

FALKLAND ISLANDS GAZETTE

Extraordinary

PUBLISHED BY AUTHORITY

Vol. 124 30 January 2015 No. 1

NOTICE

No. 1

30 January 2015

Development Plan Statutory Consultation Planning Ordinance 1991 – as amended

30 January - 30 March 2015

Purpose of consultation: We are reviewing the Falkland Islands Development Plan (the Structure Plan and Stanley Town Plan), which provides a framework for the future spatial development of the Islands (including the determination of planning applications).

The consultation documents comprise a proposed replacement Structure Plan and Town Plan. They have been approved by Executive Council for public consultation. At this stage they represent draft proposals and are not a statement of FIG policy.

This notice fulfils the requirement of the Planning Ordinance to notify the publication of draft Structure Plans or Local Plans by notice in the Gazette (as set out in sections 16, 18, 21 and 23).

How to view documents: The main consultation documents (including a response form) can be viewed in hard copy during normal opening hours at

the Environmental Planning Office (St Marys Walk, Stanley), Post Office, Public Library and FIGAS terminal. They can also be viewed online at www.fig.gov.fk/epd.

The supporting evidence base documents can be viewed in the Environmental Planning Office and on the above website.

How to comment: Comments must be made in writing and received by 30 March 2015 (a response form is available). They can be submitted by the means set out below:

Post – Environmental Planning Department, St Marys Walk, Stanley

Email - sbutler.planning@taxation.gov.fk

Public meetings: Although comments must be made in writing, we will be holding a series of meetings to set out the proposals and to answer any points of clarification about the content or process. Details of these will be advertised in due course.

Dated 30 January 2015

S. BUTLER, Head of Environmental Planning.



FALKLAND ISLANDS GAZETTE

PUBLISHED BY AUTHORITY

Vol. 124 31 January 2015 No. 2

Appointment

Michael Anthony Floyd, Assistant Surveyor, Design and Contracts Section, Public Works Department, 01.01.15.

Judith Carolyn Westerman, School Nurse, Health and Social Services Department, 01.01.15.

Hugh Joseph Carville, Pharmacist, Health and Social Services Department, 05.01.15.

Sian Davies, Travel Co-ordinator, Falkland Islands Government Office, London, 05.01.15.

Rebecca Emily Dickens, Staff Nurse, Health and Social Services Department, 05.01.15.

Steven Geoffrey Miller, Aircraft Refueller/Handyperson, Falkland Islands Government Air Service, Central Services Department, 05.01.15.

Neil Russell, Aerodrome Manager, Falkland Islands Government Air Service, Central Services Department, 07.01.15.

Matthew Richard Bassford, Director, Central Services Department, 08.01.15.

Ian Peter Campbell, Senior Agricultural Advisor, Natural Resources Department, 10.01.15.

Helen Elizabeth Dickenson, Veterinary Officer, Natural Resources Department, 10.01.15.

Luca Quercia, Meat Hygiene Inspector, Natural Resources Department, 10.01.15.

Julie Michelle Chapman, Residential Care Worker, Health and Social Services Department, 12.01.15.

Gemma Mary-Lou Curd, Technical Assistant, Regulatory Services, Law and Regulation Directorate, 12.01.15.

Jeffrey James Halliday, Electrical Technician, Power and Electrical Section, Public Works Department, 12.01.15.

Christopher Austin Knight, Chief Internal Auditor, Treasury, 12.01.15.

Lee Perry Adrian John Williams, Licensed Aircraft Engineer, Falkland Islands Government Air Service, Central Services Department, 14.01.15.

Ronald Lawrence Rothwell, Medical Engineering Manager, Health and Social Services Department, 15.01.15.

Killian Moyles, Primary Teacher, Education Department, 19.01.15.

Thomas Alexander James Busbridge, Scientific Fisheries Observer, Natural Resources Department, 22.01.15.

Karl Stuart Jackson, Staff Nurse, Health and Social Services, 22.01.15.

Amanda Manuela Kuepfer, Scientific Fisheries Observer (Seabirds), Natural Resources Department, 22.01.15.

Harriet Elizabeth Rushton, Scientific Fisheries Observer, Natural Resources Department, 22.01.15.

Thomasz Boleslaw Zawadowski, Scientific Fisheries Observer, Natural Resources Department, 22.01.15.

Karen Joleen Minto, PA to Director of Central Services, Central Services Department, 26.01.15.

Stephen William Pointing, Senior Veterinary Officer, Natural Resources Department, 27.01.15.

Completion of contract

Benjamin Peter Warwick Walters, Senior Dental Officer, Health and Social Services Department, 08.01.15.

Laura Toulson, Pharmacist, Health and Social Services Department, 13.01.15.

Jay Ashley Gamble, Statistics and Performance Officer, Policy Unit, 23.01.15.

Charlotte Louise O'Horo, PA to Director of Central Services, Central Services Department, 23.01.15.

Alison Mary McAndie, Senior Staff Nurse, Health and Social Services Department, 26.01.15.

Stephen William Pointing, Senior Veterinary Officer, Natural Resources Department, 26.01.15.

Renewal of contract

Alison Mary McAndie, Senior Staff Nurse, Health and Social Services Department, 27.01.15.

Resignation

Geoffrey Arnold Stevens, Plant Operator/Handyperson, Quarry Section, Public Works Department, 04.12.14.

Ellen Suppiah, Examination Officer, Education Department, 23.12.14.

Jane Clement, Flight Information Service/Operations Officer, Falkland Islands Government Air Service, Central Services Department, 31.12.14.

Donna Marie Ford, Flight Information Service/Operations Officer, Falkland Islands Government Air Service, Central Services Department, 31.12.14.

Glen Wesley Sturdee, Community Psychiatric Nurse, Health and Social Services Department, 09.01.15.

Fiona Margaret Didlick, Tutor/Assessor (Part time), Training Centre, Education Department, 09.01.15.

Marc Anthony Courtney, Plant Operator/Handyperson, Highways Section, Public Works Department, 15.01.15.

Marcus Pole-Evans, Mechanic, Plant and Vehicle Section, Public Works Department, 20.01.15.

Wayne Ian Summers Clasen, Plant Operator/Handyperson, Highways Section, Public Works Department, 30.01.15.

Edgar Ewen Morrison, Plant Operator/Handyperson, Highways Section, Public Works Department, 30.01.15.

Marcus Lewis Morrison, Apprenticeship Co-ordinator, Training Centre, Education Department, 30.01.15.

Craig Arthur Paice, Water Supervisor, Water Section, Public Works Department, 30.01.15.

Stephen Robert Watt, Foreman, Highways Section, Public Works Department, 30.01.15.

Tessa Davis-Berntsen, Sports Attendant, Leisure Centre, Central Services Department, 31.01.15

Retirement

Glynis Margaret King, Trainee Human Resources Advisor, Human Resources Department, 31.12.14.

Transfer

Dion James Betts, from Junior Technician to Electrical Technician, Power and Electrical Section, Public Works Department, 26.01.15.

Celia Soledad Short, from Licensing Clerk, Royal Falkland Islands Police, Emergency Services Department to Finance Assistant (Part time), Treasury, 26.01.15.

Stephanie Ann Thain, from Learning Support Assistant to School Secretary, Infant Junior School and Camp Education, Education Department, 26.01.15.

NOTICES

No. 2

7 January 2015

Customs Ordinance 2003

section 7(3)

Appointment of Temporary Customs Officer

In exercise of the powers conferred by section 7(3) of the Customs Ordinance 2003, I appoint the following person to be a temporary Customs Officer:-

Cpl Cassie Malcolm– 30008218 from 23 December 2014 to 22 June 2015.

Dated 7 January 2015

R. J. KING, Collector of Customs.

No. 3

7 January 2015

Supreme Court of the Falkland Islands Notice under the Administration of Estates Ordinance (Title 68.1)

Take notice that **Donald William Bonner** of 8 Thatcher Drive, Stanley, Falkland Islands, died on 16 December 2014.

Whereas **Vera Joan Bonner** has applied for Letters of Administration to administer the estate of the said deceased in the Falkland Islands.

Notice is hereby given pursuant to section 4 of the Administration of Estates Ordinance to all persons resident in the Falkland Islands who may have prior claim to such grant that the prayer of the Petitioner will be granted provided no caveat be entered in the Supreme Court within 21 days of the publication hereof.

Dated 7 January 2015

A. MEADOWS, Registrar, Supreme Court

No. 4

12 January 2015

Ronoke Enterprises Limited Company number: 10853

Notice is hereby given that the above named company was struck-off the Register of Companies pursuant to section 652A of the Companies Act 1985 on 30 December 2014.

Dated 12 January 2015

E. J. DENT, Registrar of Companies.

Customs Ordinance 2003

section 7(3)

Appointment of Temporary Customs Officer

In exercise of the powers conferred by section 7(3) of the Customs Ordinance 2003, I appoint the following person to be a temporary Customs Officer:-

Cpl Luke James Colman – 30078368 from 15 December 2014 to 15 June 2015.

Dated 15 January 2015

R. J. KING, Collector of Customs.

No. 6

22 January 2015

Falkland Frontiers Limited Company number: 12943

Take notice that in accordance with the provisions of section 652A of the Companies Act 1985, the requirements of the said section having been complied with, the above named company will be removed from the Register of Companies upon the expiry of three months from the publication of this notice in the Gazette unless good cause do be shown as to why such action should not be taken.

Dated 22 January 2015

C. P JUDGE, Acting Registrar of Companies.

No. 7

26 January 2015

Medical Practitioners, Midwives and Dentists Ordinance section 4

Registered Medical Practitioners, Midwives and Dentists

In accordance with section 4 of the Medical Practitioners, Midwives and Dentists Ordinance the names and qualifications of registered medical practitioners, midwives and dentists are published:-

Doctors

Mr Ahmad Cheema MMBS FRCS

Dr Rebecca Edwards MBBS DRCOG DFFPRH

Dr Narendra Dave MBBS MRCGP DRCOG

Dr Angela Rowlands MBBS BSc Dip Occ Med

Dr Mukhtar Uqaili MBBS MRCGP(Int) MCPS DPH

Dr Bruce Chipps MBChB BSc

Mr Richard Sill MBchB FRoCG

Dr Jeremy Corson FFPHM MRCGP DRCOG DTM

Dr Andrew Hothersall MBchB FRCA

Mr Mike Rogers MBBS MBA PdD FRCS

Mr Paul Rosen BSc MBChB FRCS FRC Opth MBA

Mr Kevin Baird FRCS Orthopaedics

Mr Norman Binnie Cons Surgeon BSc MBChB MD FRCSEd

Dr Arthur Allison BSc MBchB FRCA

Dr Tim McInerny Cons Psychiatrist BA MBBS FRCPsych Dip for Psych

Dr Donald MacLeod MBChB FFARCSI

Dr James Vestey DM FRCP Edin

Dr Ian Goulbourne MBChB ChM FRCS(Ed)

John Clark Pathologist MBChB FRCPath DFM

Dr Janet Craze MBBS MRCP(UK) MRCPCH

Dr Amanda Fry MBBS Mphil DCH DFFP MRChP

Dr Brett Lockyer Pathologist BM BSc(Hon)

Dr Gerhard Korff Specialist Anaesthetist

Dr Oscar Varas Specialist Endoscopist

Dr Oliver Cooper MBBS MRCGP DFM

Dr Vanesa Lawton MBchB MD MRCOG MRCGP

Dr Giuseppe Aragona GP

Dr Jeffrey Green MB BS(Lond)

Dr Domonkos Lendvai Consultant Anaesthetist

Dr Benjamin Wellens Clinical Pyschologist D.Clin Psych

Mr Sean Kelly Consultant Orthopaedics

Mr Paul Franks Consultant Orthopaedics and Gynaecologist

Mr Daniel Archer MBBS BDS MRCS MRCP FDSRCS FRCS

Dr Sherwood Elcock GP MBBCh FRCGP

Dr Bill Lusty Consultant General Medicine MRCP DCM MBBS

Dentists

Dr Ben Walters LLM(U.Wales) CPE(UCLAN) BDS Dr Sally Owen BChD Dr Pervi Patel BDS

Midwives

Mrs Mandy Heathman SRN SCM
Miss Jacqueline Earnshaw SRN SCM
Ms Vimbainashe Doherty BSc RGN MSc Hons Midwifery
Mrs Mavis Kachimba RGN RM BSc Nursing
Mrs Pamela Freer RGN RM
Miss Talaa Barkey RGN RM

Dated 26 January 2015

R. E. EDWARDS, Chief Medical Officer.

No. 8

28 January 2015

Falkland Islands Tourist Board Ordinance section 8(a) and (b)

Appointment of Chairperson and Vice Chairperson

- 1. Section 8 of the Falkland Islands Tourist Board Ordinance (No 10 of 2014) provides that the Chairperson and Vice Chairperson of the Falkland Islands Tourist Board Governing Body will be appointed by the Governor.
- 2. In exercise of my powers under section 8, and in accordance with the advice of Executive Council, I appoint Michael Rendell to be Chairperson, and Sally Jean Ellis to be Vice Chairperson, of the Falkland Islands Tourist Board Governing Body with effect from 1 January 2015, to continue in effect for a period of two years.
- 3. These appointments have effect and continue in effect as indicated above, unless terminated sooner.

Dated 28 January 2015

C. ROBERTS C.V.O., *Governor*.

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FALKLAND ISLANDS GAZETTE

PUBLISHED BY AUTHORITY

Vol. 124 28 February 2015 No. 3

Appointment

Nicholas Martin Guy Arculus, Crown Counsel, Law and Regulation Directorate, 27.01.15.

Rosa Adelaida Davis, General Assistant, Health and Social Services Department, 01.02.15.

Samantha Jane Dodd, Flight Information Service/Operations Officer, Falkland Islands Government Air Service, Central Services Department, 01.02.15.

Richard Morrison, Water Supervisor, Water Section, Public Works Department, 02.02.15.

David Fyfe, Dental Officer, Health and Social Services Department, 07.02.15.

Benjamin Noel Hoyles, Mechanic, Plant and Vehicle Section, Public Works Department, 08.02.15.

Completion of contract

Sally Owen, Dental Officer, Health and Social Services Department, 31.12.14.

Donna Marie Ryan, Advanced Childcare Practitioner, Health and Social Services Department, 20.01.15.

Matthew Jenkins, Police Constable, Royal Falkland Islands Police, Emergency Services Directorate, 03.02.15.

Renewal of contract

Sally Owen, Dental Officer, Health and Social Services Department, 01.01.15.

Donna Marie Ryan, Advanced Childcare Practitioner, Health and Social Services Department, 22.01.15.

Matthew Jenkins, Police Constable, Royal Falkland Islands Police, Emergency Services Directorate, 04.02.15.

Resignation

Craig Scott, Teacher, Falkland Islands Community School, Education Department, 31.01.15.

Kim Anthony Bone, Senior Police Constable, Royal Falkland Islands Police, Emergency Services Directorate, 09.02.15.

Amy Elizabeth Jonson, Environmental Planning Clerk, Policy Unit, 11.02.15.

Peter James Crowie, Plant Operator/Handyperson, Quarry Section, Public Works Department, 27.02.15.

NOTICES

No. 9

27 February 2014

Legislative Assembly of the Falkland Islands Falkland Islands Constitution

Advisory Committee on the Prerogative of Mercy: Terms of Reference and Rules of Procedure

Resolution of the Legislative Assembly No: 3 of 2014

Resolved by the Legislative Assembly on 27 February 2014, pursuant to section 70 of the Falkland Islands Constitution (Title 1), that Terms of Reference and Rules of Procedure for the Advisory Committee on the Prerogative of Mercy laid on the Table under Motion 3 of 2014 are approved.

Dated 27 February 2014

C. Y. CLIFFORD,

Deputy Clerk to the Legislative Assembly.

10 February 2015

Turner Engineering Supply Limited Company number: 10981

Take notice that in accordance with the provisions of section 652A of the Companies Act 1985, the requirements of the said section having been complied with, the above named company will be removed from the Register of Companies upon the expiry of three months from the publication of this notice in the Gazette unless good cause do be shown as to why such action should not be taken.

Dated 10 February 2015

E. J DENT, Registrar of Companies.

No. 11 10 February 2015

Warrah Design Limited Company number: 11821

Notice is hereby given that the above named company was struck-off the Register of Companies pursuant to section 652A of the Companies Act 1985 on 9 February 2015.

Dated 10 February 2015

E. J. DENT, Registrar of Companies.

No. 12 16 February 2015

Commissioners for Oaths Ordinance section 2(2)

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Appointment of Commissioner for Oaths

- 1. Section 2(2) of the Commissioners for Oaths Ordinance (Title 22.3) provides that the Governor may appoint commissioners for oaths.
- 2. In exercise of my powers under section 2(2), I appoint **Kirsty Margaret Mary Gilmartin** to be a commissioner for oaths.
- 3. This appointment has effect from the date below, and continues in effect whilst **Kirsty Margaret Mary Gilmartin** continues to practice law in the Falkland Islands, unless terminated sooner.

Dated 16 February 2015

C. ROBERTS C.V.O., Governor.

No. 13

19 February 2015

Immigration (Amendment) Ordinance 2014 section 2

Commencement Notice

1. Section 2 of the Immigration (Amendment) Ordinance 2014 (No 11 of 2014) provides that the Ordinance comes into force on a day appointed by the Governor by notice published in the Gazette.

2. I give notice that the Ordinance will come into force on 1 March 2015.

Dated 19 February 2015

C. ROBERTS C.V.O., *Governor*.

No. 14

23 February 2015

Taxes Ordinance

section 57B(2)

Approved list of charities

- 1. Section 57B (2) of the Taxes Ordinance (Title 69.1) provides for a list of eligible charities to be approved by the Governor for the purpose of section 57A of the Taxes Ordinance.
- 2. I give notice that the following list of eligible charities has been approved for tax deduction purposes (any previous approved list and amendment to it is now wholly replaced):

UK Charity name	UK Charity no:
Falklands Conservation	1073859
Great Ormond Street Hospital	207318
Haig Fund	1100559
United Kingdom Falkland Islands Trust	1120920
Wireless for the Blind	233480
Royal British Legion	1094950
Corona Worldwide (Stanley Branch)	1089464
New Island Conservation Trust	205846
EveryChild	207076
Plan International UK	1081247
South Atlantic Medal Association 1982	294354
(SAMA (82))	
National Society for the Prevention of	216041
Cruelty to Children	
Motor Neurone Disease Association	1118842
Worldwide Fund for Nature	276035
Royal Society for the Protection of Birds	1089879
National Trust	1047676
Cancer Research UK	204802
Falklands Veterans Foundation	219279
Services Sound and Vision Corporation	1078287
Help for Heroes	282786
International Agency for the Prevention of	235825
Blindness	
South Georgia Heritage Trust	SC036819
Antarctic Heritage Trust	CC24071
Royal Navy Association	266982
Disasters Emergency Committee	1062638

Dated 23 February 2015

C. ROBERTS C.V.O., *Governor*.

Note: Section 57A of the Taxes Ordinance provides for deductions from income for tax purposes of donations of £50 or more made to registered charities in any calendar year. Written evidence from the charity of the total amount of donations made to the charity in the calendar year must be provided to the Commissioner of Taxes. Approved charities are:- (a) bodies which are registered as a charity under the Charities Act 1960 as it applies to the Falkland Islands; and (b) any body of persons or trust which appears on the approved list of charities. The bodies "on the approved list" are charities established

overseas which are not registered under the Charities Act 1960 in the Falkland Islands. They have been approved for tax deduction purposes.

No. 15 24 February 2015

Application for Falkland Islands Status

Notice is hereby given that:

Julio Antonio Ubeda Hernandez; and **Stephen William Pointing**

have applied through the Principal Immigration Officer for Falkland Islands Status to be granted by His Excellency the Governor. Any person who knows of any reason why such Status should not be granted, should send a written and signed statement of the facts, giving grounds for their objection, to the Immigration Officer, Customs and Immigration Department, Stanley by 23 March 2015.

Dated 24 February 2015

J. E. SMITH, Immigration Officer.

No. 16 26 February 2015

Index of Retail Prices

The Index for the quarter ended 31 December 2014 has now been completed.

The Index decreased during the quarter to 102.23; this equates to a 0.09% decrease as shown below:

Date	Index	Annual %	Quarter %
		Increase/(Decrease)	Increase/(Decrease)
31.03.14	101.22	1.6	0.3
30.06.14	101.47	0.7	0.2
30.09.14	102.32	1.4	0.8
31.12.14	102.23	(1.3)	(0.09)

Dated 26 February 2015

L. LYSE. for Financial Secretary.

No. 17

27 February 2014

Falkland Islands Constitution section 38

Proclamation Appointing Dates, Times and Place for Sittings of the Legislative Assembly (Proclamation No 1 of 2015)

1. Section 38(1) of the Constitution provides that each sitting of the Legislative Assembly shall be held at such place and at such time as the Governor may appoint by proclamation published in the Gazette.

2. I proclaim that the following places and times are appointed for sittings of the Legislative Assembly:

20.1	0.00 G . 14 11 G 1
29 January 2015	9.00am Court and Assembly Chamber,
	Town Hall, Stanley
26 February 2015	9.00am Chamber of Commerce,
	Stanley
26 March 2015	9.00am Chamber of Commerce,
	Stanley
23 April 2015	9.00am Court and Assembly Chamber,
-	Town Hall, Stanley
2 June 2015	9.00am Court and Assembly Chamber,
	Town Hall, Stanley
5 June 2015	9.45am Court and Assembly Chamber,
	Town Hall, Stanley
30 July 2015	9.00am Court and Assembly Chamber,
·	Town Hall, Stanley
27 August 2015	9.00am Court and Assembly Chamber,
C	Town Hall, Stanley
24 September 2015	9.00am Court and Assembly Chamber,
	Town Hall, Stanley
29 October 2015	9.00am Court and Assembly Chamber,
	Town Hall, Stanley
26 November 2015	9.00am Court and Assembly Chamber,
	Town Hall, Stanley
17 December 2015	9.00am Court and Assembly Chamber,
	Town Hall, Stanley

3. If a change of place or time is necessary, reasonable efforts will be made to publish that change through appropriate means.

Dated 27 February 2015

C. ROBERTS C.V.O., Governor.

No. 18 27 February 2015

Children Ordinance 2014

Children (Safeguarding Children Board) Regulations 2015 (regulation 5)

Safeguarding Children and Young People Procedures

- 1. Regulation 5 of the Children (Safeguarding Children Board) Regulations 2015 (SR&O No 2 of 2015) provides for the Safeguarding Board to issue guidelines and procedures as may be necessary to assist in the welfare and safeguarding of children.
- 2. Notice is hereby given that the Safeguarding Children and Young People Procedures 2014 have been issued, replacing the Children and Young People Procedures 2012. The 2014 procedures come into force on 28 February 2015 and remain in force until replaced or amended.

Dated 27 February 2015

P. H. NICHOLSON,

for the Safeguarding Children Board.



FALKLAND ISLANDS GAZETTE Supplement

PUBLISHED BY AUTHORITY

Vol. 26 28 February 2015 No. 1

The following are published in this Supplement –

41 Ross Road Jubilee Villas Designation Order 2015 (SR&O No 1 of 2015); Children (Safeguarding Children Board) Regulations 2015 (SR&O No 2 of 2015); and Falkland Islands Pensions Scheme (Amendment) Ordinance 2015 (No 1 of 2015).

SUBSIDIARY LEGISLATION

PLANNING AND BUILDING

41 Ross Road Jubilee Villas Designation Order 2015

S. R. & O. No: 1 of 2015

I make the following order under section 65(1) of the Planning Ordinance (Title 55.3) —

- (a) on the advice of Executive Council;
- (b) having first given an opportunity to the owner and occupier of the building to make written representations under section 65(2)(a); and
- (c) on the recommendation of the Historic Buildings Committee (composed as required by section 63(2)), as required by section 65(2)(b) —

1. Title

This Order is the 41 Ross Road Jubilee Villas Designation Order 2015.

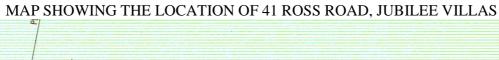
2. Commencement

This Order comes into force upon publication in the Gazette.

3. Designation of 41 Ross Road, Jubilee Villas

- (1) Subject to subparagraph (2), the main building at 41 Ross Road, Jubilee Villas is designated as a building of special architectural and historic interest.
- (2) The designation
 - (a) relates to the main building only in respect of its external appearance and excludes the internal features;
 - (b) relates to all land within the perimeter of 41 Ross Road, Jubilee Villas and all boundary features; and
 - (c) excludes the entirety of the outbuildings located to the rear of the main building.
- (3) The location of 41 Ross Road, Jubilee Villas is shown on the map set out in the Schedule.
- (4) In this paragraph "boundary features" includes garden walls and gate posts.

SCHEDULE





Made 16 February 2015

C. Roberts C.V.O., Governor.

EXPLANATORY NOTE

(This note is not part of the order)

This Order designates the main building at 41 Ross Road, Jubilee Villas as a building of special architectural and historic interest.

The designation is limited to the external appearance of the main building and therefore excludes the internal features. Included also are boundary features (such as garden walls and gate posts) and all land within the perimeter of the property. However, the designation does not relate to any of the outbuildings, all of which are located to the rear of the main building.

Planning permission or consent is required for its demolition, alteration or extension.

SUBSIDIARY LEGISLATION

FAMILY LAW

Children (Safeguarding Children Board) Regulations 2015

S. R. & O. No. 2 of 2015

I make the following regulations under section 83 of the Children Ordinance 2014 (No. 7 of 2014) on the advice of Executive Council.

1. Title

These regulations are the Children (Safeguarding Children Board) Regulations 2015.

2. Commencement

These regulations come into force on publication in the Gazette.

3. Interpretation

In these regulations —

"the Ordinance" means the Children Ordinance; and

"Safeguarding Board" means the Safeguarding Children Board continued under section 82 of the Ordinance.

4. Appointment of Safeguarding Board Chairperson

- (1) The Safeguarding Board must appoint a Chairperson from among its members.
- (2) The Chairperson appointed under sub-regulation (1) must be appointed for a period of 2 years and is eligible for re-appointment.
- (3) The Chairperson must preside at every meeting of the Safeguarding Board.

5. Functions of Safeguarding Board

- (1) The functions of the Safeguarding Board in relation to its objective (as defined in section 83) are as follows
 - (a) developing policies and procedures for safeguarding and promoting the welfare of children, including policies and procedures in relation to —

- (i) the action to be taken where there are concerns about a child's safety or welfare, including thresholds for intervention;
- (ii) training of persons who work with children or in services affecting the safety and welfare of children:
- (iii) recruitment and supervision of persons who work with children;
- (iv) investigation of allegations concerning persons who work with children;
- (v) safety and welfare of children who are hosted or who are the subject of private boarding;
- (vi) co-operation with other governments' and organisations' children's services;
- (b) communicating with relevant persons and organisations in the Falkland Islands the need to safeguard and promote the welfare of children, raising awareness, promoting and encouraging those persons and organisations to take part in activities aimed at raising awareness:
- (c) monitoring and evaluating the effectiveness of what is done to safeguard and promote the welfare of children, and advising those concerned in the safeguarding of children on ways to improve what is done;
- (d) participating in the planning of services for children; and
- (e) undertaking reviews of serious cases and advising those concerned in the safeguarding of children on lessons to be learned.
- (2) For the purposes of sub-regulation (1)(e) a serious case is one where
 - (a) abuse or neglect of a child is known or suspected; and
 - (b) either
 - (i) the child has died; or
 - (ii) the child has been seriously harmed and there is concern as to the way in which relevant persons have worked together to safeguard the child.
- (3) The Safeguarding Board may also engage in any other activity that facilitates, or is conducive to, the achievement of its objective.
- (4) The Safeguarding Board may issue guidelines and procedures as may be necessary to assist in the welfare and safeguarding of children.
- (5) Whenever the Safeguarding Board issues any guidelines or procedures, it must arrange for a notice to be published in the *Gazette* specifying —

- (a) that guidelines or procedures have been issued;
- (b) whether the guidelines or procedures are new or a replacement of existing ones; and
- (c) the date on which those guidelines or procedures come into force.

6. Further functions relating to child deaths

- (1) The Safeguarding Board has, in addition to the functions referred to in regulation 5, the following functions in relation to the deaths of children
 - (a) collecting and analysing information about each death with a view to identifying
 - (i) any case giving rise to the need for a review mentioned in regulation 5;
 - (ii) any matters of concern affecting the safety and welfare of children; and
 - (iii) any wider public health or safety concerns arising from a particular death or from a pattern of deaths; and
 - (b) putting in place procedures for ensuring that there is a coordinated response by the relevant government departments and other relevant persons to an unexpected death.

7. Safeguarding Board procedures and meetings

- (1) Subject to the provisions of these regulations, the Safeguarding Board will regulate its own proceedings.
- (2) The Safeguarding Board must meet at least four times annually.
- (3) The quorum at any meeting of the Safeguarding Board is a majority of the members of the Board (excluding observers).
- (4) The Chairperson must preside at any meeting of the Safeguarding Board and in the absence of the Chairperson, the members present must elect a member to act as Chairperson for that meeting.
- (5) A decision of the Safeguarding Board on any question must be by the majority of the members present and voting at the meeting and, in the event of an equality of votes, the member presiding has a casting vote in addition to that person's deliberative vote.

Made 16 February 2015

C. Roberts C.V.O., *Governor*.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under section 83 of the Children Ordinance (No. 7 of 2014).

Regulations 1, 2 and 3 deal with introductory matters; title, commencement and definitions;

Regulation 4 provides for the appointment of a chairperson to the Safeguarding Board;

Regulation 5 provides for the specific functions which the Safeguarding Board has to give effect to the objective;

 $Regulation \ 6$ details the Safeguarding Board's specific functions relating to child deaths; and

Regulation 7 provides for the Safeguarding Board's procedures and meetings.

ELIZABETH II



FALKLAND ISLANDS

COLIN ROBERTS C.V.O., Governor.

Falkland Islands Pensions Scheme (Amendment) Ordinance 2015

(No: 1 of 2015)

ARRANGEMENT OF PROVISIONS

Section

PART 1 - INTRODUCTION

- 1. Title
- 2. Commencement

PART 2 – AMENDMENT OF FALKLAND ISLANDS PENSIONS SCHEME ORDINANCE

- 3. Amendment of Falkland Islands Pensions Scheme Ordinance
- 4. Section 2 amended Interpretation
- 5. Section 3 replaced and new section 3A inserted Meaning of "normal retirement age"
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- 9. Section 17 amended Membership of the Scheme
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- 12. Section 28 amended —Benefits which must be provided under the Scheme
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- 15. Section 33 amended Benefits payable on death
- 16. Section 33A amended Early retirement on grounds of ill-health or disablement: benefits for FIG employees
- 17 New Part 4A inserted Pension Sharing

- 18. Section 39 amended Information and records required for purposes of Ordinance
- 19. Schedule 2 amended Power to act on advice and determination
- 20. Schedule 3 amended Persons employed in government service on 1 January 1997

PART 3 – AMENDMENT OF MATRIMONIAL CAUSES ORDINANCE

21. Amendment of Matrimonial Causes Ordinance

ELIZABETH II



FALKLAND ISLANDS

COLIN ROBERTS C.V.O., *Governor*.

FALKLAND ISLANDS PENSIONS SCHEME (AMENDMENT) ORDINANCE 2015

(No: 1 of 2015)

(assented to: 26 February 2015) (commencement: in accordance with section 2) (published: 28 February 2015)

AN ORDINANCE

To amend the Falkland Islands Pensions Scheme Ordinance (No. 18 of 1997).

ENACTED by the Legislature of the Falkland Islands —

PART 1 INTRODUCTION

1. Title

This Ordinance is the Falkland Islands Pensions Scheme (Amendment) Ordinance 2015.

2. Commencement

This Ordinance comes into force on a date appointed by the Governor by notice published in the *Gazette*.

PART 2 AMENDMENT OF FALKLAND ISLANDS PENSIONS SCHEME ORDINANCE

3. Amendment of Falkland Islands Pensions Scheme Ordinance

- (1) This Part amends the Falkland Islands Pensions Scheme Ordinance (No. 18 of 1997).
- (2) The Ordinance is amended by replacing "Director of Corporate Resources" in each place where it appears with "Financial Secretary".

4. Section 2 amended — Interpretation

Section 2 is amended as follows —

- (a) by inserting the following new definition after the definition of "the Board"
 - ""elected retirement age" means the age at which a member elects to retire within the eligible retirement age;";
- (b) by substituting for the definition of "eligible MLA" the following new definition
 - ""eligible MLA" means an MLA who has not yet attained the age of 75 years and has not elected to opt out of the Scheme;";
- (c) by inserting the following new definitions after the definition of "eligible MLA"
 - ""eligible retirement age" has the meaning given by section 3A"; and
- (d) by inserting the following new definition after the definition of "regulations" —

""spouse" has the meaning assigned to it under section 31(11);".

5. Section 3 replaced — Meaning of "normal retirement age"

Section 3 is amended —

(a) by repealing and replacing it with the following —

"3. Meaning of "normal retirement age"

Subject to the provisions of this Ordinance "normal retirement age" means, in relation to any person, the age when the person reaches 64 years."; and

(b) by inserting immediately after section 3, the following new section —

"3A Meaning of "eligible retirement age"

- (1) Subject to the provisions of this section, "eligible retirement age" means any age, between the ages of 50 and 75.
- (2) For purposes of this Ordinance, eligible retirement age must be used to determine the retirement age for any person whose terms of employment
 - (a) provide for the person to retire earlier than the person's 50th birthday;
 - (b) provide for the person to retire after the person's 75th birthday; or
 - (c) whether because the person is unemployed or for any other reason, makes no provision for the person's retirement age.
- (3) For the purposes of this section any provision which makes special provision as to early retirement on grounds of ill-health is to be disregarded."

6. Section 5 amended — The Pensions Board

Section 5(4)(b) is amended by omitting "or actuary".

7. Section 10 amended — Appointment of professional advisers

Section 10 is repealed and replaced with the following —

"10. Appointment of professional advisers

- (1) The Board must appoint an auditor to the Scheme on such terms and conditions as it may determine.
- (2) The Board must not appoint a person as an auditor to the Scheme unless the person
 - (a) qualifies as an auditor in the United Kingdom; or
 - (b) meets such other requirements as to qualifications and experience as the Governor may by regulations prescribe."
- (3) The Board may appoint any other professional adviser to the Scheme as and when necessary.

8. Section 15 amended — Whistle-blowing

Section 15 is amended by omitting —

- (a) "or actuary" in each place where it appears; and
- (b) "the actuary".

9. Section 17 amended — Membership of the Scheme

Section 17 is amended as follows —

- (a) by omitting subsection (3) (c) and replacing it with the following
 - "(c) beginning on or after the person's 75th birthday.";
- (b) in subsection (3A) (c) by replacing "Member's 70th" with "MLA's 75th";
- (c) by inserting the following new subsection after subsection (3A)
 - "(3B) Subject to subsection (3) (c), a contribution may be made by or in respect of a person (*including an MLA*) who takes on new employment on or after the person's 64th birthday unless the person elects to opt out of the Scheme.";
- (d) by repealing subsection (5); and;
- (e) by inserting the following new subsection after subsection (8)
 - "(9) Subject to subsection (7), a person who ceases to be a member of the Scheme may rejoin the Scheme where —

- (a) the relevant requirements of subsections (1) to (6) are met; and
- (b) the person meets other requirements for rejoining as may be prescribed."

10. Section 20 amended — Contributions under section 17(2)(c) or (e)

Section 20 is amended as follows —

- (a) by repealing subsection (2) and replacing it with the following
 - "(2) An employee contribution must be made
 - (a) from the date upon which the employer notifies the Board that the employee is to be a member of the Scheme; and
 - (b) on a regular basis,

and the amount of a regular contribution (payable by the employer or by the employee) for any period by or in respect of the employee must be determined by the employer as a percentage of that employee's earnings from the employee's employment with that employer for that period."; and

- (b) by repealing subsection (6) and replacing it with the following
 - "(6) An employer who notifies the Board that an employee is to become a member of the Scheme by virtue of a notice given under section 17(2)(c) or (e) must ensure that
 - (a) the amount of any contribution payable by the employee expressed as a percentage of the employee's gross earnings cannot be reduced to a lower percentage during the course of that employment unless there is a corresponding and compensating increase in the employer's contributions; and
 - (b) employee contributions payable by the employee or by the employer (or by both if that is provided for in the contract in the first instance) will continue to be made during the course of the contract."

11. Section 26 amended — Refund of contributions in certain cases

Section 26 is amended as follows —

- (a) by repealing subsection (1) and replacing it with the following
 - "(1) Subject to the following provisions of this section, the Board must pay
 - (a) to a member of the Scheme within section 17(2)(a), (ba), (c) or (e) whose employment terminates before the member has completed 2 years, an amount equal to the accrued value of the employee's account (whether the amount is more or less than any contributions which have been made in respect of that member); and
 - (b) to a member within any of paragraphs (b), (d), (f), (g) and (h) of section 17(2) who has been a member for less than 2 years and ceases to make contributions to the

Scheme with effect from the termination date, an amount equal to the accrued value of the employee's account (whether the amount is more or less than any contributions which have been made in respect of that member)."

12. Section 28 amended — Benefits which must be provided under the Scheme

Section 28 is amended as follows —

- (a) by repealing subsection (3) and replacing it with the following
 - "(3) For purposes of this section a person retires and is entitled to any of the benefits mentioned under subsection (1)
 - (a) when the person reaches normal retirement age; or
 - (b) on the person's elected retirement age (that is at any age within the eligible retirement age when the person elects to retire)."
- (b) under subsection (3A) by replacing "£500" with "£750".

13. Section 30 amended — The discretionary trusts

Section 30(5) is amended as follows —

- (a) by omitting paragraph (a) and replacing it with the following
 - "(a) any person who, at the time of the death is ordinarily living with that member as that member's partner, whether or not they are legally married, or"; and
- (b) by adding immediately after subsection (5) the following new subsection
 - "(6) For the purposes of subsection (5) "partner" means one of a married couple, an unmarried couple or a civil partnership, who at the time of the death is ordinarily living with that member."

14. Section 31 amended — Qualifying annuities

Section 31 is amended as follows —

- (a) by repealing subsection (11) and replacing it with the following
 - "(11) For the purposes of this section, "spouse", in relation to any member, means a person who, at the time of the retirement of that member or at the time the annuity is purchased if later, is the partner of, and ordinarily living with, that member (whether or not they are legally married), or if there is no such person
 - (a) the person who has, before the annuity is purchased, been nominated by the member to the Board as the person to be treated as the spouse for the purposes of the payment of benefits under the Scheme and that nomination has been accepted by the Board; or

(b) if the Board has reasonable grounds for believing that any other person ought to be treated as the member's spouse, that other person.

If more than one person qualifies for a spouse's pension under paragraphs (a) and (b), the Board has absolute discretion to determine which of them is entitled to the pension."; and

- (b) by adding immediately after subsection (12) the following new subsection
 - "(13) For the purposes of subsection (11) "partner" means one of a married couple, an unmarried couple or a civil partnership, who at the time of the death is ordinarily living with that member."

15. Section 33 amended — Benefits payable on death

Section 33 is amended as follows —

- (a) in subsection (3) by replacing "(c)" with "(b)";
- (b) by repealing subsection (4) and replacing it with the following
 - "(4) An amount equal to the aggregate of the additional voluntary contributions which the deceased member made to the Scheme must be dealt with in accordance with section 30."; and
- (c) by inserting the following new subsection after subsection (5)
 - "(6) Where subsection (2A) applies, any amount which is not a contribution paid in respect of the deceased person's employment in government service nor attributable to any such contribution must be applied in accordance with section 30."

16. Section 33A amended — Early retirement on grounds of ill-health or disablement: benefits for FIG employees

Section 33A(3)(a) is amended by replacing "1st January 1997" with "1 April 2011".

17. New Part 4A inserted – Pension Sharing

The following new Part is inserted after section 36 —

"Part 4A Pension Sharing

36A. Pension sharing on divorce, etc.

- (1) Pension sharing is available where the court has made a pension sharing order under section 26A of the Matrimonial Causes Ordinance (Title 38(2).3) in relation to a person's shareable rights under this Ordinance.
- (2) Pension sharing is not available in respect of benefits related to protected rights where the sharing of any such rights will result or is likely to result in the distortion of a member's protected rights.

- (3) A member's protected rights under this section means rights in relation to the protection and calculation of pre-1997 service as provided for under Schedule 3 of this Ordinance.
- (4) For purposes of this Part a member's shareable rights means any rights under that member's pension arrangement to which pension sharing is available.
- (5) In this Part —

"pension arrangement" means —

- (a) any pension on retirement provided for under this Ordinance;
- (b) a retirement annuity contract provided for under this Ordinance; or
- (c) an annuity purchased or transferred, for the purpose of giving effect to rights under this Scheme; and

"pension sharing order" means an order issued by the court under section 26A of the Matrimonial Causes Ordinance.

36B. Pension sharing orders - compliance

- (1) The Board must give effect and comply with a pension sharing order made in relation to a member's shareable rights under this Ordinance.
- (2) A pension sharing order is not to take effect unless the decree on or after which it is made has been made absolute.
- (3) Where the pension sharing order specifies a percentage or amount to be transferred the Board must transfer from the Scheme Fund the specified amount or the equivalent amount of the specified percentage in relation to the relevant member's accumulated benefits (less any protected rights benefits) within the time specified by the courts in the pension sharing order.
- (4) The Governor may prescribe regulations
 - (a) on the procedure for payments and other processes to be used by the Board in giving effect to the pension sharing order including transfers to pension funds outside the Falkland Islands; and
 - (b) any other relevant information as may be necessary to give effect to pension sharing orders."

18. Section **39** amended — Information and records required for purposes of Ordinance Section **39**(1) is amended by adding the following new paragraph after paragraph (d) —

- "(e) require the Board to supply information relevant to the exercise of any power with respect to
 - (i) the making of pension sharing orders by the courts under Part III of the Matrimonial Causes Ordinance;

- (ii) calculation and verification in relation to
 - (aa) the valuation of benefits under a pension arrangement;
 - (bb) the determination of a member's shareable rights under the Scheme; and
 - (cc) the valuation of shareable rights under a pension arrangement in so far as it relates to the making of pension sharing orders under section 26A of the Matrimonial Causes Ordinance."

19. Schedule 2 amended — Power to act on advice and determination

Schedule 2 is amended as follows —

- (a) by omitting "actuary or" in paragraph 2(1)(a); and
- (b) by repealing paragraph 2(3) and replacing it with the following
 - "(3) In order to be eligible for approval of the Scheme by Her Majesty's Revenue and Customs and eligible to be treated as an exempt approved scheme under the Commissioners for Revenue and Customs Act 2005 and to comply with the preservation requirements of the Pensions Act 1995, the Board is empowered to give such undertakings to the HM Revenue and Customs and Revenue and the Pensions Regulator in respect of the provisions of pensions and benefits under the Scheme as may be required from time to time."

20. Schedule 3 amended — Persons employed in government service on 1st January 1997 Schedule 3 is amended as follows —

- (a) in paragraph 5 by omitting sub-paragraph (1) and replacing it with the following
 - "(1) This paragraph applies in relation to any member who had reached the age of 40 years before 1 January 1997 and applies at the time the person reaches retirement age (the "retirement date" defined in paragraph 5A(2)) but does not apply in relation to any member within paragraph 5A(1).";
- (b) in paragraph 5A
 - (i) by adding the following new sub-paragraph under paragraph (6)
 - "(d) the quarter refers to the quarter immediately before that person left Falkland Islands Government service."; and
 - (ii) by inserting the following new paragraph after paragraph (7)
 - "(8) A pension benefit that is payable to or in respect of a member under subparagraph (3C) is not payable to a member who is under the age of 55."; and
- (c) by inserting the following new paragraph immediately after paragraph 5A —

"Pre-1997 Protected Rights

- 5AA.(1) This paragraph applies to any member who was in government service on 31 December 1996 and had not ceased to be in government service before 1 January 2001 and for whom a transfer value was paid into the Scheme.
- (2) This paragraph (pre-1997 protected rights) is not applicable if a member elects to receive any form of pension benefits before the age of 55.
- (3) For the purposes of this paragraph a person's retirement date has the same meaning provided in paragraph 5A (2).
- (4) When on any date, "the member's pension date", benefits under the Scheme become payable to or in respect of the member (if an election under section 28 to defer any benefit other than payment of a lump sum has been made, at the end of the period of deferment), the Board must ascertain and compare
 - (a) the terms of the qualifying annuity contract which might be purchased with the accumulated value of the member's share in the Scheme at the member's pension date; and
 - (b) the terms of the pension or pensions and other benefits which would have been payable to or in respect of the member under the existing legislation, subject to subparagraph (10) and on the following assumptions
 - (i) that the member had remained in government service until the member's 60th birthday, if that is not the case;
 - (ii) that the existing legislation was applicable to the member on the member's retirement date:
 - (iii) that benefits which would have been payable under the existing legislation as mentioned above are increased to the extent necessary to ensure that they comply with section 31; and
 - (iv) that any pension payable under the existing legislation would have been increased annually by 3 per cent.
- (5) Sub-paragraphs (3A) to (3F) of paragraph 5A apply to a member whose benefits are payable under this paragraph.
- (6) For the purposes of this paragraph, the accumulated value of a member's share (pre-1997 service) must be calculated in accordance with section 24(2) but disregarding
 - (a) any additional voluntary contribution made in respect of the member in respect of any period, and
 - (b) any amount allocated to the benefit of the member by reference to any such contribution.

- (7) For the purposes of this paragraph
 - (a) the pension amount must be calculated by separate reference to contributions pre-1997, listed as 'B', and those contributions post-1997 listed as 'A' in the investment section of the contribution database in respect of each individual member record;
 - (b) the total of the pre-1997 element and post-1997 element combined will constitute the pension payment;
 - (c) employees who are eligible for pre-1997 protected rights and those to whom paragraph 5A (1) applies will be eligible to receive the greater of the two top ups; and
 - (d) "contribution database" means the database containing members' information in relation to contributions, accrued values and other relevant information.
- (8) In sub-paragraph (7)(b)
 - (a) the "pre-1997 element" of the pension is calculated
 - (i) as the length of service to 31 December 1996 in months divided by 720, up to a maximum of 20 years and this total is then multiplied by the employee's salary at retirement, or at the date the employee had ceased in government service;
 - (ii) for pre-1997 service in excess of 20 years, the excess, in months, is divided by 600 and added to (i) and this total is then multiplied by the employee's salary at retirement, or at the date the employee had ceased in government service.
 - (b) the "post-1997 element" of the pension
 - (i) does not attract pre-1997 protected rights;
 - (ii) is the annual pension calculated as the accumulated value of post-1997 contributions at the date of retirement divided by the applicable annuity factor; and
- (9) In paragraph (8)(b)(ii) the "applicable annuity factor" means, as at the date of retirement, an estimate of the number of years that the accrued value of the pension will be required to provide a pension.
- (10) Where a pension is payable to or in respect of any member under paragraph 5A(3C) before the member is 60 years of age, the amount of any annuity and lump sum found in accordance with paragraph 5A(3) which relates to pre-1997 service must be reduced in accordance with the table at paragraph 5A (7)."

PART 3 AMENDMENT OF MATRIMONIAL CAUSES ORDINANCE

21. Amendment of Matrimonial Causes Ordinance

(1) This Part amends the Matrimonial Causes Ordinance (Title 38(2).3).

- (2) Part III of the Matrimonial Causes Ordinance is amended as follows
 - (a) by inserting the following new sections after section 26 —

"26A. Pension sharing orders in connection with divorce proceedings, etc.

- (1) On granting a decree of divorce or judicial separation or a decree of nullity of marriage the court may, on an application made under this section, make a pension sharing order in relation to the marriage.
- (2) A pension sharing order under this section is not to take effect unless the decree on or after which it is made has been made absolute.
- (3) A "pension sharing order" is an order which makes the shareable rights under a pension arrangement of one of the parties to a marriage to be subject to pension sharing for the benefit of the other party to the marriage.
- (4) The pension sharing order must specify
 - (a) the shareable rights under a specified pension arrangement to which a party to a marriage is entitled;
 - (b) the percentage or the amount of the value of the pension arrangement which is available to be shared by the parties to the marriage; and
 - (c) the information specified under section 26B.
- (5) In this section the reference to "shareable rights" under a specified pension arrangement relates to rights in relation to which pension sharing is available under Part IVA of the Falkland Islands Pensions Scheme Ordinance.

26B. Pension sharing orders

- (1) The court must specify in the pension sharing order
 - (a) the shareable rights of the party to the marriage under the pension arrangement;
 - (b) the percentage of the value, or the amount payable to the other party in the pension sharing order; and
 - (c) how that value or amount is to be paid to the other party; and
 - (d) the time scale within which the payment must be made.
- (2) The court may not make a pension sharing order
 - (a) in relation to any excluded rights or benefits as are specified under the relevant pension arrangement (Part IVA of the Falkland Islands Pensions Scheme Ordinance);

- (b) after a decree of divorce or nullity in relation to the marriage has been made absolute; or
- (c) in relation to any relevant pension arrangement which is already the subject of a pension sharing order."; and
- (b) under section 40(1) by inserting "26A," immediately after "26".

Passed by the Legislature of the Falkland Islands on 29 January 2015.

CHERIE YVONNE CLIFFORD, Deputy Clerk of the Legislative Assembly.

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

CHERIE YVONNE CLIFFORD, Deputy Clerk of the Legislative Assembly.

Published at the Attorney General's Chambers, Stanley, Falkland Islands
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FALKLAND ISLANDS GAZETTE

Extraordinary

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Vol. 124 4 March 2015 No. 4

NOTICE

No. 19 3 March 2015

Falkland Islands Pensions Scheme (Amendment) Ordinance 2015 $section\ 2$

Commencement Notice

- 1. Section 2 of the Falkland Islands Pensions Scheme (Amendment) Ordinance 2015 (No. 1 of 2015) provides that the Ordinance comes into force on a day appointed by the Governor by notice published in the *Gazette*.
- 2. I give notice that the Ordinance will come into force on 4 March 2015.

Dated 3 March 2015

C. ROBERTS C.V. O., *Governor*.



FALKLAND ISLANDS GAZETTE

PUBLISHED BY AUTHORITY

Vol. 124 31 March 2015 No. 5

Appointment

Alice Hancox, Accounting Assistant, Treasury, 21.02.15.

Daniel Mitchell, Sports Attendant, Leisure Centre, Central Services, 01.03.15.

Mecia Fernandez, Sports Attendant, Leisure Centre, Central Services, 01.03.15.

Colette Bassford, Events/Residence Manager, Government House, Central Services, 03.03.15.

Sandi Mansell, Learning Support Assistant, Education Department, 09.03.15.

Tanya Jaffray, Storesperson/Handyperson, Property and Municipal Section, Public Works Department, 09.03.15.

Joanne Harris, Storesperson/Handyperson, Plant and Vehicle Section, Public Works Department, 10.03.15.

Christine Ramoutar, Examinations Officer/Vocational Studies Co-ordinator, Education Department, 16.03.15.

Glyndwr Valler, Plant Operator/Handyperson, Quarry Section, Public Works Department, 24.03.15.

Yona Davis, Cleaner, Mineral Resources Department, 31.03.15.

Completion of contract

James McGhie, Saladero Farm Manager, Natural Resources Department, 01.03.15.

Eva Visuta Girbau, Scientific Fisheries Observer, Natural Resources Department, 03.03.15.

Promotion

Priscilla Morrison Betts, from Learning Support Assistant/Clerk to Higher Learning Support Assistant, Education Department, 09.03.15.

Resignation

Sharon Peters, Learning Support Assistant, Education Department, 23.03.15.

Karin Sanchez, Personal Assistant to the Director of Public Works, Public Works Department, 30.03.15.

NOTICES

No. 20 3 March 2015

Currency Notes Rules (Title 25.1.1)

In exercise of the powers conferred by rule 3 of the Currency Notes Rules, His Excellency the Governor has approved the following changes to the list of Currency Officers with effect from 26 February 2015:

Appointments Short, Celia Soledad Hancox, Alice Henry, Donna Louise

<u>Cancellation of Appointments</u> Finlay, Shiralee

Law, Claire Elizabeth Shute, Jacqueline

The following is a full list of Currency Officers with effect from 26 February 2015:

Aldridge, Jody May Butler, Margaret Orlanda Smith, Felicity Marie Granger, Nicola Jane Hancox, Alice Heath, Daniel Robert Henry, Donna Louise Kizito, Henry Buzibwa Luxton, Wendy Jennifer Lyse, Linda Margaret Morrison, Lydia Short, Celia Soledad Sinclair, Veronica Joyce

Dated 3 March 2015

J. M. ALDRIDGE; N. J. GRANGER; and L. M. LYSE, Commissioners of Currency.

No. 21 3 March 2015

Taxes Ordinance

section 57B(2)

Approved list of charities

- 1. Section 57B (2) of the Taxes Ordinance (Title 69.1) provides for a list of eligible charities to be approved by the Governor for the purpose of section 57A of the Taxes Ordinance.
- 2. I give notice that the following list of eligible charities has been approved for tax deduction purposes (any previous approved list and amendment to it is now wholly replaced):

UK Charity name:	UK Charity no:
Falklands Conservation	1073859
Great Ormond Street Hospital	207318
Haig Fund	1100559
United Kingdom Falkland Islands Trust	1120920
Wireless for the Blind	233480
Royal British Legion	1094950
Corona Worldwide (Stanley Branch)	1089464
New Island Conservation Trust	205846
EveryChild	207076
Plan International UK	1081247
South Atlantic Medal Association 1982 (SAMA	294354
(82))	
National Society for the Prevention of Cruelty t	o 216041
Children	
Motor Neurone Disease Association	1118842
Worldwide Fund for Nature	276035
Royal Society for the Protection of Birds	1089879
National Trust	1047676
Cancer Research UK	204802
Falklands Veterans Foundation	219279
Services Sound and Vision Corporation	1078287
Help for Heroes	282786
International Agency for the Prevention of	235825
Blindness	
South Georgia Heritage Trust	SC036819
Antarctic Heritage Trust	CC24071
Royal Navy Association	266982
Disasters Emergency Committee	1062638
Royal National Lifeboat Institution	209603

Dated 3 March 2015

C. ROBERTS C.V.O.,

Governor.

Note: Section 57A of the Taxes Ordinance provides for deductions from income for tax purposes of donations of £50 or more made to

registered charities in any calendar year. Written evidence from the charity of the total amount of donations made to the charity in the calendar year must be provided to the Commissioner of Taxes. Approved charities are:- (a) bodies which are registered as a charity under the Charities Act 1960 as it applies to the Falkland Islands; and (b) any body of persons or trust which appears on the approved list of charities. The bodies "on the approved list" are charities established overseas which are not registered under the Charities Act 1960 in the Falkland Islands. They have been approved for tax deduction purposes.

No. 22 6 March 2015

Electricity Supply Regulations (Title 31.1.1) *regulation 10A(5)*

Variation of electricity price

- 1. This notice is given to comply with regulation 10A(5) of the Electricity Supply Regulations.
- 2. A variation in electricity prices was announced on 6 March 2015 and will come into effect on 1 April 2015.
- 3. The overall price of electricity per unit for all consumers was decreased from 21p to 19p.
- 4. For consumers supplied via pre-payment meters, electricity is being supplied at 19p per unit and cards are now being sold at face value.
- 5. For all other consumers, electricity is now being supplied at 19p per unit.

Dated 6 March 2015

N. J. GRANGER, Financial Secretary.

No. 23 16 March 2015

Notice made by the Governor pursuant to Articles 4, 5, 7 and 74 of the Air Navigation (Overseas Territories) Order 2013, as amended

- (a) This Notice is given pursuant to articles 4, 5, 7 and 74 of the Air Navigation (Overseas Territories) Order 2013, as amended ("the Order").
- (b) Article 4 provides for the Governor to make regulations for prescribing anything that, under the provisions of the Order, is to be prescribed.
- (c) Article 5 provides for the Governor to publish or provide access to requirements which he considers relevant to determining his satisfaction in respect of certain matters before granting a certificate, licence or other document issued under the provisions of the Order. I hereby determine pursuant to article 5(3) of the Order that to publish such requirements in relation to aviation security would be, or would likely to be, detrimental to national security. Therefore in accordance with article 5(4) of the Order, I require Air Safety Support International Ltd ("ASSI") to make available the document specified in paragraph (f) of this Notice only to persons who in the opinion of ASSI have need of the said document to promote compliance with its provisions and in such cases to make it

available in such a manner and in such form as it sees fit, consistent with promoting compliance with the said document.

- (d) Article 7 provides, inter alia, for the Governor to issue such instructions as are necessary, requisite or expedient for carrying out the Chicago Convention and implementing any Annex thereto and any amendment to the Convention, or any such Annex made in accordance with the Convention, or generally for regulating and securing the safety of international air navigation.
- (e) Article 74 provides for the Governor to give instructions in respect of the operation, safety and security of aircraft and the safety and security of persons and property carried therein and in respect of the instruments and equipment to be installed therein or carried thereon.
- (f) The following document as amended or updated from time to time shall constitute those prescriptions, instructions and requirements as aforesaid in relation to the matters specified:

OTAR Part 178 Aviation Security.

(g) This Notice shall have effect from 1 April 2015.

Dated 16 March 2015

C. ROBERTS C.V.O., *Governor*.

No. 24

20 March 2015

Banking Ordinance (Title 10.1) Banking (Amendment) Ordinance 1996

Notice is hereby given pursuant to section 19B(1) of the Banking Ordinance (Title 10.1), as amended, that the audited accounts of Standard Chartered Bank for the year ended 31 December 2014 are available for inspection at the bank branch office, Ross Road, Stanley, or a copy will be supplied on application to the Chief Executive Officer.

Dated 20 March 2015

S. HORSEWOOD, Chief Executive Officer, Standard Chartered Bank.

No. 25

24 March 2015

Application for Permanent Residence

Notice is hereby given that:-

Stephen Roger Fowmes and Paula Jennifer Louise Fowmes Lucy Elizabeth McGuire Lee Douglas Beckett Christopher Paul Locke and Nancy Joy Mundin Locke Jaime Eduardo Camblor Andrade Shupikayi Chipunza and Agnes Mwasave Rina Ivonne Romero Anabalon

have applied to the Principal Immigration Officer to be granted Permanent Residence Permits.

Any person who knows of any reason why a permit should not be granted to any of the above named should send a written and signed statement of the facts, giving grounds for their objection, to the Immigration Officer, Customs and Immigration Department, Stanley by 21 April 2015.

Dated 24 March 2015

J. E. SMITH, Immigration Officer.

No. 26

25 March 2015

Falkland Islands Constitution Order 2008 (section 70)

Appointment to Advisory Committee on the Prerogative of Mercy

- 1. Section 70(1)(a) of the Falkland Islands Constitution Order 2008 provides that two elected members of the Legislative Assembly shall be appointed to the Advisory Committee on the Prerogative of Mercy by the Governor after consultation with elected members of the Assembly.
- 2. In exercise of my powers under section 70(1)(a) and after consulting with elected members of the Legislative Assembly, I appoint **Phyllis Mary Rendell** and **Janet Lynda Cheek** to be the elected members of the Advisory Committee on the Prerogative of Mercy.
- 3. This appointment has effect from 27 February 2015, and continues in effect until terminated under section 70(2) of the Falkland Islands Constitution Order 2008.

Dated 25 March 2015

J. S. TYLER-HAYWOOD, Acting Governor.

No. 27

25 March 2015

Public Health Ordinance section 3

Appointment of Member of Health and Medical Services Committee

- 1. Section 3(2)(c) of the Public Health Ordinance (Title 61.1) provides for the Governor to appoint a member of the public to be a member of the Health and Medical Services Committee.
- 2. In exercise of my powers under section 3(2)(c) I appoint **Andrew Samuel Brownlee** to be a member of the Health and Medical Services Committee.
- 3. This appointment has effect from the date given below, and continues in effect for three years in accordance with section 3 of the Public Health Ordinance, unless terminated sooner.

Dated 25 March 2015

J. S. TYLER-HAYWOOD, *Acting Governor*.

25 March 2015 **Retirement Pensions Ordinance**

section 3

Appointment of Member Retirement Pensions – Board of Management

- 1. Section 3(2) of the Retirement Pensions Ordinance (Title 65.2) provides for the Governor to appoint three persons to be members of the Board of Management.
- 2. In exercise of my powers under section 3(2) I appoint **Sally Gwynfa Blake** to be a member of the Board of Management.
- 3. This appointment has effect from 1 January 2015, and continues in effect for three years expiring on 31 December 2017, unless terminated sooner.

Dated 25 March 2015

J. S. TYLER-HAYWOOD, *Acting Governor*.

No. 29 Education Ordinance

section 50(1)(c)

section 50(1)(c)

Appointment of Members to Committee of Managers

- 1. Section 50(1)(c) of the Education Ordinance (Title 29.1) provides for the Governor to appoint members to the Committee of Managers (Falkland Islands Community School) two of whom shall be a parent of one or more children attending that school.
- 2. In exercise of my powers under section 50(1)(c), I appoint to the Committee of Managers for Falkland Islands Community School the following persons, both of whom have children attending the school:-
 - (a) Michael Brough; and
 - (b) Christopher Butler.
- 3. These appointments have effect from the date of signature given below, and continue in effect in accordance with section 50(2) of the Education Ordinance.

Dated 25 March 2015

J. S. TYLER-HAYWOOD, *Acting Governor.*



FALKLAND ISLANDS GAZETTE

PUBLISHED BY AUTHORITY

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Appointment

Matthew James Eccles, Trainee Medical Engineering Officer, Health and Social Services Department, 01.04.15.

Alan Joshua, Plant Operator/Handyperson, Quarry Section, Public Works Department, 08.04.15.

Nina Anne Tanner, Senior Police Constable, Royal Falkland Islands Police, Emergency Services Department, 09.04.15.

Robert Ziggy George, Trainee Licensed Aircraft Engineer, Falkland Islands Government Air Service, 10.04.15.

Lewis Morrison, Assistant Foreman, Highways Section, Public Works Department, 13.04.15.

Serena Sinclair, Clerk, Environmental Planning Department, 20.04.15.

Resignation

Ryan Elstow, House Parent, Stanley House, Education Department, 08.04.15.

Neil Russell, Aerodrome Manager, Falkland Islands Government Air Service, 08.04.15.

Sylvia Watt, Flight Information Service/Operations Officer, Falkland Islands Government Air Service, 10.04.15.

Graeme Alan Jackson, Director, Human Resources Department, 14.04.15.

Hannah Collier, Learning Support Assistant, Education Department, 17.04.15.

James Iain Fotheringham, Head of Policy, Policy Unit, 22.04.15.

Anna-Marie Connolly, Trainee HR Advisor, Human Resources Department, 30.04.15.

Janice Jackson, Staff Nurse, Health and Social Services Department, 30.04.15.

Caroline Ann Makris, Staff Nurse, Health and Social Services Department, 30.04.15.

Retirement

Alejandro Igao, Plant Operator/Handyperson, Highways Section, Public Works Department, 30.04.15.

Transfer

Valorie McLeod, from Administrative Officer to Senior Clerk, Public Works Department, 01.04.15.

Kelly Fiddes, from Deputy Leisure Centre Manager, Central Services to Part-time Clerk, Training Centre, Education Department, 13.04.15.

NOTICES

No. 30 30 March 2015

Aviation Security and Piracy (Overseas Territories) Order 2000

Direction to all managers of aerodromes, operators of aircraft registered or operating, all persons occupying land forming part of an aerodrome and persons who are permitted to have access to a restricted zone of an aerodrome for the purposes of the activities of business in the Falkland Islands 2015

The Governor, in exercise of the powers conferred by article 3(1) and paragraphs 12-14 and 38(6) of Schedule 2 of the Aviation Security and Piracy (Overseas Territories) Order 2000, directs as follows:

a) all managers of aerodromes in the Falkland Islands ("the Territory");

- b) all operators of aircraft registered or operating in the Territory;
- c) all persons occupying land forming part of an aerodrome in the Territory; and
- d) all persons who are permitted to have access to a restricted zone of an aerodrome in the Territory for the purposes of the activities of business they carry on.

Citation, commencement and revocation

- 1. This direction shall be cited as the Aviation Security and Piracy (Overseas Territories) Order 2000 (Falkland Islands) Direction 2015.
- 2. This direction shall have effect from 1 April 2015.
- 3. All directions made by the Governor under the powers given in the Aviation Security and Piracy (Overseas Territories) Order 2000 prior to the date of this direction are hereby revoked.

Direction of aviation security provisions

- 4. Until its publication by the Governor all directed parties must comply, in so far as the provisions are relevant to and are directed at them by this direction, with the requirements in the Overseas Territories Aviation Requirement Part 178.
- 5. Paragraph 4 of this direction shall cease to have effect on the publication of the notice made by the Governor pursuant to articles 4, 5 7 and 74 of the Air Navigation (Overseas Territories) Order 2013, as amended by the Air Navigation (Overseas Territories) (Amendment) Order 2014, giving notice in the Gazette for the Territory that the Governor's requirements in respect of aviation security are the Overseas Territories Aviation Requirement Part 178.

Dated 30 March 2015

C. ROBERTS C.V.O., *Governor*.

No. 31 1 April 2015

Highways (Weight Limits) Ordinance 2004 section 6(4)

Prohibition Notice

IN EXERCISE of the powers provided under section 6(4) of the Highways (Weight Limits) Ordinance 2004, I hereby notify that the use of any motor vehicle, trailer or vehicle combination the authorised weight of which exceeds 15 metric tons is prohibited with effect from 4 May 2015 until 27 September 2015 inclusive on the following publicly maintainable highways:

(1) on East Falkland —

all roads beyond the Estancia junction as approached on the Port Louis Road from the direction of the Mount Kent turnoff;

the Fitzroy Road from its junction with the Stanley to Darwin Road to its end at Fitzroy settlement; the San Carlos Road from its junction with the Stanley to Darwin Road to its end at San Carlos settlement;

all roads beyond the North Arm/New Haven junction as approached from the North on the Stanley to North Arm Road, other than the spine road to New Haven;

the Saladero Road from its junction with the Darwin Road to New Haven Road to its end at Saladero settlement;

the Abattoir Road from its junction with the Stanley to Darwin Road to its end at the Abattoir, and

(2) on West Falkland —

all publicly maintainable highways.

Dated 1 April 2015

M. M. KEENLEYSIDE, Director of Public Works.

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No. 32 7 April 2015

Supreme Court of the Falkland Islands Notice under the Administration of Estates Ordinance (Title 68.1)

Take notice that **Hector Clark** of Eliza Cove Crescent, Stanley, Falkland Islands, died on 1 April 2015.

Whereas **Michelle Jones** has applied for Letters of Administration to administer the estate of the said deceased in the Falkland Islands.

Notice is hereby given pursuant to section 4 of the Administration of Estates Ordinance to all persons resident in the Falkland Islands who may have prior claim to such grant that the prayer of the Petitioner will be granted provided no caveat be entered in the Supreme Court within 21 days of the publication hereof.

Dated 7 April 2015

A. MEADOWS, Registrar, Supreme Court

No. 33 15 April 2015

Offshore Minerals Ordinance section 27(4)

Health and Safety at Work etc Act 1974 *section 19(1)*

Appointment of Inspectors

- 1. Section 27(4) of the Offshore Minerals Ordinance (Title 53.1) ("the Ordinance") provides that the Governor may appoint inspectors to discharge the functions conferred by regulations, and to assist the Governor in the execution of the provisions under Part III of the Ordinance.
- 2. The Health and Safety at Work etc Act 1974 has effect under Falkland Islands law by virtue of:

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- a) the Offshore Health and Safety Order 1998 (SR&O No 5 of 1998); and
- b) the Health and Safety at Work etc Act 1974 (Application outside the Falkland Islands) Order 2008 (SR&O No 6 of 2008)
- 3. Section 19(1) of the Act in its application under Falkland Islands law ("the Act") provides that the Governor may appoint inspectors to carry into effect the relevant statutory provisions under the Act.
- 4. In exercise of my powers under section 27(4) Ordinance and section 19(1) of the Act, I appoint the following persons to be inspectors:
 - a) **Douglas Alexander Conner**, Inspector, UK Health and Safety Executive
 - b) **Graham Robert Skinner**, Inspector, UK Health and Safety Executive
 - c) **Stephen Charles Luxton**, Director, Falkland Islands Government
 - d) Rodrigo Cordeiro Garcia, Senior Projects Officer, Falkland Islands Government
 - e) Malcolm William Jamieson, Marine Officer, Falkland Islands Government; and
 - f) **Bernard John Meehan**, Fishery Officer, Falkland Islands Government.
- 5. The inspectors have the powers referred to in paragraph 6, but the following inspectors may only exercise those powers following consultation, if reasonably practicable in the circumstances, with an inspector at the UK Health and Safety Executive offshore safety division (or its equivalent entity or organisation):

Stephen Charles Luxton Rodrigo Cordeiro Garcia Malcolm William Jamieson; and Bernard John Meehan

- 6. The powers of inspection which may be exercised by the inspectors are:
 - (a) the powers contained in:
 - (i) the Act;
 - (ii) any regulations made in the Falkland Islands under section 15 of the Act;
 - (iii) any regulations made under sections 27 or 36 of the Ordinance; and
 - (b) the power to generally assist the Governor in the execution of the provisions of Part 3 of the Ordinance.
- 7. These appointments have effect from the date of signature, and continue in effect whilst the person holds the relevant substantive post described in paragraph 3, unless terminated sooner.

8. Any previous appointments of inspectors made under the same provisions are revoked.

Dated 15 April 2015

C. ROBERTS C.V.O., *Governor*.

No. 34

20 April 2015

Prison Ordinance (Title 60.1) *section 7(2)*

Appointment of Prison Visitors

1. In exercise of my powers under section 7(2) of the Prison Ordinance, I appoint the following persons to be members of the Board of Visitors:

Elizabeth Eve Pollard; and Joost Herman Willem Pompert.

2. These appointments have effect from 10 February 2015, and continue in effect for one year expiring on 10 February 2016, unless terminated sooner.

Dated 20 April 2015

C. ROBERTS C.V.O., Governor.

No. 35

23 April 2015

Supreme Court of the Falkland Islands Land Ordinance (Title 45.2)

Notice of Application for Fresh Title

Take notice that Valerie Ann Harvey, Donald William Betts and Michael Elfed Biggs as Administrators of the late Edith Ann Biggs have, in accordance with the provisions of section 11 of the Land Ordinance, petitioned the Supreme Court to be registered as the owner in fee simple of the property known as 16 and 18 James Street, Stanley formerly in the occupation of Edith Ann Biggs (who died on 26 July 1974) and her husband John Falkland Biggs (who died 16 October 1967).

The plot of land known as 16 James Street, Stanley is bounded on the north by James Street and on the south by Fitzroy Road East and is a part of the subjects comprised within and more particularly described in Crown Grant 230.

The plot of land known as 18 James Street, Stanley is bounded on the north by James Street and on the south by Fitzroy Road East and is the whole subjects comprised within and more particularly described in Crown Grant 231.

Warning is hereby given that the petition of the Administrators of the late Edith Ann Biggs will be heard in the Supreme Court after the expiration of three months from the date of publication of this notice. Interested parties may inspect the petition during office hours on application to the Registrar of the Supreme Court, Town Hall, Stanley. Any person seeking to make

representations to show cause why the Administrators of the late Edith Ann Biggs should not be registered as the owner in fee simple of 16 and 18 James Street, Stanley must put such representations in writing and send them to the Registrar of the Supreme Court, Town Hall, Stanley to arrive no later than 2 August 2015.

Dated 23 April 2015

A. MEADOWS, Registrar, Supreme Court

No. 36

24 April 2015

Children Ordinance 2014 Children (Safeguarding Children Board) Regulations 2015 (regulation 5)

Protocol for the Management of an Unexpected Child Death in the Falkland Islands

- 1. Regulation 5 of the Children (Safeguarding Children Board) Regulations 2015 (SR&O No 2 of 2015) provides for the Safeguarding Board to issue guidelines and procedures as may be necessary to assist in the welfare and safeguarding of children, and that notification of such issuance must be published in the Gazette.
- 2. Notice is hereby given that the Safeguarding Children Board have issued a procedure titled: Protocol for the Management of an Unexpected Child Death in the Falkland Islands, this new procedure came into force on 5 March 2015 and will remain in force until replaced or amended.
- 3. A copy of this procedure can be obtained by contacting the Personal Assistant to the Director of Health and Social Services.

Dated 24 April 2015

P. H. NICHOLSON, for the Safeguarding Children Board.

No. 37 27 April 2015

Application for Naturalisation

Notice is hereby given that:

Paula Cristina Munoz Garcia, and Amelia Baguio McCormick

are applying to His Excellency the Governor for naturalisation as British Overseas Territories Citizens. Any person who knows of any reason why naturalisation should not be granted is invited to send a written and signed statement of the facts to the Immigration Officer, Customs and Immigration Department, Stanley no later than 21 May 2015.

Dated 27 April 2015

J. E. SMITH, Immigration Officer.

No. 38

28 April 2015

Supreme Court of the Falkland Islands Notice under the Administration of Estates Ordinance (Title 68.1)

Take notice that **Vivienne Esther Mary Perkins** of 33 John Street, Stanley, Falkland Islands, died on 14 April 2014.

Whereas **Jacqueline Elizabeth Earnshaw** as lawful attorney for **Patricia Audrey McArdle** has applied for Letters of Administration to administer the estate of the said deceased in the Falkland Islands.

Notice is hereby given pursuant to section 4 of the Administration of Estates Ordinance to all persons resident in the Falkland Islands who may have prior claim to such grant that the prayer of the Petitioner will be granted provided no caveat be entered in the Supreme Court within 21 days of the publication hereof.

Dated 28 April 2015

A. MEADOWS, Registrar, Supreme Court



FALKLAND ISLANDS GAZETTE Extraordinary

PUBLISHED BY AUTHORITY

Vol. 124 1 May 2015 No. 7

The following are published in this Extraordinary Gazette —

Register of Electors for Camp Constituency; and

Register of Electors for Stanley Constituency.

