

Assented to in Her Majesty's name this 19th day of February 1975.

N. A. I. FRENCH,  
*Governor.*

LS

No. DS 1



1975

Falkland Islands Dependencies

IN THE TWENTY-FOURTH YEAR OF THE REIGN OF  
Her Majesty Queen Elizabeth II.

NEVILLE ARTHUR IRWIN FRENCH, M.V.O.  
*Governor.*

An Ordinance

To amend the law with regard to the conservation of wild animals and birds in the Falkland Islands Dependencies.

Title.

ENACTED for the Dependencies of the Colony of the Falkland Islands by the Governor of the Colony of the Falkland Islands and the Dependencies thereof, as follows—

Enacting clause.

1. This Ordinance may be cited as the Falkland Islands Dependencies Conservation Ordinance 1975 and shall come into force on the 19th day of February 1975.

Short title and commencement.

2. In this Ordinance, unless the context otherwise requires —

Interpretation.

“animal” means any vertebrate or invertebrate including birds, reptiles, fish and insects and the young and eggs thereof.

“native mammal” means any member, at any stage of its life cycle, of any species belonging to the Class Mammalia indigenous to the Dependencies or occurring there through natural agencies of dispersal, as well as reindeer *Rangifer tarandus*, but not including whales and dolphins of the Order Cetacea.

“native bird” means any member, at any stage of its life cycle (including eggs), of any species of the Class Aves indigenous to the Dependencies or occurring there through natural agencies of dispersal.

“native plant” means any kind of vegetation at any stage of its life cycle (including seeds) indigenous to the Dependencies or occurring there through natural agencies of dispersal.

“permit” means a formal permission in writing issued under the authority of the Governor.

## Conservation of wildlife.

3. No person shall wilfully, except as permitted under this Ordinance —

- (a) kill, wound, capture, molest or export any native mammal or native bird; or
- (b) collect or destroy any native plant; or
- (c) enter any Specially Protected Area or Site of Special Scientific Interest; or
- (d) bring into the Falkland Islands Dependencies any living animal, plant, virus, bacteria, yeast or fungus of species which are not indigenous to the region; or
- (e) visit or travel on land in any part of the Falkland Islands Dependencies, as a tourist or for any other purpose of recreation, other than in an area for the time being designated under section 14 as an area of Special Tourist Interest.

## Exemptions from section 3.

4. (1) Section 3 of this Ordinance shall not be taken to be contravened by anything done, or attempted to be done, by any person in accordance with a permit issued in respect of him under this Ordinance if it is done or attempted to be done when that permit is in force and in compliance with any conditions or limitations to which the permit is subject.

(2) Without prejudice to the preceding subsection, where a person is charged with an offence under section 3 of this Ordinance, it shall be a defence to prove that the act in question was done or attempted in a case of extreme emergency involving possible loss of human life.

## Issue of permits.

5. The Governor may issue to any person a permit authorising him to do such of the things mentioned in section 3 of this Ordinance as are specified in the permit. Such a permit shall be drawn in terms as specific as possible and may be issued subject to such conditions and limitations as the Governor considers appropriate.

## Permits to collect mammals, birds or plants.

6. (1) Permits authorising persons to do such of the things mentioned in section 3 (a) and (b) of this Ordinance shall be limited so as to ensure as far as possible that —

- (a) the variety of species and the balance of the natural ecological systems are maintained; and
- (b) no more native mammals or birds are killed or taken in any one year than can normally be replaced by natural reproduction in the following breeding season.

(2) A permit authorising any person to do such of the things mentioned in section 3 (a) and (b) of this Ordinance shall only be issued for the following purposes —

- (a) to provide indispensable food for local use in limited quantities, and in conformity with the purposes and principles of this Ordinance;
- (b) to provide specimens for scientific study or scientific information;
- (c) to provide specimens for museums, zoological gardens, or for other educational or cultural institutions or uses;
- (d) to provide for regulating the management and use of living resources.

