

FALKLAND ISLANDS.

Governor's Office.

SGD/WHA/1 # 1

No. 82

Date of Receipt.



From		SUBJECT.
Secretary of State for the Colonies.		<u>Whale Oil</u> - Ordinance to prohibit export of its destination other than port in United Kingdom without written licence.
No.	Date	<u>Customs Export prohibition Act.</u>
39	22 nd March 1915	

Colonial Secretary's Record No.

331/15

Registered Number of last Despatch.

MINUTES.

Am Col Sec
 For your consideration and attention please.
 10.6.15 $\frac{107}{905}$

H. E. / Carefully read and considered. Does Y. E. want the required Ordinance drafted? Is this to be done by the Colonial Secretary?
 C. S. Conolly
 C.S.

What has been the practice in force here. Has the Colonial Secretary or the Governor made the first draft of Ordinances.
 15.6.15 $\frac{107}{905}$

No. next Despatch.

378/15

H.E. / I understand that Mr. Grant who
had been called to the Bar used, when C.S.,
to do this; - since his time Governor Allardice.

C. J. Conolly

C.S.
16.6.15.

Hon Col Lee

Have you overlooked the
issue of the usual Proclamation with
regard to the Ordinance - I do not
remember having signed one?

3.7.15

27
-1-
905

H.E. / Proclamation, which I regret I
overlooked, now in C.S. 331/15 attached

C. J. Conolly

Draft Ordinance sent to

Printers 27.7.15

C.S.
9.7.15

For review to Printers
22.10.15

Down

FALKLAND ISLANDS

DOWNING STREET,

No. 106.

26th September, 1913.



Sir,

I have the honour to transmit to you, for any observations which you may wish to make, the enclosed copy of a Memorandum drawn up in this Department relating to the arrangements now in force for the control of cargoes of whale oil exported from the Falkland Islands and their Dependencies.

~~Memo:~~

I have the honour to be,

Sir,

Your most obedient,

humble servant,

A. Bonas Law

GOVERNOR

W. D. YOUNG, ESQ., C. M. G.

&c.,

&c.,

&c.



WHALE OIL CARGOES: FALKLAND ISLANDS.

The following are the arrangements now in force for the control of cargoes of whale oil exported from the Falkland Islands and their Dependencies. The Dependencies from which whaling is carried on are South Georgia and the South Shetlands (with Graham's Land.) The headquarters and port of clearance in South Georgia is King Edward Cove, sometimes known as Grytviken, where there is a Magistrate and a Customs Officer. Cargoes from the South Shetlands and Graham's Land are cleared from Port Stanley, Falkland Islands. The Whale Oil (Export Regulation) Ordinance 1915 of the Falkland Islands and the Regulations there under apply to these Dependencies, and provide for the delivery of all whale oil in the United Kingdom except in cases where the Governor has issued a special license authorising delivery elsewhere.

One whaling company, the Compania Argentina de Pesca, operating at South Georgia, is at present allowed under such a license, to export its whale oil to the Argentine Republic, subject to an undertaking to re-export 75% of the oil to the United Kingdom and to guarantees in regard to the disposal of the remainder in the Argentine Republic. This arrangement is subject to consular supervision and is liable to revocation at any time.

All other whaling companies are required to deliver all their oil in the United Kingdom, and to give bond to the Colonial Customs authorities for its due delivery there. Delivery is further secured by the fact that the companies' whaling licences or leases are liable to cancellation in the event of contravention

contravention of the Ordinance.

All clearances of vessels carrying whale oil from the Colony or its Dependencies are notified to the Colonial Office by the Governor. Where such a course would save time, an advance notification is also sent to the Colonial Office by the local officer of customs.

These notifications, except those relating to clearances for the Argentine Republic, are sent by the Colonial Office to the Imperial Customs and to the Admiralty. The Customs notify the Colonial Office and the Admiralty of the arrivals of cargoes, with their amounts. The Colonial Office send such notifications to the Governor with a view to the release of the bonds. The Admiralty have expressed their intention to arrange to be informed of the date of each vessels departure from St. Vincent or the Azores by His Majesty's Consuls in those islands, and to inform the Customs and the Colonial Office in cases where arrival is not reported within a reasonable time, and the vessel must accordingly be regarded as overdue.

