

1095

LEG

(Formerly)

1095	1095

STANLEY COMMON RULES

CONNECTED FILES.

NUMBER

1404

Ash Dumps.

1896

Importation of Greases

1896/A

" " " - Policy.

5

Rules made by the Governor in Council under the
Trespass Ordinance 1904.

Miles Clifford
Governor.

No. 7 of 1949.

1. These Rules may be cited as the Stanley Common Rules 1949. Short title.
2. In these rules Definitions.
 - "cattle" means any cow heifer or calf.
 - "brand" means any distinguishing mark, letter or number or combination thereof distinctly and permanently impressed or made upon any cattle.
 - "owner" means any owner of cattle or his manager or agent.
3. (1) An owner licensed to graze cattle on Stanley Common shall cause all his cattle over the age of 6 months to be earmarked or branded with a mark or brand approved by the Agricultural Officer in such a manner as the Agricultural Officer shall direct before such cattle are grazed on the Common. Compulsory marking or branding.
 - (2) Any owner who :
 - (a) fails, neglects, or omits to mark or brand his cattle as aforesaid, or
 - (b) marks or brands any cattle with any brand other than one approved by the Agricultural Officer, or
 - (c) marks or brands any cattle other than in a manner directed by the Agricultural Officer,shall commit an offence.
4. No cattle shall be grazed on the Common before they have been examined, tested and declared by a Stock Inspector to be free from ring-worm and any other infectious or contagious disease, including tuberculosis. Examination before going on to Common.
5. No bull calf over the age of 3 months shall be grazed on the Common unless it shall have been castrated. Bull Calves to be castrated.
6. Any cattle or horses found grazing on land which is not open for public grazing shall be impounded but may be released from the pound upon the owner paying a fee of 2/6d. for removing each animal to the part open for public grazing. Animals grazing on reserved land.

Provided that owners of Camp horses may graze such horses on the Western Section of the Common during sports week.
7. The Agricultural Officer may order the removal, isolation, treatment, disposal or destruction, at the expense of the owner of any animal suffering, or suspected to be suffering, from any contagious disease. Removal, destruction etc. of animals.

Provided that the owner of any animal so destroyed may be compensated in a sum equal to two-thirds the value of the animal at the time of its destruction but compensation shall not exceed the sum of £5 for each animal.
8. Any person who shall bury any animal on the Common shall report such burial to the Agricultural Officer within seven days of the date thereof. Burying animals on Common.

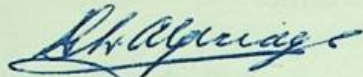
6
Penalty.

9. Any person not complying with or offending against these Rules shall be liable on summary conviction to a fine not exceeding £10.

Rescission.

10. The Stanley Common Rules 1941 are hereby rescinded.

Made by the Governor in Executive Council at a meeting held on the 19th day of August, 1949.



Clerk of the Executive Council.

M.P. 1095.

Copies sent to Reg. Gen. from 1172.

Stanley Common Rules.

Observations.

3

- 1956 Gaz. 122. 2. As Section 2 in Stanley Common Cattle Branding Ordinance 1936, ^{but} both definitions of "brand" and "owner have been redrafted.
3. A redraft of Sections 3 and 4 of that Ordinance sub-section (i) substitutes Agricultural Officer for Inspector of Stock, ^{and} omits the requirement to brand within one month of becoming owner as this is not appropriate. Rule 4 of the Stanley Common Rules 1941 requiring branding within 14 days has been amended to make it obligatory for owners to brand etc. before cattle are put on the Common; on Agricultural Officer's suggestion. The requirement of registration (unnecessary as the Agricultural Officer on approval will do this) and publication, as this will be a requirement under the Live Stock Ordinance and a second publication would be superfluous, ^{and omitted}.
- Sub-section (2) omits Section 4 (d) as this creates a totally unnecessary offence the point already being covered by (b).
- Suggest the penalty be raised to £10 for conformity with other rules.
- It is suggested that the points covered by that Ordinance are now suitably dealt with under these rules and that the Ordinance should be repealed.
4. Stanley Common Rules 1941 - 2 and 3 redrafted.
5. As required by Agricultural Officer.
6. Stanley Common Rules 1941 - 5 redrafted.
7. Stanley Common Rules 1941 - 7 redrafted.
8. As required by Agricultural Officer.
9. Stanley Common Rules 1941 - 8 slightly redrafted.

Ch.
13/7

H.

A.

Hon. Smd
Hon. do
Hon. Mr. D.W. Roberts

1-3 circulated for your
written opinion, pl.

[Signature]
16/8/49

Hes. no comment AM 16/8/49

Hes. agree pro. do 16/IX/49

Hes. no comment do 17/8/49

Extract from the minutes of a meeting of the Executive Council held on the 29th of August, 1949.

The Stanley Common Rules, 1949. Council advised that the Rules be made.

The President concurred and ordered accordingly.

[Signature]

Clerk of the Executive Council.

copy passed to
print
24/8/49
Kia
7/8

21/1/50
22/1/50

copies for
5.1/5

Rules made by the Governor in Council under the
Trespass Ordinance 1904.

No. 19 .

Governor.

1. These Rules may be cited as the Stanley Common
Rules 1949.

Definitions.

2. In these rules

"cattle" means any cow heifer or calf.

"brand" means any distinguishing mark, letter or
number or combination thereof distinctly and
permanently impressed or made upon any cattle.

"owner" means any owner of cattle or his manager
or agent.

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to be earmarked or branded with a mark or brand approved by
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(a) fails, neglects, or omits to mark or brand
his cattle as aforesaid, or

(b) marks or brands any cattle with any brand
other than one approved by the Agricultural
Officer, or

(c) marks or brands any cattle other than in a
manner directed by the Agricultural Officer,

shall commit an offence.

Examination
before going on
to Common.

4. No cattle shall be grazed on the Common before
they have been examined, tested and declared by a Stock
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or contagious disease, including tuberculosis.

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on reserved land.

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not/

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destruction etc.
of animals.

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Provided that the owner of any animal so destroyed may be compensated in a sum equal to two-thirds the value of the animal at the time of its destruction but compensation shall not exceed the sum of £5 for each animal.

Burying animals
on Common.

8. Any person who shall bury any animal on the Common shall report such burial to the Agricultural Officer within seven days of the date thereof.

Penalty.

9. Any person not complying with or offending against these Rules shall be liable on summary conviction to a fine not exceeding £10.

Rescission.

10. The Stanley Common Rules 1941 are hereby rescinded.

Made by the Governor in Executive Council at a meeting held on the 19th day of August, 1949.

Clerk of the Executive Council.

GOVERNMENT HOUSE,
STANLEY.

7

16th May, 1950.

FALKLAND ISLANDS.

No. 69. COLONY.

Sir,

5

I have the honour to forward herewith six copies of the Stanley Common Rules 1949 made under the Trespass Ordinance 1904.

I have the honour to be,

Sir,

Your most obedient, humble servant,

(Sgd) Miles Clifford.

GOVERNOR.

THE RIGHT HONOURABLE
JAMES GRIFFITHS, F.C., M.P.,
SECRETARY OF STATE FOR THE COLONIES.

*Miles Clifford
16/5/50*

DEM.

No. _____

It is requested that, in any reference to this memorandum the above number and date should be quoted.



MEMORANDUM.

5th October, 19 55.

To: The Honourable,
The Colonial Secretary,
Stanley.

From: The Agricultural Officer.

Stanley, Falkland Islands.

SUBJECT :-

Fires on Stanley Town Commonage.

With reference to my interview with you on the 5th October, 1955, I forward a copy of the letter addressed to me by the Chief Constable.

2. I submitted that the responsibility of extinguishing fires on the Town Commonage is a matter for the Fire Brigade. A small department such as the Agricultural Department could not be expected to undertake this task, although naturally, every assistance and cooperation would be given within the departmental means.

3. Also that the broadcast suggested by the Chief Constable should be prepared by the Superintendent of the Fire Brigade and not by the Agricultural Officer.

4. I have studied the "Stanley Common" rules (Cap 74 section 11 p.321 in the Laws of the Falkland Islands, and can find no authority for the assumption (by the Police) that the Common is the sole responsibility of the Agricultural Dept. This department's duties are concerned with the control of grazing and the control of diseases of animals.