Register of Electors for Camp Constituency at 1 May 2015

1	Alazia	Hazel	Teal Inlet, E.F.I
2	Alazia	Keith	Goose Green, E.F.I
3	Alazia	Michael Robert	Port Edgar Farm, W.F.I
4	Anderson	Tony James	Port Howard Farm, W F I
5	Ashworth	Glennis	Fitzroy Ridge, E.F.I
6	Ashworth	Malcolm	Fitzroy Ridge, E.F.I
7	Barrientos	Jose Sixto Ruiz	North Arm, E.F.I
8	Battersby	Jon Alan	Hawkbit, Fitzroy, E.F.I
9	Battersby	Margaret Mary	Hawkbit, Fitzroy, E.F.I
10	Beattie	Ian Robert Ewen	North Arm, E.F.I
11	Bendyshe	Angela Geraldine Mary	Gibraltar Station, E.F.I
12	Bendyshe Pitaluga	Antoinette Margaretha Mary	Gibraltar Station, E.F.I
13	Berntsen	Benjamin John	Elephant Beach, E.F.I
14	Berntsen	Iain Kenneth	Sheffield Farm, W.F.I
15	Betts	Bernard Keith	Boundary Farm, W.F.I
16	Betts	Diane Joan	Fox Bay East, W.F.I
17	Bonner	Katie Jean	Port Howard, W.F.I
18	Bonner	Simon	Port Howard, W.F.I
19	Clark	Alan Neil	Port Howard, W.F.I
20	Clarke	Jan Michael	Kings Ridge Farm, E.F.I
21	Clarke	Jeanette	Kings Ridge Farm, E.F.I
22	Clarke	Michael Jan	Kings Ridge Farm, E.F.I
23	Clarke	Tanya	Kings Ridge Farm, E.F.I
24	Clarke-Turner	Stefen Michael	Rincon Grande Farm, E.F.I
25	Clifton	Heidi Monica	No 18 Goose Green, E.F.I
26	Cockwell	Benjamin William	Fox Bay Village, W.F.I
27	Cockwell	Grizelda Susan	Chartres, W.F.I
28	Collins Finlay	Shiralee	18 Fox Bay Village, W.F.I
29	Davis	Aase	Evelyn Station, E.F.I
30	Davis	Ian John	Evelyn Station, E.F.I
31	Decroliere	Carrie Madeline Helen	Fox Bay Village, W.F.I
32	Decroliere	Eric Ernest Albert	Fox Bay Village, W.F.I
33	Dickson	Charles George	Brookfield, E.F.I
34	Dickson	Doreen	Wreck Point, E.F.I
35	Dickson	Gerald William	Wreck Point, E.F.I
36	Dickson	Steven Charles	North Arm E.F.I
37	Didlick	Fiona Margaret	Commerson's Cottage, Darwin, E.F.I
38	Didlick	Graham John	Commerson's Cottage, Darwin, E.F.I
39	Donnelly	Daniel	Crooked Inlet, W.F.I
40	Donnelly	Joyce Elizabeth	Crooked Inlet, W.F.I

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41	Edwards	Norma	Lake Sulivan, W.F.I
42	Edwards	Rebecca Elizabeth	Port Howard Farm, W F I
43	Edwards	Roger Anthony	Lake Sulivan, W.F.I
44	Evans	Donna Newell	Spring Point Farm, W.F.I
45	Evans	Duane Richard	Doyle Farm, W.F.I
46	Evans	Michael David	Spring Point Farm, W.F.I
47	Evans	Richard Gregory	Pebble Island Lodge, W.F.I
48	Finlay	Andrew John	18 Fox Bay Village, W.F.I
49	Finlayson	Neil Roderick	North Arm, E.F.I
50	Ford	Daniel Timothy	Peaks Farm, W.F.I
51	Ford	David	Port Louis, E.F.I
52	Ford	Tanya Louise	Albemarle Station, W.F.I
53	Gilding	Amy Heather	Port Louis, E.F.I
54	Gilding	Melanie Carol	Port Louis, E.F.I
55	Gilding	Peter Bernard	Port Louis, E.F.I
56	Gilding	Petra Sophie	Port Louis, E.F.I
57	Gleadell	Marklin John	No.5 Walker Creek, E.F.I
58	Goss	Kimberley Rose	Horseshoe Bay, E.F.I
59	Goss	Margaret Rose	Horseshoe Bay, E.F.I
60	Goss	Michael Peter	Horseshoe Bay, E.F.I
61	Goss	Peter	Horseshoe Bay, E.F.I
62	Gould	Alexander Philip	Pebble Island, W.F.I
63	Gould	Dorothy Ruth	Pebble Island, W.F.I
64	Green	Carol Ann	13 Fitzroy, E.F.I
65	Grierson	Hew McInnes	Blue Beach, San Carlos, E.F.I
66	Grimmer	Edward	Clear View, Fitzroy River, E.F.I
67	Grimmer	Keith	The Dunes, Fitzroy River, E.F.I
68	Grimmer	Marilyn	The Dunes, Fitzroy River, E.F.I
69	Halford	Rodney John	Casa Verde, San Carlos, E.F.I
70	Halford	Sharon	Casa Verde, San Carlos, E.F.I
71	Hansen	Ian	Main Point Farm, W.F.I
72	Hansen	Rose Idina	Hill Cove, W.F.I
73	Hansen	Susan Ann	Main Point Farm, W.F.I
74	Harvey	Jen	Hill Cove, W.F.I
75	Harvey	Valerie Ann	Hill Cove, W.F.I
76	Harwood	Reuben Joseph	Rum Station, Port Stephens, W.F.I
77	Heathman	Ailsa	Estancia, E.F.I
78	Heathman	Ewart Tony	Estancia, E.F.I
79	Hill	Jennifer Eileen	Stoney Ridge Farm, W.F.I
80	Hirtle	Anthony	Peaks Farm, W.F.I
81	Hirtle	Doris Linda	Port Howard, W.F.I
82	Hirtle	Samantha Lee	Peaks Farm, W.F.I
83	Hirtle	Susan Mary	Peaks Farm, W.F.I

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109 Lee Myles Port Howard W.F.I 110 Lee Trudi Dale Galley Café, Goose Green, E.F.I 111 Livermore Isla Karen 3 Goose Green, E.F.I 112 Lloyd Melvyn John Point View, Goose Green, E.F.I 113 Lloyd Valerie Ann Point View, Goose Green, E.F.I 114 Lowe Adrian Stewart Murrell Farm, E.F.I 115 Lowe Lisa Helen Murrell Farm, E.F.I 116 Lowe Nathan Reginald Eugenio Murrell Farm, E.F.I 117 Luxton William Robert Chartres, W.F.I 118 MacDonald Derek George 3 Goose Green, E.F.I 119 Marsh Alastair Roy Shallow Harbour, W.F.I 120 Marsh Gavin Nicholas Fox Bay, W.F.I 121 Marsh Gavin Nicholas Fox Bay, W.F.I 122 Marsh Helen Rose Rincon Ridge, W.F.I 123 Marsh Kevin Roy Harps Farm, W.F.I 124 Marsh Leon Peter Rincon Ridge, W.F.I 125 Marsh Marlane Rose Shallow Harbour, WFI				<u>*</u>
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122MarshHelen RoseRincon Ridge, W.F.I123MarshKevin RoyHarps Farm, W.F.I124MarshLeon PeterRincon Ridge, W.F.I125MarshMarlane RoseShallow Harbour, WFI	120	Marsh	Anna Deirdre	Fox Bay, W.F.I
123MarshKevin RoyHarps Farm, W.F.I124MarshLeon PeterRincon Ridge, W.F.I125MarshMarlane RoseShallow Harbour, WFI	121	Marsh	Gavin Nicholas	Fox Bay, W.F.I
124MarshLeon PeterRincon Ridge, W.F.I125MarshMarlane RoseShallow Harbour, WFI	122	Marsh	Helen Rose	Rincon Ridge, W.F.I
125 Marsh Marlane Rose Shallow Harbour, WFI	123	Marsh	Kevin Roy	Harps Farm, W.F.I
	124	Marsh	Leon Peter	Rincon Ridge, W.F.I
126 Marsh Patricia Ann Lakelands Farm, Fox Bay, W.F.I	125	Marsh	Marlane Rose	Shallow Harbour, WFI
	126	Marsh	Patricia Ann	Lakelands Farm, Fox Bay, W.F.I

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127	Marsh	Rachel Mandy	Fox Bay, W.F.I
128	Marsh	Robin Frank	Lakelands Farm, Fox Bay, W.F.I
129	Maskell-Bott	John Malcolm	Hill Cove, W.F.I
130	Maskell-Bott	Sarah	Hill Cove, W.F.I
131	May	Christopher Raymond	Speedwell Island, E.F.I
132	May	Lindsey Olga	Speedwell Island, E.F.I
133	May	Shaun Christopher	Albemarle Station, W.F.I
134	McGhie	Gareth Hill	Stoney Ridge Farm, W.F.I
135	McGhie	James	Saladero Farm, E.F.I
136	McGill	Lorraine Iris	Carcass Island, W.F.I
137	McGill	Robin Perry	Carcass Island, W.F.I
138	McKay	Josephine Ann	Greenhill Farm Chartres, W.F.I
139	McKay	Kenneth Andrew	Greenhill Farm Chartres, W.F.I
140	McKay	Penelope Rose	Westley Farm, W.F.I
141	McKay	Roy Derek	Greenhill Farm Chartres, W.F.I
142	McLeod	Albert John	Goose Green, E.F.I
143	McLeod	John	Dunvegan Cabin, E.F.I
144	McLeod	Madeline Jean	Dunvegan Cabin, E.F.I
145	McLeod	Sarah Rose	Goose Green, E.F.I
146	McMullen	Matthew John	Kingsford Valley Farm, San Carlos, E.F.I
147	McPhee	Mark	Brookfield, E.F.I
148	McPhee	Sheila Margaret	16 The Beach House, Goose Green, E.F.I
149	McPhee	Terence Owen	16 The Beach House, Goose Green, E.F.I
150	McPhee	Trudi Lynette	Brookfield, E.F.I
151	McRae	David Michael	Cape Dolphin, E.F.I
152	Middleton	Kerry Ann	Goose Green, E.F.I
153	Miller	Catherine McLeod	Fox Bay Village, W.F.I
154	Miller	James Albert	Fox Bay Village, W.F.I
155	Minnell	Donna Marie	Moss Side, E.F.I
156	Minnell	Michael Robert	Moss Side, E.F.I
157	Mitchell	Leon John	Mount Kent Farm, E.F.I
158	Molkenbuhr	Lee Charles	Johnson's Harbour Farm, E.F.I
159	Molkenbuhr	Martha Jenny	Johnson's Harbour Farm, E.F.I
160	Morrison	Nigel Peter	7 Goose Green, E.F.I
161	Murphy	Roy David	Port Howard, W.F.I
162	Newman	Glynnis Karen	Goose Green E.F.I
163	Newman	Lisa Jeraine	Harps Farm, W.F.I
164	Nightingale	Charlene	West Lagoons, W.F.I
165	Nightingale	Peter Richard	West Lagoons, W.F.I
166	Oliver	Cynthia Dawn	Fitzroy, E.F.I
167	Oliver	Paul	Fitzroy, E.F.I
168	Ovenden	Philip David	13 Fitzroy, E.F.I.
169	Peck	Paul	Shallow Bay, W.F.I
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170	Peck	Rebekah Roxanne	Shallow Bay, W.F.I
171	Phillips	Paul David	Hope Cottage, E.F.I
172	Phillips	Shula Louise	Hope Cottage, E.F.I
173	Pitaluga	Nicholas Alexander Robinson	Gibraltar Station, E.F.I
174	Pitaluga	Robin Andreas McIntosh	Gibraltar Station, E.F.I
175	Platt	Claire	Lakelands Farm, Fox Bay, W.F.I
176	Pole-Evans	Carole Suzan	Saunders Island, W.F.I
177	Pole-Evans	David Llewellyn	Saunders Island, W.F.I
178	Pole-Evans	Louise Suzan	Saunders Island, W.F.I
179	Pole-Evans	Shirley Helen	Manybranch, W.F.I
180	Pole-Evans	Suzan	Saunders Island, W.F.I
181	Pole-Evans	William Reginald	Manybranch, W.F.I
182	Poncet	Dion Michael	Beaver Island, W.F.I
183	Poncet	Jerome Pierre	Beaver Island, W.F.I
184	Poncet	Leiv Sigismond	Beaver Island, W.F.I
185	Porter	Joan	Shallow Harbour, W.F.I
186	Reeves	Ronald James	Port Howard, W.F.I
187	Reid	Emily Margaret	North Arm, E.F.I
188	Rendell	Michael	Bleaker Island, E.F.I
189	Rendell	Phyllis Mary	Bleaker Island, E.F.I
190	Robertson	Ann	Port Stephens, W.F.I
191	Robertson	Leigh Francesca	Doyle Farm, W.F.I
192	Robertson	Paul Jonathan	Port Stephens, W.F.I
193	Robertson	Peter Charles	Port Stephens, W.F.I
194	Ross	Marie	Port Louis, E.F.I
195	Rowlands	Neil	River House, Fitzroy River, E.F.I
196	Sackett	Pauline	No. 22 Fitzroy Farm, E.F.I
197	Shepherd	Colin David	Goose Green, E.F.I
198	Short	Andrez Peter	Swan Inlet, E.F.I
199	Short	Elaine Elizabeth	Bleaker Island, E.F.I
200	Short	Lyndsay Marie	No 4 Walker Creek, E.F.I
201	Short	Robert Charles	Bleaker Island, E.F.I
202	Short	Robert George	No 4 Walker Creek, E.F.I
203	Sinclair	Simon Keith	Fitzroy Farm, E.F.I
204	Steen	Gail	Paragon House, Lafonia, E.F.I
205	Steen	Vernon Robert	Paragon House, Lafonia, E.F.I
206	Stevens	Richard James	Port Sussex, E.F.I
207	Stevens	Toni Donna	Port Sussex, E.F.I
208	Strange	Ian John	New Island, W.F.I
209	Street	David Charles	Plot 13A Fitzroy Ridge, E.F.I
210	Street	Edith Mary	Plot 13A Fitzroy Ridge, E.F.I
211	Summers	Nichola Jane	Cape Dolphin, E.F.I
212	Taylor	Christopher John	No.19 Goose Green, E.F.I
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213	Thom	John Currie	No. 22 Fitzroy Farm, E.F.I
214	Towersey	Diane Katherine	Port Stephens, W.F.I
215	Turner	Arthur Leonard Pitaluga	Rincon Grande, E.F.I
216	Turner	Elaine Ellen	Rincon Grande, E.F.I
217	Tuson	Michael Anthony	Saunders Island, W.F.I
218	Tuson	Olwen Carol	Saunders Island, W.F.I
219	Watson	Glenda Joyce	Long Island, E.F.I
220	Watson	Neil	Long Island, E.F.I
221	Whitney	Daniela Grace	Mount Kent Farm, E.F.I
222	Whitney	Dennis	Arkvilla MPA Plot, E.F.I
223	Whitney	Sara Marie	Home Farm Douglas, E.F.I
224	Whitney	Tyrone	Home Farm, Douglas, E.F.I
225	Wilkinson	Rosemary	Dunnose Head, W.F.I
226	Woodward	James Gregory	Little Chartres Farm, W.F.I
227	Woodward	Lesley Ann	Little Chartres Farm, W.F.I

Register of Electors for Stanley Constituency at 1 May 2015

1	Adams	John Harvey	21 Ross Road East
2	Adams	Marjorie Rose	21 Ross Road East
3	Adams-Leach	Shirley	4 Moody Street
4	Adeoye	Anneliese Rose	39 Callaghan Road
5	Alazia	Andrew	36 Callaghan Road
6	Alazia	Freda Evelyn	K.E.M.H
7	Alazia	George Robert	9 Thatcher Drive
8	Alazia	Sandra Marie	36 Callaghan Road
9	Alazia	Yvonne	5 Thatcher Drive
10	Alazia-Evans	Colleen	3 Narrows View
11	Aldridge	Brian George	17 James Street
12	Aldridge	Caroline Mary	2 McKay Close
13	Aldridge	Diana Mary	17 James Street
14	Aldridge	Jody May	13 Hansen Hill
15	Aldridge	Kenneth John	2 McKay Close
16	Aldridge	Stephen John	13 Hansen Hill
17	Allan	Joyce Ena	39 Ross Road
18	Allan	Valerie Anne	6A Jeremy Moore Avenue
19	Almonacid	Orlando	1 Villiers Street
20	Anderson	Carol Anne	22 Endurance Avenue
21	Anderson	Chloe	22 Endurance Avenue
22	Anderson	Eddie	22 Endurance Avenue
23	Anderson	Jenny	8 Goss Road
24	Anderson	Margaret Kathleen	18 Murray Heights
25	Anderson	Paul James	9 Fieldhouse Close
26	Anderson	Reginald Stanford	18 Murray Heights
27	Anderson	Richard Louis	7 Yates Place
28	Anderson	Stephen Robert	25 Callaghan Road
29	Anderson	Tony James	8 Goss Road
30	Anderson-Smith	Georgina Carol	11 Fitzroy Road East
31	Anthony	Enid Elizabeth	6 Dairy Paddock Road
32	Appleby	Amelia	15 Fieldhouse Close
33	Arkhipkin	Alexander Ivanovich	13 Biggs Road
34	Arkhipkina	Nadezhda Alexandrovna	13 Biggs Road
35	Arkhipkina	Sofia Alexandrovna	13 Biggs Road
36	Armstrong-Ford	Karen Jane	2 Sulivan Street
37	Ashbridge	Corina Rose	116 Davis Street
38	Ashworth	Cara Michelle	5A Kent Road
39	Ashworth	Iain	5A Kent Road
40	Bagley	Corey Darren	9 Murray Heights
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41	Bagley	Darren Clive	2 Rowlands Rise
42	Bahamonde Salazar	Luis Alberto	21 Mink Park
43	Baigorri	Joanne	11 Callaghan Road
44	Baker	Alison Margaret	19 Biggs Road
45	Barker	Jane Elizabeth Diana	5 Pitaluga Place
46	Barker	Philip Craig	5 Pitaluga Place
47	Barkman	Teslyn Siobhan	23 Rex Hunt Road
48	Barnes	Dierdre	8 Discovery Close
49	Barnes	Karen Rose	26 Ross Road West
50	Barnes	Marshall	8 Discovery Close
51	Barnes	Paul	26 Ross Road West
52	Barton	Alison Mary	6 Villiers Street
53	Barton	Arthur John	6 Villiers Street
54	Barton	David Arthur	6 Villiers Street
55	Barton	John David	41 Fitzroy Road
56	Bates	Barbara	8 Watson Way
57	Bates	James William	8 Watson Way
58	Bedford	Kita Muriel	13 Jersey Road
59	Benjamin-Ibarra	Sheena Marie	18 Callaghan Road
60	Berntsen	Arina Janis	12 Rex Hunt Road
61	Berntsen	Brenda Diann Joanna	6 McKay Close
62	Berntsen	Christian Olaf Alexander	15A James Street
63	Berntsen	Erica Dawn	44 John Street
64	Berntsen	Falkland	10 Fitzroy Road
65	Berntsen	Gene Stanley	8 Fieldhouse Close
66	Berntsen	John Alexander	Flat 1, 7 Jeremy Moore Avenue
67	Berntsen	Kenneth Frederick	1 Racecourse Road East
68	Berntsen	Matthew John	55 Davis Street
69	Berntsen	Olaf Christian Alexander	35 Eliza Crescent
70	Berntsen	Patrick	10A James Street
71	Berntsen	Rachel Ena	15A James Street
72	Berntsen	Robyn Chanelle	34 Teaberry Way
73	Berntsen	Saphena Anya Jane	20 Teaberry Way
74	Berntsen	Trevor John	6 McKay Close
75	Berntsen	Trina Mary Shirlene	Flat 1, Racecourse Road
76	Berntsen	Valdamar Lars	9 Teaberry Way
77	Besley-Clark	Barbara June	16 Ross Road West
78	Besley-Clark	Norman	16 Ross Road West
79	Betts	Arlette	Lafone House Ross Road
80	Betts	Boonruam Phisil	7 Short Street
81	Betts	Coral Elizabeth	15 Pioneer Row
82	Betts	Daniel William	21 Fitzroy Road
83	Betts	Dion James	7 Jeremy Moore Avenue

84	Betts	Donald William	7 Jeremy Moore Avenue
85	Betts	George Winston Charles	35 Ross Road West
86	Betts	Ian	1 Villiers Street
87	Betts	Lucia Elizabeth	35 Ross Road West
88	Betts	Michael George	16 Rex Hunt Road
89	Betts	Peter James	50A Davis Street
90	Betts	Priscilla Violet Morrison	Stanley Cottage South
91	Betts	Scott James Peter	YMCA
92	Betts	Severine	15 Pioneer Row
93	Betts	Shirley Rose	7 Jeremy Moore Avenue
94	Betts	Trudi Ann	50A Davis Street
95	Betts	Tyrone Trevor	7 Short Street
96	Biggs	Ailie Christine	9 Brandon Road
97	Biggs	Althea Maria	3 Dairy Paddock Road
98	Biggs	Christopher David	Harbour View Knott
99	Biggs	Coleen Margot	9 Moody Street
100	Biggs	Daniel Craig	16 Endurance Avenue
101	Biggs	Edith Joan	KEMH
102	Biggs	Frances	16 Endurance Avenue
103	Biggs	Kyle Alexander	16 Endurance Avenue
104	Biggs	Lucas Sebastian	16 Endurance Avenue
105	Biggs	Michael Elfed	21 Fitzroy Road
106	Biggs	Peter Julian Basil	16 Endurance Avenue
107	Biggs	Terri-Sue	Harbour View Knott
108	Biles	Kathleen Anne	14 Kent Road
109	Biles	Keith Robert	14 Kent Road
110	Binnie	Linda Rose	6 Fieldhouse Close
111	Binnie	Ronald Eric	6 Fieldhouse Close
112	Binnie	Susana	3 Brandon Road
113	Birmingham	John	4 Drury Street
114	Birmingham	Joseph John	4 Drury Street
115	Bishop	Nigel Ian	5 Jersey Road
116	Bishop	Tansy Fiona	5 Jersey Road
117	Bishop-Newman	Kyle Codey	5 Jersey Road
118	Blackley	Candy Joy	4 Barrack Street
119	Blackley	Shane David	4 Barrack Street
120	Blake	Alexander Charles	38 Eliza Crescent
121	Blake	Anthony Thomas	14 Watson Way
122	Blake	Larissa Celly	12 Ross Road West
123	Blake	Lionel Geoffrey	1 Ross Road
124	Blake	Mariela	14 Watson Way
125	Blake	Sally Gwynfa	1 Ross Road
126	Blake	Thomas Patrick	12 Ross Road West

127	Bolt	Dennis John	4 Watson Way
128	Bone	Andrew James	7 Discovery Close
129	Bonner	Avril Margaret Rose	4 Felton Court
130	Bonner	Cheryl Anne	10 Racecourse Road
131	Bonner	Elizabeth Eleanor	19B Mink Park
132	Bonner	Ewen Shane	6 Mink Park
133	Bonner	Hayley Trina	10 Watson Way
134	Bonner	Linda Jane	4A Ross Road West
135	Bonner	Lindsay Jane	10 Rex Hunt Road
136	Bonner	Nicholas	4A Ross Road West
137	Bonner	Odette Ellen May	1A Capricorn Road
138	Bonner	Paul Roderick	5 John Street
139	Bonner	Richard James	19B Mink Park
140	Bonner	Susan Anne	43 Ross Road East
141	Bonner	Tansie Rebecca	9 Murray Heights
142	Bonner	Terence Leslie	1A Capricorn Road
143	Bonner	Timothy	Chauffeurs Cottage
144	Bonner	Vera Ann	5 John Street
145	Bonner	Vera Joan	Chauffeurs Cottage
146	Booth	Myriam Margaret Lucia	7 Philomel Street
147	Bowers	Arlene Elizabeth	14 Endurance Avenue
148	Bowles	Norma Evangeline	1A Villiers Street
149	Bowles	Sarah	9 Drury Street
150	Bowles	William Edward	1A Villiers Street
151	Bowles	William George Troyd	9 Drury Street
152	Bragger	Edward Laurence	14 Jeremy Moore Avenue
153	Bragger	Stacy John	14 Jeremy Moore Avenue
154	Brickle	Paul	32 Fitzroy Road
155	Briones Sepúlveda	Vivien Delia	2 Discovery Close
156	Brock	Juanita Lois	20 Drury Street
157	Brooks	Cheryl Rose	The Flat 29 Fitzroy Road
158	Browning	Anita Jayne	29 Brandon Road
159	Browning	Edwina	96 Davis Street
160	Browning	Gavin	29 Brandon Road
161	Browning	Joan Lucy Ann	5 Villiers Street
162	Browning	Nathan David	3 Dairy Paddock Road
163	Browning	Rex	1 Yates Place
164	Browning	Richard William	96 Davis Street
165	Browning	Terence Irving	10 Ian Campbell Drive
166	Browning	Trevor Osneth	5 Villiers Street
167	Brownlee	Andrew Samuel	19 Ross Road East
168	Brownlee	Lynn Frances	19 Ross Road East
169	Brownlee	Michael Stewart	19 Ross Road East

170	Buckett	Ronald Peter	49 Fitzroy Road
171	Buckett	Roy Peter	22 James Street
172	Buckett	Ryan Peter	1D Felton Stream
173	Buckland	Darlene Joanna	5 James Street
174	Buckland	Kristy Lesley Anne	1B Capricorn Road
175	Buckley-Whitney	Helena Jane	2 Pioneer Row
176	Budd	Dennis Raymond	5 Ian Campbell Drive
177	Budd	Grant William	1 Ian Campbell Drive
178	Budd	Pamela Joan	5 Ian Campbell Drive
179	Burston	Catherine	91 Davis Street
180	Burston	Stephen Leslie	91 Davis Street
181	Bury	Ian Thomas	63 Davis Street
182	Butcher	Michael George	3A Dairy Paddock Road
183	Butcher	Trudi	3A Dairy Paddock Road
184	Butler	Charmaine Sarah	5 Mountain Berry Road
185	Butler	George Joseph	1A Moody Street
186	Butler	Laurence Jonathan	2 Davis Street East
187	Butler	Margaret Orlanda	5 Short Street
188	Buxton	Nicole Gabrielle	9 Ian Campbell Drive
189	Campos Guala	Jessica Paola	9A Sulivan Street
190	Cant	Carol Rosina	24 Goss Road
191	Cant	Daniel James	24 Goss Road
192	Carey	Anthony Michael	19 Ross Road West
193	Carey	Gladys	19 Ross Road West
194	Carey	Martin Rex	4 Hansen Hill
195	Carey	Terence James	18 Ross Road West
196	Cartwright	Stephen	39 Ross Road West
197	Castle	David Peter	26 John Street
198	Castle	Isobel	26 John Street
199	Castro	Pilar Jeanette	37 Davis Street
200	Ceballos	Eulogio Gabriel	28 Endurance Avenue
201	Ceballos	Isabel del Carmen	3 Felton Court
202	Chaloner	Anthony Ross	8 Endurance Avenue
203	Chaloner	Karl Iain Roderick	8 Endurance Avenue
204	Chantada	Pamela Margaret	37 Fitzroy Road
205	Chapman	Jessica May	19 Brandon Road
206	Chapman	Paul	25 Fitzroy Road
207	Chapman	Samantha Helen	25 Fitzroy Road
208	Chater	Jane	3 Short Street
209	Chater	Thomas Frederick	3 Short Street
210	Cheek	Gerald Winston	9 Biggs Road
211	Cheek	Janet Lynda	35 Ross Road East
212	Cheek	Marie	9 Biggs Road
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213	Cheek	Rosalind Catriona	32 Goss Road
214	Christie	Darren James	8 Jeremy Moore Avenue
215	Christie	Phillippa Josephine	8 Jeremy Moore Avenue
216	Clapp	Kevin Christopher	1 Murray Heights
217	Clark	Douglas James	39 Fitzroy Road
218	Clarke	Aaron Charles	4 Philomel Street
219	Clarke	Angela Sindy	32 Teaberry Way
220	Clarke	Camilla Marie	8 Drury Street
221	Clarke	David James	8 Diddle Dee Drive
222	Clarke	Derek Simon	23 Jeremy Moore Avenue
223	Clarke	Doreen	17 Ross Road West
224	Clarke	Gwynne Edwina	17 Jeremy Moore Avenue
225	Clarke	Isabel Joan	12 Brisbane Road
226	Clarke	Jane Rebecca	12 Brisbane Road
227	Clarke	Jeremy Ian Thomas	11 Fitzroy Road
228	Clarke	Jonathan Terence	3a Brandon Road
229	Clarke	Julie Ann	2a Racecourse Road
230	Clarke	Mari-Ann Lucille	5 Mink Park
231	Clarke	Marvin Thomas	13 Davis Street
232	Clarke	Ronald John	17 Ross Road West
233	Clarke	Rudy Thomas	8 Drury Street
234	Clarke	Stephen Boyd	14a Brandon Road
235	Clarke	Terence John	17 Jeremy Moore Avenue
236	Clarke	Tracey Clare	23 Jeremy Moore Avenue
237	Clarke	Trudi Ann	13 Davis Street
238	Clarke	Violet Rose	23 Murray Heights
239	Clasen	Donna Monica	15 Davis Street
240	Clasen	Wayne Ian Summers James	15 Davis Street
241	Clausen	Andrea Patricia	3 St Mary's Walk
242	Clausen	Denzil	24 Murray Heights
243	Clausen	Denzil George Gustavius	3 St Mary's Walk
244	Clausen	Melanie	5 Philomel Street
245	Clement	Gary	9 Snake Street
246	Clement	Jacqueline Ann	25 Hansen Hill
247	Clement	Jane	Gift Shop Flat, Villiers Street
248	Clement	Lee	25 Hansen Hill
249	Clement	Sarah Jane	10 Snake Hill
250	Clement	Wayne	10 Snake Hill
251	Clifford	Cherie Yvonne	Beckside Farm House
252	Clifford	John Owen	Beckside Farm House
253	Clifford	Rhys John David	Beckside Farm House
254	Clifton	Leonard	2 Murray Heights
255	Clifton	Marie	16 Fieldhouse Close

256	Clifton	Melvyn	12 Callaghan Road
257	Clifton	Neil	8 Anderson Drive
258	Clifton	Stephen Peter	61 Fitzroy Road
259	Clifton	Teresa Ann	6 Ian Campbell Drive
260	Clifton	Thora Janeene	2 Murray Heights
261	Clifton	Valerie Ann	10 Pioneer Row
262	Cockwell	Jennifer Marie	90 Davis Street
263	Cockwell	John Richard	14 Ross Road West
264	Cockwell	Maurice Adam	90 Davis Street
265	Cofre	Anya Evelyn	37 Eliza Crescent
266	Cofre	Ashton Laura	3 John Biscoe Road
267	Cofre	Reuben Patrick	37 Eliza Crescent
268	Collier	Victoria Louise	7 Mink Park
269	Collins	Brian Richard	41 Davis Street
270	Collins	Christopher Allan	Flat 2, 5 Jeremy Moore Avenue
271	Collins	Hazel	41 Davis Street
272	Collins	Michael William Archibald	Flat 5, 7 Jeremy Moore Avenue
273	Collins	Steven Paul	Flat 4, 7 Jeremy Moore Avenue
274	Connolly	Anna-Marie	1 King Street
275	Connolly	Kevin Barry	1 King Street
276	Cordeiro Otero	Jose Antonio	1 Narrows View
277	Cotter	Jacqueline Ann	18 Mink Park
278	Cotter	Mary Jane	9 Jeremy Moore Avenue
279	Cotter	Timothy Stewart	9 Jeremy Moore Avenue
280	Coulter	Julian Anthony	16 Murray Heights
281	Courtney	Anthony Clive	30 Goss Road
282	Courtney	Julie Doris	30 Goss Road
283	Courtney	Marc Anthony	30 Goss Road
284	Coutts	John	36 Ross Road West
285	Coutts	Marie Anne	36 Ross Road West
286	Coutts	Olga	33 Ross Road
287	Crabb	Elizabeth Ann	34A Davis Street
288	Crowie	Alan John	17 Ian Campbell Drive
289	Crowie	Ana Bonita	72 Davis Street
290	Crowie	Bethany Alice	72 Davis Street
291	Crowie	Bradley Rhys	72 Davis Street
292	Crowie	Clare Frances	8 Jersey Road
293	Crowie	Dave Mark	10 James Street
294	Crowie	Ella Josephine	17 Ian Campbell Drive
295	Crowie	Layla Alicia	19 James Street
296	Crowie	Nicola Jane	35 Callaghan Road
297	Crowie	Rachael	10 James Street
298	Crowie	Robert John	35 Callaghan Road
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299	Curtis	Alfred William Hamilton	6a Brandon Road West
300	Curtis	Bonnie Elizabeth Hamilton	22 Mink Park
301	Curtis	Daniella Dawn	Flat 10, 6 Jersey Road
302	Curtis	James William Hamilton	19A Mink Park
303	Curtis	Tanya	19A Mink Park
304	Daille Marchant	Antoine Rene	18 Mink Park
305	Davies	Anthony Warren	7 Callaghan Road
306	Davies	Colin George	15 Ross Road West
307	Davies	Eileen Wynne	15 Ross Road West
308	Davies	Helen Louise	15 Ross Road West
309	Davies	Jacqueline Nancy	7 Callaghan Road
310	Davies	Samantha	7 Callaghan Road
311	Davies	Sian Karen	7 Callaghan Road
312	Davies-Berntsen	Tessa Linda	20 Teaberry Way
313	D'Avino	Damaris Priscila	17 Rex Hunt Road
314	D'Avino	Juan Marcelo	17 Rex Hunt Road
315	D'Avino	Pamela Martha	17 Rex Hunt Road
316	Davis	Doreen Susan	11 Callaghan Road
317	Davis	Ellen Rose	55 Davis Street
318	Davis	Macauley John	37 Davis Street
319	Davis	Maurice	8 John Street
320	Davis	Roy George Victor	6 Narrows View
321	Davis	Samantha Jane	21 Kent Road
322	Davis	Stacey Elizabeth	2 Rowlands Rise
323	Davis	Yona	37 Davis Street
324	Dent	Elizabeth Jayne	4 Fieldhouse Close
325	Dent	Janice Vanessa	19 Hansen Hill
326	Dent	Stephen John	4 Fieldhouse Close
327	Dickson	Iris	2 Dairy Paddock Road
328	Dickson	Michael Keith	12 Dairy Paddock Road
329	Dickson	Ronald Edward	2 Dairy Paddock Road
330	Didlick	Imogen Fiona	54 Rex Hunt Road
331	Didlick	John Charles Hilson	6 Murray Heights
332	Dobbyns	Kathleen Gay	60 Davis Street
333	Dodd	Alison	10 Beaver Road
334	Dodd	Mark Thomas	8 Mink Park
335	Dodd	Nigel Keith	10 Beaver Road
336	Dodd	Samantha Jane	10 Beaver Road
337	Drysdale	Karen Margaret	1 Watson Way
338	Duncan	Stuart Dave	2 Fieldhouse Close
339	Eagle	Rex Edward	25 Ross Road East
340	Earnshaw	Jacqueline Elizabeth	37 Ross Road West
341	East	Justin Clive Richard	1 Fieldhouse Close

342	Eccles	Bernard Leslie	18 Jeremy Moore Avenue
343	Eccles	Matthew James	3 John Biscoe Road
344	Eccles	Mhairi-Anne	18 Jeremy Moore Avenue
345	Eccles	Moira Cameron	18 Jeremy Moore Avenue
346	Elbakidze	Zaza	10 Mink Park
347	Ellick	Joanne Marie	11 McKay Close
348	Elliot	Elizabeth Rose	15 Callaghan Road
349	Elliot	Henry James	15 Callaghan Road
350	Ellis	Cyril	24 Ross Road East
351	Ellis	Louise	34 Davis Street
352	Ellis	Lucy	11 James Street
353	Ellis	Paul	43 John Street
354	Ellis	Sally Jean	43 John Street
355	Ellis	Valerie	24 Ross Road East
356	Elsby	Barry	Moody Brook House
357	Elsby	Rosalind Alice	Moody Brook House
358	Elsby	Thomas	Moody Brook House
359	Eriksen	Bjorn Kyle	2 Ian Campbell Drive
360	Evans	Kyran Binnie	Murray Heights
361	Evans	Michele Paula	Murray Heights
362	Evans	Raymond	12 Rex Hunt Road
363	Evans	Tracy	45 Ross Road East
364	Eynon	Carol	8 Villiers Street
365	Eynon	David John	8 Villiers Street
366	Faria	April Marie	1D Felton Stream
367	Faria	Basil Harry	3A Brisbane Road
368	Faria	Maria Anne	3A Brisbane Road
369	Faria	Mary Ann	2A St Mary's Walk
370	Faria	Paul	22 Hansen Hill
371	Faria	Sarah Louise	22 Hansen Hill
372	Faria	Susana Caroline Berntsen	22 Hansen Hill
373	Felton	Faith Dilys	30 Jersey Road
374	Felton	Trudi Eileen	13 Eliza Crescent
375	Felton-Short	Scott Daniel	12a Brandon Road
376	Ferguson	Ellen Rose	8 John Street
377	Ferguson	John William	47 Ross Road East
378	Ferguson	Robert John Andrew	47 Ross Road East
379	Ferguson	Rose	6 Thatcher Drive
380	Ferguson	Stephanie Janet	47 Ross Road East
381	Ferguson	Thelma	4A St Mary's Walk
382	Ferriby	Debora Susana	56 Davis Street
383	Ferriby	Lee Robert	56 Davis Street
384	Fiddes	Douglas Graham	The Stables Moody Brook
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385 Fiddes Gardner Walker 3 Watson Way 386 **Fiddes** Julia Bertrand 6 Rowlands Rise 387 Keelan Shaun The Stables, Moody Brook **Fiddes** 388 Fiddes Kelly Melody Flat 3, 30 Jersey Road 389 **Fiddes** Melody Christine 3 Watson Way 390 Finlayson Marc Ian 19 James Street 391 **Finlayson** Marilyn Christine 24 James Street 392 Finlayson Peter 24 James Street 393 **Finlayson Phyllis** 24 James Street 394 Fisher-Smith Julie Anne 8 Fieldhouse Close 395 Michael 7 Pitaluga Place Floyd 396 Floyd Michael Anthony 9 Gleadell Close 397 26 Hansen Hill Floyd Stephen Paul 398 Floyd Tracy 26 Hansen Hill 399 Fogerty Richard Edwin John Stone Cottage, Bypass Road 400 Ford Alison Jane Marie 9 Jersey Road 401 Ford Arthur Henry **KEMH** 402 Bronwen Rebecca Ford 3 Pitaluga Place 403 Chloe Elizabeth Ford Flat 4, Moody Street 404 Ford Christine 6 Drury Street 405 6 Felton Court Ford **Christopher James** 15 Kent Road 406 Ford Colin Stewart 12 Davis Street 407 Ford Colleen Mary 408 Ford Darrel Michael 5 Philomel Street 409 Ford Debbi Louisa 6 Felton Court 410 Donna Marie 19 Kent Road Ford Gerard Allan 411 Ford 12 Hansen Hill Jill Edith 412 Ford 12 Hansen Hill 413 Ford Jonathan 3 Pitaluga Place 414 Ford Julie Ann 3 Pitaluga Place 415 Ford Leann Caroline 15 Kent Road 416 Ford Leonard 9 Jersey Road 417 Ford Mandy 1 James Street 418 Ford Mikaela Jayne 10 Murray Heights 419 Ford Neil Frazer 6 Drury Street 420 Ford Paul Edward 2 Sulivan Street 421 Simon 1 James Street Ford 422 Jennifer Carol 6 Fitzroy Road East Forrest 423 Forrest Michael John 6 Fitzroy Road East 424 Forster Amanda 9 Fieldhouse Close 425 Forster Gwyneth May 10 Drury Street 426 Forster James 10 Drury Street 427 Forster 112a Davis Street Lynne

428	Fowler	John Andrew Thomas	The Old Bakery, Fitzroy Road
429	Fowler	Veronica Mary	1 Narrows View
430	Francis	Carla Marie	2 Fieldhouse Close
431	Freeman	Carl Francis	Maiden Haven Cottage
432	Freeman	Dianne May	Maiden Haven Cottage
433	Freer	Edward Craig	7 Fitzroy Road East
434	Freer	Matthew Paul	7 Fitzroy Road East
435	Freer	Pamela Jane	7 Fitzroy Road East
436	Freer	Stephen Paul James	7 Fitzroy Road East
437	George	Kevin Charles	26 Ross Road East
438	Gilbert	Christopher Paul	11 Ian Campbell Drive
439	Gilbert	Mark Ian	13 Beaver Road
440	Gilbert	Neil Robert	17 Sulivan Street
441	Gilbert	Robert Ernest	22 Jeremy Moore Avenue
442	Gilbert	Sharon	11 Ian Campbell Drive
443	Gisby	Annie	37 Ross Road East
444	Glanville	Adam James	12 James Street
445	Gleadell	Ian Keith	2 Yates Place
446	Gomez	Rebecca Lily	41 Callaghan Road
447	Goodwin	Bonita Colleen	21 Eliza Crescent
448	Goodwin	Catherine Dawn	8 Hansen Hill
449	Goodwin	Colin Valentine	86 Davis Street
450	Goodwin	Derek Samuel	21 Eliza Crescent
451	Goodwin	Emily Rose	7 Brisbane Road
452	Goodwin	Gareth Kevin	15 Hansen Hill
453	Goodwin	Hazel Rose	7 Thatcher Drive
454	Goodwin	June Elizabeth	86 Davis Street
455	Goodwin	Kenton John Douglas Benjamin	9 Discovery Close
456	Goodwin	Margaret Ann	3 McKay Close
457	Goodwin	Margo Jane	5C Hansen Hill
458	Goodwin	Marie-Bernard Therese	15 Hansen Hill
459	Goodwin	Rachel Karen	31 Ross Road West
460	Goodwin	Robin	31 Ross Road West
461	Goodwin	Robin Christopher	27 Callaghan Road
462	Goodwin	Simon James	8 Hansen Hill
463	Goodwin	Una	27 Callaghan Road
464	Goodwin	William John Maurice	7 Brisbane Road
465	Gordon	Daniella Lee	32 Davis Street
466	Goss	Annagret	16 Jeremy Moore Avenue
467	Goss	Ariane Storm	16 Jeremy Moore Avenue
468	Goss	Eric Miller	2 Fitzroy Road East
469	Goss	Ian Ernest Earle	98 Davis Street
470	Goss	Jane Alexander	3a Brandon Road

471	Goss	Morgan Edmund	16 Jeremy Moore Avenue
472	Goss	Sandra Kathleen	11 Kent Road
473	Goss	Shirley Ann	2 Fitzroy Road East
474	Goss	Simon Peter Miller	11 Kent Road
475	Goss	Susan Diann	98 Davis Street
476	Goss	William Henry	7 Brandon Road
477	Gough	Phyllis Candy	8 John Street
478	Gough	Tanzey Jayne	3 Police Cottages
479	Granger	Nicola Jane	3 Biggs Road
480	Granger	Robin David	3 Biggs Road
481	Green	David William	4 Discovery Close
482	Greenland	James Andrew William	21 St Mary's Walk
483	Greenland	Kimberley Joanna	21 St Mary's Walk
484	Greenland-Elbakidze	Natasha Bonita	10 Mink Park
485	Greentree	Irene Anne	18 Jersey Road
486	Guala Oyarzo	Henry Hernan	5 Teaberry Way
487	Hadden	Alexander Burnett	8A St Mary's Walk
488	Hadden	Sheila Peggy	8A St Mary's Walk
489	Halliday	Cathy Anne	5 Drury Street
490	Halliday	Jeffrey James	9A Philomel Street
491	Halliday	Joyce Isabella Patience	5 Fieldhouse Close
492	Halliday	Julie Ann	9A Philomel Street
493	Halliday	Kenneth William	5 Fieldhouse Close
494	Halliday	Raynor	9 Brisbane Road
495	Hancox	Alice Fiona	5 McKay Close
496	Hancox	Emily Clare	7 Racecourse Road
497	Hansen	Douglas John	6 Fitzroy Road
498	Hansen	Keva Elizabeth	1 Dairy Paddock Road
499	Hardcastle	Eileen Beryl	7 Ross Road East
500	Hardcastle	Simon Brook	7 Ross Road East
501	Harris	Angela Jane	10 Haskard Rise
502	Harris	Christopher James	4a Ross Road East
503	Harris	Dennis Sefton	19 Callaghan Road
504	Harris	Heather	3 Ross Road East
505	Harris	Jill Yolanda Miller	19 Fitzroy Road
506	Harris	Karl Henry	10 Haskard Rise
507	Harris	Leeann Watson	11 Dairy Paddock Road
508	Harris	Leslie Sidney	19 Fitzroy Road
509	Harris	Michael Ronald	3 Ross Road East
510	Harris	Ralph Aaron	11 Dairy Paddock Road
511	Harris	Wendy Ann	19 Callaghan Road
512	Harte	Emma Louise	9a Philomel Street
513	Harte	Jessica Elise	9a Philomel Street

514	Hartley	Jeannette	21 Callaghan Road
515	Harvey	Sheila	8 Barrack Street
516	Harvey	William	Flat 3, 5 Jeremy Moore Avenue
517	Hawksworth	David	25 Eliza Crescent
518	Hawksworth	Mary Catherine	5A Brisbane Road
519	Hawksworth	Ryan	2 Goss Road
520	Hayward	Marjorie	4B St Mary's Walk
521	Hayward	Neville	29 Fitzroy Road
522	Hayward	Pauline May	29 Fitzroy Road
523	Heathman	Abbie Louise	15 Eliza Cove Road
524	Heathman	Malcolm Keith	15 Eliza Cove Road
525	Heathman	Mandy Gail	15 Eliza Cove Road
526	Heathman	Nyree	7 Allardyce Street
527	Heathman	Sally Hermione	15 Eliza Cove Road
528	Hemming	Graeme John	3B Jersey Road
529	Henry	Adam Robert	8 Beaver Road
530	Henry	Alan Richard	13 Mink Park
531	Henry	John Stuart	15 Villers Street
532	Henry	Patricia Denise	8 Beaver Road
533	Hewitt	Bernice Marilyn Sarah	40 Ross Road West
534	Hewitt	Christine Alison Elizabeth	16 Sulivan Street
535	Hewitt	Frances Agnes	KEMH
536	Hewitt	Gary George	3 Hebe Place
537	Hewitt	Margaret Ann	3 Hebe Place
538	Hills	David John	19 Scoresby Close
539	Hirtle	Christine	5 Capricorn Road
540	Hirtle	Debbie Ann	2B Capricorn Road
541	Hirtle	Leonard Lloyd	2 Ian Campbell Drive
542	Hirtle	Michael Barry	2 Ian Campbell Drive
543	Hirtle	Rose Ann Shirley	4 Villiers Street
544	Hirtle	Zane Eric	12 Drury Street
545	Hobman	Anilda Marilu	5 Police Cottages
546	Hobman	Kyle	YMCA
547	Hobman	Luis Alfonzo	5 Police Cottages
548	Howe	Alexander Luke Desmond	36 Davis Street
549	Howe	Alison Delia	36 Davis Street
550	Howe	Paul Anthony	36 Davis Street
551	Hutton	Elizabeth Isabella	3 John Street
552	Hutton	Philip	3 John Street
553	Ibarra	Gonzalo Patricio	18 Callaghan Road
554	Igao	Alejandro Neri	Flat 3, 6 Racecourse Road
555	Igao	Josephine Inday	10 Goss Road
556	Igao	Noel Neri	10 Goss Road
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557	Igao	Pauline Lynx	10 Goss Road
558	Inglis	Alison Anne MacKenzie	9 Short Street
559	Irvine	Andrew Grant McKenzie	9 McKay Close
560	Jackson	Kathleen	7 Drury Street
561	Jackson	Malcolm	7 Drury Street
562	Jackson	Mark Malcolm	5 Drury Street
563	Jacobsen	Alastair	1A Philomel Street
564	Jacobsen	Catherine Joan	1A Philomel Street
565	Jacobsen	Cathy	5 Jeremy Moore Avenue
566	Jacobsen	Tanzi	19 Scoresby Close
567	Jacobsen	Toni Rhona	10 Ian Campbell Drive
568	Jaffray	Arlette Sharon	7 Jersey Road
569	Jaffray	Ashley Dereck Porter	79 Davis Street
570	Jaffray	Eileen	5 Hebe Street
571	Jaffray	Estelle Anita	11 Snake Hill
572	Jaffray	Eva Lynn	47 Callaghan Road
573	Jaffray	Frank Alexander	1 Gleadell Close
574	Jaffray	Gerard Alan	47 Callaghan Road
575	Jaffray	Helen Rose	84 Davis Street
576	Jaffray	Ian	5 Hebe Street
577	Jaffray	Ingrid Joyce	9 Fitzroy Road
578	Jaffray	Janet	3 Ross Road West
579	Jaffray	John	3 Ross Road West
580	Jaffray	John Summers	84A Davis Street
581	Jaffray	John Willie	21 Watson Way
582	Jaffray	June Elizabeth	17 Ross Road East
583	Jaffray	Kalon David	47 Callaghan Road
584	Jaffray	Kenneth Ian	7 Jersey Road
585	Jaffray	Lisa Jane	7 Hebe Street
586	Jaffray	Nicole Dawn	5a Hebe Street
587	Jaffray	Phyllis	21 Watson Way
588	Jaffray	Shaun Melvyn	28 Davis Street
589	Jaffray	Stephen James	5 James Street
590	Jaffray	Terence Roy	5 Hebe Street
591	Jaffray	Terri-Ann	24 Endurance Avenue
592	Jaffray	Tony	84 Davis Street
593	Jaffray	Tracy	3 Fitzroy Road East
594	Jamieson	Malcolm William	1 Rex Hunt Road
595	Jamieson	Patricia Anne	1 Rex Hunt Road
596	Jennings	Hamish Warren	9a Davis Street
597	Jennings	Jacqueline	5A Davis Street
598	Jennings	Nancy Elizabeth	7 Philomel Street
599	Johnson	Lily Ann	11 Thatcher Drive

600	Johnson	Michael Neil	30 Jersey Road
601	Jones	Deena Marie	6 Allardyce Street
602	Jones	Kevin Richard	3A Brandon Road
603	Jones	Yvonne Malvina	2 Thatcher Drive
604	Jordan	Cara Jane	12 Goss Road
605	Joshua	Josephine Mary	7 Gleadell Close
606	Joshua	Rosemond Patricia	3 Felton Stream
607	Keane	Alva Rose Marie	18 Davis Street
608	Keane	Olaf James	18 Davis Street
609	Keane	Thomas James	18 Davis Street
610	Keenleyside	Charles Desmond	3 Pioneer Row
611	Keenleyside	Manfred Michael Ian	2 Snake Hill
612	Keenleyside	Nanette Barbara	2 Snake Hill
613	Kenny	Erling	20 James Street
614	Kidd	John Nathan	7 Ross Road West
615	Kidd	Lillian Rose Orissa	7 Ross Road West
616	Kiddle	Robert Karl	10 Thatcher Drive
617	King	Glynis Margaret	Stanley Arms Flat
618	King	Michelle Beverly	4 Biggs Road
619	King	Peter Thomas	10 Jeremy Moore Avenue
620	King	Robert John	22/24 Davis Street
621	King	Rosemarie	10 Jeremy Moore Avenue
622	King	Roxanne McCarthy	39 Fitzroy Road
623	Kirkham	Campbell Joseph	5 Capricorn Road
624	Knight	Margaret Anne	6 Yates Place
625	Knipe	Chedwin Norman	3 Davis Street West
626	Knipe	Susan Jane Helena	3 Davis Street West
627	Kultschar	John William	33c Davis Street
628	Kultschar	Richard Paul	5 Brisbane Road
629	Kultschar	Yvonne Rosina	33c Davis Street
630	Ladron De Guevara	Simon	22/24 Davis Street
631	Ladron De Guevara Barnes	Jeremy Marshall	22/24 Davis Street
632	Ladron De Guevara Vilches	Carmen Benilda	22/24 Davis Street
633	Laffi	Atilio Segundo	3 Brisbane Road
634	Laffi	Kathleen Mary	3 Brisbane Road
635	Lang	Colin David	2 Brisbane Road
636	Lang	David Geoffrey	KEMH
637	Lang	James Patrick	2 Davis Street West
638	Lang	Leah Falalimpa	2 Davis Street West
639	Lang	Theresa Margaret	28 Goss Road
640	Lang	Valma Emily	8A Moody Street
641	Lang	Wendy Diane	2 Brisbane Road
642	Lapham	Stephen William	6 Anderson Drive
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643	Larsen	Ellen	6A Moody Street
644	Larsen	Ronald Ivan	2 Anderson Drive
645	Lazo	Javier Waldemar Sanchez	80 Davis Street
646	Lazo	Joanna Rose	80 Davis Street
647	Lazo	Matthew Derek	80 Davis Street
648	Leach	Nigel Jon	4 Moody Street
649	Lee	Beverley Christina	4 Police Cottages
650	Lee	Gladys	11 Drury Street
651	Lee	Karen Jane	14 Davis Street
652	Lee	Mandy John	15 James Street
653	Lee	Owen Henry	4 Pioneer Row
654	Legg	Robert Keith	21 Kent Road
655	Lennie	Gordon Carnie	9 Narrows View
656	Lewis	David James	3 Ian Campbell Drive
657	Lewis	Jason	9 Short Street
658	Lewis	Pamela Irene	3 Ian Campbell Drive
659	Leyland	Frank	10 Brandon Road
660	Leyland	Vera	10 Brandon Road
661	Livermore	Anton	82 Davis Street
662	Livermore	Doreen Emily	82 Davis Street
663	Livermore	Kirsty Nicole	6 Hansen Hill
664	Lloyd	Christopher Sturdee	12 McKay Close
665	Lloyd	Natalie Anne	12 McKay Close
666	Loftus	Geoffrey	70 Davis Street
667	Loftus	Sara	70 Davis Street
668	Lowe	Katrina Louise	9 Discovery Close
669	Luxton	Jennifer Mary	4 Hebe Place
670	Luxton	Michael	1A Pioneer Row
671	Luxton	Nicola	1A Pioneer Row
672	Luxton	Robin	1 Jersey Road
673	Luxton	Stephen Charles	1 Mullet Creek
674	Luxton	Susan Vera	1 Mullet Creek
675	Luxton	Wendy Jennifer	1 Jersey Road
676	Luxton	Winifred Ellen	15 Fitzroy Road
677	Lyse	Linda Margaret	65 Fitzroy Road
678	Macaskill	Angus Lindsay	11 Short Street
679	Macaskill	John	34 Ross Road West
680	Macaskill	Robert John	1A Brisbane Road
681	Macaskill	Tracey Jayne	1A Brisbane Road
682	MacDonald	Irene	Flat 2, Racecourse Road
683	Maciello	Jorge Diego	33 Ross Road
684	Maciello	Susan Ovedia Franz	33 Ross Road
685	Maddocks	Robert Charles	11 Murray Heights

686	Marsh	June Helen	8b St Mary's Walk
687	Marsh	Samantha Ann	Whyteways, James Street
688	Martin	Lee Anthony	7 McKay Close
689	Martin	Lisa Maria	7 McKay Close
690	May	Angela Jane	11 Sulivan Street
691	May	Bruce Raymond	9 Kent Road
692	May	Bryan Roy	21 Jeremy Moore Avenue
693	May	Connie	9 Kent Road
694	May	Heather	1 Glasgow Road
695	May	Jonathan Roy	12 Jeremy Moore Avenue
696	May	Lucinda Vikki	12 Jeremy Moore Avenue
697	May	Monica	21 Jeremy Moore Avenue
698	May	Roger	11 Sulivan Street
699	May	Tiphanie	3 Diddle Dee Drive
700	May	William Albert	1 Glasgow Road
701	McBain	Arthur	29 Goss Road
702	McBain	Rhoda Margaret	29 Goss Road
703	McCallum	Christopher John	7A Jeremy Moore Avenue
704	McCallum	Rampai	14A Drury Street
705	McCallum	Timothy Andrew	14A Drury Street
706	McCormick	Dale Ronald	24 Eliza Crescent
707	McCormick	Pauline Margaret Ruth	29 Callaghan Road
708	McCormick	Richard Paul	29B Callaghan Road
709	McCormick	Samantha Laura	12 Hansen Hill
710	McCormick	Tamara Ann	54 Davis Street
711	McCormick	Wayne Stanley James	19 Biggs Road
712	McDade	Priscilla Alison	3 Gleadell Close
713	McGhie	Thomas Forsyth	4 Yates Place
714	McGill	Cara Jane	Flat 7, 6 Jersey Road
715	McGill	Daniel Stanford	2 James Street
716	McGill	David William	Gardeners Cottage South
717	McGill	Diane Beverley	2 James Street
718	McGill	Doris Mary	1 Philomel Place
719	McGill	Glenda	1C Capricorn Road
720	McGill	Heather Margaret	Gardeners Cottage South
721	McGill	Ian Peter	1C Capricorn Road
722	McGill	Len Stanford	2 James Street
723	McGill	Teresa Rose	26 Ross Road East
724	McGill	Travis Ian	1C Capricorn Road
725	McKay	Bono John	3a Brandon Road West
726	McKay	Clara Mary	20 Ross Road West
727	McKay	Heather Valerie	16 Eliza Crescent
728	McKay	Jennifer Coral	24 Eliza Crescent
24			

729	McKay	Lauren Joyce	10 Villiers Street
730	McKay	Michael John	64 Davis Street
731	McKay	Michelle Jane	64 Davis Street
732	McKay	Neil	10 Watson Way
733	McKay	Peter John	21 Ross Road West
734	McKay	Rex	16 Eliza Crescent
735	McKay	Stacey Jane	9 Mountain Berry Road
736	McKee	Miranda	12 Watson Way
737	McKee	Richard Buick	12 Watson Way
738	McKenzie	Alice Maud	2b St Mary's Walk
739	McKenzie	Charles Alexander Albert John	2b St Mary's Walk
740	McLaren	Caroline Mary	Flat 9, 6 Jersey Road
741	McLaren	Heather Maureen	Flat 9, 6 Jersey Road
742	McLeod	David	49 Callaghan Road
743	McLeod	Glenda Otadoy	49 Callaghan Road
744	McLeod	Henry Donald Alexander	16 Fieldhouse Close
745	McLeod	Ian	17 Davis Street
746	McLeod	Ian James	7 Ian Campbell Drive
747	McLeod	Janet Wensley	75 Davis Street
748	McLeod	Janice	2 Ross Road West
749	McLeod	Joan May	13 Murray Heights
750	McLeod	John	23 Hansen Hill
751	McLeod	Mally	17 Davis Street
752	McLeod	Margaret Ann	13 Fitzroy Road East
753	McLeod	Michael William	5 Short Street
754	McLeod	Pearl Mary Ann	18 Brandon Road
755	McLeod	Robert	75 Davis Street
756	McLeod	Robert John	2 Ross Road West
757	McLeod	Valorie Marcela	7 Ian Campbell Drive
758	McMullen	June	8 Brandon Road
759	McMullen	Lucille Anne	6 John Street
760	McMullen	Tony	8 Brandon Road
761	McPhee	Denise	4 Brandon Road West
762	McPhee	Jessica	4 Brandon Road West
763	McPhee	Justin Owen	4 Brandon Road West
764	McRae	Charlotte Melize	Cemetery Cottage
765	McRae	Elvis	YMCA
766	McRae	Gloria Linda	9 Snake Street
767	McRae	Kerry Jane	15 Sulivan Street
768	McRae	Michael	2A 'H' Jones Road
769	Middleton	Callum William	14 Mink Park
770	Middleton	Caren	4 Rowlands Rise
771	Middleton	Caroline Ann	7 James Street

772	Middleton	Charlotte Anne	2 Police Cottages
773	Middleton	Dennis Michael	Dolphin Cottage
774	Middleton	Joan Eliza	8 James Street
775	Middleton	Leonard	67 Fitzroy Road
776	Middleton	Macauley Brian	13 McKay Close
777	Middleton	Megan Shirley Rebecca	79 Davis Street
778	Middleton	Murray Alexander	4 Rowlands Rise
779	Middleton	Nevin Alexander	4 Rowlands Rise
780	Middleton	Phillip John	5 St Marys Walk
781	Middleton	Sharon Elizabeth	Dolphin Cottage
782	Middleton	Stephanie Anne	13 McKay Close
783	Middleton	Yvonne Allison	50 Davis Street
784	Miller	Andrew Nigel	7 Villiers Street
785	Miller	Carol	Marine Cottage
786	Miller	Gail Marie	6A Brisbane Road
787	Miller	Janet Mary	Market Garden, Airport Road
788	Miller	Jayne Elizabeth	27 Davis Street
789	Miller	Samuel Andrew	27 Davis Street
790	Miller	Simon Roy	Marine Cottage
791	Miller	Timothy John Durose	Market Garden, Airport Road
792	Mills	Terence Kenneth	1 Thatcher Drive
793	Minnell	Amy Anne	1 Brandon Road
794	Minnell	Hazel Eileen	5 Yates Place
795	Minnell	Michelle Rose	1 Brandon Road
796	Minnell	Tamara Rose	1 Brandon Road
797	Minnell-Goodwin	Mandy Hazel	31 Ross Road West
798	Minto	Adam Daniel	18 Endurance Avenue
799	Minto	Christian Ian	18 Endurance Avenue
800	Minto	Dilys Rose	18 Endurance Avenue
801	Minto	Graham Stewart	12 Brisbane Road
802	Minto	Karen Joleen	3 Felton Court
803	Minto	Sally Ann	2 Moody Street
804	Minto	Sean Daem	Flat 4, Moody Street
805	Minto	Timothy Ian	18 Endurance Avenue
806	Minto	Ximena Ida	Flat 1, Moody Street
807	Miranda	Augusto	3 Thatcher Drive
808	Miranda	Carmen Ediht	8 Anderson Drive
809	Mitchell	Paige	16 Fieldhouse Close
810	Moffatt	Angela	20 Ross Road East
811	Moffatt	James	20 Ross Road East
812	Moffatt	Jay	5 Gleadell Close
813	Moffatt	Sean	39 Rex Hunt Road
814	Molkenbuhr-Smith	Sara Jayne	1 Callaghan Road
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815	Montgomerie	Carolyn Anne	1 McKay Close
816	Montgomerie	Kerys Elizabeth Victoria	1 McKay Close
817	Morris	Alana Marie	4 Callaghan Road
818	Morris	David	4 Callaghan Road
819	Morris	Jason Paul	Flat 4, 30 Jersey Road
820	Morris	Trevor Alan	1 Moody Street
821	Morrison	Dana Justine	10 Rowlands Rise
822	Morrison	Elane Maria	9 Rowlands Rise
823	Morrison	Fayan	54 John Street
824	Morrison	Gerald	1A Brandon Road
825	Morrison	Graham Stewart	34A Davis Street
826	Morrison	Jacqueline Denise Anita	13 Ian Campbell Drive
827	Morrison	John	9 Rowlands Rise
828	Morrison	Kathleen Iris	1A Brandon Road
829	Morrison	Keiran Kenneth	7 Mink Park
830	Morrison	Kenneth	13 Ian Campbell Drive
831	Morrison	Lena	108 Davis Street
832	Morrison	Leslie Theodore Norman	108 Davis Street
833	Morrison	Lewis Ronald	Stanley Cottage South
834	Morrison	Marcus Lewis	5 Mink Park
835	Morrison	Michael John	10 Fitzroy Road East
836	Morrison	Nanette Rose	46 Davis Street
837	Morrison	Paul Roderick	3 Racecourse Road East
838	Morrison	Richard Lowry	1 Biggs Road
839	Morrison	Russell John Allan	16 Mink Park
840	Morrison	Stewart	46 Davis Street
841	Morrison	Susan Margaret	10 Fitzroy Road East
842	Morrison	Tamara	2A' H' Jones Road
843	Morrison	William Roderick Halliday	54 John Street
844	Morrison-Sanchez	Angely Susanne	16 Mink Park
845	Munro	Grant Mackintosh	69 Fitzroy Road
846	Murphy	Andrew Paul	2 King Street
847	Murphy	Ann Susan	2 King Street
848	Napier	Lily	2 Racecourse Road
849	Napier	Roderick Bertrand	2 Racecourse Road
850	Neilson	Barry Marwood	6 Barrack Street
851	Neilson	Edward Sydney	12 Goss Road
852	Neilson	Harold Ian	74 Davis Street
853	Neilson	Margaret	6 Barrack Street
854	Newell	Joseph Orr	11 Davis Street
855	Newman	Andrew Raymond	51 Ross Road East
856	Newman	Marlene	11 Jeremy Moore Avenue
857	Newman	Terence	24 Endurance Avenue

858	Newton	Josephine Ellen	22 Shackleton Drive
859	Nightingale	Karl Richard	1 Sulivan Street
860	Nightingale	Sian Yvonne	1 Sulivan Street
861	Norman	Heather Thelma	6A Pioneer Row
862	Ojeda Gallardo	Roberto Miguel Alejandro	9A Sulivan Street
863	Olmedo	Alex	20 Hansen Hill
864	Olmedo Apablaza	Marcelo Rodrigo	14 Endurance Avenue
865	Ormond	Christina Helen	6 Goss Road
866	Ormond	Kevin Michael Patrick Joseph	6 Goss Road
867	Ormond	Krysteen Alison	1 Hebe Place
868	Ormond	Terrianne Helen	2 Gleadell Close
869	Owen	Sally	1 Biggs Road
870	Padgett	Keith	Sulivan House, Ross Road West
871	Padgett	Valerie Janet	Sulivan House, Ross Road West
872	Paice	Corrinne	3 Racecourse Road
873	Paice	Craig Arthur	3 Racecourse Road
874	Parke	James Fred	25 Ross Road West
875	Parke	Janet Margaret	25 Ross Road West
876	Passfield	Kenneth Alexander	2A Brandon Road West
877	Paver	Bernadette Marguerite	Moody Brook House
878	Peck	Christine	21 Jersey Road
879	Peck	Christopher	YMCA
880	Peck	David John	26 Eliza Crescent
881	Peck	David Patrick	5 Sulivan Street
882	Peck	Davina Margaret	Stanley House Hostel
883	Peck	Eleanor Margaret	10 Davis Street
884	Peck	Farrah Louise	Stanley House Hostel
885	Peck	Gordon Pedro James	34 Eliza Crescent
886	Peck	Harwood John Charles	26 Eliza Crescent
887	Peck	Joshua Dolan	10 Fitzroy Road East
888	Peirega	Naomi Renee	27 Rex Hunt Road
889	Pennisi Minto	Barbara	8a Moody Street
890	Perry	Hilda Blanche	6A St Marys Walk
891	Peters	Justina Kaye	17 Teaberry Way
892	Peters	Patricia Ann	30 Eliza Crescent
893	Pettersson	Derek Richard	3 Anderson Drive
894	Pettersson	Trudi Ann	3 Anderson Drive
895	Phillips	Antony Vincent	35 Fitzroy Road
896	Phillips	Carol Joan	6 Rex Hunt Road
897	Phillips	David Albert	35 Fitzroy Road
898	Phillips	David Dawson	35 Fitzroy Road
899	Phillips	Elisa	35 Fitzroy Road
900	Phillips	Jordan Liam	32 Davis Street
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901	Phillips	Terence	6 Rex Hunt Road
902	Pitt	Myra May	6A Pioneer Row
903	Plato	Darren Richard	2 Jersey Road
904	Pole-Evans	Amy Rose	4 McKay Close
905	Pole-Evans	John	16 Ross Road East
906	Pole-Evans	Lisa	74 Davis Street
907	Pole-Evans	Marcus Samuel	12 Murray Heights
908	Pole-Evans	Martin	19 Kent Road
909	Pole-Evans	Michael Anthony	4 McKay Close
910	Pollard	Andrew Keith	4 Fitzroy Road East
911	Pollard	Elizabeth Eve	23 Ross Road East
912	Pollard	John	23 Ross Road East
913	Pollard	Mark John	5 Jeremy Moore Avenue
914	Pompert	Joost Herman Willem	11 Ross Road West
915	Pompert Robertson	Sorrel Freya	11 Ross Road West
916	Poncet	Jeremy Nigel	9 Mountain Berry Road
917	Poncet	Sally Elizabeth	2a Brandon Road West
918	Poole	Evelyn May	31 Fitzroy Road
919	Poole	Juliet Hazel	28 Davis Street
920	Poole	Michael James	19 Davis Street
921	Poole	Nancy Margaret	1 Racecourse Road
922	Poole	Raymond John	1 Racecourse Road
923	Poole	Ross William	52 John Street
924	Poole	Ryan James	Flat 10, 6 Jersey Road
925	Poole	Toby Raymond	19 Davis Street
926	Poole	William John	31 Fitzroy Road
927	Pratlett	Patricia Carol Ann	10A James Street
928	Prindle-Middleton	Stella Margaret	5 St Mary's Walk
929	Pring	Bernadette Jane Spencer	5A Ross Road West
930	Pring	Geoffrey Alan	5A Ross Road West
931	Prior	Claudette	1 Goss Road
932	Prior	Malcolm	1 Goss Road
933	Quinto Salluca	Luis Alberto	88 Davis Street
934	Ramirez Mardones	Vanessa Elisa	20 Hansen Hill
935	Reddick	Keith John	By-Pass Road
936	Reeves	Michael	3A Hebe Street
937	Regalado	Roxanne	25 Shackleton Drive
938	Reid	Ann	3A Hansen Hill
939	Reid	Beverley Rose	12 James Street
940	Reid	Colleen Rose	9 Fitzroy Road East
941	Reid	John Alexander	7 Fitzroy Road
942	Reid	Joseph Reynold Benjamin	26 Kent Road
943	Reid	Pamela Ruth	17 Rex Hunt Road

944	Reid	Paula	5 Biggs Road
945	Reid	Reynold Gus	5 Biggs Road
946	Reid	Simon Gus	9 Fitzroy Road
947	Rendell	Nicholas Simon Oliver	5 Moody Street
948	Richards	Shirley	8A James Street
949	Riddell	Jacob David	33 Davis Street
950	Roberts	Bradley Gerard	2 Hansen Hill
951	Roberts	Cheryl Ann Spencer	49 Ross Road East
952	Roberts	David Anthony	1 Mountain View
953	Roberts	Laura May	4 Kent Road
954	Roberts	Nicholas Daniel	1 Mountain View
955	Roberts	Peter James	49 Ross Road East
956	Roberts	Simon Theodore Nathanial	5 Narrows View
957	Robertson	Dion Sebastian	2 Drury Street
958	Robertson	Drew Alexander	37 Ross Road
959	Robertson	Janet	11 Ross Road West
960	Robson	Alison Emily	15 Villiers Street
961	Robson	Cherry Rose	5 Philomel Street
962	Robson	Jodie	1 Philomel Place
963	Robson	Miranda Gaye	10 Hansen Hill
964	Robson	Patricia Jayne	18 Ross Road East
965	Robson	Phyllis Ann	1 Philomel Place
966	Robson	Raymond Nigel	10 Hansen Hill
967	Robson	William Charles	18 Ross Road East
968	Ross	Allan John	1 Short Street
969	Ross	Christine Aislinn	6 Mink Park
970	Ross	Claudio Javier Ampuero	2 Mullet Creek
971	Ross	Gabrielle Leigh	25 Rex Hunt Road
972	Ross	Glenn Stephen	23 Watson Way
973	Ross	Janet	23 Watson Way
974	Ross	Kerri-Anne	8 Mink Park
975	Ross	Lachlan Neil	14 Fieldhouse Close
976	Ross	Rebecca Jane	3 Beaver Road
977	Ross	Roy	19 Jersey Road
978	Ross	Sheena Margaret	25 Rex Hunt Road
979	Ross	Shirley Vyona	1 Short Street
980	Ross	William Henry	K.E.M.H
981	Rowland	Charlene Rose	19 Jeremy Moore Avenue
982	Rowland	John Christopher	19 Jeremy Moore Avenue
983	Rowland	Sarah Anne	9 Hansen Hill
984	Rowlands	Daisy Malvina	39 John Street
985	Rowlands	Dorinda Roberta	3 Hebe Street
986	Rowlands	Robert John	13 Callaghan Road
20			

987	Rozee	Betty Ellen	16 Davis Street
988	Rozee	Derek Robert Thomas	16 Davis Street
989	Rozee	Karen Michella	3 Discovery Close
990	Sackett	Albert John	25A Ross Road East
991	Sackett	Jacqueline	25 Callaghan Road
992	Sanchez Ladron De Guevara	Karin Pamela	5 Brisbane Road
993	Sawle	Felicity Anne Hermione	Seaview Cottage, Ross Road
994	Sawle	James Christopher	Seaview Cottage, Ross Road
995	Sawle	Judith Margaret	Seaview Cottage, Ross Road
996	Sawle	Richard	Seaview Cottage, Ross Road
997	Senociain Short	Kylie Deborah	6 Police Cottages
998	Shcherbich	Zhanna Nikolaevna	13 Biggs Road
999	Shelbourne	Carolyn Wendy	39 Brandon Road
1000	Shepherd	Anna Jenine	6 Brisbane Road
1001	Shepherd	Darren Harold	6 Brisbane Road
1002	Shepherd	Ramsey	3 Yates Place
1003	Shepherd	Roy	23 Mink Park
1004	Shepherd	Sarah Jayne	23 Mink Park
1005	Shillitoe	Helena De Fatima	The Brook, Moody Brook
1006	Shillitoe	Roger William	The Brook, Moody Brook
1007	Shillitoe	Stephen Bruce	4 Mink Park
1008	Short	Alison	9 Pioneer Row
1009	Short	Brenda	11 Barrack Street
1010	Short	Celia Soledad	7 Pitaluga Place
1011	Short	Christina Ethel	12 Brandon Road
1012	Short	Clint Andrez Robert	48 Davis Street
1013	Short	Emily Christina	1 Fitzroy Road East
1014	Short	Gavin Phillip	6 Police Cottages
1015	Short	Isabel Rose	6 Davis Street
1016	Short	Jason Francis	6 Davis Street
1017	Short	Marc Peter	7 Anderson Drive
1018	Short	Marlene Cindy	9 Pitaluga Place
1019	Short	Montana Tyrone	4 Dairy Paddock Road
1020	Short	Patrick Warburton	6 Davis Street
1021	Short	Peter Robert	1 Fitzroy Road East
1022	Short	Richard Edward	9 Pitaluga Place
1023	Short	Riley Ethroe	11 Barrack Street
1024	Short	Vilma Alicia	4 Dairy Paddock Road
1025	Simpson	Bertha Veronica	8 Rowlands Rise
1026	Simpson	James Alexander Bruce	7 Racecourse Road
1027	Simpson	John Frederick	8 Rowlands Rise
1028	Sinclair	Serena Samantha	11 Rex Hunt Road
1029	Sinclair	Veronica Joyce	21 Ross Road West
			21

1030	Skene	Greta Winnora Miller	22 Ross Road East
1031	Smallwood	Margo Amee	105 Davis Street
1032	Smallwood	Michael Anthony	105 Davis Street
1033	Smith	Andrew John	11 Fitzroy Road East
1034	Smith	Antony David	33A Davis Street
1035	Smith	Anya Deirdre	8 Eliza Crescent
1036	Smith	Colin David	6 James Street
1037	Smith	Ellis Nia	8 Fieldhouse Close
1038	Smith	Felicity Marie	5 Brandon Road
1039	Smith	George Patterson	15 Watson Way
1040	Smith	Gerard Alexander	8 Barrack Street
1041	Smith	Heather	19 Watson Way
1042	Smith	Ian Lars	5 Brandon Road
1043	Smith	Ileen Rose	28 Ross Road West
1044	Smith	James Terence	3 Fitzroy Road
1045	Smith	Jennifer Ethel	6 Watson Way
1046	Smith	Jenny Lorraine	15 Watson Way
1047	Smith	John	28 Ross Road West
1048	Smith	John Derek	8 Eliza Crescent
1049	Smith	Kane David	6 James Street
1050	Smith	Martyn James	6A Ross Road West
1051	Smith	Michael Edmund	39 Eliza Crescent
1052	Smith	Nadia Louise	42 Rex Hunt Road
1053	Smith	Natalie Marianne	6 James Street
1054	Smith	Nora Kathleen	5 Fitzroy Road East
1055	Smith	Paul	1 Callaghan Road
1056	Smith	Robin Charles	19 Watson Way
1057	Smith	Susan	17 Jersey Road
1058	Socodo	Phoebe Esther	20 Mink Park
1059	Spicer	Mark Anthony	16 St Mary's Walk
1060	Spicer	Susan	16 St Mary's Walk
1061	Spink	Roger Kenneth	The Brook Moody Brook
1062	Spinks	Malvina Ellen	8 Thatcher Place
1063	Spruce	Helena Joan	Milestone, 29 Ross Road West
1064	Spruce	Mark Felton	6 Anderson Drive
1065	Spruce	Terence George	Milestone, 29 Ross Road West
1066	Steen	Allan Graham	15 Sulivan Street
1067	Steen	Barbara Ingrid	39 Ross Road West
1068	Steen	Karen Lucetta	32 Fitzroy Road
1069	Stephenson	Dylan	37 Ross Road
1070	Stephenson	Joan Margaret	Moody Valley House
1071	Stephenson	Katrina	4 Davis Street
1072	Stephenson	Zachary	4 Davis Street
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1073	Stevens	Caris Kirsten	30 Davis Street
1073	Stevens	Kelly-Marie	8 Murray Heights
1075	Stevens	Lucy Mary Rose Ellen Doreen	6 Dairy Paddock Road
1076	Stevens	Paul Theodore	6 Dairy Paddock Road
1077	Stewart	Celia Joyce	14 Allardyce Street
1078	Stewart	Daniel Duane	Cemetery Cottage
1079	Stewart	Duane William	17 Scoresby Close
1080	Stewart	Hulda Fraser	24 Ross Road West
1081	Stewart	Ian Bremner	34 Ross Road East
1082	Stewart	Kenneth Barry	Flat 5, 6 Jersey Road
1083	Stewart	Ruth Jane	17 Scoresby Close
1084	Stewart	Sheila Olga	34 Ross Road East
1085	Stewart-Reid	Carol Ellen Eva	7 Fitzroy Road
1086	Stewart-Reid	Clodagh Erin Georgia	7 Fitzroy Road
1087	Strange	Maria Marta	The Dolphins, Snake Street
1088	Strange	Shona Marguerite	6B Ross Road West
1089	Stroud	Mark Adrian	10 Sulivan Street
1090	Sullivan	Jonathan Francis	1 Mullet Creek
1091	Summers	Brian	1 Ross Road East
1092	Summers	Colin Owen	17 Nutt Cartmell Close
1093	Summers	Dorothy Constance	42 Eliza Crescent
1094	Summers	Edith Catherine	5 Dean Street
1095	Summers	Irvin Gerard	1 Anderson Drive
1096	Summers	Jacqueline	12 Pioneer Row
1097	Summers	Joanne Elizabeth	17 Nutt Cartmell Close
1098	Summers	Jonathan Derek	17 Brandon Road
1099	Summers	Judith Orissa	1 Ross Road East
1100	Summers	Michael Kenneth	6A Brisbane Road
1101	Summers	Michael Victor	12 Pioneer Row
1102	Summers	Naomi Christine	4 Anderson Drive
1103	Summers	Owen William	5 Brandon Road West
1104	Summers	Rowena Elsie	5 Allardyce Street
1105	Summers	Roy	32 Eliza Crescent
1106	Summers	Sheila	Sir Rex Hunt House
1107	Summers	Sybella Catherine Ann	1 Ross Road West
1108	Summers	Sylvia Jean	8 Racecourse Road
1109	Summers	Terence	1 Ross Road West
1110	Summers	Tony	8 Racecourse Road
1111	Summers	Veronica	5 Brandon Road West
1112	Sutcliffe	Lynsey Claire	1 Moody Street
1113	Sutherland	John Gall	3 Mountain View
1114	Sytchov	Vladimir	1 Felton Court
1115	Sytchova	Natalia Mikhaylovna	1 Felton Court

1116	Sytchova	Ulia	1 Felton Court
1117	Taylor	Anne Louise	4 Drury Street
1118	Taylor	Graham	55 Fitzroy Road
1119	Taylor	Ruth Eleanor	55 Fitzroy Road
1120	Tellez	Tylor Mathew James	8 Murray Heights
1121	Thain	Craig John	8 Davis Street
1122	Thain	John	8 Davis Street
1123	Thain	Stephanie Ann	8 Davis Street
1124	Thom	Dorothy Irene	37 Fitzroy Road
1125	Thomas	Andrew Neil	11 Jersey Road
1126	Thomas	Gary Stuart	Flat 3 Hebe Street
1127	Thomas	Jane Lilian Louisa	11 Jersey Road
1128	Thorsen	Carol Margaret	14 Jersey Road
1129	Thorsen	Gloria Penelope	Staff accommodation, Market Garden Staff accommodation, Market
1130	Thorsen	Kristiane Annergret Helena	Garden
1131	Toolan	George Benjamin	13 Sulivan Street
1132	Toolan	Rose Mary	13 Sulivan Street
1133	Toolan	Stephen David John	13 Sulivan Street
1134	Trinidades Burucua	Dahiana	14 Watson Way
1135	Turner	Betty Ann	8 Fitzroy Road East
1136	Turner	Howard Guy	8 Fitzroy Road East
1137	Turner	Joanne Elizabeth	61 Fitzroy Road
1138	Turner	Ronald	KEMH
1139	Tyrrell	Garry Bernard	1 Beaver Road
1140	Tyrrell	Gina Michelle	1 Beaver Road
1141	Tyrrell	Tasmin Andrea	1 Beaver Road
1142	Vidal Roberts	Leona Lucila	1 Mountain View
1143	Vilchez Valverde	Maria Yhovana	88 Davis Street
1144	Villegas	Caroline	7 Fieldhouse Close
1145	Villegas	Pedro Francisco	7 Fieldhouse Close
1146	Vincent	Elliott Lawrence	10 Endurance Avenue
1147	Vincent	Janette Mary	10 Endurance Avenue
1148	Vincent	Matthew Stephen	10 Endurance Avenue
1149	Vincent	Stephen Lawrence	10 Endurance Avenue
1150	Wade	Darren Martin	9 Fitzroy Road East
1151	Wade	Donald Harold	4A Jeremy Moore Avenue
1152	Wade	June Rose Elizabeth	17 Murray Heights
1153	Wallace	Fraser Barrett	10 John Street
1154	Wallace	Maria Lilian	Flat 1C Felton Stream
1155	Wallace	Michael Ian	23 Callaghan Road
1156	Wallace	Stuart Barrett	Flat 1C Felton Stream
1157	Wallace	Una	23 Callaghan Road
34			

1158 Wallace-Nannig Fiona Alice Tigh Na Mara, Moody Brook Rd 1159 Ward Alison Denise 9 Anderson Drive 1160 Ward **Dennis James** 9 Anderson Drive 9 James Street 1161 Watson Andrew James 1162 Watson Joanne 19 Sulivan Street 33 Davis Street 1163 Watson Lisa Marie 1164 Watson Paul 20 Endurance Avenue 1165 Watt Stephen Robert 7 Hebe Street 1166 Watts Patrick James 13 Brisbane Road 1167 Webb Gary Colin 58 Davis Street 1168 Webb Loretta Isobel 58 Davis Street 1169 White Allan Paul George 5A Davis Street 1170 White Judy Marie Flat 1, 3 Jeremy Moore Avenue 1171 Whitney Frederick William 9 Ross Road 1172 Whitney Jason 15 Ross Road East 1173 Whitney Kurt Ian 2 Pioneer Row 1174 Whitney Lana Rose 22 Eliza Crescent Susan Joan 9 Ross Road 1175 Whitney Alistair Graham 5 Felton Court 1176 Wilkinson 1177 Wilkinson David Clive Walter 24 Goss Road 1178 Wilkinson 5 Felton Court Johan 1179 Wilks Bruce Allan 11 Fieldhouse Close 1180 Wilks Susan Jean 11 Fieldhouse Close 1181 Williams Glen 33 Ross Road East 1182 Williams Kirsty Michelle 16 Jersey Road 1183 Williams Marlene Rose 23 Ross Road West 1184 Williams Ray Allan 30 Eliza Crescent 1185 Williamson Kathleen Laura 5 McKay Close 1186 Williamson Rachel Mary 9 McKay Close 1187 Wilson Stephen John 9 Dairy Paddock Road 1188 Wilson Tara 9 Dairy Paddock Road 1189 Wylie Ashley Craig Robert 2 Hansen Hill 1190 Wylie Julian Richard 1 McKay Close 1191 Yon Julian Lemarc Patrick 3 Davis Street West 1192 Zuvic-Bulic Kuzma Mario Holdfast House, Holdfast Road 1193 Zuvic-Bulic Saul Kuzma Holdfast House, Holdfast Road

Sharon Marie

Zoran Mario

1194 Zuvic-Bulic

1195 Zuvic-Bulic

Holdfast House, Holdfast Road

Holdfast House, Holdfast Road



FALKLAND ISLANDS GAZETTE Supplement

PUBLISHED BY AUTHORITY

Vol. 26 1 May 2015 No. 2

The following are published in this Supplement –

Coins Order 2015 (SR&O No 3 of 2015);

Stanley Common (Cape Pembroke Road) Regulations 2015 (SR&O No 4 of 2015); and British Nationality (Amendment of Schedule) Order 2015 (SR&O No 5 of 2015).