Arrivals and clearances of whale oil in the Argentine Republic, under the arrangement with the Compania Argentina, are reported by His Majesty's Consul. Clearances are notified to the Customs, who report arrival in the United Kingdom to the Colonial Office. These reports are communicated to the Governor in order that he may see that the special arrangement as regards such oil is duly observed.

Sea elephant oil will be similarly treated.

The

The other products of the whaling industry are guano, whalebone and bone meal, and are not specially controlled. The value of the whalebone and bone meal is small, but that of the guano amounts to over £50,000 annually.

FALKLAND ISLANDS.

No. 196.

Government House, Stanley.

9th December, 1916.

Sir,

I have the honour to acknowledge the receipt of your despatch No. 106 of 26th September and to say that the Memorandum on whale oil cargoes, a copy of which is enclosed therein, appears to me to be very complete.

I have the honour to be,

Sir,

Your most obedient,

humble servant,

Douglas Young

Governor.

THE RIGHT HONOURABLE

THE SECRETARY OF STATE FOR THE COLONIES.

&c.,

&c.,

&c.

[SEAL]

(Signed) W. L. ALLARDYCE.

No. 1,



1915.

FALKLAND ISLANDS.

WILLIAM LAMOND ALLARDYCE, EsQUIRE,
Companion of the Most Distinguished Order of Saint Michael and Saint George,
GOVERNOR AND COMMANDER-IN-CHIEF.
(27th January, 1915.)

An Ordinance to Amend the Whale Fishery Ordinance, 1908, with Regard to the Export of Whale Oil.

Preamble.

WHEREAS a state of war exists between His Majesty the King and the Emperors of Germany and Austria-Hungary, and whereas it is necessary to take such measures as may effectively control the export of whale oil and prevent its importation into an enemy country.

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:—

Bond to be given for delivery of Oil in United Kingdom.

1. Any person or company licensed under the Whale Fishery Ordinance, 1908, or any lessee of land granted for the purpose of carrying on whaling operations, shall, on making the customary declaration of the amount of whale oil about to be exported and the country of destination, give a bond to the satisfaction of the Collector of Customs or his Deputy for the delivery in the United Kingdom of such consignment of oil.

Penalty.

2. Any person or company contravening or attempting to contravene Section 1 of this Ordinance shall not only forfeit his bond-but shall be likewise liable to the summary cancellation of his/lease or license by the Governor-in-Council.

Exception by Proclamation.

3. Notwithstanding the above it shall be lawful for the Governor-in-Council in his discretion by Proclamation from time to time to permit the export of whale oil to specified countries other than the United Kingdom, and from time to time to alter, amend, modify, or repeal such Proclamations.

the provisions of this ordinance or any regulations made thereunder shall forfeit the bond given under section 1 of the ordinance and shall in addition be

or such other provision shall specify countries

Short Title.


4. This Ordinance may be cited as the "Whale Oil (War) Ordinance, 1915," and shall be read as one with the Whale Fishery Ordinance, 1908.

Passed by the Legislative Council the 22nd day of January, 1915.

Assented to by the Governor and given under the Public Seal of the Colony this 27th day of January, 1915.

(Signed) T. N. GODDARD.

Clerk of the Council.



Secretary of State to Governor.

Decyphered.

5th March. With reference to my cypher telegram 23rd January arrangements in regard to Argentine Company have been made in consultation semi-officially Buenos Aires which are satisfactory to Foreign Office, and you may accordingly permit them to ship to Buenos Aires whale oil on giving bond to the Government Falkland Islands to re-export to United Kingdom at least 75% total whale oil so shipped, to dispose remainder in the Argentine Republic only to persons who would retain it in that country and will not export any of its produce to any country from which they could be exported to any enemy country and to allow all books and bills of lading to be examined by British Consul General. Buenos Aires. You should report all shipments to British Minister Buenos Aires, Message ends.

Harcourt

FALKLAND ISLANDS

Downing' Street,

NO. 32.23^D March, 1915.

