...

[s. 7/Ord. 7/22/w.e.f. 03/05/22]

(4) Regulations under subsection (1) may-

- (a) make provision that applies only to designated abattoirs;
- (b) make provision that applies only to non-designated abattoirs;
- (c) make provision that applies differently to designated and non-designated abattoirs.

(5) Regulations under subsection (1) may-

- (a) make provision that applies only to slaughtering and meat for export;
- (b) make provision that applies only to slaughtering and meat for domestic purposes;
- (c) make provision that applies differently in relation to slaughtering and meat for export and for domestic purposes.

(6) Regulations under subsection (1) may-

- (a) make different provision for different purposes;

- (b) make provision that applies generally or only for specified purposes;
- (c) may include incidental or consequential provision (which may, in particular, amend other legislation so as to introduce a reference to the regulations).

5 Application of EU law

(1) Regulations under section 4(1) may, in particular, include any provision which the Governor thinks necessary or desirable for permitting or facilitating the export of meat to Member States of the EU.

(2) The regulations may provide for specified EU legislation to apply.

(3) Application by virtue of subsection (2) may be-

- (a) subject to modifications specified in the regulations;
- (b) subject to such modifications as may be specified by Notice.

(4) The regulations may provide for the automatic application of-

- (a) any amendment made to EU legislation applied by the regulations (whether made before or after the making or commencement of the regulations);
- (b) any legislative or administrative instrument made under or by virtue of EU legislation applied by the regulations (whether made before or after the making or commencement of the regulations).

(5) Regulations applying EU legislation may-

- (a) specify exceptions;
- (b) allow exceptions to be provided by Notice;
- (c) confer power to grant exemptions.

(6) Regulations must make provision about marks and certificates required in connection with export to Member States of the EU; and the regulations must, in particular, require the Senior Veterinary Officer to make arrangements to ensure that the marks and certificates are used only at designated abattoirs during the export season.

6 Application of UK law

(1) Regulations under section 4(1) may provide for specified UK legislation to apply.

(2) Application by virtue of subsection (1) may be-

- (a) subject to modifications specified in the regulations;
- (b) subject to such modifications as may be specified by Notice.

(3) The regulations may provide for the automatic application of -

- (a) any amendment made to UK legislation applied by the regulations (whether made before or after the making or commencement of the regulations);

- (b) any legislative or administrative instrument made under or by virtue of UK legislation applied by the regulations (whether made before or after the making or commencement of the regulations).

(4) Regulations applying UK legislation may -

- (a) specify exceptions;
- (b) allow exceptions to be provided by Notice;
- (c) confer power to grant exemptions.

7 Officials

(1) In this Ordinance-

- (a) **"Senior Veterinary Officer"** means the Senior Veterinary Officer of the Department of Agriculture,
- (b) **"Official Veterinarian"** means an official of that Department appointed as an Official Veterinarian, and
- (c) **"Meat Hygiene Inspector"** means an official of that Department appointed as a Meat Hygiene Inspector.

(2) In the exercise of functions under or in connection with Regulations under section 4(1)-

- (a) the Senior Veterinary Officer is not subject to the direction or control of any person or authority,
- (b) Official Veterinarians and Meat Hygiene Inspectors are not subject to the direction or control of any person other than the Senior Veterinary Officer.

(3) Regulations under section 4(1) may confer functions (including discretionary functions) on-

- (a) the Senior Veterinary Officer;
- (b) other veterinary officers;
- (c) Meat Hygiene Inspectors.

(4) Regulations under section 4(1) may make provision by reference to arrangements to be made by-

- (a) the Senior Veterinary Officer;
- (b) the Department of Agriculture.

(5) The Senior Veterinary Officer is the "competent authority" for the purposes of any EU legislation applied by or under Regulations under section 4(1).

(6) The Senior Veterinary Officer may authorise persons to carry out functions under or in connection with Regulations under section 4(1); and subsection (2)(b) applies to those persons.

(7) The persons authorised under subsection (6) may include inspectors who are responsible for the following-

- (a) carrying out official controls in relation to the enforcement of regulations made under this Ordinance;
- (b) monitoring of animals and animal products to check for diseases, residues, chemicals and other substances as may be specified in the regulations;
- (c) taking, registering and checking of all official control samples as required under regulations made under section 4; and
- (d) any other functions required to give effect to this Ordinance as may be specified in the authorisation.