## Permits to enter Specially Protected Areas or Sites of Special Scientific Interest.

7. A permit authorising any person to enter any Specially Protected Area or Site of Special Scientific Interest shall only be issued in accordance with sections 12 or 13, as appropriate, of this Ordinance.

8. A permit authorising any person to bring into the Falkland Islands Dependencies any living animal, plant, virus, bacteria, yeast or fungus of species not indigenous to the region shall only be issued for purposes, and, where necessary under such controlled conditions, as will not cause harmful interference with the natural ecological system of the region.

Permit to bring into the Dependencies animals, plants, etc.

9. The Governor may delegate his powers under section 5 to any person who for the time being —

Delegation of power to issue permits.

- (a) holds office as Director of the British Antarctic Survey or holds an appointment (by whatever name called) having functions similar to those which at the passing of this Ordinance are performed by that Director; or
- (b) is the resident Magistrate in South Georgia.

10. In connection with the matters authorised by any permit, the permit may require the person in respect of whom it is issued to make to the Governor or other person issuing the permit a report, at such times and in such manner as may be specified in the permit, as to the occurrence of such acts and events as may be so specified.

Reporting of action in accordance with permits.

11. (1) Any person to whom the power to issue permits is delegated under section 9 shall, in respect of each year, send to the Governor a report in accordance with subsection (2) of this section, and every such report shall be sent to the Governor as soon as practicable after the end of the year to which it relates.

Report by person issuing permits.

(2) A report made by any person under subsection (1) of this section in respect of any year shall contain such particulars of permits under this section issued by him relating to that year, and of information received by him relating to that year in pursuance of section 10, as the Governor may require.

(3) In subsection (1) and (2) of this section "year" means a period of twelve months ending on 30th June.

12. (1) The areas defined in Schedule A are hereby designated "Specially Protected Areas" and shall be accorded protection in order to preserve their ecological systems.

Specially Protected Areas.

(2) The Governor may, by Order, designate any additional area as a Specially Protected Area which is —

- (a) a representative example of a major land, freshwater, or coastal marine ecological system;
- (b) an area with a unique complex of species;
- (c) an area which is the type locality or only known habitat of any native plant or invertebrate species;
- (d) an area which should be kept inviolate so that in the future it may be used for purposes of comparison with localities that have been disturbed by man.

(3) A permit issued in accordance with section 5 of this Ordinance shall not have effect within a Specially Protected Area except in accordance with subsection (4) of this section.

(4) A permit to enter a Specially Protected Area shall be issued only for a compelling scientific purpose which cannot be served elsewhere, and provided that the actions permitted thereunder will not jeopardise the natural ecological system existing in the designated area.

13. (1) The areas defined in Schedule B are hereby designated "Sites of Special Scientific Interest", and shall be accorded protection in accordance with subsection 4 of this section in order to prevent interference with scientific investigations.

Sites of Special Scientific Interest.

(2) The Governor may, by Order, designate any additional area as a site of Special Scientific Interest which is being maintained exclusively for scientific investigations in a locality where such investigations may be jeopardized by accidental or wilful disturbance.

(3) A permit issued in accordance with section 5 of this Ordinance shall not have effect within a Site of Special Scientific Interest except in accordance with subsection (4) of this section.

(4) A permit to enter a Site of Special Scientific Interest shall be issued only for a compelling scientific purpose which cannot be served elsewhere, and provided that the actions permitted thereunder will not interfere with the scientific investigations for which the Site was designated.

**Areas of Special Tourist Interest.**

14. (1) The areas defined in Schedule C are hereby designated "Areas of Special Tourist Interest", which shall be open for tourism and recreation.

(2) Subject to the next subsection of this section the Governor may, by Order, designate additional areas representative of wildlife and scenic beauty.

(3) In designating additional areas the Governor shall have regard to the need to monitor the effects of tourists on the natural ecological systems within these areas.

**Amendment of Schedules.**

15. The Governor may, by Order, amend the definition, or revoke the designation of any area defined in Schedules A, B, or C of this Ordinance.