SUBSIDIARY LEGISLATION

CURRENCY

Coins Order 2015

S. R. & O. No: 3 of 2015

I make this order under section 22 of the Currency Ordinance (Title 25.1) on the advice of Executive Council.

1. Title

This Order is the Coins Order 2015.

2. Commencement

This Order comes into force upon publication in the *Gazette*.

3. New coins

- (1) The minting and issue of the coins described and specified in the schedule to this Order are authorised.
- (2) The schedule specifies
 - (a) the denomination, fineness, weight, diameter, quality, shape, edge and number of the coins authorised by paragraph (1);
 - (b) the tolerance or remedy which may be permitted in respect of variations from the standard weight, diameter and fineness of the coins; and
 - (c) the design of the obverse and reverse of the coins.

4. Deemed denomination of Crown coins and their value as legal tender

For the purposes of the Ordinance the coins authorised by this order are deemed to be of £5.00 denomination and will be legal tender in the Falkland Islands.

Made 29th April 2015

C. Roberts C.V.O., *Governor*.

SCHEDULE

Princess to Monarch Series

Type	Silver Proof	
Denomination	£5.00	
Weight (grams)	28.28	
Diameter (millimetres)	38.61	
Fineness	925 Sterling silver	
Quality	Proof	
Shape	Round	
Edge	Milled	
Edition limit for each reverse design	15,000 (10,000 of which will be allocated to the 25 coin collection)	

Mint The Royal Mint.

Remedy Variations to be allowed of the tolerance permitted by the Royal Mint.

Obverse design I.R.B. Effigy of Her Majesty Queen Elizabeth II.

Reverse design The designs feature images of a young Elizabeth and The Queen posing for photos

with stamps in the background. The denomination is shown on the obverse of the

coin.

SUBSIDIARY LEGISLATION

ENVIRONMENTAL PROTECTION

Stanley Common (Cape Pembroke Road) Regulations 2015

S. R. & O. No: 4 of 2015

I make the following regulations under section 10(c)(i) and (ii) of the Stanley Common Ordinance (No. 9 of 1999) on the advice of Executive Council.

1. Title

These regulations are the Stanley Common (Cape Pembroke Road) Regulations 2015.

2. Commencement

These regulations come into force on publication in the *Gazette* of the notification of the approval of them by resolution of the Legislative Assembly.

3. Interpretation

In these regulations —

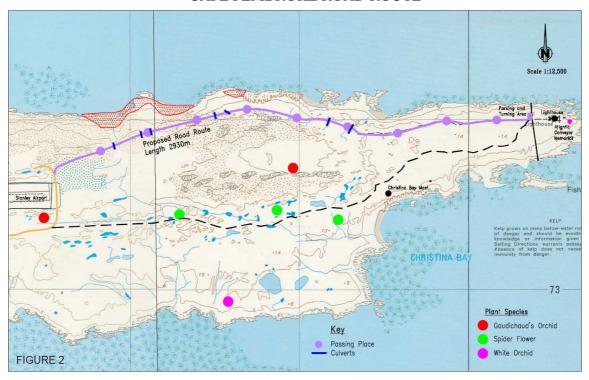
"the Cape Pembroke road" means the road (including a car park) to be constructed within Stanley Common running from the east end of Stanley Airport to the fence at Cape Pembroke Lighthouse which substantially follows the route shown in the diagram appearing in the Schedule to these regulations.

4. Permitted development for road and car park construction

- (1) The Public Works Department is permitted to carry on works, operations and any associated activities as are necessary to construct the Cape Pembroke road and a car park within Stanley Common.
- (2) The purpose of the road and car park construction is
 - (a) to protect the Cape Pembroke area which is a designated nature reserve;
 - (b) to grant access to Cape Pembroke through a designated road so as to reduce driving pressure on the wider area; and
 - (c) to provide a designated parking space.

SCHEDULE

CAPE PEMBROKE ROAD ROUTE



Made 29th April 2015

C. Roberts C.V.O., *Governor*.

EXPLANATORY NOTE

(not part of the regulations)

Section 10(c)(ii) of the Stanley Common Ordinance (No. 14 of 2010) allows the Governor to make regulations permitting development of areas of the Common for the purposes of road construction. Paragraph (c)(i) permits developments of areas within the Common for amenity purposes.

These regulations provide for the construction of a road within the Common that will provide access to Cape Pembroke as well as a car park.

Section 10 further provides that the regulations shall not have any effect until they have been approved by a resolution of the Legislative Assembly so *regulation 2* provides that the regulations will come into force on publication in the *Gazette* of the notification of their approval by resolution of the Legislative Assembly.

Regulation 3 deals with interpretation.

Regulation 4 provides the permission for the Public Works Department to construct a road and a car park within the Common. It further provides for the purpose of the road and the car park.

SUBSIDIARY LEGISLATION

BRITISH NATIONALITY

British Nationality (Amendment of Schedule) Order 2015

S. R. & O. No: 5 of 2015

I make this order under section 4 of the British Nationality Ordinance (Title 52.1) on the advice of Executive Council.

1. Title

This order is the British Nationality (Amendment of Schedule) Order 2015.

2. Commencement

This Order comes into force on publication in the Gazette.

3. Amendment of Schedule

The Schedule to the British Nationality Ordinance is amended by replacing the Table of Fees with the following new table —

"TABLE OF FEES

Matter in which fee may be taken	Amount of fee
1. Application under the Act, except an application under section 5, for registration as a British Overseas Territories citizen,	
(a) application relating to one adult,	£666.00
(b) application relating to one child,	£599.00
2. Application for naturalisation as a British Overseas Territories citizen under section 18(1) or 18(2) of the Act,	£740.00
3. Registration of a declaration of renunciation of British Overseas Territories citizenship under section 24 of the Act,	£223.00
4. Supply a certified copy of a notice, certificate, order, declaration or entry, given, granted or made under the Act or any of the former nationality Acts,	£ 20.00
5. Administering the oath of allegiance for the purposes of the Act.	£5.00"

C. Roberts C.V.O., *Governor*.

EXPLANATORY NOTE

(not forming part of the order)

Section 4 of the British Nationality Ordinance (Title 52.1) provides that the Governor in Council may, by order, amend the Schedule.

This order amends the Schedule by replacing the Table of Fees with a new table which provides for new fees as prescribed in the United Kingdom.





FALKLAND ISLANDS GAZETTE Extraordinary

PUBLISHED BY AUTHORITY

Vol. 124 8 May 2015 No. 8

NOTICES

No. 39 8 May 2015

Environmental Impact Statement Noble Energy Falklands Limited

An Environmental Impact Statement has been submitted to the Falkland Islands Government by Noble Energy Falklands Limited for an offshore drilling proposal in the North Falklands Basin. Electronic copies of the document in its entirety and paper copies of the Non-Technical Summary can be obtained from the Department of Mineral Resources, Ross Road, Stanley (telephone 27322 or email ehancox@mineralresources.gov.fk).

Written representations in relation to the Environmental Impact Statement must be received by 4:30pm on 19 June 2015 to the Department of Mineral Resources, Ross Road, Stanley (or by email to SLuxton@mineralresources.gov.fk).

Dated 8 May 2015

S. C. LUXTON Director of Mineral Resources.



FALKLAND ISLANDS GAZETTE

PUBLISHED BY AUTHORITY

Vol. 124 31 May 2015 No. 9

Appointment

James Lang, Assistant Water Supervisor, Water Section, Public Works Department, 30.03.15.

Megan Shirley Rebecca Middleton, Trainee Human Resources Advisor, Human Resources Department, 01.05.15.

Mark Spruce, Flight Information Service/Operations Officer, Falkland Islands Government Air Service, 01.05.15.

Felicity Sawle, Waste Management Co-ordinator, Environmental Planning Office, Central Services, 04.05.15.

Julie Scott, Advanced Childcare Practitioner, Health and Social Services Department, 07.05.15.

Graeme John Hemming, Plant Operator/Handyperson, Property and Municipal Section, Public Works Department, 11.05.15.

Patrick Andrew Minto, Plant Operator/Handyperson, Property and Municipal Section, Public Works Department, 11.05.15.

Kimberley Joanna Greenland, Trainee Human Resources Advisor, Human Resources Department, 18.05.15.

Resignation

George Toolan, Trainee Carpenter, Property and Municipal Section, Public Works Department, 08.05.15.

Shane Clarke, Mechanic, Plant and Vehicle Section, Public Works Department, 15.05.15.

Diana Aldridge, Finance Clerk, Health and Social Services Department, 31.05.15.

Barry Marsden, Director, Emergency Services Department, 31.05.15.

Retirement

Ian Clarke, Plant Operator/Handyperson, Highways Section, Public Works Department, 11.05.15.

NOTICES

No. 40 1 May 2015

Education Ordinance (Title 29.1)section 57

Academic Year 2015 – 2016 Term Dates

Term One will begin in September Term Two will begin in January Term Three will begin in May

Term One

Thursday 3 September – Thursday 17 December 2015 **Half Term**

Monday 26 October – Friday 30 October 2015 (inclusive)

Term Two

Monday 25 January – Friday 15 April 2016

Half Term

Monday 29 February - Friday 4 March 2016 (inclusive)

Term Three

Monday 2 May – Tuesday 9 August 2016

Half Term

Monday 13 June – Friday 17 June 2016 (inclusive)

Public Holidays (schools closed)

Monday 5 October 2015 Peat Cutting Monday

Tuesday 8 December 2015 Battle Day Friday 25 March 2016 Good Friday

Professional Development Days for Teaching and Non-Teaching Staff

Tuesday 1 September 2015 Wednesday 2 September 2015 Friday 30 October 2015 The equivalent of two Professional Development days to be organised at the discretion of the Head Teachers.

Camp Schools

Term dates for Camp Schools may be modified to suit the convenience of farms provided that children receive 190 days schooling and the dates are agreed with the Head Teacher of Infant Junior School/Camp Education in advance.

Dated 1 May 2015

A. TEMPEST, Director of Education.

No. 41

4 May 2015

Customs Ordinance 2003

section 7(3)

Appointment of Temporary Customs Officer

In exercise of the powers conferred by section 7(3) of the Customs Ordinance 2003, I appoint the following person to be a temporary Customs Officer:-

FS Matthew Brunel Chapman – H8290636 from 29 April to 29 October 2015.

Dated 4 May 2015

R. J. KING, Collector of Customs.

No. 42

5 May 2015

Falkland Frontiers Limited Company number: 12943

Notice is hereby given that the above named company was struck-off the Register of Companies pursuant to section 652A of the Companies Act 1985 on 30 April 2015.

Dated 5 May 2015

E. J. DENT, Registrar of Companies.

No. 43

8 May 2015

Falkland Islands Constitution Order

section 88

Appointment of Chief Justice

- 1. Section 88 of the Constitution (SI No 2008/2846) provides that the Chief Justice shall be appointed by the Governor in pursuance of instructions given by Her Majesty through a Secretary of State.
- 2. Pursuant to instructions given on 7 May 2015 by Her Majesty through the Secretary of State for Foreign and Commonwealth Affairs I appoint **Simon James Bryan QC** to be Chief Justice of the Falkland Islands.
- 3. This appointment takes effect on the date below and expires on the day which Simon James Bryan QC reaches the age of

70, or on such earlier date as may be permitted in accordance with section 90 of the Constitution.

Dated 8 May 2015

C. ROBERTS C.V.O., *Governor*.

No. 44

8 May 2015

Administration of Justice Ordinance

section 3

Appointment of Justices of the Peace

- 1. Section 3 of the Administration of Justice Ordinance (Title 22.1) provides for the Governor, acting in his discretion, to appoint any person to be a justice of the peace for the Falkland Islands.
- 2. In exercise of my powers under section 3, I appoint:

Robin David Granger Emily Clare Hancox Eva Lynn Jaffray; and Krysteen Alison Ormond

to be justices of the peace for the Falkland Islands.

3. These appointments have effect from the date given below, and continue in effect unless removed from office under the provisions of the Administration of Justice Ordinance.

Dated 8 May 2015

C. ROBERTS C.V.O., Governor.

No. 45

25 May 2015

Application for Falkland Islands Status

Notice is hereby given that:

Henry Mario Guala Romero Rex Edward Eagle Michael Richard Barton Darren Clive Bagley; and David Martin Crowie

have applied through the Principal Immigration Officer for Falkland Islands Status to be granted by His Excellency the Governor. Any person who knows of any reason why such status should not be granted, should send a written and signed statement of the facts, giving grounds for their objection, to the Immigration Officer, Customs and Immigration Department, Stanley by 21 June 2015.

Dated 25 May 2015

J. E. SMITH, Immigration Officer.

Notice is hereby given that:

Nelrose Olorvida Gabradilla

is applying to His Excellency the Governor for naturalisation as a British Overseas Territories Citizen. Any person who knows of any reason why naturalisation should not be granted is invited to send a written and signed statement of the facts to the Immigration Officer, Customs and Immigration Department, Stanley no later than 21 June 2015.

Dated 25 May 2015

J. E. SMITH, Immigration Officer. No. 47 28 May 2015

Customs Ordinance 2003

section 7(3)

Appointment of Temporary Customs Officer

In exercise of the powers conferred by section 7(3) of the Customs Ordinance 2003, I appoint the following person to be a temporary Customs Officer:-

WO John Richard Phillips – C8186743 from 23 March to 23 September 2015.

Dated 28 May 2015

R. J. KING, Collector of Customs.



FALKLAND ISLANDS GAZETTE

Supplement

PUBLISHED BY AUTHORITY

Vol. 26 19 June 2015 No. 3

The following are published in this Supplement –

Planning (Environmental Impact Assessment) Regulations 2015 (SR&O No 6 of 2015); Planning (Amendment) Ordinance 2014 (Correction) Order 2015 (SR&O No 7 of 2015); Supplementary Appropriation (2014-2015) Ordinance 2015 (No 2 of 2015); Appropriation Ordinance 2015 (No 3 of 2015); Capital Appropriation Ordinance 2015 (No 4 of 2015); and Finance Ordinance 2015 (No 5 of 2015).

SUBSIDIARY LEGISLATION

PLANNING AND BUILDING

Planning (Environmental Impact Assessment) Regulations 2015

S. R. & O. No. 6 of 2015

IN EXERCISE of my powers under section 33 of the Planning Ordinance (Title 55.3), I make the following regulations —

1. Title

These regulations are the Planning (Environmental Impact Assessment) Regulations 2015.

2. Commencement

These regulations come into force on publication in the *Gazette*.

3. Interpretation

In these regulations —

"environmental impact assessment" or "EIA" means a process, commenced with the submission by the applicant of an environmental impact statement and based predominantly on the content of that environmental impact statement, of evaluating the harm to the environment that is likely to be caused by a proposed development;

"environmental impact statement" or "EIS" means a document submitted by an applicant for planning permission in which is set out, in a manner reflecting the findings of suitable experts, the applicant's preliminary assessment of the potential for and the likely extent and effects of harm to the environment that will be caused by the proposed development.

4. Power to direct applicant to submit EIS

- (1) During the consideration of any application for planning permission, the Planning Officer may, in the Planning Officer's discretion, determine that an environmental impact assessment is necessary.
- (2) On determining that an environmental impact assessment is necessary, the Planning Officer must in writing direct the applicant to submit to the Planning Officer an environmental impact statement, and such directive must include general guidance as to
 - (a) the expected content of the EIS; and

- (b) the extent to which the applicant needs to engage the services of persons with suitable expertise in preparing the EIS.
- (3) An environmental impact statement must comply with any scoping opinion that may be given by the Planning Officer under regulation 10.
- (4) In advising an applicant as to the required content of an environmental impact statement, the Planning Officer must adhere to any circulars, notes or guidance issued by the Governor in accordance with regulation 5.
- (5) Whether or not the applicant requests a scoping opinion under regulation 10, the applicant must prepare the required environmental impact statement in a manner that complies with any circulars, notes or guidance issued by the Governor in accordance with regulation 5.

5. Power to issue circulars, notes or guidance regarding EIA

The Governor may issue circulars, notes or guidance, as appropriate, regarding the processes or procedures to be followed in respect of any aspect of these regulations, and compliance with the circulars, notes or guidance is mandatory.

6. The role of the Governor with respect to EIA

- (1) In addition to the power under regulation 5, the Governor must hear and determine the complaint of any applicant who contests the Planning Officer's determination that an environmental impact assessment is necessary.
- (2) In hearing and determining complaints in accordance with paragraph (1), the Governor must act in accordance with paragraphs (5) and (6) of regulation 7.

7. Procedure for complaining to the Governor regarding EIA directive

- (1) Subject to paragraph (2), an applicant who is aggrieved by the Planning Officer's directive regarding an EIS must, in order to have the matter heard and determined by the Governor, within 10 days of the applicant's receipt of the Planning Officer's directive write to the Governor setting out the details of the proposed development including reasons why an EIA is not necessary.
- (2) An applicant who requests a scoping opinion under regulation 10 is not allowed to make a complaint to the Governor under this regulation.
- (3) When making a complaint to the Governor in accordance with paragraph (1) the applicant must include documentary evidence of the directive of the Planning Officer that an environmental impact statement must be submitted.
- (4) The applicant must provide the Planning Officer with a copy of the written complaint the applicant submits to the Governor in accordance with this regulation.
- (5) The Governor must within a reasonable time make a determination of a complaint submitted to the Governor under this regulation and must promptly advise the applicant and the Planning Officer, in writing, of the determination.

- (6) The determinations open to the Governor when acting in accordance with this regulation are that an environmental impact assessment
 - (a) is necessary and the applicant must comply with the directive of the Planning Officer to produce an environmental impact statement; or
 - (b) is not necessary and
 - (i) the applicant need not comply with the directive of the Planning Officer to produce an environmental impact statement; and
 - (ii) an assessment of the merits of the application for planning permission is capable of being and must be made even if an environmental impact statement is not produced.

8. Effect of an EIA directive for the purposes of section 48 of the Ordinance

- (1) For purposes of section 48 of the Ordinance, a requirement to submit an EIS under regulation 4 halts the running of time within which a decision on an application for planning permission must be communicated to the applicant.
- (2) Time shall not begin to run again for the purposes of section 48 of the Ordinance until the applicant either
 - (a) submits, as required, an environmental impact statement that satisfies the Planning Officer as to its fitness for purpose; or
 - (b) is excused, by way of the Governor's determination of a complaint submitted by the applicant in accordance with regulation 7, from the requirement to submit an environmental impact statement.

9. Requirement for regard to be had to the development plan

Subject to material considerations indicating otherwise in accordance with section 25A of the Ordinance, the Planning Officer must have regard to the development plan in —

- (a) determining whether an environmental impact assessment is necessary;
- (b) assessing and evaluating the required scope of an environmental impact statement; and
- (c) determining whether a submitted environmental statement is fit for purpose.

10. Supplementary guidance regarding the preparation of an EIS

(1) An applicant who has been directed to submit an environmental impact statement and considers the general guidance provided in the directive insufficient may request of the Planning Officer an opinion, referred to as a "scoping opinion", providing more detailed guidance as to the information and analysis that the environmental impact statement is to contain in order to be fit for purpose.

- (2) The Planning Officer must provide the applicant with a requested scoping opinion no later than 5 weeks after the request was made.
- (3) Where a scoping opinion has been provided and the environmental impact statement submitted by the applicant does not reflect compliance with the scoping opinion, the Planning Officer—
 - (a) is entitled to treat the application for planning permission as if the applicant has refused to submit an environmental impact statement and must, if the Planning Officer opts to so treat the application, act in accordance with regulation 11; or
 - (b) may direct the applicant to improve and resubmit the environmental impact statement.

11. Consequences of failure to submit an environmental impact statement

- (1) Where an applicant either
 - (a) refuses to submit an environmental impact statement; or
 - (b) fails to submit an environmental impact statement within a reasonable time (the upper limit of which may be set by the Governor, under regulation 5, by way of circular, note or guidance),

the Planning Officer must refuse the application for planning permission on the sole ground of the applicant's refusal or failure, as the case may be.

- (2) Paragraph (1) applies equally to—
 - (a) a directive to submit an EIS in respect of which the applicant has not complained to the Governor under regulation 7; and
 - (b) a directive to submit an EIS in respect of which the Governor has, following receipt of a complaint by the applicant under regulation 7, confirmed that an EIS is required.
- (3) Where an application is refused in the circumstances set out in paragraph (1), the refusal is final and cannot be appealed.

Made 27th May 2015

J. S. Tyler-Haywood, *Acting Governor*.

EXPLANATORY NOTE

(not forming part of the Regulations)

These Regulations empower the Planning Officer to require applicants to submit an environmental impact statement in addition to their applications for planning permission. Environmental impact statements will form the basis for an environmental impact assessment carried out by the Environmental Planning Department, which will be a relevant factor in determining an application for planning permission.

Regulation 4 empowers the Planning Officer to demand an environmental impact statement ("EIS") during the consideration of an application for planning permission. That demand must be in writing. The EIS must comply with any scoping opinion that may have been provided on the request of the applicant, and the scoping opinion must comply with any guidelines given by the Governor. Whether or not a scoping opinion has been requested, the applicant must in preparing the EIS comply with any guidelines given by the Governor.

Regulation 5 empowers the Governor to issue guidance documents and the like, regarding any aspect of the procedure relevant to compliance with these Regulations. Compliance with any such guidance, etc. is mandatory.

Regulation 6 requires the Governor to hear and determine complaints of applicants aggrieved at being required to produce an EIS.

Regulation 7 empowers an aggrieved applicant to appeal to the Governor after having been directed to submit an EIS. It prohibits applicants who have requested a scoping opinion from appealing.

Regulation 8 provides that the demand for an EIS halts the running of time for the purposes of the applicant being able appeal against non-determination under section 48 of the Planning Ordinance. Time does not begin to run again until the applicant submits a satisfactory EIS or, alternatively, has been excused by the Governor from submitting an EIS.

Regulation 9 requires the Planning Officer to have regard to the development plan when complying with these Regulations.

Regulation 10 empowers the applicant to request a scoping opinion, which provides more detailed guidance on the required content of the EIS. It obliges the Planning Officer to comply within 5 weeks of the request and empowers the Planning Officer to treat the applicant's failure to comply with the scoping opinion as a refusal to submit an EIS. It also affords the Planning Office the alternative of requesting that the EIS be resubmitted.

Regulation 11 requires the Planning Officer to refuse an application for planning permission whenever the applicant fails to submit an EIS within a reasonable time or refuses to submit one. Such an applicant is prohibited from appealing the refusal.

SUBSIDIARY LEGISLATION

PLANNING & BUILDING

Planning (Amendment) Ordinance 2014 (Correction) Order 2015

S. R. & O. No: 7 of 2015

IN EXERCISE of my powers under section 93 of the Interpretation and General Clauses Ordinance (Title 67.2) I make the following order—

1. Title

This order is the Planning (Amendment) Ordinance 2014 (Correction) Order 2015.

2. Commencement

This order is deemed to have come into force on 13 November 2014.

3. Correction of Planning (Amendment) Ordinance 2014

The Planning (Amendment) Ordinance 2014 (No 9 of 2014) is amended in section 18 by omitting from the new section 47A the following —

- (a) the words "this section" appearing in subsection (1) and replacing them with the words "section 47"; and
- (b) the words "Executive Council" appearing in subsection (2)(c) and replacing them with the words "the Committee".

Made 17th June 2015

C. P. Judge, M.B.E., *Attorney General*.

EXPLANATORY NOTE

(not forming part of the above order)

This order corrects typographical errors.



FALKLAND ISLANDS

COLIN ROBERTS C.V.O., *Governor*.

Supplementary Appropriation (2014-2015) Ordinance 2015

(No: 2 of 2015)

ARRANGEMENT OF PROVISIONS

Section

- 1. Title
- 2. Commencement
- 3. Withdrawal of additional sum
- 4. Replenishment of Contingencies Fund

Schedule



FALKLAND ISLANDS

COLIN ROBERTS C.V.O., *Governor*.

SUPPLEMENTARY APPROPRIATION (2014-2015) ORDINANCE 2015

(No: 2 of 2015)

(assented to: 18 June 2015) (commencement: on publication) (published: 19 June 2015)

AN ORDINANCE

To authorise the withdrawal from the Consolidated Fund of the additional sum of £10,855,250.00 for the financial year ending 30 June 2015.

ENACTED by the Legislature of the Falkland Islands —

1 Title

This Ordinance is the Supplementary Appropriation (2014-2015) Ordinance 2015.

2. Commencement

This Ordinance comes into force on publication in the *Gazette*.

3. Withdrawal of additional sum

- (1) The Financial Secretary may withdraw an additional sum of £10,855,250.00 from the Consolidated Fund.
- (2) Any additional sum withdrawn under subsection (1) may be applied in the financial year ending 30 June 2015 in accordance with section 4 and the Schedule.

4. Replenishment of Contingencies Fund

If any sum has been withdrawn from the Contingencies Fund by the authority of Contingencies Warrant Nos 3 to 8 of 2014/2015, the Financial Secretary will replenish the fund from the additional sum withdrawn under section 3.

SCHEDULE

Number	Head of Service	Amount
		£
	Operating Budget	
0110	Directorate of Central Services	16,000.00
0200	Health and Social Services	268,600.00
0250	Education and Training	123,260.00
0410	Natural Resources	133,000.00
0451	Law and Regulation Directorate	200,000.00
0550	Emergency Services	1,890.00
0998	Social Investments	10,000,000.00
0999	Island Plan Investments	112,500.00
	Total Operating Budget	10,855,250.00
	Total Schedule	10 855 250 00
	Total Schedule	10,855,250.0

Passed by the Legislature of the Falkland Islands on 2 June 2015.

CHERIE YVONNE CLIFFORD,

Deputy Clerk of the Legislative Assembly.

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

CHERIE YVONNE CLIFFORD,

Deputy Clerk of the Legislative Assembly.



FALKLAND ISLANDS

COLIN ROBERTS C.V.O., *Governor*.

Appropriation Ordinance 2015

(No: 3 of 2015)

ARRANGEMENT OF PROVISIONS

Section

- 1. Title
- 2. Commencement
- 3. Appropriation

Schedule



FALKLAND ISLANDS

COLIN ROBERTS C.V.O., *Governor*.

APPROPRIATION ORDINANCE 2015

(No: 3 of 2015)

(assented to: 18 June 2015) (commencement: on publication) (published: 19 June 2015)

AN ORDINANCE

To authorise the withdrawal from the Consolidated Fund of money for the financial year ending 30 June 2016.

ENACTED by the Legislature of the Falkland Islands —

1. Title

This Ordinance is the Appropriation Ordinance 2015.

2. Commencement

This Ordinance comes into force on publication in the Gazette.

3. Appropriation

- (1) The Financial Secretary may withdraw the sum of £61,438,710 from the Consolidated Fund.
- (2) Any sum withdrawn under subsection (1) may be applied in the financial year ending 30 June 2016 for the purpose of supplying the votes set out in the Schedule.

SCHEDULE

	DIRECTORATE	Total Operating Budget	Capital Charges	Departmental Expenditure	Less Internal Charges	Net Operating Budget
OPE	RATING BUDGET	£	£	£	£	£
110	Central Services	6,007,520	506,340	5,501,180	119,470	5,381,710
120	Human Resources	498,350	-	498,350	1,700	496,650
200	Health & Social Services	10,919,050	630,410	10,288,640	190,560	10,098,080
250	Education	6,687,740	441,420	6,246,320	89,140	6,157,180
350	Public Works	13,074,440	3,724,020	9,350,420	146,420	9,204,000
410	Natural Resources	6,890,880	98,210	6,792,670	310,740	6,481,930
451	Law & Regulation Services	1,344,830	18,430	1,326,400	22,440	1,303,960
550	Emergency Services	2,713,730	322,840	2,390,890	38,130	2,352,760
600	Executive Management	2,973,650	61,190	2,912,460	30,080	2,882,380
620	Mineral Resources	544,170	3,020	541,150	3,480	537,670
700	The Treasury	2,502,170	5,140	2,497,030	16,090	2,480,940
TOT	AL DEPT BUDGET	54,156,530	5,811,020	48,345,510	968,250	47,377,260
999	Island Plan Investments	10,510,450	-	10,510,450	-	10,510,450
998	Social Investments	590,000	-	590,000	-	590,000
TOT	AL MTFP EXPENDITURE	65,256,980	-	59,445,960	-	58,477,710
997	Oil	2,961,000	-	2,961,000	-	2,961,000
TOT	AL LTFP EXPENDITURE	68,217,980	5,811,020	62,406,960	968,250	61,438,710
					-	

Passed by the Legislature of the Falkland Islands on 5 June 2015.

CHERIE YVONNE CLIFFORD, Deputy Clerk of the Legislative Assembly.

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

CHERIE YVONNE CLIFFORD, Deputy Clerk of the Legislative Assembly.



FALKLAND ISLANDS

COLIN ROBERTS C.V.O., *Governor*.

Capital Appropriation Ordinance 2015

(No: 4 of 2015)

ARRANGEMENT OF PROVISIONS

Section

- 1. Title
- 2. Commencement
- 3. Appropriation

Schedule



FALKLAND ISLANDS

COLIN ROBERTS C.V.O., *Governor*.

CAPITAL APPROPRIATION ORDINANCE 2015

(No: 4 of 2015)

(assented to: 18 June 2015) (commencement: on publication) (published: 19 June 2015)

AN ORDINANCE

To authorise the withdrawal from the Capital Equalisation Fund of money for capital projects.

ENACTED by the Legislature of the Falkland Islands —

1. Title

This Ordinance is the Capital Appropriation Ordinance 2015.

2. Commencement

This Ordinance comes into force on publication in the Gazette.

3. Appropriation

- (1) The Financial Secretary may make payments out of the Capital Equalisation Fund not exceeding, in total, £14,019,150 as are required to fund the amendments to the capital programme detailed in the Schedule.
- (2) The authorisation given in subsection (1) authorises payments additional to those authorised by order made under section 11(2) of the Public Funds Ordinance (Title 19.7).

SCHEDULE

section 3

Capital Programme

	Financial Year	Financial Year	Total
	2014/15	2015/16	
	£	£	£
Economic Development	(180,750)	230,000	49,250
•	(160,730)	ŕ	•
Population and Workforce	-	75,000	75,000
Self Determination	-	40,000	40,000
Transport & Communications	71,050	1,084,730	1,155,780
Education & Training	140,030	135,000	275,030
Health & Social Care	210,000	464,900	674,900
Maintenance	(35,000)	916,640	881,640
Infrastructure	411,430	9,791,930	10,203,360
Safety & Security	364,390	203,800	568,190
Community & Culture	96,000	-	96,000
	1,077,150	12,942,000	14,019,150

Passed by the Legislature of the Falkland Islands on 5 June 2015.

CHERIE YVONNE CLIFFORD, Deputy Clerk of the Legislative Assembly.

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

CHERIE YVONNE CLIFFORD, Deputy Clerk of the Legislative Assembly.



FALKLAND ISLANDS

COLIN ROBERTS C.V.O., Governor.

Finance Ordinance 2015

(No: 5 of 2015)

ARRANGEMENT OF PROVISIONS

Section

- 1. Title
- 2. Commencement
- 3. Amendment of Air Navigation (Fees) Regulations
- 4. Amendment of Banking Regulations Order
- 5. Amendment of Building Regulations
- 6. Amendment of Commissioners for Oaths Rules
- 7. Amendment of Companies and Private Partnership Ordinance and other companies legislation
- 8. Amendment of Conservation of Wildlife and Nature Ordinance
- 9. Amendment of Cruise Ships Ordinance
- 10. Amendment of Customs (Fees) Regulations
- 11. Amendment of Customs (Import Prohibitions)(Fees) Regulations
- 12. Amendment of Dogs Rules
- 13. Amendment of Falkland Islands Status (Application Fees) Regulations
- 14. Amendment of Family Allowances Ordinance
- 15. Amendment of Firearms and Ammunition (Fees) Regulations Order
- 16. Amendment of Fishery Products (Hygiene)(Fees) Regulations
- 17. Amendment of Harbours Regulations
- 18. Amendment of Immigration (Fees) Regulations
- 19. Amendment of Land Charges Fees Rules
- 20. Amendment of Land (Non-residents)(Fees) Regulations
- 21. Amendment of Land Ordinance

- 22. Amendment of Medical Practitioners, Midwives and Dentists Ordinance
- 23. Amendment of Medical Services Tax Ordinance
- 24. Amendment of Merchant Shipping (Registration of Ships)(Fees) Regulations
- 25. Amendment of Minimum Wage Ordinance
- 26. Revocation of Minimum Wage (Initial Rates) Order
- 27. Amendment of Notaries Public Rules
- 28. Amendment of Planning Ordinance
- 29. Amendment of Planning (General) Regulations
- 30. Amendment of Plant Importation Regulations
- 31. Amendment of Post Office Order
- 32. Amendment of the Public Funds Ordinance
- 33 Amendment of Registration of Marriages Regulations
- 34. Amendment of Registration Regulations
- 35. Amendment of Registration of United Kingdom Patents Ordinance
- 36. Amendment of Retirement Pensions Ordinance
- 37. Amendment of Retirement Pensions (Prescribed Rates) Regulations
- 38. Amendment of Road Traffic Ordinance
- 39. Amendment of Road Traffic (Provisional) Regulations Order
- 40. Amendment of Taxes Ordinance
- 41. Amendment of Vehicle Licence Labels Regulations
- Schedule 1: New Schedule to Air Navigation (Fees) Regulations
- Schedule 2: New Schedule A to Companies and Private Partnership Ordinance
- Schedule 3: New Schedule to Fisheries Products (Hygiene)(Fees) Regulations
- Schedule 4: New Schedule 1 to Land Charges Fees Rules
- Schedule 5: New Schedule 2 to Land Ordinance
- Schedule 6: New Schedule to Notaries Public Rules
- Schedule 7: New Schedule to Planning (General) Regulations
- Schedule 8: New Schedules 1, 2 and 3 to the Post Office Order
- Schedule 9: New Schedule 2 to Registration Regulations

ELIZABETH II



FALKLAND ISLANDS

COLIN ROBERTS C.V.O., *Governor*.

FINANCE ORDINANCE 2015

(No: 5 of 2015)

(assented to: 18 June 2015) (commencement: in accordance with section 2) (published: 19 June 2015)

AN ORDINANCE

To amend miscellaneous provisions of various enactments in force in the Falklands Islands so as to vary or abolish specified allowances, benefits, charges, contributions, fees, and penalties provided for in these enactments, to insert in various enactments provisions imposing new charges, to amend the Taxes Ordinance (Title 69.1) to make provision for capital allowances in respect of the construction or acquisition of car parks and hard standings, and to amend the Medical Services Tax Ordinance (Title 69.4) to make provision for a capital allowance in the calculation of Medical Services Tax for self-employed persons.

ENACTED by the Legislature of the Falkland Islands —

1 Title

This Ordinance is the Finance Ordinance 2015.

2. Commencement

This Ordinance comes into force on 1 July 2015, except where it is specifically provided that particular provisions come into force at a later, specified date.

3. Amendment of Air Navigation (Fees) Regulations

The Air Navigation (Fees) Regulations (SR&O No 9 of 2009) are amended by omitting the Schedule and replacing it with the contents of Schedule 1 to this Ordinance.

4. Amendment of Banking Regulations Order

- (1) Regulation 4 of the Banking Regulations Order (Title 10.1.1) is amended by omitting "£6,000.00" and replacing it with "£7,000.00".
- (2) The amendments set out in subsection (1) come into force on 1 January 2016.

5. Amendment of Building Regulations

Regulation 6 of the Building Regulations (Title 55.4.1) is amended by inserting immediately after subregulation (3) the following —

- "(4) An applicant for a permit to do any of the activities provided for in regulation 5(1) must, where the activity proposed is one of the following, pay the corresponding fee on submission of the application
 - (a) construct a building or structure for use as residential accommodation £64.00;
 - (b) (where the applicant is the householder) enlarge, improve or otherwise alter a dwelling house £32.00;
 - (c) erect for industrial or commercial uses buildings of an area less than 75sqm £96.00;
 - (d) erect for industrial or commercial uses buildings of an area exceeding 75sqm £320.00.
- (5) Where an application under this regulation is submitted together with an application under regulation (8) of the Planning (General) Regulations (Title 55.3.3), the fee payable for both applications is as set out in the Schedule to the Planning (General) Regulations at the portion of the second column corresponding to the relevant type of activity set out in the first column."

6. Amendment of Commissioners for Oaths Rules

Rule 2(1) of the Commissioners for Oaths Rules (Title 22.1.1) is amended —

- (a) in paragraph (a), by omitting "£7.40" and replacing it with "£10.00"; and
- (b) in paragraph (b), by omitting "£3.70" and replacing it with "£4.00".

7. Amendment of Companies and Private Partnership Ordinance and other companies legislation

- (1) Schedule A to the Companies and Private Partnership Ordinance (Title 18.1) is repealed and replaced by the contents of Schedule 2 to this Ordinance.
- (2) Section 242A(2) of the Companies Act, 1985 (as in force in England on 1 September, 2006) is amended in its application to the Falkland Islands by omitting the table and replacing it with the following —

"Length of period	Public company	Private company
Not more than 3 months	£508	£105
More than 3 months but not more than 6 months	£1,046.00	£264
More than 6 months but not more than 12 months	£2,090	£523
More than 12 months	£5,230	£1,046".

8. Amendment of Conservation of Wildlife and Nature Ordinance

The Conservation of Wildlife and Nature Ordinance (No. 10 of 1999) is amended —

- (a) in section 9, by inserting immediately after subsection (1) the following
 - "(1A) The Governor may charge, in respect of an application for any licence provided for in this Ordinance, such fee as may be specified in this Ordinance.";
- (b) in subsection (2)(a) of section 9, by inserting immediately between "purposes" and the semi-colon the following
 - ", in relation to which the following provisions apply
 - (i) an applicant for a licence must, subject to subparagraph (ii), pay an application fee of £250.00; and
 - (ii) the Planning Officer may waive the requirement to pay the fee where
 - (aa) applications are made by charities;
 - (bb) applications are made in relation to research areas that the Planning Officer considers to be priority areas; or
 - (cc) there exist other circumstances in which the Planning Officer considers it appropriate to do so;"; and
- (c) by inserting immediately after section 18 the following —

"19. Fees for visits to islands

- (1) Subject to subsection (2), a person who wishes to visit any of the islands specified below must pay the corresponding fee in order to be permitted to visit
 - (a) for Kidney Island, £10.00 per person;
 - (b) for all other islands owned by the Crown, £50.00 per person.

- (2) The Planning Officer may waive the requirement to pay a fee under subsection (1) where
 - (a) applications are made by charities;
 - (b) applications are made in relation to research areas that the Planning Officer considers to be priority areas; or
 - (c) there exist other circumstances in which the Planning Officer considers it appropriate to do so.".

9. Amendment of Cruise Ships Ordinance

Section 3 of the Cruise Ships Ordinance (No 23 of 1998) is amended —

- (a) in subsection (1)
 - (i) with effect from 1 July 2015, by omitting "£18.00" and replacing it with "£20.00"; and
 - (ii) with effect from 1 July 2016, by omitting "£20.00" and replacing it with "£21.00"; and
- (b) in subsection (2)
 - (i) with effect from 1 July 2015, by omitting "£6.00" and replacing it with "£7.00"; and
 - (ii) with effect from 1 July 2016, by omitting "£7.00" and replacing it with "£7.50".

10. Amendment of Customs (Fees) Regulations

The Customs (Fees) Regulations (SR&O No 10 of 2006) are amended as follows —

- (a) in regulation 3
 - (i) by omitting "£76.40" in each place where it appears and replacing it with "£77.80";
 - (ii) by omitting "£114.60" in each place where it appears and replacing it with "£116.70";
 - (iii) in paragraph (a)(ii), by omitting "£38.20" and replacing it with "£38.90"; and
 - (iv) in paragraph (c)(ii), by omitting "£57.30" and replacing it with "£58.35"; and
- (b) in regulation 4
 - (i) by omitting "£52.30" in each place where it appears and replacing it with "£53.10";
 - (ii) by omitting "£259.30" in each place where it appears and replacing it with "£263.20";
 - (iii) in subregulation (3)(a), by omitting "£26.15" and replacing it with "£26.55"; and

(iv) in subregulation (3)(b), by omitting "£129.70" and replacing it with "£131.60".

11. Amendment of Customs (Import Prohibitions)(Fees) Regulations

Regulation 3 of the Customs (Import Prohibitions)(Fees) Regulations (SR&O No 12 of 2009) is amended by omitting —

- (a) paragraph (a) and replacing it with the following
 - "(a) Importation of Animals etc. Proclamation 2000 (No 2 of 2000)
 - (i) licence for importation of animal standard (per licence) £127.60
 - (ii) licence for importation of animal poultry/exotic pet (per licence) £32.50
 - (iii) licence for importation of animal poultry/exotic pet (annual) £64.90
 - (iv) inspection and treatment on arrival £11.00 plus the cost of

necessary drug treatment

- (v) clearance from port of arrival (per importer) £114.80
- (vi) inspection following house quarantine (per animal) £11.00";
- (b) paragraph (b) and replacing it with the following
 - "(b) Importation of Food and Animal Products from South America Proclamation 2001 (No 3 of 2001)
 - (i) licence for the importation of animal/animal product £15.80 (commercial single importation)
 - (ii) licence for the importation of animal/animal product £127.60 (commercial annual)
 - (iii) licence for the importation of animal/animal product £4.00 (non-commercial)."; and
- (c) paragraph (c) and replacing it with the following
 - "(c) Proclamation Number 6 of 1985 —

Inspection of shearing equipment by the Government £39.50 Veterinary Officer".

12. Amendment of Dogs Rules

Rule 3 of the Dogs Rules (Title 5.2.1) is amended by omitting "£31.40" and replacing it with "£31.90".

13. Amendment of Falkland Islands Status (Application Fees) Regulations

The Falkland Islands Status (Application Fees) Regulations (Title 52.3.2) are amended in regulation 2(1) by omitting "£215.00" and replacing it with "£218.00".

14. Amendment of Family Allowances Ordinance

The Family Allowances Ordinance (Title 65.1) is amended in section 3(1), by omitting "£67.20" and replacing it with "£68.00".

15. Amendment of Firearms and Ammunition (Fees) Regulations Order

The Firearms and Ammunition (Fees) Regulations Order (Title 23.2.1) is amended —

- (a) in regulation 2, by omitting "£18.75" and replacing it with "£19.00";
- (b) in regulation 4A, by omitting from subsection (3) "£7.00" and replacing it with "£7.25"; and
- (c) in the Schedule, by omitting
 - (i) "£68.00" and replacing it with "£69.00";
 - (ii) "£18.75" and replacing it with "£19.00"; and
 - (iii) "£37.25" and replacing it with "£38.00".

16. Amendment of Fishery Products (Hygiene)(Fees) Regulations

The Fishery Products (Hygiene)(Fees) Regulations (SR&O No 41 of 1998) are amended by repealing the Schedule and replacing it with the contents of Schedule 3 to this Ordinance.

17. Amendment of Harbours Regulations

Schedule 3 to the Harbours Regulations (Title 57.3.1) is amended by omitting paragraph 1 and replacing it with —

"1. Harbour Dues

(a) private pleasure yacht (under 50 tons)	£68.00

(b) other vessels:

under 15 tons	£68.00
15 tons or more but under 30 tons	£124.00
30 tons or more but under 50 tons	£224.00
50 tons or more but under 800 tons	£338.00
800 tons or more but under 1,000 tons	£440.00

1.000	0.50 < 0.0
1,000 tons or more but under 1,500 tons	£506.00
1,500 tons or more but under 2,000 tons	£608.00
2,000 tons or more but under 5,000 tons	£743.00
5,000 tons or more but under 7,000 tons	£901.00
7,000 tons or more but under 10,000 tons	£1,351.00
10,000 tons or more but under 15,000 tons	£1,689.00
15,000 tons or more but under 20,000 tons	£1,971.00
20,000 tons or more but under 25,000 tons	£2,252.00
25,000 tons or more but under 30,000 tons	£2,589.00
30,000 tons or more but under 35,000 tons	£2,927.00
35,000 tons or more but under 40,000 tons	£3,265.00
40,000 tons or more but under 50,000 tons	£3,828.00
50,000 tons or more but under 60,000 tons	£4,503.00
60,000 tons or more but under 70,000 tons	£4,953.00
70,000 tons or more but under 80,000 tons	£5,515.00
80,000 tons or more	£6,080.00".

18. Amendment of Immigration (Fees) Regulations

Regulation 3(1) of the Immigration (Fees) Regulations (SR&O No 7 of 2009) is amended —

- (a) by omitting "£22.50" in paragraphs (a) and (b) and replacing it, in each case, with "£23.00"; and
- (b) in subparagraph (c), by omitting "£215.20" and replacing it with "£218.00".

19. Amendment of Land Charges Fees Rules

Schedule 1 to the Land Charges Fees Rules (SR&O No 3 of 1997) is repealed and replaced by the contents of Schedule 4 to this Ordinance.

20. Amendment of Land (Non-residents)(Fees) Regulations

The Schedule to the Land (Non-residents)(Fees) Regulations (SR&O No 13 of 2007) is amended by omitting —

- (a) "£116.60" and replacing it with "£120.00"; and
- (b) "£235.50" and replacing it with "£250.00".

21. Amendment of Land Ordinance

Schedule 2 to the Land Ordinance (Title 45.2) is repealed and replaced by the contents of Schedule 5 to this Ordinance.

22. Amendment of Medical Practitioners, Midwives and Dentists Ordinance

- (1) The Medical Practitioners, Midwives and Dentists Ordinance (S. R. & O. No. 3 of 1914) is amended by repealing subsection (2) of section 3 and replacing it with the following
 - "(2) An applicant for registration as a medical practitioner, midwife or dentist who is not in the employment of the Government must pay a fee of £2,000.00, but medical practitioners,

midwives and dentists who are in the employment of the Government are entitled to be registered free of charge:

Provided that the Senior Medical Officer may refuse to register any person whose professional qualifications are not acceptable by the General Medical Council of the United Kingdom.".

(2) The amendment set out in subsection (1) comes into force on 1 January 2016.

23. Amendment of the Medical Services Tax Ordinance

(1) The Medical Services Tax Ordinance (No. 13 of 2010) is amended by repealing section 16 and replacing it with the following -

"16. Calculation of relevant profits

- (1) The following provisions of the Taxes Ordinance apply for the purpose of calculating relevant profits
 - (a) section 59 (which deals with deductions that are not allowed for the purposes of income tax);
 - (b) section 59A (which provides that corrupt payments are not deductible);
 - (c) section 67 (which provides, among other things, employers' contributions into approved retirement benefit schemes may, within certain limits, be deducted);
 - (d) section 97 (which deals with deductions that are allowed for the purposes of income tax);
 - (e) section 98 (which restricts the deduction of emoluments before they are paid);
 - (f) section 99 (which deals with entertainment expenses);
 - (g) section 102 (which allows for augmented deductions in respect of training expenses);
 - (h) section 103 (which provides for relief in respect of pre-trading expenditure); and
 - (i) Chapter II of Part V (which provides for depreciation allowances).
- (2) In calculating relevant profits for the purposes of this Ordinance, no deductions other than those permitted by any of the sections of the Taxes Ordinance listed in subsection (1) are allowed, even if any such other deductions are allowed for the purposes of income tax under other provisions of the Taxes Ordinance.".
- (2) The amendment set out in subsection (1) comes into force on 1 January 2016.

24. Amendment of Merchant Shipping (Registration of Ships)(Fees) Regulations

The Schedule to the Merchant Shipping (Registration of Ships)(Fees) Regulations (S. R. & O. No. 2 of 2005) is amended under the heading 'SMALL SHIPS REGISTERED UNDER PART

III OF THE REGISTER' by omitting "£20.30" appearing opposite the words "Registration of vessel (and of a vessel whose Registry has expired)" and replacing it with "£20.60".

25. Amendment of Minimum Wage Ordinance

- (1) The Minimum Wage Ordinance (No. 10 of 2013) is amended
 - (a) in section 3(1), by omitting the definitions of "minimum wage rate", "minimum wage rate for adults" and "minimum wage rate for young persons"; and
 - (b) in Part 4, by repealing
 - (i) section 11 and replacing it with the following —

"11. Minimum wage rate

- (1) The minimum wage rate is £5.38.
- (2) A review of the minimum wage rate must take place at least every 12 months, following which the rate may be changed.
- (3) A change to the minimum wage rate must not take effect until at least 3 months after the new rate has been published in the *Gazette*."; and
- (ii) sections 12 and 13.
- (2) The amendments set out in subsection (1) come into force on 1 January 2016.

26. Revocation of Minimum Wage (Initial Rates) Order

The Minimum Wage (Initial Rates) Order (S. R. & O. No. 14 of 2013) is revoked with effect from 1 January 2016.

27. Amendment of Notaries Public Rules

The Schedule to the Notaries Public Rules (Title 22.1.2) is repealed and replaced by the contents of Schedule 6 to this Ordinance.

28. Amendment of Planning Ordinance

The Planning Ordinance (Title 55.3) is amended by repealing section 117 and replacing it with the following —

"117. Regulations and orders

- (1) The Governor may make regulations under this Ordinance
 - (a) for prescribing the form of any notice, order or other document authorised or required by any of the provisions of this Ordinance to be served, made or issued by him, the Committee or the Planning Officer;

- (b) for any purpose which regulations are authorised or required to be made under this Ordinance, not being a purpose for which regulations are authorised or required to be made by another person or authority;
- (c) as to
 - (i) the exercise of any claim for compensation;
 - (ii) the person to whom such compensation or any part thereof is to be paid; and
 - (iii) the application of any such compensation or any part thereof in cases where, apart from such regulations, the right to claim compensation is exercisable by reference to an interest in land which
 - (aa) is subject to a mortgage;
 - (bb) is subject to a rent charge;
 - (cc) is subject to the trusts of a settlement; or
 - (dd) at the time specified in the regulations, was subject to a mortgage, a rent charge, or the trusts of a settlement; or
- (d) imposing fees to be paid by the applicant on application for any service that may be provided or permission that may be given to applicants in accordance with this Ordinance.
- (2) Any power conferred by any of the provisions of this Ordinance to make an order or regulations includes the power to vary or revoke any such order or regulations by a subsequent order or subsequent regulations, as the case may be.
- (3) The Governor may by order exempt any applicant or category of applicants from the requirement to pay any fee prescribed in regulations in relation to the following matters
 - (a) works to improve a disabled person's access to a public building or improve access, safety, health or comfort at that person's dwelling house; but the power to exempt does not apply to new dwelling houses or where there is a statutory obligation to provide access to such buildings;
 - (b) applications by the Crown;
 - (c) applications required because of the removal of permitted development rights by a condition imposed under section 40, or by a direction such as one in respect of conservation areas;

- (d) applications required because of the removal of a condition (imposed under section 40) of a right to make a change of use within the Use Classes Order or General Permitted Development Order;
- (e) applications made by non-profit making organisations (clubs, societies, trusts, etc.) for the object of providing sport or recreation facilities;
- (f) applications made by registered charities;
- (g) new applications, or revised and resubmitted applications, for development of the same character or description within the original site, which are submitted within 12 months of
 - (i) receiving the original decision; or
 - (ii) the date of submission of an application which is withdrawn; or
- (h) applications, under either section 68(2) or section 68(4), in respect of a listed buildings (other than applications to demolish),

and any such exemption may be for a specified or an unspecified duration, subject in either case to revocation by the Governor.

(4) The power conferred on the Governor by subsection (3) applies equally in respect of fees imposed by regulation 6(4) of the Building Regulations (S. R. & O. No 26 of 1999).".

29. Amendment of Planning (General) Regulations

The Planning (General) Regulations (Title 55.3.3) are amended by inserting immediately after —

(a) regulation 7, the following —

"8. Fees for services

- (1) The applicant must pay, on application for any service or any permission listed in the first column of the Schedule, the corresponding fee set out in the second column of the Schedule.
- (2) Where an applicant submits an application under subregulation (1) together with an application for which a fee is payable under regulation 6(4) of the Building Regulations (S. R. & O No. 26 of 1999), the fee payable for both applications is as set out as a "joint application" in the Schedule at the portion of the second column corresponding to the relevant type of application set out in the first column."; and
- (b) the new regulation 8, a new Schedule to the Planning (General) Regulations, the contents of which are set out under Schedule 7 to this Ordinance.

30. Amendment of Plant Importation Regulations

Regulation 7 of the Plant Importation Regulations (Title 4.4.1) is amended by omitting —

- (a) "£3.90" and replacing it with "£4.00";
- (b) "£125.70" and replacing it with "£127.60"; and
- (c) "£15.10" and replacing it with "£15.40".

31. Amendment of Post Office Order

- (1) The Post Officer Order (S. R. & O. No. 11 of 2006) is amended by repealing Schedules 1, 2 and 3 and replacing them, respectively, with the appropriate portion of the contents of Schedule 8 of this Ordinance.
- (2) The amendments set out in subsection (1) come into force on 1 January 2016.

32. Amendment of Public Funds Ordinance

The Public Funds Ordinance (Title 19.7) is amended by repealing section 4 and replacing it with the following —

"4. Payments out of the Insurance Fund

The following payments may be made out of the Insurance Fund on the authority of the Financial Secretary —

- (a) transfer to the Consolidated Fund;
- (b) payment of insurance premiums in respect of the insurance of liabilities of the Falkland Islands Government; and
- (c) transfer to the Pensions (Old Scheme) Fund.".

33. Amendment of Registration of Marriages Regulations

Regulation 18 of the Registration of Marriages Regulations (SR&O No 17 of 1999) is amended by repealing subregulation (1) and replacing it with the following —

"(1) The following fees are prescribed for the purposes of the Ordinance and of these regulations and must respectively, in each case specified below, be paid to the Registrar General —

(a) on giving notice of marriage	£60.00
(b) on grant of Registrar General's licence	£60.00
(c) for solemnisation of a marriage by a Registrar	£30.50
(d) for attendance by the Registrar at the solemnisation of a marriage by a person who is not a minister of religion	£30.50

(e) any absence exceeding one hour by a Registrar from the Registrar's usual address for either of the purposes mentioned at (c) and (d)

£101.50 plus the reasonable cost of travel and any necessary overnight accommodation

(f) on application for a special licence

£203.00".

34. Amendment of Registration Regulations

Schedule 2 to the Registration Regulations (Title 62.2.1) is repealed and replaced by the contents of Schedule 9 to this Ordinance.

35. Amendment of Registration of United Kingdom Patents Ordinance

The Registration of United Kingdom Patents Ordinance (Title 43.1) is amended —

- (a) in section 3(d), by omitting "£130.00" and replacing it with "£132.00";
- (b) in section 7, by omitting "£100.00" and replacing it with "£101.50";
- (c) in section 7A, by omitting "£60.00" and replacing it with "£61.00"; and
- (d) in section 7B, by omitting £100.00" and replacing it with "£101.50".

36. Amendment of Retirement Pensions Ordinance

The Retirement Pensions Ordinance (Title 65.2) is amended —

- (a) in section 10, by inserting next after subsection (3) the following
 - "(3A) Despite subsection (3), a person referred to in subsection (3) is not obliged to make a contribution in respect of any week that occurs after the person has made or is deemed to have made 2200 weekly contributions."; and
- (b) in section 15, by repealing subsection (1) and replacing it with the following
 - "(1) Subject to subsections (1A) and (1B), where a compulsory contribution payable under this Ordinance is paid after the 30 June next following the end of the pension year in which the week in respect of which the contribution was payable fell, the person liable or eligible to pay the contribution is liable to pay compound interest on the contribution at the rate of 5 per cent per annum.
 - (1A) A person referred to in subsection (1) is not liable to pay any interest in respect of any week referred to under subsection (1) for which the person's earnings do not exceed such amount as may be prescribed in accordance with section 10(4).
 - (1B) Where a person's financial year ends between 1 January and 30 June, the person will not be liable to pay any interest until 6 months after the date on which the person's financial year ended.

- (1C) For the purposes of this section, "financial year" means the period of 12 consecutive months in relation to which a person records and reports on the person's financial affairs for accounting and tax purposes, provided that
 - (a) the person is not prohibited by legislation from so recording and reporting in relation to a period of 12 consecutive months other than January to December of the same calendar year; and
 - (b) the person habitually and consistently so records and reports in relation to the same period of 12 consecutive calendar months.".

37. Amendment of Retirement Pensions (Prescribed Rates) Regulations

The Retirement Pensions (Prescribed Rates) Regulations (SR&O No 39 of 1996) are amended —

- (a) in regulation 3, by omitting
 - (i) "£141.00" and replacing it with "£147.00"; and
 - (ii) "£80.00" and replacing it with "£83.00";
- (b) in regulation 5, with effect from 1 January 2016
 - (i) by omitting from paragraph 3(a) "£29.00" and replacing it with "£29.50"; and
 - (ii) by omitting from paragraph (3)(b) "£47.00" and substituting "£49.00"; and
- (c) in regulation 6
 - (i) with effect from 1 July 2015, by omitting "£180.00" and replacing it with "£202.00"; and
 - (ii) with effect from 1 January 2016, by omitting "£202.00" and replacing it with "£215.00".

38. Amendment of Road Traffic Ordinance

Section 6(15) of the Road Traffic Ordinance (Title 63.1) is amended by omitting "£11.50" and replacing it with "£11.75".

39. Amendment of Road Traffic (Provisional) Regulations Order

The Road Traffic (Provisional) Regulations Order (Title 63.1.1) is amended —

- (a) in regulation 2(5), by omitting "£21.50" and replacing it with "£22.00";
- (b) in regulation 5(4), as follows
 - (i) in paragraph (a), by omitting "£29.50" and replacing it with "£30.00"; and

- (ii) in paragraph (ba), by omitting £29.50" and replacing it with "£30.00"; and
- (iii) in paragraph (c), by omitting "£14.25" and replacing it with "£14.50"; and
- (c) in regulation 5A(2), by omitting "£11.50" and replacing it with "£11.75".

40. Amendment of Taxes Ordinance

The Taxes Ordinance (Title 69.1) is amended —

- (a) in section 106(4), by
 - (i) omitting, respectively, the definitions of "building" and "expenditure" and replacing them with the following
 - (aa) "" building" does not include land, car parks or hard standings;"; and
 - (bb) ""expenditure", in relation to the acquisition or construction of a capital asset, means, subject to subsection (5) below, the amount which is spent on the acquisition or construction of that capital asset by the person claiming the depreciation deduction, subject to sections 121 and 122, but any amount spent on the provision of
 - (a) a building (as defined immediately above); or
 - (b) a car park or hard standing,

does not include the cost or value of the land on which it is built;";

- (ii) inserting immediately before the definition of "expenditure" the following
 - ""car park" means an area without a roof or other covering, in which motor vehicles are parked;"; and
- (iii) inserting immediately after the definition of "expenditure" the following
 - ""hard standing" means an area of ground surfaced with a hard material that has been sealed to the ground in a manner which prevents it from being extracted without the surfacing being destroyed;";
- (b) by omitting section 116(1) and replacing it with the following
 - "(1) Subject to subsections (2) and (3) and to sections 105 and 106, where in the basis period for a chargeable period a person carrying on a business incurs expenditure in the acquisition or construction of
 - (a) any plant, machinery or vehicle, including aircraft but not including ships;
 - (b) any building;

- (c) any ship; or
- (d) any car park or hard standing,

which is or is to be used for the purposes of the business, then in computing that person's chargeable income for that and subsequent chargeable periods a writing-down allowance must be made in accordance with the provisions of this section.";

- (c) by inserting immediately after section 116(1) the following
 - "(1A) Where a car park or hard standing is being sold, its disposal value must be determined in accordance with section 113.";
- (d) by omitting section 116(6A) and replacing it with the following
 - "(6A) In the case of plant, machinery or vehicle (including aircraft), writing-down allowances must be made under section 117."; and
- (e) by adding immediately after section 116(13) the following
 - "(14) The writing-down allowance for a car park or hard standing is 2% of the expenditure incurred in constructing or purchasing it.".

41. Amendment of Vehicle Licence Labels Regulations

Regulation 5(2) of the Vehicle Licence Labels Regulations (SR&O No 33 of 1998) is amended by omitting "£6.50" and replacing it with "£6.60".