Edward L. Leon

Agricultural Officer.

(COPY)

E.T. Fern Esq.
Agricultural Officer.
Port Stanley.

Sir,

Fire at Hadassa Bay.

I respectively report at about 7.10 p.m. Sunday 2nd October 1955, receiving a report from P.C. Williams to the effect that a grass fire was burning on the shore of Hadassa Bay. After viewing same and consultation with my 2nd. in command of the fire brigade, it was decided not to take any action immediately in view of the fact that

1. The fire appeared to be right on the water front.
2. It being a very fine night without any wind, there was not much fear of it spreading landwards,
3. Inaccessibility of reaching same with any fire fighting appliances.

I conferred with the Agricultural Officer by telephone, requesting the assistance of his staff, to go to Hadassa Bay and ascertain the extent of the fire, as I had only been able to assess same from this side of the harbour, but was unable to obtain any assistance as the Agricultural Officer was unable to proceed personally and all his staff were away in the camp.

As the fire appeared to be gaining ground considerably, I decided that some action should be taken, and Mr. S.C. Aldridge and P.C.'s Williams and O'Sullivan were despatched to the scene of the fire in Mr. Aldridge's Land-Rover.

Upon arrival there, they found that a patch of grass, diddle-dee and rushes, measuring approximately 100 x 70 yards, was burning fiercely, which they finally managed to extinguish, returning to Port Stanley at about 11.30 p.m.

Owing to the large amount of Diddle-dee (which burns very fiercely) and the dryness of the camp in general. I am of the opinion that Mr. Aldridge and the two police officers did remarkably well in extinguishing the fire, which if it had managed to get a firm hold, might have burned for days owing to the peat composition of the sub-soil, and scarred the whole of the peninsular.

No doubt you will reimburse Mr. Aldridge for the use of his Land Rover and his personal services and also consider P.C.'s Williams and O'Sullivan. Mr. Aldridge had to take his vehicle over very difficult terrain, and is to my knowledge the only person who could find his way to Hadassa Bay in the dark.

P.C. O'Sullivan was "off-duty" at the time and P.C. Williams on 2/10 p.m. duty. The only means I have of reimbursing the members of my staff is by granting them "Time off in lieu", which in such a small force as ours is rather difficult when there is a Naval vessel in the harbour. I think they should both at least be sent a letter of appreciation for their services rendered.

The extinguishing of fires on the common are mainly the responsibility of the Agricultural Department, but needless to say, both the police and the Fire-Brigade are at all times willing to afford every possible assistance.

Other complaints have been received of fires having been lit at numerous other places and I suggest that you put over a broadcast notice as soon as possible, to be repeated on three consecutive nights, to the effect that it is an offence to "Wilfully or negligently set fire to any grass or other herbage on land not personally owned" also that you institute a mounted patrol to see that it is enforced.

I understand that a member of your staff n.l. Delhi Berntsen is not in the Camp, who could thus be usefully employed together with P.C.O'Sullivan, who is prepared to assist in his "off duty" time. 10

They could then also pay attention to the indiscriminate killing of lugger ducks in the Mullet Creek area, where it has been reported that during the last week nine dead lugger ducks have been found, one of them actually having been shot right beside it's nest,

This, being holiday week "Egging Week" I think that by maintaining extra vigilance on the lighting of fires etc. by persons out egging and picknicking, a considerable amount of trouble may be avoided.

Yours faithfully,

(Signed) D.E.J. Ikkint.

Chief Constable.

There is a Memo from B/Bassett at. ad.
to file L/a R.

B
- n/k

Chief Constable's Office.
Port Stanley.
10th. October, 1955.

12

To:- The Hon. Colonial Secretary,
Secretariat.

Sir,

Fires at Hadassa Bay and Karl Fritzen Bank.
=====

13-15

With reference to our conversation this date, relative to the above subject, I respectfully submit herewith copies of letters sent by me to the Agricultural Officer on the 3rd. and 10th. October, 1955, respectively.

I am Sir,
Your obedient Servant,

D. E. J. Smeaton
Chief Constable.

file pe.
11/10

COPY.

Chief Constable's Office.
Port Stanley.
3rd. October, 1955. 13

E. F. Fern Esq.
Agricultural Officer,
Port Stanley.

Sir,

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They could then also pay attention to the indiscriminate killing of lugger ducks in the Mullet Creek area, where it has been reported that during the last week nine dead lugger ducks have been found, one of them having been shot beside its nest.

This being a holiday week "Egging Week", I think that by maintaining extra vigilance, a considerable amount of trouble may be avoided.

Yours faithfully,

A. G. J. [Signature]
Chief Constable.

Chief Constable's Office.
Port Stanley.
10th October, 1955.

14

E. F. Fern Esq.
Agricultural Officer,
Port Stanley.

Sir,

Fire at Karl Fritzen Peat Bank.
=====

I respectfully report at 7.10 p.m. Sunday 9th October, 1955, receiving a report from Mr. Biggs at The Camber, that there was a fire burning on the Karl Fritzen peat bank, on the south side of the harbour.

In company with Mr. Livermore (who kindly put his jeep at our disposal), P. C. Fleuret and Mr. Frank Smith, who we picked up en route, I proceeded to the scene of the fire, and found a patch of diddle-see and grass measuring approximately 20 x 10 yds. burning fiercely.

We were however able to extinguish same by beating it out and smothering it with earth, returning to Port Stanley at 8.30 p.m.

13 With reference to my letter of the 3rd. October relative to the fire at Hadassa Bay, I note with regret that you did not act upon my suggestion of putting over a broadcast notice relative to it being a serious offence to set fire to any grass or other herbage, or instituted a mounted patrol to see that the regulations governing same were enforced. Staff must have been available, as on the afternoon of Tuesday 4th. October, when the fire at Hadassa Bay again broke out, Delhi Ferntsen and Stanley McAskill were met on the common, driving cattle, by the fire party on their way to Hadassa Bay.

I am of the opinion that had Hadassa Bay been patrolled on the Monday and Tuesday following the first outbreak on Sunday 2nd. October, the subsequent outbreak involving the whole of the peninsular (with the exception of Ordnance Point and Gypsy Cove) could have been averted. The second conflagration started up at the same point which was extinguished by Sunday's fire party, and if same had been visited periodically, could have been checked prior to gaining the hold it did.

It is my contention that as long as this spell of extra fine weather lasts, that extra vigilance should be maintained, and once more request your co-operation in trying to prevent further outbreaks of fire on land under your jurisdiction.

Yours faithfully,

A. G. J. [Signature]
Chief Constable.

7. H.

8, 12-14.

There has been some friction between the A.O. & the C.C. about the recent fires.

I agree with the A.O. that the sole responsibility for the Common does not rest with his dept. The A.O. is concerned with grazing and animal diseases. With his labour force of two men, both of whom are often away from Stanley, the A.O. cannot be expected to extinguish fires, particularly those of last week's magnitude.

The C.C. is the Superintendent of the Fire Brigade. In my opinion it is his responsibility to take whatever action may be necessary in fighting fires. In the event of a large fire on the Common the C.C. can always request assistance from Govt. in the form of manpower (as happened last week).

I do not consider it the responsibility or duty of the A.O. to broadcast notices about it being an offence to unlawfully set fire to grass as suggested by the C.C., nor to have a mounted patrol in the area.

The shooting of logged ducks is also a police matter.

The C.C.'s letter at 14 is far from polite - the A.O. is a Senior Officer of Govt. & a member of E.C.O.

The A.O. is always willing to assist the police although his staff is limited.

to inform the C.C. as above?

J. 11/10

16
C.S.

This is really a very childish business and in my view indicates a somewhat petty attitude on the part of the Chief Constable - who appears somewhat addicted to writing long screeds on matters that can be settled by five minute conversation.

On I see it -

(1) The wilful setting alight of grass in the colony is a police matter - irrespective of where it happens. So is the shooting of protected birds.

(2) On the other hand the P.O. has an interest in preventing his grazing and he has two rangers who - if they are keen - could quite easily do a certain amount of patrolling in dry weather.