[S. 6(a)/Ord. 11/15/w.e.f. 24/12/15.]

7A Powers of competent authority - official controls

In order to carry out its functions under this Ordinance the competent authority may-

- (a) put in place official controls aimed at ensuring there is compliance with feed and food requirements and animal health and welfare rules for the protection of public health;
- (b) conduct checks and audits to verify and ensure there is compliance with animal health and welfare rules for the protection of animals; and (c) carry out specific tasks aimed at ensuring corrective procedures are followed as may be specified in regulations made under this Ordinance.

[S. 6(b)/Ord. 11/15/w.e.f. 24/12/15.]

8 Licences and certificates

Regulations under section 4(1) may make provision for slaughtering and export to be controlled by a system of licensing or certificates (or both).

8A Examination and monitoring of chemicals, residues, etc.

(1) The regulations under section 4(1)(c) and (h) may make provision as to the manner in which-

- (a) samples may be taken, transported and submitted for analysis;
- (b) tests on animals, meat and meat products may be undertaken; and
- (c) official controls and checks in relation to the monitoring of chemicals and residues may be carried out.

(2) Regulations referred to under subsection (1) may also make provision for the method of analysis as well as other relevant matters to be taken into consideration in examining and monitoring chemicals and residues.

[S. 7/Ord. 11/15/w.e.f. 24/12/15.]

8B Sale, import and use of veterinary medicinal products

(1) Regulations under section 4(1)(j) may-

- (a) make provision for the sale, distribution, import or export of veterinary medicinal products through permits;
- (b) include restrictions on the sale and distribution of veterinary medicinal products; and
- (c) make provision for the licensing of establishments that can sell and distribute veterinary medicinal products.

(2) Subject to any circumstances or conditions as may be included in a permit issued in accordance with regulations made in accordance with subsection (1)(a), the regulations may prohibit any person from doing any of the activities listed in subsection (3).

(3) The activities referred to in subsection (2) are, in the course of a business carried on by the person-

- (a) selling by retail;
- (b) offering or exposing for sale by retail; or
- (c) supplying in circumstances corresponding to retail sale,

a veterinary medicinal product, unless that product meets any of the requirements in subsection (4).

(4) The requirements referred to in subsection (3) are that the veterinary medicinal product is-

- (a) sold or supplied in accordance with a prescription given by a qualified veterinarian, a registered pharmacist, or a suitably qualified person; and
- (b) complies with such conditions as may be prescribed.

(5) Regulations made in accordance with subsection (1) may make provision for controlling, restricting, licensing or prohibiting the following activities-

- (a) selling, supplying or otherwise placing the veterinary medicinal products on the market;
- (b) manufacturing or assembling any veterinary medicinal product;
- (c) distributing any veterinary medicinal product;
- (d) procuring the sale, supply or placing on the market of the veterinary medicinal products otherwise than by sale or supply, manufacture, assembly or distribution;
- (e) importing or exporting of any veterinary medicinal product;
- (f) possessing any veterinary medicinal product, with a view to selling or supplying it or otherwise placing it on the market; or
- (g) issuing, sending or delivering any advertisement, or making any representation or recommendation in the course of a business, relating to any veterinary medicinal product.

(6) Regulations made in accordance with subsection (1) may impose any requirements as the Governor considers necessary or expedient for any of the purposes specified in subsection (7) with respect to-

- (a) the labelling of containers of veterinary medicinal products;
- (b) the labelling of packages of veterinary medicinal products;
- (c) the display of distinctive marks on containers and packages of veterinary medicinal products;
- (d) the supply of leaflets with veterinary medicinal products;

(7) The purposes referred to in subsection (6) are-

- (a) to ensure that veterinary medicinal products are correctly described and readily identifiable;
- (b) to ensure that any appropriate warning or other appropriate information or instruction is given, and that false or misleading information is not given, with respect to veterinary medicinal products; and
- (c) to promote safety in relation to veterinary medicinal products.

[S. 7/Ord. 11/15/w.e.f. 24/12/15.]

9 Inspections generally

(1) For carrying out the functions under this Ordinance or regulations made under it, an authorised official may-

- (a) conduct searches and inspections;
- (b) take photographs and recordings;
- (c) conduct tests;
- (d) require the production of livestock, meat products and other relevant substances for inspection;
- (e) require, for inspection, the production of records which a person is required to keep under this Ordinance or any regulations made under it; and
- (f) request any other information as may be necessary.