Sir,

I have the honour to acknowledge the receipt of your despatch No.19 of the 30th January and to inform you that His Majesty will not be advised to exercise His powers of disallowance with respect to Ordinance No.1 of 1915 of the Legislature of the Falkland Islands entitled the Whale Oil (War) Ordinance 1915, copies of which accompanied your despatch under acknowledgment.

2. Since your covering despatch did not indicate whether the Ordinance had yet been brought into force in the Dependencies by notification under Section 3 of the Dependencies Ordinance, 1908, I thought it advisable to ensure that the necessity of this procedure was not overlooked and addressed you by telegraph accordingly on the 16th March.

3. I am advised, however, that the form of the Ordinance is not wholly satisfactory and an early opportunity should be taken to pass an enactment repealing it and giving power to the Governor in Council to make, and from time to time vary, regulations prohibiting the export of whale oil from the Colony or its Dependencies to any destination other than a port in

GOVERNOR

the

W.L. ALLARDYCE, ESQ., C.M.G.,

&c., &c., &c.,

the United Kingdom without a written licence first obtained from a specified officer. The remaining sections may reproduce the sections of the existing Ordinance except that the penalty section should apply to infringement of the Regulations as well as to export without a bond.

4. When the amending ordinance has been passed you should at once make a Regulation prohibiting export entirely save to the United Kingdom, without a licence, and then cause a licence to be given to the Compania Argentina de Pesca for the export of its normal annual output to Buenos Ayres in accordance with the arrangement explained in my cypher telegram of the 8th March.

5. I am further advised that it is desirable at the same time to pass an Ordinance on the lines of the Customs (Exportation Prohibition) Act, 1914, 4 and 5 Geo V Cap.64 (a copy of which is enclosed for convenience of reference) extending the power, conferred by Ordinance No.2 of 1904, to prohibit the exportation of certain articles, ~~to~~ all other articles of every description. The operation of this enactment should be confined, as in the case of the Imperial Act, to the duration of the war.

I have the honour to be, Sir,

Your most obedient,

humble Servant,

L. Harcourt.



CHAPTER 64.

An Act to extend and amend section eight of the Customs and Inland Revenue Act, 1879. A.D. 1914.
[28th August 1914.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. Section eight of the Customs and Inland Revenue Act, 1879, (which enables the exportation of certain articles to be prohibited) shall have effect, whilst a state of war in which His Majesty is engaged exists, as if, in addition to the articles therein mentioned, there were included all other articles of every description. Extension of 42 & 43 Vict. c. 21. s. 8.

2. Any proclamation or Order in Council made under the said section as so amended may, whilst a state of war exists, be varied or added to by an Order made by the Lords of the Council on the recommendation of the Board of Trade. Power to vary proclamation and Order in Council.

3. This Act may be cited as the Customs (Exportation Prohibition) Act, 1914. Short title.

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BALIKLAND ISLANDS.

No. 164.

Government House, Stanley.

6th December, 1918.

Sir,

With reference to Mr. Secretary Percourt's despatch No. 32, of the 23rd March, 1915, I have the honour to submit herewith for the signification of His Majesty's pleasure, two duly authenticated copies of Ordinance No. 11 of 1915, entitled "An Ordinance to extend and amend section sixty four of The Customs Ordinance, 1903."

12 Extra Copies

2. Under The Dependencies Ordinance, 1908, I have declared this Ordinance to be in force in the Dependencies of the Colony.

I have the honour to be,

Sir,

Your most obedient,

humble servant,

Douglas Young
Governor.

THE RIGHT HONOURABLE

THE SECRETARY OF STATE FOR THE COLONIES.

FALKLAND ISLANDS.

No. 163.

Government House, Stanley.

6th December, 1915.

Sir,

With reference to the despatches noted in the margin, I have the honour to submit herewith for the signification of His Majesty's pleasure, two duly authenticated copies of Ordinance No. 10 of 1915, entitled "An Ordinance to prohibit by Regulations the export of whale oil except to the United Kingdom".

2. In drafting this Ordinance I have not limited its provisions to the period during which a state of war in which His Majesty is engaged exists, as I consider it well that the general power should be retained on the Statute Book of the Colony. The restrictions on the export of whale oil to be enforced by Regulations to be made under section B of the Ordinance, when considered necessary.

