



## FALKLAND ISLANDS

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### Livestock Ordinance 1901

#### (ORDINANCE No. 6 OF 1901)

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## FALKLAND ISLANDS

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### Livestock Ordinance 1901

AN ORDINANCE Relating to infectious and contagious diseases in sheep and other animals.

*[DATE OF COMMENCEMENT: 15TH OCTOBER 1991]  
(Unless otherwise indicated)*

#### PART I INTRODUCTORY

##### 1 Short title

This Ordinance may be cited as the Livestock Ordinance 1901.

##### 2 Interpretation

In this Ordinance, unless the context otherwise requires-

**"affected sheep"** means any sheep affected with lice or ked or any parasitic disease as specified in Schedule 2, or which within six months have been exposed to disease as aforesaid;

**"destroy"** shall mean kill and either bury at a depth of not less than two feet under the ground or consume by fire or boil down;

**"dipping"** means the subjection of sheep to effective tick- and ked- destroying preparation (in accordance with the manufacturer's recommendations) by means of immersion or by such other means or in such other manner as may be approved by the Governor in Council or, with reference to lice, scab or itchmite in sheep, means the subjection of sheep to effective lice-, scab-, or itchmite-destroying preparation by such means or in such manner as may be approved by the Governor in Council;

**"dressing"** means applying to a sheep a scab-destroying preparation;

**"farmer"** means the owner of any sheep, and includes the manager, overseer or person in charge of any sheep;

**"imported"** means brought from any place beyond the limits of the Falkland Islands;

**"infected land"** means land on which there are affected or infected sheep;

**"infected sheep"** means any sheep infected with scab or other infectious or contagious disease as specified in Schedule 3, or which within six months have been exposed to disease as aforesaid;

**"inspector"** means an inspector appointed under section 3;

**"notice"** means a notice in writing delivered to the person affected thereby or left at or affixed to the usual or last known place of abode of such person;

**"owner"** includes a lessee from the Crown and the agent or manager of any absentee owner or lessee, and, with reference to the ownership of sheep, includes the manager, overseer or person in charge of any sheep;

**"public place"** includes any street, highway, thoroughfare, bridge, park, garden or pleasure ground, and any unenclosed land or other place to which the public or any part of the public have for the time being access;

**"sheep"** means any ram, ewe, wether or lamb;

**"station"** means the land, enclosures and buildings (but not a dwelling-house) occupied, or used by, or in the holding of any farmer;

**"stray sheep"** means any sheep, not being a travelling sheep, upon land not in occupation of the owner of the sheep;

**"travelling sheep"** means sheep being driven over any road or land not in the occupation of the owner of the sheep.

*[S. 2/Ord. 5/76/w.e.f. 1/5/77.]*

## **PART II INSPECTORS**

### **3 Inspectors to be appointed**

For the purpose of carrying out the provisions of this Ordinance, the Governor may appoint duly qualified persons to act as inspectors for such periods, at such salaries, and on such terms and conditions as may be thought proper by the Governor in Council. No inspector shall be actively engaged in sheepfarming.

*[S. 3/Ord. 18/73/w.e.f. 26/5/73.]*

#### **4 Inspector may enter and inspect sheep**

An inspector may at any time in the execution of his duty enter any station, and if any farmer does not permit such inspector, upon his demanding and stating his business so to enter or refuses to collect within any enclosure upon such land any sheep, or if any person impede or hinder such inspector in the discharge of his duty, such farmer or person commits an offence and is liable on conviction to a fine not exceeding the maximum of level 1 on the standard scale.

*[S.R. & O. 7/03/w.e.f. 24/3/03.]*

#### **5 Inspector may employ labour**

(1) An inspector may where necessary employ any person to assist him in carrying out the provisions of this Ordinance or any regulations hereunder.

(2) If the expenses of any employment referred to in subsection (1) have been incurred through the neglect, omission or other default of any owner, or by reason of any infection of or by the possession of any affected or infected sheep by any owner, or the removal of or other dealing with the sheep of any owner, such owner shall repay the same to the inspector on demand, as well as all other expenses incurred by the inspector in the performance of his duty in regard to any such sheep.

*[S. 3/Ord. 5/76/w.e.f. 1/5/77.]*

#### **6 Inspector may demand information**

An inspector may call upon any person concerned in the charge, control or management of any sheep to give information to him as to facts within his knowledge relating to such sheep, and any person who being so called upon refuses or neglects to give such information, or makes any statement knowing the same to be false, commits an offence and is liable on conviction to a fine not exceeding the maximum of level 1 on the standard scale.

*[S.R. & O. 7/03/w.e.f. 24/3/03.]*

#### **7 Inspector must be lodged**

Any inspector in the discharge of his duty as such may demand suitable board and lodging of any farmer, and shall pay in respect thereof the boarding charge as in the Sheepowners' Association Ltd. and the General Employees Union Agreement in force at the time.