(3) If there is a large outbreak - which has to be brought under control - then the C.C. (who on the whole has a very quiet life indeed) is the man to organise the working parties and volunteers. It is a question of everybody pitching in and helping - irrespective of "departmental boundaries".

(4) I am very annoyed that the C.C., who should know better, suggests payment to people who go out in the public interest - especially if they are public servants - to meet a threat to the public interest (except that I feel that Calbridge might have his patrol replaced by P.W.D.). It is gonyewah and nonsense.

I would suggest that if you were to discuss the matter with P.O. and C.C. on these general lines a modus vivendi could be found - I feel you are more likely to get some sense into the C.C. that way.

C.S.J.T

12/11

Chief Constable's Office,
Port Stanley.
10th October, 1955.

E.F.Fern Esq.,
Agricultural Officer,
Port Stanley.

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Yours faithfully,

Sgd. D.E.J. Ikkint.

Chief Constable.

KIV 16

19

It discussed at meeting with AO,
+ C.C.

The Agricultural Assistants will
patrol whenever possible & take appropriate
action if fires are seen. If unable to
extinguish they will report direct to C.C.
who will then decide the course to be taken.

The C.C. was informed that the wretched
setting alight of grass & the shooting of protected
birds is a police matter the same as any
other offences.

The C.C. will submit the draft of a
broadcast pointing out the dangers of
fire raising

S.P.W. will refund to me all charge the
petrol he used on the 2nd Oct. when attending
the fire at Hadassa Bay. No payment can
be made to the police officers who attended
him off duty.

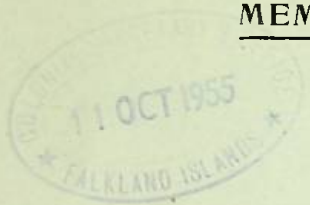
P. 17/10

Qa.

No. _____

1095
17
MEMORANDUM.

It is requested that, in any reference to this memorandum the above number and date should be quoted.



11th October, 19 55.

To: The Honourable,
The Colonial Secretary,
Stanley.

From: The Agricultural Officer.

Stanley, Falkland Islands.

SUBJECT :-

Fires on Stanley Common.

18
As requested, I forward a copy of a further letter which I have received from the Chief Constable.

2. The Chief Constable is wrong in the assumption that Messrs. Berntsen and McAskill are on the staff of this department. The former is employed temporary on repairing fences, the latter is a Government House employee. As Messrs. Stewart and Smith were away in the camp on T.T. testing duty, Mr. Berntsen kindly offered to move some cattle, and I presume he enlisted the help of Mr. McAskill.

3. Otherwise I have nothing to add to the comments I have made already, in this connection.

Edward T. Lyon
Agricultural Officer.

g

No. 3/1956/31.

It is requested that, in any reference to this memorandum the above number and date should be quoted.



MEMORANDUM.

20

21st September 19 56.

The Hon. The Colonial Secretary,

STANLEY

Agricultural Officer,

Stanley, Falkland Islands.

SUBJECT :-

DUMPING OF RUBBLE ETC. ON STANLEY COMMON.

Mr Les Hardy has suggested that I should broadcast a warning that anyone dumping rubble etc on Stanley Common, at the side of the road leading to Surf Bay, will be prosecuted. I have seen the heaps in question, and they are indeed unsightly.

2. Unfortunately, I can find no authority empowering me to issue such a notice. The Stanley Common Rules, and the Trespass Ordinance contain no provisions in this connection.

3. I shall be very grateful if you will be good enough to advise me, whether any action can be taken in this matter, under what regulations, and by whom ?

Edward J. Leon
AGRICULTURAL OFFICER.

G. G. G. / 12/5/56

A.O.

Ravase - suggest you discuss with
R.S.L. - there may be a U.K. law which
might cover.

24/9

R.S.L.

Have you any information on this subject please?

J.T.F. 1/10/56.

Hon. A.O.

In the U.K. such matters are covered by local bye-laws which don't apply to the colony. The only way to meet the situation is to legislate.

The control of Stanley Common does not appear to be vested in any specific officer. It is inferred from the Stanley Common Rules that the A.O. controls grazing while the Executive Engineer controls the rest banks on Stanley Common under the Past Bank Rules.

R.B.

4. X. 56.

H.C.S.

In my opinion the Control of Stanley Common should be vested in a Committee, which could be called "THE STANLEY COMMON MANAGEMENT COMMITTEE".

I suggest, for consideration that this committee consists of :-

- a Chairman - appointed by Government
- The Agricultural Officer,
- The Head of the Public Works Dept.
- one of the Stanley elected Leg Co members,
- a member nominated from the Stanley Town Council.

With such a committee - duly gazetted - matters such as grazing, pest bonds, roads, preservation of the common could all be controlled. There would also be a link for liaisons between Govt. - the Committee & the Stanley Town Council.

Of desired the Clerk of the Agricultural Dept. could act as Secretary to the above Committee.

Edward J. Fern

A/O. 5/10/56.

11/22

20-22.

I consider in the circumstances that A.O. might issue a public notice requesting the public to refrain etc etc, firstly informing Mr. Hardy of the legal position?

2. A.O.'s suggestion above shd. then be considered

7/x

11/17/56

B.U. after legal

2/11/56

A

MS

re submitted

Done 17/10/56

Registration. B

Do you not consider that a prosecution would succeed under regulation 52 of the Public Health regulations. Purely dust and refuse would cover rubble and rubbish and the Stanley Common and borders of the Surf Bay road could be regarded as a "public place"?

R.G. 1/11
20.10.56.

Hon. Col. Sec. C

I agree that a prosecution should succeed under reg 52 of the Public Health Regs. Refuse would cover rubble etc, in this case as I understand it is material which has been rejected or discarded as useless or worthless.

Stanley Common is a "public place", and as I understand the rubbish has been dumped near the western end of Surf Bay Road, it has actually been dumped in the Town of Stanley, for the boundaries of the Town of Stanley and Stanley Common overlap.

H. B.
6.xi.56.

D

Y.H.
It wd. be interesting to know who dumped the rubbish in question.

W.H. 21/11

DEPARTMENT OF AGRICULTURE.

25th April.....1957.

STANLEY, FALKLAND ISLANDS.

The Hon. The Colonial Secretary,
S T A N L E Y.

FENCING : STANLEY COMMON.

With reference to our conversation on the subject of fencing, I wish to inform you that the staff of this department is almost continually occupied in the maintenance and repair of existing fences, in, and round the Stanley Common area.

WORK DONE TO DATE.

1. Repair and replacement of a number of gates, damaged by motor vehicles etc. ;
2. Repair of broken (and often cut) portions of the main Stanley Common fence ;
3. Re-erection of the old fence across the "peninsula", at Stanley, extending from Stanley Harbour to York Bay ;
4. Erection of a fence to confine Hooker Point, so that the "tussac" may re-establish itself ;
5. Complete re-placement of the fence dividing ground leased to Mr Rowe, and the paddock owned by Mrs C. Bertrand. Mrs Bertrand paid half the cost;
6. Three miles (approx.) of new fencing at the "West End" of the Common. This was put out to contract.
7. Repair of fences at Government House grounds.

WORK ENVISAGED.

1. Repair of several hundred yards of fence at Surf Bay;
2. Complete overhaul of the whole main Stanley Common Fence, extending from the ash dump, in the east, to Moody Valley, in the west. Most of the posts, and some of the wire can be used again;
3. Repair north fence between "Brownings" and Stanley Common;
4. Make gates for these fences, and erect same;
5. Construction of a new "Pound" paddock;
6. Renew the complete double perimeter fence at the Quarantine Station;
7. Erect a new fence, about 1200 yards in length, at Hooker Paddock, so as to enclose another "Tussac" area;
8. Continual inspection and repair of broken fences, as and when necessity demands;
9. Construction of a new corral at Surf Bay. This work is now in progress.

POLICY.

At present there is no "hard and fast" fencing policy. My view is that the Agricultural Department alone, should not be responsible for deciding on such a policy. One person may consider a certain fence necessary ; his successor may think otherwise. This has occurred recently where I have authorised the re-erection of a fence at Hooker Point, which my predecessor had had removed. And so it goes on.

