

2268

DRIVING OF SHEEP ACROSS FARMS

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Y.E.,

As Y.E. knows there was somewhat of a crisis caused recently by the fact that Mr. Greenshields objected to sheep which have not been dipped since 1st March being driven through his camp. This matter was settled by Mr. Cameron agreeing to spray dip the sheep and Government giving permission for this procedure. I suggested to Mr. Greenshields that he should write in on the subject so that a decision could be made which would govern future cases but it is possible that he may not do so and I am inclined to think that we should consult Executive Council on the two points which have been raised.

1. Is it reasonable to lay down that during the dipping period 1st March - 30th June no undipped sheep should be moved through anybody's camp?
2. Should anything be laid down with regard to the obligations of a landowner to allow sheep, and in particular mutton sheep, to be moved through his camp.

With regard to the second point the question of rights of way is a legal one which might have to be decided by a court in any individual case. In the Falkland Islands it would probably be decided on the grounds of custom. Section 24 and 25 of the Livestock Ordinance (page 394 of Vol. I) by prescribing conditions for driving sheep across a station would seem to imply that if such conditions were observed there should be a right to drive sheep across other peoples land when necessary. I think it might be as well to lay down by legislation something definite to prevent farms from ~~unreasonably~~ obstructing the driving through their land of sheep necessary for feeding the community. I believe that the members of Executive Council would support that. I think that they might not support the first contention. Messrs. ~~Blairton~~ and Harding whom I spoke to seemed to be unimpressed by Mr. Greenshield's statement that such a thing would not be allowed in England. I am inclined to think that the two should go together i.e. that if we are going to give by law a definite right to drive sheep over other peoples land we must as a corollary insist on the enforcement of all precautions which any reasonable being could be expected to demand. But of course we would have to hear what the farmers thought.

The Members may suggest that other provisions should be added, based on custom of which they will be aware but there are two points which have been mentioned and which I would suggest should be included.

1. If any sheep is unable to proceed it must not be left alive in the camp of another but must be killed and skinned and the hide must be delivered at the nearest settlement.
2. Definite provision should be made for the right of the landowner to provide his own guard while sheep are being driven through his land. Council would no doubt advise as to whether it would be right that the party driving the sheep should pay for the use of the guard.

✓ Shall I write a memo?

18/4/63

RDM/TK.

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BuF

AA

3.5.63

For consideration at the
next meeting of Council.

SMP 2268
10th May, 1963

MEMORANDUM NO. 24/63 FOR EXECUTIVE COUNCIL

Driving Sheep through Farms

A question has recently arisen with regard to the driving of sheep through the land of another. It seems likely that this matter will be brought up before the Sheep Owners' Association, but it seems desirable that the points at issue should receive the consideration of Council. The law of course prescribes that sheep must be dipped at some period between the 1st of March and the 30th of June. There is therefore no offence committed in having undipped sheep in April. It has however been contended with some apparent reason that it is quite unfair to a farmer who has dipped all his own sheep if undipped sheep are brought through his farm, and it has been suggested that it should be definitely laid down that no undipped sheep should be moved through the land of another after the 1st of March in any year.

2. Another question which is raised is the right of a farmer to prevent sheep going over his land. The question of rights of way is a legal one which might have to be decided by a court in any individual case. In the Falkland Islands it would probably be decided on the grounds of custom. To prevent such doubt and uncertainty it might be well to lay down by legislation something definite to prevent farms from unreasonably obstructing the driving of sheep through their land. If this is done it seems necessary as a corollary to tighten up, if necessary, the precautions against infection.

3. The question of travelling sheep is dealt with in Section 24 of Chapter 40 and the following sections. Section 24 provides for the giving of notice before driving sheep across any station and Section 25 gives the power to seize and detain and examine travelling sheep upon reasonable suspicion of their being infected and detaining them until an inspector is called in. Apart from the question of whether the definition of infected sheep which includes a sheep affected with any parasitic disease can legally be considered to include infestation with keds, if there is no actual disease, the procedure appears to be somewhat cumbersome and defective, and not to provide a reasonable alternative to the suggested requirement that sheep brought through land after March 1st should have been dipped. Section 29 provides that no person shall abandon any 'infected' sheep or leave the dead carcasses of any 'infected' sheep unburied or undestroyed but this does not go far enough since by common practice NO sheep should be left on another's land. It would appear to be desirable to embody this in the law also.

4./

CONFIDENTIAL

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4. It is also for consideration whether anything specific needs to be laid down about the right of the owner of the land to provide a guard to escort the sheep through his land and whether any payments should be expected from the driver of the sheep for the services of such a guard.

[Handwritten signature]

COLONIAL SECRETARY

RHDM/FH

*Circular issued today.
JH.
14.5.63.*

Buxto 20.5.63

CONFIDENTIAL

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EXTRACT FROM MINUTES OF MEETING NO. 2/63 OF EXECUTIVE COUNCIL

HELD ON THE 28TH 29TH 30TH & 31ST MAY, 1963

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12. DRIVING OF SHEEP THROUGH FARMS (Memo. No. 24/63)

It was agreed that the matter should be referred to the Sheep Owners' Association.

Clerk of the Council

LH

2nd July, 63.

Sir,

The question of driving sheep through intervening farms has recently been under discussion and I am to invite the views of your association on this point and in particular as to whether it is considered necessary to alter the law relating to the movement of undipped sheep and the holding of animals overnight.

I am,

Sir,

Your obedient servant,

(Rgd) P. H. Maudslayi

COLONIAL SECRETARY.

The Secretary,
Sheep Owners Association,
STANLEY.

HLE/TS

See 7

bu 10.7.63

BU 23.7.63



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The Falkland Islands Sheepowners Association,
(LOCAL COMMITTEE)
STANLEY, FALKLAND ISLANDS.

17th July, 1963.

Sir,

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With reference to your letter No.2268 dated 2nd July, 1963 the question of driving sheep through intervening farms was discussed at our Annual General Meeting held 2nd/6th July.

The Association does not consider it necessary for Government to alter the law relating to the movement of undipped sheep and the holding of animals overnight.

I am,

Sir,

your obedient servant,

H. C. Harding

Deputy Chairman.

The Honourable
The Colonial Secretary,
STANLEY.

ACK'd
JH
18/7/63

ACI

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This should be noted for "mention"
at next Soc
L.C.

Noka

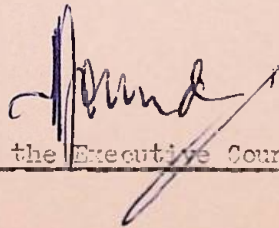
BU ESC CO, 15/10/63 22.7.63

~~BU ESC CO 15/10/63~~


EXTRACT FROM EXECUTIVE COUNCIL MINUTES OF MEETING NO. 4/63 HELD ON THE
20TH, 21ST & 22ND NOVEMBER, 1963

DRIVING OF SHEEP THROUGH FARMS

The Council was informed that this matter had been amicably settled.



Clerk of the Executive Council



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