<u>SCHEDULE 1</u> New Schedule to Air Navigation (Fees) Regulations

(section 3)

Schedule

PART I

Personnel Licensing

	Description	Fee (£)
1.	Certificate of Validity of a Flight Crew Licence	
	(a) issue	88.50
	(b) renewal	50.50
2.	Flight Information Service Office Licence	
	(a) initial issue	105.00
	(b) validation of a UK licence	88.50
	(c) examinations	
		55.00
	(i) radiotelephony examination	65.00
	(ii) air law and procedures examination	65.00
	(iii) meteorology and navigation examination	35.00
	(iv) resit of examination paper (paper only)	50.50
	(d) competency check	
	PART II Aerodromes	
	Description	Fee (£)
1.	aerodrome certificate	
	(a) issue	1130.50
		35

	(b) amendment	754.00
	PART III Carriage of Dangerous Goods by Air Description	Fee (£)
1.	Dangerous goods approval	
	(a) issue	184.00
	(b) amendment	92.00
	(c) validation of an approval issued by a recognised competent regulatory authority	88.50
	(d) approval of training programme	92.00
2.	Dangerous goods exemption	
	(a) issue	202.50
	(b) amendment	92.00
	PART IV Registration of Aircraft	
1.	Description Certificate of registration on an aircraft	Fee (£) 302.00
2.	Reservation of registration mark	75.00
3.	Reservation of a specific out-of-sequence registration mark	150.00
4.	Temporary transfer of an aircraft to the register	Half the cost of a certificate of registration
5.	Title search of the register in respect of an aircraft	113.00
6.	Cancellation of a certificate of registration	75.00
	PART V Fees not specified elsewhere Description	Fee (£)
1.	Issue of a copy of any document under the Air Navigation (Overseas Territories) Order 2013	37.50

2. Charges for services performed outside of the Falkland Islands

Actual costs incurred

3. Any other permission, approval, authorisation, validation, exemption or deviation issued in respect of any part of the Air Navigation (Overseas Territories) Order 2013

178.50

325.00

4. Seasonal foreign operator permit for aircraft registered in a foreign country to take on board or discharge passengers or cargo in the Falkland Islands for valuable consideration:

In the case of scheduled journeys to be provided over a period not exceeding 6 months

- (a) For aircraft with 20 seats or less, or in the case of a cargo aircraft with a certified maximum take-off weight not exceeding 5,700 kg
- (b) For aircraft with more than 20 seats, or in the case of a cargo aircraft with a certified maximum take-off weight greater than 5,700 kg 810.00

Note: Fees shall not be charged to aircraft operators conducting:

- (a) flights in aircraft registered in the UK or any other Overseas Territory
- (b) flights for the purpose of medical evacuation
- (c) private flights
- (d) one-off or short-notice flights that do not require the issuance of a seasonal permit

<u>SCHEDULE 2</u> New Schedule A to Companies and Private Partnership Ordinance

	New Schedule A to Companies and Fitvate Farthership Ordinance	(section 7)
	SCHEDULE A	,
	Description	(section 4) Fee (£)
1.	Registration of a document by an overseas company	132.00
2.	Registration of incorporation of a company	132.00
3.	Registration of change of name of a company	61.00
4.	Certificate of registration of a company (other than on incorporation)	61.00
5.	Registration or cancellation of registration of mortgage, debenture or other charge	101.50
6.	Company file search (proportion of hourly rate to be paid for every part hour)	40.60
7.	Request for company documents (per company) (plus additional FIG photocopying fee)	10.20
8.	Certified copy of any document held on a company file (plus additional FIG photocopying fee)	30.50
9.	Filing an annual return; including companies which are not trading	61.00
10.	Penalty for the late filing of an annual return	
	(a) 3 months or less	105.00
	(b) more than 3 months but less than 6 months	264.00
	(c) more than 6 months but less than 12 months	523.00
	(d) 12 months or more	1,046.00
11.	Filing of company accounts	30.50
12.	Application for striking off a private company	101.50
13.	Registration of new memorandum or articles of association	30.50
14.	Registration of any other deed, documents or forms to be registered by a company (per name and/or form)	10.20

15. Penalty for the late notification of a change of director, change of registered office, or change of secretary (more than 14 days)

61.00

16. Photocopy of document where photocopying undertaken as part of FIG photocopying registration fee

<u>SCHEDULE 3</u> New Schedule to Fisheries Products (Hygiene)(Fees) Regulations

(section 16)

SCHEDULE

	Description	Fee (£)
1.	Application for approval of factory vessel or fishery establishment (approval under regulation 7)	638.20
2.	Application for variation of approval (variation under regulation 8)	100.00
3.	Annual inspection by authorised officer (division 1, paragraph 2(c), Part 5 of Schedule 1)	255.00
4.	Inspection on transhipment of product (division 1, paragraph 2(e), Part 5 of Schedule 1)	170.80
5.	Additional charges for inspections under paragraphs 3 or 4 where factory vessel is not in Stanley Harbour –	
	(a) vessel in Port William	55.30
	(b) vessel in Berkeley Sound	165.70

6. Surcharge for services provided outside normal office hours (for this purpose, normal office hours are 8am to 5pm Monday to Friday, all charges excluding public holidays)

SCHEDULE 4

New Schedule 1 to Land Charges Fees Rules

PART II (section 45)

8. Title search; hourly rate

40.60

Includes: Production of register or index for inspection (for each one) and comparing deed with registered deed (proportion of hourly rate to be paid for every part hour, plus additional FIG photocopying fee)

SCHEDULE 6 New Schedule to Notaries Public Rules

(section 27)

SCHEDULE

1. For every affidavit and exhibit to an affidavit £10.00 for every affidavit and £4.00 for every exhibit thereto

- 2. Preparing a Note of Protest or other document (including any certificate thereon)
- £100.00 for every hour engaged therein and proportionately for every part of an hour, with a minimum fee of £50.00
- 3. Preparing and attesting any notarial act
- (a) £35.00 if a notarial act in public form; (b) £23.00 otherwise (but no fee where Fee 2 is charged)

4. Extending a Protest

£100.00

- Examining any document with the original thereof and certifying it as a true and correct copy
- (a) if not copied by the notary public, £23.00 plus £4.00 for every page; (b) if copied by or under the supervision of the notary public, £25.00 plus 50 pence for every page.
- 6. Attending to Protest a Bill of Exchange or Promissory Note
- £110.00 and proportionately for part of an hour thus engaged plus reasonable travelling expenses incurred (if applicable) with a minimum fee of £50.00.
- 7. Any other notarial act done by a notary public

£110.00

<u>SCHEDULE 7</u> New Schedule to Planning (General) Regulations

(section 29)

SCHEDULE Fees for services under the Planning Ordinance

(regulation 6)

TYPE OF APPLICATION	FEE
1. For permission to demolish	full application = £20
2. For permission to construct	outline application = £32
buildings or structures for use	
as residential accommodation	reserved matters application = £24
	C 11 -1 C40
	full planning = £48
	joint application* = £80
	joint approacion = 200
3. By householder, for	outline application = £16
permission to enlarge,	
improve or otherwise alter	reserved matters application = £12
dwelling house	
	full planning = £24
	joint application* = £40
	Joint application = 240
4. For permission to erect for	outline application = £48
industrial or commercial uses	
buildings of an area less than	reserved matters application = £36
75sqm	
	full planning = £72
	joint application* = £120
	Joint application = £120
5. For permission to erect for	outline application = £160
industrial or commercial uses	11
buildings of an area exceeding	reserved matters application = £120
75sqm	
	full planning = £240
	joint application* = £400
6. For permission to construct	No fee if for individual dwelling.
or maintain a car park	1.0 fee ii foi marriadai aweiling.
F	If for more than one dwelling:
a) Residential	outline application = £20

	full/reserved matters application =
	 £25 where the area of gross car park space does not exceed 40 sq m; £30 where the area of gross car park space exceeds 40 sq m but does not exceed 75 sq m
b) Industrial/Commercial	Where the area of gross car park space exceeds 75 sq m £50 for each 75 sq m (or part thereof).
	Outline application = £75
	full / reserved matters application =
	• £50 where the area of gross car park space does not exceed 75 sq m
	• where the area of gross car park space exceeds 75 sq m £100 for each 75 sq m (or part thereof).
7. For permission to engage in	£401 per 0.1 ha or the site
operations connected with exploratory drilling for oil or natural gas	maximum = £30,240
8. For permission to place or assemble equipment in any part of any marine water for the purpose of fish farming	£100 per application
9. For permission to engage in	£202 per 0.1 ha of site (or part thereof)
winning and working of minerals (excluding peat & calcified seaweed)	maximum = £30,240
9a. For permission to engage in winning and working of peat & calcified seaweed	£50 per application
10. Change of use of a building for use as one or more dwelling houses	£80 per each additional dwelling-house to be created by the development
11. For permission to use, dispose of or store minerals	

a) use of land for disposal of refuse or waste materials or for the deposit of material remaining after minerals have been extracted from land.	£50 per application
b) the use of land for the storage of minerals in the open	£50 per application
12. Permission to change use (categories not specified in this list)	
Making of a material change in the use of a building or land or in the use of equipment placed or assembled in marine waters for the purposes of fish farming.	end use is residential or incidental to residential £30 end use is commercial/industrial £60
13. For permission to vary or remove a condition on an existing permission (or renew a permission)	£30
14. For a planning search	£20 per search

^{*}an application submitted together with one under regulations 6(4), and as authorised by regulation (6(5), of the Building Regulations (S. R. & O. No. 26 of 1999)

$\frac{SCHEDULE\ 8}{\text{New Schedules}\ 1,2\ and\ 3\ to\ Post\ Office\ Order}$

(section 31)

SCHEDULE 1

Airmail Rates to all Countries

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Illustrated Aerogramme	77p		
Aerogramme	66р		
Postcard	66p		
(b) each additional	14p		
(a) first 20g	£1.22		
Small packet & printed paper			
(b) each additional 10g	25p		
(a) first 20g	76p		

SCHEDULE 2

Surface Mail

(a) first 20g

Letter

(b) up to 100g	96p
(c) each additional 50g	35p
Postcard	41p
Parcel to UK	
(a) first 1kg	£12.20
(b) each additional 1kg	£5.05
(c) maximum weight 30kg	£158.65

51p

SCHEDULE 3

Inland Mail

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(a) first 20g	31p
(b) up to 100g	48p
() 1	15p
(c) each additional 100g	
Small packet and printed paper	
(a) first 70g	26p
(b) each additional 50g	7p

SCHEDULE 9 New Schedule 2 to Registration Regulations

(section 34)

SCHEDULE 2

Registrar General's and Registrar's Fees

	Description	Fee (£)
1.	Certified copy of birth, death or marriage certificate	10.20
3.	Search of registers, including registers of births, deaths and marriages (proportion of hourly rate to be paid for every part hour plus additional photocopying fee)	40.60
6.	Registration birth	10.20
7.	Certified copy of instrument	30.50
8.	Registration of a deed poll	61.00
9.	Registration of a will	10.20
	Photocopy of document per A4 page	FIG photocopying fee
46	Photocopy of document per A3 page	FIG photocopying fee

Passed by the Legislature of the Falkland Islands on 5 June 2015.

CHERIE YVONNE CLIFFORD, Deputy Clerk of the Legislative Assembly.

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

CHERIE YVONNE CLIFFORD, Deputy Clerk of the Legislative Assembly.





FALKLAND ISLANDS GAZETTE

PUBLISHED BY AUTHORITY

Vol. 124 30 June 2015 No. 10

Appointment

Ashley Dereck Porter Jaffray, Travel Co-ordinator, Falkland Islands Government Office, 18.05.15.

Beverley Christina Lee, Learning Support Assistant, Education Department, 08.06.15.

Lee Robert Ferriby, Trainee Carpenter, Property and Municipal Section, Public Works Department, 09.06.15.

Jacqueline Knight, Carer, Health and Social Services Department, 11.06.15.

Completion of Contract

Jennifer Karen Sol, Art Teacher, Education Department, 15.05.15.

Promotion

Kerri-Anne Ross, from Learning Support Assistant to Higher Learning Support Assistant, Education Department, 09.03.15.

Kristina Vincent, from Staff Nurse to Senior Staff Nurse, Health and Social Services Department, 28.06.15.

Resignation

Ian Wallace, Fisheries Protection Officer, Natural Resources Department, 14.05.15.

Rachael Crowie, Personal Assistant/Office Manager, South Atlantic Environmental Research Institute, 26.05.15.

Merrill Steve Leo, General Handyperson, Property and Municipal Section, Public Works Department, 26.05.15.

Nadia Louise Smith, Trainee HR Advisor, Human Resources Department, 29.05.15.

Roger May, Foreman, Highways Section, Public Works Department, 12.06.15.

Barbara Bates, School Secretary, Falkland Islands Community School, Education Department, 26.06.15.

Karl Richard Nightingale, Skilled Handyperson, Property and Municipal Section, Public Works Department, 30.06.15.

Patricia Carol Ann Pratlett, Assistant Taxation Officer, Treasury, 30.06.15.

Retirement

Eddie Anderson, Pilot, Falkland Islands Government Air Service, 15.06.15.

Roy Ross, Gardener, Government House, 30.06.15.

Manfred Michael Ian Keenleyside, Director, Public Works Department, 30.06.15.

Transfer

Sally Ann Minto, from Clerk, Highways Section to Senior Finance Clerk, Public Works Department, 20.05.15.

Louise Kathleen Clarke, from Learning Support Assistant to Live-in Houseparent, Stanley House, Education Department, 01.06.15.

Ulia Sytchova, from Paralegal, Law and Regulation Directorate to Aerodromes Manager, Falkland Islands Government Air Service, 19.06.15.

Charlotte Simpson, from Learning Support Assistant, Education Department to Residential Care Worker, Health and Social Services Department, 22.06.15.

Martyn Liam Barlow, from Building Maintenance Coordinator, Property and Municipal Section, Public Works Department to Modern Apprenticeship Manager, Training Centre, Education Department, 29.06.15.

NOTICES

No. 48 29 May 2015

Commissioners for Oaths Ordinance section 2(2)

Appointment of Commissioner for Oaths

- 1. Section 2(2) of the Commissioners for Oaths Ordinance 1969 (Title 22.3) provides that the Governor may appoint commissioners for oaths.
- 2. In exercise of my powers under section 2(2), I appoint David Charles Brown to be a commissioner for oaths.
- 3. This appointment has effect from 29 May 2015, and continues in effect whilst David Charles Brown holds office as Head of Legal Services of the Falkland Islands Government, unless terminated sooner.

Dated 29 May 2015

J. S. TYLER-HAYWOOD,

Acting Governor.

No. 49

29 May 2015

Administration of Justice Ordinance

section 47

Appointment of Notary Public

- 1. Section 47 of the Administration of Justice Ordinance (Title 22.1) provides that the Governor may appoint any person to be a notary public.
- 2. In exercise of my powers under section 47, I appoint David Charles Brown to be a Notary Public.
- 3. This appointment has effect from 29 May 2015, and continues in effect whilst David Charles Brown holds office as Head of Legal Services of the Falkland Islands Government.

Dated 29 May 2015

J. S. TYLER-HAYWOOD, Acting Governor.

No. 50

29 May 2015

Marriage Ordinance

section 25

Appointment of Registrar

- 1. Section 25(1) of the Marriage Ordinance (Title 38(2).7) provides that the Governor may appoint any person to be a Registrar, either generally or for the purposes of a particular marriage or marriages.
- 2. In exercise of my powers under section 25(1), I appoint David Charles Brown to be a Registrar generally.
- 3. This appointment has effect from 29 May 2015, and continues in effect whilst David Charles Brown holds office as

the Head of Legal Services of the Falkland Islands Government, unless terminated sooner.

Dated 29 May 2015

J. S. TYLER-HAYWOOD, Acting Governor.

No. 51 2 June 2015

Stanley Common Ordinance

section 10

Stanley Common (Cape Pembroke Road) Regulations 2015

Resolution of the Legislative Assembly

No: 1 of 2015

RESOLVED by the Legislative Assembly on 2 June 2015, pursuant to section 10 of the Stanley Common Ordinance (Title 34.5), that the making of the Stanley Common (Cape Pembroke Road) Regulations 2015 is approved.

Dated 2 June 2015

C. Y. CLIFFORD. Deputy Clerk to the Assembly.

No. 52 3 June 2015

Turner Engineering Supply Limited Company number: 10981

Notice is hereby given that the above named company was struck-off the Register of Companies pursuant to section 652A of the Companies Act 1985 on 28 May 2015.

Dated 3 June 2015

E. J. DENT, Registrar of Companies.

No. 53 5 June 2015

Customs Ordinance 2003

section 113

Customs Resolution of the Legislative Assembly

No: 1 of 2015

It is resolved by the Legislative Assembly, under section 113 of the Customs Ordinance 2003 (Title 26.1), that —

(a) the Customs Order (Title 26.1.2) is amended to increase the customs duties payable for tobacco products and alcoholic beverages as follows -

on beer from 32p to 33p per litre; on wines from 80p to 81p per litre; on fortified wines from 96p to 97p per litre; on spirituous beverages from £6.49 to £6.59 per litre; on spirits from £11.88 to £12.06 per litre; on cigars from £313.56 to £329.24 per kilo; on cigarettes from £337.63 to £354.51 per kilo; on tobacco from £206.10 to £216.41 per kilo; and

(b) this amendment of the Customs Order comes into force on 5 June 2015.

Dated 5 June 2015

C. Y. CLIFFORD, Deputy Clerk to the Assembly.

No. 54 5 June 2015

Supreme Court of the Falkland Islands Notice under the Administration of Estates Ordinance (Title 68.1)

Take notice that **June Helen Marsh** of 8b Saint Marys Walk, Stanley, Falkland Islands, died on 20 May 2015.

Whereas **Alastair Roy Marsh** has applied for Letters of Administration to administer the estate of the said deceased in the Falkland Islands.

Notice is hereby given pursuant to section 4 of the Administration of Estates Ordinance to all persons resident in the Falkland Islands who may have prior claim to such grant that the prayer of the Petitioner will be granted provided no caveat be entered in the Supreme Court within 21 days of the publication hereof.

Dated 5 June 2015

A. MEADOWS, Registrar, Supreme Court

No. 55 10 June 2015

Companies and Private Partnership Ordinance (Title 18.1) section 105

The Fighting Pig Band

Notice is hereby given, in accordance with section 105 of the Companies and Private Partnership Ordinance, that the partnership between Peter Thomas King, Len Stanford McGill and Phyllis Ann Robson as administratrix of the late Gerard Michael Robson named The Fighting Pig Band was dissolved with effect from 1 June 2015.

Dated 10 June 2015

A. A. M. INGLIS, for Pinsent Masons LLP.

No. 56 16 June 2015

Falkland Islands Development Corporation Ordinance 2013 section 2

Commencement Notice

1. Section 2 of the Falkland Islands Development Corporation Ordinance 2013 (No 4 of 2013) provides that the Ordinance comes into force on a date appointed by the Governor by notice published in the *Gazette*, and that the Governor may appoint different dates for different provisions to come into force.

2. I give notice that the Falkland Islands Development Corporation Ordinance 2013 will come into force on 1 July 2015.

Dated 16 June 2015

C. ROBERTS, C.V.O., *Governor*.

No. 57 16 June 2015

Falkland Islands Development Corporation (Contracts and Sealing) Regulations 2013 (Title 28.2.2)

paragraph 2

Commencement Notice

- 1. Paragraph 2 of the Falkland Islands Development Corporation (Contracts and Sealing) Regulations 2013 (Title 28.2.2) provides that the Regulations come into force on a date appointed by the Governor by notice published in the *Gazette*.
- 2. I give notice that the Falkland Islands Development Corporation (Contracts and Sealing) Regulations 2013 will come into force on 1 July 2015.

Dated 16 June 2015

C. ROBERTS, C.V.O., Governor.

No. 58 16 June 2015

Falkland Islands Development Corporation (Reserve Powers) Regulations 2013 (Title 28.2.3)

paragraph 2

Commencement Notice

- 1. Paragraph 2 of the Falkland Islands Development Corporation (Reserve Powers) Regulations 2013 (Title 28.2.3) provides that the Regulations come into force on a date appointed by the Governor by notice published in the *Gazette*.
- 2. I give notice that the Falkland Islands Development Corporation (Reserve Powers) Regulations 2013 will come into force on 1 July 2015.

Dated 16 June 2015

C. ROBERTS, C.V.O., *Governor.*

No. 59 16 June 2015

Falkland Islands Development Corporation Ordinance section 8(1)

Appointment of Chair, Vice-Chair and Member to Falkland Islands Development Corporation Board

1. Section 8(1) of the Falkland Islands Development Corporation Ordinance 2013 (No. 4 of 2013) (hereinafter "the Ordinance") provides —

- (a) in paragraph (a), for the Governor to appoint a Chair;
- (b) in paragraph (b), for the Governor to appoint a Vice-Chair; and
- (c) in paragraph (c), for the Governor to appoint one member,

to the Falkland Islands Development Corporation Board.

- 2. In exercise of my powers under paragraphs (a), (b) and (c) of section 8(1) of the Ordinance, I appoint to the Falkland Islands Development Corporation Board
 - (a) Julian Richard Wylie as Chair;
 - (b) Stephen John Dent as Vice-Chair; and
 - (c) Neil Russell Judd as a member.
- 3. These appointments have effect from 1 July 2015 and will, unless any appointee resigns by written notice to the Governor, continue in effect until the date specified below:
 - (a) Julian Richard Wylie, until 30 June 2017;
 - (b) Stephen John Dent, until 30 June 2019; and
 - (c) Neil Russell Judd, until 30 June 2017.

Dated 16 June 2015

C. ROBERTS C.V.O., *Governor*.

No. 60

16 June 2015

Falkland Islands Constitution Order 2008 section 84(4)

Appointment of Acting Attorney General

- 1. Section 84(4) of the Falkland Islands Constitution Order 2008 provides that the power to appoint to the office of Attorney General shall be exercised by the Governor.
- 2. In exercise of my powers under section 84(4), I appoint David Charles Brown to be Acting Attorney General for the purpose of carrying out the duties of the Attorney General at any time when the post is vacant, or the substantive holder of the post is unavailable to discharge the same through any absence from the Falkland Islands or inability to perform the functions and duties of the post.
- 3. This appointment has effect from 16 June 2015, and continues in effect whilst David Charles Brown holds office as the Head of Legal Services of the Falkland Islands Government, unless terminated sooner.

Dated 16 June 2015

C. ROBERTS C.V.O., *Governor*.

No. 61 16 June 2015

Revised Edition of the Laws Ordinance

section 3

Appointment of Commissioner

- 1. Section 3(1) of the Revised Edition of the Laws Ordinance (Title 67.3) provides for the Governor to appoint a Commissioner for purposes in connection with the Ordinance.
- 2. In exercise of my powers under section 3(1) of the Revised Edition of the Laws Ordinance, I, Colin Roberts CVO, Governor of the Falkland Islands, appoint Rosalind Catriona Cheek Commissioner for the Revised Edition of Laws.
- 3. This appointment has effect from 16 June 2015, and continues in effect whilst Rosalind Catriona Cheek holds office as Law Commissioner for the Falkland Islands Government, unless terminated sooner.

Dated 16 June 2015

C. ROBERTS C.V.O., *Governor*.

No. 62

16 June 2015

Revised Edition of the Laws Ordinance

section 3

Appointment of Acting Commissioner

- 1. Section 3(2) of the Revised Edition of the Laws Ordinance (Title 67.3) provides for the Governor to appoint a Commissioner for purposes in connection with the Ordinance if the person for the time being holding appointment as Commissioner is unable for any reason fully to discharge their duties or exercise their powers under the Ordinance.
- 2. In exercise of my powers under section 3(2) of the Revised Edition of the Laws Ordinance, I, Colin Roberts CVO, Governor of the Falkland Islands, appoint Charles Peter Judge Acting Commissioner for the Revised Edition of Laws if the Commissioner, Rosalind Catriona Cheek, is unable for any reason fully to discharge her duties or exercise her powers under the Ordinance.
- 3. This appointment has effect from 16 June 2015, and continues in effect whilst Charles Peter Judge holds office as Attorney General of the Falkland Islands Government, unless terminated sooner.

Dated 16 June 2015

C. ROBERTS C.V.O., *Governor*.

Administration of Justice Ordinance

section 47

Appointment of Notary Public

- 1. Section 47 of the Administration of Justice Ordinance (Title 22.1) provides that the Governor may appoint any person to be a notary public.
- 2. In exercise of my powers under section 47, I appoint Nicholas Martin Guy Arculus to be a Notary Public.
- 3. This appointment has effect from 16 June 2015, and continues in effect whilst Nicholas Martin Guy Arculus holds office as Crown Counsel for the Falkland Islands Government.

Dated 16 June 2015

C. ROBERTS C.V.O., *Governor*.

No. 64

17 June 2015

United Kingdom Statutory Instruments

Notice is hereby given that the following United Kingdom Statutory Instruments have been published in the United Kingdom by the United Kingdom Government and are available to view at http://www.legislation.gov.uk:-

2015 No 1382 – The Democratic Republic of the Congo (Sanctions) (Overseas Territories) Order 2015.

2015 No 1383 - The Iraq (Sanctions) (Overseas Territories) Order 2015.

Dated 17 June 2015

B. I. STEEN, for Attorney General.

No. 65

23 June 2015

Application for Permanent Residence

Notice is hereby given that:-

Maria Fernanda Bahamondez Bahamondez; and Lucille Monique Constantine

have applied to the Principal Immigration Officer to be granted Permanent Residence Permits.

Any person who knows of any reason why a permit should not be granted to any of the above named should send a written and signed statement of the facts, giving grounds for their objection, to the Immigration Officer, Customs and Immigration Department, Stanley by 21 July 2015.

Dated 23 June 2015

J. E. SMITH, Immigration Officer.

No. 66

Education Ordinance

section 5(5)

Appointment of Member to Board of Education

- 1. Section 5(5) of the Education Ordinance (Title 29.1) provides for the Governor to appoint a member to the Board of Education from among persons who are parents of a child over the age of eleven years who is a pupil at a school in the Falkland Islands.
- 2. In exercise of my powers under section 5(5), I appoint Susan Jean Wilks to be a member of the Board of Education.
- 3. This appointment has effect from the date given below, and continues in effect for three years from that date, unless terminated sooner.

Dated 24 June 2015

C. ROBERTS C.V.O., *Governor*.

No. 67

24 June 2015

Planning Ordinance 1991

section 5(2)

Appointment of Member of Planning And Building Committee

- 1. Section 5(2) of the Planning Ordinance (Title 55.3) provides that the Governor shall appoint members of the Planning and Building Committee.
- 2. In exercise of my powers under section 5(2) I appoint Robert French to be a member of the Planning and Building Committee.
- 3. This appointment has effect from the date given below, and continues in effect for three years from that date, unless terminated sooner.

Dated 24 June 2015

C. ROBERTS C.V.O., *Governor*.

No. 68

24 June 2015

Companies Act 1948

section 279

Twigworth Trading Company Limited Special Resolution

Notice is hereby given pursuant to section 279 of the Companies Act 1948 (as applied in the Falkland Islands) that at extraordinary general meeting of the above named company, duly convened and held at 44 John Street, Stanley, Falkland Islands on 16 June 2015, the following special resolution was duly passed:

"That the Company be wound up voluntarily, and that Stephanie Gibbs of Consultancy Services Falklands Limited, 44 John Street, Stanley be appointed Liquidator for the purposes of such winding up.".

Dated 24 June 2015

P. R. SHORT, *Chair*.

Published at the Attorney General's Chambers, Stanley, Falkland Islands.
Price: Two pound and seventy-five pence.



FALKLAND ISLANDS GAZETTE Supplement

PUBLISHED BY AUTHORITY

Vol. 26 30 June 2015 No. 4

The following is published in this Supplement –

Falkland Islands Development Corporation (Appointment, Co-option and Removal of Board Members) Regulations 2015 (SR&O No 8 of 2015).

SUBSIDIARY LEGISLATION

ECONOMIC DEVELOPMENT

Falkland Islands Development Corporation (Appointment, Co-option and Removal of Board Members) Regulations 2015

S. R. & O. No. 8 of 2015

IN EXERCISE of my powers under section 9(3) of, and paragraph 1 of Schedule 2 to, the Falkland Islands Development Corporation Ordinance (No. 4 of 2013), I make the following regulations—

1. Title

These regulations are the Falkland Islands Development Corporation (Appointment, Co-option and Removal of Board Members) Regulations 2015.

2. Commencement

These regulations come into force on 1 July 2015.

3. Appointments

- (1) The appointed members of the FIDC Board are to serve for terms not exceeding 4 years, expiring at the end of 30 June in odd numbered years.
- (2) The terms of the Chair and the Vice Chair are to expire in alternate odd numbered years.
- (3) If an appointment comes to an end before the expiry of the term for which it was made, either—
 - (a) a replacement appointment may be made to that position for the balance of the appointment that came to an end; or
 - (b) if acting in accordance with paragraph (a) would result in an appointment being made for a period of 6 months or less, a replacement appointment may be made to that position until the next date on which an appointment to that position would expire (for a term not exceeding 4 years and 6 months).

4. Co-options

(1) The co-opted members of the FIDC board are to serve for terms not exceeding 4 years, expiring at the end of 30 June in odd numbered years.

(2) As nearly as possible, half of the co-options are to expire in each alternate odd numbered year.

(3) If a co-option comes to an end before the expiry of the term for which it was made, either —

(a) a replacement co-option may be made to that position for the balance of the co-option that came to an end; or

(b) if acting in accordance with paragraph (a) would result in a co-option being made for a period of 6 months or less, a replacement co-option may be made to that position until the next date on which a co-option to that position would expire (for a term not exceeding 4 years and 6 months).

5. Removal of Board members

(1) A person appointed to the FIDC Board by the Governor may only be removed from the Board by the Governor.

(2) A person co-opted to the FIDC Board may only be removed from the Board by a decision of the other members of the FIDC Board.

(3) In either case —

(a) a person may only be removed from the FIDC Board following a fair process appropriate to the circumstances; but

(b) if the circumstances require, the person may be suspended from the FIDC Board while that process is underway.

6. Repeals

The following subsidiary legislation is repealed —

(a) the Falkland Islands Development Corporation (Appointment, Co-option and Removal of Board Members) Regulations 2013; and

(b) the Falkland Islands Development Corporation (Transitional Provisions) Order 2013.

Made 16th June 2015

Colin Roberts, C.V.O. *Governor*.

EXPLANATORY NOTE

(not forming part of the Regulations)

These Regulations make provisions authorised by section 9(3) of, and paragraph 1 of Schedule 2 to, the Falkland Islands Development Corporation Ordinance 2013 (No. 4 of 2013). These enabling provisions respectively authorise the Governor to make regulations regarding the appointment of members to the Board of the Falkland Islands Development Corporation (some by the Governor and others via co-option by other Board members) and the removal of members from the Board.

The Regulations replace regulations made in 2013 by the same name and for the same purposes, and by regulation 6 formally repeal those regulations. Regulation 6 also repeals the Falkland Islands Development Corporation (Transitional Provisions) Order 2013. Both these repealed pieces of subsidiary legislation were made but never commenced.

Regulations 3 and 4 provide for persons to be engaged to serve on the Board via, respectively, appointment by the Governor and co-option. In either case, the term of the each member is limited to a maximum of four years. The tenure of approximately half the members of the Board is to expire every two years, with the first set of expirations due in 2017. Expirations will take effect at 12:00 am on the 30 June in 2017 and in each subsequent odd numbered year.

Regulations 3 and 4 also provide that casual vacancies will normally only be filled for the remainder of the term (but there is provision to deal with situations in which the remaining term is 6 months or less).

Regulation 5 provides for removal of members from the Board. Board members may only be removed by the same authority by which they were appointed, i.e. those appointed by the Governor may only be removed by the Governor and those co-opted may only be removed by decision of the other Board members.

Published at the Attorney General's Chambers, Stanley, Falkland Islands Price: Two pound.



FALKLAND ISLANDS GAZETTE

PUBLISHED BY AUTHORITY

Vol. 124 31 July 2015 No. 11

Appointment

John Francis Shea, Head of Policy and Economic Advisor, Policy Unit, 27.06.15.

Wladimir Orlando Figueroa Bruna, Labourer, Materials Section, Public Works Department, 01.07.15.

Helene Claire Jaumotte, Financial Accountant, Treasury, 02.07.15.

Tara Nicole Boag, Scientific Fisheries Observer, Fisheries, Natural Resources Department, 04.07.15.

Kimberley Finlayson, Biomedical Scientist, Health and Social Services Department, 06.07.15.

Thomas Ben Emmett Hill, Director, Education Department, 06.07.15.

Lauren Joyce McKay, Administration Clerk, Highways Section, Public Works Department, 06.07.15.

Darren Michael Doyle, Senior Police Officer, Royal Falkland Islands Police, Emergency Services Department, 13.07.15.

Faith Dilys Felton, Plant Operator/Handyperson, Highways Section, Public Works Department, 15.07.15.

Sarah Cooper, Learning Support Assistant, Infant/Junior School and Camp Education, Education Department, 17.07.15.

Katherine Jane Short, Finance Clerk, Health and Social Services Department, 20.07.15.

Completion of Contract

Denise Herrera, Scientific Fisheries Observer, Fisheries, Natural Resources Department, 25.06.15.

Robyn Diane Culhane, Senior Staff Nurse, Health and Social Services Department, 27.07.15.

Promotion

Dianne Freeman, from Learning Support Assistant to Higher Teaching Assistant, Falkland Islands Community School, Education Department, 04.05.15.

Geoffrey Greenough, from Assistant Foreman to Foreman, Highways Section, Public Works Department, 16.06.15.

Isabel Margaret Simon, from Customs Clerk to Customs and Immigration Officer, Customs and Immigration, Emergency Services Department, 01.07.15.

Stephen Thomas Turnbull McLean, from Customs and Immigration Officer to Customs and Immigration Officer, Team Leader, Customs and Immigration, Emergency Services Department, 01.07.15.

Daniel Robert Heath, from Management Accountant to Chief Accountant, Treasury, 01.07.15.

Resignation

John Charles Hilson Didlick, Firefighter, Stanley Airport, Central Services Department, 26.06.15.

Simon James Goodwin, Customs and Immigration Officer, Team Leader, Customs and Immigration, Emergency Services Department, 30.06.15.

Stephen William Lapham, Firefighter, Fire and Rescue Service, Emergency Services Department, 30.06.15.

Transfer

Steven Geoffrey Miller, from Refueller/Handyperson, Falkland Islands Government Air Services, Central Services Department to Mechanic, Plant and Vehicle Section, Public Works Department, 01.07.15.

NOTICES

No. 69

14 May 2015

Education Ordinance section 50(1)(c)

Appointment of Member to Committee of Managers

- 1. Section 50(1)(c) of the Education Ordinance (Title 29.1) provides for the Governor to appoint members to the Committee of Managers (Infant and Junior School/Camp Education) two of whom shall be a parent of one or more children attending that school.
- 2. In exercise of my powers under section 50(1)(c), I appoint to the Committee of Managers for Infant and Junior School/Camp Education the following person, who has a child attending the school:-

Fiona Alice Wallace-Nannig

3. This appointment has effect from the date of signature given below, and continues in effect in accordance with section 50(2) of the Education Ordinance.

Dated 14 May 2015

C. ROBERTS C.V.O. Governor.

No. 70

30 June 2015

Planning Ordinance

section 63(2)

Appointment of Additional Member of Planning and Building Committee

- 1. Section 63(2) of the Planning Ordinance (Title 55.3) provides that the Governor may appoint persons appearing to him to have a special knowledge of or interest in buildings of architectural or historic interest to be additional members of the Planning and Building Committee.
- 2. In exercise of my powers under section 63(2) I appoint Mark Ian Gilbert to be an additional member of the Planning and Building Committee for the purposes of sections 64 to 72 of the Ordinance.
- 3. This appointment has effect from the date given below, and continues in effect for three years from that date, unless terminated sooner.

Dated 30 June 2015

C. ROBERTS C.V.O. Governor.

No. 71

3 July 2015

Commissioner for Oaths Ordinance

section 2(2)

Appointment of Commissioner for Oaths

1. Section 2(2) of the Commissioners for Oaths Ordinance (Title 22.3) provides that the Governor may appoint commissioners for oaths.

- 2. In exercise of my powers under section 2(2), I appoint Nicholas Martin Guy Arculus to be a commissioner for oaths.
- 3. This appointment has effect from the date of signature, and continues in effect whilst Nicholas Martin Guy Arculus holds office as Crown Counsel of the Falkland Islands Government, unless terminated sooner.

Dated 3 July 2015

J. S. TYLER-HAYWOOD, Acting Governor.

No. 72

3 July 2015

Commissioner for Oaths Ordinance

section 2(2)

Appointment of Commissioner for Oaths

- 1. Section 2(2) of the Commissioners for Oaths Ordinance (Title 22.3) provides that the Governor may appoint commissioners for oaths.
- 2. In exercise of my powers under section 2(2), I appoint Elizabeth Jayne Dent to be a commissioner for oaths.
- This appointment has effect from 21 July 2015, and continues in effect whilst Elizabeth Jayne Dent holds office as Registrar General of the Falkland Islands Government, unless terminated sooner.

Dated 3 July 2015

J. S. TYLER-HAYWOOD, Acting Governor.

No. 73

14 July 2015

Supreme Court of the Falkland Islands Notice under the Administration of Estates Ordinance (Title 68.1)

Take notice that Michelle Rose Minnell of 1 Brandon Road, Stanley, Falkland Islands, died on 20 June 2015.

Whereas Richard Rodgers has applied for Letters of Administration to administer the estate of the said deceased in the Falkland Islands.

Notice is hereby given pursuant to section 4 of the Administration of Estates Ordinance to all persons resident in the Falkland Islands who may have prior claim to such grant that the prayer of the Petitioner will be granted provided no caveat be entered in the Supreme Court within 21 days of the publication hereof.

Dated 14 July 2015

A. MEADOWS,

Registrar, Supreme Court.

No. 74 15 July 2015

Interpretation and General Clauses Ordinance section 76

Charities Act 1960

section 1

Appointment of Chief Charity Commissioner

- Section 76 of the Interpretation and General Clauses Ordinance (Title 67.2) and section 1 of the Charities Act 1960 ('the Act') in its application to the Falkland Islands provide for the Governor to appoint a body of Charity Commissioners in accordance with the provisions of the First Schedule of the Act.
- In exercise of my powers under section 76 of the Interpretation and General Clauses Ordinance and section 1 of the Charities Act 1960 in its application to the Falkland Islands, I appoint the holder of the post of Attorney General to be Chief Charity Commissioner.
- 3. This appointment has effect from the date given below, and continues in effect whilst the post of Attorney General remains instituted, unless terminated sooner.
- 4. The appointment of the Attorney General as Charities Commissioner made by the Governor of the Falkland Islands on 11 December 2009 is rescinded by this instrument.

Administration provision relating to the use of the public seal

5. The Charity Commissioners for the Falkland Islands and the Official Custodian for Charities are empowered under the Act to use an official seal for the authentification of documents. Until such time as official seals of the Charity Commissioners and the Official Custodian for Charities can be commissioned the Charity Commissioners and the Official Custodian for Charities are authorised to use the public seal for the Falkland Islands for sealing all things that should pass the seal.

Dated 15 July 2015

J. S. TYLER-HAYWOOD, Acting Governor.

No. 75 15 July 2015

Interpretation and General Clauses Ordinance section 76

Charities Act 1960

section 1

Appointment of Charity Commissioner

- 1. Section 76 of the Interpretation and General Clauses Ordinance (Title 67.2) and section 1 of the Charities Act 1960 ('the Act') in its application to the Falkland Islands provide for the Governor to appoint a body of Charity Commissioners in accordance with the provisions of the First Schedule of the Act.
- In exercise of my powers under section 76 of the Interpretation and General Clauses Ordinance and section 1 of the Charities Act 1960 in its application to the Falkland Islands, I appoint David Charles Brown, Head of Legal Services to be a Charity Commissioner.

3. This appointment has effect from the date given below, and continues in effect whilst David Charles Brown holds office in the Falkland Islands Government.

Dated 15 July 2015

J. S. TYLER-HAYWOOD, Acting Governor.

No. 76 15 July 2015

Interpretation and General Clauses Ordinance

section 76

Charities Act 1960 section 1

Appointment of Charity Commissioner

- Section 76 of the Interpretation and General Clauses Ordinance (Title 67.2) and section 1 of the Charities Act 1960 ('the Act') in its application to the Falkland Islands provide for the Governor to appoint a body of Charity Commissioners in accordance with the provisions of the First Schedule of the Act.
- In exercise of my powers under section 76 of the Interpretation and General Clauses Ordinance and section 1 of the Charities Act 1960 in its application to the Falkland Islands, I appoint Nicholas Martin Guy Arculus, Crown Counsel to be a Charity Commissioner.
- 3. This appointment has effect from the date given below, and continues in effect whilst Nicholas Martin Guy Arculus holds office in the Falkland Islands Government.

Dated 15 July 2015

J. S. TYLER-HAYWOOD, Acting Governor.

No. 77 16 July 2015

> Charities Act 1960 section 3

Designation of official custodian

Notice is hereby given that the Attorney General has been designated official custodian under section 3 of the Charities Act 1960 (as it applies in the Falkland Islands) by the Charities Commissioners.

Dated 16 July 2015

N. M. G. ARCULUS, for the Charities Commissioners.

No. 78 17 July 2015

Customs Ordinance 2003

section 7(3)

Appointment of Temporary Customs Officers

In exercise of the powers conferred by section 7(3) of the Customs Ordinance 2003, I appoint the following persons to be temporary Customs Officers:-

CPL Philip Dunseith – G8448256 from 12 May to 12 November 2015;

CPL Michael Henry Bedford -30044015 from 25 May to 25 November 2015; and

CPL Gareth David Williams – S8441672 from 12 June to 12 December 2015.

Dated 17 July 2015

R. J. KING, Collector of Customs.

No. 79 27 July 2015

Application for Naturalisation

Notice is hereby given that:

Jose Luis Chantada Maria Fernanda Tapia Jenkins Eduardo Danielo Gomez

are applying to His Excellency the Governor for naturalisation as British Overseas Territories Citizens. Any person who knows of any reason why naturalisation should not be granted is invited to send a written and signed statement of the facts to the Immigration Officer, Customs and Immigration Department, Stanley no later than 21 August 2015.

Dated 27 July 2015

J. E. SMITH, Immigration Officer.

No. 80 30 July 2015

Index of Retail Prices

The Index for the quarter ended 30 June 2015 has now been completed.

The Index decreased during the quarter to 101.74; this equates to a 0.8% decrease as shown below:

Date	Index	Annual %	Quarter %
		Increase/(Decrease)	Increase/(Decrease)
30.09.14	102.32	1.4	0.8
31.12.14	102.23	1.3	(0.09)
31.03.15	102.61	1.4	0.37
30.06.15	101.74	0.3	(0.8)

Dated 30 July 2015

L. LYSE, for Financial Secretary.

Published at the Attorney General's Chambers, Stanley, Falkland Islands.

Price: Two pound.



FALKLAND ISLANDS GAZETTE

Supplement

PUBLISHED BY AUTHORITY

Vol. 26 31 July 2015 No. 5

The following are published in this Supplement –

Defamation (Amendment) Ordinance 1998 (Correction) Order 2015 (SR&O No 9 of 2015);

Antarctic Act 1994 (Overseas Territories) (Amendment) Order 2015 (Commencement of Schedule) Order 2015 (SR&O No 10 of 2015); and

Taxes (Oil and Gas) Bill 2015.

SUBSIDIARY LEGISLATION

TORT

Defamation (Amendment) Ordinance 1998 (Correction) Order 2015

S. R. & O. No: 9 of 2015

IN EXERCISE of my powers under section 93 of the Interpretation and General Clauses Ordinance (Title 67.2) I make the following order—

1. Title

This order is the Defamation (Amendment) Ordinance 1998 (Correction) Order 2015.

2. Commencement

This order is deemed to have come into force on 1 July 1999.

3. Correction of Defamation (Amendment) Ordinance 1998

The Defamation (Amendment) Ordinance 1998 (No 20 of 1998) is amended in the Schedule by omitting from the new section 4 to the Defamation Ordinance the word "is" appearing in subsection (1) and replacing it with the word "if".

Made 17th July 2015

C. P. Judge M.B.E.,

Attorney General.

EXPLANATORY NOTE

(not forming part of the order)

This order corrects typographical errors.

SUBSIDIARY LEGISLATION

ANTARCTICA

Antarctic Act 1994 (Overseas Territories) (Amendment) Order 2015 (Commencement of Schedule) Order 2015

S. R. & O. No. 10 of 2015

IN EXERCISE of my powers under article 1(2) of the Antarctic Act 1994 (Overseas Territories) (Amendment) Order 2015 (SI 2015/823), I make the following Order —

1. Title

This order is the Antarctic Act 1994 (Overseas Territories) (Amendment) Order 2015 (Commencement of Schedule) Order 2015.

2. Commencement

This order comes into force on publication.

3. Commencement of Schedule to the Antarctic Act 1994 (Overseas Territories) (Amendment) Order 2015

The Schedule to the Antarctic Act 1994 (Overseas Territories) (Amendment) Order 2015 comes into force in respect of the Falkland Islands on 31 July 2015.

Made 30th July 2015

J. S. Tyler-Haywood, *Acting Governor*.

EXPLANATORY NOTE

(not part of the order)

The Antarctic Act 1994 was made to apply to the Falkland Islands through several Orders: the Antarctic Act 1994 (Overseas Territories) Order 1997 (S. R. & O. No. 12) of 1997 and the Antarctic Act 1994 (Overseas Territories) Order 1998 (S. R. & O. No. 1 of 1998).

The Antarctic Act 1994 (as it applies to the Falkland Islands) has been amended through the Antarctic Act 2013. These amendments were extended to the Falkland Islands through the Antarctic Act 1994 (Overseas Territories) (Amendment) Order 2015 (SI 2015/823).

Article 1(2) of the Antarctic Act 1994 (Overseas Territories) (Amendment) Order 2015 requires that the Schedule to the Order be brought into force in respect of the Falkland Islands on 31 July 2015. This Order does so.

Taxes (Oil and Gas) Bill 2015

(No: of 2015)

ARRANGEMENT OF PROVISIONS

Clause

- 1. Title
- 2. Commencement
- 3. Valuation of petroleum
- 4. Leasing costs
- 5. Finance costs and intra-group charges
- 6. Drilling costs
- 7. Depreciation allowances
- 8. Petroleum extraction activities
- 9. Recovery of tax in respect of profits or gains on offshore petroleum activities: exemption certificates
- 10. Licence swaps
- 11. Contractors

TAXES (OIL AND GAS) BILL 2015

(No: of 2015)

(assented to: 2015) (commencement: 1 October 2015) (published: 2015)

A BILL

for

AN ORDINANCE

To amend the Taxes Ordinance (Title 69.1) in respect of the taxation of activities connected with oil and gas exploration, development and production.

BE IT ENACTED by the Legislature of the Falkland Islands —

1. Title

This Ordinance is the Taxes (Oil and Gas) Ordinance 2015.

2. Commencement

This Ordinance comes into force on 1 October 2015.

3. Valuation of petroleum

- (1) In section 151(3)(a) of the Taxes Ordinance (Title 69.1) (non-arm's length disposals and appropriations: valuation of petroleum) for "shall be determined in accordance with regulations made by the Governor for the purposes of this section" substitute "shall be determined in accordance with section 151A".
- (2) After section 151 insert —

"151A. Determination of petroleum market value

- (1) This section has effect for the determination of the market value of petroleum for the purposes of section 151.
- (2) There shall be a Petroleum Pricing Panel; and
 - (a) the Financial Secretary, or an individual nominated by the Financial Secretary, shall chair the Panel,
 - (b) the Director of Mineral Resources, or an individual nominated by the Director of Mineral Resources, shall also be a member of the Panel, and
 - (c) other members shall be appointed by, and on terms and conditions determined by, the Governor in Council.

- (3) The Panel shall from time to time publish in the Gazette a price (the "norm price") to be used as the market value of petroleum; and
 - (a) the Panel shall specify the class of transactions in respect of which each norm price is to have effect,
 - (b) a class of transactions may be described by reference to dates or any other factor or combination of factors, and
 - (c) a class of transactions may be described in such a way that the norm price applies wholly or partly retrospectively.
- (4) Before publishing a norm price the Panel must consult persons appearing to them to represent the petroleum industry.
- (5) The Governor in Council having consulted the Panel must publish arrangements for an appeal to be brought against the specification of a norm price; and the arrangements
 - (a) must specify to whom an appeal may be brought (which may be a court, tribunal, administrative person or a specified judicial, political or administrative officer),
 - (b) must specify the period within which an appeal must be brought,
 - (c) may include other procedural provision (including provision about costs),
 - (d) may specify criteria to be considered in determining the appeal, and
 - (e) must include arrangements to be followed in the event of a successful appeal."

4. Leasing costs

After section 152 of the Taxes Ordinance (payments of interest: allowable deductions) insert —

"152A. Leasing costs

- (1) Leasing costs incurred by a company shall not be allowable under section 97 as a deduction against the company's ring-fence income except to the extent permitted by subsection (2) below, but subject to subsections (3), (4) and (5) below and section 155.
- (2) Leasing costs may be deducted under this subsection if and to the extent that they are shown to have been incurred by the company in its ring-fence trade.
- (3) Where it appears to the Commissioner that leasing costs are incurred to an extent which is not reasonable, having regard to all the circumstances including the terms of the lease and the level of profitability of the ring-fence trade, he may direct that all or any of those costs shall not be allowable as a deduction under section 97 against the company's ring-fence income.

- (4) The Commissioner shall publish guidance on the criteria to be considered in the application of subsection (3); and before publishing guidance the Commissioner shall consult persons appearing to be representative of the petroleum industry.
- (5) Leasing costs paid by a company in respect of plant or machinery leased from a connected person shall not be allowable under section 97.
- (6) Leasing costs incurred by a company shall not be allowable under section 97 as a deduction against income which is not ring-fence income except to the extent that they are shown to have been incurred by the company otherwise than in its ring-fence trade.
- (7) In the case of a contractor within the meaning of section 150(11), interest is allowable as a deduction in accordance with this section only
 - (a) in so far as attributable (through just and reasonable apportionment if necessary) to assets used in the Falkland Islands, and
 - (b) by application to the contractor's interest expenses net of interest received."

5. Finance costs and intra-group charges

- (1) Section 155 of the Taxes Ordinance (certain interest not deductible) is amended as follows (and its heading becomes "Finance costs: deductibility").
- (2) For subsection (2) (interest on loans) substitute
 - "(2) Subsection (2A) applies where
 - (a) finance charges are incurred by a company to which this section applies ("C") in respect of a financial transaction, and
 - (b) C has a special relationship with one or more of the parties to the transaction ("SR").
 - (2A) The finance charges shall not be deductible in ascertaining C's chargeable income, unless and to the extent that the Commissioner directs that the charges may be deducted.
 - (2B) For the purpose of subsection (2A)
 - (a) "financial transaction" includes loans, leasing arrangements and any other transaction which is wholly or partly of a financial nature;
 - (b) "special relationship" means any relationship as a result of which C and SR are not dealing, or may not be dealing, at arms' length;
 - (c) "finance charge" includes interest, leasing charges, discount, deferred payment, prepayment and any other payment or arrangement that represents all or part of the cost of the financial transaction;

- (d) a direction may be specific or general, and conditional or absolute;
- (e) the Commissioner shall publish guidance on the criteria to be considered in determining whether or not to give a direction;
- (f) before publishing guidance the Commissioner shall consult persons appearing to be representative of the petroleum industry.
- (2C) In the case of a contractor within the meaning of section 150(11), finance charges are deductible in accordance with this section only
 - (a) in so far as attributable (through just and reasonable apportionment if necessary) to assets used in the Falkland Islands, and
 - (b) by application to the contractor's finance charge expenses net of finance charges received."
- (3) In subsection (3) omit "of interest".
- (4) For subsection (4) substitute
 - "(4) Where C enters into a financial transaction in respect of which subsection (2A) applies C shall notify the Commissioner of that fact not later than 4 weeks after entering into the transaction."
- (5) Omit subsection (5).
- (6) For subsection (6) substitute
 - "(6) This section applies to a company carrying on any exploration or exploitation activities."
- (7) Omit subsection (8).

6. Drilling costs

For the definition of "intangible drilling costs" in section 110(1) of the Taxes Ordinance (petroleum extraction activities: general provisions) substitute —

""intangible drilling costs" means capital costs directly attributable to the drilling of development or production wells, other than costs which are directly attributable to the creation or acquisition of plant or machinery with a salvage value;".

7. Depreciation allowances

After section 124 of the Taxes Ordinance (which is no longer in force) insert —

"124A. Restriction of depreciation by reference to asset value in accounts

- (1) This section applies where a person (P) claims an allowance under this Chapter in respect of plant or machinery brought into the Falkland Islands in connection with a ring-fence trade.
- (2) A depreciation allowance must be calculated by reference to the reduction in the value of the plant or machinery as specified in P's accounts.
- (3) If the Commissioner is not satisfied that the provision in P's accounts is not in accordance with accounting policies which are operated by P and which reflect proper accounting practice, he may direct that this section is to apply in relation to the relevant plant and machinery with such modifications as the direction may specify.
- (4) In this section a reference to P's accounts includes a reference to the accounts of a person connected to P."

8. Petroleum extraction activities

(1) For the definition of "petroleum extraction activities" in section 140 of the Taxes Ordinance (ring fence trades: interpretation) substitute —

""petroleum extraction activities" means any activities carried on in connection with —

- (a) searching for petroleum;
- (b) extracting petroleum;
- (c) transporting petroleum;
- (d) effecting initial treatment or initial storage of petroleum;
- (e) decommissioning or abandoning plant or machinery previously used or designed to be used in connection with an activity within paragraphs (a) to (d);".
- (2) This section shall be treated as always having had effect.

9. Recovery of tax in respect of profits or gains on offshore petroleum activities: exemption certificates

In Schedule 6 (recovery of tax in respect of profits or gains on offshore petroleum activities, etc: supplementary provisions) omit paragraphs 5 and 7 (exemption certificates).

10. Licence swaps

- (1) Section 145 of the Taxes Ordinance (licences exchanged for other licences or work obligation) is amended as follows.
- (2) In subsection (2)
 - (a) for "of another licence" substitute "of another petroleum licence",

- (b) for "in another licence" substitute "in another petroleum licence", and
- (c) for "the licence" substitute "the petroleum licence".
- (3) In subsection (3)
 - (a) for "of a licence" substitute "of a petroleum licence",
 - (b) for "of two or more licences" substitute "of two or more petroleum licences",
 - (c) for "licence disposed of" substitute "petroleum licence disposed of", and
 - (d) for "those two or more licences" substitute "those two or more petroleum licences".
- (4) In subsection (4)
 - (a) for "disposal of a licence" substitute "disposal of a petroleum licence",
 - (b) for "the licence in question" substitute "the petroleum licence in question", and
 - (c) for "the whole of the licence" substitute "the whole of the petroleum licence".
- (5) This section shall be treated as always having had effect.

11. Contractors

- (1) In section 150 of the Taxes Ordinance (ring-fencing of petroleum extraction activities, etc., for tax purposes) after subsection (10) add
 - "(11) A reference in this Act to a ring-fence trade includes a reference to anything undertaken by one person ("C") as a contractor for another person ("P") who carries on a ring-fence trade for the purposes of this Chapter, if and in so far as C's activities are undertaken for the purposes of P's ring-fence trade."
- (2) In section 152 of the Taxes Ordinance (payments of interest) after subsection (5) add
 - "(6) In the case of a contractor within the meaning of section 150(11), interest is allowable as a deduction in accordance with this section only
 - (a) in so far as attributable (through just and reasonable apportionment if necessary) to assets used in the Falkland Islands, and
 - (b) by application to the contractor's interest expenses net of interest received."

OBJECTS AND REASONS

This Bill amends the law relating to the taxation of activities connected with petroleum extraction and related matters.

Clause 1 specifies the short title.

Clause 2 provides for the Ordinance to come into force on 1 October 2015.

Clause 3 provides for the market value of petroleum for tax purposes to be determined by a Petroleum Pricing Panel.

Clause 4 provides for leasing costs to be tax deductible expenses subject to rules similar to those for interest.

Clause 5 amends the rules about the tax deductibility of interest costs, notably by expanding the rules to include other finance costs.

Clause 6 redefines "intangible drilling costs".

Clause 7 restricts tax allowances for depreciation by reference to the values shown in a company's accounts.

Clause 8 clarifies the definition of "petroleum extraction activities".

Clause 9 repeals the provisions for exemption certificates in relation to tax recovery.

Clause 10 clarifies the existing application of provisions about petroleum licence swaps.

Clause 11 makes provision about the position of contractors working for petroleum extraction companies.



FALKLAND ISLANDS GAZETTE

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Vol. 124 31 August 2015 No. 12

Appointment

Maeve Ann Daly, Statistics and Performance Officer, Policy Department, 30.07.15.

Douglas James Clark, Clerk of Works, Public Works Department, 03.08.15.

Tara Marie Hewitt, Personal Assistant/Office Manager, South Atlantic Environmental Institute, 03.08.15.

Trudi Ann Clarke, Senior Clerk, Administration, Public Works Department, 10.08.15.

Wayne Neil Jaffray, Deputy Director, Public Works Department, 17.08.15.

Jonas Muza, Tyre Fitter, Plant and Vehicle Section, Public Works Department, 18.08.15.

Andrew John Almond-Bell, Director of Emergency Services and Island Security, Emergency Services Department, 20.08.15.

Gail Fiona Johnson, Midwife, Health and Social Services Department, 21.08.15.

Aaron Charles Clarke, Assistant Foreman, Highways Section, Public Works Department, 24.08.15.

Completion of Contract

 $Killian\ Moyles,\ Teacher,\ Education\ Department,\ 14.08.15.$

Aimee Meadows, Head of Courts and Tribunals, Courts, Central Services Department, 27.08.15.

Byron Thomas Bowden-Graham, Teacher, Education Department, 31.08.15.

Daniela Alejandra Cardenas Flores, Teacher, Education Department, 31.08.15.

John Paul Carlin, Teacher, Education Department, 31.08.15.

Leonie Colmar, Travelling Teacher, Education Department, 31.08.15.

Angela Jane Craggs, Travelling Teacher, Education Department, 31.08.15.

Timothy Ralph Drew, Teacher, Education Department, 31.08.15.

Susan Nightingale, Teacher, Education Department, 31.08.15.

Rebecca Ann Robinson, Deputy Head Teacher, Education Department, 31.08.15.

Kate Christina Scott, Teacher, Education Department, 31.08.15.

Promotion

Mark Jackson, from Labourer to Plant Operator/Handyperson, Highways Section, Public Works Department, 27.07.15.

James Nathaniel Henry, from General Handyperson to Skilled Handyperson, Property and Municipal Section, Public Works Department, 10.08.15.

Graeme John Hemming, from General Handyperson to Plant Operator/Handyperson, Property and Municipal Section, Public Works Department, 17.08.15.

Resignation

Mecia Crisina Ferrerira Fernandes, Sports Attendant, Leisure Centre, Central Services Department, 31.07.15.

Brandon Keith Greenough, Sports Attendant, Leisure Centre, Central Services Department, 31.07.15.

Christine Hirtle, Logistics Clerk, Health and Social Services Department, 04.08.15.

Joanne Marie Harris, Store/Handyperson, Plant and Vehicle Section, Public Works Department, 09.08.15.

Paul Smith, Plant Operator/Handyperson, Materials Section, Public Works Department, 09.08.15.

Jane Clement, Operations/Flight Information Services Officer, Falkland Islands Government Air Services, Central Services Department, 16.08.15.

Jacqueline Esther Allen, Biomedical Scientist, Health and Social Services Department, 21.08.15.

Anne Louise Taylor, Deputy Head Teacher, Education Department, 31.08.15.

Transfer

Kenton John Douglas Goodwin, from Plant Operator/Handyperson, Property and Municipal Section to Plant Operator/Handyperson, Highways Section, Public Works Department, 03.08.15.

Julie Ann Fisher-Smith, from Personal Assistant, Health and Social Services Department to School Secretary, Education Department, 24.08.15.

Georgina Carol Anderson-Smith, from Senior Clerk, Administration, Public Works Department to Assistant Taxation Officer, Taxation Office, Treasury, 26.08.15.

NOTICES

No. 81

5 August 2015

No 1 Electrical (Falklands) Limited Company number: 10932

Take notice that in accordance with the provisions of section 652A of the Companies Act 1985, the requirements of the said section having been complied with, the above named company will be removed from the Register of Companies upon the expiry of three months from the publication of this notice in the Gazette unless good cause do be shown as to why such action should not be taken.

Dated 5 August 2015

E. J DENT, Registrar of Companies.

No. 82

7 August 2015

Livestock Ordinance

section 8

Livestock and Meat Products (Identification and Movement of Sheep) Regulations

regulation 5

Register of Approved Ear Marks

In accordance with section 8 of the Livestock Ordinance (Title 5.3) and regulation 5 of the Livestock and Meat Products (Identification and Movement of Sheep) Regulations (Title 5.15.3) the register of approved ear marks is published at the end of this Gazette.

Dated 7 August 2015

A. J. BARTON, Director of Natural Resources. No. 83

12 August 2015

Planning Ordinance

sections 17 and 22

Adoption of Development Plan

- 1. In accordance with sections 17 and 22 of the Planning Ordinance (Title 55.3), notice is hereby given that the revised Development Plan has been adopted.
- 2. The Environmental Planning Department give notice that the revised Development Plan, which comprises the Falkland Islands wide Structure Plan and the Stanley Town Plan, has been adopted and now comes into force. The Plan was approved by Executive Council on 29 July 2015, subject to some amendments. The Plan was amended accordingly and this notice confirms adoption. All planning decisions after the date of the publication of this notice in the Gazette will be based on the new Development Plan. The Executive Council report is available from Gilbert House. The new Development Plan is available from the Environmental Planning Department.

Dated 12 August 2015

S. BUTLER.

 $Head\ of\ Environmental\ Planning.$

No. 84

12 August 2015

Public Accounts Committee Register of Members' Interests

The information contained in this Register is provided by members of the Public Accounts Committee in accordance with section 7(4)(c) of the Public Accounts Committee Ordinance.

The information is current to 29 April 2015.

Particulars of Interests:

1. Remunerated directorships and whether or not in companies incorporated in the Falkland Islands, including directorships which are unremunerated, but where remuneration is paid through another company in the same group.

Andrea Clausen:

Falkland Islands Tours and Travel Limited Falkland Islands Tourist Board

MLA Barry Elsby:

None

Steve Dent:

Invenio Falkland Islands Limited

MLA Ian Hansen:

None

Richard Cockwell:

None

2. Remunerated employment, office or profession

Andrea Clausen:

None

MLA Barry Elsby:

Full Time MLA Non practicing Doctor

Steve Dent:

Managing Director - Invenio Falkland Islands Limited Reserve Constable - Royal Falkland Islands Police Casual employee North Pond Tours - Tour Driver Casual employee FI Tours and Travel Ltd - Tour Driver Casual employee FIC - Tour Driver

MLA Ian Hansen:

Income from Main Point Farm Full Time MLA

Richard Cockwell:

Watercolour Artist, Instructor and paint maker

3. Clients in respect of whom the member holds a general retainer or in respect of whom he has in the last 12 months, or expects in the next 12 months, to provide services for payment where a member of the public might reasonably think that the member's conduct in or in relation to the business of the Public Accounts Committee might have been or might be influenced by the client's interests

Andrea Clausen:

None

MLA Barry Elsby:

None

Steve Dent:

Premier Oil Noble Energy FI Tours and Travel Ltd FIC Seafish (Falklands) Ltd Hydro Martech Ltd P K McKay and Son

MLA Ian Hansen:

None

Richard Cockwell:

None

4. Sponsorships. Any form of sponsorship or financial or material support of a member which involves any payment, benefit or advantage whether to the member or any other person with whom the member is closely connected

Andrea Clausen:

None

MLA Barry Elsby:

None

Steve Dent:

None

MLA Ian Hansen:

None

Richard Cockwell:

None

5. Gifts, benefits and hospitality

Andrea Clausen:

None

MLA Barry Elsby:

None

Steve Dent:

None

MLA Ian Hansen:

None

Richard Cockwell:

None

6. Overseas visits relating to or arising out of membership of the Public Accounts Committee where the cost of any such visit has not been borne wholly by the member or out of the Falkland Islands public funds

Andrea Clausen:

None

MLA Barry Elsby:

None

Steve Dent:

None

MLA Ian Hansen:

None

Richard Cockwell:

None

7. Any gifts or material benefits or advantages received by the member of the member's spouse from or on behalf of overseas Governments, organisations or persons

Andrea Clausen:

None

MLA Barry Elsby:

Salary only

Steve Dent:

None

MLA Ian Hansen:

None

Richard Cockwell:

None

8. Land or property of a substantial value or from which a substantial income is gained

Andrea Clausen:

3 St Mary's Walk (jointly with spouse)

MLA Barry Elsby:

Own house and land jointly with spouse

Steve Dent:

None

MLA Ian Hansen:

Main Point Farm

Richard Cockwell:

14 Ross Road West

9. The names of companies or other bodies in which the member has, to his knowledge either with or on behalf of his spouse and children under the age of 18 years, a beneficial interest in shareholding of a nominal value greater than one percent of the issued share capital or less than one percent and more than £25,000.00

Andrea Clausen:

Falkland Islands Tours and Travel Ltd

MLA Barry Elsby:

None

Steve Dent:

None

MLA Ian Hansen:

None

Richard Cockwell:

None

10. Any relevant interest not covered by one of the main categories which falls within the purpose of the Register (which is to provide information on any pecuniary benefit which a member receives and which might reasonably be thought by others to influence his or her actions, speeches or votes in the Public Accounts Committee OR which the member considers might be thought by others to influence his or her actions in a similar manner, even though the member receives no financial benefit

Andrea Clausen:

None

MLA Barry Elsby:

Spouse runs a company called Medica South for which I have no involvement and receive no remuneration from

Steve Dent:

None

MLA Ian Hansen:

None

Richard Cockwell:

Trustee of FI Museum and National Trust

No. 85 13 August 2015

United Kingdom Statutory Instrument

Notice is hereby given that the following United Kingdom Statutory Instrument has been published in the United Kingdom by the United Kingdom Government and is available to view at http://www.legislation.gov.uk:-

2015 No 1380 – The Central African Republic (Sanctions) (Overseas Territories) (Amendment) Order 2015.

Dated 13 August 2015

B. I. STEEN, for Attorney General.

No. 86

13 August 2015

Supreme Court of the Falkland Islands Notice under the Administration of Estates Ordinance (Title 68.1)

Take notice that **Alastair Gordon Biggs** of 50 John Street, Stanley, died on a date between 25 and 29 April 2015.

Whereas **Darlene Joanna Buckland** has applied for Letters of Administration to administer the estate of the said deceased in the Falkland Islands.

Notice is hereby given pursuant to section 4 of the Administration of Estates Ordinance to all persons resident in the Falkland Islands who may have prior claim to such grant that the prayer of the Petitioner will be granted provided no caveat be entered in the Supreme Court within 21 days of the publication hereof.

Dated 13 August 2015

A. MEADOWS, Registrar, Supreme Court

No. 87

20 August 2015

Customs Ordinance 2003

section 7(3)

Appointment of Temporary Customs Officer

In exercise of the powers conferred by section 7(3) of the Customs Ordinance 2003, I appoint the following person to be a temporary Customs Officer:-

CPL Craig Kevin Foxton – K8506872 from 16 April to 16 October 2015.

Dated 20 August 2015

R. J. KING, Collector of Customs.

Register of Approved Ear Marks – Notice 82

EAST FALKLAND

Farm	Owner	Ear mark
BELONGAUS STATION	N. GOODWIN	FORE BAYONET
BLUE BEACH	H. GRIERSON	END DOUBLE SWALLOW
BLUFF COVE	K. KILMARTIN (C. DICKSON)	FORE BAYONET & BACK NIP
BOMBILLA HOUSE FARM	A. ALAZIA	FORE FORK
BROOKFIELD	Т. МсРНЕЕ	END SQUARE
CAPE DOLPHIN	CAPE DOLPHIN LTD (M. McRAE & N. SUMMERS)	END SQUARE
CORRIEDALE	R. GOODWIN	END SQUARE
ELEPHANT BEACH	ELEPHANT BEACH FARM LTD	END FORK
ESTANCIA	E.T. HEATHMAN	FORE SPLIT
EVELYN STATION	I. DAVIS	FORE BAYONET
FITZROY	FLH (G. CASTRO)	END DOUBLE SWALLOW
FITZROY RIVER FARM	N. ROWLANDS (G. CASTRO)	DOUBLE FORE BIT
GIBRALTAR STATION (SALVADOR)	R.M.PITALUGA & Co Ltd	FORE BAYONET
GOOSE GREEN	FLH (K. ALAZIA)	END DOUBLE SWALLOW
GREENFIELD	S. HENRY & D. TRIGGS	FORE FORK
HEAD OF THE BAY	M. & S. JONES	END SPLIT
HOME FARM	T. WHITNEY	DOUBLE FORE
HOPE COTTAGE	P. & S. PHILLIPS	END SPLIT
HORSESHOE BAY	P. & M. GOSS	END DOUBLE SWALLOW
JOHNSONS HARBOUR	J. CHEEK (L. MOLKENBUHR)	END CLOVER
KINGSFORD VALLEY	M. & A. McMULLEN	BACK BAYONET
LONG ISLAND	N. WATSON	FORE SQUARE
LORENZO	M. & J. CLARKE	END SQUARE
MOSS SIDE	M. & D. MINNELL	END SPLIT
MOUNT KENT	D. WHITNEY	FORE BAYONET
MURRELL	A. & L. LOWE	END FORK
NEWANS STATION	J. NEWELL	BACK BAYONET
NORTH ARM	FLH (S. DICKSON)	END DOUBLE SWALLOW
PORT LOUIS	P. & M. GILDING	END FORK
PORT SUSSEX	R. & T. STEVENS	END FORK
RACE POINT	J. & M. JONES	END DOUBLE SWALLOW
RINCON GRANDE	ESTATE. H. J. PITALUGA (A. & E. TURNER)	END SPLIT
RIVERSIDE	K. DOBBYNS	FORE HALFPENNY
RIVERVIEW	D. BAGLEY	END SQUARE
RODEO FARM	M. & D. TRIGGS	FORE SQUARE
SALADERO	F.I. GOVERNMENT	PLAIN
SAND BAY ABATTOIR	FIDC	NONE
SMYLIES	CANTRAY LTD	FORE BAYONET
SWAN INLET	SWAN INLET LTD	FORE SPLIT
THE PEAK CORNER	P. R. & E. C. SHORT	FORE FORK
WALKER CREEK	FLH	END DOUBLE SWALLOW
WRECK POINT	G. & D. DICKSON	BACK SQUARE

WEST FALKLAND

Farm	Owner	Ear mark
ALBEMARLE STATION	S. MAY & T. FORD	FORE FORK
BOLD COVE/ MANYBRANCH	M. & K. JONES	END SQUARE
BOUNDARY	B. BETTS	BACK BAYONET
BOUNDARY POINT	S. HANSEN	BACK BAYONET
COAST RIDGE	N. KNIGHT	END SQUARE
CROOKED INLET	J. & D. DONNELLY	END HALF PENNY

DOYLE	D. EVANS	END SQUARE
DUNBAR	H. & MP. DELIGNIERES	END FORK
DUNNOSE HEAD	A. & D. GOULD	BACK BAYONET
FERN RIDGE	K. MARSH	FORE HALF PENNY
GREEN HILL (CHARTES)	CHARTRES SHEEP FARMING CO LTD (K. & J. McKAY)	END DOUBLE SWALLOW
HARPS	K. MARSH & L. NEWMAN	END SQUARE
LAKE SULIVAN	L. & H. MARSH	END FORK
LAKELANDS	R. & P. MARSH	FORE SQUARE
LEICESTER CREEK	J. KNIGHT	END DOUBLE SWALLOW
LITTLE CHARTRES	J. & L. WOODWARD	BACK SQUARE
MAIN POINT	S. & M. HANSEN	FORE HALF PENNY
PEAKS	T. & S. HIRTLE	END FORK
PHILOMEL	G. & D. MARSH	DOUBLE FORE
PICKTHORNE	S. & S. BONNER	END DOUBLE SWALLOW
PORT EDGAR	M. ALAZIA & DAUGHTERS	BACK SQUARE
PORT HOWARD	LEE BROS (C & M LEE)	END FORK
PORT NORTH	R. & J. McGHIE	T FORE BIT
PORT STEPHENS	P. & A. ROBERTSON	END DOUBLE SWALLOW
RINCON RIDGE	Mr L. MARSH & Miss S. MARSH	FORE HALF PENNY
RUM STATION	R. HARWOOD	BACK BAYONET
SHALLOW BAY	P. & D. PECK	FORE BAYONET
SHALLOW HARBOUR	A. & M. MARSH	END FORK
SHEFFIELD	I. BERNTSEN & D. HOY	END SQUARE
SOUTH HARBOUR	M. & D. EVANS	FORE SQUARE
SPRING POINT	M. & D. EVANS	FORE SQUARE
STONEY RIDGE	J. HILL	FORE BAYONET
TEAL RIVER	F.R. McKAY	FRONT SQUARE
WEST LAGOONS	P. & C. NIGHTINGALE	END DOUBLE SWALLOW
WESTLEY	P. McKAY & J. HOBMAN	FRONT FORK
WHITE ROCK	R. & C. LEE	-

ISLANDS

Farm	Owner	Ear mark
BEAVER ISLAND	S. PONCET	END FORK
BLEAKER ISLAND	M. & P. RENDELL	PLAIN
CARCASS ISLAND	R. McGILL	FORE BAYONET
GEORGE, BARREN & SPEEDWELL	C. & L. MAY	PLAIN
GOLDING ISLAND (PEAKS)	A. HIRTLE	END FORK
GREAT/ SWAN ISLAND GROUP	R. & N. POOLE	DOUBLE SWALLOW
LIVELY ISLAND	S. & C. POOLE	FORE HALF PENNY
PEBBLE ISLAND	DEAN BROS LTD	BACK BAYONET
SEDGE ISLAND	C. HAWKSWORTH	PLAIN
SAUNDERS ISLAND	D. POLE-EVANS	FORE FORK
WEDDELL ISLAND	WEDDELL ISLAND LTD	END FORK
WEST POINT ISLAND	R. B. NAPIER	BACK SQUARE

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FALKLAND ISLANDS GAZETTE

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Appointment

Adam Leonard Dawes, Agriculture Advisor (Agronomy), Agriculture, Natural Resources Department, 22.08.15.

Eva Irma Linda Velasquez, Labourer, Highways Section, Public Works Department, 31.08.15.

Kayleigh May Anderson, Learning Support Assistant, Education Department, 01.09.15.

David Paul Joseph Bailey, Teacher, Education Department, 01.09.15.

Linda Margaretha Bakker, Teacher, Education Department, 01.09.15.

Robyn Chanelle Berntsen, Learning Support Assistant, Education Department, 01.09.15.

Cody Betts-McKay, Sports Attendant, Leisure Centre, Central Services Department, 01.09.15.

Helen Louise Davies, Primary Teacher, Education Department, 01.09.15.

Sarah Jane Edwards, Primary Settlement Teacher, Education Department, 01.09.15.

Graham Sidney John Harris, Primary Teacher, Education Department, 01.09.15.

Rebecca Ruth Hill, Primary Teacher, Education Department,

Juliette Diana Horsford, Teacher, Education Department, 01.09.15.

Robert James Howard, Teacher, Education Department, 01 09 15

Nicholas Huin, Gardener, Government House, Central Services Department, 01.09.15.

Ellen Wyn Joly, Primary Teacher, Education Department, 01.09.15.

Racheal Caroline Sarah Keelin, Primary Teacher, Education Department, 01.09.15.

Fiona Kelly, Primary Teacher, Education Department, 01.09.15.

Leslie Knight, Residential Care Worker, Health and Social Services Department, 01.09.15.

Nancy Joy Locke, Personal Assistant, Health and Social Services Department, 01.09.15

Macauley Brian Middleton, Mechanic Apprentice, Education Department, 01.09.15.

Kenneth Osborne, Teacher, Education Department, 01.09.15.

Erin Elizabeth Price, Sports Attendant, Leisure Centre, Central Services Department, 01.09.15.

Jozeph Willem Sein, Teacher, Education Department, 01.09.15.

Andrew Keith Sharkey, Travelling Teacher, Education Department, 01.09.15.

Sheryl Anne White, Learning Support Assistant, Education Department, 01.09.15.

Joshua Thomas Blakeley, Airport Firefighter, Stanley Airport, Central Services Department, 02.09.15.

Doreen Susan Davis, Storesperson, Plant and Vehicle Section, Public Works Department, 07.09.15.

Bradley Minto, Mechanic Apprentice, Training Centre, Education Department, 07.09.15.

Leela Crystal Tellez, Childcare Apprentice, Training Centre, Education Department, 07.09.15.

Marco Andres Leyton Estrada, Licensed Aircraft Engineer Apprentice, Training Centre, Education Department, 08.09.15.

Marcela Johanna Andrea Leiva Alfaro, Learning Support Assistant, Education Department, 14.09.15.

Madeleine Joyce Dianna Findlay, Childcare Apprentice, Training Centre, Education Department, 14.09.15.

Alexander William Moreton, Staff Nurse, Health and Social Services Department, 14.09.15.

Anomi Priyadarshi Galaboda Liyanage, Learning Support Assistant, Education Department, 17.09.15.

Angela Jane Craggs, Operations/Flight Information Services Officer, Falkland Islands Government Air Service, Central Services Department, 21.09.15.

Completion of Contract

Sebastian Reid, Assistant Roads Engineer, Highways Section, Public Works Department, 18.09.15.

Malcolm William Jamieson, Marine Officer, Fisheries, Natural Resources Department, 24.09.15.