The Registrar of the Supreme Court has already pointed out that the control of Stanley Common does not appear to be vested in any specific officer (vide page 21 of Secretariat File No. 1095). In October 1956 (Vide page 22 of this same file No. 1095), I suggested that a STANLEY COMMONAGE MANAGEMENT COMMITTEE might be appointed, and I am still of the same opinion. With such a committee, there would be continuity, both in work and policy.

There are a dozen or more dividing fences, on Stanley Common.

See 27

Reply at

Some of these are just odd remnants, others are in a bad state of repair. I submit that the question as to which fences should be removed, repaired or renewed, as the case may be, is a matter which should be decided by the suggested Common Management Committee.

If and when, this committee is appointed, legislation could be introduced, imposing penalties where damage to fences has been proved, as well as ensuring the satisfactory control of the enclosed commonage.

Edward J. Leon
AGRICULTURAL OFFICER.

J.H. I asked A.O. to report on his fencing programme following Mr. H.C. Harding's comments a few days ago.

I agree with A.O. that it would be desirable to establish a fencing policy, i.e. what is to be done and where.

Perhaps we could have a look at this again after the rush is over.

E. J. Leon

Yes. b.u. 15.5.57. (There may be something in this Management Committee idea - though I am not sure yet as to the Committee)

25.4.57.

30/5/57



DEPARTMENT OF AGRICULTURE.

30th April 1957.

19.....

The Honourable The Colonial Secretary,
S T A N L E Y.

STANLEY, FALKLAND ISLANDS.

25

FENCING : STANLEY COMMONAGE.

Further to my minute No. 4/1957/31 of the 25th April 1957, I have to inform you that I requested Mr. E. Barnes, the fencing contractor, to inspect the main boundary fence on Stanley Common, and to submit an estimate for its reconstruction. He has now completed his survey, and has informed me that he is not prepared to submit a tender nor undertake the work, with the fence in its present alignment.

2. With several leased plots on either side of the fence, the continual traffic through to these plots, the consequent damage to the fence, and the irregularities in its present alignment, he states that he could not "make a satisfactory job of it".

3. Mr Barnes is probably the best fencing contractor in this colony, and his views are worthy of consideration.

4. I suggest that if, and when, a Stanley Commonage Management Committee is appointed, the question of re-aligning the fence so that all leased plots are completely shut off from the township, could be settled.

On file.
[Signature]
3.5.57

Edward J. Leon
AGRICULTURAL OFFICER.

Reply at 28

13th May,

57.

To: The Agricultural Officer,

From: The Colonial Secretary.

STANLEY.

Fencing - Stanley Common.

25 We discussed your memoranda Nos. 4/1956/31 and 5/1957/31 of the 27
25th April and the 30th April, 1957.

2. It was agreed as a result of our discussion, you would:-
- (1) prepare a plan showing existing fences, proposed alterations to the alignment of the fences, suggested new fences and fences that might be removed. You would seek and obtain local advice before putting forward your firm recommendations for Government approval.
 - (2) you would examine and make recommendations with regard to any amendments to the existing Common legislation and rules you consider to be necessary

(Sgd.) A. G. Denton Thompson.

COLONIAL SECRETARY.

No. 6/1957/31

MEMORANDUM.

It is requested that, in any reference to this memorandum the above number and date should be quoted.

13th. May 19 57

The Hon.

The Colonial Secretary

Stanley

From; Agricultural Officer

Stanley, Falkland Islands.

SUBJECT :-

TRESSPASS ORDINANCE
STANLEY COMMON RULES

I have to suggest that the definition of "Animal" in the Tresspass Ordinance (Chapter 74) be deleted and the following definition substituted;

" "Animal" includes Horse, Mule, Donkey, Cattle, Swine, Sheep, Goat "

30 2. Also, I forward a draft of rules for Stanley Commoh which I suggest be substituted for the existing rules.

See 5 or Chap 74
(Vol II / 1957)

Edward J. Fern

Agricultural Officer

B.A.F.
Q
12/5-

29

STANLEY COMMON.

RULES

Section 11.

1. These rules may be cited as the Stanley Common Rules. Short Title.
2. In these rules --
 - "Agricultural Officer" means the officer in charge of the Agricultural Department ; Definitions.
 - "brand" means any distinguishing mark, letter or number or combination thereof distinctly and permanently impressed or made upon any cattle ;
 - "cattle" means any bull, cow, ox, heifer, or calf;
 - "horse" means any stallion, mare, gelding, or foal ;
 - "owner" means any owner of animals, or his manager or agent;
 - "fence" includes any fence on, or bordering on the common;
 - "gate" means any gate, grid or "paso libre", leading to or from the Common.
3. (1) An owner licenced to graze cattle on Stanley Common shall cause all his cattle over the age of six months to be earmarked or branded with a mark or brand approved by the Agricultural Officer in such a manner as the Agricultural Officer shall direct before such cattle are grazed on the Common. Compulsory marking or branding.
 - (2) Any owner who --
 - (a) fails, neglects or omits to mark or brand his cattle as aforesaid, or
 - (b) marks or brands any cattle with any brand other than one approved by the Agricultural Officer, or
 - (c) marks or brands any cattle other than in a manner directed by the Agricultural Officer,
 shall commit an offence.
4. No animals shall be grazed on the Common, without the permission of the Agricultural Officer and not before the Agricultural Officer is satisfied the animals are free from any contagious or infectious disease. Permission, and freedom from disease before animals may graze on Common.
5. No stallion over the age of six months, and no bull over the age of three months shall be grazed on the Common. No stallions or bulls to graze on the Common.
6. Oxen will be allowed to graze on the Common in exceptional circumstances only, and at the discretion of the Agricultural Officer. The grazing fees shall be the same as for other cattle. OXEN on the Common at discretion of Agricultural Officer.
7. Any animals found grazing on land which is not open for public grazing shall be impounded, but may be released from the pound upon the owner paying a fee of two shillings and sixpence for removing each animal to the part open to public grazing: Animals grazing on reserved land.
 - Provided that owners of Camp Horses may graze such horses on the Western section of the Common during sports week.

8. The Agricultural Officer may order the removal, isolation, Removal
treatment, testing, inoculation, disposal or destruction, destruction
at the expense of the owner, of any animal suffering, or testing etc
suspected to be suffering from any infectious or contagious of animals.
disease
9. An owner must report any disease or death of animals, to
the Agricultural Officer, who shall take such steps as he **Disease and**
may deem necessary to prevent the spread of any infection **Deaths to be**
and shall direct where the carcasses of any dead animals **reported etc.**
shall be buried or otherwise disposed of.
10. Any person--
 - (a) not complying with, or offending against these rules;
or
 - (b) who shall wilfully, negligently, or maliciously damage
any fence, gate or "paso libre" on, bordering on, or leading to
or from the Common, or
 - (c) who shall wilfully, negligently, or maliciously leave **Penalty**
open any gate on, or leading to or from the Common
shall be liable, on summary conviction, to a fine not
exceeding ten pounds.

R.H.A. after subs.

18/1/11

No. _____

It is requested that, in any reference to this memorandum the above number and date should be quoted.



MEMORANDUM.

34

19th September 19 58.

From The Officer in Charge

Agricultural Department.

To The Honourable
The Colonial Secretary.
Stanley, Falkland Islands.

SUBJECT :-

Proposed Common Fence.

I have the honour to enclose for your approval a plan of Stanley showing proposed New Common Fence.

The proposed fence marked A. to B. as shown on the plan is what I recommend the most convenient.

Plan in my office

[Handwritten signature]

G. A. Stewart

Officer in Charge Agricultural Dept.

Via

Dr. Aq. Dept.

I have discussed reserve with attch.
- re proposal opening the job to Robert & Barlett
on contract. Be sure of course not to lose
your vote.

2. The plan is returned to joint

24/9/68

file recalled for filing p 37.

19/3/60.

Agricultural Department,

Stanley, Falkland Islands.

18th March 1960

PUBLIC NOTICE

Tenders are invited for the erection of approximately two miles of wire fencing on the north boundary of Stanley Common. Full particulars may be obtained from the Officer-in-Charge Agricultural Department during normal office hours.

Tenders endorsed Fencing should reach the Chairman, Tender Board, Secretariat by noon Friday 25th March 1960. Government does not bind itself to accept the lowest or any tender.

Rec. 25.3.60

38
any tenders?
26.3.60.

