



FALKLAND ISLANDS

Control of Kelp Ordinance 1970

(ORDINANCE No. 2 OF 1970)

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Control of Kelp Ordinance 1970

AN ORDINANCE To control the harvesting of kelp in the Assembly and its exportation therefrom.

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

[DATE OF COMMENCEMENT: 1ST JULY 1970]

(Unless otherwise indicated)

1 Short title

This Ordinance may be cited as the Control of Kelp Ordinance 1970.

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

2 Interpretation

In this Ordinance, unless the context otherwise requires-

"**export**" means taking or sending out of the Falkland Islands;

"**kelp**" means any alga or plant of the genus *macrocystis pyrifera*, *lessonia* and *durvillea* growing in or on the foreshore of any part of the Falkland Islands or in or on the seabed within the territorial waters of the Falkland Islands;

[S. 2/Ord. 2/1972/w.e.f. 24/4/1972.]

"**licence**" means a licence granted under this Ordinance;

"**sale**" includes exchange, barter, and offering or exposing for sale.

3 Prohibition

(1) No person shall harvest any kelp for sale, processing or export save with, and in accordance with the terms of, a licence granted by the Governor.

(2) No person shall export any kelp save with, and in accordance with the terms of, a licence granted by the Governor.

4 Grant of licence

The granting or withholding of any licence shall be in the absolute discretion of the Governor, and every licence to harvest kelp for sale, processing or export shall be for such period and relate to such place or places and shall be subject to the payment of such fees and such other conditions as may be specified therein.

5 Royalties

Subject to section 6, all kelp exported shall be liable to such royalties, if any, as may be prescribed by regulations made by the Governor in Council, and such regulations may prescribe the method of collection and disposal of the royalties so imposed.

6 Exclusive licence in specified areas

The Governor in Council may upon such terms and conditions as he may agree upon with the licensee grant an exclusive licence to harvest kelp for export in any specified areas and may provide in the licence for the royalties payable on kelp exported under the licence and for the periodical revision of these royalties.

7 Implied conditions of licence

There shall be implied in every licence the following conditions:

- (1) That the licensee shall carry on all his harvesting operations in a safe, orderly, skilful, efficient and workmanlike manner and shall not cause danger or damage to persons lawfully using or being on or in the foreshore of the territorial waters of the Falkland Islands.
- (2) That the licensee shall take due and proper precautions for the safety of all persons employed by him in harvesting operations.

8 Offences and penalties

(1) Any person who harvests any kelp for sale, processing or export or exports any kelp without being authorized so to do by a licence granted for such purpose commits an offence and is liable on conviction to imprisonment for a term not exceeding one year or to a fine not exceeding level 5 on the standard scale or to both such imprisonment and fine and to forfeit any kelp found in his possession.

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

(2) Any person who fails to comply with the conditions specified or implied in any licence granted to him commits an offence and is liable on conviction to a fine not exceeding level 4 on the standard scale; in addition the court may order that the licence be suspended or revoked and may further order the confiscation of any kelp harvested in contravention of the conditions specified in such licence.

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

9 Saving

Nothing in this Ordinance shall affect any customary right of any person to harvest kelp in small quantities for agricultural and other purposes within the Falkland Islands.