Promotion

James Andrew Greenland, from Technician to Assistant Power Station Manager Designate, Power and Electrical Section, Public Works Department, 02.01.15.

Resignation

Guillermo Baigorri, Painter/Handyperson, Plant and Vehicle Section, Public Works Department, 04.09.15.

Jacqueline Elizabeth Bagley, Warden, Health and Social Services Department, 11.09.15.

Kieran Louise Watt, Learning Support Assistant, Education Department, 14.09.15.

Narendra Pranlal Girdharlal Dave, Medical Officer, Health and Social Services Department, 16.09.15.

Nicki Alderson, Operations/Flight Information Services Officer, Falkland Islands Government Air Services, Central Services Department, 18.09.15.

Christine Lydia Ramoutar, Examinations Officer and Vocational Studies Co-ordinator, Training Centre, Education Department, 18.09.15.

Carmen Miranda, Storesperson, Plant and Vehicle Section, Public Works Department, 25.09.15.

Lars Jurgens, Fisheries Observer, Fisheries, Natural Resources Department, 30.09.15.

Transfer

Rhiannon Elinore Didlick-Smith, from Nursery Liaison Officer, Education Department to Customs and Immigration Officer, Customs and Immigration, Emergency Services Department, 21.09.15.

Kyran Binnie Evans, from Customs and Immigration Officer, Customs and Immigration, Emergency Services Department to Fisheries Protection Officer, Fisheries, Natural Resources Department, 21.09.15.

NOTICES

No. 88 3 September 2015

Police Ordinance (Title 56)

section 52

Notice of unclaimed property

Take notice that the following items are in the charge of the Royal Falkland Island Police:

Date found	Description
Feb 2012	White metal necklace with three hearts
Aug 2012	Fingerless grey woollen gloves
Aug 2012	Under Armour baseball cap plus £7.79 cash
Oct 2012	1 pair binoculars
Nov 2012	1 black leather jacket and key ring with 2 keys
Nov 2012 Nov 2012	1 white scarf
Nov 2012 Nov 2012	Grey/black camera case and small pouch with £3.84
Jan 2013	Brown dog lead with yellow and green check
Jan 2013	Silver coloured bracelet with blue stones
Feb 2013	Set of white earphones with volume control on lead
Mar 2013	Black LG mobile phone
Mar 2013	Blue jacket (child's)
Mar 2013	Black and purple mobile phone
Mar 2013	Centon mirror lens in leather case /camera lens
Apr 2013	Child's white watch and blue watch, silver key ring,
	heart and key necklace, coloured ring, black bead ring
M 2012	x 2, dolphin ring
May 2013	Leatherman pen knife
Jun 2013 Jun 2013	Black Phillips cordless phone Nokia mobile phone
Jul 2013 Jul 2013	Black Peacocks jacket (male)
Jul 2013 Jul 2013	Blue suit jacket (male)
Jul 2013	St Kitts green leather, blue cap, black silk
Jul 2013	cumberband, grey scarf
Jul 2013	Child's Dickies jacket
Jul 2013	M&S cardigan
Jul 2013	Deal line jumper
Jul 2013	Next black jacket (girls age 14)
Jul 2013	Sheepskin Jacket – women's large
Jul 2013	Black jacket size XL
Jul 2013	Black phone
Aug 2013	Black Samsung mobile phone
Sep 2013	Canon lens cap
Sep 2013	Silver chain with pink and silver butterfly
Dec 2013	Blue/white BMX bike with power shock forks
Dec 2013	Wrapping paper/ penguin mug/ yellow carriers x 2/
	earrings/ coffee beans/ family photos calendar/
	Cadbury selection boxes/ toiletries/ sweets/ sun
	cream/ dried pasta
Dec 2013	LL Bean rucksack
Dec 2013	Gold/rose gold coloured chain clasp
Jan 2014	Samsung mobile phone
May 2014	Red Helly Hansen beanie hat
May 2014	Hammer
May 2014	Charm bracelet with charms
Jun 2014	Black XL QuikSilver jacket
Jun 2014	Watch Pulsar
Jul 2014	Silver coloured flat curb link necklace
Sep 2014	Black/grey/white striped scarf

Any person who may have a claim to such property may lodge a claim in writing to the Magistrate's Court within six months of the publication of this list in the Gazette.

Dated 3 September 2015

L. STREET, Clerk, Magistrates Court. 17 September 2015

Customs Ordinance 2003

section 7(3)

Appointment of Temporary Customs Officer

In exercise of the powers conferred by section 7(3) of the Customs Ordinance 2003, I appoint the following person to be a temporary Customs Officer Mr Hendrik Jacobus Van Zyl date of birth 6 March 1971 -from 5 September to 24 October 2015.

Dated 17 September 2015

R. J. KING. Collector of Customs.

No. 90

18 September 2015

Livestock Ordinance (Title 5.3) section 3

Appointment of Inspectors

- 1. Section 3 of the Livestock Ordinance provides that the Governor may appoint duly qualified persons to act as inspectors for the purpose of carrying out the provisions of the Ordinance.
- 2. In exercise of my powers under section 3, I appoint the following officers of the Department of Natural Resources to be inspectors:

Ian Campbell Senior Agricultural Advisor Travis Allington Agricultural Advisor Lucy Ellis Assistant Agricultural Advisor Steve Pointing Senior Veterinary Officer Claudia Glatzmeier Veterinary Officer

3. These appointments have effect from the date given below and continue for one year from that date, unless terminated sooner.

Dated 18 September 2015

J. S. TYLER-HAYWOOD, Acting Governor.

No. 91

18 September 2015

Merchant Shipping Act 1894 section 566

Appointment of Receiver of Wreck

- 1. Section 566 of the Merchant Shipping Act 1894 (as it applies in the Falkland Islands) provides that the Governor may, with the consent of the Treasury, appoint a receiver of wreck to perform the duties of receiver under Part IX of the
- 2. The consent of the Treasury was given by the Financial Secretary on 18 September 2015 to the appointment below.
- 3. In exercise of my powers under section 566 I appoint MICHAEL FLOYD as a receiver of wreck.

4. This appointment has effect from the date below, and continues in effect whilst Michael Floyd holds office as a Customs Officer, unless terminated sooner.

Dated 18 September 2015

J. S. TYLER-HAYWOOD, Acting Governor.

No. 92

18 September 2015

Merchant Shipping Ordinance 2001 Merchant Shipping Act 1995 section 8(3)

Designation of Registrar of Ships

- 1. Section 8(3) of the Merchant Shipping Act 1995 (as it applies in the Falkland Islands under the Merchant Shipping Ordinance 2001) provides that the Governor may designate a person to discharge, on behalf of the registrar, the functions of the registrar.
- 2. In exercise of my powers under section 8(3) I designate MICHAEL FLOYD to discharge the functions of the registrar at any time when the registrar is unable to carry out those functions.
- This designation has effect from the date below, and continues in effect whilst Michael Floyd holds office as a Customs Officer, unless terminated sooner.

Dated 18 September 2015

J. S. TYLER-HAYWOOD, Acting Governor.

No. 93

18 September 2015

Customs Ordinance (Title 26.1) section 6(3)

Appointment of Deputy Collector of Customs

- 1. Section 6(3) of the Customs Ordinance 2003 provides that the Governor may appoint a Deputy Collector of Customs to exercise the powers and duties of the Collector.
- In exercise of my powers under section 6(3), I appoint MICHAEL FLOYD to be a Deputy Collector of Customs at any time when the Collector of Customs is unable to carry out the functions of Collector.
- 3. This appointment has effect from the date below, and continues in effect whilst Michael Floyd holds office as a Customs Officer, unless terminated sooner.

Dated 18 September 2015

J. S. TYLER-HAYWOOD, Acting Governor.

Immigration Ordinance 1999

section 3

Appointment of Acting Principal Immigration Officer

- 1. Section 3(1) of the Immigration Ordinance 1999 provides that the Governor shall appoint a Principal Immigration Officer.
- 2. In exercise of my powers under section 3(1), I appoint LEN STANFORD MCGILL to be Acting Principal Immigration Officer for the purpose of carrying out the duties of the Principal Immigration Officer at any time when the post is vacant, or the substantive holder of the post is unavailable to discharge the same through any absence from the Falkland Islands or inability to perform the functions and duties of the post.
- 3. This appointment has effect from the date below, and continues in effect whilst Len Stanford McGill holds office as the Chief Police Officer, unless terminated sooner.

Dated 18 September 2015

J. S. TYLER-HAYWOOD,

Acting Governor.

No. 95

18 September 2015

Planning Ordinance (Title 55.3)

section 5(2)

Appointment of Member of Planning and Building Committee

- 1. Section 5(2) of the Planning Ordinance provides that the Governor shall appoint members of the Planning and Building Committee.
- 2. In exercise of my powers under section 5(2) I appoint BRIAN SUMMERS to be a member of the Planning and Building Committee.
- 3. This appointment has effect from the date given below, and continues in effect for three years from that date, unless terminated sooner.

Dated 18 September 2015

J. S. TYLER-HAYWOOD,

Acting Governor.

No. 96

18 September 2015

Fisheries (Conservation and Management) Ordinance 2005 section 37

Notice of Total Allowable Effort - Finfish Fishery

Notice is hereby given of the Total Allowable Effort set in respect of the following fishery:-

Fishery: Finfish

Species: All finfish species except Skate (Rajidae) and

 $Tooth fish \ (Dissostichus \ eleginoides)$

Period: 1 January – 31 December 2016

Total Allowable Effort: 12.2 (Vessel Units)

Dated 18 September 2015

A. J. BARTON, Director of Natural Resources.

rector of Hatarat Resource

No. 97

18 September 2015

Fisheries (Conservation and Management) Ordinance 2005 section 37

Notice of Total Allowable Effort – Restricted Finfish Fishery

Notice is hereby given of the Total Allowable Effort set in respect of the following fishery:-

Fishery: Restricted Finfish

Species: All finfish species except Hake (Merluccius spp.),

Skate (Rajidae) and Toothfish (Dissostichus

eleginoides)

Period: 1 January – 31 December 2016

Total Allowable Effort: 22.30 (Vessel Units)

Dated 18 September 2015

A. J. BARTON,
Director of Natural Resources.

No. 98

18 September 2015

Fisheries (Conservation and Management) Ordinance 2005 section 37

Notice of Total Allowable Effort - Skate Fishery

Notice is hereby given of the Total Allowable Effort set in respect of the following fishery:-

Fishery: Skate

Species: All species of Skate (Rajidae)

Period: 1 January – 31 December 2016

Total Allowable Effort: 29.33 (Vessel Units)

Dated 18 September 2015

A. J. BARTON, Director of Natural Resources.

No. 99 18 September 2015

Fisheries (Conservation and Management) Ordinance 2005 section 37

Notice of Total Allowable Effort – Squid and Restricted Finfish Fishery

Notice is hereby given of the Total Allowable Effort set in respect of the following fishery:-

Fishery: Squid and Restricted Finfish

4

Species: Illex argentinus, Martialia hyadesi, all finfish species

except Hake (Merluccius spp.), Skate (Rajidae) and

Toothfish (Dissostichus eleginoides)

Period: 1 March – 31 May 2016

Total Allowable Effort: 20.0 (Vessel Units)

Dated 18 September 2015

A. J. BARTON,

Director of Natural Resources.

No. 100

18 September 2015

Fisheries (Conservation and Management) Ordinance 2005 section 37

Notice of Total Allowable Effort – Squid (*Doryteuthis gahi*) Fishery

Notice is hereby given of the Total Allowable Effort set in respect of the following fishery:-

Fishery: Squid (Doryteuthis gahi)

Species: Doryteuthis gahi

Period: 24 February - 21 April 2016

Total Allowable Effort: 27.013 (Vessel Units)

Dated 18 September 2015

A. J. BARTON, Director of Natural Resources.

Director of Natural Resources.

No. 101

18 September 2015

Fisheries (Conservation and Management) Ordinance 2005 section 38

Notice of Total Allowable Catch Restricted Finfish – Pelagic

Notice is hereby given of the Total Allowable Catch set in respect of the following fishery:-

Fishery: Restricted Finfish - Pelagic

Species: Southern Blue Whiting (Micromesistius australis)

Hoki (Macruronus magellanicus)

Period: 1 January - 31 December 2016

Total Allowable Catch: 2000 metric tonnes

Dated 18 September 2015

A. J. BARTON, Director of Natural Resources. No. 102 18 September 2015

Fisheries (Conservation and Management) Ordinance 2005 section 38

Notice of Total Allowable Catch - Toothfish Fishery

Notice is hereby given of the Total Allowable Catch set in respect of the following fishery:-

Fishery: Toothfish - Longline

Species: Toothfish (Dissostichus eleginoides)

Period: 1 January - 31 December 2016

Total Allowable Catch: 1040 metric tonnes

Dated 18 September 2015

A. J. BARTON, Director of Natural Resources.

No. 103 25 September 2015

Freiwin Limited Company number: 9876

Take notice that in accordance with the provisions of section 652A of the Companies Act 1985, the requirements of the said section having been complied with, the above named company will be removed from the Register of Companies upon the expiry of three months from the publication of this notice in the Gazette unless good cause do be shown as to why such action should not be taken.

Dated 25 September 2015

E. J DENT, Registrar of Companies.

No. 104

25 September 2015

Prion Limited Company number: 11627

Take notice that in accordance with the provisions of section 652A of the Companies Act 1985, the requirements of the said section having been complied with, the above named company will be removed from the Register of Companies upon the expiry of three months from the publication of this notice in the Gazette unless good cause do be shown as to why such action should not be taken.

Dated 25 September 2015

E. J DENT, Registrar of Companies.

No. 107

section 5(2)

Appointment of Member of Planning and Building Committee

Planning Ordinance (Title 55.3)

- 1. Section 5(2) of the Planning Ordinance provides that the Governor shall appoint members of the Planning and Building Committee.
- 2. In exercise of my powers under section 5(2) I appoint SAMANTHA DAVIES to be a member of the Planning and Building Committee.
- 3. This appointment has effect from the date given below, and continues in effect for three years from that date, unless terminated sooner.

Dated 28 September 2015

J. S. TYLER-HAYWOOD,

Acting Governor.

No. 106

29 September 2015

Application for Falkland Islands Status

Notice is hereby given that Anne Louise Taylor has applied through the Principal Immigration Officer for Falkland Islands Status to be granted by His Excellency the Governor. Any person who knows of any reason why such status should not be granted, should send a written and signed statement of the facts, giving grounds for their objection, to the Immigration Officer, Customs and Immigration Department, Stanley by 21 October 2015.

Dated 29 September 2015

J. E. SMITH, Immigration Officer.

Notice is hereby given that:-

Kristina Vincent; Gary Vincent; Yesenia Fernandez

have applied to the Principal Immigration Officer to be granted Permanent Residence Permits. Any person who knows of any reason why a permit should not be granted to any of the above named should send a written and signed statement of the facts, giving grounds for their objection, to the Immigration Officer, Customs and Immigration Department, Stanley by 21 October 2015.

Dated 29 September 2015

J. E. SMITH, Immigration Officer.

No. 108

30 September 2015

Taxes Ordinance (Title 69.1) section 152A and 155 Guidance

In accordance with section 152A and section 155 of the Taxes Ordinance (as amended by the Taxes (Oil and Gas) Ordinance 2015) and following consultation with persons appearing to be representative of the petroleum industry, the required guidance is published in this Gazette.

Dated 30 September 2015

N. J. GRANGER, Commissioner of Taxation.

Guidance - Notice 108

Taxes (Oil and Gas) Ordinance 2015

GUIDANCE

Contents

- 1. Introduction
- 2. Leasing costs
- 3. Finance costs: deductibility

Introduction

Taxes (Oil and Gas) Ordinance 2015 (the legislation) amends the Taxes Ordinance (Title 69.1) in respect of taxation of activities connected with oil and gas exploration, development and production.

The legislation refers to guidance being published for the following sections of the Taxes Ordinance as amended:

- section 152A Leasing costs subsection (3)
- section 155 Finance costs: deductibility subsection (2A)

The resulting guidance is published in this document.

29 September 2015

Application for Permanent Residence

Acosta; Peter David Bowers; and Catherine John Bowers

The legislation also refers to the publication of arrangements for an appeal to be brought against the specification of a norm price set by the Petroleum Pricing Panel (the Panel) as per subsection (5) of section 151A the Taxes Ordinance as amended.

The appeal arrangements will be published in due course by the Governor (in Council) once the Panel is formed and has been consulted.

Leasing costs

Section 152A(3) of the Taxes Ordinance states:

"Where it appears to the Commissioner that leasing costs are incurred to an extent which is not reasonable, having regard to all the circumstances including the terms of the lease and the level of profitability of the ring-fence trade, he may direct that all or any of those costs shall not be allowable as a deduction under section 97 against the company's ring-fence income."

The criteria to be considered in the application of section 152A(3) by the Commissioner are as follows:

- Whether the terms of the leasing arrangements under which the leasing costs are incurred are in accordance with standard industry practice, both as to amount and as to any conditions or other terms.
- Whether the company incurs similar costs in relation to non-ring-fence trading activities.
- Whether the leasing costs appear economically advantageous compared to purchase in the context.
- Whether the ratio of costs to profits matches standard industry margins in ring-fence trading and/or similar activities.
- Whether other companies in broadly comparable commercial circumstances also incur similar leasing costs.
- Any other factor which reasonably leads the Commissioner to suspect that the primary motivation for entering into the leasing arrangements was the securing of a tax advantage.

In the event the Commissioner directs that all or any of the leasing costs shall not be allowable as a deduction, the company may within 30 days object to the direction by writing to the Commissioner to state precisely the grounds of the objection.

It is for the company to satisfy the Commissioner all leasing costs are incurred for the ring-fence trade, and that the lease is reasonable with regard to the criteria set out above.

On being notified of the response by the Commissioner to the objection, the company may then appeal to the Tax Appeal Tribunal within 21 days in writing and specify all of the following:

- The decision(s) that the company is appealing.
- The grounds of appeal.
- Whether the company requests an oral hearing of the appeal by the Tribunal or whether it is content for the appeal to be dealt with by written representations.

The appeal must be sent to the Clerk of the Tribunal at the following address:

The Law Courts, Town Hall, Stanley, Falkland Islands

Please note the Tribunal is unable to accept service of documents electronically.

Finance costs: deductibility

Section 155(2A) of the Taxes Ordinance states:

"The finance charges shall not be deductible in ascertaining C's chargeable income, unless and to the extent that the Commissioner directs that the charges may be deducted."

The criteria to be considered in the application of section 155(2A) by the Commissioner are as follows:

- The starting point is that the Commissioner would only consider giving a direction when it is demonstrably unfair not to do so.
- For that purpose, the Commissioner may consider it unfair to C from entering into a financial transaction with a special relationship body if:
 - (a) there is a good commercial reason (other than fiscal advantage) for transacting with the special-relationship body; and
 - (b) the terms are demonstrably similar to arm's-length terms.

Please note where the Commissioner considers there is fiscal advantage as well as good commercial reason, finance charges that may be deductible will exclude an amount to reflect the fiscal advantage element.

It is for the company to apply to the Commissioner for a direction that the charges may be deducted, providing all reasons that it wishes the Commissioner to take into account.

In the event the Commissioner refuses to direct finance charges shall be deductible, the company may within 30 days object by writing to the Commissioner to state precisely the grounds of the objection. Please note all reasons for the direction should have been presented to the Commissioner by the company at the time of applying for the direction.

On being notified of the response by the Commissioner to the objection, the company may then appeal to the Tax Appeal Tribunal within 21 days in writing and specify all of the following:

- The decision(s) that the company is appealing.
- The grounds of appeal.
- Whether the company requests an oral hearing of the appeal by the Tribunal or whether it is content for the appeal to be dealt with by written representations.

The appeal must be sent to the Clerk of the Tribunal at the following address:

The Law Courts, Town Hall, Stanley, Falkland Islands

Please note the Tribunal is unable to accept service of documents electronically.



FALKLAND ISLANDS GAZETTE

Supplement

PUBLISHED BY AUTHORITY

Vol. 26 30 September 2015 No. 6

The following are published in this Supplement –

Taxes (Oil and Gas) Ordinance 2015 (No 6 of 2015);

Taxes (Oil and Gas) Ordinance 2015 (Correction) Order 2015 (SR&O No 11 of 2015);

Law Revision (Paving) Bill 2015;

Fisheries (Conservation and Management)(Amendment) Bill 2015;

Fisheries (Individual Transferable Quota Fees) Regulations 2015 (SR&O No 12 of 2015);

Illex Fishing Licences (Applications, Fees and Refunds) Regulations 2015 (SR&O No 13 of 2015); and

Fisheries (Conservation and Management)(Replacement of Schedule) Order 2015 (SR&O No 14 of 2015).

ELIZABETH II



FALKLAND ISLANDS

COLIN ROBERTS C.V.O., *Governor*.

Taxes (Oil and Gas) Ordinance 2015

(No: 6 of 2015)

ARRANGEMENT OF PROVISIONS

Section

- 1. Title
- 2. Commencement
- 3. Valuation of petroleum
- 4. Leasing costs
- 5. Finance costs and intra-group charges
- 6. Drilling costs
- 7. Depreciation allowances
- 8. Petroleum extraction activities
- 9. Recovery of tax in respect of profits or gains on offshore petroleum activities: exemption certificates
- 10. Licence swaps
- 11. Contractors

ELIZABETH II



FALKLAND ISLANDS

COLIN ROBERTS C.V.O., *Governor*.

TAXES (OIL AND GAS) ORDINANCE 2015

(No: 6 of 2015)

(assented to: 10 September 2015) (commencement: 1 October 2015) (published: 30 September 2015)

AN ORDINANCE

To amend the Taxes Ordinance (Title 69.1) in respect of the taxation of activities connected with oil and gas exploration, development and production.

ENACTED by the Legislature of the Falkland Islands —

1. Title

This Ordinance is the Taxes (Oil and Gas) Ordinance 2015.

2. Commencement

This Ordinance comes into force on 1 October 2015.

3. Valuation of petroleum

- (1) In section 151(3)(a) of the Taxes Ordinance (Title 69.1) (non-arm's length disposals and appropriations: valuation of petroleum) for "shall be determined in accordance with regulations made by the Governor for the purposes of this section" substitute "shall be determined in accordance with section 151A".
- (2) After section 151 insert —

"151A. Determination of petroleum market value

(1) This section has effect for the determination of the market value of petroleum for the purposes of section 151.

- (2) There shall be a Petroleum Pricing Panel; and
 - (a) the Financial Secretary, or an individual nominated by the Financial Secretary, shall chair the Panel.
 - (b) the Director of Mineral Resources, or an individual nominated by the Director of Mineral Resources, shall also be a member of the Panel, and
 - (c) other members shall be appointed by, and on terms and conditions determined by, the Governor in Council.
- (3) The Panel shall from time to time publish in the Gazette a price (the "norm price") to be used as the market value of petroleum; and
 - (a) the Panel shall specify the class of transactions in respect of which each norm price is to have effect,
 - (b) a class of transactions may be described by reference to dates or any other factor or combination of factors, and
 - (c) a class of transactions may be described in such a way that the norm price applies wholly or partly retrospectively.
- (4) Before publishing a norm price the Panel must consult persons appearing to them to represent the petroleum industry.
- (5) The Governor in Council having consulted the Panel must publish arrangements for an appeal to be brought against the specification of a norm price; and the arrangements
 - (a) must specify to whom an appeal may be brought (which may be a court, tribunal, administrative person or a specified judicial, political or administrative officer),
 - (b) must specify the period within which an appeal must be brought,
 - (c) may include other procedural provision (including provision about costs),
 - (d) may specify criteria to be considered in determining the appeal, and
 - (e) must include arrangements to be followed in the event of a successful appeal."

4. Leasing costs

After section 152 of the Taxes Ordinance (payments of interest: allowable deductions) insert —

"152A. Leasing costs

(1) Leasing costs incurred by a company shall not be allowable under section 97 as a deduction against the company's ring-fence income except to the extent permitted by subsection (2) below, but subject to subsections (3), (4) and (5) below and section 155.

- (2) Leasing costs may be deducted under this subsection if and to the extent that they are shown to have been incurred by the company in its ring-fence trade.
- (3) Where it appears to the Commissioner that leasing costs are incurred to an extent which is not reasonable, having regard to all the circumstances including the terms of the lease and the level of profitability of the ring-fence trade, he may direct that all or any of those costs shall not be allowable as a deduction under section 97 against the company's ring-fence income.
- (4) The Commissioner shall publish guidance on the criteria to be considered in the application of subsection (3); and before publishing guidance the Commissioner shall consult persons appearing to be representative of the petroleum industry.
- (5) Leasing costs paid by a company in respect of plant or machinery leased from a connected person shall not be allowable under section 97.
- (6) Leasing costs incurred by a company shall not be allowable under section 97 as a deduction against income which is not ring-fence income except to the extent that they are shown to have been incurred by the company otherwise than in its ring-fence trade.
- (7) In the case of a contractor within the meaning of section 150(11), interest is allowable as a deduction in accordance with this section only
 - (a) in so far as attributable (through just and reasonable apportionment if necessary) to assets used in the Falkland Islands, and
 - (b) by application to the contractor's interest expenses net of interest received."

5. Finance costs and intra-group charges

- (1) Section 155 of the Taxes Ordinance (certain interest not deductible) is amended as follows (and its heading becomes "Finance costs: deductibility").
- (2) For subsection (2) (interest on loans) substitute
 - "(2) Subsection (2A) applies where
 - (a) finance charges are incurred by a company to which this section applies ("C") in respect of a financial transaction, and
 - (b) C has a special relationship with one or more of the parties to the transaction ("SR").
 - (2A) The finance charges shall not be deductible in ascertaining C's chargeable income, unless and to the extent that the Commissioner directs that the charges may be deducted.
 - (2B) For the purpose of subsection (2A) —

- (a) "financial transaction" includes loans, leasing arrangements and any other transaction which is wholly or partly of a financial nature;
- (b) "special relationship" means any relationship as a result of which C and SR are not dealing, or may not be dealing, at arms' length;
- (c) "finance charge" includes interest, leasing charges, discount, deferred payment, prepayment and any other payment or arrangement that represents all or part of the cost of the financial transaction:
- (d) a direction may be specific or general, and conditional or absolute;
- (e) the Commissioner shall publish guidance on the criteria to be considered in determining whether or not to give a direction;
- (f) before publishing guidance the Commissioner shall consult persons appearing to be representative of the petroleum industry.
- (2C) In the case of a contractor within the meaning of section 150(11), finance charges are deductible in accordance with this section only
 - (a) in so far as attributable (through just and reasonable apportionment if necessary) to assets used in the Falkland Islands, and
 - (b) by application to the contractor's finance charge expenses net of finance charges received."
- (3) In subsection (3) omit "of interest".
- (4) For subsection (4) substitute
 - "(4) Where C enters into a financial transaction in respect of which subsection (2A) applies C shall notify the Commissioner of that fact not later than 4 weeks after entering into the transaction."
- (5) Omit subsection (5).
- (6) For subsection (6) substitute
 - "(6) This section applies to a company carrying on any exploration or exploitation activities."
- (7) Omit subsection (8).

6. Drilling costs

For the definition of "intangible drilling costs" in section 110(1) of the Taxes Ordinance (petroleum extraction activities: general provisions) substitute —

""intangible drilling costs" means capital costs directly attributable to the drilling of development or production wells, other than costs which are directly attributable to the creation or acquisition of plant or machinery with a salvage value;".

7. Depreciation allowances

After section 124 of the Taxes Ordinance (which is no longer in force) insert —

"124A. Restriction of depreciation by reference to asset value in accounts

- (1) This section applies where a person (P) claims an allowance under this Chapter in respect of plant or machinery brought into the Falkland Islands in connection with a ring-fence trade.
- (2) A depreciation allowance must be calculated by reference to the reduction in the value of the plant or machinery as specified in P's accounts.
- (3) If the Commissioner is not satisfied that the provision in P's accounts is not in accordance with accounting policies which are operated by P and which reflect proper accounting practice, he may direct that this section is to apply in relation to the relevant plant and machinery with such modifications as the direction may specify.
- (4) In this section a reference to P's accounts includes a reference to the accounts of a person connected to P."

8. Petroleum extraction activities

(1) For the definition of "petroleum extraction activities" in section 140 of the Taxes Ordinance (ring fence trades: interpretation) substitute —

""petroleum extraction activities" means any activities carried on in connection with —

- (a) searching for petroleum;
- (b) extracting petroleum;
- (c) transporting petroleum;
- (d) effecting initial treatment or initial storage of petroleum;
- (e) decommissioning or abandoning plant or machinery previously used or designed to be used in connection with an activity within paragraphs (a) to (d);".
- (2) This section shall be treated as always having had effect.

9. Recovery of tax in respect of profits or gains on offshore petroleum activities: exemption certificates

In Schedule 6 (recovery of tax in respect of profits or gains on offshore petroleum activities, etc: supplementary provisions) omit paragraphs 5 and 7 (exemption certificates).

10. Licence swaps

- (1) Section 145 of the Taxes Ordinance (licences exchanged for other licences or work obligation) is amended as follows.
- (2) In subsection (2)
 - (a) for "of another licence" substitute "of another petroleum licence",
 - (b) for "in another licence" substitute "in another petroleum licence", and
 - (c) for "the licence" substitute "the petroleum licence".
- (3) In subsection (3)
 - (a) for "of a licence" substitute "of a petroleum licence",
 - (b) for "of two or more licences" substitute "of two or more petroleum licences",
 - (c) for "licence disposed of" substitute "petroleum licence disposed of", and
 - (d) for "those two or more licences" substitute "those two or more petroleum licences".
- (4) In subsection (4)
 - (a) for "disposal of a licence" substitute "disposal of a petroleum licence",
 - (b) for "the licence in question" substitute "the petroleum licence in question", and
 - (c) for "the whole of the licence" substitute "the whole of the petroleum licence".
- (5) This section shall be treated as always having had effect.

11. Contractors

- (1) In section 150 of the Taxes Ordinance (ring-fencing of petroleum extraction activities, etc., for tax purposes) after subsection (10) add
 - "(11) A reference in this Act to a ring-fence trade includes a reference to anything undertaken by one person ("C") as a contractor for another person ("P") who carries on a ring-fence trade for the purposes of this Chapter, if and in so far as C's activities are undertaken for the purposes of P's ring-fence trade."
- (2) In section 152 of the Taxes Ordinance (payments of interest) after subsection (5) add
 - "(6) In the case of a contractor within the meaning of section 150(11), interest is allowable as a deduction in accordance with this section only —

- (a) in so far as attributable (through just and reasonable apportionment if necessary) to assets used in the Falkland Islands, and
- (b) by application to the contractor's interest expenses net of interest received."

Passed by the Legislature of the Falkland Islands on 27 August 2015.

CLAUDETTE PRIOR M.B.E., Clerk of the Legislative Assembly.

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

CLAUDETTE PRIOR M.B.E., Clerk of the Legislative Assembly.

SUBSIDIARY LEGISLATION

TAXATION

Taxes (Oil and Gas) Ordinance 2015 (Correction) Order 2015

S. R. & O. No: 11 of 2015

Made: 10 September 2015 Published: 30 September 2015 Coming into force: see article 2

IN EXERCISE of my powers under section 93 of the Interpretation and General Clauses Ordinance (Title 67.2) I make the following order—

1. Title

This order is the Taxes (Oil and Gas) Ordinance 2015 (Correction) Order 2015.

2. Commencement

This order comes into force on 1 October 2015.

3. Correction of Taxes (Oil and Gas) Ordinance 2015

The Taxes (Oil and Gas) Ordinance 2015 (No 6 of 2015) is amended in section 7 by omitting from the new section 124A(3) to the Taxes Ordinance the second occurrence of the word "not".

Made 10 September 2015

C. P. Judge M.B.E.,

Attorney General.

EXPLANATORY NOTE (not forming part of the order)

This order corrects a typographical error.

Law Revision (Paving) Bill 2015

(No: of 2015)

ARRANGEMENT OF PROVISIONS

Clause

- 1. Title
- 2. Commencement
- 3. Appointment of Statute Law Commissioner
- 4. Statute Law Database
- 5. Reports to Legislative Assembly

LAW REVISION (PAVING) BILL 2015

(No: of 2015)

(assented to: 2015) (commencement: on publication) (published: 2015)

A BILL

for

AN ORDINANCE

To make provision in connection with the revision and publication of the law of the Falkland Islands.

BE IT ENACTED by the Legislature of the Falkland Islands —

1. Title

This Ordinance is the Law Revision (Paving) Ordinance 2015.

2. Commencement

This Ordinance comes into force on publication in the Gazette.

3. Appointment of Statute Law Commissioner

- (1) The Governor must appoint a person as the Statute Law Commissioner.
- (2) The Commissioner holds and vacates office in accordance with terms specified by the Governor on making the appointment.
- (3) The Commissioner's appointment must be notified in the Gazette.
- (4) Appointment as Commissioner may be held separately or together with another appointment.
- (5) The terms of appointment may (but need not) require the Commissioner to report to, and comply with directions of or comply with guidance issued by, the Attorney General or another specified official.
- (6) Any subsisting appointment of a Law Commissioner under the Revised Edition of the Laws Ordinance (Title 67.3) will lapse on appointment of the Statute Law Commissioner under this section.

4. Statute Law Database

- (1) The Statute Law Commissioner is responsible for the preparation of
 - (a) a database of the laws of the Falkland Islands; and

- (b) draft legislation which enables the Legislative Assembly to approve the Statute Law Database as an authoritative statement of the laws of the Falkland Islands.
- (2) The Commissioner must aim to ensure that the Statute Law Database
 - (a) is complete not later than 31 March 2017; and
 - (b) is as accessible to all residents of the Falkland Islands as is reasonably practicable.
- (3) In complying with subsection (2)(b) the Commissioner
 - (a) must treat the internet as the primary means of access to the database, but
 - (b) must also have regard to the needs of those who have no access, or limited access, to the internet, or who prefer to access information in other ways.
- (4) The Commissioner's primary objective is to ensure that the database serves the needs of residents of the Falkland Islands; but subject to that, the Commissioner must also have regard to the needs of others who may wish to access the database.
- (5) The Statute Law Database must contain
 - (a) the complete and up to date text of all Ordinances of the Falkland Islands in force;
 - (b) the complete and up to date text of all subsidiary legislation, made under Ordinances of the Falkland Islands, in force; and
 - (c) a list of United Kingdom enactments having force in or in relation to the Falkland Islands.
- (6) For the purposes of subsection (1) the Commissioner may take as the authoritative text of an Ordinance or of subsidiary legislation any version produced in accordance with the Revised Edition of the Laws Ordinance that appears to the Commissioner to be accurate.

5. Reports to Legislative Assembly

- (1) The Statute Law Commissioner must lay before the Legislative Assembly reports about progress in complying with the duty under section 4.
- (2) The first report must be laid as soon as reasonably practicable after the end of the period of 3 months beginning with the date of the Commissioner's appointment.
- (3) Subsequent reports must be laid as soon as reasonably practicable after the end of each subsequent period of 3 months.
- (4) If the Legislative Assembly debates a report under this section and makes recommendations, the Commissioner must give effect to those recommendations.

OBJECTS AND REASONS

This Bill paves the way for publication of an up to date statement of the laws of the Falkland Islands in order to improve accessibility of the law.

Clause 3 provides for the appointment of a Statute Law Commissioner to facilitate the necessary work.

Clause 4 provides that the Statute Law Commissioner is responsible for the preparation of a database of the laws of the Falkland Islands. This is in preparation for publication of an up to date statement of the Laws of the Falkland Islands, which is intended to be published no later than 31 March 2017 (after approval of the database by the Legislative Assembly under further legislation).

Clause 4 sets out the following principles for compilation of the database of the laws:

- that the primary objective is accessibility for Falkland Islands residents (but that the needs of others must be considered);
- the assumption that publication will primarily be on the internet (but that the needs of non-internet users must also be considered);

Clause 4 also provides that the previous publications under the Revised Edition of the Laws Ordinance (Title 67.3) may provide a starting point for compilation of the database (to avoid the unnecessary duplication of work).

Clause 5 would ensure that the Statute Law Commissioner regularly reports on progress of the work to the Legislative Assembly.

Fisheries (Conservation and Management) (Amendment) Bill 2015

(No: of 2015)

ARRANGEMENT OF PROVISIONS

Clause

- 1. Title
- 2. Commencement
- 3. Amendment of Fisheries (Conservation and Management) Ordinance
- 4. Amendment of Fishing (Nets and Supplementary Net Equipment) Regulations Order
- 5. Amendment of Fishing Regulations Order
- 6. Amendment of Inshore Fishing Regulations

FISHERIES (CONSERVATION AND MANAGEMENT) (AMENDMENT) BILL 2015

(No: of 2015)

(assented to: 2015) (commencement: on publication) (published: 2015)

A BILL

for

AN ORDINANCE

To amend the Fisheries (Conservation and Management) Ordinance (No 14 of 2005), the Fishing (Nets and Supplementary Net Equipment) Regulations Order, the Inshore Fishing Regulations and the Fishing Regulations Order to specify penalties for contravention of any offences.

BE IT ENACTED by the Legislature of the Falkland Islands —

1. Title

This Ordinance is the Fisheries (Conservation and Management) (Amendment) Ordinance 2015.

2. Commencement

This Ordinance comes into force on publication in the Gazette.

3. Amendment of Fisheries (Conservation and Management) Ordinance

- (1) This Ordinance amends the Fisheries (Conservation and Management) Ordinance.
- (2) Section 223 is amended as follows
 - (a) in subsection (2) by omitting paragraph (a) and replacing it with the following
 - "(a) providing that an offence against
 - (i) paragraph (d), (e), (f), (g), (h), (j), (k) or (m) shall be punishable on conviction by such fine, not exceeding the maximum of Level 9 on the standard scale as is specified in the regulations in respect of that offence; and
 - (ii) paragraphs (i), (l), (n), (o), (q), (r), (s), (t), (u), (v), or (w) shall be punishable on conviction by such fine, not exceeding the maximum of Level 8 on the standard scale as is specified in the regulations in respect of that offence;"; and
 - (b) by deleting subsection (3).

4. Amendment of the Fishing (Nets and Supplementary Net Equipment) Regulations Order (Title 39.1.4)

The Fishing (Nets and Supplementary Net Equipment) Regulations Order is amended in regulation 18 by adding the following new sub-regulation after sub-regulation (2) —

"(3) A person who commits an offence under these Regulations is liable to a fine not exceeding the maximum of Level 9.

5. Amendment of the Fishing Regulations Order (Title 39.1.6)

The Fishing Regulations Order is amended under regulation 61 as follows —

- (a) under sub-regulation (1) by omitting "£50, 000" and substituting "Level 9";
- (b) under sub-regulation (2) by omitting "£50, 000" and substituting "Level 9"; and
- (c) under sub-regulation (3) by omitting "£20, 000" and substituting "Level 8".

6. Amendment of Inshore Fishing Regulations (Title 39.1.5)

The Inshore Fishing Regulations are amended under regulation 9 by omitting "£5,000" and substituting "Level 5".

OBJECTS AND REASONS

This Bill amends the Fisheries (Conservation and Management) Ordinance (No. 14 of 2005) to correct inconsistencies relating to penalties that may be imposed under regulations made under the Ordinance.

Clause 3 amends section 223 to provide for different penalties to be imposed on the different regulations that the Governor may make under the Ordinance.

Clause 4 amends the Fishing (Nets and Supplementary Net Equipment) Regulations Order (Title 39.1.4) to provide for a penalty as one is not currently provided.

The Inshore Fishing Regulations and the Fishing Regulations Order are some of the subsidiary legislation saved from the repealed Ordinance under section 224 and therefore have lower penalties than those under the new Ordinance; so clauses 5 and 6 amend both to increase the penalties to match those under the Ordinance as well as to reflect the standard scale of fines.

Clause 5 amends Fishing Regulations Order to reflect the penalties by levels and provides for levels 8 and 9.

Clause 6 amends the Inshore Fishing Regulations to update the penalty from £5,000 to Level 5.

SUBSIDIARY LEGISLATION

FISHERIES

Fisheries (Individual Transferable Quota Fees) Regulations 2015

S. R. & O. No. 12 of 2015

Made: 29 September 2015 Published: 30 September 2015 Coming into force: on publication

I make the following regulations under section 35 of the Fisheries (Conservation and Management) Ordinance (No. 14 of 2005) on the advice of Executive Council.

1. Title

These regulations are the Fisheries (Individual Transferable Quota Fees) Regulations 2015.

2. Commencement

These regulations are deemed to have come into force on 1 January 2015 and cease to have effect on 31 December 2015.

3. Interpretation

In these regulations —

4. Validity of fees

The fees in relation to Individual Transferable Quota held by different companies for the years 2007 to 2014 are declared valid as if regulations required under section 35 had been made in respect of them for each of those years.

5. Fees and Payment Schedule

- (1) The fees set out under Schedule 1 are the total fees payable in respect of the entire Individual Transferable Quota granted to any company for the specified fisheries.
- (2) The fees payable by each company holding ITQ in an established fishery are calculated by reference to the proportion of the total ITQ held by that company.
- (3) A company holding ITQ in an established fishery must pay the applicable fees annually in respect of the calendar year for which ITQ has been granted to that company.

[&]quot;Director" means the Director of Fisheries; and

[&]quot;ITQ" means Individual Transferable Quota.

(4) The fees must be paid on or before the dates specified under Schedule 2.

SCHEDULE 1 FISHERY FEES

(regulation 5(1))

Description of Fishery	Licence Code	Fees (£)
Finfish	A	1,129,012
Squid – Jig or Trawl	В	ITQ not currently granted
Squid (Summer)	С	2,133,230
Skate	F	247,121
Squid and Restricted Finfish	G	845,900
Restricted Finfish - Pelagic	S	60,419
Restricted Finfish	W	1,341,160
Toothfish – Longline	L	836,770
Squid (Winter)	X	4,242,082

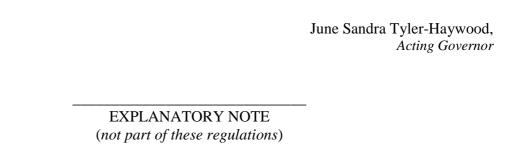
SCHEDULE 2 PAYMENT SCHEDULE

(regulation 5(3))

Description of Fishery	Licence Code	Payment Schedule	
Finfish	A	Quarterly: 31 March, 30 June, 30 September, 17 December	
Scallops			
Squid – Jig	В	See B licence conditions	
or Trawl			
Squid	С	30 June	
(Summer)			
Skate	F	Quarterly: 31 March, 30 June, 30 September, 17	
		December	
Squid and	G	Quarterly: 31 March and 30 June	
Restricted			
Finfish			

Restricted	S	Quarterly: 30 September and 17 December
Finfish -		
Pelagic		
Restricted	W	Quarterly: 31 March, 30 June, 30 September and 17
Finfish		December
Toothfish –	L	Monthly (beginning of each month)
Longline		
Squid	X	17 December
(Winter)		

Made 29 September 2015



These Regulations are made under section 35 of the Fisheries (Conservation and Management) Ordinance (No 14 of 2005) which requires that sums (payable to the Crown) be prescribed for different companies in relation to the amount of ITQs held by those companies.

The fees for 2015 are set out under Schedule 1 and Schedule 2 (the payment Schedule) indicates dates when payments are due in respect of all the different fishery licences.

Regulation 2 provides for the period within which these fees remain valid – which is from 1 January to 31 December 2015, as the fees are set annually.

Regulation 4 validates fees that were payable and set by Executive Council for the years 2007 to 2014 for which no regulations were made. The provision provides that those fees be deemed to have been set by regulations. The provision provides that those fees will be deemed to have been set by regulations so that there can be no challenge as to the manner in which they were set as required under the Ordinance.

Regulation 5 sets out the fees and how they are calculated as well as the dates or times when those fees are payable. These are specified under Schedules 1 and 2.

SUBSIDIARY LEGISLATION

FISHERIES

Illex Fishing Licences (Applications, Fees and Refunds) Regulations 2015

S. R. & O. No. 13 of 2015

Made: 29 September 2015 Published: ... 30 September 2015 Coming into force: on publication

I make the following regulations under section 41, section 223(2)(b) and (p) of the Fisheries (Conservation and Management) Ordinance (No. 14 of 2005) on the advice of Executive Council.

1. Title

These regulations are the *Illex* Fishing Licences (Applications, Fees and Refunds) Regulations, 2015.

2. Commencement

Except where it is specifically provided for a particular provision to come into force at a later, specified date, these regulations are deemed to have come into force on 1 January 2015 and cease to have effect on 31 December 2015.

3. Interpretation

In these regulations —

"exploratory or scientific purposes" means purposes related to the assessment of the commercial or practical viability of fishing for fish generally or for a particular species of fish or to the assessment or quantification of stocks of any species of fish or fish of any age, stage of maturity or size of a species of fish or the location in which they or any species of fish or fish of any age, stage of maturity or size may be found;

"FIPASS" means the Falkland Interim Port and Storage System as defined under the Falkland Interim Port and Storage System Ordinance (Title 57.1);

"Illex fishing season" means the period between 15 February to 15 June, in any given year;

"fishing waters" has the same meaning under the Ordinance;

[&]quot;Director" means the Director of Fisheries;

"Licence Allocation Policy" means the policy relating to *Illex* fishing licences set by Executive Council from time to time;

"refund policy" means the policy approved by Executive Council from time to time as set out under Schedule 2; and

"the Ordinance" means the Fisheries (Conservation and Management) Ordinance.

4. Validity of fees

The fees set by Executive Council in the years 2008 to 2014 in respect of *Illex* fishing licences are declared valid as if regulations required under section 41 and section 223(2)(p) have been made for each of those years.

5. *Illex* fishing licences – applications and fees

- (1) All applications for fishing licences must be made to the Director so as to reach the Director before 17 December or such earlier date as may be set by the Director and the Director is not bound to receive any application received after this date.
- (2) The fees payable for an *Illex* fishing licence is determined by the formula set out under Part A of Schedule 1.
- (3) The percentage of the fees and the period within which the fees are payable is specified under Part B of Schedule 1.
- (4) When issuing fishing licences under these regulations the Director must take into account the Licence Allocation Policy.

6. Refund policy

- (1) The Director in consultation with the Financial Secretary may, in any fishing season, implement the refund policy as set from time to time by Executive Council.
- (2) In any assessment for a refund the Director may take into account the following
 - (a) the average catch in any fishing season;
 - (b) the average catch value in any fishing season;
 - (c) the full season catch taken by all licensed vessels;
 - (d) the full high seas catches taken by all licensed vessels; or
 - (e) any other factors as may be relevant.
- (3) The refund policy for the 2015 fishing season is set out under Schedule 2.

7. Exploratory licences

- (1) The Director may issue such number of exploratory licences as may be appropriate to verify the presence of *Illex* in any fishing waters.
- (2) The Director must specify the expiry date for each exploratory licence issued.
- (3) The Director must set the fees payable for exploratory licences.

8. Transhipment and export fees

- (1) No transhipment fees are payable
 - (a) for any fishing vessel with a valid fishing license;
 - (b) for any Falkland Islands fishing vessel; and
 - (c) for any vessel transhipping at FIPASS where cargo is crossing the dock.
- (2) The following must pay a transhipment fee of £1500 for the period January to December 2015
 - (a) subject to subsection (1)(b), any fishing vessel that is transhipping outside the period of validity of the fishing licence;
 - (b) a reefer vessel; or
 - (c) any unlicensed vessel.
- (3) Subsection (2) will come into effect 3 months after publication of these regulations in the *Gazette*.

SCHEDULE 1 FISHERY FEES

(regulation 5)

PART A Fee Formula

Jigging Vessels:

Fee $(\pounds) = \pounds 0.401* (GT*(S+1.5D)) + 107250$

GT = Gross Tonnage

S = Number of Single Jigging Machines

D = Number of Double Jigging Machines

Trawling Vessels:

Fee $(\pounds) = (4.064*GT) + 116640$

GT = Gross Tonnage

PART B Payment Periods and Proportion of Fee Payable

Payment Period	Proportion of Fee %
15 February – 15 March	5%
16 March – 15 May	80%
16 May – 15 June	15%
Total	100%

Explanatory Notes (for guidance only)

A minimum time period of 80% must be purchased.

A 10% deposit must be paid before the 30 January 2015

Outstanding payments for each period must be paid (received by FIG's bank) at least 15 days in advance of the relevant fishing period.

Payments will be eligible for the 'early payment discounts set out below, providing the payment is made on time by the relevant date (for example in order to receive a 6% early payment discount on the full fee (100%), the entire fee would have to be received by FIG by 31 January 2015.

Letters of Credit must have an expiry date of the 31 August 2015 no other date will be accepted.

^early payment discounts are as follows

6% for payment by 31 January 2015 5% for payment by 31 May 2015 * 4% for payment by 30 June 2015 *

Vessel History Discount:

A discount of 1% per year is available for any season fished by the vessel in the last 10 years. The maximum discount which may be claimed is 10%.

^{*}Payments can be held until these dates but must be guaranteed by an Irrevocable Letter of Credit or equivalent.

SCHEDULE 2 PAYMENT SCHEDULE

(regulation 6(3))

2015 REFUND POLICY

(a) Licence Fee Refund Policy

In the event of a poor season the Falkland Islands government will take account of the average catch in assessing refunds. The refund policy will be based on catch as follows:

Catch (MT)	Column A Percentage Refund based on catch volume only. For use where average catch ≥ 1000 tonnes	Column B Percentage Refund using catch volume and value. For use where average catch < 1000 tonnes
> 1500	No refund	0%
1500 – 1250	No refund	10%
1249 – 1000	No refund	25%
999 – 750	40%	40%
749 – 500	50%	50%
499 – 250	70%	70%
< 250	90%	90%
		1

Explanatory Notes (for guidance only)

Referring to the above table if the average catch is 1000 tonnes or exceeds that level there will not be any refund as set out in column A.

If the average catch is less than 1000 tonnes and taking account of catch value results in an 'adjusted catch' less than 1500 tonnes the refund levels set out in column B will apply.

An example of the adjusted catch value is set out below.

(b) Licence Fee Refund Policy – Catch Value

The refund policy is intended to be linked to catch and catch value. The base price used to calculate the figures in the table at (a) above is \$ 936 per tonne (whole *Illex*). If the 2015 *Illex* price is higher than the current base rate this will be factored into the refund calculation. In any case where the average *Illex* price is above \$ 936 the calculation will be:

(Average Price \$/\$936) * Average Catch = Revised average catch for refund.