39

ACS.

38.

3 Tenders attached

40

DL

28.3.60

S/C

Tender Board (C.I., O.C. Ag. Dept. & with ACS. in Chair)

considered the three tenders & recommend the acceptance
of Mr. B. Blyden's tender of £120.

2. Please write to Blyden on similar lines
to the recent letter to J. Blyden's recent letter -
plus letters of request to others. You sign
for C.I. as we will be in Ex. Co.

DL

28/3/60.

Stanley 23/3/60.

10/ Chairman

Tender Board Secretariat.

Sir

I beg to tender for the
work of erecting 2 miles of
fencing on Stanley Common for
the sum of £150.

yours faithfully

R. V. Paine

Reply at 46.

24 March 1960

Sir

I hereby apply for the
contract of erecting the Common
Tern and one Pass-Algebra on
Elyria-bone road.

For the sum of £20 - -

Yours Faithfully
b. Chft

Reply at 44.

43
Stanley.

March. 24^A. 1960.

Dear Sir.

I am writing you this letter to ask for the contract of the fencing that has to be done on the Common I have seen Mr Stewart about it and he told me everything about it and the price I would require is £50 pounds per mile

I remain Yours Truly

Ernest Chadell

Reply at 45

30th March,

60.

Sir,

43

I am directed to refer to your tender for the erection of fencing and to inform you with regret that your tender was unsuccessful.

I am,

Sir,

Your obedient servant,

(Sgd.) D.R. Morrison.

for

SECRETARY TENDER BOARD.

Mr. E. Gleadell,
STANLEY.

DRM/LH

29th March,

60.

Sir,

4-2 I am directed to refer to your tender in the sum of £120 for the erection of approximately two miles of wire fencing on the north boundary of Stanley common and to inform you that your tender has been accepted.

2. You should now contact the Officer-in-Charge of the Agricultural Department to sign a contract and commence the work,

I am,
Sir,
Your obedient servant,

(Sgd.) D.R. Morrison.

for COLONIAL SECRETARY.

Mr. C. Clifton,
STANLEY.

Copy to Agric. Department. *AI*

30th March,

60.

Sir,

41 I am directed to refer to your tender for the erection of fencing and to inform you with regret that your tender was unsuccessful.

I am,
Sir,
Your obedient servant,

(Sgd.) D.R. Morrison.

for

SECRETARY TENDER BOARD.

Mr. R.V. Pauloni,
STANLEY.

DRM/LH

File 3/4/60
for Contract

Agricultural Department
St. John's, Falkland Islands
1960

48

CT
Auditor

Re withdraw copies of contract

DLW for CL
5.4.60

b.A.

copy withdrawn, thank you

L.C.
5/4/60

b.S.

copy withdrawn
Thank you

DLW
5/4/60

DLW

24 January,

63.

Madam,

Injury to Animals on the Common

I am directed to say that a complaint has recently been received from one of the dairymen that one of his animals has been injured by glass or other sharp matter dumped on the Common. I am told that the contractor was instructed to dump on the Common to fill up a hole but I am to suggest that if such were the case it would be better if only ash were dumped.

2. It is suggested that such dumping might in future be allowed in consultation with the Agriculture Officer.

3. In the present case I am to enquire whether it would be possible to make the contractor remove some of the harmful material and bury the rest with ash.

I am,
Madam,
Your obedient servant,

E.H.D. Manders *r*COLONIAL SECRETARY.

The Town Clerk,
Stanley Town Council,
STANLEY.

Copy to AO.

RHM/LH

R.S.C.

Superintendent of Police in consultation with the Peat Officer has raised the question of control of lorries going to the Common to get peat.

The position as I see it is this. There can I suppose be no reason to take a lorry off the road on the Common except to collect peat.

Peat is under the control of the Peat Officer. The uncontrolled picking up of fuel is liable to cause confusion. Lorries may pick up peat which they ought not to have picked up. This may be the result of a mistake or of deliberate dishonesty. This could all be eliminated if, whenever a lorry went to collect peat he got a permit from the Peat Officer. Any lorry trying to get peat without such a permit could be seen when it went off the road and the driver could be prosecuted. It would no doubt make control easier still if all lorries using the Eliza Cove, Surf Bay and perhaps Pony's Pass road had to have permits but I am inclined to think that it would be unjustifiable to interfere to such an extent with the right to use public highways. I think the control should only be of lorries going off the roads.

I am not sure whether there are reasons other than obtaining peat which would make it necessary to take lorries off the roads. This can be gone into. If we are to make such an order I am not sure whether it should be under the Land Ordinance under which the peat rules are made or the Trespass Ordinance under which the Common rules are made also whether it can be by regulations or whether we shall have to pass a law.

I should be glad of your observations on any of the points above.

gn.

RHDM/IM
Copy for information to SP. and SPW.

51

Hon. Col. Sec.

The control of lorries using the main peat roads on Stanley Common would have to be extended to include Sand Rivers, jeeps and probably cars. Most cars can carry 3 sacks of peat in the boot and others much more.

I think such control of lorries quite a useful idea if there were several general peat haulage contractors offering their services to the public but in the present circumstances when the public have to rely entirely upon part-time peat contractors to haul their peat, control in any form would, I feel, result in the withdrawal of the not too satisfactory service available to the public.

I understand a member of F.I.D.S. made a plan of the peat banks on Stanley Common. I would suggest that the Peat Officer mark every persons peat bank by entering each persons name on their peat bank shown on the plan, a complete copy of the plan should be handed to the Superintendent of Police, which plan I am

sure would be of great assistance to him in any investigation regarding peat stealing he may wish to carry out. The plan could be brought up to date from time to time by the Peat Officer.

If a Constable were patrolling (in civilian clothes) the peat banks at any time and observed some ~~person~~ person loading his lorry with peat at some peat bank, by referring to the map he would know to whom the peat belonged. Then on his way back to the Police Station he would be able to see if the peat had been dumped at the owner's peat shed.

I have discussed with the S.P.

J.P.B.
1.ii.63.

BU Finds on 8.2.63

Shoken to SP who agrees.

53

SPW.

1. Would you or the Peat Officer or you in consultation with the Peat Officer wish to make any further comments?

2. Could Peat Officer supply a plan as suggested?

3. The suggestion at SO was made after a suspected theft of peat from somewhere by the side of the road which two people claimed that they had dumped there. I think that this should be discouraged and that if the Peat Officer or the Police find peat anywhere but at the bog they should call on the person who put it there to establish his claim and, having done so, to take it away. Do you agree?

J.P.B.
8/2/63

ion. Col. Sec.

I'm afraid I cannot agree to any of the suggestions except the plan, otherwise I have no suggestions for a solution to the problem.

As regards the plan, we could only get one set printed owing to the shortage of paper at F.I.C. If they have a new stock I will order a set for the Secretariat and Police Office.

A. Picton.

Supt. of Works.

11th February, 1963.

55

SPW.

This might please be done when possible
16/2/63

H.C.S.

56

Already in hand, should get them next week.

*A. Picton. SPW.
16/2/63.*

F.I.C. Sec.

Dumping of refuse in to common

This is becoming a menace and must be stopped. A.O. was a bit worried lest if he took action he should be told to mind his own business and refers to some occasions where this did happen.

I spoke to Gen T.C. who considers it is a disgrace and does not claim any right to do with it. He says that in the Weir's time the Agricultural Dept had used to come down heavily on anybody who dumped on to common.

There is no question but the common is in Government control - even the land in T.C. limits, and I think the actual prosecution might be done by the Police but Ag. Dept & PWD

(Pest Officer should report in reports to the Police -) The first thing is to get a warning order. Are there any previous notices? And also we would get PASC's advice on how to prosecute

15/2/63

ACS

A Public Notice issued in this respect - pl see 24 herein.

16.2.63

RSC. For your advice pl.

19.2.63

Hon. Col. Sec.,

I agree that the actual prosecution should be done by the Police as the offence would be committed on Crown Land, but such acts must first be made offences by legislation.

Attached draft amending Stanley Common Rules submitted for your consideration.

The new rule 8(1) makes it an offence for any person to leave dead animals unburied on the Common. Rule 8(2) is the old rule 8.

