



FALKLAND ISLANDS

Rabies (Importation of Animals) Order 1999

(S.R. & O. No. 29 OF 1999)



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[DATE OF COMMENCEMENT: 1ST SEPTEMBER 2003]

1 Citation and commencement

This Order may be cited as the Rabies (Importation of Animals) Order 1999 and shall come into force on such date, not earlier than the first publication of this Order in the Gazette, as the Governor may notify by Notice so published.

2 Interpretation

In this Order, unless the context otherwise requires-

"the Act" means the Animal Health Act 1981 in its application to the Falkland Islands;

"animal" means-

- (a) any kind of mammal except man; and
- (b) any kind of four-footed beast which is not a mammal;

(2) For the purposes of this Order, an animal shall be deemed to have been landed in the Falkland Islands immediately it is unloaded or taken out of, or in any other manner leaves or escapes from, a vessel or aircraft and **"land"** and **"landing"** shall be construed accordingly, provided that this paragraph shall not apply in respect of an animal which is, under the authority of an OVS, transported by water directly from one vessel to another, without the boat in which the animal is carried touching land, or the animal being put on land.

3 Prohibition on landing of animals

(1) Subject to the provisions of this Order, the landing in the Falkland Islands of an animal brought from a place outside the Falkland Islands is prohibited.

(2) The prohibition on landing contained in paragraph 3(1) shall not apply when the landing is under the authority, of a licence previously granted by the Director of Agriculture, and in accordance with the terms and conditions subject to which it was granted.

4 Detention of animals on board vessels in harbour

(1) Paragraph (2) shall apply to an animal which has, within the preceding six months, been in a place outside the Falkland Islands.

(2) Subject to subject (3), it is the duty of the person having charge or control of a vessel in harbour in the Falkland Islands to ensure that an animal to which this paragraph applies which is on board that vessel-

- (a) is at all times restrained, and kept securely confined within a totally enclosed part of the vessel from which it cannot escape.
- (b) does not come into contact with any other animal (other than an animal that has been transported to the Falkland Islands); and
- (c) is in no circumstances permitted to land.

(3) Paragraph (2)(c) shall not apply to an animal which is landed in accordance with a licence granted under article 3.

(4) If an animal to which paragraph (2) applies is lost from a vessel in harbour in the Falkland Islands, the person having charge or control of that vessel shall forthwith give notice of the loss to an OVS, a police officer or an officer from the Customs and Immigration Department.

(5) If an animal to which paragraph (2) applies is involved in an accident whereby the rabies virus could, if present in that animal, be transmitted to a human being, or to another animal (other than an animal with which it has been transported to the Falkland Islands), the person for the time being in charge of the animal shall forthwith give notice of the incident to an OVS; and on receipt of such notice, the OVS may, if he considers it expedient so to do, require (in the case of an animal which would otherwise not be permitted to land under this article) that the animal shall not leave the Falkland Islands until after it has undergone detention and isolation in quarantine at its owner's expense, at such premises, for such period (not exceeding six months) and subject to such conditions, as the inspection may direct.

(6) Subject to paragraph (7), no person shall cause or permit a native animal to go on board a vessel in harbour in the Falkland Islands on which there is an animal to which paragraph (2) applies; and for the purposes of this paragraph and paragraph (8) "native animal" means an animal to which paragraph (2) does not apply.

(7) Paragraph (6) shall not apply to-

- (a) the use on board a vessel in harbour in the Falkland Islands of dogs belonging to the police or Her Majesty's forces, so long as such dogs are kept under constant control of a trained handler while on board; or
- (b) the loading on board a vessel in harbour in the Falkland Islands of any animal for exportation from the Falkland Islands on that vessel.

(8) An OVS or a police officer may seize or cause to be seized-

- (a) any animal to which paragraph (2) applies in relation to which there has been a contravention of or failure to comply with any provision of that paragraph; and
- (b) any native animal in relation to which there has been a contravention of or failure to comply with the provisions of paragraph (6);

and where an animal has been seized in accordance with the foregoing provisions of this paragraph, an OVS or a police officer may-

- (i) destroy it or cause it to be destroyed;
- (ii) move it or cause it to be moved to authorised quarantine premises for the purposes of detention and isolation in quarantine at its owner's expense for a period of six months, or for such shorter period as an OVS may direct; or
- (iii) in the case of an animal to which paragraph (2) applies, export it from the Falkland Islands or cause it to be so exported; and

Provided that, where an animal to which this paragraph has been seized by a police officer, it shall only be dealt with in accordance with sub-paragraph (ii) or sub-paragraph (iii) with the agreement of an OVS.