*[S. 4/Ord. 18/73/w.e.f. 26/5/73.]*

**PART III  
MARKING OF SHEEP AND CATTLE**

**8 Sheep and cattle must be marked**

(1) All sheep and cattle above the age of six months shall be marked and kept legibly marked by the owner thereof with his registered mark.

(2) All ear marks and brands shall be subject to the approval of the Director of Natural Resources and when approved shall be registered and a description thereof published in the Gazette.

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

(3) The registered mark for wethers and rams shall be on the off ear and for ewes shall be on the near ear, and no marks other than those used for stud identification purposes shall be put on the ear which contains the registered mark.

*[S. 5/Ord. 18/73/w.e.f. 26/5/73.]*

**9 Proof of ownership**

Proof that the registered mark of any owner is marked on any sheep and cattle, and that it is the only registered mark thereon, shall be prima facie evidence of the ownership of such sheep and cattle.

**10 Offences relating to marking, etc.**

Every person who-

- (a) wilfully or negligently marks or permits any sheep and cattle of which he is not the owner to be marked with his registered mark;
- (b) wilfully defaces, destroys, crops or alters any ear or other mark on sheep and cattle of which he is not the owner or permits or is privy thereto;
- (c) wilfully with intent to mutilate cuts off the tip or more than one-fourth of the ear of any sheep;

*[S. 6/Ord. 18/73/w.e.f. 26/5/73.]*

- (d) uses on any sheep and cattle the registered mark of any other person without his authority,

commits an offence and for every such offence is liable on conviction to a fine not exceeding the maximum of level 3 on the standard scale.

*[S.R. & O. 7/03/w.e.f. 24/3/03.]*

**PART IV  
AFFECTED OR INFECTED SHEEP**

**11 Travelling sheep**

(1) No person shall drive any sheep upon or across any station without-

- (a) the drover having in his possession a waybill stating the number, description and markings of the sheep, and signed by the owner or vendor of the sheep;
- (b) giving notice to the manager of such station in writing not less than twenty-four hours and not more than three days before such driving, of the intention so to do;
- (c) giving notice of the places whence and whither such sheep are being driven, and the point at which the person driving such sheep will enter such station:

Provided that the farmer may give a permit in writing waiving, either absolutely or upon such terms as are stated in the permit his claim to receive from any other person any notice required to be given by this section:

Provided also that any farmer or inspector may examine and count such travelling sheep and check them with the waybill which must be produced on request.

*[S. 9(a)/Ord. 18/73/w.e.f. 26/5/73.]*

(2) Any person who leaves a travelling sheep which is ailing or disabled alive on any station which the sheep is crossing commits an offence and is liable on conviction to a fine not exceeding the maximum of level 1 on the standard scale.

*[S. 9(b)/Ord. 18/73/w.e.f. 26/5/73 and S.R. & O. 7/03/w.e.f. 24/3/03.]*

## **12 Farmers may detain infected and suspected sheep**

(1) Any farmer may seize and detain any affected or infected sheep, and may detain and examine any travelling sheep approaching or being upon any part of his station, upon reasonable suspicion of their being affected or infected, and, upon his giving the owner of such sheep written notice to that effect, he may detain them until their owner calls in the inspector to examine such sheep and determine whether or not they are affected or infected.

*[S. 12/Ord. 5/76/w.e.f. 1/5/77.]*

(2) If the owner of any sheep mentioned in subsection (1) prevents such sheep from being detained or examined as aforesaid or impedes or hinders the proprietor or person in charge in detaining or examining them, or does not forthwith after their detention give the inspector written notice thereof, then such owner commits an offence and is liable on conviction to a fine not exceeding the maximum of level 3 on the standard scale.

*[S.R. & O. 7/03/w.e.f. 24/3/03.]*

## **13 Action on detention**

Any person so detaining any travelling sheep shall until the arrival of an inspector keep such sheep on his own station or make such arrangements as will prevent the further spread of disease, and if such sheep are declared affected or infected all necessary expenses incurred by such person in the detention and keep of such sheep shall be repaid to him by their owner, but if it is found that the sheep so detained were not affected or infected and that there was no reasonable ground for suspecting them to be affected or infected, the person detaining them shall pay the owner of such sheep the loss and expense occasioned by such detention.

*[S. 13/Ord. 5/76/w.e.f. 1/5/77.]*

#### **14 Concealing cases of infection**

If with intent to cause it to appear that any sheep are not affected or infected within the meaning of this Ordinance, or to conceal the ownership of any sheep, any person separates any of the sheep of a flock from any others of the same flock, or conceals or destroys any sheep or removes any mark from any sheep, he commits an offence and is liable on conviction to a fine not exceeding the maximum of level 3 on the standard scale.