The new rule 8A makes the depositing of rubbish etc. on the Common an offence except at authorised rubbish-dumps.

J.P.B.

21.ii.63.

59.

P.S.C.

I am not entirely happy that the new rules can be considered as necessary for the carrying out of the provisions of the Freshness Ordinance (see section (1)) could you consider and speak on Wednesday

22/2/63

60

G.S. I have discussed with P.S.C.

I think we might get the rules passed now as some people and our Police to take action.

Then I think we could take up with Sir H. Webb the question of amending the Ordinance I think it would be all right if we even amended the title to show that it was NOT only concerned with Freshness. The Freshness Ordinance is 74 in the 1st Volume and the rules made under it even now, appearing in 2nd Volume are called

"Stanley Common Rules" and it might be questioned
whether even they can be described as "regulations
for the carrying out of the Tresham Ordinance".

But I would suggest passing the rules first and
getting the legal side of it tied up afterwards

52
1/3/63.

✓ I think we could get this approved at the meeting
without taking up much time.
52.

61
1.3.63
note for rules
52/3/63

62

This should have come back at least
at the meeting but seems to have gone
to ground and it is looking (happened
to ask for it. how we can not have to rule
till next Ex Co meeting.

meanwhile we can consult Sir H - re ~~about~~
letter at G/C
52/3/63.

19th April, 1963.

Dear Sir Henry,

64

It has become necessary to prevent dumping of refuse on the Common and the following rule has been drafted and is to be put to Executive Council.

While considering this proposed rule and the existing rules made under the Trespass Ordinance I have felt some doubt as to whether it was really correct to describe them as regulations for the carrying out of the Trespass Ordinance.

What seemed best to me was to carry on with the passing of these amended rules and to retain the other amending rules and to consider whether some amendment should be made to the actual Ordinance itself.

It seemed to me that it might be sufficient if we changed the title of the Ordinance.

I should be grateful for your advice.

By the way the time has nearly come to say good-bye officially as my three years will be up on July 15th so please do not address letters to me personally after the end of May. Perhaps I shall have the pleasure of meeting you in the flesh.

Yours sincerely,

R.H.D. Manders

Sir Henry Webb,
c/o Crown Agents for Oversea Governments and Administrations,
4, Millbank,
LONDON, S.W.1.

RHDH/IM.

Reply at 4/63

The Trespass Ordinance (Cap.74).

RULES
(under section 11 of the Ordinance)

No. of 1963.

governor.

Cap. 74.

In exercise of the powers conferred by section 11 of the Trespass Ordinance, the Governor in Council is pleased to make and hereby makes the following rules:-

Short title.
Revised
Edition vol.
II p. 221.

1. These rules may be cited as the Stanley Common (Amendment) Rules, 1963, and shall be read as one with the Stanley Common Rules hereinafter referred to as the principal Rules.

Revocation and
replacement of
rule 8.

2. Rule 8 of the principal Rules is revoked and replaced as follows :-

" Burying
animals
on
Common.

8. (1) No person shall leave the carcass of any animal belonging to him unburied on the Common.

(2) Any person who shall bury any animal on the Common shall report such burial to the Agricultural Officer within seven days of the date thereof."

Addition of
new rule 8A.

3. The principal Rules are amended by the insertion immediately after rule 8 of the following new rule:-

"Rubbish
etc., on
Common.

8A. No person shall throw or deposit or cause to be thrown or deposited any dirt, ashes, refuse, rubbish, or decaying animal, vegetable or other noxious matter on the Common, other than at such places as may be authorised by the Governor."

Made by the Governor in Council the _____ day of _____, 1963.

Clerk of the Executive Council,

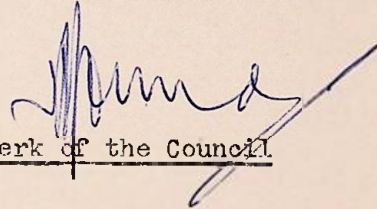
EXTRACT FROM MINUTES OF MEETING NO. 2/63 OF EXECUTIVE COUNCIL

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

1095

10. STANLEY COMMON RULES

Council advised that the proposed Stanley Common (Amendment) Rules, 1963, be adopted.


Clerk of the Council

LH

BUF

66 ~~11~~

Highlands Hotel

Stow Borough.



Ref. your 1095 of 19.4.1963.

Dear Sir - Stanley Comm. -

1. The prohibition of nuisances on the Comm. could not properly be done by means of a rule made under the Trespass Ordinance, which deals only with a different subject-matter.

2. I have considered your suggestion of just altering the title of the Trespass Ordinance, or amending it, and in this I have had the advantage of discussing the matter with Mr. Bennett, who has informed me that the chief use of the Trespass Ordinance is in dealing with animals straying in the streets of Stanley.

3. I have therefore decided that the matter had best be dealt with by a separate

Ordinance - Draft herewith.

4. I agree with your proposed amendment
of rule 8 of the Stanley Council Rules.
In the circumstances the additional rule,
8 A. is unnecessary.

Yours sincerely

Henry Wells

The Colonial Secretary

Stanley.

1967 Stanley Common Ordinance.

An Ordinance to regulate the use of Stanley Common.

- Short title. 1. This Ordinance may be cited as the Stanley Common Ordinance, 1967.
- Interpretation. 2. "The Common" means the fenced land bounding Stanley on the south, east and west.
- Disposal of refuse. 3. Any person who shall throw or deposit, or cause to be thrown or deposited on the Common any dirt, ashes, rubbish, decaying animal or vegetable or other noxious matter save in such place and in accordance with such conditions as shall have been appointed for the purpose shall commit an offence.
- Place for the deposit of refuse to be indicated. 4. The Agricultural Officer or other ~~the~~ person for the time being exercising his functions may from time to time by notice or notices posted on the Common appoint the place or places in which, and the conditions upon which, refuse, or any particular kind of refuse, may be deposited.
- Penalties. 5. Any person who commits an offence against section 3 hereof, or removes, destroys or defaces any notice mentioned in section 4 hereof, shall be liable on summary conviction to a fine not exceeding £10.

~~1/2/20~~

KIV 65

CONFIDENTIAL

For Written Reply Please.

SMP 1095
12th June, 1963.

MEMORANDUM NO. 32/63 FOR EXECUTIVE COUNCIL

Dumping of Rubbish on the Common

At its last meeting Council advised as follows:-

b5. "Council advised that the proposed Stanley Common (Amendment) Rules, 1963, be adopted."

At that time Sir Henry Webb had been approached to advise us as to whether the passing of these regulations would entail any Amendment to the Trespass Ordinance. It had been suggested for example that its name might be changed.

2. Sir Henry has now advised that the proper way to bring in the provisions which it was proposed to put to Council (and which Council has now approved) is to pass a new Ordinance.

3. It is unusual for Government to introduce in the Legislative Council a draft Ordinance until that Ordinance has been considered as a draft Ordinance by Executive Council but in this case since the provisions of the Ordinance have been approved by Council and the present procedure is merely a matter of legal technicality it is suggested that Members may wish the annexed draft Ordinance to be introduced at the coming Meeting of the Legislative Council.

[Handwritten signature]

COLONIAL SECRETARY

Issued today
TB 14/6/63.

Approved by H.C.

Draft Stanley Common Ordinance.

An Ordinance to regulate the use of Stanley Common.

- Short title 1. This Ordinance may be cited as the Stanley Common Ordinance, 1963.
- Interpretation 2. "The Common" means the fenced land bounding Stanley on the south east and west.
- Disposal of refuse 3. Any person who shall throw or deposit or cause to be thrown or deposited on the Common any dirt, ashes, rubbish decaying animal or vegetable or other noxious matter save in such place and in accordance with such conditions as shall have been appointed for the purpose shall commit an offence.
- Places for the deposit of refuse to be indicated. 4. The Agricultural Officer or other person for the time being exercising his functions may from time to time by notice or notices posted on the Common appoint the place or places in which, and the conditions upon which, refuse, or any particular kind of refuse, may be deposited.
- Penalties 5. Any person who commits an offence against Section 3 hereof, or removes destroys or defaces any notice mentioned in section 4 hereof shall be liable on summary conviction to a fine not exceeding £10.

Will have to try to get his ready to
bureau at the next meeting?