3. Under The Dependencies Ordinance, 1908, I have declared this Ordinance to be in force in the Dependencies of the Colony.

4. I enclose a copy of a Regulation made by the Governor in Council under section 2 of the Ordinance, prohibiting the export of whale oil from the Colony or its Dependencies, to any destination other than a port in the United Kingdom without a written export licence. I at the same time enclose a copy of the export licence issued under the Regulations which has been granted to the Compañia Argentina de Pesca.

I have the honour to be,

Sir,

Your most obedient, humble servant,

Douglas Young
Governor.

THE RIGHT HONOURABLE

THE SECRETARY OF STATE FOR THE COLONIES.

Sec. of State to
Governor.
10.12.15. 23.3.15.
10.12.15. 22.9.15.
12 Ex. C. P. 15

I ASSENT

[SEAL]

DOUGLAS YOUNG,
Governor.

2nd December, 1915.

No. 10,



1915.

FALKLAND ISLANDS.

(2nd December, 1915.)

An Ordinance to prohibit by Regulations the
export of whale oil, except to the United
Kingdom.

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:—

1. This Ordinance may be cited as “The Whale Oil (Export
Regulation) Ordinance, 1915” and shall be read as one with The
Whale Fishery Ordinance, 1908.

Short Title.

2. The Governor in Council may make, and from time to
time vary, regulations prohibiting the export of whale oil from the
Colony or its Dependencies to any destination other than a Port
in the United Kingdom without a written export licence first
obtained from the Collector of Customs or his Deputy.

Governor in Council may
make Regulations.

3. Any Person or Company licensed under The Whale
Fishery Ordinance, 1908, or any Lessee of land granted for the
purpose of carrying on whaling operations, shall, at the time of
making the customary declaration of the amount of whale oil
about to be exported and the country of destination, give a bond to
the satisfaction of the Collector of Customs or his Deputy for the
delivery of such consignment of oil in the United Kingdom, or
at the Port or Country for which he has obtained an export licence
from the Collector of Customs or his deputy as the case may be;
and such bond shall remain in force until it shall within six
calender months of the date of the bond be shewn to the
satisfaction of the Collector of Customs that the full quantity of
oil mentioned therein has been duly delivered in the United
Kingdom or at the authorized Port or Country of destination.

Bond to be given for delivery
in United Kingdom or author-
ised destination.

Penalty.

4. Any person or company contravening or attempting to contravene the provisions of this Ordinance or any regulations made thereunder shall forfeit the bond required and furnished by him under section 3 of this Ordinance, and shall furthermore be liable to the summary cancellation by the Governor of his licence or lease.

Repeal Ord. No. 1 of 1915.

5. The Whale Oil (War) Ordinance, 1915. (No 1 of 1915), is hereby repealed.

Passed the Legislative Council this 29th day of November, 1915.

T. N. GODDARD,
Clerk of the Council.

Assented to by the Governor and given under the Public Seal of the Colony this 2nd day of December 1915.

C. F. CONDELI,
Colonial Secretary.

I ASSENT

[SEAL.]

DOUGLAS YOUNG,
Governor.

2nd December, 1915.

No. 11,



1915.

FALKLAND ISLANDS.

(2nd December, 1915.)

An Ordinance to extend and amend section sixty-four of The Customs Ordinance, 1903.

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:—

1. This Ordinance may be cited as "The Customs (Exportation Prohibition) Ordinance, 1915."

Short Title.

2. Section sixty-four of the Customs Ordinance, 1903, (which enables the exportation of certain articles to be prohibited) shall have effect, whilst a state of war in which His Majesty is engaged exists, as if, in addition to the articles therein mentioned, there were included all other articles of every description.

Extension of Section 64 of Ordinance No. 6 of 1903.

3. Any proclamation made by the Governor under the said section as so amended may, whilst a state of war exists, be varied or added to from time to time by proclamation by the Governor.

Power to vary Proclamation.

Passed the Legislative Council this 29th day of November 1915.

T. N. GODDARD,
Clerk of the Council.

Assented to by the Governor and given under the Public Seal of the Colony this 2nd day of December 1915.

C. F. CONDELL,
Colonial Secretary.

FALKLAND ISLANDS:

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