For example if the 2013 *Illex* price is \$ 3000 and the average catch is 400 tonnes the calculation will be:

```
(\$ 3000 / \$ 936) = 3.2
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Average catch (400 tonnes) * 3.2 = 1280 tonnes (This is the adjusted catch figure used for the refund calculation in column B of the table above).

The adjustment will only be made if the price is above \$ 936. Price information will be collected from available sources.

(c) Refund Policy to take account of Full Season equivalent catch

The catch total used in the refund policy will take account of full season catches (15 February – 15 June). If the average catch of vessels fishing for 100% of the season exceeds 1000 tonnes there will be no refund for any vessels; including those which have fished for 80% of the season only and whose catches may be less than 1000 tonnes.

(d) Refund Policy to take account of High Seas Catches

The calculation of catch rates and totals in relation to the refund policy will take account of high seas catches taken by licensed vessels during 15 February – 15 June. Owners/operators of licensed vessels wishing to access the refund policy set out here in section 6 must provide catch reports for any days spent fishing on the high seas during the period of validity of their Falkland Islands fishing licence.

Owner/operators electing not to report high seas catches in accordance with the above may still be eligible for a refund but it is likely to be at a reduced rate compared to the refund policy calculation set out here (to be determined according to the relevant circumstances.

(e) Monitoring of Catch Levels

FIG will be the ultimate arbiter of catch levels and reserves the right to weight the assessment in favour of verified information. In order for this to work vessels may need to undergo additional inspections and give adequate notice of departure from the fishing zone etc.

This will be calculated on the basis of average vessel catch and not on an individual vessel basis.

The refund policy set out here in section 6 will only apply to vessels which comply with the requirements of catch monitoring. A number of these are covered by mandatory requirements which in any case are covered by the Fisheries Ordinance and regulations, such as:

- Full and reliable catch reporting
- Other fishery monitoring reports (Fishcom/end etc)
- Embarkation of an observer if required
- Sufficient notice of intention to leave fishing zones to allow for inspection

Additionally, the refund policy set out above will only apply to fishing vessels which report high seas catches during the fishing season (15 February – 15 June) and conduct transhipment operations in Falkland Island ports and harbours. Vessels not satisfying the criteria set out above will not ordinarily be eligible for a refund. If, in exceptional circumstances, it is determined that a vessel which has not complied should still receive a refund, that refund will be at a reduced rate (to be determined according to the relevant circumstances).

Made 29th September 2015

June Sandra Tyler-Haywood, *Acting Governor*.

EXPLANATORY NOTE

(not part of these regulations)

These regulations are made under sections 41 and 223 of the Fisheries (Conservation and Management) Ordinance (No. 14 of 2005).

Section 41(1) provides for applications and fees for a fishing licence. *Regulations 1 and 2* provide for introductory matters while *regulation 3* provides for interpretation of different words and phrases used within the regulations.

Regulation 4 validates fees that were payable and set by Executive Council for the years 2008 to 2014 for which no regulations were made. The provision provides that those fees must be deemed to have been set through regulations so that there can be no challenge as to the manner in which they were set as required under the Ordinance.

Regulation 5 provides for the application process including dates for making applications. It further provides for the fees and the formula; and this is set out under Schedule 1;

Section 223(2)(b) of the Ordinance provides that the Governor may make regulations for the refund of fees, charges or levies payable under any provision of the Ordinance. *Regulation 6* provides for the manner of making refunds and this is set out under Schedule 2 and it is based on a refund policy approved by Executive Council.

Regulation 7 provides for exploratory licences which give effect to section 42 of the Ordinance which deals with licences that may be issued for research purposes.

Regulation 8 provides for transhipment and export fees and under subsection (2) sets the fee at £1500 for any unlicensed fishing vessel, any fishing vessel (not being a Falkland Island vessel) that tranships outside the validity of a licence as well as any reefer vessel. A Falkland Islands fishing vessel is exempted from paying any transhipment fees as well as any vessel with a valid fishing licence. Fishing vessels transhipping through FIPASS are also excluded from paying any transhipment fees. This new requirement is to have effect 3 months after publication so as to give notice to those who will be affected by the new transhipment fee, which is being increased from £150 to £1500.

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SUBSIDIARY LEGISLATION

FISHERIES

Fisheries (Conservation and Management) (Replacement of Schedule) Order 2015

S. R. & O. No. 14 of 2015

I make the following Order under section 16(2) of the Fisheries (Conservation and Management) Ordinance (No. 14 of 2005) on the advice of Executive Council.

1. Title

This Order is the Fisheries (Conservation and Management) (Replacement of Schedule) Order 2015.

2. Commencement

This Order comes into force on publication in the Gazette.

3. Replacement of Schedule 2 of the Fisheries (Conservation and Management) Ordinance Schedule 2 of the Fisheries (Conservation and Management) Ordinance is repealed and replaced with the following new Schedule —

"SCHEDULE 2 FISHERIES

(section 16)

Description of Fishery	<u>Valid</u> species	Dates within which fishery	Provisional Quota permitted	Licence Code
of I isitely		operates	to be granted	Couc
Finfish	All finfish species with	All year	YES	A
	the exception of Skate			
	(Rajidae) and Toothfish			
	(Dissostichus eleginoides)			
Scallops	Zygochlamys patagonica	All year	YES	
Squid – Jig	Illex argentinus and	15 February –	YES	В
or Trawl	Martialia hyadesi	15 June		
Squid	Falkland Calamari	24 February –	NO	С
(Summer)	Doryteauthis gahi	28 April		
Skate	All species of Skate	All year	YES	F
	(Rajidae)			

Squid and	Illex argentinus, Martialia	1 March –	YES	G
Restricted	<i>hyadesi</i> , all Finfish	31 May		
Finfish	species except Hake			
	(Merluccius spp.), Skate			
	(Rajidae) and Toothfish			
	(Dissostichus eleginoides)			
Restricted	Southern Blue Whiting	All year	YES	S
Finfish -	(Micromesistius australis)			
Pelagic	Hoki (Macruronus			
	magellanicus)			
Restricted	All finfish species except	All year	YES	W
Finfish	Hake (Merluccius spp.)			
	Skate (<i>Rajidae</i>) and			
	Toothfish (Dissostichus			
	eleginoides)			
Toothfish –	Toothfish (Dissostichus	All year	NO	L
Longline	eleginoides)			
Squid	Falkland Calamari	29 July –	NO	X
(Winter)	Doryteauthis gahi	30 September		

Made 29th September 2015

June Sandra Tyler-Haywood, *Acting Governor*.

EXPLANATORY NOTE

(not forming part of the above order)

This order replaces Schedule 2 of the Fisheries (Conservation and Management) Ordinance 2005, to update the list of fisheries as well as to include a column that shows the licence codes.



FALKLAND ISLANDS GAZETTE

PUBLISHED BY AUTHORITY

Vol. 124 31 October 2015 No. 14

Appointment

Clare Marie Cockwell, Travelling Teacher, Education Department, 03.09.15.

Mecia Cristina Ferrerira Fernandes, Sports Attendant, Leisure Centre, Central Services Department, 01.10.15.

Nicholas Francis, Building Maintenance Co-ordinator, Property and Municipal Section, Public Works Department, 01.10.15.

Stefano Mainardi, Natural Resources Economist, Fisheries, Natural Resources Department, 05.10.15.

Victoria Louise Collier, Firefighter/Crew Manager, Fire Service, Emergency Services Department, 06.10.15.

Mark Richard Tettenborn, Economist, Policy Unit, 08.10.15.

Sinead McGill, Labourer, Materials Section, Public Works Department, 12.10.15.

Ian Rushworth, Chief Internal Auditor, Treasury, 19.10.15.

Completion of Contract

Morag Katherine Maillie, Theatre Nurse, Health and Social Services Department, 16.10.15.

Promotion

Iain Ashworth, from Assistant Foreman to Assistant Mechanical Supervisor, Plant and Vehicle Section, Public Works Department, 01.09.15.

Wladimir Orlando Figueroa Bruna, from Labourer to Plant Operator/Handyperson, Materials Section, Public Works Department, 24.09.15.

Resignation

Paul Edwin Brewin, Fisheries Scientist (Biology), Fisheries, Natural Resources Department, 02.10.15.

Racquel Emily Irene Francis, Learning Support Assistant, Education Department, 23.10.15.

Sitthambaranatha Ghandi Suppiah, Head of Design Engineering, Design Section, Public Works Department, 31.10.15.

Transfer

Benjamin Noel Hoyles, from Mechanic, Plant and Vehicle Section, Public Works Department to Mechanic/Firefighter, Fire Service, Emergency Services Department, 06.10.15.

Raycrestle Falalimpa Josue, from Clerk to Logistics Clerk, Health and Social Services Department, 21.10.15.

Death in Service

Carole Lee, Customer Services Officer, Falkland Islands Government Air Service, Central Services Department, 20.09.15.

NOTICES

No. 109

23 October 2015

Beauchene Property Company Limited Company number: 9749

Take notice that in accordance with the provisions of section 652A of the Companies Act 1985, the requirements of the said section having been complied with, the above named company will be removed from the Register of Companies upon the expiry of three months from the publication of this notice in the Gazette unless good cause do be shown as to why such action should not be taken.

Dated 23 October 2015

E. J DENT, Registrar of Companies.

No. 110

23 October 2015

Beauchene Trading Company Limited Company number: 12762

Take notice that in accordance with the provisions of section 652A of the Companies Act 1985, the requirements of the said section having been complied with, the above named company will be removed from the Register of Companies upon the expiry of three months from the publication of this notice in the Gazette unless good cause do be shown as to why such action should not be taken.

Dated 23 October 2015

E. J DENT. Registrar of Companies.

No. 111

23 October 2015

International Fishing Limited Company number: 10589

Take notice that in accordance with the provisions of section 652A of the Companies Act 1985, the requirements of the said section having been complied with, the above named company will be removed from the Register of Companies upon the expiry of three months from the publication of this notice in the Gazette unless good cause do be shown as to why such action should not be taken.

Dated 23 October 2015

E. J DENT, Registrar of Companies. No. 112 23 October 2015

Falkland Islands Constitution Order (Title 1)

section 84

Taxes Ordinance (Title 69.1)

section 5

Appointment of Financial Secretary and **Commissioner for Taxation**

- 1. Section 84 of the Falkland Islands Constitution Order 2008 confers power on the Governor to make appointment to any public office.
- 2. In exercise of my powers under section 84 of the Falkland Islands Constitution Order, I appoint Nicola Jane Granger to be Financial Secretary.
- 3. Section 5 of the Taxes Ordinance confers power on the Governor to appoint a public officer to be Commissioner of
- 4. In exercise of my powers under section 5 of the Taxes Ordinance, I appoint Nicola Jane Granger to be Commissioner of Taxation.
- 5. These appointments are deemed to have effect from 7 September 2012, and continue in effect whilst Nicola Jane Granger holds office as Financial Secretary, unless terminated sooner.

Dated 23 October 2015

C. ROBERTS C.V.O., Governor.

No. 113

23 October 2015

Falkland Islands Constitution Order (Title 1) section 84

Taxes Ordinance (Title 69.1) section 5

Appointment of Acting Financial Secretary and **Acting Commissioner for Taxation**

- 1. Section 84 of the Falkland Islands Constitution Order 2008 confers power on the Governor to make appointment to any public office.
- 2. In exercise of my powers under section 84 of the Falkland Islands Constitution Order, I appoint Lydia Eneida Morrison to be Acting Financial Secretary at any time when the post is vacant, or the substantive holder of the post is unavailable to discharge the same through any absence from the Falkland Islands or inability to perform the functions and duties of the
- 3. Section 5 of the Taxes Ordinance confers power on the Governor to appoint a public officer to be Commissioner of Taxation.
- 4. In exercise of my powers under section 5 of the Taxes Ordinance, I appoint Lydia Eneida Morrison to be Acting Commissioner of Taxation at any time when the post is vacant, or the substantive holder of the post is unavailable to discharge the same through any absence from the Falkland Islands or inability to perform the functions and duties of the post.

5. These appointments are deemed to have effect from 28 March 2013, and continue in effect whilst Lydia Eneida Morrison holds office as Head of Finance, unless terminated sooner.

Dated 23 October 2015

C. ROBERTS C.V.O., *Governor*.

No. 114

23 October 2015

Taxes Ordinance (Title 69.1) sections 180 & 182

Appointment of Members and Clerk to Tax Appeal Tribunal

- 1. Section 180 of the Taxes Ordinance provides that the Governor shall appoint members to the Tax Appeal Tribunal; and section 182 provides that the Governor shall appoint a public officer to be the clerk to the Tribunal.
- 2. In exercise of my powers under section 180 I appoint the following persons to be members of the Tax Appeal Tribunal:-

Senior Magistrate; Andrew Samuel Brownlee JP; Keith Robert Biles JP; and Stephen Paul James Freer JP.

3. Section 180(6) of the Taxes Ordinance provides that the Governor shall appoint one member of the Tax Appeal Tribunal to be chairman, in exercise of my powers I appoint the Senior Magistrate to be chairman.

- 4. In exercise of my powers under section 182 I appoint the **Head of Court and Tribunal Service** or their deputy as nominated by the Senior Magistrate to be clerk to the Tax Appeal Tribunal.
- 5. These appointments are deemed to have effect from 14 October 2015 and continue in effect for two years, unless terminated sooner.

Dated 23 October 2015

C. ROBERTS C.V.O., *Governor*.

No. 115

30 October 2015

Index of Retail Prices

The Index for the quarter ended 30 September 2015 has now been completed.

The Index has increased during the quarter to 102.00; this equates to a 0.26% increase as shown below:

Date	Index	Annual %	Quarter %
		Increase/(Decrease)	Increase/(Decrease)
31.12.14	4 102.23	1.3	(0.09)
31.03.13	5 102.61	1.4	0.37
30.06.13	5 101.74	0.3	(0.8)
30.09.1	5 102.00	(0.3)	0.26

Dated 30 October 2015

L. LYSE, for Financial Secretary.

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FALKLAND ISLANDS GAZETTE

PUBLISHED BY AUTHORITY

Vol. 124 30 November 2015 No. 15

Appointment

Christopher Paul Locke, Marine Officer/Harbour Master, Natural Resources Department, 02.11.15.

David John Sherriff, Painter/Handyperson, Plant and Vehicle Section, Public Works Department, 02.11.15.

Tobi Akeem Adeoye, Sports Attendant, Leisure Centre, Central Services Department, 09.11.15.

Joshua Dolan Peck, Graduate Trainee, Policy Department, 09.11.15.

Victor Manuel Salvador Guala Romero, Aircraft Refueller/Handyperson, Falkland Islands Government Air Service, Central Services Department, 10.11.15.

Denise Herrera, Learning Support Assistant, Education Department, 11.11.15.

Mary Elizabeth Ashdown, Senior Dental Officer, Health and Social Services Department, 16.11.15.

Louise-Marie Reinders, Head of Courts and Tribunal Service, Courts, Central Services Department, 16.11.15.

Gloria Linda McRae, Nursery Liaison Officer, Education Department, 23.11.15.

Cherry Rose Robson, Customer Services Officer, Falkland Islands Government Air Service, Central Services Department, 23.11.15.

Completion of Contract

Gail Fiona Johnson, Midwife, Health and Social Services Department, 20.11.15.

Simon Alan Rowe, Crown Counsel (Prosecution), Government Legal Services, Law and Regulation Department, 27.11.15.

Resignation

Mecia Cristine Ferrerira Fernandes, Sports Attendant, Leisure Centre, Central Services Department, 01.11.15.

Natalie Winward, Learning Support Assistant, Education Department, 20.11.15.

Leslie Knight, Residential Care Worker, Young Persons Unit, Health and Social Services Department, 23.11.15.

Abbie Louise Heathman, Leisure Centre Manager, Leisure Centre, Central Services Department, 24.11.15.

Transfer

Zena Butler, from Station Enquiry Officer, Royal Falkland Islands Police to Customs and Immigration Officer, Customs and Immigration, Emergency Services Department, 02.11.15.

Miranda McKee, from Practice Nurse to Nurse Practitioner, Health and Social Services Department, 23.11.15.

Sheryl Anne Winning, from Learning Support Assistant, Education Department, to Accounts Clerk, Health and Social Services Department 30.11.15.

NOTICES

No. 116 23 September 2015

Falklands Landholdings Corporation Ordinance (Title 45.8)

section 4

Appointment of Members of the Board

In accordance with section 4 of the Falklands Landholdings Corporation Ordinance the following persons are appointed members of the Falklands Landholdings Corporation Board:

Keith Andrew Knight as nominated by the Rural Business Association; and

James Forster as a member of the public.

The appointments have effect for two years from 15 September 2015 to 15 September 2017.

Dated 23 September 2015

C. ROBERTS C.V.O., Governor.

No. 117

16 October 2015

Falkland Islands Pensions Scheme Ordinance (Title 65.3) section 5

Appointment of Member to the Board

In accordance with section 5 of the Falkland Islands Pensions Scheme Ordinance **Stuart Michael Horsewood** is appointed employers' representative member of the Pensions Board.

The appointment has effect from 16 October 2015 to 31 July 2017.

Dated 16 October 2015

C. ROBERTS C.V.O., Governor.

No. 118

3 November 2015

Customs Ordinance 2003

section 7(3)

Appointment of Temporary Customs Officer

In exercise of the powers conferred by section 7(3) of the Customs Ordinance 2003, I appoint the following person to be a temporary Customs Officer:-

FS Michael Ian Cran – K8426611 from 19 October 2015 to 18 April 2016.

Dated 3 November 2015

R. J. KING, Collector of Customs. No. 119 5 November 2015

Currency Notes Rules (Title 25.1.1) Currency Officers

In exercise of the powers conferred by rule 3 of the Currency Notes Rules, His Excellency the Governor has approved the following change to the list of Currency Officers with effect from 4 November 2015:

Appointments:

Jaumotte, Helene

The following is a full list of Currency Officers with effect from 4 November 2015:

Aldridge, Jody May Butler, Margaret Orlanda Granger, Nicola Jane Hancox, Alice Heath, Daniel Robert Henry, Donna Louise Jaumotte, Helene Kizito, Henry Buzibwa Luxton, Wendy Jennifer Lyse, Linda Margaret Morrison, Lydia Short, Celia Soledad Sinclair, Veronica Joyce Smith, Felicity Marie

Dated 5 November 2015

J. M. ALDRIDGE, N. J. GRANGER, L. M. LYSE, Commissioners of Currency.

No. 120 9 November 2015

Customs Ordinance 2003

section 7(3)

Appointment of Temporary Customs Officer

In exercise of the powers conferred by section 7(3) of the Customs Ordinance 2003, I appoint the following person to be a temporary Customs Officer:-

Cpl Gemma Kirkwood – E8516964 from 19 October 2015 to 14 April 2016.

Dated 9 November 2015

R. J. KING, Collector of Customs.

No. 121

16 November 2015

Colonial Police Long Service Medal Regulations (Title 56.1.1)

section 2

Long Service Award

In accordance with section 2 of the Colonial Police Long Service Medal Regulations Len Stanford McGill has been awarded a further Clasp in recognition of completion of thirty years qualifying service.

Dated 16 November 2015

C. ROBERTS C.V.O., *Governor*.

No. 122

17 November 2015

${\bf Administration\ of\ Justice\ Ordinance\ (Title\ 22.1)}$

section 3

Appointment of Justice of the Peace

In accordance with section 3 of the Administration of Justice Ordinance Christopher Paul Locke is appointed a Justice of the Peace.

Dated 17 November 2015

C. ROBERTS C.V.O., *Governor*.

No. 123

23 November 2015

Customs Ordinance 2003

section 7(3)

Appointment of Temporary Customs Officers

In exercise of the powers conferred by section 7(3) of the Customs Ordinance 2003, I appoint the following persons to be temporary Customs Officers:-

Cpl Sarah Jayne Williams – H8311554 from 01 July 2015 to 31 January 2016;

Cpl Graham Whyte $\,-\,30008211\,$ from 05 November 2015 to 06 May 2016; and

Cpl Callum Hales – 30076152 from 21 November 2015 to 22 May 2016.

Dated 23 November 2015

R. J. KING, Collector of Customs.

No. 124

24 November 2015

Application for Falkland Islands Status

Notice is hereby given that:

Matthew James Clarke Shaun Michael Ashley Clingham Nigel Eric Coleman Stuart Eric Cruickshank Monica Del Rosario Lehyt Bravo; and Stephen Thomas Turnbull McLean

have applied through the Principal Immigration Officer for Falkland Islands Status to be granted by His Excellency the Governor. Any person who knows of any reason why such status should not be granted, should send a written and signed statement of the facts, giving grounds for their objection, to the Immigration Officer, Customs and Immigration Department, Stanley by 21 December 2015.

Dated 24 November 2015

J. E. SMITH, Immigration Officer.

No. 125

26 November 2015

Supreme Court of the Falkland Islands

Notice under the Administration of Estates Ordinance (Title 68.1)

Take notice that **Robert John David Hewitt** of 3 Thatcher Drive, Stanley, died on 13 July 2008.

Whereas **Gary George Hewitt** has applied for Letters of Administration to administer the estate of the said deceased in the Falkland Islands.

Notice is hereby given pursuant to section 4 of the Administration of Estates Ordinance to all persons resident in the Falkland Islands who may have prior claim to such grant that the prayer of the Petitioner will be granted provided no caveat be entered in the Supreme Court within 21 days of the publication hereof.

Dated 26 November 2015

L-M. REINDERS, Registrar, Supreme Court

No. 126

30 November 2015

Register of Members' Interests

The information contained in this Register is provided by every member of the Legislative Assembly and the Attorney General in accordance with clause 22 of the Falkland Islands Legislative Assembly Standing Rules and Orders.

The information is current to 30 November 2015.

Information to be provided

Every member of the Legislative Assembly and the Attorney General is required to notify the Clerk of the Assembly of the following registrable interests.

- 1. Remunerated directorships, whether or not in companies incorporated in the Falkland Islands, including directorships which are unremunerated, but where remuneration is paid through another company in the same group.
- 2. Remunerated employment, office or profession.
- 3. Clients in respect of whom the Member holds a general retainer or in respect of whom he has in the last 12 months, or expects in the next 12 months, to provide services for payment where a member of the public might reasonably think that the Member's conduct in or in relation to the business of the

Legislative Assembly might have been or might be influenced by the client's interests.

- 4. Sponsorships. Any form of sponsorship or financial or material support of a Member which involves any payment, benefit or advantage whether to the Member or any other person with whom the Member is closely connected.
- 5. Gifts, benefits and hospitality.
- 6. Overseas visits relating to or arising out of membership of the Legislative Assembly where the cost of any such visit has not been borne wholly by the Member or out of the Falkland Islands public funds.
- 7. Any gifts or material benefits or advantages received by the Member or the Member's spouse or partner from or on behalf of overseas Governments, organisations or persons.
- 8. Land or property of a substantial value or from which a substantial income is gained.
- 9. The names of companies or other bodies in which the Member, or his spouse or partner has, to his knowledge, either solely, or with or on behalf of his spouse, partner or children under the age of 18 years, a beneficial interest in shareholdings of a nominal value greater than one percent of the issued share capital, or if less than one percent of more than £25,000.
- 10. Any relevant interest not covered by one of the main categories which falls within the main purpose of the Register, which is to provide information on any pecuniary benefit which a Member receives and which might reasonably be thought by others to influence his or her actions, speeches or votes in the Legislative Assembly or actions taken in his or her capacity as a Member of the Legislative Assembly OR which the Member considers might be thought by others to influence his or her actions in a similar manner, (even though the Member receives no financial benefit).

Notification of registrable interests

Every Member of the Legislative Assembly and the Attorney General notified the following interests.

Janet Lynda Cheek

Director Consolidated Fisheries Ltd incorporated in the Falkland Islands

Unicorn Adventure Ltd (unremunerated)

- 2. Member of the Legislative Assembly
- Nil
- Nil 4.
- 5. Nil
- Nil 6.
- Property and Land 35 Ross Road East Johnsons Harbour Farm (licenced to tenants) Shared ownership of land on San Carlos River Millar Place, Edinburgh, Scotland
- Kelper Stores Ltd (Retail sales) Consolidated Fisheries Ltd (Toothfish, SAAS & FFFL) Unicorn Adventure Ltd (Volunteer Point Tourism)
- 10. Director/Trustee Falklands Conservation (UK charitable company)

Director/Trustee South Georgia Heritage Trust Trustee Falkland Islands Museum and National Trust Director Kelper Stores Ltd (unremunerated) Chairman Stanley Services Ltd on behalf of FIG

One share in Falkland Farmer.

Roger Anthony Edwards

- Nil
- 2. Member of Legislative Assembly
- 3.
- 4. Nil
- 5. Nil
- 6. Nil
- 7. Royal Navy Pension, HM Paymaster General
- Lake Sulivan House, Fox Bay 8 Sulivan Street
- One share in Falkland Farmers Ltd
- 10. Nil.

Barry Elsby

- 1. Nil
- 2. Member of the Legislative Assembly
- 3. Nil
- 4. Nil
- 5. Nil
- 6. Nil
- 7. Nil
- House and land in the Falkland Islands owned jointly with 8.
- I retain 800 shares in Argos Ltd and 550 in Borders and Southern for my children

Shares in Falkland Farmers

10. My wife runs her own medical company, Medica South. I have no interest or directorship in this. I have never worked for this company.

Ian Hansen

- 1. Nil
- Member of the Legislative Assembly 2.
- 3.
- 4. Nil
- 5. Nil Nil
- 7. Nil

6.

- 8 Nil
- 9. Nil
- 10. Nil.

Michael James Poole

- 1.
- 2. Member of the Legislative Assembly Member of the Falkland Islands Defence Force
- 4. Nil
- Nil 5.
- 6. Nil
- 7. Nil
- 19 Davis Street co-owned with Mr T Poole (main place of residence)
 - 31 Fitzroy Road (shop only) rental income of £150 per
 - West Tyssen Island owned, but no income derived from it
 - 9b Sulivan Street
- Nil
- 10. Chairman of Falkland Islands Football Club Local secretary of Falkland Islands Association

Phyllis Mary Rendell

- Nil 1
- 2. Member of the Legislative Assembly

- Nil 4.
- 5. Nil
- Nil
- Nil 7.
- 8 Ross Road West co-owned with M Rendell Bleaker Island co-owned with M Rendell
- 121,000 Seafish shares M Rendell
- 10. Trustee YMCA

Trustee New Island Conservation Trust

Trustee Susan Whitley Trust

Justice of the Peace

Director of SAAS

Gavin Phillip Short

- Member of the Legislative Assembly

Falkland Islands Security Services - Security Officer

- 3. Nil
- 4. Nil
- 5. Nil
- Nil 6.
- Nil 7.
- Nil 8.
- Nil
- 10. Director SAAS

Member of General Employees Union

Tenant of Falkland Islands Government Housing.

Michael Victor Summers OBE

Quark Fishing Ltd – not trading

Pioneer Seafood Ltd

Concordia Ltd - not trading

Port Howard Farm Ltd - not remunerated

- Member of the Legislative Assembly
- 3. Nil
- 4. Nil
- 5. Nil
- Nil 6.
- Nil 12 Pioneer Row

Mount Maria House, Port Howard

Note: 11 Pioneer Row sold to Seafoods September 2015

9. Quark Fishing Ltd 25.1% (not trading)

Pioneer Seafood Ltd 90% (M&J Summers), 10% (S Clement)

Pioneer Seafood owns 7.86% of A/Y (unrestricted finfish) quota, excluding only Toothfish, approximately 65 days fishing. 2.52% of the Illex squid/Finfish ITQ, c20 days and as of 2015 2 Illex Jigger licences (as agent)

Concordia Ltd 100% (not trading)

10. Trustee, FI YMCA

Trustee, Stanley Golf Club

Chairman, Falkland Islands Overseas Games Association

Keith Padgett

- 1. Nil
- Chief Executive, FIG 2.
- 3. Nil
- 4. Nil
- Nil 5.
- Nil 6.
- 7. Nil
- Apartment in UK jointly owned with spouse
- Nil
- 10. Nil.

Nicola Granger

- Nil
- 2. Financial Secretary, FIG
- 3.
- 4. Nil
- 5. Nil
- 6. Nil
- 7. Nil
- 8. Nil
- 3 Biggs Road, Stanley House, UK
- 10. Nil

Charles Peter Judge MBE

- Attorney General, FIG
- 3.
- 4. Nil
- 5. Nil
- 6. Nil
- 7. Nil
- My wife owns a flat in the UK. I own a 50% interest in a house in the UK
- I hold various listed securities in the UK (all listed on the UK stock market). My wife and I jointly hold 100% of the shares in two UK private companies: (1) peace ladder Limited; and (2) Judge Consulting Limited
- 10. Nil.

Keith Biles

- Nil
- 2. Speaker of the House, Legislative Assembly
- 3.
- 4. Nil
- 5. Nil
- Nil 6.
- Pensioner Standard Chartered Bank Overseas Staff Pension Fund

Pensioner - UK State Pension Scheme

Joint Owner - House and Land 14 Kent Road

Joint Owner - House and Land New House Farm, East Falklands

- Nil
- 10. Unremunerated:

Company Secretary - Energise Group Ltd

Director (Trustee) Falklands Conservation (a UK Limited Company and Registered Charity)

Share Holdings:

Minority shareholding: Energise Group Ltd,

Minority shareholding: Falkland Islands Holdings Ltd (a quoted UK Limited Company)

Pecuniary Interest:

Décor Services Ltd.

Anton Livermore CPM JP FCMI

- 1. Nil
- Estates Manager, Government House, Foreign and Commonwealth Office, Stanley

Deputy Speaker of the Falkland Islands Legislative Assembly

Justice of the Peace (unremunerated)

- 4. Nil
- 5. Nil
- 6. Nil 7 Nil
- Nil

9. Nil 10. Nil

Dated 30 November 2015

C. Y CLIFFORD, Deputy Clerk of the Legislative Assembly.



FALKLAND ISLANDS GAZETTE

Supplement

PUBLISHED BY AUTHORITY

Vol. 26 30 November 2015 No. 7

The following are published in this Supplement –

Coins (No 2) Order 2015 (SR&O No 15 of 2015);

Coins (No 3) Order 2015 (SR&O No 16 of 2015);

Supplementary Appropriation (2015-2016) Ordinance 2015 (No 7 of 2015);

Law Revision (Paving) Ordinance 2015 (No 8 of 2015);

Fisheries (Conservation and Management)(Amendment) Ordinance 2015 (No 9 of 2015);

Taxes and Duties (Defence Contractors' Employees Exemption) Order 2015 (SR&O No 17 of 2015);

Road Traffic (Stanley Speed Limit Zone) Regulations 2015 (SR&O No 18 of 2015);

Ross Road (Clearway)(Amendment) Order 2015 (SR&O No 19 of 2015);

Finance Ordinance 2015 (Correction) Order 2015 (SR&O No 20 of 2015); and

Pool Betting Ordinance 1994 (Correction) Order 2015 (SR&O No 21 of 2015).

CURRENCY

Coins (No 2) Order 2015

S. R. & O. No: 15 of 2015

I make this order under section 22 of the Currency Ordinance (Title 25.1) on the advice of Executive Council.

1. Title

This order is the Coins (No 2) Order 2015.

2. Commencement

This order comes into force upon publication in the Gazette.

3. New coins

- (1) The minting and issue of the coins described and specified in the schedule to this Order are authorised.
- (2) The schedule specifies
 - (a) the denomination, fineness, weight, diameter, quality, shape, edge and number of the coins authorised by paragraph (1);
 - (b) the tolerance or remedy which may be permitted in respect of variations from the standard weight, diameter and fineness of the coins; and
 - (c) the design of the obverse and reverse of the coins.

4. Deemed denomination of Crown coins and their value as legal tender

For the purposes of the Ordinance —

- (a) the cupro-nickel Crown coins and sterling silver Crown coins authorised by this order are deemed to be of 25 pence denomination;
- (b) the gold 1/5th Crown coins authorised by this order are deemed to be of £1.00 denomination;

- (c) the gold 1/25th Crown coins authorised by this order are deemed to be of 20 pence denomination;
- (d) the gold $1/32^{\rm nd}$ Crown coins authorised by this order are deemed to be of 15 pence denomination; and
- (e) the gold 1/64th Crown coins authorised by this order are deemed to be of 10 pence denomination;

and those coins are legal tender in the Falkland Islands in the amount of their deemed denomination.

Made 29th October 2015

Colin Roberts C.V.O., *Governor*.

SCHEDULE 275th Anniversary of the Composition of Rule Britannia

Type	Cupro- nickel	Silver Proof	Gold Proof	Gold Proof	Gold Proof	Gold Proof
Denomination	1 Crown	1 Crown	1/64 th	1/32 nd	1/25 th	1/5 th
			Crown	Crown	Crown	Crown
Weight	28.28	28.28	0.05	1.00	1.244	6.25
(grams)						
Diameter	38.60	38.60	11.00	13.92	13.92	22.00
(millimetres)						
Fineness	Cu 75%	925	999 Gold	999 Gold	999 Gold	999 Gold
	Ni 25%	Sterling				
		silver				
Quality	Brilliant	Proof	Proof	Proof	Proof	Proof
	Uncirculated					
Shape	Round	Round	Round	Round	Round	Round
Edge	Milled	Milled	Milled	Milled	Milled	Milled
Edition limit	Unlimited	10,000	10,000	10,000	10,000	2,000
for each						
reverse design						

Mint Pobjoy Mint Ltd.

Remedy Variations to be allowed of the tolerance permitted by the Pobjoy Mint

Ltd.

Obverse design I.R.B. Effigy of Her Majesty Queen Elizabeth II.

Reverse design An image of Britannia in the foreground holding a trident with the waves

of the sea in the background. The wording 'BRITANNIA RULES THE WAVES' appears in the surround and the denomination '1 CROWN'

above the waves.

CURRENCY

Coins (No 3) Order 2015

S. R. & O. No: 16 of 2015

I make this order under section 22 of the Currency Ordinance (Title 25.1) on the advice of Executive Council.

1. Title

This order is the Coins (No 3) Order 2015.

2. Commencement

This order comes into force upon publication in the Gazette.

3. New coins

- (1) The minting and issue of the coins described and specified in the schedule to this Order are authorised.
- (2) The schedule specifies
 - (a) the denomination, fineness, weight, diameter, quality, shape, edge and number of the coins authorised by paragraph (1);
 - (b) the tolerance or remedy which may be permitted in respect of variations from the standard weight, diameter and fineness of the coins; and
 - (c) the design of the obverse and reverse of the coins.

4. Deemed denomination of Crown coins and their value as legal tender

- (1) For the purposes of the Ordinance
 - (a) the cupro-nickel Crown coins and sterling silver Crown coins authorised by this order are deemed to be of 25 pence denomination;
 - (b) the gold 1/5th Crown coins authorised by this order are deemed to be of £1.00 denomination;

- (c) the gold 1/25th Crown coins authorised by this order are deemed to be of 20 pence denomination;
- (d) the gold $1/32^{\rm nd}$ Crown coins authorised by this order are deemed to be of 15 pence denomination; and
- (e) the gold 1/64th Crown coins authorised by this order are deemed to be of 10 pence denomination.
- (2) The coins specified under paragraph (1) are legal tender in the Falkland Islands in the amount of their deemed denomination.

Made 29th October 2015

Colin Roberts C.V.O., *Governor*.

SCHEDULE Queen Elizabeth II – Longest Reigning Monarch

Type	Cupro- nickel	Silver Proof	Gold Proof	Gold Proof	Gold Proof	Gold Proof
Denomination	1 Crown	1 Crown	1/64 th	1/32 nd	1/25 th	1/5 th
			Crown	Crown	Crown	Crown
Weight	28.28	28.28	0.05	1.00	1.244	6.25
(grams)						
Diameter	38.60	38.60	11.00	13.92	13.92	22.00
(millimetres)						
Fineness	Cu 75%	925	999 Gold	999 Gold	999 Gold	999 Gold
	Ni 25%	Sterling				
		silver				
Quality	Brilliant	Proof	Proof	Proof	Proof	Proof
	Uncirculated					
Shape	Round	Round	Round	Round	Round	Round
Edge	Milled	Milled	Milled	Milled	Milled	Milled
Edition limit	Unlimited	10,000	10,000	10,000	10,000	2,000
for each						
reverse design						

Mint Pobjoy Mint Ltd.

Remedy Variations to be allowed of the tolerance permitted by the Pobjoy Mint Ltd.

Obverse design I.R.B. Effigy of Her Majesty Queen Elizabeth II.

Reverse design 1 An image of Her Majesty Queen Elizabeth II during the Coronation in 1953. A smaller image of Westminster Abbey is also shown. The wording 'HM

QUEEN ELIZABETH II' appears in the surround with the value at the base of the coin.

Reverse design 2 An image based on a 1977 Silver Jubilee portrait of Her Majesty Queen Elizabeth II. A smaller image of Windsor Castle, where the portrait was painted, is also shown. The wording 'HM QUEEN ELIZABETH II' appears in the surround with the value at the base of the coin.

ELIZABETH II



FALKLAND ISLANDS

COLIN ROBERTS C.V.O., *Governor*.

Supplementary Appropriation (2015-2016) Ordinance 2015

(No: 7 of 2015)

ARRANGEMENT OF PROVISIONS

Section

- 1. Title
- 2. Commencement
- 3. Withdrawal of additional sum
- 4. Replenishment of Contingencies Fund

Schedule

ELIZABETH II



FALKLAND ISLANDS

COLIN ROBERTS C.V.O., *Governor*.

SUPPLEMENTARY APPROPRIATION (2015-2016) ORDINANCE 2015

(No: 7 of 2015)

(assented to: 6 November 2015) (commencement: on publication) (published: 30 November 2015)

AN ORDINANCE

To authorise the withdrawal from the Consolidated Fund of the additional sum of £3,361,800.00 for the financial year ending 30 June 2016.

ENACTED by the Legislature of the Falkland Islands —

1 Title

This Ordinance is the Supplementary Appropriation (2015-2016) Ordinance 2015.

2. Commencement

This Ordinance comes into force on publication in the Gazette.

3. Withdrawal of additional sum

- (1) The Financial Secretary may withdraw an additional sum of £3,361,800.00 from the Consolidated Fund.
- (2) Any additional sum withdrawn under subsection (1) may be applied in the financial year ending 30 June 2016 in accordance with section 4 and the Schedule.

4. Replenishment of Contingencies Fund

If any sum has been withdrawn from the Contingencies Fund by the authority of Contingencies Warrant Nos 1 to 3 of 2015/2016, the Financial Secretary will replenish the fund from the additional sum withdrawn under section 3.

SCHEDULE

Number	Head of Service	Amount
		£
	Operating Budget	
0110	Central Services	162,460.00
0120	Human Resources	102,850.00
0200	Health & Social Services	184,560.00
0250	Education & Training	48,800.00
0350	Public Works	134,000.00
0410	Natural Resources	15,160.00
0450	Law & Regulation	215,580.00
0550	Emergency Services	21,770.00
0600	Executive Management	587,800.00
0700	The Treasury	283,140.00
0620	Mineral Resources	95,110.00
0997	Oil and Gas Development	206,000.00
0999	Island Plan Investments	1,304,570.00
	Total Operating Budget	3,361,800.00
	Total Schedule	3,361,800.00

Passed by the Legislature of the Falkland Islands on 29 October 2015.

CLAUDETTE PRIOR M.B.E., *Clerk of the Legislative Assembly*.

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

CLAUDETTE PRIOR M.B.E., Clerk of the Legislative Assembly.

ELIZABETH II



FALKLAND ISLANDS

COLIN ROBERTS C.V.O., *Governor*.

Law Revision (Paving) Ordinance 2015

(No: 8 of 2015)

ARRANGEMENT OF PROVISIONS

Section

- 1. Title
- 2. Commencement
- 3. Appointment of Statute Law Commissioner
- 4. Statute Law Database
- 5. Reports to Legislative Assembly

ELIZABETH II



FALKLAND ISLANDS

COLIN ROBERTS C.V.O., *Governor*.

LAW REVISION (PAVING) ORDINANCE 2015

(No: 8 of 2015)

(assented to: 6 November 2015) (commencement: on publication) (published: 30 November 2015)

AN ORDINANCE

To make provision in connection with the revision and publication of the law of the Falkland Islands.

ENACTED by the Legislature of the Falkland Islands —

1. Title

This Ordinance is the Law Revision (Paving) Ordinance 2015.

2. Commencement

This Ordinance comes into force on publication in the Gazette.

3. Appointment of Statute Law Commissioner

- (1) The Governor must appoint a person as the Statute Law Commissioner.
- (2) The Commissioner holds and vacates office in accordance with terms specified by the Governor on making the appointment.
- (3) The Commissioner's appointment must be notified in the Gazette.
- (4) Appointment as Commissioner may be held separately or together with another appointment.

- (5) The terms of appointment may (but need not) require the Commissioner to report to, and comply with directions of or comply with guidance issued by, the Attorney General or another specified official.
- (6) Any subsisting appointment of a Law Commissioner under the Revised Edition of the Laws Ordinance (Title 67.3) will lapse on appointment of the Statute Law Commissioner under this section.

4. Statute Law Database

- (1) The Statute Law Commissioner is responsible for the preparation of
 - (a) a database of the laws of the Falkland Islands; and
 - (b) draft legislation which enables the Legislative Assembly to approve the Statute Law Database as an authoritative statement of the laws of the Falkland Islands.
- (2) The Commissioner must aim to ensure that the Statute Law Database—
 - (a) is complete not later than 31 March 2017; and
 - (b) is as accessible to all residents of the Falkland Islands as is reasonably practicable.
- (3) In complying with subsection (2)(b) the Commissioner—
 - (a) must treat the internet as the primary means of access to the database, but
 - (b) must also have regard to the needs of those who have no access, or limited access, to the internet, or who prefer to access information in other ways.
- (4) The Commissioner's primary objective is to ensure that the database serves the needs of residents of the Falkland Islands; but subject to that, the Commissioner must also have regard to the needs of others who may wish to access the database.
- (5) The Statute Law Database must contain—
 - (a) the complete and up to date text of all Ordinances of the Falkland Islands in force;
 - (b) the complete and up to date text of all subsidiary legislation, made under Ordinances of the Falkland Islands, in force; and
 - (c) a list of United Kingdom enactments having force in or in relation to the Falkland Islands.
- (6) For the purposes of subsection (1) the Commissioner may take as the authoritative text of an Ordinance or of subsidiary legislation any version produced in accordance with the Revised Edition of the Laws Ordinance that appears to the Commissioner to be accurate.

5. Reports to Legislative Assembly

- (1) The Statute Law Commissioner must lay before the Legislative Assembly reports about progress in complying with the duty under section 4.
- (2) The first report must be laid as soon as reasonably practicable after the end of the period of 3 months beginning with the date of the Commissioner's appointment.
- (3) Subsequent reports must be laid as soon as reasonably practicable after the end of each subsequent period of 3 months.
- (4) If the Legislative Assembly debates a report under this section and makes recommendations, the Commissioner must give effect to those recommendations.

Passed by the Legislature of the Falkland Islands on 29 October 2015.

CLAUDETTE PRIOR M.B.E., *Clerk of the Legislative Assembly*.

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

CLAUDETTE PRIOR M.B.E., Clerk of the Legislative Assembly.

ELIZABETH II



FALKLAND ISLANDS

COLIN ROBERTS C.V.O., *Governor*.

Fisheries (Conservation and Management) (Amendment) Ordinance 2015

(No: 9 of 2015)

ARRANGEMENT OF PROVISIONS

Section

- 1. Title
- 2. Commencement
- 3. Amendment of Fisheries (Conservation and Management) Ordinance
- 4. Amendment of Fishing (Nets and Supplementary Net Equipment) Regulations Order
- 5. Amendment of Fishing Regulations Order
- 6. Amendment of Inshore Fishing Regulations

ELIZABETH II



FALKLAND ISLANDS

COLIN ROBERTS C.V.O., *Governor*.

FISHERIES (CONSERVATION AND MANAGEMENT) (AMENDMENT) ORDINANCE 2015

(No: 9 of 2015)

(assented to: 6 November 2015) (commencement: on publication) (published: 30 November 2015)

AN ORDINANCE

To amend the Fisheries (Conservation and Management) Ordinance (No 14 of 2005), the Fishing (Nets and Supplementary Net Equipment) Regulations Order, the Inshore Fishing Regulations and the Fishing Regulations Order to specify penalties for contravention of any offences.

ENACTED by the Legislature of the Falkland Islands —

1. Title

This Ordinance is the Fisheries (Conservation and Management) (Amendment) Ordinance 2015.

2. Commencement

This Ordinance comes into force on publication in the Gazette.

3. Amendment of Fisheries (Conservation and Management) Ordinance

- (1) This Ordinance amends the Fisheries (Conservation and Management) Ordinance.
- (2) Section 223 is amended as follows
 - (a) in subsection (2) by omitting paragraph (a) and replacing it with the following
 - "(a) providing that an offence against —

- (i) paragraphs (d), (e), (f), (g), (h), (j), (k) or (m) shall be punishable on conviction by such fine, not exceeding the maximum of Level 9 on the standard scale as is specified in the regulations in respect of that offence; and
- (ii) paragraphs (i), (l), (n), (o), (q), (r), (s), (t), (u), (v), or (w) shall be punishable on conviction by such fine, not exceeding the maximum of Level 8 on the standard scale as is specified in the regulations in respect of that offence;"; and
- (b) by deleting subsection (3).

4. Amendment of the Fishing (Nets and Supplementary Net Equipment) Regulations Order (Title 39.1.4)

The Fishing (Nets and Supplementary Net Equipment) Regulations Order is amended in regulation 18 by adding the following new subregulation after subregulation (2) —

"(3) A person who commits an offence under these Regulations is liable to a fine not exceeding the maximum of Level 9.

5. Amendment of the Fishing Regulations Order (Title 39.1.6)

The Fishing Regulations Order is amended under regulation 61 as follows —

- (a) under subregulation (1) by omitting "£50, 000" and substituting "Level 9";
- (b) under subregulation (2) by omitting "£50, 000" and substituting "Level 9"; and
- (c) under subregulation (3) by omitting "£20, 000" and substituting "Level 8".

6. Amendment of Inshore Fishing Regulations (Title 39.1.5)

The Inshore Fishing Regulations are amended under regulation 9 by omitting "£5,000" and substituting "Level 5".

Passed by the Legislature of the Falkland Islands on 29 October 2015.

CLAUDETTE PRIOR M.B.E., *Clerk of the Legislative Assembly.*

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

CLAUDETTE PRIOR M.B.E., Clerk of the Legislative Assembly.

TAXATION

Taxes and Duties (Defence Contractors' Employees Exemption) Order 2015

S. R. & O. No. 17 of 2015

Made: 19 November 2015 Published: ... 30 November 2015 Coming into force: on publication

I make this order under section 9A of the Taxes and Duties (Special Exemptions) Ordinance (Title 69.2) on the advice of the Standing Finance Committee, as required by section 9A(1) of the Ordinance.

1. Title

This order is the Taxes and Duties (Defence Contractors' Employees Exemption) Order 2015.

2. Commencement

This order comes into force on publication in the Gazette.

3. Interpretation

In this order—

"designated employer" means an employer listed in the Schedule;

"qualifying employee" means a person who —

- (a) satisfies the requirements of section 9A of the Ordinance; and
- (b) is employed by a designated employer;

"relevant employment" means —

- (a) employment only for the purpose of providing services in the Falkland Islands to either
 - (i) Her Majesty's regular armed forces; or
 - (ii) the Ministry of Defence of Her Majesty's Government in the United Kingdom; or

(b) employment only for the purposes of providing services to persons who are themselves in relevant employment by virtue of paragraph (a) of this definition or by virtue of this paragraph of this definition;

"relevant income" means income from relevant employment; and

"retirement pension contributions" means contributions that an employee is required to pay under the Retirement Pensions Ordinance (No. 20 of 1996).

4. Application

- (1) Subject to article 5, a qualifying employee is exempt from liability under any law of the Falkland Islands to pay
 - (a) income tax on relevant income from a designated employer; and
 - (b) retirement pension contributions in respect of that employment.
- (2) The exemption applies whether the liability arises before or after this order comes into force.

5. Duration

Nothing in this order confers any exemption to pay either —

- (a) income tax in relation to earnings after 31 December 2016; or
- (b) retirement pension contributions in respect of employment after that date.

6. Revocation

The Taxes and Duties (Defence Contractors' Employees Exemption) Order 2014 (No. 19 of 2014) is revoked.

SCHEDULE DESIGNATED EMPLOYERS

(article 3)

AAR International Inc.

Agrimarine Limited

Airbus DS Limited

Babcock Aerospace Limited

Babcock Communications Limited

BAE Systems (Military Air) Overseas Limited

British International Helicopter Services Limited

COLAS Limited

David Lomas Limited

Fujitsu Services Limited

Gifford Global Limited

Interserve Defence Limited

Mott MacDonald Limited

MPI Aviation Limited

Navy, Army and Air Force Institutes

Satec Limited

Serco Limited

Services Sound and Vision Corporation

Sodexho Defence Services Limited

Trant Construction Limited

Van Wijngaarden Marine Services b.v.

Westland Helicopters Limited

Made 19th November 2015

C. Roberts C.V.O., *Governor*.

EXPLANATORY NOTE

(not forming part of the order)

Section 9A of the Taxes and Duties (Special Exemptions) Ordinance (Title 69.2) gives the Governor power to make orders granting exemptions from income tax and retirement pension contributions to certain individuals engaged in defence-based employment.

This order means that employees who work for one of the employers listed in the Schedule are exempt from income tax and retirement pension contributions until the end of 2016, provided that they are engaged in relevant employment (as defined) and the other requirements set out in section 9A of the Ordinance are met.

The effect of section 21(1)(e) of the Medical Services Tax Ordinance (No 13 of 2010) provides that the earnings and benefits in kind that are exempt from income tax under this order are also exempt from Medical Services Tax.

The effects of this order (which replaces a previous order) are:

- (a) to extend the life of the exemption (which was due to expire on 31 December 2015) for another year; and
- (b) to add Airbus DS Limited and AAR International Inc. to the list of designated employers

Under section 9A, orders have to be made on the advice of the Standing Finance Committee.

ROAD TRAFFIC

Road Traffic (Stanley Speed Limit Zone) Regulations 2015

S. R. & O. No: 18 of 2015

I make these regulations under sections 29 and 59(1)(m) of the Road Traffic Ordinance (Title 63.1) on the advice of Executive Council.

1. Title and commencement

These regulations are the Road Traffic (Stanley Speed Limit Zone) Regulations 2015 and come into operation on publication in the *Gazette*.

2. Interpretation

In these regulations —

"the Stanley-Darwin Road" means the road from the junction of Sapper Hill Road and the Stanley Bypass, Stanley to the L'Antioja Stream; and

"the roads within the Stanley zone" means the roads within the area the boundaries of which are indicated in the map appearing in the Schedule as shown by the blue border.

3. Designation of roads and applicable speed limits

- (1) Subject to subregulation (1), the roads within Stanley zone are declared to be urban roads for purposes of the Road Traffic Ordinance with a maximum speed limit of twenty-five miles per hour.
- (2) Subregulation (1) does not apply to the following within Stanley zone
 - (a) the public roads and public parking areas within Lookout Industrial Estate (which have a maximum speed limit of ten miles per hour);
 - (b) Pencil Lane (which has a maximum speed limit of ten miles per hour);
 - (c) St Mary's Walk Car Park from its junction with St Mary's Walk to the South, to its junction with the Malvina House Hotel private carpark at the top of the access ramp to the West side (which has a maximum speed limit of ten miles per hour);

- (d) the Town Hall Car Park from its entrance and exit junctions on Ross Road (which has a maximum speed limit of ten miles per hour);
- (e) the Stanley Bypass along its full length (which has a maximum speed limit of forty miles per hour and is a restricted road); and
- (f) Stanley Airport Road from its westernmost part, to the southern side of its junction with the Cape Pembroke access track (which has a speed limit of forty miles per hour and is a restricted road).
- (3) The Eliza Cove Road, along its full length from the southern boundary of the Stanley Zone to the boundary of Eliza Cove tip is designated as an urban road for purposes of the Road Traffic Ordinance with a maximum speed limit of twenty-five miles per hour.
- (4) The access road to Rookery Bay, along its full length from the southern boundary of the Stanley Zone to Rookery Bay is designated as an urban road for purposes of the Road Traffic Ordinance with a maximum speed limit of twenty-five miles per hour.
- (5) The structure known as FIPASS (Falklands Intermediate Port and Storage System) including the causeway fitted between the roll-on roll-off barge and the shore has a speed limit of ten miles per hour; and
- (6) The Stanley-Darwin Road is designated as a restricted road with a maximum speed limit of forty miles per hour.

4. Revocation

The following are revoked —

- (a) the Road Traffic (Designation of Roads) (Various) Order (Title 63.1.7);
- (b) the Stanley-Darwin Road (Designation and Speed Limits) Order (Title 63.1.8);
- (c) Road Traffic (Priority in Stanley) Order (Title 63.1.12);
- (d) Lookout Industrial Estate (Speed Limit) Order 2007 (S.R. & O No. 11 of 2007); and
- (e) Pony's Pass Quarry Bypass (Designation) Order (S.R. & O No. 21 of 1995).

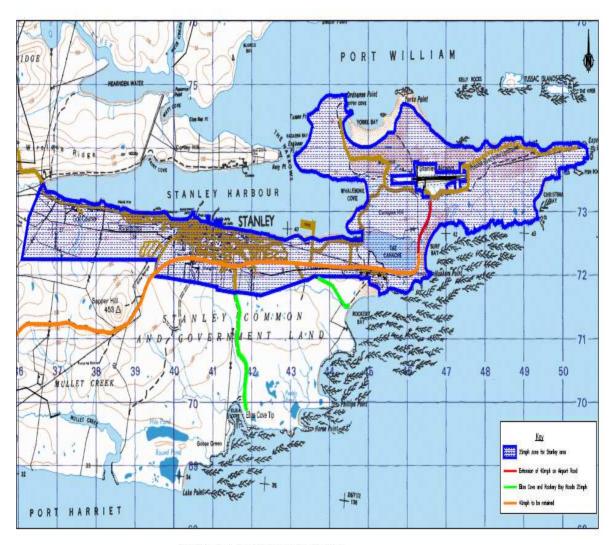
SCHEDULE

(regulation 2, 3(1))

URBAN ROAD

- (a) All roads within Stanley Zone as shown by the diagram below (as shown in blue).
- (b) The Eliza Cove Road, along its full length from the southern boundary of the Stanley Zone to the boundary of Eliza Cove tip (as shown in green).

(c) The Rookery Bay road, along its full length from the southern boundary of the Stanley Zone to Rookery Bay (as shown in green).



Stanley Area 25mph Speed Limit Zone

Made 19th November 2015

C. Roberts C.V.O., *Governor*.

EXPLANATORY NOTE

(not forming part of the regulations)

These regulations are made under sections 29 and 59 of the Road Traffic Ordinance (Title 63.1). The regulations provide for all the different speed limits to be prescribed under one piece of

legislation. The regulations therefore prescribe the speed limits for the different roads and areas within Stanley as shown in the map set out in the Schedule;

Regulation 1 and 2 provide for introductory matters with regulation 2 defining the Stanley zone;

Regulation 3 provides for the speed limit on roads within an area designated as "Stanley speed zone" to be 25 miles per hour. It also specifies certain roads within the zone which have different speed limits ranging from 10mph to 40mph. It also prescribes different speed limits for roads outside the Stanley zone; and

Regulation 4 provides for the revocation of various Orders which provide for speed limits within different parts of Stanley which will now be provided for under these regulations. The revoked orders are the Road Traffic (Priority in Stanley) Order, the Lookout Industrial Estate (Speed Limit) Order, the Stanley-Darwin Road (Designation and Speed Limits) Order, Pony's Pass Quarry Bypass (Designation) Order and the Road Traffic (Designation of Roads) (Various) Order.

ROAD TRAFFIC

Ross Road (Clearway) (Amendment) Order 2015

S. R. & O. No: 19 of 2015

I make this order under section 59(1)(m) of the Road Traffic Ordinance (Title 63.1) on the advice of Executive Council.

1. Title and commencement

This order is cited as the Ross Road (Clearway) (Amendment) Order 2015 and comes into operation on publication in the *Gazette*.

2. Article 3 amended — Clearway

The Ross Road (Clearway) Regulations Order (S. R. & O. No. 5 of 2004) is amended in article 3 by adding the following new paragraph immediately after paragraph (e)(iii) —

"(f) is necessary for the maintenance or repair of the road or any other public road, or of public utilities,".

Made 19th November 2015

C. Roberts C.V.O., *Governor*.

EXPLANATORY NOTE

(not forming part of the order)

This order amends the Ross Road (Clearway) Regulations Order (S. R. & O. No. 5 of 2004).

It provides an exception to the effect that it is not an offence for motor vehicles to wait on Ross Road where those vehicles are carrying out maintenance or doing any repair work of road or any public utility alongside Ross Road. This is to ensure that there is consistency and uniformity with other legislation which provides the same exception.

FIREARMS AND AMMUNITION

Finance Ordinance 2015 (Correction) Order 2015

S. R. & O. No: 20 of 2015

Made: 19 November 2015 Published: 30 November 2015 Coming into force: see article 2

IN EXERCISE of my powers under section 93 of the Interpretation and General Clauses Ordinance (Title 67.2) I make the following order—

1. Title

This order is the Finance Ordinance 2015 (Correction) Order 2015.

2. Commencement

This order is deemed to have come into force on 1 July 2015.

3. Correction of Finance Ordinance 2015

The Finance Ordinance 2015 (No 5 of 2015) is amended —

- (a) in section 15 by omitting subsection (b) and renumbering subsection (c) accordingly; and
- (b) by inserting the following section 15A after section 15:

"15A. Amendment of Firearms and Ammunition Ordinance

Section 4A(3) of the Firearms and Ammunition Ordinance (Title 23.2) is amended by omitting "£7.00" and substituting "£7.25"."

Made 19th November 2015

C. P. Judge M.B.E., *Attorney General.*

EXPLANATORY NOTE

(not forming part of the order)

This order corrects a typographical error.

GAMBLING

Pool Betting Ordinance 1994 (Correction) Order 2015

S. R. & O. No: 21 of 2015

Made: 19 November 2015 Published: 30 November 2015 Coming into force: see article 2

IN EXERCISE of my powers under section 93 of the Interpretation and General Clauses Ordinance (Title 67.2) I make the following order—

1. Title

This order is the Pool Betting Ordinance 1994 (Correction) Order 2015.

2. Commencement

This order is deemed to have come into force on 21 December 1994.

3. Correction of Pool Betting Ordinance 1994

The Pool Betting Ordinance 1994 (Title 40.2) is amended by renumbering subsection 3(8) to be numbered subsection 3(7).

Made 19th November 2015

C. P. Judge M.B.E.,
Attorney General.

EXPLANATORY NOTE
(not forming part of the order)

This order corrects a typographical error.

Published at the Attorney General's Chambers, Stanley, Falkland Islands
Price: Five pound sixty pence.



FALKLAND ISLANDS GAZETTE

Supplement

PUBLISHED BY AUTHORITY

Vol. 26 30 November 2015 No. 8

The following are published in this Supplement –

Livestock and Meats Products (Amendment) Bill 2015;

also published in this Supplement are the following draft Regulations –

Livestock and Meats Products (Hygiene) Regulations 2015;

Livestock and Meats Products (Veterinary Officials) Regulations 2015;

Livestock and Meats Products (Protection of Animals at Time of Slaughter or Killing) Regulations 2015;

Livestock and Meats Products (Examination for Contaminants, Residues and Maximum Residue Levels) Regulations 2015;

Livestock and Meats Products (Animal By-Products) Regulations 2015;

Livestock and Meats Products (TSE Control) Regulations 2015; and

Livestock and Meats Products (Veterinary Medicinal Products) Regulations 2015.

Livestock and Meat Products (Amendment) Bill 2015

(No: of 2015)

ARRANGEMENT OF PROVISIONS

Clause

PART 1 - INTRODUCTION

- 1. Title
- 2. Commencement

PART 2 – AMENDMENT OF LIVESTOCK AND MEAT PRODUCTS ORDINANCE

- 3. Amendment of Livestock and Meat Products Ordinance
- 4. Section 3 amended Interpretation
- 5. Section 4 amended Power to make regulations
- 6. Section 7 amended Officials
- 7. New sections inserted sections 8A and 8B
- 8. Section 9 amended Enforcement
- 9. Insertion of new sections sections 9A, 9B and 9C

PART 3 – AMENDMENT OF MEDICINES ORDINANCE

- 10. Amendment of Medicines Ordinance
- 11. Part 2 amended Dealings with medicinal products

PART 4 – REPEAL OF ABATTOIRS ORDINANCE

12. Repeal of Abattoirs Ordinance

PART 5 – REPEAL OF SLAUGHTERING AND INSPECTION ORDINANCE

13. Repeal of Slaughtering and Inspection Ordinance

LIVESTOCK AND MEAT PRODUCTS (AMENDMENT) BILL 2015

(No: of 2015

(assented to: 2015) (commencement: on publication) (published: 2015)

A BILL

for

AN ORDINANCE

To amend the Livestock and Meat Products Ordinance (No. 14 of 2010) to provide for the regulation of veterinary medicinal products, the power to impose fees, the appointment of inspectors to monitor and examine residues and other matters; and make consequential amendments to the Medicines Ordinance (No. 13 of 2006) to allow the Livestock and Meat Products Ordinance to provide for the regulation of veterinary medicinal products administered to animals kept for slaughter for human consumption; and for connected purposes.

BE IT ENACTED by the Legislature of the Falkland Islands —

PART 1 INTRODUCTION

1. Title

This Ordinance is the Livestock and Meat Products (Amendment) Ordinance 2015.

2. Commencement

This Ordinance comes into force on publication in the Gazette.

PART 2 AMENDMENT OF LIVESTOCK AND MEAT PRODUCTS ORDINANCE

3. Amendment of Livestock and Meat Products Ordinance

This Part amends the Livestock and Meat Products Ordinance.

4. Section 3 amended – Interpretation

Section 3 is amended —

- (a) under subsection (3) by omitting the definition of "designated abattoir" and replacing it with the following —
- ""designated abattoir" means an abattoir designated by Notice for the purpose of producing meat for human consumption;";
- (b) by inserting in their correct alphabetical order the following new definitions —

""authorised official" means an inspector or official referred to under section 7;";

"authorised person" means a person authorised in writing by the Senior Veterinary Officer to be an authorised person for the purposes of this Ordinance or regulations made under it;";

"inspector" means a person authorised by the Senior Veterinary Officer under section 7(7);";

""fresh meat" means meat that has not undergone any preserving process other than chilling, freezing or quick-freezing, including meat that is vacuum-wrapped or wrapped in a controlled atmosphere;";

""livestock" means any animal that is kept, fattened or bred for the production of food, wool, fur, feathers, hides and skins or any other product obtained from that animal or an animal that is kept for other farming purposes;";

""meat products" means processed products resulting from the processing of meat or from the further processing of such processed products, so that the cut surface shows that the product no longer has the characteristics of fresh meat;";

""official controls" means the tasks and activities undertaken by the competent authority aimed towards ensuring there is compliance with the requirements of this Ordinance and regulations made under it as set out under section 7A;"; and

""veterinary medicinal product" means any substance or combination of substances —

- (a) presented as having properties for treating or preventing disease in animals; or
- (b) that may be used in, or administered to, animals with a view to
 - (i) restoring, correcting or modifying physiological functions by exerting a pharmacological, immunological or metabolic action; or
 - (ii) making a medical diagnosis;".

5. Section 4 amended — Power to make regulations

Section 4(1) is amended by —

- (a) deleting the full stop after paragraph (k) and replacing it with a semicolon; and
- (b) inserting the following new paragraphs after paragraph (k)
 - "(l) the use, sale, import and export of veterinary medicinal products; and
 - (*m*) the payment of fees.".

6. Section 7 amended – Officials

Section 7 is amended as follows —

- (a) by inserting the following new subsection after subsection (6)
 - "(7) The persons authorised under subsection (6) may include inspectors who are responsible for the following
 - (a) carrying out official controls in relation to the enforcement of regulations made under this Ordinance:
 - (b) monitoring of animals and animal products to check for diseases, residues, chemicals and other substances as may be specified in the regulations;
 - (c) taking, registering and checking of all official control samples as required under regulations made under section 4; and
 - (d) any other functions required to give effect to this Ordinance as may be specified in the authorisation."
- (b) by inserting the following new section 7A —

"7A. Powers of competent authority – official controls

In order to carry out its functions under this Ordinance the competent authority may —

- (a) put in place official controls aimed at ensuring there is compliance with feed and food requirements and animal health and welfare rules for the protection of public health;
- (b) conduct checks and audits to verify and ensure there is compliance with animal health and welfare rules for the protection of animals; and
- (c) carry out specific tasks aimed at ensuring corrective procedures are followed as may be specified in regulations made under this Ordinance."

7. New sections inserted — sections 8A and 8B

The Ordinance is amended by inserting the following new sections after section 8 —

"8A. Examination and monitoring of chemicals, residues, etc.

- (1) The regulations under section 4(1)(c) and (h) may make provision as to the manner in which
 - (a) samples may be taken, transported and submitted for analysis;
 - (b) tests on animals, meat and meat products may be undertaken; and
 - (c) official controls and checks in relation to the monitoring of chemicals and residues may be carried out.

(2) Regulations referred to under subsection (1) may also make provision for the method of analysis as well as other relevant matters to be taken into consideration in examining and monitoring chemicals and residues.

8B. Sale, import and use of veterinary medicinal products

- (1) Regulations under section 4(1)(l) may
 - (a) make provision for the sale, distribution, import or export of veterinary medicinal products through permits;
 - (b) include restrictions on the sale and distribution of veterinary medicinal products; and
 - (c) make provision for the licensing of establishments that can sell and distribute veterinary medicinal products.
- (2) Subject to any circumstances or conditions as may be included in a permit issued in accordance with regulations made in accordance with subsection (1)(a), the regulations may prohibit any person from doing any of the activities listed in subsection (3).
- (3) The activities referred to in subsection (2) are, in the course of a business carried on by the person
 - (a) selling by retail;
 - (b) offering or exposing for sale by retail; or
 - (c) supplying in circumstances corresponding to retail sale,
- a veterinary medicinal product, unless that product meets any of the requirements in subsection (4).
- (4) The requirements referred to in subsection (3) are that the veterinary medicinal product is
 - (a) sold or supplied in accordance with a prescription given by a qualified veterinarian, a registered pharmacist, or a suitably qualified person; and
 - (b) complies with such conditions as may be prescribed.
- (5) Regulations made in accordance with subsection (1) may make provision for controlling, restricting, licensing or prohibiting the following activities
 - (a) selling, supplying or otherwise placing the veterinary medicinal products on the market;
 - (b) manufacturing or assembling any veterinary medicinal product;

- (c) distributing any veterinary medicinal product;
- (d) procuring the sale, supply or placing on the market of the veterinary medicinal products otherwise than by sale or supply, manufacture, assembly or distribution;
- (e) importing or exporting of any veterinary medicinal product;
- (f) possessing any veterinary medicinal product, with a view to selling or supplying it or otherwise placing it on the market; or
- (g) issuing, sending or delivering any advertisement, or making any representation or recommendation in the course of a business, relating to any veterinary medicinal product.
- (6) Regulations made in accordance with subsection (1) may impose any requirements as the Governor considers necessary or expedient for any of the purposes specified in subsection (7) with respect to
 - (a) the labelling of containers of veterinary medicinal products;
 - (b) the labelling of packages of veterinary medicinal products;
 - (c) the display of distinctive marks on containers and packages of veterinary medicinal products;
 - (d) the supply of leaflets with veterinary medicinal products;
- (7) The purposes referred to in subsection (6) are
 - (a) to ensure that veterinary medicinal products are correctly described and readily identifiable:
 - (b) to ensure that any appropriate warning or other appropriate information or instruction is given, and that false or misleading information is not given, with respect to veterinary medicinal products; and
 - (c) to promote safety in relation to veterinary medicinal products."

8. Section 9 amended - Enforcement

Section 9 is repealed and replaced with the following —

"9. Inspections generally

- (1) For carrying out the functions under this Ordinance or regulations made under it, an authorised official may $\,$
 - (a) conduct searches and inspections;
 - (b) take photographs and recordings;

- (c) conduct tests;
- (d) require the production of livestock, meat products and other relevant substances for inspection;
- (e) require, for inspection, the production of records which a person is required to keep under this Ordinance or any regulations made under it; and
- (f) request any other information as may be necessary.
- (2) If records which a person is required to keep are stored in electronic form, the power under subsection (1) includes power to require the records to be made available for inspection in
 - (a) a visible and legible form; or
 - (b) a form from which they can readily be produced in a visible and legible form.
- (3) An authorised official may inspect and take copies of any records produced for inspection as required under this Ordinance or any regulations made under it.
- (4) An authorised official may carry out an inspection in order to check compliance with any requirement to inspect as provided by or under this Ordinance or any regulations made under it."

9. Insertion of new sections — sections 9A, 9B and 9C

The Ordinance is amended by inserting the following new sections after section 9 —

"9A. Authorised persons - Entry

- (1) An authorised person may enter premises or land with the consent of the owner or occupier or on the authority of a warrant issued under section 9B.
- (2) An authorised official may, for the purpose of carrying out any function under this Ordinance, enter at a reasonable time and with the consent of the owner
 - (a) premises or land on which the carrying on of an activity regulated under this Ordinance is authorised;
 - (b) premises or land on which the authorised official reasonably believes an activity to which a permit or a licence relates is being carried on;
 - (c) any premises or land on which livestock is kept, or where the authorised official believes any livestock is kept.
- (3) Subject to subsection (2), an authorised official may enter into any premises or land in order to —

- (a) check for compliance with regulations made under this Ordinance;
- (b) carry out official controls including appropriate tests, checks and other requirements of this Ordinance and regulations made under it;
- (c) ascertain whether any offence under or by virtue of this Ordinance or any regulations made under it has been or is being committed.
- (4) An authorised official may enter premises or land which the official reasonably believes to be premises or land on which livestock is kept in order to carry out an inspection under section 9.

9B. Entry and search under warrant

- (1) Subject to subsection (3), a justice of the peace may, on the application of an authorised person or a police officer, issue a warrant authorising the authorised person or a police officer to enter at any reasonable hour, premises or land in order to search for evidence of the commission of an offence under this Ordinance or any regulations made under it.
- (2) A warrant issued under subsection (1) may authorise
 - (a) the authorised person or a police officer to be accompanied by any person or persons; and
 - (b) the use of reasonable force, where necessary.
- (3) The power to issue a warrant under subsection (1) is exercisable only if the justice of the peace is satisfied that there are reasonable grounds for believing that
 - (a) an offence under this Ordinance or any regulations made under it has been committed on the premises or land; or
 - (b) evidence of the commission of an offence under this Ordinance is to be found on the premises or land.
- (4) A person who wilfully hinders or obstructs the lawful execution of a warrant issued under subsection (1) by an authorised person or police officer or any person authorised by that warrant to accompany the authorised person or police officer, commits an offence.

9C. Enforcement

- (1) Regulations under section 4(1) may include provision for enforcement.
- (2) In particular, the regulations may
 - (a) create criminal offences;
 - (b) provide for the imposition of civil penalties;

- (c) confer power to serve notices and make provision about the consequences of the service of notices;
- (d) confer jurisdiction on a court or tribunal;
- (e) include provision for forfeiture of goods or equipment;
- (f) confer powers of entry, search and seizure;
- (g) require the provision of information; and
- (h) confer powers to require the provision of information.
- (3) If the regulations create an offence they may provide for a maximum penalty of
 - (a) 12 months imprisonment,
 - (b) a fine of level 8 on the standard scale, or
 - (c) a combination.".

PART 3 AMENDMENT OF MEDICINES ORDINANCE

10. Amendment of Medicines Ordinance

This Part amends the Medicines Ordinance.

11. Part 2 amended — Dealings with medicinal products

The Medicines Ordinance is amended in section 11 by —

- (a) deleting the full stop after paragraph (b) and replacing it with a semicolon; and
- (b) inserting the following new paragraph after paragraph (b)
 - "(c) where the veterinary medicinal products referred to above relate to veterinary medicinal products that are administered to livestock or animals slaughtered or killed for human consumption the Livestock and Meat Products Ordinance (No. 14 of 2010) applies."

PART 4 REPEAL OF ABATTOIRS ORDINANCE

12. Repeal of Abattoirs Ordinance

- (1) This Part amends the Abattoirs Ordinance (Title 5.8).
- (2) The Abattoirs Ordinance is repealed.

(3) Notwithstanding subsection (2) any subsidiary legislation made under the repealed Ordinance which is in force immediately before the commencement of this section continue in force until revoked.

PART 5 REPEAL OF SLAUGHTERING AND INSPECTION ORDINANCE

13. Repeal of Slaughtering and Inspection Ordinance

- (1) This Part amends the Slaughtering and Inspection Ordinance (Title 5.5).
- (2) The Slaughtering and Inspection Ordinance is repealed.

OBJECTS AND REASONS

This Bill amends the Livestock and Meat Products Ordinance (No. 14 of 2010) and the Medicines Ordinance (No 13 of 2006).

Part 1 provides for introductory matters.

Part 2 amends the Livestock and Meat Products Ordinance to provide for the regulation of the sale, distribution and import of veterinary medicinal products as well as the imposition of fees by the competent authority.

Clause 4 amends section 3 by replacing the definition of 'designated abattoir'; and providing for the definition of 'authorised official' and 'inspector'. It also defines 'veterinary medicinal product' which is the same as the definition under the Medicines Ordinance;

Clause 5 amends section 4 to insert new paragraphs for making regulations that cover the sale, import and use of veterinary medicinal products; and the power to impose fees;

Clause 6 amends section 7 to add a new subsection to provide for the Senior Veterinary Officer to appoint inspectors and confer functions on them. It also adds a new section 7A to give the competent authority power to carry out official controls aimed at ensuring there is compliance with feed and food requirements and animal health and welfare rules for the protection of public health;

Clause 7 amends the Ordinance to add two new sections to give further details about regulations to be made in relation to the use of veterinary medicinal products as well as the testing for chemicals, examining and monitoring of residues as well as other tests as may be necessary to undertake:

Clause 8 amends section 9 to replace it with a new section dealing with inspections generally (which are to be carried out by inspectors and other authorised officials appointed under section 7);

Clause 9 amends the Ordinance to add three new sections (9A, 9B and 9C). The new section 9A provides for entry for authorised officials, section 9B provides for entry and search under warrant and regulation 9C provides for regulation making powers to allow for other enforcement mechanisms as well as to increase the maximum level of penalties to recognise the seriousness of any contravention and its impact on public health;

Part 3 amends the Medicines Ordinance to make consequential amendments in order to provide for veterinary medicinal products to be dealt with under the Livestock and Meat Products Ordinance. This means that the Medicines Ordinance will only dealt with veterinary medicinal products relating to all other animals except animals kept for slaughter for human consumption as provided for under Clause 11; and

Parts 4 and 5 repeal the Abattoirs Ordinance and the Slaughtering and Inspection Ordinance as the matters they dealt with are covered under the Livestock and Meat Product Ordinance and the regulations made under it. *Clause 12* repeals the Abattoirs Ordinance and provides a savings clause for any subsidiary legislation made under the repealed Ordinance.

SUBSIDIARY LEGISLATION

ANIMALS

Livestock and Meat Products (Hygiene) Regulations 2015

S. R. & O. No. of 2015

I make the following regulations under section 4(1) and 5(6) of the Livestock and Meat Products Ordinance (No. 14 of 2010) on the advice of Executive Council.

PART 1 – INTRODUCTION

1. Title

These regulations are the Livestock and Meat Products (Hygiene) Regulations 2015.

2. Commencement

These regulations come into force on publication in the Gazette.

3. Interpretation

(1) In these regulations —

"abattoir operator" means a person or company responsible for the day to day operation of activities that occur in an abattoir or slaughterhouse and includes activities in any co-located or related cutting plants, chilling or freezing establishments;

"audit" means a systematic and independent examination to determine whether activities and related results comply with planned arrangements and whether these arrangements are implemented effectively and are suitable to achieve objectives;

"carcass" means the body of an animal after slaughter and dressing;

"competent authority" means the Senior Veterinary Officer or any other authorised official of the Department of Agriculture;

"contamination" means the presence or introduction of a hazard;

"cutting plant" means an establishment used for boning and cutting up meat;

"domestic ungulates" means domestic bovine (*including bubalus and Bison species*), porcine, ovine and caprine animals;

"establishment" means a unit of the abattoir;

"farm" means an area of land devoted to the rearing, keeping or raising of livestock;

"food business" means any undertaking carrying out any activities related to the production, processing and distribution of meat and meat products;

"fresh meat" means meat that has not undergone any preserving process other than chilling, freezing or quick-freezing, including meat that is vacuum-wrapped or wrapped in a controlled atmosphere;

"holding" means a section of land leased or otherwise tenanted for agricultural purposes;

"livestock" means any animal that is kept, fattened or bred for the production of food, wool, fur, feathers, hides and skins or any other product obtained from animals or any animal that is kept for other farming purposes;

"meat products" means processed products resulting from the processing of meat or from the further processing of such processed products, so that the cut surface shows that the product no longer has the characteristics of fresh meat;

"mechanically separated meat (MSM)" means the product obtained by removing meat from flesh-bearing bones after boning using mechanical means which result in the loss or modification of the muscle fibre structure;

"Meat Hygiene Inspector" means an official of the Department of Agriculture appointed under section 7 of the Ordinance:

"meat preparations" means fresh meat, including meat that has been reduced to fragments, which has had foodstuffs, seasonings or additives added to it or which has undergone processes insufficient to modify the internal muscle fibre structure of the meat and eliminate the characteristics of fresh meat:

"meat production" means the killing, bleeding and skinning of animals;

"minced meat" means boned meat that has been minced into fragments and contains less than 1% salt;

"offal" means fresh meat other than that of the carcass, including viscera and blood;

"Official Veterinarian" means an official of the Department of Agriculture appointed under section 7 of the Ordinance:

"packaging" means —

- (a) in relation to wrapped meat and meat products, placing one or more of them in a second container;
- (b) the second container itself;

"placing on the market" has the meaning given by regulation 15;

"potable water" means fresh water that meets the requirements of Council Directive 98/83/EC of 3 November 1998 on the quality of water intended for human consumption;

"primary products" means products of stock farming;

"processing" means, in relation to meat or a meat product, an action that substantially alters the initial product, including heating, smoking, curing, maturing, drying, marinating, extraction, extrusion or a combination of one or more of those processes;

"relevant EU legislation" means (to the extent that it relates to meat) —

- (a) Regulation (EC) 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs as amended or revised from time to time;
- (b) Regulation (EC) 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin as amended or revised from time to time;
- (c) Regulation (EC) 854/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption as amended or revised from time to time;
- (d) Regulation (EC) 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety;
- (e) Regulation (EC) 1099/2009 of 24 September 2009 on the protection of animals at the time of killing;
- (f) Council Directive 96/23/EC of 26 April 1996 on measures to monitor certain substances and residues in live animals and animal products;
- (g) Council Directive 96/22/EC of 29 April 1996 concerning the prohibition on the use in stock farming of certain substances having a hormonal or thyrostatic action and beta-agonists;
- (h) any other EU legislation as the Governor may specify by order;

"slaughterhouse" means an establishment used for slaughtering and dressing animals, the meat of which is intended for human consumption;

"small quantities" means —

- (a) an average of not more than 20 sheep carcasses in a month; and
- (b) an average of not more than 1 beef carcass in a month

"unprocessed meat products" means meat that has not been processed, and includes meat that has been divided, parted, severed, sliced, boned, minced, skinned, ground, cut, cleaned, trimmed, chilled, frozen, deep-frozen or thawed; and

"viscera" means the organs of the thoracic, abdominal and pelvic cavities, as well as the trachea and oesophagus.

4. Application

These Regulations do not apply to —

- (a) primary production for private domestic use;
- (b) the preparation, handling or storage of meat and meat products for private domestic consumption; and
- (c) the direct supply, by a farmer (producer), of small quantities of primary products to the final consumer.

5. Requirement of designated abattoir

A person may not operate an abattoir for the preparation of meat or meat products intended for placing on the market unless the abattoir has been designated by the Governor under section 3 of the Livestock and Meat Products Ordinance (No. 14 of 2010).

PART 2 – HYGIENE REQUIREMENTS FOR ABATTOIRS (DESIGNATED ABATTOIRS)

6. Hygiene requirements

- (1) The operator of a designated abattoir (for the preparation of meat and meat products) must take all reasonable steps to ensure that livestock coming into the abattoir and meat and meat products produced at the abattoir adhere to the hygiene requirements specified in the relevant EU legislation and the applicable provisions of these Regulations.
- (2) The relevant EU legislation applies to the Falkland Islands so far as it relates to meat and meat products intended for export to the European Community.

7. Obligations of the operator of a designated abattoir

(1) The abattoir operator must put in place the following measures to control hazards in primary production and associated operations —

[&]quot;the Ordinance" means the Livestock and Meat Products Ordinance;

- (a) measures to control contamination arising from the air, soil, water, feed, fertilisers, veterinary medicinal products, the storage, handling and disposal of waste; and
- (b) measures relating to animal health and welfare that have implications for human health, including programmes for the monitoring and control of zoonoses and zoonotic agents.
- (2) The abattoir operator must also put in place measures set out in Part A of Schedule 1 to control hazards in primary production.

8. Guidance on good hygiene practice

- (1) The competent authority must publish guidance on good hygiene practice for the control of hazards in primary production and associated operations.
- (2) The guidance may include the following information
 - (a) the control of contamination such as mycotoxins, heavy metals and radioactive material;
 - (b) the use of water;
 - (c) the correct and appropriate use of veterinary medicinal products and feed additives and their traceability;
 - (d) the preparation, storage, use and traceability of feed;
 - (e) the proper disposal of dead animals, waste and litter;
 - (f) protective measures to prevent the introduction of contagious diseases transmissible to humans through food, and any obligation to notify the competent authority;
 - (g) procedures, practices and methods to ensure that meat is produced, handled, packed, stored and transported under appropriate hygienic conditions, including effective cleaning and pest-control;
 - (h) measures relating to the cleanliness of production animals going for slaughter and the slaughter process; and
 - (i) measures relating to record-keeping.

9. Protection against contamination – animals going for slaughter

- (1) A person in control of an animal going for slaughter must take all reasonable steps to ensure that the animal is protected against contamination.
- (2) The reasonable steps may include the following
 - (a) to keep any facilities used in connection with primary production and associated operations, including facilities used to store and handle feed, clean and, where necessary after cleaning, to disinfect them in an appropriate manner;

- (b) to keep clean and, where necessary after cleaning, to disinfect, in an appropriate manner, equipment, containers, crates, vehicles and vessels;
- (c) as far as possible to ensure the cleanliness of animals going to slaughter;
- (d) to use potable water, or clean water, whenever necessary to prevent contamination;
- (e) to ensure that staff handling foodstuffs are in good health and undergo training on health risks;
- (f) as far as possible to prevent animals and pests from causing contamination;
- (g) to store and handle waste and hazardous substances so as to prevent contamination;
- (h) to prevent the introduction and spread of contagious diseases transmissible to humans through meat or meat products, including taking precautionary measures when introducing new animals and reporting suspected outbreaks of such diseases to the competent authority;
- (i) to take account of the results of any relevant analyses carried out on samples taken from animals or other samples that have importance to human health; and
- (j) to use feed additives and veterinary medicinal products correctly, as required by the competent authority.
- (3) The competent authority must put in place measures aimed at ensuring compliance with this regulation, and these measures may include
 - (a) the control of contamination such as mycotoxins, heavy metals and radioactive material;
 - (b) the use of water, organic waste and fertiliser on animal feeds;
 - (c) the correct and appropriate use of plant protection products and biocides and their traceability;
 - (d) the correct and appropriate use of veterinary medicinal products and feed additives and their traceability;
 - (e) the preparation, storage, use and traceability of feed;
 - (f) the proper disposal of dead animals, waste and litter;
 - (g) protective measures to prevent the introduction of contagious diseases transmissible to humans through food; and
 - (h) measures relating to the cleanliness of animals going for slaughter.

- 10. HACCP (hazard analysis and critical control points) based procedures
- (1) The abattoir operator must ensure that the procedures in place
 - (a) comply with the general requirements of relevant EU legislation (*Article 5 of Regulation (EC) 852/2004*);
 - (b) follow the principles set out in Part A of Schedule 1; and
 - (c) meet the requirements that the hazard analysis shows are necessary and adheres to any recommendations made by the competent authority.
- (2) The procedures must guarantee that each animal accepted onto the abattoir
 - (a) is properly identified;
 - (b) is accompanied by the relevant information from the farm from which the animal comes;
 - (c) is clean;
 - (d) is healthy, as far as the abattoir operator can judge; and
 - (e) is in a satisfactory state as regards welfare on arrival at the abattoir.
- (3) The abattoir operator must, in particular, determine whether the procedures guarantee, to the extent possible, that the meat from the slaughtered animals
 - (a) complies with microbiological criteria laid down under the relevant EU legislation;
 - (b) complies with the relevant EU legislation on residues, contaminants and prohibited substances; and
 - (c) does not contain physical hazards, such as foreign bodies.

11. Transport of live animals to the abattoir

A person transporting live animals to the abattoir must ensure compliance with the following requirements —

- (a) during collection and transport, animals must be handled carefully without causing unnecessary distress to the animals;
- (b) animals showing symptoms of disease or originating in herds known to be contaminated with agents of public health importance may only be transported to the abattoir after permission from the competent authority has been granted;
- (c) that all animals have the relevant records that address information requested in the food chain information specified under Schedule 5; and

(d) compliance with the Livestock and Meat Products (Welfare of Livestock) Regulations (S.R & O. No. 15 of 2011).

12. Hygiene requirements for abattoir premises and equipment

The abattoir operator must ensure equipment used in the slaughter of animals and meat production complies with the minimum requirements set out in Parts B and C of Schedule 1.

PART 3 – PRODUCTION AND PLACING ON THE MARKET OF MEAT AND MEAT PRODUCTS

13. Production and processing of fresh meat

- (1) In this Part
 - (a) to "process meat" means to bone, mince, chill, freeze or otherwise prepare meat for sale; and
 - (b) to "produce meat" means to kill, bleed, skin, and cut up an animal.
- (2) An abattoir operator must ensure that all fresh meat to be placed on the market is produced and processed in compliance with the minimum requirements of Part A, B and C of Schedule 2.
- (3) An abattoir operator must ensure that all other meat to be placed on the market is produced and processed in compliance with the minimum requirements of Part D of Schedule 2.
- (4) The competent authority may impose other requirements for specific types of meat to ensure that the exported meat complies with the requirements of the receiving country.
- (5) The competent authority may allow meat from domestic ungulates that have undergone emergency slaughter from outside the abattoir to be used for domestic human consumption if it complies with the requirements of Part E of Schedule 2.
- (6) An abattoir operator must store and transport fresh meat in accordance with the requirements of Part F of Schedule 2.

14. Production and processing of meat products

- (1) An abattoir operator must ensure that all meat products to be placed on the market for human consumption are produced and processed in compliance with the minimum requirements of Schedule 3.
- (2) An operator of premises where minced meat, meat preparations or mechanically separated meat is produced must ensure the minimum requirements of Part A, B, C and D of Schedule 3 are complied with.

15. Placing of fresh meat on the market

(1) Meat and meat products are placed on the market for human consumption if —

- (a) the meat or the meat product is held for the purpose of sale or another form of transfer (other than an excluded sale or transfer), whether free of charge or not;
- (b) the meat or the meat product is offered for sale or another form of transfer (other than an excluded sale or transfer), whether free of charge or not.
- (2) "Placing on the market" also means, in relation to meat and meat products, the sale, distribution or other transfer of the meat or meat product (other than an excluded sale, distribution or transfer).
- (3) The direct transfer on the domestic market of small quantities of meat and meat products from farmers (producers) to final consumers are to be regarded as excluded sales, distribution and transfers for purposes of subregulation (1).

16. Health and identification marks

- (1) An abattoir operator must ensure that a health or identification mark is placed on meat or meat products before the meat or meat products leaves the abattoir.
- (2) Subject to section 5(6) of the Ordinance the Senior Veterinary Officer must ensure that marks are only used at a designated abattoir.
- (3) Subject to regulation 17, a health or identification mark must only be placed on the meat or meat products which comply with hygiene requirements specified in these Regulations in addition to verification of compliance with other requirements.
- (4) A health mark must be applied by the official veterinarian after official assessments and inspections have been conducted to ensure that no deficiencies exist that would make the meat unfit for human consumption.
- (5) An identification mark must be applied by the abattoir operator after official assessments and inspections have been conducted to ensure that no deficiencies exist that would make the meat unfit for human consumption.

17. Checks by official veterinarian before meat is placed on the market

- (1) An official veterinarian must carry out the auditing tasks referred to in Part 4 before any fresh meat is placed on the market.
- (2) When carrying out auditing tasks, the official veterinarian must take special care
 - (a) to determine whether staff and staff activities in the establishment at all stages of the production process comply with the relevant requirements of these Regulations; and
 - (b) to verify the abattoir operator's relevant records.
- (3) The official veterinarian is to ensure, in particular, that —

- (a) the health mark is placed on meat from animals that have undergone ante-mortem and post-mortem inspection in accordance with Part 4 and have been found to be fit for human consumption; and
- (b) a health mark is applied in accordance with the requirements of Schedule 4.

18. Form of health and identification mark

- (1) The health mark must be
 - (a) in the form specified in Part C of Schedule 4;
 - (b) an oval mark at least 6.5 cm wide by 4.5 cm high bearing the following information in perfectly legible characters
 - (i) on the upper part, the words "The Falkland Islands" or such letters as may be approved; and
 - (ii) in the centre, the approval number of the abattoir.
- (2) The identification mark must be
 - (a) in the form specified in Part C of Schedule 4; and
 - (b) a mark bearing the following information in perfectly legible characters
 - (i) on the upper part, the words "The Falkland Islands" or such letters as may be approved; and
 - (ii) in the centre, the approval number of the abattoir.
- (3) The official veterinarian must issue an identification mark to the abattoir operator whenever necessary.
- (4) An abattoir operator, a food business operator or any person must not place any mark that purports to be an identification mark on any meat or meat product unless it complies with this Part.

19. Packaging, marking and labelling of meat and meat products

- (1) This regulation applies to meat and meat products that are intended for placing on the market for human consumption.