68

to go to the office and arrange means to get
accommodations at the meeting of the ordinance the
proceeding with no gazettes of the amendment
to rule 8 on "article" to refer from the Co members.
The ^{minutes} ~~minutes~~ of the Co (last meeting) are not with
me. The particulars will have to be given from them

12/6/62

Westholme,
Stanley.



16th June, 1963.

69

Sir,
With reference your Memorandum No. 32/63 dated 12th June for Executive Council, I think that the Draft Stanley Common Ordinance, 1963, should be introduced at the next Meeting of Legislative Council.

I am,
Sir,
Your obedient servant.

H. C. Harding.

sc

The Honourable,
The Colonial Secretary,
Stanley.

CONFIDENTIAL.

75.



DARWIN HARBOUR.
FALKLAND ISLANDS.
17th. June. 1963.

The Colonial Secretary,
Colonial Secretary's Office,
STANLEY.

69

Ref. SMP 1095, Memo No.32/63 For Executive Council.

Dumping of Rubbish on Stanley Common.

Sir,
Since Sir Henry Webb advises the introduction of a new Ordinance it devolves upon Council to adopt his recommendation. The proposed draft Ordinance should therefore be passed to Legislative Council for consideration at the coming meeting.

I am, Sir,
Your obedient servant,

G. Gilbert

or

1095

77

42 July, 63.

To: Superintendent of Police,

From: The Colonial Secretary,

STANLEY.

New Ordinance for controlling dumping on the common

The above Ordinance has been passed which provides for controlling dumping on the common. Will you please instruct your men to see that the Ordinance is enforced. I have asked the Agricultural Department and the Pest Officer to report to you any cases of breach of the Ordinance which comes to their notice. Perhaps you will also think it appropriate to announce on the broadcast that the law has been passed and will be enforced in future.

(Sgd) R.H.D. Manders.

Copies to: SPW
AO

COLONIAL SECRETARY

RHDM/FH

1095

70
4th. July, 63.

To: Superintendent of Works,

From: The Colonial Secretary,

STANLEY.

New Ordinance for controlling dumping on the common

In connection with the passing of the above Ordinance a suggestion was made that ash should be dumped on the Common to restore the fertility of the land where peat had been cut. This was also suggested in connection with the haulage of peat. Could you please consider this matter and work out whether it would be possible for the PWD to do this in the season when their lorries are not busy on other matters.

R.
(Sgd) R.H.D. Manders.

Copies to: HCT
Chairman of the Peat
Haulage Committee

COLONIAL SECRETARY

RHD/M

22 84
Reply at 21.

Assented to in Her Majesty's name this 5th day of July, 1963.

Arrowsmith
Governor.



No. 7



1963

Colony of the Falkland Islands.

IN THE TWELFTH YEAR OF THE REIGN OF
HER MAJESTY QUEEN ELIZABETH II.
SIR EDWIN ARROWSMITH, K.C.M.G.,
Governor.

An Ordinance

To regulate the use of the Stanley Common. Title.

ENACTED by the Legislature of the Colony of the Falkland Islands as follows — Enacting clause.

1. This Ordinance may be cited as the Stanley Common Ordinance, 1963. Short title.

2. "The Common" means the fenced land bounding Stanley on the south, east and west. Interpretation.

3. Any person who shall throw or deposit or cause to be thrown or deposited on the Common any dirt, ashes, rubbish, decaying animal or vegetable or other noxious matter save in such place and in accordance with such conditions as shall have been appointed for the purpose shall commit an offence. Disposal of refuse.

4. The Agricultural Officer or other person for the time being exercising his functions may from time to time by notice or notices posted on the Common appoint the place or places in which, and the conditions upon which, refuse, or any particular kind of refuse, may be deposited. Places for the deposit of refuse to be indicated.

5. Any person who commits an offence against section 3 hereof, or removes destroys or defaces any notice mentioned in section 4 hereof shall be liable on summary conviction to a fine not exceeding £10. Penalties.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council, and is found by me to be a true and correctly printed copy of the said Bill.

[Signature]
Clerk of the Legislative Council.

Government House,
Stanley,
Falkland Islands.

6th July, 1963.

FALKLAND ISLANDS

NO. 114 - COLONY

Sir,

79
I have the honour to forward herewith for the
signification of Her Majesty's pleasure, two
authenticated and ten printed copies of Ordinance
No. 7 of 1963, entitled "An Ordinance To regulate
the use of the Stanley Common".

81
2. A statement of Objects and Reasons is
also enclosed.

I have the honour to be,

Sir,

Your most obedient, humble servant,

(Sgd) E. P. Arrowsmith.

GOVERNOR

The Right Honourable
Duncan Sandys, M.P.,
Secretary of State for the Colonies.

OBJECTS AND REASONS

To prevent the uncontrolled dumping of rubbish
on the Common.

Your Excellency,

This Bill together with its attributing fine, if passed by Council, will do away with this rather untidy habit of depositing rubbish on various parts of Stanley Common and perhaps here I should mention Government being one of the many offenders. Not only is this rubbish becoming a hazard to our animals, but is also an eyesore to many of our citizens and visitors.

While speaking on this Bill I consider it worthy of mention, that I believe the ash and other waste materials from Stanley could well be put to good account, if a scheme whereby controlled dumping were instigated and a small sum put aside by Government each year to finance such a scheme. As can be seen much of the peat has been removed near Stanley, leaving much scarred and barren land, A scheme of this nature with the co-operation of Stanley Householders, the Town Council and its contractors, I feel certain would turn what is now a liability, into an asset, as the present frontage of Ross Road East proves.

Your Excellency,

I would like to thank the Honourable Member for his support of this Bill. If Government has indeed been an offender in the past in this respect I think it is very regrettable and I feel sure that it will not happen in the future. With regard to the proposal for the control of the dumping of ash to improve the Common I can assure the Honourable Member that this proposal is having and will have the very careful consideration of Government.

Copied TB.

No. _____

It is requested
in any refer-
ence to this memo-
randum the above
number and date
should be quoted.



MEMORANDUM

8th July, 19 63.

From: Superintendent of Works,
P.W.D.

Stanley, Falkland Islands.

To: The Honourable,
The Colonial Secretary,
STANLEY.

SUBJECT: New Ordinance for controlling dumping on the common.

78 With reference to your Memo No. 1095 dated 4th July, 1963.

The ash dumping is a yearly contract controlled by Town Council.

P. P. P.
Supt. of Works.

79
82
84

H.M.C.S.

85

82 & 83

The T. Council do not appear to be in on this yet.

● Perhaps we could write to Chairman T/C as at 78 (excluding last sentence) & invite Council's views?

● 86

26.7.63

A.C.S.

I think it better to first of all decide whether Govt accepts the proposal in principle.

B.G.

27.7.63

~~27.7.63~~

B.U. 30/8

J. E.

(82) Mr. Rowland
 remarks in hopes when
 regarding the Bill
 for stopping indiscriminate
 dumping of rubbish on the
 common. This might
 be aired in Soc. ~~and~~ may
 I add to next agenda
 please?

L. E.

20.9.63

88



21.9.63

BU Xco 15 11 63

89

G3

COLONIAL OFFICE

GREAT SMITH STREET, LONDON, S.W.1

No. 104

8 October 1963

Your reference: 1095

Our Ref: ^{FST} 126/29/01

Sir,

I have the honour to acknowledge the receipt of your despatch

80

No. 114 of the 6th July 1963 and to

inform you that the power of disallowance will not be exercised in respect of the undermentioned Ordinance.

Law.
Act.



I have the honour to be,

Sir,

Your most obedient, humble servant,

The Officer Administering
the Government.
FALKLAND ISLANDS.

Duncan Sandys

No.	Year	Short Title
7	1963	STANLEY COMMON ORDINANCE, 1963.

Extract from Executive Council Minutes of Meeting No. 4/63 held on the 20th, 21st & 22nd November, 1963

DUMPING OF RUBBISH ON THE COMMON

The Honourable the Senior Medical Officer undertook to represent this to the Town Council. It was felt that certain sections of the Town could be requested to keep their ash separate from bins and bottles so that the ash could be applied to pasture improvement on the Common. It was agreed that if additional funds were required to implement this scheme, such expenditure should be met from the general revenue of the Colony.