(2) If records which a person is required to keep are stored in electronic form, the power under subsection (1) includes power to require the records to be made available for inspection in-

- (a) a visible and legible form; or
- (b) a form from which they can readily be produced in a visible and legible form.

(3) An authorised official may inspect and take copies of any records produced for inspection as required under this Ordinance or any regulations made under it.

(4) An authorised official may carry out an inspection in order to check compliance with any requirement to inspect as provided by or under this Ordinance or any regulations made under it.

[S. 8/Ord. 11/15/w.e.f. 24/12/15.]

9A Authorised persons - Entry

(1) An authorised person may enter premises or land with the consent of the owner or occupier or on the authority of a warrant issued under section 9B.

(2) An authorised official may, for the purpose of carrying out any function under this Ordinance, enter at a reasonable time and with the consent of the owner-

- (a) premises or land on which the carrying on of an activity regulated under this Ordinance is authorised;
- (b) premises or land on which the authorised official reasonably believes an activity to which a permit or a licence relates is being carried on;
- (c) any premises or land on which livestock is kept, or where the authorised official believes any livestock is kept.

(3) Subject to subsection (2), an authorised official may enter into any premises or land in order to-

- (a) check for compliance with regulations made under this Ordinance;
- (b) carry out official controls including appropriate tests, checks and other requirements of this Ordinance and regulations made under it;
- (c) ascertain whether any offence under or by virtue of this Ordinance or any regulations made under it has been or is being committed.

(4) An authorised official may enter premises or land which the official reasonably believes to be premises or land on which livestock is kept in order to carry out an inspection under section 9.

[S. 9/Ord. 11/15/w.e.f. 24/12/15.]

9B Entry and search under warrant

(1) Subject to subsection (3), a justice of the peace may, on the application of an authorised person or a police officer, issue a warrant authorising the authorised person or a police officer to enter at any reasonable hour, premises or land in order to search for evidence of the commission of an offence under this Ordinance or any regulations made under it.

(2) A warrant issued under subsection (1) may authorise-

- (a) the authorised person or a police officer to be accompanied by any person or persons; and
- (b) the use of reasonable force, where necessary.

(3) The power to issue a warrant under subsection (1) is exercisable only if the justice of the peace is satisfied that there are reasonable grounds for believing that-

- (a) an offence under this Ordinance or any regulations made under it has been committed on the premises or land; or
- (b) evidence of the commission of an offence under this Ordinance is to be found on the premises or land.

(4) A person who wilfully hinders or obstructs the lawful execution of a warrant issued under subsection (1) by an authorised person or police officer or any person authorised by that warrant to accompany the authorised person or police officer, commits an offence.

[S. 9/Ord. 11/15/w.e.f. 24/12/15.]

9C Enforcement

(1) Regulations under section 4(1) may include provision for enforcement.

(2) In particular, the regulations may-

- (a) create criminal offences;
- (b) provide for the imposition of civil penalties;
- (c) confer power to serve notices and make provision about the consequences of the service of notices;
- (d) confer jurisdiction on a court or tribunal;
- (e) include provision for forfeiture of goods or equipment;
- (f) confer powers of entry, search and seizure;
- (g) require the provision of information; and
- (h) confer powers to require the provision of information.

(3) If the regulations create an offence they may provide for a maximum penalty of-

- (a) 12 months imprisonment,
- (b) a fine of level 8 on the standard scale, or
- (c) a combination.

[S. 9/Ord. 11/15/w.e.f. 24/12/15.]

10 Notices

(1) In this Ordinance "**Notice**" means a notice given by the Governor.

[S.R. & O. No. 30/10/w.e.f. 30/11/10.]

(2) The Governor must publish any notice under this Ordinance as soon as reasonably practicable (but a notice may take effect before being published).

11 Repeals

(1) Regulations under section 4(1) may include provision for the repeal, revocation or disapplication of any Ordinance or other legislation if the Governor thinks the repeal, revocation or disapplication necessary or desirable in consequence of the Regulations.

(2) Provision under this section may-

- (a) apply to specified legislation generally or only to a specified extent or for specified purposes;
- (b) include transitional provision or savings.