*[S. 14/Ord. 5/76/w.e.f. 1/5/77 and S.R. & O. 7/03/w.e.f. 24/3/03.]*

#### **15 Leaving infected sheep in stream**

Any person who casts any affected or infected sheep into any stream or running water, or leaves the carcasses of any such sheep in any stream or running water, commits an offence and is liable on conviction to a fine not exceeding the maximum of level 3 on the standard scale.

*[S. 15/Ord. 5/76/w.e.f. 1/5/77 and S.R. & O. 7/03/w.e.f. 24/3/03.]*

#### **16 Abandoning infected sheep and leaving carcase undestroyed**

No person shall abandon any affected or infected sheep or leave the dead carcasses of any affected or infected sheep unburied or undestroyed by fire when it is possible to bury or to destroy the same. In cases where it is impossible to bury or destroy by fire such carcasses, he shall at once remove the skins thereof and take them away, well and securely packed in a bag.

*[S. 16/Ord. 5/76/w.e.f. 1/5/77 and S.R. & O. 7/03/w.e.f. 24/3/03.]*

#### **17 Removing and herding infected sheep**

If it appears to an inspector, upon his own view, that any affected or infected sheep may, because of their vicinity to the flocks of sheep on an adjacent station, cause damage to the owner of those flocks, such inspector may order the owner of such affected or infected sheep to cause them to be removed to such other place on the station as may be approved by the inspector, or to cause such sheep to be constantly herded by day and kept at night within a proper enclosure.

*[S. 17/Ord. 5/76/w.e.f. 1/5/77.]*

### **PART V ADDITIONAL OFFENCES**

#### **18 Certificate, etc., of inspector to be evidence**

Any statement, certificate, notice or order of an inspector shall, in every case for the purpose of this Ordinance, be prima facie evidence of the truth of the matter contained therein, and shall be considered conclusive unless the contrary be proved.

#### **19 False declaration an offence**

Every person who makes or signs any declaration, report or certificate respecting any sheep, knowing the same to be false, or forges or alters any declaration, return, report, notice, certificate

or permit, or utters the same knowing it to be forged or altered, commits an offence and is liable on conviction to imprisonment for a term not exceeding three years.

## **20 Neglect to give notice or make return**

Where no specific penalty is provided in this Ordinance every person who wilfully neglects or omits to give any notice or make any return required under this Ordinance commits an offence and is liable on conviction to a fine not exceeding the maximum of level 1 on the standard scale for every day's default.

*[S.R. & O. 7/03/w.e.f. 24/3/03.]*

## **21 Breach of Ordinance or subsidiary legislation**

Any person who commits a breach of any of the provisions of this Ordinance, or of any proclamation or regulation made hereunder to which a penalty is not attached, commits an offence and is liable on conviction to a fine not exceeding the maximum of level 3 on the standard scale.

*[S. 18/Ord. 5/76/w.e.f. 1/5/77 and S.R. & O. 7/03/w.e.f. 24/3/03.]*

## **22 Recovery of penalties**

All penalties and expenses under this Ordinance may be recovered in a summary way, before the Senior Magistrate or two justices on the complaint of an inspector, and shall be paid into the Colonial Treasury.

# **PART VI MISCELLANEOUS**

## **23 and 24 . . .**

*[S. 13(a)/Ord. 2/13/w.e.f. 28/2/13.]*

## **25 Rules**

The Governor in Council may make rules-

- (a) for determining the powers and duties of inspectors;
- (b) for establishing proper places for dipping and prescribing the mode and times of dipping, the medicaments and appliances to be used, and the precautions and measures to be adopted by the owner of affected or infected sheep;

*[S. 19/Ord. 5/76/w.e.f. 1/5/77.]*

- (c) for establishing proper paddocks in which sheep may be kept after being gathered for inspection;
- (d) for the inspection and landing of sheep, relating to quarantine, the marking of sheep, the seizure, destruction or disposal of stray sheep,

and generally with reference to any matter in connection with this Ordinance, and the Governor may, subject to such rules, if any, and to the provisions of this Ordinance, impose such restrictions

and conditions and issue such orders with reference to imported sheep, quarantine, paddocks, infected places or sheep therein as he may deem expedient.

## **26 Burden of proof**

When the owner or person in charge of any affected or infected sheep is charged with an offence against this Ordinance relative to the sheep being affected or infected sheep he shall be presumed to have known of the existence of the sheep being affected or infected sheep unless and until he shows to the satisfaction of the court that he had no knowledge thereof and could not with reasonable diligence have obtained that knowledge.

*[S. 20/Ord. 5/76/w.e.f. 1/5/77.]*

## **SCHEDULE ...<sup>i</sup>**

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<sup>i</sup> S. 13(b)/Ord. 2/13/w.e.f. 28/2/13.