Clerk of the Executive Council

92

Hon SMO

Can you say if this has been discussed with Town Council yet?

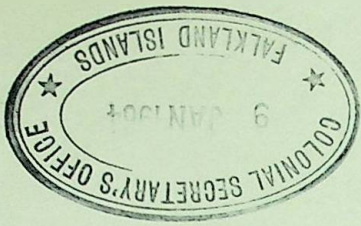
21.64

IM

HCS

I spoke to the Chairman of the T.C. immediately after the Ex. Co meeting and he brought the matter up at the December meeting of Council. The Council decided to agree the matter till I could be present to explain everything. The Council will meet on Monday, 6th Jan. PM. 3/1/64

BUBI



1095.

93

Medical Department,
STANLEY, Falkland Islands.

H.C.S.

..... 8 1964.

Jumping of ashes on the Common.

at the meeting of the Town Council held today, I took in minutes of the proposal to dump clean ashes on the Common.

The Council is very willing to broadcast to householders, asking them to keep the ashes separate from other waste, and they suggest that I would be a good thing to explain at the same time why the request is being made.

The Council, before doing anything about the broadcast, will have to see the ash contractor, to ascertain if he is willing to co-operate, as certainly his work will be improved by the scheme.

I was asked when the ashes were to be dumped, but I did not know.

It was suggested that, if the contractor proves willing to co-operate, he should get detailed information from you. He will want to know

- 1) where the ashes are to be dumped.
- 2) if they are to be travelled off by him
- 3) what extra payment he will receive.

The Council thought that, if the contractor agrees to co-operate, he could best advise which ~~streets~~ streets should separate ashes from other waste, (it is necessary, when bins and other waste are changed, that a certain amount of ash goes with them)

RM
5/1/64

94

C.S.

C.T. has an active interest in this matter + I am sure he wd. be pleased to advise.

10.1.64

C.T.,

Reference footnote on folio 93. I see you have an active interest in the matter and that you would be pleased to advise.

I do not think we want to build up a massive correspondence on this perhaps you will deal directly with the matter.

C.S.

January, 1964.

WHT/TB.

HCS

Mr. Morrison, the Ash Contractor, called yesterday and we had a long discussion on the subject of dumping ash on the Common. He showed interest provided the price was right.

On the advice of O/C Agric Dept I told Mr. Morrison that initially Government wanted the "clay patches" covered to a depth of about 6", and that he should consider his price in the light of this requirement only. Extension of the scheme to places farther away from the sources of supply would probably require an adjustment in the price and he would be given a chance to reconsider this each time the dumping areas were changed.

I promised him that we would urge householders to keep ash separate from cans, ~~tin~~^{bottles} and cartons, adding that Government would see to it that the latter were not left to accumulate in people's yards as happened

on a previous occasion. He promised to me that an adequate number of dumps were made available to each household.

Mr. Morrison asks 15/- per load spread on the clay patches. It seems to me to be a ~~bit~~ bit on the high side but I would not put myself up as an authority on the subject. At this rate, and on the assumption that $\frac{1}{3}$ of the town ash is spread on the clay patches during the next year, a sum of £200 would be required for the work.

I would like to see work commenced. Perhaps P.P.W. or Town Council would advise on price.

L.G.
4.3.64

Mr Morrison also suggested that P.W.D. dump all grass, soil and peat mounds on the selected areas. He said it seemed a great waste of good material to dump this kind of thing on the rubbish dump.

L.G.
4.3.64

96

SPW.

95

Please advise **Closed**
See vol 11

6.3.64

97

H.C.S.

I can't see what gain we are going to get for the extra expense of tipping on the common, a thing which could get out of hand very quickly.

Secondly, it takes more ash than we can get to keep pace in trying to cover the unsightly dump of tins, bottles, old iron etc at the entrance to Port Stanley.

Thirdly to dump ashes on the common containing household wastes such as food stuff would possibly create further breeding grounds for rats.

R. Pulton
Supt. of Works.
10th March, 1964.

H.C.S. 101
Noted for
estimates.
H.C.S.
16.3.64

(ii)

SPW.

98

Please answer the minute: you have overlooked the underlined bit.

H.C.S.

99

I consider 15/- per load spread reasonable.

R. Pulton SPW.
12/3/64.

100

S. W. C.

10.3.64

(iii)

16.3.64

REGISTER OF ELECTORS

West Falkland Electoral Area

1	Alazia, David William	63	Drake, Norman Keith
2	" Fay <i>Alazia George Robert</i>	64	Duncan, Avis
3	" Grace Elizabeth	65	" George Stewart
4	" Lester Louis James	66	" Howard Eric †
5	" William Charles	67	" James Andrew
6	Aldridge, Elizabeth Olive	68	" Peter Reed Howard
7	" Thomas George	69	Evans, Gladys Alberta
8	Anderson, Alice Maud	70	" Griffith Owen
9	" John Charles	71	Fairlie, Ivan William
10	" Thomas	72	" John
11	" William Stanley John †	73	Farthing, Michael Grant
12	Barney, Basil	74	Felton, Anthony Terence
13	" Winifred	75	" Derek Roy
14	Bedford, Lewis Arnold Charles	76	" Olive
15	Berntsen, John	77	Fraia, Joseph †
16	" Kathleen Edith Mary Lucy Crawford	78	Gleadell, Ian Keith
17	" Sidney Lawrence	79	" Mavis Marie
18	Bertrand, Catherine Gladys	80	Goodwin, David George
19	" Cecil William Wickham	81	" Ernest †
20	Betts, Alan Sturdue	82	" Isabella Ellena
21	" Alma Ellen	83	" John Kenneth
22	" Annie	84	" Katherine Edith Margarite
23	" Arthur John	85	" Molly
24	" Bernard Keith	86	" Raymond Hayward
25	" Cyril Severine	87	" Rupert Valentine
26	" Henry William	88	" Vincent Stanley
27	" Hyacinth Emily	89	" William John Maurice
28	" Irene Marion	90	Goss, Eric Miller
29	Biggs, Adrian Ray	91	Gray, Betty
30	" Malcolm Wilfred	92	" Peter Cormack
31	Binnie, Horace James	93	Halliday, George †
32	" Rose	94	" Jane Christina †
33	Blackley, Violet Regina Margaret	95	" John Arthur Leslie
34	Blackman, Ann Beatrice	96	Hansen, Lionel Raymond
35	" Thomas Henry	97	" Mildred Elizabeth
36	Blake, Lionel Geoffrey	98	" Rose Idina
37	" William Wedderburn †	99	" Terence Darwin
38	Bodin, Kenneth	100	Harrison, George
39	Bonner, Hazel Mary	101	Harvey, Alfred Sydney
40	" Roderick Richard	102	" Beatrice Louisa Catherine
41	Bonnett, David Cyril Horton	103	" Donald
42	Bryan, Ray	104	" James Claud
43	Bunce, Clifford Cyril	105	" Muriel
44	Butler, Elsie Maud	106	Hastings, Thomas James
45	" Frederick Lowther Edward Olai	107	Hatch, Albert John
46	" George John Coppin	108	Hayward, John
47	Campbell, Gideon Scott	109	" Peter
48	Chandler, Brian Donald Peter	110	Henricksen, Albert James
49	Chasen, Frederick Sigismund †	111	" Martin
50	Clement, Sally Gwynfa	112	" Norman
51	" Viola Mary	113	" Winifred Mary Elizabeth
52	" Wickham Howard †	114	Hewitt, Rachel Catherine Orissa
53	Collins, Alfred Arthur	115	" Robert
54	Craig, Peter † <i>Levin, Daniel Raphael</i>	116	Hicks, Edward David
55	Cunningham, Colin Swanson †	117	Hirtle, Lloyd
56	" Marie Kathleen	118	" Fenton
57	Davis, Agnes Janet	119	" Doris Linda
58	" Benjamin Charles †	120	Hume, Isabella Cormack
59	" John James †	121	" James Robert
60	Dickson, Edward Thomas Crawford	122	Jones, Albert Hugh †
61	" John †	123	" Claire
62	" Mildred Ellen	124	" David Richard
		125	" Ivor Hugh

† NOT LIABLE TO SERVE AS A JUROR.