5 Action in case of illegal landing or breach of quarantine

(1) Without prejudice to article 6, where-

- (a) an animal which is required to be detained and isolated in quarantine under any of the provisions of this Order, or under the provisions of a licence granted or a notice served hereunder, is not so detained and isolated, or
- (b) there is reason to believe that an animal has been landed in the Falkland Islands in contravention of this Order or of a licence granted hereunder,

an OVS may by written or oral notice served on the person appearing to him to be in charge of the animal, require that person, at the expense of the owner of the animal or of the person on whom the notice is served, immediately to detain and isolate the animal, and, within the time specified in the notice, to ensure that it is moved in such manner, and in compliance with such conditions, as may be so specified-

- (i) to a vessel, vehicle, or aircraft for exportation; or
- (ii) to authorised quarantine premises for the purposes of detention and isolation in quarantine at its owner's expense for a period of six months from the date of the notice, or for such shorter period as may be specified therein.

(2) If any person on whom a notice is served under paragraph (1) fails to comply with the requirements thereof, an OVS or a police officer may, without prejudice to any proceedings for an offence arising from such default, or arising in connection with any other contravention of this Order or of a licence granted or notice served hereunder, seize or cause to be seized the animal to which the notice relates, and arrange for the notice to be complied with; and the person on whom notice was served, and the owner of the animal and any other person having charge of it, shall tender all reasonable assistance to an OVS or a police officer to enable him to exercise the power conferred by the foregoing provisions of this paragraph, and the reasonable expenses incurred in the exercise of that power shall be recoverable on demand by the Crown as a civil debt from the owner of the animal, or from the person on whom the notice was served.

(3) The operation of a notice served under paragraph (1) may be terminated by notice to that effect given by an OVS to the owner or person in charge of the animal on proof to the satisfaction of the OVS that the animal was not landed in the Falkland Islands in contravention of this Order, or of a licence granted hereunder, or that six months have expired since the date of the landing of the animal.

(4) Without prejudice to article 6, where in respect of an animal to which paragraph (1) applies an OVS-

- (a) has reasonable grounds for believing that the animal does not have an owner, or
- (b) is unable, after reasonable inquiry, to trace the owner of the animal, or any person otherwise having charge of it, or
- (c) has reason to believe that the service of a notice under paragraph (1) would result in an unreasonable delay in dealing with the animal,

he may seize the animal, or cause it to be seized, and arrange for its exportation or detention and isolation in quarantine:

Provided that he shall (where the identity of the owner of the animal is known or subsequently become known to him), as soon as practicable, inform that person in writing of the action he has taken.

(5) The reasonable expenses incurred in the exercise of the power conferred on an OVS by paragraph (4) shall, without prejudice to any proceedings arising in connection with any contravention of this Order, or of a licence granted hereunder, be recoverable on demand by the Crown as a civil debt from the owner of the animal.

6 Power to destroy imported animals

An OVS or a police officer may seize or cause to be seized, and thereafter destroy or cause to be destroyed any animal landed in the Falkland Islands in contravention of this Order, or of a licence granted hereunder, any animal in respect of which there is, after it has been landed, a contravention of any such licence, and the reasonable expenses incurred in the exercise of the power conferred by the foregoing provisions of this paragraph shall, without prejudice to any proceedings arising in connection with a contravention of this Order, or of a licence granted hereunder, be recoverable on demand by the Crown as a civil debt from the owner of the animal.

7 Contact animals

(1) Except as provided for in the foregoing provisions of this Order, where an animal comes into contact with an animal-

- (a) which is being or should be detained and isolated in quarantine under the provisions of this Order, or which has escaped from such detention and isolation, or
- (b) which is awaiting exportation from a port or airport, or
- (c) which is on board a vessel in any harbour in the Falkland Islands in circumstances to which article 4 applies, or
- (d) which has been or which is suspected of having been landed in the Falkland Islands in contravention of the provisions of this Order, or of a licence granted hereunder,

an OVS may, by notice in writing served on the owner or other person appearing to him to have the control or custody of the said animal, apply such of the provisions of this Order thereto as he may consider expedient, with such modifications or variations as may be specified in the notice, and it shall be the duty of the person on whom such a notice is served to comply with the requirements thereof.

8 Offences

Any person who, without lawful authority or excuse, proof of which shall lie on him-

- (a) contravenes or fails to comply with articles 3(1) or 4(2), (4), (5) or (6);
- (b) fails to comply with any notice served under article 5(1) or 7;
- (c) fails to comply with any condition of a licence issued under article 3(2),

commits an offence against the Act.