- (2) An abattoir operator or a food business operator must ensure that any meat or meat product placed on the market for human consumption is marked, packaged and labelled in accordance with the specific requirements of Schedule 4.
- (3) Minced meat, meat preparations and mechanically separated meat (MSM) must be labelled in accordance with Part E of Schedule 4.

20. Requirements for frozen meat

- (1) This regulation applies to meat and meat products which are frozen before being placed on the market for human consumption.
- (2) For the purposes of this regulation, "date of production" means
 - (a) the date of slaughter in the case of carcasses, half carcasses or quarter carcasses; or
 - (b) the date of processing, cutting, mincing or preparation, as appropriate, for any other meat or meat product.
- (3) Until the stage at which meat and meat products are labelled in accordance with these Regulations and other relevant EU legislation or used for further processing, abattoir operators must ensure that in the case of frozen meat and meat products intended for human consumption, the following information is made available to the receiving country or a person to whom the meat or meat product is supplied and, upon request, to the competent authority
 - (a) the date of production; and
 - (b) the date of freezing, if different from the date of production.
- (4) Where any meat product is made from a batch of raw materials with a different date of production and date of freezing, the oldest date of production or date of freezing, as the case may be, must be made available.
- (5) The competent authority may prescribe an appropriate form which contains the information required under subregulation (3).

21. Storage and transportation

An abattoir operator must store and transport meat and meat products in accordance with the requirements of Part F of Schedule 2.

PART 4 – OFFICIAL CONTROLS, INSPECTIONS AND AUDITS

22. Duties and responsibilities of official veterinarians – Fresh Meat

- (1) The official veterinarian must carry out inspection tasks in slaughterhouses and cutting plants processing fresh meat to be placed on the market in accordance with the general requirements of Schedule 5 and with the following specific requirements
 - (a) food chain information;
 - (b) ante-mortem inspection;
 - (c) animal welfare:
 - (d) post-mortem inspection;

- (e) specified risk material and other animal by-products; and
- (f) laboratory testing.
- (2) The health marking of carcasses of domestic ungulates, as well as half-carcasses, quarters and cuts produced by cutting half-carcasses into three wholesale cuts, must be carried out in slaughterhouses in accordance with regulation 16 and Schedule 4.
- (3) The official veterinarian must take any of the following appropriate measures specified in Part C of Schedule 5 after carrying out the requirements specified in subregulations (1) and (2), in particular with regard to
 - (a) the communication of inspection results;
 - (b) decisions concerning food chain information;
 - (c) decisions concerning live animals;
 - (d) decisions concerning animal welfare; and
 - (e) decisions concerning meat.

23. Meat Hygiene Inspectors

Meat Hygiene Inspectors may assist the official veterinarian with all tasks, subject to the following restrictions and to any specific rules laid down in Part D of Schedule 5 —

- (a) in relation to auditing tasks, Meat Hygiene Inspectors may only collect information regarding good hygienic practices and HACCP-based procedures;
- (b) in relation to ante-mortem inspections and checks concerning the welfare of animals, Meat Hygiene Inspectors may only make an initial check of animals and help with purely practical tasks; and
- (c) in relation to post-mortem inspections, the official veterinary must regularly check the work of Meat Hygiene Inspectors and, in the case of inspections on animals which have undergone emergency slaughter outside the slaughterhouse, the inspection must be carried out by the official veterinarian.

24. Inspections

- (1) Abattoir operators must offer assistance so that official controls to be carried out by the competent authority can be performed effectively.
- (2) The abattoir operators must in particular
 - (a) give access to all buildings, premises, installations or other infrastructures related to the abattoir and meat production; and

(b) make available any documentation and records required or considered necessary by the competent authority.

25. Official controls

- (1) The competent authority must carry out official controls to verify abattoir operators' compliance with the requirements of these Regulations and other relevant EU legislation.
- (2) The official controls must include
 - (a) audits of good hygiene practices and HACCP-based procedures;
 - (b) the official inspection tasks and measures specified in regulation 22; and
 - (c) any particular auditing tasks specified in Schedule 5.
- (3) The competent authority must carry out an audit of good hygiene practices to verify that abattoir operators apply the following procedures continuously and properly
 - (a) checks on food-chain information;
 - (b) the design and maintenance of premises and equipment;
 - (c) pre-operational, operational and post-operational hygiene;
 - (d) personal hygiene;
 - (e) training in hygiene and in work procedures;
 - (f) pest control;
 - (g) water quality;
 - (h) temperature control; and
 - (i) controls on animals entering the abattoir, and meat and meat products leaving the establishment and any accompanying documentation.
- (4) The competent authority must carry out an audit of HACCP-based procedures to verify that abattoir operators apply the procedures continuously and properly to ensure that the procedures provide the guarantees specified in regulation 10 and in particular, determine whether the procedures guarantee, to the extent possible, that products of animal origin
 - (a) comply with microbiological criteria laid down under the Livestock and Meat Products (Examination for Contaminants, Residues and Maximum Residue Levels) Regulations 2015 and the relevant EU legislation;

- (b) comply with the Livestock and Meat Products (Examination for Contaminants, Residues and Maximum Residue Levels) Regulations 2015 and the relevant EU legislation on residues, contaminants and other prohibited substances; and
- (c) do not contain physical hazards, such as foreign bodies.
- (5) The competent authority must verify the use and application of identification marks in accordance with Part 3, in addition to verification of compliance with other traceability requirements.
- (6) The official veterinarian must, when carrying out auditing tasks take special care
 - (a) to determine whether, staff and staff activities in the abattoir at all stages of the production process comply with the relevant requirements of these Regulations;
 - (b) to verify the abattoir operator's relevant records;
 - (c) to take samples for laboratory analysis whenever necessary; and
 - (d) to document elements taken into account and the findings of the audit.
- (7) The nature and intensity of auditing tasks in respect of each abattoir must depend upon the assessed risk and the competent authority must regularly assess
 - (a) public and, where appropriate, animal health risks;
 - (b) in the case of slaughterhouses within the abattoir, animal welfare aspects;
 - (c) the type and throughput of the processes carried out in that abattoir; and
 - (d) the abattoir operator's past record as regards compliance with hygiene and other requirements of these Regulations and the relevant EU legislation.

26. Frequency of controls

- (1) The competent authority must ensure that at least one Senior Veterinary Officer is present in the abattoir and in the slaughterhouse, throughout both ante-mortem and post-mortem inspections where a risk analysis or criteria laid down to determine any risk has shown that the presence of a Senior Veterinary Officer is required.
- (2) In the absence of any risk a Senior Veterinary Officer need not be present
 - (a) at the time of ante-mortem inspection in the slaughterhouse if
 - (i) an official veterinarian carried out ante-mortem inspection at the farm, checked the food chain information and communicated the results of the check to the official auxiliary at the slaughterhouse;

- (ii) the Meat Hygiene Inspector at the slaughterhouse is satisfied that the food chain information does not point to any possible problem for food safety and that the animal's general state of health and welfare is satisfactory; and
- (iii) the official veterinarian regularly checks and is satisfied that the Meat Hygiene Inspector is carrying out those checks properly;
- (b) at all times during post-mortem inspection if
 - (i) a Meat Hygiene Inspector carries out post-mortem inspection and puts aside meat with abnormalities and all other meat from the same animal;
 - (ii) the official veterinarian subsequently inspects all such meat; and
 - (iii) the Meat Hygiene Inspector documents all the procedures and findings in a manner that allows the official veterinarian to be satisfied that standards are being met.
- (3) Subregulation (2) does not apply
 - (a) to animals that have undergone emergency slaughter;
 - (b) to animals suspected of having a disease or a condition that may adversely affect human health:
 - (c) to bovine animals from herds that have not been declared officially free of tuberculosis;
 - (d) to bovine, ovine and caprine animals from herds that have not been declared officially free of brucellosis; and
 - (e) in the case of an outbreak of any animal disease for which animal health rules are laid down in the relevant EU legislation.
- (4) The competent authority must ensure that an official veterinarian or a Meat Hygiene Inspector is present in a cutting plant when meat is being worked on with a frequency appropriate to achieving the objectives of this regulation.

PART 5 – MISCELLANEOUS PROVISIONS

27. Certificates for exporting fresh meat

- (1) Any fresh meat exported from the Falkland Islands may only be exported if a meat export certificate in respect of that fresh meat has been drawn up and issued by the competent authority.
- (2) Any certificate issued under subregulation (1) must be in one of the official languages of the receiving country to which the fresh meat is being exported and must
 - (a) accompany the fresh meat consignment in the original;

- (b) meet all the requirements specified in Schedule 6;
- (c) be issued at the time the fresh meat consignment is despatched;
- (d) be made out to a single recipient; and
- (e) have an animal health and a public health component.
- (3) Subject to section 5(6) of the Ordinance a meat export certificate can only be issued in respect of fresh meat produced and processed at a designated abattoir.
- (4) The animal health certificate referred to in subregulation (1) must certify that the fresh meat complies with animal health requirements and the hygiene requirements laid down in these Regulations and the relevant EU legislation.

28. Record keeping

- (1) A person who owns or is in control of animals must keep records of
 - (a) the nature and origin of feed fed to the animals;
 - (b) veterinary medicinal products or other treatments administered to the animals, dates of administration and withdrawal periods;
 - (c) the occurrence of diseases that may affect the safety of the meat and products of animal origin;
 - (d) the results of any analyses carried out on samples taken from animals or other samples taken for diagnostic purposes, that have importance for human health; and
 - (e) any relevant reports on checks carried out on animals or products of animal origin.
- (2) An abattoir operator must keep all the records relating to animals brought into the abattoir including any records relating to meat and meat products produced and processed in the abattoir.

29. Offences and penalties

- (1) It is an offence for a person to contravene a provision of these regulations.
- (2) A person found guilty of an offence under these regulations is liable on conviction to a term of imprisonment not exceeding 12 months, or to a fine not exceeding level 8 on the standard scale, or to both.

30. Disapplied UK Regulations

The following no longer apply to the Falkland Islands —

- (a) Fresh Meat (Hygiene and Inspection) Regulations 1995 (S.I 1995/539);
- (b) Fresh Meat (Hygiene and Inspection) (Amendment) Regulations 1995 (S.I 1995/3189); and

(c) Fresh Meat (Hygiene and Inspection) (Amendment) Regulations 1996 (S.I 1996/1148).

31. Revocation

- (1) The Designated Abattoirs (Application of Legislation) Order 1999 (S.R. & O. No. 65 of 1998) is amended by revoking paragraphs 3, 4 and 5 and revoking Schedules 1, 2 and 3.
- (2) The Abattoirs (Miscellaneous Provisions) Order 2002 (S.R. & O. No. 35 of 2002) is revoked.

SCHEDULE 1 HYGIENE REQUIREMENTS FOR ABATTOIRS

PART A - HAZARD ANALYSIS AND CRITICAL CONTROL POINTS (HACCP)

(regulation 7(2), 10(1)(b))

- 1. The abattoir operator must put in place, implement and maintain a permanent procedure or procedures based on the HACCP principles.
- 2. The HACCP principles referred to in paragraph 1 must consist of the following
 - (a) identifying any hazards that must be prevented, eliminated or reduced to acceptable levels:
 - (b) identifying the critical control points at the step or steps at which control is essential to prevent or eliminate a hazard or to reduce it to acceptable levels;
 - (c) establishing critical limits at critical control points which separate acceptability from unacceptability for the prevention, elimination or reduction of identified hazards;
 - (d) establishing and implementing effective monitoring procedures at critical control points;
 - (e) establishing corrective actions when monitoring indicates that a critical control point is not under control;
 - (f) establishing procedures, which must be carried out regularly, to verify that the measures outlined in subparagraphs (a) to (e) are working effectively; and
 - (g) establishing documents and records commensurate with the nature and size of the abattoir to demonstrate the effective application of the measures outlined in subparagraphs (a) to (f).

PART B - MINIMUM REQUIREMENTS FOR EQUIPMENT USED IN MEAT PRODUCTION

(regulation 12)

1. All articles, fittings and equipment with which meat comes into contact must be —

- (a) effectively cleaned and, where necessary, disinfected. Cleaning and disinfection must be done at set intervals to avoid any risk of contamination;
- (b) constructed with materials that enable them to be kept clean to minimise any risk of contamination;
- (c) kept in good order, repair and condition to minimise any risk of contamination;
- (d) disinfected where necessary, with the exception of non-returnable containers and packaging; and
- (e) installed in a manner that allows adequate cleaning of the equipment and the surrounding area.
- 2. Where necessary, equipment is to be fitted with any appropriate control device to guarantee fulfilment of these objectives.
- 3. Where chemical additives have to be used to prevent corrosion of equipment and containers, they must be used in accordance with good practice.

PART C – GENERAL REQUIREMENTS RELATING TO ABATTOIR PREMISES AND EQUIPMENT

(regulation 12)

- 1. Abattoir operators must ensure that the construction, layout and equipment of abattoirs in which domestic ungulates are slaughtered meet the following requirements
 - (a) abattoirs must have adequate and hygienic lairage facilities or, climate permitting, waiting pens that are easy to clean and disinfect. These facilities must be equipped for watering the animals and, if necessary, feeding them. The drainage of the waste water must not compromise meat safety and animal health;
 - (b) abattoirs must also have separate lockable facilities or, climate permitting, pens for sick animals or animals suspected of being sick with separate drainage and sited in such a way as to avoid contamination of other animals, unless the competent authority considers that such facilities are unnecessary; and
 - (c) the size of the lairage facilities must ensure that the welfare of animals is respected. The layout must facilitate ante-mortem inspections, including the identification of the animals or groups of animals and there must be adequate lighting to facilitate this.
- 2. To avoid contamination of meat, the abattoir operator must
 - (a) have a sufficient number of rooms, appropriate to the operations being carried out;

- (b) have a separate room for the emptying and cleaning of stomachs and intestines, unless the competent authority authorises different times within which these operations may be carried out within a specific abattoir on a case-by-case basis;
- (c) ensure the following operations are carried out at different times and in different places—
 - (i) stunning and bleeding;
 - (ii) in the case of porcine animals, scalding, depilation, scraping and singeing;
 - (iii) evisceration and further dressing;
 - (iv) handling clean guts and tripe;
 - (v) preparation and cleaning of other offal, particularly the handling of skinned heads if it does not take place at the slaughter line;
 - (vi) packaging offal; and
 - (vii) dispatching meat;
- (d) have installations that prevent contact between the meat and the floors, walls and fixtures; and
- (e) have slaughter lines (where operated) that are designed to allow constant progress of the slaughter process and to avoid cross-contamination between the different parts of the slaughter line. Where more than one slaughter line is operated in the same premises, there must be adequate separation of the lines to prevent cross-contamination.
- 3. There must be facilities for disinfecting tools with hot water (at not less than 82°C), or an alternative system which has an equivalent effect.
- 4. The equipment for washing hands used by the staff engaged in handling exposed meat must have taps designed to prevent contamination.
- 5. There must be lockable facilities for the refrigerated storage of detained meat and separate lockable facilities for the storage of meat declared unfit for human consumption.
- 6. There must be a separate place with appropriate facilities for the cleaning, washing and disinfection of any vessel used in the transport of livestock. However, slaughterhouses may not have these places and facilities if the competent authority permits and official authorised places and facilities exist nearby that can be used.
- 7. There must be lockable facilities reserved for the slaughter of sick animals or any animals suspected of being sick. This is not essential if the slaughter takes place in any other establishment authorised by the competent authority for this purpose, or at the end of the normal slaughter period.

- 8. If manure or digestive tract content is stored in the slaughterhouse, there must be a special area or place where it is stored.
- 9. There must be an adequately equipped lockable facility or, where needed, a room for the exclusive use for the competent authority.

PART D - WASTE

- 1. Abattoir operators must remove any animal waste, non-edible by-products and other refuse from rooms where meat is produced as quickly as possible, so that waste or any refuse does not accumulate.
- 2. Animal waste, non-edible by-products and other refuse must be deposited in closable and leak proof containers, unless abattoir operators can demonstrate to the competent authority that other types of containers or evacuation systems used are appropriate.
- 3. The containers must be
 - (a) constructed appropriately (leak proof);
 - (b) labelled;
 - (c) kept in sound condition; and
 - (d) easy to clean and if necessary, easy to disinfect.
- 4. There must be adequate provision for the storage and disposal of waste, non-edible by-products and other refuse.
- 5. Refuse stores are to be designed and managed in such a way that they are easy to clean and, where necessary, kept far from animals and where necessary be kept free of pests.
- 6. All waste must be eliminated in a hygienic and environmentally friendly way in accordance with the Environmental Protection (Overseas Territories) Order 1988 (S.I. 1988/1084) as amended by the Environmental Protection (Overseas Territories) (Amendment) Order 1997).

PART E - WATER SUPPLY

- 1. There must be facilities to provide adequate supplies of potable water, which is to be used whenever necessary to ensure that meat and meat products are not contaminated.
- 2. If there is a supply of non-potable water
 - (a) the pipes installed for the purpose must preclude the use of that water for purposes other than
 - (i) the production of steam;

- (ii) fire-fighting; or
- (iii) the cooling of refrigeration equipment;
- (b) the pipes used for non-potable water pipes must be clearly distinguishable from those used for potable water;
- (c) there must be no risk of contamination of meat and meat products.
- 3. If recycled water is used it must
 - (a) not present a risk of contamination of meat and meat products;
 - (b) be of the same standard as potable water.
- 4. Ice used for the chilling of meat and meat products must
 - (a) be made from potable water; and
 - (b) be stored before use under conditions that prevent its contamination.
- 5. Steam used directly in the preparation of meat and meat products must not contain any substance that presents a hazard to health or is likely to contaminate the meat.
- 6. Where any heat treatment is applied to meat or meat products in hermetically sealed containers it must not be a source of contamination.

PART F - PERSONAL HYGIENE

- 1. All staff working in the abattoir must
 - (a) maintain a high degree of personal cleanliness; and
 - (b) wear suitable, clean and, where necessary, protective clothing.
- 2. Any member of staff who suffers from, or is a carrier of a disease likely to be transmitted to the meat and meat products must not be permitted
 - (a) to handle meat and meat products; or
 - (b) to enter any area in any capacity if there is any likelihood of direct or indirect contamination.
- 3. A member of staff who is likely to come into contact with meat must immediately report any illness or symptoms, and if possible their causes, to the abattoir operator.

SCHEDULE 2

PRODUCING, PROCESSING AND PLACING FRESH MEAT AND MEAT PRODUCTS ON THE MARKET

PART A- PRODUCTION AND PROCESSING OF FRESH MEAT- ABATTOIR HYGIENE

(regulation 13(2))

A person who operates an abattoir at which domestic ungulates are slaughtered must ensure compliance with the following requirements —

- 1. After arrival in the abattoir, the slaughter of the animals must not be unduly delayed. However, where required for welfare reasons, animals must be given a resting period before slaughter.
- 2. Meat from animals other than those referred to in paragraphs 3 and 4 must not be used for human consumption if they die otherwise than by being slaughtered in the abattoir.
- 3. Only live animals intended for slaughter may be brought into the slaughter premises, with the exception of animals that have undergone emergency slaughter outside the slaughterhouse.
- 4. Meat from animals that undergo slaughter following an accident in an abattoir may be used for human consumption if, on inspection, no serious lesions other than those due to the accident are found.
- 5. The animals or, where appropriate, each batch of animals sent for slaughter must be identified so that their origin can be traced.
- 6. Animals must be clean.
- 7. Abattoir operators must follow the instructions of the official veterinarian to ensure that antemortem inspection of every animal to be slaughtered is carried out under suitable conditions.
- 8. Animals brought into the slaughter hall must be slaughtered without undue delay.
- 9. Stunning, bleeding, skinning, evisceration and other dressing must be carried out without undue delay and in a manner that avoids contaminating the meat. In particular
 - (a) the trachea and oesophagus must remain intact during bleeding, except in the case of slaughter according to a religious custom;
 - (b) during the removal of hides and fleece
 - (i) contact between the outside of the skin and the carcass must be prevented; and
 - (ii) operators and equipment coming into contact with the outer surface of hides and fleece must not touch the meat;

- (c) measures must be taken to prevent the spillage of digestive tract content during and after evisceration and to ensure that evisceration is completed as soon as possible after stunning; and
- (d) removal of the udder must not result in contamination of the carcass with milk or colostrum.
- 10. Complete skinning of the carcass and other parts of the body intended for human consumption must be carried out, except for porcine animals and the heads and feet of ovine and caprine animals and calves. Heads and feet must be handled so as to avoid contamination of other meat.
- 11. When not skinned, porcine animals must have their bristles removed immediately. The risk of contamination of the meat with scalding water must be minimised. Only approved additives may be used for this operation. Porcine animals must be thoroughly rinsed afterwards with potable water.
- 12. The carcasses must not contain visible faecal contamination. Any visible contamination must be removed without delay by trimming or alternative means having an equivalent effect.
- 13. Carcasses and offal must not come into contact with floors, walls or work stands.
- 14. Abattoir operators must follow the instructions of the competent authority to ensure that post-mortem inspection of all slaughtered animals is carried out under suitable conditions.
- 15. Until post-mortem inspection is completed, parts of a slaughtered animal subject to such inspection must
 - (a) remain identifiable as belonging to a given carcass; and
 - (b) come into contact with no other carcass, offal or viscera, including those that have already undergone post-mortem inspection.

However, provided that it shows no pathological lesion, the penis may be discarded immediately.

- 16. Both kidneys must be removed from their fatty covering. In the case of bovine and porcine animals, and solipeds, the peri-renal capsule must also be removed.
- 17. If the blood or other offal of several animals is collected in the same container before completion of post-mortem inspection, the entire contents must be declared unfit for human consumption if the carcass of one or more of the animals concerned has been declared unfit for human consumption.
- 18. After post-mortem inspection
 - (a) the tonsils of bovine animals must be removed hygienically;

- (b) parts unfit for human consumption must be removed as soon as possible from the clean sector of the establishment;
- (c) meat detained or declared unfit for human consumption and inedible by-products must not come into contact with meat declared fit for human consumption; and
- (d) viscera or parts of viscera remaining in the carcass, except for the kidneys, must be removed entirely and as soon as possible, unless the competent authority authorises otherwise.
- 19. After completion of slaughter and post-mortem inspection, the meat must be stored in accordance with the requirements laid down in Part E of this Schedule.
- 20. When destined for further handling
 - (a) stomachs must be scalded or cleaned;
 - (b) intestines must be emptied and cleaned; and
 - (c) heads and feet must be skinned or scalded and depilated.
- 21. Where establishments are approved for the slaughter of different animal species precautions must be taken to prevent cross-contamination by separation either in time or in space of operations carried out on the different species.
- 22. If the abattoir does not have lockable facilities reserved for the slaughter of sick animals or animals suspected of being sick, the facilities used to slaughter such animals must be cleaned, washed and disinfected under official supervision before the slaughter of other animals is resumed.

PART B - REQUIREMENTS FOR CUTTING PLANTS

(regulation 13(2))

An abattoir operator must ensure that cutting plants handling meat of domestic ungulates —

- (1) are constructed so as to avoid contamination of meat, in particular by
 - (a) allowing constant progress of the operations; or
 - (b) ensuring separation between the different production batches;
- (2) have rooms for the separate storage of packaged and exposed meat, unless stored at different times or in such a way that the packaging material and the manner of storage cannot be a source of contamination for the meat:
- (3) have cutting rooms equipped to ensure compliance with the requirements laid down in Part C;

- (4) have equipment for washing hands with taps designed to prevent the spread of contamination, for use by staff engaged in handling exposed meat; and
- (5) have facilities for disinfecting tools with hot water supplied at not less than 82°C, or an alternative system that has an equivalent effect.

PART C - HYGIENE DURING CUTTING AND BONING: FRESH MEAT

(regulation 13(2))

Abattoir operators must ensure that cutting and boning of meat of domestic ungulates takes place in accordance with the following requirements —

- 1. Carcasses of domestic ungulates may be cut as follows
 - (a) at slaughterhouses, into half-carcasses or quarters, and half carcasses into no more than three wholesale cuts; and
 - (b) any further cutting and boning must be carried out in a cutting plant;
- 2. The work on meat must be organised in such a way as to prevent or minimise contamination. To this end, operators must ensure in particular that
 - (a) meat intended for cutting is brought into the workrooms progressively as needed;
 - (b) during cutting, boning, trimming, slicing, dicing, wrapping and packaging, the meat is maintained at not more than 3°C for offal and 7°C for other meat, by means of an ambient temperature of not more than 12°C or an alternative system having an equivalent effect; and
 - (c) where the premises are approved for the cutting of meat of different animal species, precautions are taken to avoid cross-contamination, where necessary by separation of the operations on the different species in either space or time;
- 3. However, meat may be boned and cut before it reaches the temperature referred to in paragraph 2(b) in accordance with paragraph 2 of Part F of this Schedule; and
- 4. Meat may also be boned and cut prior to reaching the temperature referred to in paragraph 2(b) when the cutting room is on the same site as the slaughter premises. In this case, the meat must be transferred to the cutting room either directly from the slaughter premises or after a waiting period in a chilling or refrigerating room. As soon as it is cut and, where appropriate, packaged, the meat must be chilled to the temperature referred to in paragraph 2(b).

PART D - TREATED STOMACHS, BLADDERS AND INTESTINES

(regulation 13(3))

Abattoir operators treating stomachs, bladders and intestines must ensure compliance with the following requirements —

- 1. Animal intestines, bladders and stomachs may be placed on the market only if
 - (a) they derive from animals which have been slaughtered in a slaughterhouse, and which have been found fit for human consumption following ante-mortem and post-mortem inspection;
 - (b) they are salted, heated or dried; and
 - (c) after the treatment referred to in paragraph (b), effective measures are taken to prevent recontamination.
- 2. Treated stomachs, bladders and intestines that cannot be kept at ambient temperature must be stored chilled using facilities intended for that purpose until their dispatch. In particular, products that are not salted or dried must be kept at a temperature of not more than 3°C.

PART E - EMERGENCY SLAUGHTER OUTSIDE THE ABATTOIR SLAUGHTERHOUSE

(regulation 13(5))

Abattoir operators must ensure that meat from domestic ungulates that have undergone emergency slaughter outside the slaughterhouse may be used for human consumption only if it complies with all the following requirements —

- 1. A healthy animal which has suffered an accident that prevented its transport to the abattoir for welfare reasons.
- 2. An official veterinarian must carry out an ante-mortem inspection of the animal.
- 3. The slaughtered and bled animal must be transported to the abattoir hygienically and without undue delay.
- 4. Removal of the stomach and intestines, but no other dressing, may take place on the spot, under the supervision of the official veterinarian.
- 5. Any viscera removed must accompany the slaughtered animal to the slaughterhouse and be identified as belonging to that animal.
- 6. If more than two hours elapse between slaughter and arrival at the slaughterhouse, the animal must be refrigerated. Where climatic conditions so permit, active chilling is not necessary.
- 7. A declaration by the farmer who reared the animal, stating the identity of the animal and indicating any veterinary products or other treatments administered to the animal, dates of administration and withdrawal periods, must accompany the slaughtered animal to the abattoir.
- 8. A declaration issued by the official veterinarian recording the outcome of the ante-mortem inspection, the date and time of, and reason for, emergency slaughter, and the nature of any

treatment administered by the official veterinarian to the animal, must accompany the slaughtered animal to the slaughterhouse.

- 9. The slaughtered animal must be fit for human consumption following post-mortem inspection carried out in the slaughterhouse in accordance with Part B of Schedule 5, including any additional tests required in the case of emergency slaughter.
- 10. Abattoir and food business operators must follow any instructions that the official veterinarian may give after post-mortem inspection concerning the use of the meat.
- 11. Abattoirs and food business operators may not place meat from animals having undergone emergency slaughter on the market unless it bears a special health mark which cannot be confused with the health or identification mark provided for in regulation 16. The meat may only be placed on the market for domestic purposes.

PART F - STORAGE AND TRANSPORT OF FRESH MEAT

(regulation 13(6))

Abattoir operators must ensure that the storage and transport of meat of domestic ungulates takes place in accordance with the following requirements —

- 1. Meat is chilled immediately after post-mortem inspection and is kept chilled to ensure a temperature throughout the meat of not more than 3 °C for offal and 7 °C for other meat along a chilling curve that ensures a continuous decrease of the temperature.
- 2. Meat may be cut and boned during chilling in accordance with Part B of this Schedule and during the chilling operations there must be adequate ventilation to prevent condensation on the surface of the meat.
- 3. Meat must attain the temperature specified under paragraph 1 and remain at that temperature during storage.
- 4. Meat must attain the temperature specified under paragraph 1 before it can be transported, and must remain at that temperature during transport. Meat may still be transported at a different temperature if the competent authority authorises the transport to enable the production of specific products, provided that
 - (a) transport takes place in accordance with the requirements that the competent authority specifies in respect of transporting the meat from one particular establishment to another; and
 - (b) the meat leaves the slaughterhouse, or a cutting room on the same site as the abattoir premises immediately and the total transport time does not take more than two hours.
- 5. Meat intended for freezing must be frozen without undue delay, taking into account where necessary a stabilisation period before freezing.

6. Exposed meat must be stored and transported separately from packaged meat, unless stored or transported at different times or in such a way that the packaging material and the manner of storage or transport does not result in the meat being contaminated.

SCHEDULE 3 PRODUCTION AND PROCESSING OF MEAT PRODUCTS – MINCED MEAT AND MECHANICALLY SEPARATED MEAT (MSM)

(regulation 14(1))

PART A - MEAT PRODUCTS

(regulation 14(2))

- 1. An abattoir operator must ensure that the following items are not used in the preparation of meat products
 - (a) genital organs of either female or male animals, except testicles;
 - (b) urinary organs, except the kidneys and the bladder;
 - (c) the cartilage of the larynx, the trachea and the extra-lobular bronchi;
 - (d) eyes and eyelids;
 - (e) the external auditory meatus; and
 - (f) horn tissue.
- 2. All meat, including minced meat and meat preparations, used to produce meat products must meet the requirements for fresh meat. However, minced meat and meat preparations used to produce meat products need not satisfy other specific requirements of this Schedule.

PART B - REQUIREMENTS FOR PRODUCTION ESTABLISHMENTS

(regulation 14(2))

- 1. Abattoir operators producing minced meat, meat preparations or mechanically separated meat (MSM) must ensure that the facilities
 - (a) are constructed so as to avoid contamination of meat and meat products, in particular by—
 - (i) allowing constant monitoring of the operations to ensure the facilities are fit for purpose; and
 - (ii) ensuring there is adequate separation between the different production batches;
 - (b) have rooms to allow separate storage of packaged and exposed meat and products, and if there are not enough rooms to allow this the meat and meat products must be stored at

different times or in such a way that the packaging material and the manner of storage cannot be a source of contamination for the meat or products;

- (c) have rooms equipped to ensure compliance with the temperature requirements laid down in Part D of this Schedule:
- (d) have equipment for washing hands used by staff handling exposed meat and products with taps designed to prevent the spread of contamination; and
- (e) have facilities for disinfecting tools with hot water supplied at not less than 82°C, or an alternative system which has an equivalent effect.

PART C - REQUIREMENTS FOR RAW MATERIAL

(regulation 14(2))

An abattoir operator who produces minced meat, meat preparations or MSM must ensure that the raw materials used in the process satisfy the following requirements —

- (1) The raw material used to prepare minced meat must meet the following requirements
 - (a) it must comply with the requirements for fresh meat;
 - (b) it must be taken from skeletal muscle, including adherent fatty tissues;
 - (c) it must not be taken from
 - (i) scrap cuttings and scrap trimmings (other than whole muscle cuttings);
 - (ii) MSM;
 - (iii) meat containing bone fragments or skin; or
 - (iv) meat of the head with the exception of the masseters, the non-muscular part of the linea alba, the region of the carpus and the tarsus, bone scrapings and the muscles of the diaphragm (unless the serosa has been removed).
- (2) The following raw material may be used to prepare meat preparations
 - (a) fresh meat;
 - (b) meat which meets the requirements of paragraph (1); and
 - (c) if the meat preparation is not intended to be consumed without first undergoing heat treatment
 - (i) meat taken from the mincing or fragmentation of meat which meets the requirements of paragraph (1) except paragraph 1(c)(i); and

- (ii) MSM meeting the requirements of Part D, paragraph (3)(d) of this Schedule.
- (3) The raw material used to produce MSM must meet the following requirements
 - (a) it must comply with the requirements for fresh meat;
 - (b) the following material must not be used to produce MSM
 - (i) the bones of the head; and
 - (ii) feet, tails, femur, tibia, fibula, humerus, radius and ulna.

PART D - HYGIENE DURING AND AFTER PRODUCTION

(regulation 14(2))

Abattoir operators producing minced meat, meat preparations or MSM must ensure compliance with the following requirements —

- (1) Any processing to be done on the meat must be organised in such a way as to prevent or minimise contamination and abattoir operators must ensure that the meat used
 - (a) is at a temperature of not more than 3°C for offal and 7°C for other meat; and
 - (b) is only brought into the preparation room when needed.
- (2) The following requirements apply to the production of minced meat and meat preparations
 - (a) frozen or deep-frozen meat used for the preparation of minced meat or meat preparations must be boned before freezing unless the competent authority authorises boning immediately before mincing;
 - (b) frozen or deep-frozen meat used for the preparation of minced meat or meat preparations may be stored only for a limited period;
 - (c) when prepared from chilled meat, minced meat must be prepared
 - (i) within no more than 6 days of slaughter in the case of any animal other than poultry (poultry must be prepared within 3 days); or
 - (ii) within no more than 15 days from slaughter of the animal in the case of boned, vacuum-packed beef and veal.
 - (d) immediately after production, minced meat and meat preparations must be wrapped or packaged and be
 - (i) chilled to an internal temperature of not more than 2°C for minced meat and 4°C for meat preparations; or

- (ii) frozen to an internal temperature of not more than -18°C.
- (3) The following requirements apply to the production and use of MSM produced using techniques that do not alter the structure of the bones used in the production of MSM and the calcium content of which is not significantly higher than that of minced meat
 - (a) raw material for deboning from an on-site slaughterhouse must be no more than 7 days old; otherwise, raw material for deboning must be no more than 5 days old;
 - (b) mechanical separation must take place immediately after deboning;
 - (c) if not used immediately after being obtained, MSM must be wrapped or packaged and then chilled to a temperature of not more than 2°C or frozen to an internal temperature of not more than -18°C;
 - (d) if the abattoir operator has carried out scientific risk assessment/analyses demonstrating that MSM complies with the prescribed microbiological criteria for minced meat it may be used in meat preparations that are clearly not intended to be consumed without first undergoing heat treatment and in meat products; and
 - (e) MSM which does not comply with the criteria referred to in subparagraph (d) may only be used to manufacture heat-treated meat products in establishments approved in accordance with the Ordinance.
- (4) The following requirements apply to the production and use of MSM produced using techniques other than those mentioned in paragraph (3)
 - (a) raw material for deboning from an on-site slaughterhouse must be no more than 7 days old; otherwise, raw material for deboning must be no more than 5 days old;
 - (b) if mechanical separation does not take place immediately after deboning the flesh-bearing bones must be stored and transported at a temperature of not more than 2° C or, if frozen, at a temperature of not more than -18° C;
 - (c) flesh-bearing bones obtained from frozen carcasses must not be refrozen;
 - (d) if not used within one hour of being obtained, MSM must be chilled immediately to a temperature of not more than 2°C;
 - (e) if, after chilling, MSM is not processed within 24 hours, it must be frozen within 12 hours of production and reach an internal temperature of not more than -18°C within six hours;
 - (f) frozen MSM must be wrapped or packaged before storage or transport, must not be stored for more than three months and must be maintained at a temperature of not more than -18° C during storage and transport; and

- (g) MSM may be used only to manufacture heat-treated meat products in establishments approved in accordance with the Ordinance.
- (5) Minced meat, meat preparations and MSM must not be re-frozen after thawing.
- (6) The temperature conditions specified under paragraph (2)(d) must be maintained during storage and transport of minced meat and MSM.

SCHEDULE 4

PACKAGING, MARKING AND LABELLING OF MEAT AND MEAT PRODUCTS

PART A - APPLICATION OF THE HEALTH MARK

(regulation 19(2))

- 1. A health mark must be applied before the meat or meat product leaves the abattoir.
- 2. A health mark must be applied on the external surface of the carcass, by stamping the mark in ink in such a way that, if carcasses are cut into half carcasses or quarters, or half carcasses are cut into three pieces, each piece bears a health mark.

PART B - APPLICATION OF THE IDENTIFICATION MARK

(regulation 19(2))

- 1. An identification mark must be applied before the meat or meat product leaves the abattoir.
- 2. A new identification mark need not be applied to a product unless its packaging or wrapping is removed or it is further processed in another establishment, in which case the new mark must indicate the approval number of the establishment where these operations take place.
- 3. Abattoir operators must have in place systems and procedures to identify food business operators to whom they have delivered meat and meat products.

PART C- FORM OF THE HEALTH AND IDENTIFICATION MARKS

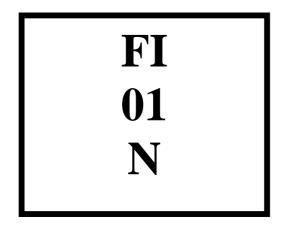
HEALTH MARKS

(regulation 18(1)(a))

Figure 1 —Health Mark for Meat Intended for Export



Figure 2 - Health Mark for Meat Intended for Domestic Market



IDENTIFICATION MARK

(regulation 18(2)(b))

Figure 3 – Identification Mark



PART D - METHOD OF MARKING/LABELLING

(regulation 19(2)

- 1. The mark may, depending on the presentation of different products of animal origin, be applied directly to the product, the wrapping or the packaging, or be printed on a label affixed to the product, the wrapping or the packaging.
- 2. The mark may also be an irremovable tag made of resistant material.
- 3. In the case of packaging containing cut meat or offal, the mark must be applied to a label fixed to the packaging, or printed on the packaging, in such a way that it is not destroyed when the packaging is opened but this is not necessary if the process of opening destroys the packaging.
- 4. When wrapping provides the same protection as packaging, the label may be affixed to the wrapping.
- 5. For products of animal origin that are placed in transport containers or large packages and are intended for further handling, processing, wrapping or packaging in another establishment, the mark may be applied to the external surface of the container or packaging.
- 6. When products of animal origin are placed in a package destined for direct supply to the final consumer, it is sufficient to apply the mark to the exterior of that package only.
- 7. When the mark is applied directly to products of animal origin, the colouring used must be acceptable for use in foodstuffs.

PART E -- MANDATORY FOOD INFORMATION REQUIRED FOR EXPORTED PRODUCTS

A. Requirements for the name of the food (products of animal origin)

- 1. The name or type of animal product must be accompanied by particulars as to the physical condition of the product or the specific treatment which it has undergone (e.g. powdered, refrozen, smoked, etc.)
- 2. It must be made clear if the product has been frozen and defrosted before sale.
- 3. It must be made clear if the product contains added proteins from a different animal.
- 4. It must be made clear if water has been added to meat products that make up more than 5% of the finished product weight.
- 5. It must be made clear if meat products have been made by adding different pieces of meat.

B. The list of ingredients in the meat or meat product

- 1. This is not required for foods consisting of a single ingredient where the name of the food is identical to the ingredient name or the name of the food enables the nature of the ingredient to be clearly identified.
- 2. Any ingredient or processing aid listed in Annex II of EU Regulation 1169/2011 that may cause allergies or intolerances.
- 3. The indication of these ingredients is not required in cases where the name of the product clearly refers to the substance or product concerned.

C. The quantity of certain ingredients or categories of ingredients

This is not required for products consisting of a single ingredient where the name of the product is identical to the ingredient name or the name of the product enables the nature of the ingredient to be clearly identified.

D. The net quantity of the product

The net quantity of the product must be expressed using litres, centilitres, millilitres, kilograms or grams, as appropriate.

E. The date of minimum durability or the 'use by' date

- 1. In the case of products which, from a microbiological point of view, are highly perishable and are therefore likely after a short period to constitute an immediate danger to human health
 - (a) the date of minimum durability must be replaced by the 'use by' date; and
 - (b) after the 'use by' date the product must be deemed to be unsafe.
- 2. In the case of products which are not highly perishable, a period of minimum durability may be indicated by a 'best before' date, with that date preceded by the words —

- (a) "Best before ..." when the date includes an indication of the day; or
- (b) "Best before end ..." in other cases,

with the words accompanied by either the date itself, or a reference to where the date is given on the labelling.

- 3. Where the product is to keep for the specified period, the particulars under paragraph 2 must be followed by a description of the storage conditions which must be observed, and the date must consist of the day, the month and possibly, the year, in that order and in un-coded form.
- 4. Where the product will not keep for more than 3 months, an indication of the day and the month is sufficient, and the labelling requirements are as follows
 - (a) for products which will keep for more than 3 months but not more than 18 months, an indication of the month and year is sufficient;
 - (b) for products which will keep for more than 18 months, an indication of the year is sufficient,

including any special storage conditions or conditions of use.

F. The name or business name and address of the food business operator

- 1. The operator responsible for the product information is the operator under whose name or business name the food is marketed or imported into the EU market.
- 2. The information must include the country of origin or place of provenance.
- 3. The information must contain instructions for use where it would be difficult to make appropriate use of the product in the absence of those instructions.

G. A nutrition declaration

This is not necessary for unprocessed products comprising a single ingredient or category of ingredients.

PART F - LABELLING OF MINCED MEAT, MEAT PREPARATIONS AND MECHANICALLY SEPARATED MEAT (MSM)

(regulation 19(3))

Any package intended for supply to the final consumer containing minced meat or meat preparations containing MSM must bear a notice indicating that the products should be cooked before consumption.

SCHEDULE 5 PART A - AUDITING TASKS

- 1. In addition to the general requirements of regulation 23 concerning audits of good hygiene practices, the official veterinarian must verify continuous compliance with the abattoir operators' own procedures concerning any collection, transport, storage, handling, processing and use or disposal of animal by-products, including specified risk material, for which the abattoir operator is responsible.
- 2. In addition to the general requirements of regulation 10 concerning audits of HACCP-based principles, the official veterinarian must check that the abattoir operators' procedures guarantee, to the extent possible, that meat —
- (a) does not contain patho-physiological abnormalities or changes;
- (b) does not bear faecal or other contamination; and
- (c) does not contain specified risk material, except as provided for under the relevant EU legislation, and has been produced in accordance with the relevant legislation on transmissible spongiform encephalopathies (TSEs).
- 3. "Specified risk material" means material referred to in the Livestock and Meat Products (TSE Control) Regulations 2015 (SR&O No ?? of 2015).

PART B - INSPECTION TASKS

When carrying out inspection tasks in accordance with this Part, the official veterinarian must take account of the results of the auditing tasks carried out in accordance with Part A of this Schedule and where appropriate the official veterinarian must target inspection tasks accordingly.

1. Food chain information

- (a) The official veterinarian must check and analyse relevant information from the records of the farm from which animals intended for slaughter were kept and to take into account the documented results of this check and analysis when carrying out ante- and post-mortem inspection.
- (b) When carrying out inspection tasks, the official veterinarian must take account of official certificates accompanying animals, and any declarations made by official veterinarians carrying out controls at the level of primary production.
- (c) When food business operators in the food chain take additional measures to guarantee food safety by implementing integrated systems, private control systems, independent third party certification or by other means, and when these measures are documented and animals covered by these schemes clearly identifiable, the official veterinarian may take this into account when carrying out inspection tasks and reviewing the HACCP-based procedures.

2. Ante-mortem inspection

- (a) Subject to paragraphs (d) and (e)
 - (i) the official veterinarian is to carry out an ante-mortem inspection of all animals before slaughter;
 - (ii) the inspection must take place within 24 hours of arrival at the slaughterhouse and less than 24 hours before slaughter; and
 - (iii) the official veterinarian may require inspection at any other time.
- (b) Ante-mortem inspection must in particular determine whether, as regards the particular animal inspected, there is any sign
 - (i) that welfare has been compromised; or
 - (ii) of any condition which might adversely affect human or animal health, paying particular attention to the detection of zoonotic diseases and any other prescribed animal diseases.
- (c) In addition to routine ante-mortem inspection, the official veterinarian is to carry out a clinical inspection of all animals that the abattoir operator or a Meat Hygiene Inspector may have put aside.
- (d) In the case of emergency slaughter outside the slaughterhouse, the official veterinarian must examine the declaration accompanying the animal issued by the official veterinarian or the trained person in accordance with Part D of Schedule 2.
- (e) Where provided for in Part C or D of this Schedule, ante-mortem inspection may be carried out at the farm. In such cases, the official veterinarian at the slaughterhouse must carry out ante-mortem inspection only when and to the extent specified.

3. Animal welfare

The official veterinarian must verify compliance with relevant EU legislation and the Livestock and Meat Products (Protection of Animals at Time of Slaughter or Killing) Regulations 2015 (SR&O No ?? of 2015), concerning the welfare of animals at the time of slaughter or killing.

4. Post-mortem inspection

- (a) Carcasses and accompanying offal are to be subjected without delay after slaughter to post-mortem inspection and
 - (i) all external surfaces are to be viewed;

- (ii) minimal handling of the carcass and offal or special technical facilities may be required for that purpose;
- (iii) particular attention must be paid to the detection of zoonotic diseases and diseases on the OIE listed diseases (Office International des Epizooties (World Organisation for Animal Health); and
- (iv) the speed of the slaughter line and the number of inspection staff present are to be such as to allow for proper inspection.
- (b) Additional examinations are to take place, such as palpation and incision of parts of the carcass and offal and laboratory tests, whenever considered necessary
 - (i) to reach a definitive diagnosis; or
 - (ii) to detect the presence of
 - (aa) an animal disease;
 - (bb) residues or contaminants in excess of the levels laid down under the relevant EU legislation;
 - (cc) non-compliance with microbiological criteria; or
 - (dd) other factors that might require the meat to be declared unfit for human consumption or for restrictions to be placed on its use, particularly in the case of animals having undergone emergency slaughter.
- (c) The official veterinarian is to require carcasses of bovine animals over six months old and domestic swine over four weeks old to be submitted for post-mortem inspection split lengthways into half carcasses down the spinal column.
- (d) If the inspection so necessitates, the official veterinarian may also require any head or any carcass to be split lengthways however, to take account of particular eating habits, technological developments or specific sanitary situations, the competent authority may authorise the submission for inspection of carcasses of bovine animals over six months old and domestic swine over four weeks old, not split in half.
- (e) During the inspection, precautions must be taken to ensure that contamination of the meat by actions such as palpation, cutting or incision is kept to a minimum.
- (f) In the event of an emergency slaughter, the carcass must be subjected to post-mortem examination as soon as possible in accordance with paragraphs (a) to (e) before it is released for human consumption.

5. Specified risk material and other animal by-products

- (a) The official veterinarian must check the removal, separation and, where appropriate, marking of products in accordance with the specific relevant EU legislation on specified risk material and other animal by-products.
- (b) The official veterinarian must ensure that the abattoir operator takes all necessary measures to avoid contaminating meat with specified risk material during slaughter (including stunning) and removal of specified risk material.

6. Laboratory testing

- (a) The official veterinarian must ensure that sampling takes place and that samples are appropriately identified and handled and sent to the appropriate laboratory within the framework of
 - (i) the monitoring and control of zoonoses and zoonotic agents;
 - (ii) specific laboratory testing for the diagnosis of TSEs in accordance with the relevant EU legislation;
 - (iii) the detection of unauthorised substances or products and the control of regulated substances, in particular within the framework of the relevant EU legislation; and
 - (iv) the detection of other prescribed animal diseases.
- (b) The official veterinarian must ensure that any other necessary laboratory testing takes place.

PART C - ACTION FOLLOWING CONTROLS

1. Communication of inspection results

- (a) The official veterinarian must record and evaluate the results of inspection activities.
- (b) The official veterinarian must inform
 - (i) the abattoir operator if inspections reveal the presence of any disease or conditions that might affect public or animal health, or compromise animal welfare;
 - (ii) the official veterinarian attending the farm or the person in charge of the farm when the problem identified arose during primary production, (provided that such information would not prejudice subsequent legal proceedings).
- (c) The results of inspections and tests are to be included or kept in relevant databases.

(d) When the official veterinarian, while carrying out ante-mortem or post-mortem inspection or any other inspection activity, suspects the presence of an infectious agent of animal diseases the official veterinarian must take all necessary measures and precautions to prevent the possible spread of the infectious agent in accordance with the relevant EU legislation.

2. Decisions concerning food chain information

- (a) Subject to paragraph (b) the official veterinarian must verify that animals are not slaughtered unless the abattoir operator has been provided with and checked relevant food chain information.
- (b) The official veterinarian may allow animals to undergo slaughter in the abattoir even if the relevant food chain information is not available provided
 - (i) all relevant food chain information is supplied before the carcass is approved for human consumption;
 - (ii) carcasses and related offal from those animals are stored separately from other meat pending submission of the food chain information.
- (c) Where the relevant food chain information is not made available within 24 hours of an animal's arrival at the slaughterhouse
 - (i) in the case where the animal was already slaughtered, all meat from the animal is to be declared unfit for human consumption; and
 - (ii) in the case where the animal has not yet been slaughtered, it must be slaughtered separately from other animals.
- (d) When the accompanying records, documentation or other information shows that
 - (i) animals come from a farm or an area subject to a movement prohibition or other restriction for reasons of animal or public health;
 - (ii) rules on the use of veterinary medicinal products have not been complied with; or
 - (iii) any other condition which might adversely affect human or animal health is present, animals may not be accepted for slaughter other than in accordance with procedures laid down under relevant EU legislation to eliminate human or animal health risks.
- (e) If the animals are already present at the abattoir, they must be killed separately and declared unfit for human consumption, taking precautions to safeguard animal and public health where appropriate.
- (f) Official controls may be carried out on that farm whenever the official veterinarian considers it necessary to do so.

- (g) The competent authority must take appropriate action if it discovers that the accompanying records, documentation or other information supplied does not correspond with the true situation on the farm or the true condition of the animals or is given with an aim to deliberately mislead the official veterinarian.
- (h) The competent authority must take action against the owner or the person in control of the animals, or impose extra controls and the owner or the person in control of the animals must bear the costs of those extra controls.

3. Decisions concerning live animals

- (a) The official veterinarian must verify and ensure that
 - (i) animals accepted for slaughter for human consumption are properly identified;
 - (ii) any animals whose identity is not reasonably ascertainable must be killed separately and declared unfit for human consumption.
- (b) Official controls may be carried out on the farm from where the unidentifiable animals were kept if the official veterinarian considers it necessary to do so.
- (c) The official veterinarian must verify that
 - (i) the abattoir operator complies with the duty to ensure that animals with hides, skin or fleece conditions are cleaned before slaughter and do not pose a risk of contamination of the meat during slaughter;
 - (ii) animals with a disease or condition that may be transmitted to animals or humans through handling or eating of their meat and, in general, animals showing clinical signs of systemic disease or emaciation, are not slaughtered for human consumption.
- (d) The official veterinarian may request that
 - (i) the slaughter of any animals suspected of having a disease or condition that may adversely affect human or animal health be deferred;
 - (ii) any animals suspected of having a disease or condition that may adversely affect human or animal health undergo detailed ante-mortem examination in order for a diagnosis to be made;
 - (iii) sampling and laboratory examinations be undertaken to supplement post-mortem inspection, if necessary; and
 - (iv) such animals be slaughtered separately or at the end of normal slaughtering, taking all necessary precautions to avoid contamination of other meat and if necessary declared unfit for human consumption.

- (e) Animals that might contain residues of veterinary medicinal products in excess of the levels laid down in accordance with relevant EU legislation, or residues of forbidden substances, are to be dealt with according to the requirements of that legislation.
- (f) The official veterinarian must impose conditions under which animals are to be dealt with under a specific scheme for the eradication or control of a specific disease, such as brucellosis or tuberculosis, or zoonotic agents.
- (g) The competent authority must determine the conditions under which animals with diseases specified under (f) may be slaughtered and the conditions must minimise contamination of meat or other animals.
- (h) Animals must be slaughtered at an abattoir to which they are presented for slaughter unless where exceptional circumstances exist and the official veterinarian must give consent to allow animals to be moved to the farm of origin or an approved holding.

4. Decisions concerning animal welfare

- (a) When the Livestock and Meat Products (Protection of Animals at Time of Slaughter or Killing) Regulations 2015 are not complied with, the official veterinarian must verify that the abattoir operator immediately takes necessary corrective measures and prevents recurrence.
- (b) The official veterinarian must take a proportionate and progressive approach to enforcement action, ranging from issuing directions to slowing down and stopping production, depending on the nature and gravity of the problem.
- (c) When the official veterinarian discovers that rules concerning the protection of animals during transport are not being complied with, the official veterinarian must take necessary measures in accordance with the Livestock and Meat Products (Welfare of Livestock) Regulations.
- (d) The Meat Hygiene Inspector must immediately inform the official veterinarian and, if necessary in cases of urgency, take the necessary measures referred to in paragraphs (a) to (c) pending the arrival of the official veterinarian, where
 - (i) a Meat Hygiene Inspector is carrying out checks on animal welfare in terms of Part C and D of this Schedule; and
 - (ii) those checks identify non-compliance with any of the rules on the protection of animals.

5. Decisions concerning meat

- (a) Meat must be declared unfit for human consumption if it
 - (i) comes from animals that have not undergone ante-mortem and post-mortem inspection;

- (ii) comes from animals the offal of which has not undergone post-mortem inspection, unless otherwise provided for under these Regulations or the relevant EU legislation;
- (iii) comes from an animal which dies before slaughter, is stillborn, unborn or under the age of seven days;
- (iv) results from the trimming of sticking points;
- (v) comes from animals affected by animal diseases for which animal health rules are laid down in relevant EU legislation, unless otherwise provided for in Part D of this Schedule;
- (vi) comes from animals affected by a generalised disease, such as generalised septicaemia, pyaemia, toxaemia or viraemia;
- (vii) is not in conformity with microbiological criteria laid down under relevant EU legislation to determine whether or not meat may be placed on the market;
- (viii) exhibits parasitic infestation, unless otherwise provided for;
- (ix) contains residues or contaminants in excess of the levels laid down in the relevant EU legislation. The official veterinarian must undertake additional analysis where there is any excess of the relevant levels;
- (x) comes from animals or carcasses containing residues of forbidden substances or from animals that have been treated with forbidden substances;
- (xi) consists of the liver and kidneys of animals more than two years old from regions where implementation of plans approved in accordance with relevant EU legislation has revealed the generalised presence of heavy metals in the environment;
- (xii) has been treated illegally with decontaminating substances or with ionising or UV-rays;
- (xiii) contains foreign bodies, shows soiling, faecal or other contamination;
- (xiv) exceeds the maximum permitted radioactivity levels laid down in relevant EU legislation;
- (xv) indicates patho-physiological changes, anomalies in consistency, insufficient bleeding or organoleptic anomalies, in particular a pronounced sexual odour;
- (xvi) comes from emaciated animals and animals without identification;
- (xvii) contains specified risk material, except those provided for under the relevant EU legislation;

(xviii) consists of blood that may constitute a risk to public or animal health owing to the health status of any animal from which it derives or contamination arising during the slaughter process; or

(xix) constitutes a risk to public or animal health or is for any other reason not suitable for human consumption in the opinion of the official veterinarian, after examination of all the relevant information.

- (b) The official veterinarian may impose requirements concerning the use of meat derived from animals
 - (i) which have undergone emergency slaughter outside the slaughterhouse; or
 - (ii) which come from flocks that require treatment before their meat is placed on the market.

PART D - SPECIFIC INSPECTION REQUIREMENTS

1. DOMESTIC BOVINE ANIMALS

A. BOVINE ANIMALS UNDER SIX WEEKS OLD

Carcasses and offal of bovine animals under six weeks old are to undergo the following post-mortem inspection procedures —

- (a) visual inspection of the head and throat; incision and examination of the retropharyngeal lymph nodes (*Lnn retropharyngiales*); inspection of the mouth and fauces; palpation of the tongue;
- (b) visual inspection of the lungs, trachea and oesophagus; palpation of the lungs; incision and examination of the bronchial and mediastinal lymph nodes (*Lnn. bifucationes, eparteriales and mediastinales*). The trachea and the main branches of the bronchi must be opened lengthwise and the lungs must be incised in their posterior third, perpendicular to their main axes; these incisions are not necessary where the lungs are excluded from human consumption;
- (c) visual inspection of the pericardium and heart, the latter being incised lengthwise so as to open the ventricles and cut through the interventricular septum;
- (d) visual inspection of the diaphragm;
- (e) visual inspection of the liver and the hepatic and pancreatic lymph nodes, (*Lnn portales*); palpation and, if necessary, incision of the liver and its lymph nodes;

- (f) visual inspection of the gastro-intestinal tract, the mesentery, the gastric and mesenteric lymph nodes (*Lnn. gastrici, mesenterici, craniales and caudales*); palpation and, if necessary, incision of the gastric and mesenteric lymph nodes;
- (g) visual inspection and, if necessary, palpation of the spleen;
- (h) visual inspection of the kidneys; incision, if necessary, of the kidneys and the renal lymph nodes (*Lnn. renales*);
- (i) visual inspection of the pleura and peritoneum; and
- (j) visual inspection and palpation of the umbilical region and the joints. In the event of doubt, the umbilical region must be incised and the joints opened and the synovial fluid must be examined.

B. BOVINE ANIMALS OVER SIX WEEKS OLD

Carcasses and offal of bovine animals over six weeks old are to undergo the following post-mortem inspection procedures —

- (a) visual inspection of the head and throat; incision and examination of the sub-maxillary, retropharyngeal and parotid lymph nodes (*Lnn retropharyngiales, mandibulares and parotidei*); examination of the external masseters, in which two incisions must be made parallel to the mandible, and the internal masseters (internal pterygoid muscles), which must be incised along one plane. The tongue must be freed to permit a detailed visual inspection of the mouth and the fauces and must itself be visually inspected and palpated;
- (b) inspection of the trachea and oesophagus; visual examination and palpation of the lungs; incision and examination of the bronchial and mediastinal lymph nodes (*Lnn. bifucationes, eparteriales and mediastinales*). The trachea and the main branches of the bronchi must be opened lengthways and the lungs must be incised in their posterior third, perpendicular to their main axes; these incisions are not necessary where the lungs are excluded from human consumption;
- (c) visual inspection of the pericardium and heart, the latter being incised lengthways so as to open the ventricles and cut through the interventricular septum;
- (d) visual inspection of the diaphragm;
- (e) visual inspection and palpation of the liver and the hepatic and pancreatic lymph nodes, (*Lnn portales*); incision of the gastric surface of the liver and at the base of the caudate lobe to examine the bile ducts:
- (f) visual inspection of the gastro-intestinal tract, the mesentery, the gastric and mesenteric lymph nodes (*Lnn. gastrici, mesenterici, craniales and caudales*); palpation and, if necessary, incision of the gastric and mesenteric lymph nodes;

- (g) visual inspection and, if necessary, palpation of the spleen;
- (h) visual inspection of the kidneys and incision, if necessary, of the kidneys and the renal lymph nodes (*Lnn. renales*);
- (i) visual inspection of the pleura and the peritoneum;
- (j) visual inspection of the genital organs (except for the penis, if already discarded); and
- (k) visual inspection and, if necessary, palpation and incision of the udder and its lymph nodes (*Lnn. supramammarii*). In cows, each half of the udder must be opened by a long, deep incision as far as the lactiferous sinuses (*sinus lactiferes*) and the lymph nodes of the udder must be incised, except when the udder is excluded from human consumption.

2. DOMESTIC SHEEP AND GOATS

Carcasses and offal of sheep and goats are to undergo the following post-mortem inspection procedures —

- (a) visual inspection of the head after flaying and, in the event of doubt, examination of the throat, mouth, tongue and retropharyngeal and parotid lymph nodes. Without prejudice to animal health rules, these examinations are not necessary if the competent authority is able to guarantee that the head, including the tongue and the brains, will be excluded from human consumption;
- (b) visual inspection of the lungs, trachea and oesophagus; palpation of the lungs and the bronchial and mediastinal lymph nodes (*Lnn. bifucationes, eparteriales and mediastinales*); in the event of doubt, these organs and lymph nodes must be incised and examined;
- (c) visual inspection of the pericardium and heart; in the event of doubt, the heart must be incised and examined:
- (d) visual inspection of the diaphragm;
- (e) visual inspection of the liver and the hepatic and pancreatic lymph nodes, (*Lnn portales*); palpation of the liver and its lymph nodes; incision of the gastric surface of the liver to examine the bile ducts;
- (f) visual inspection of the gastro-intestinal tract, the mesentery and the gastric and mesenteric lymph nodes (*Lnn. gastrici, mesenterici, craniales and caudales*);
- (g) visual inspection and, if necessary, palpation of the spleen;
- (h) visual inspection of the kidneys; incision, if necessary, of the kidneys and the renal lymph nodes (*Lnn. renales*);
- (i) visual inspection of the pleura and peritoneum;

- (j) visual inspection of the genital organs (except for the penis, if already discarded);
- (k) visual inspection of the udder and its lymph nodes; and
- (l) visual inspection and palpation of the umbilical region and joints of young animals. In the event of doubt, the umbilical region must be incised and the joints opened; the synovial fluid must be examined.

3. DOMESTIC SWINE

A. ANTE-MORTEM INSPECTION

- (a) The competent authority may decide that pigs intended for slaughter are to be submitted to ante-mortem inspection at the farm. In that case, slaughter of a lot of pigs from a farm may be authorised only if
 - (i) the health certificate provided for in Schedule 6 accompanies them; and
 - (ii) the requirements of paragraphs (a) to (e) are complied with;
- (b) Ante-mortem inspection at the farm must comprise
 - (i) checks on records or documentation at the holding, including food chain information; and
 - (ii) the examination of the pigs to determine whether
 - (aa) they have a disease or condition which may be transmitted to animals or humans through handling or eating the meat, or are behaving, individually or collectively, in a manner indicating that such a disease may occur;
 - (bb) they show disturbance of general behaviour or signs of disease which may make the meat unfit for human consumption; or
 - (cc) there is evidence or reasons to suspect that they may contain chemical residues in excess of the levels laid down in the relevant EU legislation, or residues of forbidden substances;
- (c) An official veterinarian must carry out ante-mortem inspection at the farm. The pigs are to be sent directly to slaughter and not to be mixed with other pigs;
- (d) Ante-mortem inspection at the slaughterhouse must only cover
 - (i) the animals' identification; and
 - (ii) a screening to ascertain whether the Livestock and Meat Products (Welfare of Livestock) Regulations have been complied with and whether signs of any condition

which might adversely affect human or animal health are present. A Meat Hygiene Inspector may carry out this screening;

- (e) When pigs are not slaughtered within three days of the issue of the health certificate provided for in paragraph 3(a)
 - (i) they are to be re-examined and a new health certificate issued, if the pigs have not left the farm for the slaughterhouse; or
 - (ii) if the pigs are already en route to or at the slaughterhouse, slaughter may be authorised once the reason for the delay has been assessed, provided that the pigs undergo a further veterinary ante-mortem inspection.

B. POST-MORTEM INSPECTION

- (a) Carcasses and offal of pigs other than those referred to in paragraph (b) are to undergo the following post-mortem inspection procedures
 - (i) visual inspection of the head and throat; incision and examination of the submaxillary lymph nodes (*Lnn mandibulares*); visual inspection of the mouth, fauces and tongue;
 - (ii) visual inspection of the lungs, trachea and oesophagus; palpation of the lungs and the bronchial and mediastinal lymph nodes (*Lnn. bifucationes, eparteriales and mediastinales*). The trachea and the main branches of the bronchi must be opened lengthwise and the lungs must be incised in their posterior third, perpendicular to their main axes; these incisions are not necessary where the lungs are excluded from human consumption;
 - (iii) visual inspection of the pericardium and heart, the latter being incised lengthwise so as to open the ventricles and cut through the interventricular septum;
 - (iv) visual inspection of the diaphragm;
 - (v) visual inspection of the liver and the hepatic and pancreatic lymph nodes, (*Lnn portales*); palpation of the liver and its lymph nodes;
 - (vi) visual inspection of the gastro-intestinal tract, the mesentery, the gastric and mesenteric lymph nodes (*Lnn. gastrici, mesenterici, craniales and caudales*); palpation and, if necessary, incision of the gastric and mesenteric lymph nodes;
 - (vii) visual inspection and, if necessary, palpation of the spleen;
 - (viii) visual inspection of the kidneys; incision, if necessary, of the kidneys and the renal lymph nodes (*Lnn. renales*);
 - (ix) visual inspection of the pleura and peritoneum;

- (x) visual inspection of the genital organs (except for the penis, if already discarded);
- (xi) visual inspection of the udder and its lymph nodes (*Lnn. supramammarii*); incision of the supramammary lymph nodes in sows;
- (xii) visual inspection and palpation of the umbilical region and joints of young animals; in the event of doubt, the umbilical region must be incised and the joints opened; and
- (b) The competent authority may decide, on the basis of epidemiological or other data from the farm, that fattening pigs housed under controlled housing conditions in integrated production systems since weaning need, in some or all of the cases referred to in paragraph (a), only undergo visual inspection.

PART E - SPECIFIC HAZARDS

1. Transmissible spongiform encephalopathies (TSEs)

The official veterinarian must carry out official controls in relation to TSEs and these controls must follow the requirements of the relevant legislation.

2. Cysticercosis

- (1) The post-mortem inspection procedures described in this Schedule must be used as the minimum requirements for the examination for cysticercosis in bovine animals over six weeks old. In addition, specific serological tests may be used. In the case of bovines over six weeks old, incision of the masseters at post-mortem inspection is not compulsory when a specific serological test is used. The same applies when bovine animals over six weeks old have been raised on a farm officially certified to be free of cysticercosis.
- (2) Any meat infected with cysticercus must be declared unfit for human consumption except that when the animal is not generally infected with cysticercus, the parts not infected may be declared fit for human consumption where they have undergone a cold treatment.

SCHEDULE 6 HEALTH CERTIFICATE

(regulation 27(2))

MEAT EXPORT CERTIFICATE

REQUIREMENTS FOR CERTIFICATES

1. An officer of the competent authority who issues a certificate to accompany a consignment of products of animal origin destined for the European Community must sign the certificate and ensure that it bears an official stamp.

(This requirement applies to each sheet of the certificate if it consists of more than one sheet. In the case of factory vessels, the competent authority may authorise the captain or another ship's officer to sign the certificate.)

2. A certificate must be in English or in the language of the Member State in which the border inspection takes place, or be accompanied by a certified translation into that language or languages.

(If the Member State of destination so requests, certificates must also be accompanied by a certified translation into the official language or languages of that Member State. However, a Member State may consent to the use of an official Community language other than its own.)

- 3. The original version of the certificate must accompany consignments on entry into the Community.
- 4. Certificates must consist of
 - (a) a single sheet of paper;
 - (b) two or more pages that are part of an integrated and indivisible sheet of paper; or
 - (c) a sequence of pages numbered so as to indicate that it is a particular page in a finite sequence (for example, 'page 2 of four pages').
- 5. Certificates must bear a unique identifying number. Where the certificate consists of a sequence of pages, each page must indicate this number.
- 6. The certificate must be issued before the consignment to which it relates leaves the control of the officer of the competent authority.

Made	2015	
		Colin Roberts C.V.O., <i>Governor</i> .
	EXPLANATORY	NOTE

These Regulations are made under section 4(1) of the Livestock and Meat Products Ordinance (No 14 of 2010), which allows the Governor to make regulations dealing with the slaughter of animals, the treatment of animals and meat at abattoirs before and after slaughter, as well as the treatment of meat in the course of export or domestic trade. The Regulations are made to give effect to European Community legislation which third countries (*which include the Falkland Islands*) must meet to be able to export meat into the European Union. The regulations domesticate Regulation (EC) 852/2004 which deals with hygiene of foodstuffs; Regulation (EC) 853/2004 which lays down specific hygiene rules for food of animal origin; Regulation (EC) 854/2004 which lays down specific rules for the organisation of official controls on products of animal origin intended for human consumption;

Part 1 deals with introductory matters covering commencement, definitions of a number of terms and the scope of application of the Regulations. The definitions also list which relevant EU legislation is applicable for purposes of meat and meat products hygiene.

Part 2 deals with hygiene requirements for designated abattoirs and sets out certain measures and controls which an abattoir operator must put in place to ensure there is no contamination of meat and meat products produced and processed at the abattoir. Further specific controls and principles are detailed in the corresponding Schedules and the Department of Agriculture (the competent authority) can provide guidance to ensure there are controls of hazards at all levels of production as detailed at regulation 8.

Part 3 deals with the actual production of meat and placing of the meat in the market and specifically addresses the different 'types' of meat, fresh meat, frozen meat and other meat products. It provides for marking, labelling and packaging of meat and meat products as well as checks to be done on the meat and meat products before they are put on the market. It provides further for the storage and transportation conditions of the different 'meats' and the corresponding Schedule lays down specific and detailed requirements for this.

Part 4 provides for official controls, inspections and auditing tasks that officials from the competent authority must undertake. The specific tasks for officials to undertake as detailed in Regulation (EC) 854/2004 are dealt with in this Part to ensure that the proper hygiene requirements are complied with. This Part assigns specific tasks to the different officials, setting out which official controls must be undertaken and the frequency of these controls and what tests need to be conducted, etc.

Part 5 deals with certificates accompanying meat and meat products consignments for export, requirements for record keeping and regulation 30 disapplies all UK legislation that will no longer apply to the Falkland Islands while regulation 31 revokes certain provisions within the Designated Abattoirs (Application of Legislation) Order 1999 that relate to the disapplied legislation and the Abattoirs (Miscellaneous Provisions) Order 2002.

SUBSIDIARY LEGISLATION

ANIMALS

Livestock and Meat Products (Veterinary Officials) Regulations 2015

S. R. & O. No. of 2015

I make the following regulations under section 4(1) and 7(3) of the Livestock and Meat Products Ordinance (No. 14 of 2010) on the advice of Executive Council.

PART 1 – INTRODUCTION

1. Title

These regulations are the Livestock and Meat Products (Veterinary Officials) Regulations 2015.

2. Commencement

These regulations come into force on publication in the *Gazette*.

3. Interpretation

In these regulations —

- "Meat Hygiene Inspector" means an official of the Department of Agriculture appointed under section 7 of the Ordinance;
- "official veterinarian" means an official of the Department of Agriculture appointed under section 7 of the Ordinance; and
- "qualification" means any diploma, degree, fellowship, membership, licence, authority to practise, letters testimonial, certificate or other status or document granted by any university, corporation, college or other body or by any department of, or persons acting under the authority of, the government of any country or place.

[&]quot;Department" means the Department of Agriculture;

PART 2 - PROFESSIONAL QUALIFICATIONS - OFFICIAL VETERINARIANS

4. Official veterinarians

- (1) The Department of Agriculture may appoint as an official veterinarian a person who meets the requirements of this regulation.
- (2) The Department must not appoint a person as an official veterinarian unless the person
 - (a) qualifies as an official veterinarian in the United Kingdom or elsewhere in the European Union; or
 - (b) meets such other requirements as to qualifications, knowledge and experience as specified under these Regulations.
- (3) The Department may test a veterinarian's knowledge of the following subjects to the extent necessary depending on the veterinarian's background and qualifications
 - (a) national and EU legislation on veterinary public health, food safety, animal health, animal welfare and pharmaceutical substances;
 - (b) principles of the common agricultural policy, market measures, export refunds and fraud detection (*including the global context*);
 - (c) essentials of food processing and food technology;
 - (d) principles, concepts and methods of good manufacturing practice and quality management;
 - (e) pre-harvest quality management (good farming practices);
 - (f) promotion and use of food hygiene, food related safety (good hygiene practices);
 - (g) principles, concepts and methods of risk-analysis;
 - (h) principles, concepts and methods of HACCP (hazard analysis and critical control points), use of HACCP throughout the food production food chain;
 - (i) prevention and control of food-borne hazards related to human health;
 - (j) population dynamics of infection and intoxication;
 - (k) diagnostic epidemiology;
 - (1) monitoring and surveillance systems;
 - (m) auditing and regulatory assessment of food safety management systems;

- (n) principles and diagnostic applications of modern testing methods;
- (o) information and communication technology as related to veterinary public health;
- (p) data-handling and applications of biostatistics;
- (q) investigations of outbreaks of food-borne diseases in humans;
- (r) relevant aspects concerning TSEs (transmissible spongiform encephalopathies);
- (s) animal welfare at the level of production, transport and slaughter;
- (t) environmental issues related to food production (including waste management);
- (u) precautionary principle and consumer concerns; and
- (v) principles of training of personnel working in the production chain.

5. Additional special tests

- (1) The Department may arrange for different tests to take into account a candidate's background and may waive the requirement for a test in relation to
 - (a) candidates who may have acquired the required knowledge as part of their basic veterinary training, or through training undertaken, or professional experience acquired, after qualifying as veterinarians; or
 - (b) candidates who acquired all the required knowledge as part of a university degree, or through continuing education resulting in a postgraduate qualification.
- (2) In addition, a veterinarian must
 - (a) undergo practical training under the supervision of an official veterinarian for a probationary period of at least 200 hours before starting to work independently; and
 - (b) have an aptitude for multidisciplinary co-operation.
- (3) The training referred to under subregulation (2) must include auditing of food safety management systems

6. Continued professional development

- (1) Once appointed as an official veterinarian, the official veterinarian must maintain up-to-date knowledge and keep abreast of new developments through regular continuing training and professional development.
- (2) The official veterinarian must
 - (a) undertake annual continuous professional development, wherever possible; and

- (b) have adequate knowledge of the subjects mentioned in regulation 2 and where necessary, undertake professional training courses and other relevant education activities.
- (3) The Department must make adequate provision for official veterinarians to undertake continuous professional development.

7. Part-time veterinarians

The Department may lay down specific rules for an official veterinarian to work on a part-time basis to inspect small scale establishments.

PART 3 – Meat Hygiene Inspectors

8. Meat Hygiene Inspectors

- (1) The Department may appoint as many meat hygiene inspectors as the Department think necessary for the execution and enforcement of the Livestock and Meat Products Ordinance (No. 14 of 2010).
- (2) A person may be appointed as a Meat Hygiene Inspector where the person meets the requirements of this regulation.
- (3) The Department must not appoint a person as a Meat Hygiene Inspector unless the person
 - (a) has undertaken and passed a course which covers the areas specified in subregulation (6); or
 - (b) meets such other requirements as to qualifications, knowledge and experience as specified under these Regulations.
- (4) The Department may test a candidate's eligibility and the candidate must prove that they have received
 - (a) at least 500 hours of theoretical training and at least 400 hours of practical training, covering the areas specified in subregulation (7); and
 - (b) any additional training necessary to the competent discharge of duties required of a Meat Hygiene Inspector.
- (5) The practical training referred to in subregulation (4)(a) must take place in slaughterhouses and cutting plants, and on farms (holdings) and in other relevant establishments under the supervision of an official veterinarian.
- (6) Training and tests must cover red meat but persons who have undergone training for other categories and passed the test need only undergo abridged training to pass the test for the other category.
- (7) Training for meat hygiene inspectors must cover, and tests are to confirm knowledge of the following —

(a) in relation to farms —		
(i) the theoretical part must cover —		
(aa) familiarity with the farming industry organisation, production methods, international trade and other related fields;		
(bb) good livestock husbandry practices;		
(cc) basic knowledge of diseases, in particular zoonoses (viruses, bacteria, parasites, etc.);		
(dd) monitoring for disease, use of medicines and vaccines, residue testing;		
(ee) hygiene and health inspection;		
(ff) animal welfare on the farm and during transport;		
(gg) environmental requirements, in buildings, on farms and in general;		
(hh) relevant laws, regulations and administrative provisions; and		
(ii) consumer concerns and quality control; and		
(ii) the practical part must cover —		
(aa) visits to farms of different types and using different rearing methods;		
(bb) visits to production establishments;		
(cc) observation of the loading and unloading of animals;		
(dd) laboratory demonstrations;		
(ee) veterinary checks; and		
(ff) documentation; and		
(b) in relation to abattoirs (slaughterhouses and cutting plants) —		
(i) the theoretical part must cover —		
(aa) familiarity with the meat industry organisation, production methods, international trade and slaughter and cutting technology;		
(bb) basic knowledge of hygiene and good hygienic practices, and in particular industrial hygiene, slaughter, cutting and storage hygiene, hygiene of work;		

- (cc) HACCP and the audit of HACCP based procedures;
- (dd) animal welfare on unloading after transport and at the slaughterhouse;
- (ee) basic knowledge of the anatomy and physiology of slaughtered animals;
- (ff) basic knowledge of the pathology of slaughtered animals;
- (gg) basic knowledge of the pathological anatomy of slaughtered animals;
- (hh) relevant knowledge concerning TSEs and other important zoonoses and zoonotic agents;
- (ii) knowledge of methods and procedures for the slaughter, inspection, preparation, wrapping, packaging and transport of fresh meat;
- (jj) basic knowledge of microbiology;
- (kk) ante-mortem inspection;
- (ll) examination for trichinosis;
- (mm) post-mortem inspection;
- (nn) administrative tasks;
- (00) knowledge of the relevant laws, regulations and administrative provisions;
- (pp) sampling procedure; and
- (qq) fraud aspects; and
- (ii) the practical part must cover
 - (aa) animal identification;
 - (bb) age checks;
 - (cc) inspection and assessment of slaughtered animals;
 - (dd) post-mortem inspection in a slaughterhouse;
 - (ee) examination for trichinosis;
 - (ff) identification of animal species by examination of typical parts of the animal;

- (gg) identifying and commenting on parts of slaughtered animals in which changes have occurred;
- (hh) hygiene control, including the audit of the good hygiene practices and the HACCP-based procedures;
- (ii) recording the results of ante-mortem inspection;
- (jj) sampling;
- (kk) traceability of meat; and
- (11) documentation.

9. Continued professional development

- (1) Meat Hygiene Inspectors must maintain up-to-date knowledge and keep abreast of new developments through regular continuing education activities and professional literature.
- (2) A Meat Hygiene Inspector must
 - (a) undertake annual continuous professional development, wherever possible;
 - (b) have adequate knowledge of the subjects mentioned in regulation 8 and where necessary, undertake professional training courses and other relevant education activities.
- (3) The Department must make adequate provision for meat hygiene inspectors to undertake continuous professional development and in particular in connection with examinations for trichinosis.
- (4) The Department must ensure that meat hygiene inspectors receive training appropriate to all the tasks required to be undertaken by meat hygiene inspectors.

Made 2015

Colin Roberts C.V.O.,

Governor.

EXPLANATORY NOTE

These Regulations are made under section 4 of the Livestock and Meat Products Ordinance (No. 14 of 2010) and give effect to Regulation (EC) 854/2004 which lays down the different qualifications which official veterinarians and meat hygiene inspectors should possess in order to

be able to carry out all the functions, controls and audits required under the Ordinance as well as under the different regulations made under the Ordinance.

Part 1 deals with introductory matters including definitions and commencement.

Part 2 provides for the qualifications of official veterinarians and the requirements for special additional tests and continued professional development as well as the appointment of part-time official veterinarians.

Part 3 provides for qualifications for meat hygiene inspectors and the specific requirements for their continued professional development.

SUBSIDIARY LEGISLATION

ANIMALS

Livestock and Meat Products (Protection of Animals at Time of Slaughter or Killing) Regulations 2015

S. R. & O. No. of 2015

I make the following regulations under section 4(1), (b), (d) and (f) of the Livestock and Meat Products Ordinance (No. 14 of 2010) on the advice of Executive Council.

PART 1 – INTRODUCTION

1. Title

These regulations are the Livestock and Meat Products (Protection of Animals at Time of Slaughter or Killing) Regulations 2015.

2. Commencement

These regulations come into force on publication in the Gazette.

3. Interpretation

In these regulations —

"abattoir" means a place for slaughtering animals, the meat of which is intended for human consumption, and includes any place available in connection with such a place for the confinement of animals while awaiting slaughter there or for keeping, or subjecting to any treatment or process, products of the slaughtering of animals there;

