

WHALE FISHERY.

Ordinance No. 5 of 1908.

As amended by No. 5 of 1912.

[8th August, 1908.]

Be it enacted by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows :—

Unlawful
to take whales
without
a licence.

1. It shall be not lawful for any person to kill, take or hunt, or attempt to kill or take any whale in Colonial waters unless he shall first have been duly licensed.

Granting
of whaling
licences.

2. (1) The Colonial Secretary, or such other officer as the Governor may appoint for the purpose, may grant whaling licences, that is to say, licences to take whales, to such persons as may apply for them, for such periods, and on such terms and conditions in respect of the number and tonnage of vessels to be employed in taking whales, and the limits of the Colonial waters within which whales may be taken, under such licences, as may be approved by the Governor, subject to any regulations which may be made by the Governor in Council under Section 3 of this Ordinance fixing such periods, terms, and conditions; and any person to whom a whaling licence shall be granted shall have for the purpose of such licence the use of the harbours of any or all of the Dependencies of the Falkland Islands as may be specified therein.

(2) There shall be paid into the Colonial Treasury for and in respect of each whaling licence granted under this Ordinance the sum of one hundred pounds :

Provided that a whaling licence under this Ordinance may, with the approval of the Secretary of State, be granted to any person without payment of the sum of one hundred pounds as aforesaid.

(3) The Colonial Secretary or such other officer as the Governor may appoint for the purpose, may grant floating factory licences, that is to say, licences to fench, render, boil down, treat or manufacture whale carcasses or any part thereof by means of a floating factory, on such terms and conditions and on payment of a fee of not less than one hundred pounds and not more than two hundred pounds, as the Governor in Council may approve.

Power to grant floating factory licences.

3. The Governor in Council may from time to time make regulations—

The Governor in Council may make regulations.

(a) For fixing the terms and conditions on which whaling licences may be granted;

(b) For regulating the number of whaling licences to be granted in any year;

(c) For defining the limits within which any holder of a whaling licence shall be allowed to take whales;

(d) For regulating the number of whales to be taken in any year by any holder of a whaling licence;

(e) For disposing by sale or otherwise of any whales, whale-oil, or whale-bone forfeited under the provisions of this Ordinance; and

(f) Generally for carrying out the provisions of this Ordinance, and the intent and object thereof.

And the Governor in Council may impose penalties not exceeding ten pounds for the breach of such regulations.

4. All regulations made in pursuance of this Ordinance shall be published in the *Gazette*, and shall come into force on such day as the Governor may direct by notice in that behalf published in the *Gazette*.

Regulations to be published in the *Gazette*.

5. Any owner or master or other person in charge of any vessel, who shall permit such vessel, or any boat or canoe belonging to such vessel, to be employed in killing or taking whales, or who shall permit or negligently suffer any person belonging

Liability of an owner or master of a vessel.

to such vessel to be employed in killing or taking whales, in Colonial waters, without a licence under this Ordinance, or contrary to the terms of, or beyond the limits specified in, any licence granted to him under this Ordinance, shall forfeit any whales so killed or taken, and any whale-oil or whale-bone found in his possession, and in addition thereto shall be liable to a penalty not exceeding three hundred pounds for each offence.

Offences and penalties and forfeitures consequent thereon.

6. Any person who does any of the following acts shall be guilty of an offence against this Ordinance, and shall be liable on conviction to a penalty not exceeding one hundred pounds for each such offence, and to forfeit any whales, whale-oil or whale-bone found in his possession:—

(a) Kills, takes or hunts, or attempts to kill or take any whale without a licence under this Ordinance, or contrary to the terms of, or beyond the limits specified in, any licence granted to him under this Ordinance.

(b) Has in his possession, or in any vessel under his command, any whale-oil or whale-bone, for the lawful possession of which he cannot account satisfactorily.

(c) Employs any vessel or floating factory for the purpose of flenching, rendering, boiling down, treating or manufacturing the blubber or any part of the carcass of any whale in Colonial waters, unless he shall have been expressly authorised to do so by a licence under this Ordinance or by the lease of a site on land for whaling purposes.

(d) Employs any vessel for the purpose of towing the body of any whale in Colonial waters, unless he shall have been expressly authorised by licence or otherwise to do so.

Prosecution of offences.

7. Offences under this Ordinance, or under any regulation made thereunder, may be prosecuted, and penalties and forfeitures under this Ordinance, or any regulations thereunder, may be recovered before a Stipendiary Magistrate or any two Justices of the Peace in a summary manner, or by action in the

Supreme Court of the Colony, together with full costs of suit :

Provided that any penalty imposed by a Stipendiary Magistrate or two Justices of the Peace shall not exceed one hundred pounds, exclusive of costs.

8. For all purposes of and incidental to the trial and punishment of any person accused of any offence under this Ordinance, and the proceedings and matters preliminary and incidental to and consequential on his trial and punishment, and for all purposes of and incidental to the jurisdiction of any Court, or of any constable or officer with reference to such offence, 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.

Venue.

9. Any penalty adjudged under this Ordinance to be paid by the owner or master, or other person in charge of a vessel, may be recovered in the ordinary way, or, if the Court think fit so to order, by distress or arrest and sale of the vessel to which the offender belongs, and her tackle, apparel and furniture, and any property on board thereof or belonging thereto, or any part thereof.

Recovery of penalties.

10. Service of any summons or other matter in any legal proceedings under this Ordinance shall be good service if made personally on the person to be served, or at his last place of abode, or if made by leaving such summons or other matter for him on board any vessel to which he may belong, with the person being or appearing to be in command or charge of such vessel.

Service of summons.

11. The Governor, and any person duly authorised by him in writing, may kill or take for a scientific or any other special purpose, any whale, and in so doing shall be exempt from any penalties and forfeiture under this Ordinance.

Special exemption.

12. Notwithstanding anything in this Ordinance contained, the owner or lessee of any land, or the agent of such owner or lessee, may take posses-

Derelict whales.

sion of any derelict whale found on such land, or on the coast or shore adjacent thereto, but such whale, or any part thereof, may not be appropriated by such owner or lessee, or agent, as aforesaid, except with the permission of, and on such special terms and conditions in respect of royalty and otherwise as may be approved by, the Governor in Council.

Penalty for appropriating any derelict whale without authority.

13. Any person who appropriates any derelict whale, or any part thereof, in contravention of Section 12 of this Ordinance shall be liable to a penalty not exceeding one hundred pounds.

Short title.

14. This Ordinance may be cited as "The Whale Fishery Ordinance, 1908."

QUARANTINE.

Ordinance No. 7 of 1908.

[3rd October, 1908.]

An Ordinance to amend the law relating to Quarantine.

Be it enacted by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows:—

Communication with the shore.

1. Whenever in this Ordinance or in any regulation made thereunder any term is used having reference to communication with the shore, such term shall be held to mean not only direct communication with the shore, but also indirect communication therewith through or by means of communication with any ship or in any other way whatever.

Powers of Colonial Surgeon.

2. The Colonial Surgeon shall have full power to superintend and enforce the carrying out of the provisions of this Ordinance, and the regulations for the time being in force relating to quarantine.