**Penalties.**

16. (1) Any person who knowingly contravenes section 3 (a) of this Ordinance, by wilfully killing, wounding, capturing or molesting any native mammal or bird, except as permitted under this Ordinance, shall be liable to a fine not exceeding £150.

(2) Any person who wilfully contravenes sections 3 (b), (c), (d) or (e), except as permitted under this Ordinance, shall be liable to a fine not exceeding £150.

(3) Any person who fails to comply with a requirement imposed on him by a permit issued in accordance with sections 6, 7, 8 and 10, or who in any report made by him in pursuance of such a requirement knowingly and recklessly makes a statement which is false in a material particular, shall be liable to a fine not exceeding £150.

**Venue.**

17. For all purposes of and incidental to the trial of any person accused of any offence under this Ordinance and the proceedings and jurisdiction of any Court, the offence shall be deemed to have been committed either in the place in which it was actually committed or in any place in which the offender may for the time being be found.

**Incidental destruction of native plants and animals.**

18. Notwithstanding anything in section 3 (a) or 3 (b) it shall not be an offence under this Ordinance to kill or wound any native mammal or native bird or destroy any native plant where such killing or wounding or destroying is on a limited scale and is the incidental result of an otherwise lawful act.

**Governor may make Regulations.**

19. The Governor may, from time to time, make Regulations for the better carrying out of the provisions of this Ordinance and the intent and object thereof.

**Repeal. (DS2/69).**

20. The Application of Colony Laws (No. 2) Ordinance 1969 is hereby repealed.

## SCHEDULE A.

Section 12.

## SPECIALLY PROTECTED AREAS

Cooper Island lat. 54° 49' S., long. 35° 47' W.

## SCHEDULE B

Section 13.

## SITES OF SPECIAL SCIENTIFIC INTEREST

Bird Island lat. 54° 00' S., long. 38° 03' W.

Annenkov Island lat. 54° 29' S., long. 37° 05' W.

## SCHEDULE C

Section 14.

## AREAS OF SPECIAL TOURIST INTEREST

GRYTVIKEN. The area bounded by Moraine Fjord, Hamberg Glacier, Mount Sugartop and Lyell Glacier.

BAY OF ISLES. The area between Cape Buller and Cape Wilson inland to the height of land, together with all the islands and rocks in this bay.

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Promulgated by the Governor on the 19th day of February 1975.

ARTHUR J. P. MONK,  
*Chief Secretary.*

Ref. FIS/10/1.

FALKLAND ISLANDS DEPENDENCIES CONSERVATION ORDINANCE 1975  
(No. 1 of 1975)

## Wild Mammals and Birds (Export) Regulations 1975

No. 1 of 1975.

N. A. I. FRENCH  
*Governor.*

1 of 1975. In exercise of the powers conferred by section 19 of the Falkland Islands Dependencies Conservation Ordinance 1975, the Governor has made the following Regulations —

Citation. 1. These Regulations may be cited as the Wild Mammals and Birds (Export) Regulations, 1975.

Fees payable for export. 2. (1) The fees payable in respect of the exportation of living wild animals and birds shall be as follows —

|   | £        |
|---|----------|
| Elephant Seals <i>Mirounga leonina</i> ...      | 150 each |
| Fur Seals <i>Arctocephalus gazella</i> ...      | 70 „     |
| All other seals ... ..                          | 50 „     |
| King Penguins <i>Aptenodytes patagonica</i> ... | 50 „     |
| All other birds and mammals ...                 | 10 „     |

(2) The grant of any export licence shall be at the discretion of the Governor, and any export licence may be made subject to special conditions.

(3) The Governor may waive the fees payable under these Regulations in circumstances which require special exceptions for scientific or other reasons.

Revocation. 3 of 1968.

3. The Wild Animals and Birds (Export) Regulations 1968 are revoked in so far as they apply to the Falkland Islands Dependencies.

*By Command,*

ARTHUR J. P. MONK,

*Chief Secretary.*

19th February 1975.