"abattoir operator" means a person or company responsible for the day to day operation of activities that occur in an abattoir or slaughterhouse and includes activities in any co-located or related cutting plants, chilling or freezing establishments;

"adverse weather condition" means any weather condition, including direct sunlight, which has an adverse effect on the welfare of an animal:

"animals for slaughter" means sheep, goats, cattle or pigs sent to an abattoir for slaughter;

"certificate of competence" means the certificate of competence granted under regulation 17;

"competent authority" means the Senior Veterinary Officer or any other authorised official of the Department of Agriculture;

"designated abattoir" means an abattoir which has been designated as such by order made under section 3(3) of the Livestock and Meat Products Ordinance (No. 14 of 2010);

"emergency killing" means the killing of animals which are injured or have a disease associated with severe pain or suffering and where there is no other practical possibility to alleviate this pain or suffering;

"holding" means a section of land leased or otherwise tenanted for agricultural purposes;

"holding pen" means an enclosure for temporarily confining livestock;

"killing" means any intentionally induced process which causes the death of an animal;

"lairaging" means the keeping of animals in stalls, pens, covered areas or fields associated with or which are part of the slaughterhouse before the animals are killed or slaughtered;

"pithing" means the laceration of the central nervous tissue and spinal cord by means of an elongated rod-shaped instrument introduced into the cranial cavity;

"provisional certificate" means the provisional certificate of competence granted under regulation 17;

"related operations" means operations such as handling, lairaging, restraining, stunning and bleeding of animals taking place in the context and at the location where they are to be killed;

"relevant legislation" means (to the extent that it relates to animal welfare) Regulation (EC) 1099/2009 of 24 September 2009 on the protection of animals at the time of killing;

"religious rites" means a series of acts related to the slaughter of animals and prescribed by a religion;

"restraint" means the application to an animal of any procedure designed to restrict its movements sparing any avoidable pain, fear or agitation in order to facilitate effective stunning and killing;

"slaughter" means the killing of an animal by bleeding;

"slaughterhouse" means an establishment used for slaughtering and dressing animals, the meat of which is intended for human consumption;

"slaughter operations" means any of the operations specified under regulation 8;

"standard operating procedures" means a set of written instructions aimed at achieving uniformity of the performance of specific functions or standards within the abattoir as required by regulation 7(2); and

"stunning" means any intentionally induced process which causes loss of consciousness and sensibility without pain, including any process resulting in instantaneous death.

4. Application

These Regulations apply to the welfare of animals intended to be killed for human consumption at a designated abattoir.

PART 2 REQUIREMENTS FOR ABATTOIR OPERATORS

5. General requirements for welfare of animals

- (1) An abattoir operator must ensure that animals are spared any avoidable pain, distress or suffering during slaughter.
- (2) For purposes of subregulation (1) an abattoir operator must ensure that animals to be slaughtered
 - (a) are provided with physical comfort and protection, in particular by being kept clean in adequate thermal conditions and prevented from falling or slipping;
 - (b) are protected from injury;
 - (c) are handled and housed taking into consideration their normal behaviour;
 - (d) do not show signs of avoidable pain or fear or exhibit abnormal behaviour;
 - (e) do not suffer from prolonged withdrawal of feed or water;
 - (f) are prevented from avoidable interaction with other animals that could harm their welfare.

6. Requirements for abattoirs

- (1) An abattoir operator must ensure that the abattoir is designed, constructed, maintained and operated in such a way that the welfare of animals is not compromised.
- (2) An abattoir operator must ensure that the layout and construction of slaughterhouses and the equipment used in the killing of animals complies with the requirements set out in Schedule 1.

7. Requirements for killing of animals and related operations

- (1) An abattoir operator must ensure that
 - (a) the killing of animals and related operations is done in accordance with the methods set out under Schedule 2;

- (b) monitoring and checks during the stunning of animals is carried out in terms of Schedule 3; and
- (c) there are in place operational rules for slaughterhouses, setting out the processes and information specified at Schedule 4.
- (2) The abattoir operator must ensure that there are in place standard operating procedures of the abattoir which must
 - (a) ensure that killing and related operations are carried out in accordance with the requirements of regulation 5;
 - (b) with regards to stunning
 - (i) define for each stunning method used, the key parameters set out in Schedule 2;
 - (ii) specify the corrective action to be taken where the monitoring procedure under Schedule 3 indicates that an animal is not properly stunned;
 - (c) with regards to an animal slaughtered in accordance with regulation 13, what measures are to be taken where the animal still presents signs of life;
 - (d) be effectively brought to the attention of the personnel concerned; and
 - (e) be made available to the competent authority upon request.

8. Competent personnel

- (1) An abattoir operator must ensure that the following slaughter operations are only carried out by persons holding a certificate of competence or a provisional certificate for such operations, and who have demonstrated their ability to carry them out in accordance with these Regulations—
 - (a) the handling and care of animals before they are restrained;
 - (b) the restraint of animals for the purpose of stunning or killing;
 - (c) the stunning of animals;
 - (d) the assessment of effective stunning;
 - (e) the shackling or hoisting of live animals;
 - (f) the bleeding of live animals; and
 - (g) the slaughtering of animals in accordance with Part 3.

(2) An abattoir operator must ensure that the person (holding a certificate of competence or provisional certificate) carries out the operations and (where appropriate) uses the type of equipment in respect of which the certificate of competence or provisional certificate is granted.

9. Welfare of animals

- (1) An abattoir operator must ensure that when there are live animals on the premises a person designated as animal welfare officer is available at all times to safeguard the welfare of animals.
- (2) The abattoir operator must designate as an animal welfare officer a person who
 - (a) is competent and has authority to take whatever action is necessary to safeguard the welfare of animals as provided for under regulation 23; and
 - (b) holds a certificate of competence issued under Part 4.

PART 3 KILLING OF ANIMALS AND RELATED OPERATIONS

10. Treatment of animals – general requirements

A person involved in the movement, lairaging, restraint, stunning, slaughter or killing of animals must ensure that —

- (a) animals are spared any avoidable pain, distress or suffering; and
- (b) it is carried out in compliance with these Regulations.

11. Stunning of animals

- (1) Subject to regulation 13, an animal must only be killed after stunning in accordance with the methods and specific requirements set out in Schedule 2.
- (2) Where any of the methods referred to under Schedule 2 do not result in instantaneous death (also referred to as simple stunning) this must be followed as quickly as possible by a procedure that can ensure death such as bleeding, pithing, electrocution or prolonged exposure to anoxia.
- (3) Where an animal's death is caused by pithing, the carcass of that animal may not be used for human or animal consumption.
- (4) Any person in charge of stunning an animal must ensure the loss of consciousness and sensibility is maintained until the death of the animal.

12. Monitoring and checks on stunning

- (1) An abattoir operator must ensure that persons responsible for stunning or other nominated staff carry out regular monitoring and checks to ensure that the animals do not present any signs of consciousness or sensibility in the period between the end of the stunning process and death.
- (2) The checks referred to under subregulation (1) must be carried out on a sufficiently representative number of animals and their frequency must be established taking into account the

outcome of previous checks and any factors which may affect the efficiency of the stunning process.

(3) When the outcome of the checks indicates that an animal is not properly stunned, the person in charge of stunning must immediately take the appropriate measures set out in the monitoring procedures specified under Schedule 3.

13. Animals killed without prior stunning

- (1) Where an animal is killed without prior stunning (including animals subjected to particular methods of killing prescribed by religious rites), a person responsible for slaughtering must carry out systematic checks to ensure that
 - (a) the animal does not present any signs of consciousness or sensibility before being released from restraint; and
 - (b) the animal does not present any sign of life before undergoing dressing or scalding.
- (2) For the purpose of subregulation (1), the person responsible for slaughtering must use the monitoring and checks specified under Schedule 3.

PART 4 CERTIFICATES OF COMPETENCE

14. Requirements for certificate of competence

A person who carries on any of the slaughter operations specified in regulation 8 must do so under a certificate issued under this Part except where it is for emergency killing purposes.

15. Requirements for certificate of competence

The applicant must —

- (a) either
 - (i) submit a qualification certificate in respect of the operation, category of animal and, where appropriate, type of equipment for which the qualification certificate relates and indicate which operation, category of animal and type of equipment for which a certificate of competence is sought; or
 - (ii) demonstrate to the satisfaction of the competent authority that the applicant has relevant professional experience of at least 3 months and can demonstrate practical competency to the satisfaction of the competent authority in respect of the operation, category of animal and type of equipment for which the certificate of competence is sought;
- (b) submit a written declaration stating that the applicant has not committed any offence on the protection of animals in the three years preceding the date of application for a certificate of competence;

- (c) provide written details of
 - (i) any conviction of an offence concerning the welfare of animals;
 - (ii) any refusal to be granted a certificate in relation to the slaughter or killing of animals or a related operation; or
 - (iii) had any such certificate revoked or suspended; and
- (d) pay any fee which may be charged by the competent authority in accordance with regulation 22.

16. Requirements for provisional certificate

The applicant must —

- (a) submit evidence to confirm the applicant is registered on a training course in respect of the operation, category of animal and, where appropriate, type of equipment for which a provisional certificate is sought;
- (b) submit a written declaration stating that the applicant has not committed any offence on the protection of animals in the three years preceding the date of application for a provisional certificate;
- (c) provide written details if the applicant has
 - (i) been convicted of an offence concerning the welfare of animals;
 - (ii) any refusal to be granted a provisional certificate in relation to the slaughter or killing of animals or a related operation; or
 - (iii) had any such certificate revoked or suspended; and
- (d) pay any fee which may be charged by the competent authority in accordance with regulation 22.

17. Grant of certificate of competence or provisional certificate

- (1) The competent authority may grant a certificate or provisional certificate if
 - (a) in the case of a certificate of competence, the applicant meets the conditions in regulation 15:
 - (b) in the case of a provisional certificate, the applicant meets the conditions in regulation 16: and
 - (c) it is satisfied that the applicant is a fit and proper person to hold such a certificate.

- (2) A certificate of competence or provisional certificate must specify the operation, category of animal and (where appropriate) type of equipment in respect of which it is granted.
- (3) A provisional certificate may be granted in respect of an operation, category of animal or type of equipment only if the training course on which the applicant is registered provides training in relation to that operation, category or type of equipment.
- (4) A provisional certificate is valid for three months and may be renewed for a further period of 3 months for a maximum of three times.
- (5) The holder of a provisional certificate must carry out an operation specified in the provisional certificate in the presence and under the direct supervision of a person who holds a certificate of competence in relation to that operation.
- (6) A certificate of competence may be granted in respect of an operation, category of animal or type of equipment only if
 - (a) the qualification certificate submitted with the application for the certificate of competence relates to that operation, category or type of equipment; or
 - (b) the competent authority is satisfied that the applicant possesses the relevant professional experience and has demonstrated practical competency in respect of the operation, category or type of equipment indicated in the application.
- (7) A certificate of competence is valid for the period indicated on it or until it is revoked.

18. Refusal of certificate

- (1) A certificate of competence or provisional certificate will not be granted if the competent authority is satisfied that the applicant
 - (a) has failed to meet any of the conditions in regulation 15 or 16; or
 - (b) is not a fit and proper person to hold a certificate.
- (2) If the competent authority makes a decision not to grant a certificate of competence or provisional certificate it must inform the applicant of the refusal by notice in writing and the notice must
 - (a) give reasons for the refusal; and
 - (b) give details of the right of the applicant to a reconsideration under regulation 21.

19. Suspension or revocation of certificate of competence or provisional certificate

- (1) The competent authority may, by notice in writing, suspend or revoke a certificate of competence or a provisional certificate where it is satisfied that the holder
 - (a) has failed to comply with any provision of the relevant legislation or these Regulations;

- (b) is no longer a fit and proper person to hold the certificate of competence or the provisional certificate;
- (c) is no longer competent to carry out the operations which the certificate authorises; or
- (d) has been convicted of an offence concerning the welfare of animals.
- (2) A notice under subregulation (1) must
 - (a) give reasons for the suspension or revocation;
 - (b) state the date from which the suspension or revocation has effect; and
 - (c) give details of the right of the holder to appeal against the decision.
- (3) A person whose certificate or provisional certificate is suspended or revoked must surrender it to the competent authority within 14 days of receiving the notice of suspension or revocation unless the person makes a request under regulation 21.

20. Modification of a certificate

- (1) Upon request by the holder of a certificate of competence or a provisional certificate, the competent authority may modify a certificate in respect of an operation, category of animal or, where appropriate, type of equipment, provided
 - (a) the holder meets the conditions in regulation 15 or 16 in respect of the modification; and
 - (b) the competent authority is satisfied that the holder is a fit and proper person to hold the certificate as modified.
- (2) The competent authority may, by notice in writing, refuse to modify a certificate if satisfied that the holder
 - (a) has failed to meet any of the conditions in regulation 15 or 16 in respect of those modifications; or
 - (b) is not a fit or proper person to hold the certificate as modified.
- (3) The notice must
 - (a) give reasons for the refusal; and
 - (b) give details of the right of appeal against the decision.

21. Reconsiderations

(1) This regulation applies where, the competent authority has —

- (a) refused to grant a certificate of competence under regulation 15 or a provisional certificate under regulation 16;
- (b) revoked or suspended a certificate of competence or a provisional certificate under regulation 19; or
- (c) refused to modify the conditions on a certificate of competence or a provisional certificate under regulation 20.
- (2) Where subregulation (1) applies, the person aggrieved by the decision of the competent authority may make a written submission to the competent authority requesting the competent authority to reconsider the application within 14 days of receipt of the competent authority's decision.
- (3) A written submission under subregulation (2) must contain reasons supporting the application for reconsideration and provide as much information as is necessary.
- (4) The competent authority must assess all the information provided and may
 - (a) in the case of an application for any of the certificates (certificate of competence or provisional certificate), require the applicant to undergo further training in relation to the operation, category or type of equipment applied for;
 - (b) in the case of an application for a certificate of competence, issue a provisional certificate with a condition for the holder to undergo further training in relation to the operation, category or type of equipment applied for;
 - (c) in the case of a suspension, reduce the period of the suspension;
 - (d) in the case of subregulation (1)(c) modify the conditions; or
 - (e) make any decision as it thinks fit.
- (5) Where the competent authority makes a decision
 - (a) under subregulation (4)(b), the period specified must not be more than 3 months (bearing in mind the duration of a provisional certificate);
 - (b) for the person to undergo further training it must, at the end of that training, re-assess the person's competency in respect of the operation, category of animal and type of equipment applied for.
- (6) The competent authority must communicate any decision it makes under subregulation (5) to the person as soon as possible after it makes the decision.
- (7) The decision of the competent authority under this regulation is final.

22. Fees

The competent authority may charge an applicant for, or a holder of a certificate or provisional certificate such reasonable fees as it may determine in respect of —

- (a) the assessment of the competence of any person who applies for a certificate;
- (b) the assessment of the competence of any person who applies for a modification of a certificate:
- (c) the issue of a certificate or provisional certificate; and
- (d) an application for reconsideration.

23. Animal welfare officer

- (1) An animal welfare officer must hold a certificate of competence granted under this Part, issued for all the operations taking place in the slaughterhouses for which the animal welfare officer is responsible.
- (2) An animal welfare officer
 - (a) is under the direct authority of the abattoir operator and must report directly to the abattoir operator on all matters relating to the welfare of animals; and
 - (b) has authority to require slaughterhouse personnel to carry out any remedial actions necessary to ensure compliance with the rules laid down in these Regulations.
- (3) The responsibilities of the animal welfare officer must be set out in the operational rules referred to under regulation 7.
- (4) The animal welfare officer must keep a record of all the action taken to improve animal welfare in the abattoir.
- (5) The record referred to under subregulation (4) must be kept for at least one year and must be made available to the competent authority upon request.

PART 5 GENERAL PROVISIONS

24. Guidance on good practice

- (1) The Senior Veterinary Officer must develop and disseminate guidance on good practice to facilitate the implementation of these Regulations.
- (2) The Senior Veterinary Officer must keep the guidance under review and issue new guidance when necessary.
- (3) The Senior Veterinary Officer must arrange for a notice to be published in the *Gazette* specifying —

- (a) the guidance that has been issued;
- (b) whether it is new guidance or a replacement for an existing one; and
- (c) the date on which the guidance comes into force.
- (4) The Senior Veterinary Officer must make arrangements for the guidance to be available (either as paper copies or in electronic form) to those who have responsibility for livestock.
- (5) The Senior Veterinary Officer may make a reasonable charge for paper copies of the guidance.

25. Keeping of records

An abattoir operator must —

- (a) draw up a record of maintenance;
- (b) keep the record of maintenance for at least one year and make it available to the competent authority upon request.

26. Offences and penalties

- (1) It is an offence for a person to contravene any of the provisions of these regulations.
- (2) A person found guilty of an offence against paragraph (1) is liable on conviction to a term of imprisonment not exceeding 6 months, or to a fine not exceeding level 6 on the standard scale, or to both.

27. Transitional provisions

The provisions of Schedule 1 Part 4 do not apply to abattoirs in operation immediately before the commencement of these Regulations until 8 December 2019 but apply —

- (a) to any abattoirs designated after the commencement of these Regulations; and
- (b) to any new layout or construction carried out or new equipment acquired in a designated abattoir after the commencement of these Regulations.

28. Disapplied UK Regulations

The following no longer apply to the Falkland Islands —

- (a) Welfare of Animals (Slaughter or Killing) Regulations 1995 (S.I. 1995/731); and
- (b) Welfare of Animals (Transport) Order 1997 (S.I. 1997/1480).

29. Revocation

The Designated Abattoirs (Application of Legislation) Order 1999 (S.R. & O. No. 65 of 1998) is amended by revoking paragraphs 6 and 7 and revoking Schedules 4 and 5.

SCHEDULE 1

LAYOUT, CONSTRUCTION AND EQUIPMENT OF SLAUGHTERHOUSES (regulation 6(2))

PART 1 HANDLING AND MOVEMENT OPERATIONS

A. Unloading equipment

1. The abattoir operator must ensure that suitable equipment and facilities are available for the purpose of unloading animals.

B. General requirements — handling operations

- 2. The abattoir operator and any person engaged in the movement or lairaging of animals must ensure that
 - (a) when unloaded, every animal is protected from adverse weather conditions and is provided with adequate ventilation;
 - (b) equipment for unloading animals is of a suitable height and design for that purpose, has non-slip flooring and, if necessary, is provided with lateral protection;
 - (c) any animals which might injure each other on account of their species, sex, age or origin or for any other reason are kept and lairaged apart from each other;
 - (d) pens, passageways and races are designed and constructed to allow the animals to move freely using their behavioural characteristics and without distraction;
 - (e) ramps and bridges are fitted with sides, railings or some other means of protection to prevent animals falling off it;
 - (f) the water supply system in pens are designed, constructed and maintained so as to allow animals to access clean water at all times without being injured or limited in their movements;
 - (g) when a waiting pen is used, it is constructed with a level floor and solid sides, between the holding pens and the race leading to the point of stunning, and is designed so that animals cannot be trapped or trampled; and
 - (h) floors are built and maintained in such a way as to minimise the risk of animals slipping, falling or injuring their feet.

PART 2 LAIRAGING FACILITIES AND EQUIPMENT

A. General requirements — lairage facilities

1. The abattoir operator must ensure that a lairage has —

- (a) where necessary, suitable equipment for tethering animals; and
- (b) racks, mangers or other equipment adequate in number and size for the feeding of all animals confined in the lairage, fixed where practicable, and constructed and placed so that they are easily accessible to all the animals, can readily be filled and cannot readily be fouled.

B. Lairages other than field lairages

- 2. The abattoir operator must ensure that
 - (a) the premises are equipped with a sufficient number of pens for adequate lairaging of the animals with protection from the effects of adverse weather conditions;
 - (b) the lairage has ventilation systems which are designed, constructed and maintained so that the welfare of the animals is constantly ensured, taking into account the expected range of weather conditions, and where mechanical means of ventilation are required, provision must be made for alarm and emergency back-up facilities in the event of breakdown;
 - (c) the lairage facilities are designed and constructed so as to
 - (i) minimise the risk of injuries to the animals and the occurrence of sudden noises which may frighten or excite the animals;
 - (ii) facilitate inspection of the animals; and
 - (iii) enable the inspection of animals at any time through adequate lighting (whether fixed or portable);
 - (d) the lairage has drinking facilities adequate in number and size for the watering of all animals confined in the lairage, fixed where practicable, and so constructed and placed that they are easily accessible to all the animals, can readily be filled and cannot readily be fouled; and
 - (e) the lairage has an adequate supply of suitable bedding material for all animals kept in the lairage overnight, unless the lairage has a slatted or mesh floor.

C. Field lairages

- 3. The abattoir operator must ensure that a field lairage
 - (a) without natural shelter or shade which is used during adverse weather conditions has appropriate protection against such conditions for the animals using it; and
 - (b) has an adequate natural water supply of drinking water for the number of animals present and if there is no natural water supply, a clean supply of water must be provided.

PART 3 RESTRAINING OPERATIONS

A. General requirements – restraining operations

- 1. A person must not stun or slaughter an animal without restraining it in an appropriate manner in such a way as to spare the animal avoidable pain, distress or suffering.
- 2. The abattoir operator and any person engaged in the stunning or slaughter of any animal must ensure that any animal which is to be stunned or slaughtered by mechanical means applied to the head is presented in such a position that the equipment can be applied and operated easily, accurately and for the appropriate time.

B. Restraining equipment and facilities

- 3. Restraining equipment and facilities must be designed, built and maintained to
 - (a) optimise the application of the stunning or killing method;
 - (b) prevent injury or contusions to the animals;
 - (c) minimise struggle and vocalisation when animals are restrained; and
 - (d) minimise the time of restraint.
- 4. For animals of bovine species, restraining boxes used in conjunction with a pneumatic captive bolt must be fitted with a device that restricts both the lateral and vertical movement of the head of the animal.
- 5. The following methods of restraint are prohibited
 - (a) suspending or hoisting conscious animals;
 - (b) mechanical clamping or tying of the legs or feet of animals;
 - (c) severing of the animal's spinal cord (such as by the use of a puntilla or dagger);
 - (d) the use of electric currents to immobilise the animal where the electric current does not stun or kill the animal, in particular, any electric current application that does not span the brain.

PART 4 STUNNING OPERATIONS

A. Electrical stunning equipment

1. Electrical stunning equipment must be fitted with a device which displays and records the details of the electrical key parameters for each animal stunned.

- 2. The device must be placed so as to be clearly visible to the personnel and must give a clearly visible and audible warning if the duration of exposure falls below the required level.
- 3. Automatic electrical stunning equipment associated to a restrainer must deliver a constant current.
- 4. The records from the device under paragraph 1 must be kept for at least one year.

SCHEDULE 2 KILLING OF ANIMALS AND RELATED OPERATIONS

(regulation 7(1)(a))

PART 1 LIST OF STUNNING METHODS AND RELATED SPECIFICATIONS

Table 1 — Mechanical methods

Name	Description	Conditions of use	Key parameters
Penetrative	Severe and irreversible	All species. Slaughter,	Position and direction of the shot.
captive	damage of the brain	depopulation and other	Appropriate velocity, exit length and
bolt device	provoked by the shock	situations.	diameter of bolt according to animal
	and the penetration of a		size and species. Maximum stun to
	captive bolt. Simple		stick/kill interval(s).
	stunning.		
Non-	Severe damage of the	Sheep and goats.	Position and direction of the shot.
penetrative	brain by the shock of a	Slaughter only for	Appropriate velocity, diameter and
captive	captive bolt without	sheep and goats.	shape of bolt according to animal size
bolt device	penetration. Simple	Slaughter,	and species. Strength of the cartridge
	stunning.	depopulation.	used. Maximum stun to stick/kill
			interval(s).
Firearm	Severe and irreversible	All species. Slaughter,	Position of the shot. Power and calibre
with free	damage of the brain	depopulation and other	of the cartridge. Type of projectile.
projectile	provoked by the shock	situations.	
	and the penetration of		
	one or more projectiles.		

Table 2 — Electrical methods

Name	Description	Conditions of use	Key parameters
Head-only	Exposure of the brain	All species. Slaughter,	Minimum current (A or mA).
electrical	to a current generating	depopulation and other	Minimum voltage (V). Maximum
stunning	a generalised epileptic	situations.	frequency (Hz). Minimum time of
	form on the electro-		exposure. Maximum stun to stick/kill
	encephalogram (EEG).		interval(s). Frequency of calibration of
	Simple stunning.		the equipment. Optimisation of the
			current flow. Prevention of electrical
			shocks before stunning. Position and
			contact surface area of electrodes.

Table 3 — Other methods

Name	Description	Conditions of use	Key parameters
Lethal	Loss of consciousness	All species. Situations	Type of injection. Using approved
injection	and sensibility followed	other than slaughter.	medicines.
	by irreversible death		
	induced by the injection		
	of veterinary		
	medicines.		

PART 2 SPECIFIC REQUIREMENTS FOR CERTAIN METHODS

A person who uses any of the following methods must take note of the following —

A. Non-penetrative captive bolt device

- 1. When using this method attention must be taken to avoid the fracture of the skull.
- 2. This method must only be used for sheep and goats of less than 10 kg of live weight.

B. Head-only electrical stunning

- 1. When using head-only electrical stunning, electrodes must span the brain of the animal and be adapted to its size.
- 2. Head-only electrical stunning must be carried out in accordance with the minimum currents set out in Table 1.

Table 1

Category of animal	Bovine animal of	Bovine	Animals of ovine	Animals of
	6 months or	animals less	and caprine	porcine species
	older	than 6 months	species	
Minimum current	1,28A	1,25 A	1,00 A	1,30 A

PART 3 RESTRAINING AND STUNNING OF ANIMALS

C. Use of restraining and stunning equipment

- 1. Abattoir operators must ensure that all equipment used for restraining or stunning animals is maintained and checked in accordance with the manufacturers' instructions by persons specifically trained for that purpose.
- 2. Abattoir operators must ensure that during stunning operations appropriate back-up equipment is immediately available on the spot and is used in the case of failure of the stunning equipment initially used.

3. Abattoir operators must ensure that animals are not placed in restraining equipment, including head restraints, until the person in charge of stunning or bleeding is ready to stun or bleed them as quickly as possible.

D. Handling and restraining operations at slaughterhouses

Abattoir operators must ensure that the operational rules for slaughterhouses set out in Schedule 1 and 4 are complied with.

SCHEDULE 3

Monitoring procedures at slaughterhouses

(regulation 7(b) and 12(3))

- 1. Abattoir operators must put in place and implement appropriate monitoring procedures in slaughterhouses.
- 2. The monitoring procedures referred to in paragraph 1 must describe the way the checks referred to in regulation 12 have to be carried out and must include at least the following
 - (a) the name of the persons responsible for the monitoring procedure;
 - (b) indicators designed to detect signs of unconsciousness and consciousness or sensibility in the animals; indicators designed to detect the absence of signs of life in the animals slaughtered in accordance with regulation 13;
 - (c) criteria for determining whether the results shown by the indicators are satisfactory;
 - (d) the circumstances and the time when the monitoring must take place;
 - (e) the number of animals in each sample to be checked during the monitoring;
 - (f) appropriate procedures to ensure that in the event that the criteria referred to in subparagraph (c) are not met, the stunning or killing operations are reviewed in order to identify the causes of any shortcomings and the necessary changes to be made to those operations.
- 3. Abattoir operators must put in place a specific monitoring procedure for each slaughter line.
- 4. The frequency of the checks must take into account the main risk factors, such as changes regarding the types or the size of animals slaughtered or personnel working patterns and must be established so as to ensure results.
- 5. For the purpose of paragraphs 1 to 4, abattoir operators may use monitoring procedures as described in the guides to good practice referred to in regulation 24.

SCHEDULE 4 OPERATIONAL RULES FOR SLAUGHTERHOUSES

(regulation 7(1))

HANDLING AND MOVEMENT OPERATIONS

The arrival, moving and handling of animals

- 1. The welfare conditions of each consignment of animals must be systematically assessed by the animal welfare officer or a person reporting directly to the animal welfare officer upon arrival in order to identify the priorities, in particular by determining which animals have specific welfare needs and the corresponding measures to be taken.
- 2. Animals must be unloaded as quickly as possible after arrival and subsequently slaughtered without undue delay.
- 3. Animals which have not been slaughtered within 12 hours of their arrival must
 - (a) be fed, and subsequently given moderate amounts of food at appropriate intervals; and
 - (b) be provided with an appropriate amount of bedding or equivalent material which guarantees a level of comfort appropriate to the species and the number of animals concerned and the material must have an efficient drainage or adequate absorption of urine and faeces.
- 4. Whenever possible animals must be unloaded individually.
- 5. For the purpose of slaughter, unweaned animals or females having given birth during the journey or animals delivered in containers must be given priority over other types of animal.
- 6. Where there are female animals which have given birth during the journey they must be provided with appropriate conditions for suckling and the welfare of the newborn animal taken into account.
- 7. Mammals which are not taken directly to the place of slaughter after being unloaded, must have drinking water available to them from appropriate facilities at all times.
- 8. A steady supply of animals for stunning and killing must be ensured in order to prevent animal handlers rushing animals from the holding pens.

Treatment of animals

- 9. A person must not
 - (a) strike or apply any pressure to any sensitive part of an animal's body in such a way as to cause the animal avoidable pain or suffering;
 - (b) kick or inflict any blow to an animal;

(c) lift or drag the animals by the head, ears, horns, legs, tail or fleece, or handle an animal in such a way as to cause it pain or suffering.

Use of Instruments

- 10. A person must not use prods or other implements with pointed ends which will twist, crush or break the tails of animals or grasp the eyes of any animal.
- 11. A person must not use any instrument which administers electric shock to make animals move, except that such an instrument may be used on adult bovine animals and adult pigs which refuse to move, provided that the shocks
 - (a) last not longer than one second and each are adequately spaced out;
 - (b) are applied only to the muscles of the hindquarters;
 - (c) are not used repeatedly if the animal fails to respond; and
 - (d) the animal has room ahead of it in which to move.
- 12. A person must not tie or cause the legs of any animals to be tied.
- 13. Animals which are unable to walk must not be dragged to the place of slaughter, but must be slaughtered where they lie.

Additional rules for mammals in lairage

- 14. An animal must have enough space to stand up, lie down and, except for cattle kept individually, turn around.
- 15. Animals must be kept securely in the lairage and care must be taken to prevent them from escaping.
- 16. Each pen must be indicated with a visible sign with the date and time of arrival of the animals and, except for cattle kept individually, the maximum number of animals to be kept.
- 17. All operating slaughterhouses must be prepared and kept ready for immediate use with isolation pens for animals that require specific care.
- 18. The condition and state of health of the animals in a lairage must be regularly assessed by the animal welfare officer or a competent person.

Bleeding of animals

19. Where one person is responsible for the stunning, shackling, hoisting and bleeding of animals, the person must carry out all those operations consecutively in respect of one animal before carrying them out on other animals.

- 20. A person engaged in the bleeding of any animal that has undergone simple stunning or slaughter in accordance with regulation 13, must ensure that the two carotid arteries or the vessels from which they arise are systematically severed.
- 21. A person must not cause or permit any electrical stimulation to be performed on an animal before the unconsciousness of the animal has been verified and any further dressing or scalding must only be performed once the absence of signs of life of the animal has been verified.

Made	2015	
		Colin Roberts C.V.O., Governor.
	EXPLANATORY NOTE (not part of the Regulations)	

These Regulations are made under section 4(1)(b), (d) and (f) of the Livestock and Meat Products Ordinance (No 14 of 2010) which allows the Governor to make regulations dealing with the slaughtering of animals and the treatment of animals at abattoirs before and after slaughter. The regulations give effect to Regulation (EC) 1099/2009 of 24 September 2009 on the protection of animals at the time of killing which lays down requirements which must be met by countries exporting meat to the European Union.

This EC Regulation takes into account that any killing of animals would include pain, distress, fear or other forms of suffering but lays down requirements which will minimise the distress and suffering of animals and stipulates measures which if taken will avoid the infliction of pain to animals.

The Regulations are divided into five parts; Part 1 deals with introductory matters covering interpretation, commencement and the application of the regulations which is limited to animals slaughtered or killed for human consumption.

Part 2 lays down the general requirements which abattoir operators must meet (which comply with Article 3 of the EC Regulation), which stipulates that animals must be spared any avoidable pain, distress or suffering either during killing or during any related operations. *Regulation 6* sets out requirements which abattoirs must comply with and these are set out under Schedule 1 to the Regulations.

Schedule 1 lays down specific requirements for slaughterhouses, the equipment and facilities that are required for all the operations that are carried out to be done effectively. It sets out the requirements that the specific equipment, depending on its use, must have so that the operations can be carried out smoothly to promote the welfare of animals as they arrive at the abattoir and as they are processed for slaughter or killing.

Regulation 7 sets out the specific methods which must be used to give effect to Article 3 and further provides for the specific methods and requirements to be carried out in Schedules 2 to 5.

Schedule 2 provides for stunning operations by specifying which stunning methods are allowed, setting out the minimum standards for these different stunning methods and how they are to be carried out.

Schedule 3 lays down the monitoring procedures which must be in place in all slaughterhouses. These procedures ensure animals are checked and monitored at all times so that they do not suffer any unnecessary pain or distress as they are being processed for killing or slaughter.

Schedule 4 lays down the operational rules for slaughterhouses which set out procedures to be complied with from the arrival of animals until their killing or slaughter. These include practical considerations which promote the welfare of animals as well as the need for an assessment of animals as they arrive at the abattoir so that those which require specific welfare needs can be attended to as required.

Regulation 8 provides for all killing and related operations to be carried out by competent personnel and regulation 9 provides for an animal welfare officer who must be available at all times to safeguard the welfare of animals.

Part 3 provides for the requirements which need to be observed in the killing of animals and related operations. *Regulation 10* lays down the general requirements for the treatment of animals, *regulation 11* provides for the stunning of animals and *regulation 12* provides for checks and monitoring to be carried out where animals are stunned while *regulation 13* provides for requirements to be met where animals are killed without having been stunned. This includes animals which are killed using methods prescribed by religious rites.

Part 4 provides for the certification of all personnel involved in the killing or slaughter of animals and other related operations. The requirement is that all killing and slaughter must be done by competent personnel except in emergency situations. *Regulation 15* provides for the qualifications and other requirements which an applicant must possess to be able to be granted a certificate of competence.

Regulation 16 provides for requirements which an applicant for a provisional certificate must have. Regulation 17 provides for the grant of a certificate of competence and the grant of a provisional certificate. Regulation 18 sets out when the competent authority may refuse to issue a certificate and the requirement to furnish the applicant with reasons for refusal and information about the right of the applicant to have their application reconsidered under regulation 21. Regulations 19 and 20 provide for suspensions, modifications and revocations. Regulation 22 provides for fees and regulation 23 provides for the qualifications and responsibilities of an animal welfare officer.

Part 5 provides for general matters. These include guides to good practice which the Senior Veterinary Officer must develop for abattoir operators and people caring for livestock, the keeping of records, offences and penalties as well as transitional provisions. The transitional provision gives abattoirs until 8 December 2019 to comply with requirements which must be in

place for electrical stunning equipment). This is limited only to Schedule 1 Part 4 because the Sand Bay abattoir already complies with all the requirements of Schedule 1 and any abattoirs which may be set up in future will have to comply with these requirements before they are designated to provide meat for export and local consumption. *Regulation 28* disapplies UK subsidiary legislation which will no longer apply as a result of these regulations. *Regulation 29* revokes the relevant paragraphs of the Designated Abattoirs (Application of Legislation) Order 1999 which provides for the application of the two pieces of UK subsidiary legislation referred to under regulation 28 to apply in the Falkland Islands.

SUBSIDIARY LEGISLATION

ANIMALS

Livestock and Meat Products (Examination for Contaminants, Residues and Maximum Residue Levels) Regulations 2015

S. R. & O. No. of 2015

I make the following regulations under section 4(1)(c) and (h) of the Livestock and Meat Products Ordinance (No. 14 of 2010).

PART 1 – INTRODUCTION

1. Title

These regulations are the Livestock and Meat Products (Examination for Contaminants, Residues and Maximum Residue Levels) Regulations 2015.

2. Commencement

These regulations come into force on publication in the Gazette.

3. Interpretation and application

(1) In these regulations —

"abattoir operator" means a person or company responsible for the day to day operation of activities that occur in an abattoir or slaughterhouse and includes activities in any co-located or related cutting plants, chilling or freezing establishments;

"analysis" includes any technique for establishing the composition of an official sample;

"approved laboratory" means a laboratory approved by the competent authority for the purpose of examining official samples;

"competent authority" means the Senior Veterinary Officer or any other authorised official of the Department of Agriculture;

"contaminants" in relation to maximum levels in meat and meat products means any of the substances referred to in the relevant EU legislation specified under Schedule 5;

"Commission" means the European Commission;

"farm" means an area of land devoted to the keeping, rearing or raising of livestock;

"feed" or "feedingstuff" means any substance or product, including additives, whether processed, partially processed or unprocessed, intended to be used for oral feeding to animals;

"fresh meat" means meat that has not undergone any preserving process other than chilling, freezing or quick-freezing, including meat that is vacuum-wrapped or wrapped in a controlled atmosphere;

"holding" means a section of land leased or otherwise tenanted for agricultural purposes;

"illegal treatment" means the use of unauthorised substances or products and includes the use of authorised products or substances for purposes other than those lawfully permitted;

"inspector" means a person who is designated in writing under regulation 13 by the competent authority, either generally or specifically, to carry out inspections under these regulations;

"maximum residue limits" means, in relation to a substance or product specified under these regulations or the relevant EU legislation, its concentration in the tissues or body fluids of an animal, its meat or meat products, the limit of which is specified in the relevant EU legislation appearing under Schedule 5 and 6;

"meat preparations" means fresh meat, including meat that has been reduced to fragments, which has had foodstuffs, seasonings or additives added to it or which has undergone processes insufficient to modify the internal muscle fibre structure of the meat and eliminate the characteristics of fresh meat;

"meat products" means processed products resulting from the processing of meat or from the further processing of such processed products, so that the cut surface shows that the product no longer has the characteristics of fresh meat;

"mechanically separated meat (MSM)" means the product obtained by removing meat from flesh-bearing bones after boning using mechanical means which result in the loss or modification of the muscle fibre structure;

"official controls" in relation to these regulations means checks, inspections, audits and corrective procedures made by the competent authority to verify and ensure compliance with feed and food requirements so that the maximum residue limits set for the different substances and products are not exceeded for the protection of public and animal health;

"official sample" means a sample taken by the competent authority under Part 4;

"official veterinarian" means an official of the Department of Agriculture appointed under section 7 of the Ordinance:

"pesticide residues" means residues including active substances, their metabolites, and the breakdown or reaction products of the active substances specified in the relevant EU legislation under Part B of Schedule 5 (in so far as they are present in meat and meat products);

"relevant EU legislation" means (to the extent that it relates to residue limits in meat and meat products) the legislation specified in Schedule 6;

"residue" means the residue of a substance that has a pharmacological action, of its metabolites and of any other substances transmitted to animal products which is likely to be harmful to human health:

"the Ordinance" means the Livestock and Meat Products Ordinance;

"therapeutic purposes" means the administering of an authorised substance or product to an animal —

- (a) to treat a fertility problem; or
- (b) in the case of beta-agonists
 - (i) to induce tocolysis in cows when calving;
 - (ii) to treat respiratory problems; or
 - (iii) to treat navicular diseases and laminitis;

"traceability" means the ability to trace and follow a feed, or substance intended to be, or expected to be incorporated into a feed, through all stages of production, processing and distribution;

"unauthorised substances or products" means the substances or products specified under Schedule 2 which are prohibited under these regulations and relevant EU legislation and "prohibited substances or products" must be construed accordingly;

"veterinary medicinal product" means any substance or combination of substances —

- (a) presented as having properties for treating or preventing disease in animals; or
- (b) that may be used in, or administered to, animals with a view to
 - (i) restoring, correcting or modifying physiological functions by exerting a pharmacological, immunological or metabolic action; or
 - (ii) making a medical diagnosis;

"withdrawal period" in relation to an authorised veterinary medicinal product administered to an animal or batch of animals, means the period specified for that product (either in the marketing

authorisation relating to that product or as prescribed by the official veterinarian) which is required to be observed from the time the product is administered to the animal and the time the animal can be placed on the market for slaughter for human consumption; and

"zootechnical treatment" means the administering of any substance authorised by regulation 7 for use in artificial insemination or embryo transfer programmes.

- (2) In these regulations any reference to the 'licence or licenced use' of a substance or product means any use of a substance or product that the manufacturer has permitted or approved.
- (3) The relevant EU legislation specified under Schedule 5 and 6 setting out the maximum residue limits apply to meat and meat products intended for human consumption.
- (4) For purposes of ascertaining whether the maximum residue limits have been exceeded the competent authority must test for the presence of the substance (the drug, drug metabolite or a combination of both) as specified in Schedule 5 (in relation to contaminants) or as specified in the relevant EU legislation listed under Schedule 6 (in particular Regulation 37/2010 of 22 December 2009 in relation to pharmacologically active substances) and measure the levels of that substance.

PART 2 – PROHIBITIONS ON IMPORT, SALE AND USE OF CERTAIN PRODUCTS AND SUBSTANCES ON ANIMALS

4. General prohibition on import, sale and use of unauthorised substances

- (1) Subject to the provisions of these regulations, a person commits an offence who
 - (a) imports into the Falkland Islands any of the unauthorised substances or products specified under Schedule 2;
 - (b) places on the market for sale any of the unauthorised substances or products specified under Schedule 2:
 - (c) administers to any animal any of the unauthorised substances or products specified under Schedule 2;
 - (d) places on the market for slaughter any animal to which any of the substances specified under Schedule 2 has been administered; or
 - (e) processes or places on the market for sale any meat or meat products (intended for human consumption) from an animal to which any of the substances specified under Schedule 2 has been administered.
- (2) A person convicted of an offence under this regulation is liable to a term of imprisonment not exceeding 12 months or to a fine not exceeding level 8 on the standard scale, or to both.
- (3) The competent authority may import any of the unauthorised substances or products for zootechnical purposes or for any other purposes as may be necessary.

5. Prohibitions on the import, sale or administration of certain substances

- (1) A person commits an offence who imports into the Falkland Islands or places on the market for sale for administration to animals any of the following substances
 - (a) thyrostatic substances;
 - (b) beta-agonists;
 - (c) stilbenes, stilbene derivatives including their salts and esters; or
 - (d) oestradiol 17β and its ester-like derivatives.
- (2) Subject to regulation 7, a person commits an offence who administers to an animal intended for human consumption any of the following substances
 - (a) thyrostatic substances;
 - (b) beta-agonists;
 - (c) stilbenes, stilbene derivatives including their salts and esters; or
 - (d) oestradiol 17β and its ester-like derivatives.
- (3) A person convicted of an offence under this regulation is liable to a term of imprisonment not exceeding 12 months or to a fine not exceeding level 8 on the standard scale, or to both.

6. Prohibition of possession of unauthorised substances and substances under regulation 5

- (1) A person commits an offence who is in possession of any unauthorised substances or any of the substances specified under regulation 5.
- (2) It is a defence for a person charged with an offence under subregulation (1) in relation to the substances specified under regulation 5 that the person had an authorisation from the competent authority to use the substance for its licenced use.
- (3) A person convicted of an offence under this regulation is liable to a term of imprisonment not exceeding 12 months or to a fine not exceeding level 8 on the standard scale, or to both.

7. Exceptions

- (1) Nothing under regulation 5 prohibits the administering of any of the following specified substances or products for the following purposes
 - (a) administering for therapeutic purposes testosterone and progesterone and derivatives which, when administered, yield the parent compound on hydrolysis after absorption in the area where the injection is administered;
 - (b) administering progesterone for the treatment of ovarian dysfunctions through the use of vaginal spirals;

- (c) administering for therapeutic purposes authorised veterinary products or substances which contain
 - (i) allyl trenbolone, if administered orally;
 - (ii) beta-agonists where it is injected to induce tocolysis in cows when calving;
- (d) administering for zootechnical treatment authorised veterinary substances or products which have
 - (i) an oestrogenic action (other than oestradiol 17β and its ester-like derivatives); and
 - (ii) androgenic or gestagenic action which are authorised in accordance with the relevant EU legislation.
- (2) The substances and products referred to under subregulation (1) must
 - (a) be administered by an official veterinarian to clearly identified animals;
 - (b) not be kept by farmers.
- (3) The official veterinarian must record the details of any products or substances administered under this section.
- (4) Therapeutic treatment of animals other than for breeding purposes is prohibited (including breeding animals which are at the end of their reproductive life).
- (5) The substances or products referred to under this regulation
 - (a) must only be used in accordance with this regulation,
 - (b) must be authorised by the competent authority or licensed to be so used for the therapeutic purpose for which they are used and the waiting periods specified in the manufacturer's information for those substances or products must be observed before the animals can be placed on the market for slaughter.

8. Meat and meat products with levels in excess of the maximum residue limits

- (1) A person commits an offence who places on the market for sale any meat or meat products intended for human consumption which contains
 - (a) residue levels that exceed the maximum residue limits specified under Part A of Schedule 5 in relation to pharmacologically active substances;
 - (b) pesticides residue levels that exceed the maximum residue limits specified under Part B of Schedule 5;

- (c) levels that exceed the maximum levels for certain contaminants as specified under Part C of Schedule 5;
- (d) levels that exceed the maximum limits specified under Part D of Schedule 5 in relation to microbiological contaminants; or
- (e) levels that exceed the maximum limits in relation to relevant EU legislation specified under Schedule 6.
- (2) A person convicted of an offence under this regulation is liable to a term of imprisonment not exceeding 6 months or to a fine not exceeding level 4 on the standard scale, or to both.

PART 3 – GENERAL CONTROL AND MONITORING ON PRODUCTION AND PLACING ON THE MARKET

9. Controls by animal owners – monitoring of animals going for slaughter

- (1) A person in control of animals going for slaughter must take all reasonable steps to ensure that the animals which are to be taken for slaughter
 - (a) are constantly monitored for the purpose of detecting the level of residues from substances or products specified under Schedule 1; and
 - (b) are not treated with any of the unauthorised substances or products specified under Schedule 2.
- (2) The reasonable steps may include the following
 - (a) the correct and appropriate use of veterinary medicinal products (to avoid illegal treatment):
 - (b) the keeping of records of all the veterinary medicinal products administered to animals;
 - (c) the correct and appropriate use of feed (and additives) and ensuring their traceability; and
 - (d) the correct storage of feed (to avoid contamination); and
 - (e) ensuring as far as possible that animals which had been administered with authorised substances or products are sent for slaughter only after the applicable withdrawal periods which have been prescribed for those substances or products have elapsed.

10. Official controls – competent authority

- (1) The competent authority must put in place measures aimed at ensuring compliance with these regulations and these measures may include
 - (a) the control of contaminants such as mycotoxins, heavy metals and radioactive material;
 - (b) the use of water, organic waste and fertilisers on animal feeds;

- (c) the correct and appropriate use of plant protection products and biocides and their traceability;
- (d) the correct and appropriate use of veterinary medicinal products;
- (e) the keeping of records of all the veterinary medicinal products administered to animals;
- (f) the correct and appropriate use of feed additives and their traceability;
- (g) frequent monitoring to ensure that animals do not contain
 - (i) residue levels which exceed maximum residue limits specified under these regulations; or
 - (ii) any trace of prohibited substances or products.
- (2) The competent authority must put in place a monitoring plan and must ensure that inspections are carried out as often as possible for the proper monitoring of the use of substances or products in animals and to check the residues listed under the Schedules to these regulations.
- (3) The competent authority must ensure that
 - (a) the residue monitoring plan complies with the requirements under Part 4; and
 - (b) the data collected and all the results are sent to the Commission not later than 31 March in each year.

11. Controls at slaughter - placing on the market for human consumption

- (1) In this Part
 - (a) to "process meat" means to bone, mince, chill, freeze or otherwise prepare meat for sale; and
 - (b) to "produce meat" means to kill, bleed, skin, and cut up an animal.
- (2) An abattoir operator must take the necessary steps to ensure that animals that are processed for slaughter do not contain residues in excess of the maximum limits and that they do not contain any trace of prohibited substances or products as set out under these regulations and the relevant EU legislation.
- (3) Any meat or meat product which is produced and processed to be placed on the market for human consumption must
 - (a) be examined by the competent authority to ensure that it does not contain residues in excess of the levels set out under these regulations and the relevant EU legislation;

- (b) in the case of meat from animals which were used for breeding purposes or from animals which have undergone treatment using authorised products or substances, come from animals which were only slaughtered after the lapse of the specified withdrawal periods prescribed for those substances or products;
- (c) in the case of animals administered with substances which have oestrogenic, androgenic or gestagenic action or beta-agonists, come from those animals which have undergone treatment following the administration of those substances; and
- (d) be thoroughly checked by the competent authority to ensure compliance with the applicable measures relating to animal health and welfare that have implications for human health, including programmes for the monitoring and control of zoonoses and zoonotic agents.

12. Checks and approval by competent authority before meat is placed on the market

- (1) An abattoir operator must ensure that all fresh meat to be placed on the market is produced and processed in compliance with the Livestock and Meat Products (Hygiene) Regulations 2015 (SR&O No ?? of 2015).
- (2) An official veterinarian must carry out the official controls referred to in Part 4 to ensure that meat and meat products placed on the market comply with the residue and contaminant levels set out in these regulations and the relevant EU legislation.
- (3) The competent authority must also carry out the official checks aimed at detecting the presence of unauthorised substances or products (which may be used for fattening or for other illegal treatment).

PART 4 – OFFICIAL CONTROLS (SAMPLING, TESTING, EXAMINATIONS, INSPECTIONS AND AUDITS)

13. Designation of Inspectors

- (1) The competent authority must designate inspectors for purposes of carrying out all the checks, sampling, monitoring and other official control measures required under these regulations.
- (2) An inspector designated under these regulations is responsible for
 - (a) carrying out inspections for detecting the presence of unauthorised substances or products intended to be administered to animals for purposes of fattening or for any illegal treatment;
 - (b) checking the records or registers kept at farms in relation to treatment administered to animals:
 - (c) taking of samples, registering, preparing and organising the transportation of official control samples; and

(d) any other duties as may be specified in the designation.

14. Inspections at farms or holdings

- (1) The owner or any person in charge of animals must cooperate with the inspectors and facilitate inspection operations and in particular assist the inspector, the official veterinarian or any other authorised staff to carry out any official controls required under these regulations.
- (2) The inspector must check all the records and registers kept in terms of regulation 33.
- (3) Where there is any suspicion that animals have been treated with illegal or unauthorised substances or products the competent authority must ensure that inspections or checks are carried out as soon as possible.
- (4) An inspection carried out under this regulation may include
 - (a) official sampling of the animals' feeding stuff or drinking water;
 - (b) a search within the farm for the presence of the unauthorised substances or products or, where there are unauthorised substances or products found, checks to establish the origin of those substances or products;
 - (c) a request for the owner of the animals to detain a certain number of animals to enable the animals to be inspected for the purposes of checking for unauthorised substances or the residue levels of authorised substances; or
 - (d) any other action as may be appropriate in the circumstances.
- (5) Where samples or checks are to be carried out in compliance with subregulation (3) or if the sampling is carried out on a specific batch of animals the competent authority must give the owner of the animals or the person in control of the animals 7 days' notice in writing as to when the sampling and checks are to take place.
- (6) The owner or person in control of the animals must allow sampling and checks to take place within 7 days of the notification.
- (7) Where an inspection under this section reveals any positive results the competent authority must take any action as specified under Part 5.

15. Inspections at abattoir

- (1) An abattoir operator must cooperate with the inspectors by facilitating pre-slaughter inspection operations and offer any assistance as necessary so that official controls to be carried out by the inspectors and officers of the competent authority can be performed effectively.
- (2) The abattoir operators must in particular
 - (a) give access to all buildings, premises, installations or other infrastructures related to the abattoir and meat production; and

- (b) make available any documentation and records required or considered necessary by an inspector or an officer of the competent authority.
- (3) Where an inspection under this section reveals any positive results the competent authority must take action as specified under Part 5.

Residue Monitoring Plans – Meat and Meat Products for Export Purposes

16. Residue monitoring plans

- (1) The competent authority must prepare and transmit to the Commission a residue monitoring plan for all meat and meat products produced and processed for export to the Commission annually as required under regulation 10.
- (2) The residue monitoring plan must comply with the requirements of the relevant EU legislation and must take into account the following
 - (a) the legal requirements on the use of substances or products specified under these regulations and the relevant EU legislation;
 - (b) the capacity of all the relevant parties involved in implementing the plan;
 - (c) the laboratories approved for processing samples;
 - (d) the number of official samples to be taken (in relation to the number of animals of the species slaughtered in preceding years) in accordance with the sampling levels and frequencies laid down under Schedule 4;
 - (e) the legal requirements for collection of samples and the information provided with samples; and
 - (f) measures to be taken with regard to animals, meat or meat products which are found to contain residues in excess of the prescribed maximum limits.

17. Monitoring

- (1) The competent authority must monitor animal production and the overall processing and production of meat and meat products for detecting the presence of any residues and substances listed under these regulations and the relevant EU legislation.
- (2) The competent authority must ensure that all samples are collected in accordance with these regulations and the relevant EU legislation in particular by
 - (a) drawing up a monitoring plan to enable inspections to be carried out as and when necessary;
 - (b) collecting all the data needed to evaluate the methods used to collect samples and the results obtained from carrying out any measures taken; and

(c) sending to the Commission, not later than 31 March in each year the data and the results (including the results of any surveys taken during the course of that year).

18. Contents of the monitoring plan

The monitoring plan must —

- (a) provide, according to the type of animal, for detection of groups of residues or substances specified under Schedule 3;
- (b) specify the measures for detection of the presence of
 - (i) the substances referred to under paragraph (a) (and where necessary in the drinking water, feeding stuffs and in all the places where the animals are kept);
 - (ii) residues of the substances specified under Schedule 3 (by checking the animal's excrement and body fluids, and in animal products such as meat and milk); and
- (c) comply with the sampling rules and levels laid down under Schedule 4.

Sampling and Sampling Reports

19. Requirements for taking samples

- (1) The competent authority must ensure that samples are taken frequently or as routinely as possible throughout the course of the year to detect the possession or presence of prohibited substances or products or to determine the levels of residues or contaminants from products or substances.
- (2) The taking of samples may be unscheduled and must be done as often as necessary to detect the possession or presence of unauthorised substances or products.
- (3) The taking of official samples must be done in accordance with the requirements of Schedule 4 and the competent authority must ensure the establishments take samples at a frequency appropriate to production.

20. Transport and storage of samples

- (1) Residue control plans must specify suitable storage and transport conditions for each analyte or matrix combination to ensure analyte stability and sample integrity.
- (2) The competent authority may impose additional conditions under which official control samples are transported in relation to the temperature and the storage of the samples.

21. Sampling report

- (1) The sampling report must contain the following
 - (a) name of the inspector carrying out the sampling;
 - (b) official code of the sample;

- (c) sampling date;
- (d) if the sampling is done on farm, the name and address of the owner or the person who has control of the animals;
- (e) in the case of meat and meat products, the name and address of the abattoir operator;
- (f) registration number of the abattoir;
- (g) animal, meat or meat product number;
- (h) animal species;
- (i) sample matrix indicating the type of tissue sampled;
- (j) veterinary medicinal products given to the animals within the last four weeks before the sampling is undertaken;
- (k) substances or groups of substances which the sampling is to cover; and
- (l) any other necessary information relevant to the sampling.
- (2) The sampling report must be signed by an inspector and the original copy filed with the competent authority.

Official control measures and checks

22. Official control measures

- (1) The competent authority must ensure that official control measures are put in place to detect the possession or presence of unauthorised substances or products intended to be administered to animals for any illegal treatment (including fattening).
- (2) The official control measures referred to in subregulation (1) may include the following
 - (a) unscheduled checks carried out as often as necessary;
 - (b) training of owners of animals or people in charge of animals on the keeping of records and the proper use of veterinary medicinal substances or products.

23. Official control checks

- (1) The competent authority must perform periodic unscheduled checks at farms to check any of the following
 - (a) the treatment given to animals;
 - (b) the records of treatments administered on animals;

- (c) any traces of implants on the animals and these checks may include official sampling;
- (d) the presence of prohibited or unauthorised substances or products; or
- (e) the animal's feeding stuffs and drinking water to detect any prohibited or unauthorised substances or products.
- (2) The competent authority may perform unscheduled checks on a particular farm where there is suspicion that illegal treatment has taken place.
- (3) Where the competent authority finds any unauthorised substances or products as a result of a check under subregulation (2), it must carry out further checks to clarify the origins of the unauthorised substances or products.
- (4) Where the checks under subregulation (2) reveal that the maximum limits or levels laid down under Schedule 5 have been exceeded the competent authority must take such action or measures it may deem appropriate in the circumstances.

Approved laboratories

24. Designated laboratories

- (1) The competent authority must designate a number of laboratories for purposes of these regulations and the relevant EU legislation.
- (2) The designated laboratories must be capable of carrying out the tests required under these regulations.

25. Examination of samples

Where the examination of a sample reveals that there has been illegal treatment, the competent authority must take such measures and any of the actions laid down under Part 5.

PART 5 – ACTION TO BE TAKEN FOR POSITIVE RESULTS

26. Further investigations – competent authority

- (1) Where the results or outcome of the official checks and examinations carried out under Part 4 reveal positive results of the presence of any residues that exceed the maximum limits specified under Schedule 1, the competent authority must carry out a further investigation.
- (2) The competent authority must obtain all the necessary information without delay in order to—
 - (a) establish whether the residues are of authorised or unauthorised substances or products;
 - (b) identify the animals and the farm from where the affected animals come; and
 - (c) establish the source of the unauthorised substances or products.

(3) Depending on the outcome of the investigation and based on its findings, the competent authority may take the appropriate action as set out under regulations 27 and 28.

27. Actions by competent authority – maximum levels exceeded

- (1) Where the results or outcome of the official checks and examinations carried out under Part 4 or a further investigation conducted under regulation 26 reveal that the residue levels of authorised substances or products exceed the maximum levels specified under Schedule 5, the competent authority must carry out a further investigation to determine the reasons of the excess in residue levels.
- (2) Based on the outcome of the further investigation under subregulation (1), the competent authority must put in place necessary measures to safeguard public health.
- (3) The measures referred to under subregulation (2) may include
 - (a) the prohibition of affected animals from leaving the farm where they are kept for a specified period;
 - (b) where the residues which exceed the maximum limits are found in carcasses, the confiscation and destruction of those carcasses;
 - (c) the prevention of the placing on the market for slaughter, of animals from that farm for a specified period.
- (4) The competent authority
 - (a) must ensure that animals that come from a farm which has had repeated incidents of exceeding the maximum residue limits go through intensified checks and examinations for a specified period not less than 6 months before animals from that farm can be placed on the market for slaughter; and
 - (b) may impose administrative penalties on the owner of those animals.
- (5) The imposition of administrative penalties under subregulation (3) does not prevent the prosecution of any person whose animals have been found with residues that exceed the maximum limits.

28. Actions by competent authority – illegal treatment

- (1) Where the results or outcome of the official checks and examinations carried out under Part 4 or a further investigation conducted under regulation 26 reveal that there has been illegal treatment the competent authority must
 - (a) ensure that all the animals on that farm are checked and the affected animals are immediately placed under official control;
 - (b) cause all the affected animals to be marked to ensure that they are easily identifiable; and

- (c) cause all the affected animals to be slaughtered separately.
- (2) Based on the outcome of the further investigation under subregulation (1) and depending on the nature of the unauthorised substances or products identified, the competent authority may put in place necessary precautionary measures to safeguard public health.
- (3) The measures referred to under subregulation (2) may include
 - (a) where any unauthorised substances or products are found in the farm or on any unauthorised persons, the confiscation of those substances or products;
 - (b) the prevention of the placing on the market for slaughter, of animals from that farm for a period as may be specified by the competent authority; or
 - (c) the imposition of administrative penalties on the owner of the farm or any unauthorised person found in possession of the unauthorised substances or products.
- (4) The imposition of administrative penalties under subregulation (3) does not prevent the prosecution of any person found in possession of unauthorised substances or products.
- (5) The owner of the animals must bear the following costs
 - (a) costs of the checks done on all the animals under this regulation;
 - (b) costs of slaughter of the affected animals including the costs of transporting the animals to a slaughterhouse.

29. Action by official veterinarian - slaughterhouses

- (1) If the official veterinarian at a slaughterhouse has evidence that animals have been treated with unauthorised substances or products or that, after being treated or administered with authorised substances or products, the withdrawal periods were not observed, the official veterinarian must
 - (a) in the case of live animals, arrange for the animals to be slaughtered separately from other animals;
 - (b) if the animals have already been slaughtered, impound all the carcasses and offal from those animals until all the sampling procedures necessary to detect the level of residues for the substances or products in question have been conducted.
- (2) The official veterinarian may, where there is suspicion that animals have been illegally treated or that, after being treated or administered with authorised substances or products, the withdrawal periods were not observed
 - (a) impound all the carcasses and offal from animals slaughtered until all the sampling procedures necessary to detect the residues have been complied with; or

- (b) subject to subregulation (3), delay the slaughter of the animals until satisfied that the quantity of the residues does not exceed the permitted levels by observing the withdrawal periods to be observed with respect to those substances or products.
- (3) If there is an emergency or due to animal welfare reasons it is required that slaughter cannot be delayed the animals must be slaughtered immediately and the carcass and offal from those animals must be checked before it can be placed on the market for human consumption.
- (4) If the sampling procedures undertaken in relation to meat or offal from animals under this regulation show that the residue levels exceed the maximum limits, the carcass and offal must be declared unfit for human consumption and be destroyed.
- (5) The competent authority may impose any of the measures specified under these regulations based on the results of the sampling procedures undertaken under this regulation (whether the sampling reveals illegal treatment or an excess of maximum limits).

PART 6 – MISCELLANEOUS PROVISIONS

30. Notices

Except in so far as it relates to unscheduled checks and unscheduled sampling, any decision or action to be taken by the competent authority under these regulations must be given by notice which —

- (a) must be in writing;
- (b) may be subject to conditions; and
- (c) may, depending on the decision or action be amended, suspended or revoked.

31. Administrative penalties

- (1) Where the competent authority imposes administrative penalties under Part 5 it must cause a notice in writing to be served on the owner of the animals.
- (2) A notice under subregulation (1) must specify
 - (a) the date and nature of the offence;
 - (b) a summary of the facts on which the allegation that an offence has been committed is based (being a sufficient summary fully and fairly to inform the person of the allegation against the person); and
 - (c) any other matters that the competent authority considers relevant to the imposition of a penalty.
- (3) A notice under subregulation (1) must be endorsed with a statement setting out the provisions of these regulations.

- (4) Any person on whom a notice under subregulation (1) is served may, within 28 days after the service, by notice in writing served on the competent authority, require that proceedings in respect of the alleged offence be dealt with by a court having jurisdiction to try and determine that offence, in which case the following applies
 - (a) no further proceedings are to be taken under this regulation by the competent authority; and
 - (b) nothing in this regulation is to be construed to prevent the subsequent laying of any information charge in respect of the alleged offence, or the conviction of the person of the offence by that court, or the imposition of any penalty or fine under these regulations upon such conviction.
- (5) Any person on whom a notice under subregulation (1) is served who does not require that proceedings in respect of the alleged offence be dealt with by a court may by notice in writing served on the competent authority
 - (a) admit the offence; and
 - (b) bring to the attention of the competent authority any matters the person wishes the competent authority to take into account in imposing any administrative penalty.
- (6) Where a person on whom a notice under subregulation (1) is served does not, within 28 days after the notice is served
 - (a) require that proceedings in respect of the alleged offence be dealt with by a court; or
 - (b) admit the offence,

the person is, on the expiration of that period, deemed to have admitted the offence.

- (7) Where a person admits or is deemed to have admitted an offence the competent authority may, after taking into account any submissions made by that person under subregulation (5), impose a monetary penalty on that person in respect of the offence not exceeding in amount one third of the maximum fine to which the person would be liable if the person were convicted of the offence by a court.
- (8) An admission or deemed admission of an offence and the imposition of a penalty under this regulation is not to be regarded as a conviction for an offence.
- (9) Where the competent authority imposes a penalty on a person under this regulation in respect of an offence, the competent authority must cause a notice in writing with the particulars of the penalty to be served on the person.
- (10) A person on whom a penalty is imposed under this regulation must pay the amount of the penalty to the Crown within 28 days after the notice of the penalty is served on the person.

(11) A penalty imposed under this regulation is recoverable by the Crown from the person on whom it has been imposed in the same manner as a fine is recoverable on conviction for an offence and, without prejudice to the foregoing, may be recovered in any manner in which a civil debt to the Crown from that person may be recovered.

32. Appeals

- (1) Any person aggrieved by the decision of the competent authority under these regulations may lodge an appeal in writing to the Governor within 14 days from the date of the decision by the competent authority.
- (2) An appeal under subregulation (1) must be commenced by submitting a notice of appeal to the Governor.
- (3) The notice of appeal must be accompanied by supporting documents including a copy of the decision of the competent authority.
- (4) Where an appeal is made under this regulation, the Governor may
 - (a) allow the appeal in full;
 - (b) dismiss it entirely; or
 - (c) reverse or vary one or more parts of the decision made by the competent authority.

33. Record keeping

- (1) There must be kept on the farm or holding a register on which the following is recorded
 - (a) information relating to any treatment prescribed or administered to animals;
 - (b) the date when the treatment was administered to the animals:
 - (c) the identification of the animals treated;
 - (d) the withdrawal periods to be observed for the treatments administered (including information indicating when those periods elapsed); and
 - (e) any other relevant information.
- (2) A person who owns or is in control of animals or is engaged in the placing on the market of animals for slaughter must keep records of the following
 - (a) all veterinary medicinal products or other treatments administered to animals, the dates of administration and withdrawal periods;
 - (b) the occurrence of diseases that may affect the safety of the meat and products of animal origin;

- (c) the results of any analysis carried out on samples taken from animals or other samples taken for diagnostic purposes which must include results of tests for diseases or contamination in meat which may have an adverse effect on human health; and
- (d) any relevant reports on checks carried out on animals or products of animal origin.
- (3) The official veterinarian, the owner of the animal or the person in charge of the animal must enter the details specified under this regulation in the register.
- (4) An abattoir operator must keep all the records relating to animals brought into the abattoir including any records relating to meat and meat products produced or processed in the abattoir.
- (5) A copy of the register or records to be kept under this regulation must be made available to inspectors when requested.

34. Guidance by competent authority

The competent authority may publish guidance on good record keeping practices, the taking of samples, sampling frequency and strategy as well as on the storage and administration of veterinary medicinal products.

35. Obstruction of inspectors, official veterinarian and competent authority officials

- (1) It is an offence to do one or more of the following
 - (a) intentionally to obstruct any person acting in the execution of these regulations;
 - (b) knowingly to give any information that is false or misleading to any person acting in the execution of these regulations;
 - (c) intentionally to fail to disclose any material particular to any person acting in the execution of these regulations; or
 - (d) to fail, without reasonable excuse
 - (i) to give any assistance that any person acting in the execution of these regulations may require, or
 - (ii) to produce any record that any person acting in the execution of these regulations may require to be produced,

for the performance of that person's functions under these regulations.

(2) A person convicted of an offence under this regulation is liable to a term of imprisonment not exceeding 12 months, or to a fine not exceeding level 8 on the standard scale, or to both.

36. Offences and penalties

(1) It is an offence for a person to contravene a provision of these regulations.

(2) A person convicted of an offence under these regulations for which no penalty is provided is liable to a term of imprisonment not exceeding 6 months or to a fine not exceeding level 6 on the standard scale, or to both.

37. Disapplied United Kingdom legislation

The Animals and Animal Products (Examination for Residues and Maximum Residue Limits) Regulations 1997 (S.I. 1997/1729) no longer apply to the Falkland Islands.

38. Revocation

- (1) The Designated Abattoirs (Application of Legislation) Order 1999 (S.R. & O. No. 65 of 1998) is amended by revoking paragraph 8 and revoking Schedule 6; and
- (2) The Foodstuffs (Maximum Levels of Certain Metals) Order 2002 (S.R. & O. No. 15 of 2002) is revoked.

SUBSTANCES OR PRODUCTS TO BE MONITORED

(regulation 9(1)(a))

Group A

- (i) Substances which have anabolic effect and unauthorised substances
 - (a) Stilbenes, stilbene derivatives, and their salts and esthers
 - (b) Antithyroid agents
 - (c) Steroids
 - (d) Resorcyclic acid lactones including zeranol
 - (e) Beta-agonists

Group B

Veterinary drugs and contaminants:

- (1) Antibacterial substances including sulphonamides, quinolones
- (2) Other veterinary drugs
 - (a) Anthelmintics
 - (b) Anticoccidials, including nitroimidazoles
 - (c) Carbamates and pyrethroids
 - (d) Sedatives
 - (e) Non-steroidal anti-inflammatory drugs (NSAIDs)
 - (f) Other pharmacologically active substances
- (3) Other substances and environmental contaminants
 - (a) Organochlorine compounds including PcBs
 - (b) Organophosphorus compounds

- (c) Chemical elements
- (d) Mycotoxins
- (e) Dyes
- (f) Others

SCHEDULE 2 UNAUTHORISED/PROHIBITED SUBSTANCES

(regulation 4(1)9(1)(b))

List A – Prohibited Substances

Thyrostatic substances Stilbenes, stilbene derivatives, their salts and esters Oestradiol 17β and its ester-like derivatives

List B – Prohibited substances with exceptions

Beta-agonists (permitted use as per regulation 7)

List C – Provisionally prohibited substances

Substances which have oestrogenic (other than oestradiol 17β and its ester-like derivatives) androgenic or gestagenic action

List D – Substances for which a maximum safe level in food cannot be established

The following substances for which no Maximum Residue Limits can be established:

Aristolochia
Chloramphenicol
Chloroform
Chlorpromazine
Colchicine
Dapsone
Dimetridazole
Metronidazole
Nitrofurans (including furazolidone)
Ronidazole

SCHEDULE 3 SUBSTANCES SUBJECT TO MONITORING OR CHECKING (Regulation 18(a))

The following substances are to be checked in the animals specified (checked in live animals, their excrement and body fluids as well as in the animal's feeding stuffs and drinking water) —

Substances to be checked	Types of animals
All the substances under Group A (Schedule 1)	bovine, ovine, caprine
Antibacterial substances including sulphonamides, quinolones	bovine, ovine, caprine
Anthelmintics	bovine, ovine, caprine
Anticoccidials, including nitroimidazoles	bovine, ovine, caprine
Carbamates and pyrethroids	bovine, ovine, caprine
Sedatives	bovine, ovine, caprine
Non-steroidal anti-inflammatory drugs (NSAIDs)	bovine, ovine, caprine
Organochlorine compounds including PCBs	bovine, ovine, caprine
Organophosphorus compounds	bovine, ovine, caprine
Chemical elements	bovine, ovine, caprine
Mycotoxins*	bovine, ovine, caprine

^{*}Mycotoxins may only be investigated if there are any results over 0

SCHEDULE 4

(regulation 16(2)(d))

PART A SAMPLING STRATEGY - RESIDUES

- 1. The residue monitoring plan must be aimed at surveying and revealing the reasons for residue hazards in meat and meat products.
- 2. The taking of samples must comply with the requirements of Part B of this Schedule.
- 3. Sampling may be unscheduled and must be carried out as often as is necessary.
- 4. For Group A substances (Schedule 1) the sampling must be conducted to check for
 - (a) illegal treatment of animals using the unauthorised substances; and
 - (b) unlawful use of authorised substances.
- 5. The samples must be targeted and must check the sex and age of the animal, the animal species, any fattening system in place and any other information relevant to the detection of residue levels or any illegal treatment.

- 6. For Group B substances (Schedule 1) the sampling must be aimed at controlling and ensuring that there is compliance with maximum residue limits for the following
 - (a) residues of veterinary medicinal products specified under EU Regulation 37/2010;
 - (b) levels of pesticides specified under EU Regulation 396/2005; and
 - (c) concentration levels of environmental contaminants.

PART B SAMPLING LEVELS AND FREQUENCY - RESIDUES

- 1. Sampling must be done only on a specified number of animals in compliance with paragraph 3.
- 2. A sample must be analysed for detecting the presence of one or more substances.
- 3. Samples must be taken from the following minimum number of animals
 - (a) for bovine animals the minimum number of animals in any year to be checked for residues and substances must be at least 0.4% of the bovine animals slaughtered in the previous year with the following numbers represented
 - (i) for Group A substances (Schedule 1) or products, 0.25% divided as follows —

Samples to be taken at the farm/holding	Samples to be taken at slaughterhouse	Frequency of samples	Balance
½ of the samples taken	½ of the samples	Each of the relevant	Allocated as may be
from live animals with		substances to be	necessary looking at
25% of the samples		checked for bovine	the specific
analysed for the research		animals must be	information of the
of Group A (5 beta-		checked yearly using	farm or history of the
agonists) substances		5% of the total	animals
taken from the		number of the	
appropriate material		samples collected	

(ii) For Group B substances or products (Schedule 1), 0.15% divided as follows —

Group B1		Group B2		Group B3			Balance		
30%	of	the	30%	of	the	10% of the		the	Allocated as may be necessary looking at
sampl	mples. samples			samples			the specific information of the farm or		
						_			history of the animals

(b) for sheep and goats – the minimum number of animals to be checked for all kind of residues and substances must at least equal 0.05% of sheep and goats over three months of age slaughtered in the previous year with the following breakdown —

Substance/ Product Group	Sampling Level	Balance
Group A	0.01% of the samples.	Allocated as may be necessary looking at the specific information of the farm
	Each sub-group of Group A must be checked each year using a minimum of 5% of the total number of	or history of the animals
	samples to be collected for Group A	
Group B	0.04%	Allocated as may be necessary looking at the specific information of the farm
	The same breakdown per sub-group must be maintained	or history of the animals

PART C SAMPLING STRATEGY – MICROBIOLOGICAL CONTAMINATION

Sampling rules for carcasses of cattle, pigs and sheep

Bacteriological sampling in abattoirs and at premises producing minced meat, meat preparations, mechanically separated meat and fresh meat must be done as follows —

- 1. using a non-destructive sampling method;
- 2. the selection of the sampling sites and the rules for storage and transport of samples to be used are set out in standard ISO 17604;
- 3. five carcasses must be sampled at random during each sampling session;
- 4. sample sites must be selected taking into account the slaughter technology used in each abattoir;
- 5. when sampling for analysis of *Enterobacteriaceae* and aerobic colony counts, four sites of each carcass must be sampled;
- 6. four tissue samples representing a total of 20 cm² must be obtained (destructive method);
- 7. when sampling for salmonella analysis, an abrasive sponge sampling method must be used and areas most likely to be contaminated must be selected;
- 8. the total sampling area must cover a minimum of 400 cm²; and

9. when samples are taken from the different sampling sites on the carcass, the samples must be pooled before examination.

PART D SAMPLING LEVELS AND FREQUENCY - CONTAMINANTS

Sampling frequencies for carcasses, minced meat, meat preparations and mechanically separated meat —

- 1. An abattoir operator who produces minced meat, meat preparations or mechanically separated meat must take samples for microbiological analysis at least once a week.
- 2. The day of sampling must be changed each week to ensure that each day of the week is covered.
- 3. As regards the sampling of minced meat and meat preparations for *E. coli* and aerobic colony count analysis and the sampling of carcasses for *Enterobacteriaceae* and aerobic colony count analysis, the frequency may be reduced to fortnightly testing if satisfactory results are obtained for six consecutive weeks.
- 4. In the case of sampling for *salmonella* analysis of minced meat, meat preparations and carcasses, the frequency may be reduced to fortnightly if satisfactory results have been obtained for 30 consecutive weeks.

Small slaughterhouses and other establishments producing minced meat or meat preparations in small quantities may be exempted from these sampling frequencies if it can be justified on the basis of a risk analysis and consequently authorised by the competent authority.

SCHEDULE 5 MAXIMUM LEVELS FOR CERTAIN CONTAMINANTS IN MEAT

(regulation 8(1), 23(4), 27)

Part A

Pharmacologically active substances

Council Regulation (EU) 37/2010 sets out the pharmacologically active substances and their classification regarding maximum residue limits in foodstuffs of animal origin. The pharmacologically active substances listed are applicable in so far as they relate to meat and meat products from bovine, ovine or caprine.

Part B

Pesticide Residues

Council Regulation (EC) 396/2005 sets the maximum residue levels of pesticides in or on food and feed of plant and animal origin. The maximum residue levels are applicable in so far as they relate to meat and meat products from bovine, ovine or caprine.

Part C

Council Regulation (EC) 1881/2006 sets out the maximum levels for certain contaminants in foodstuffs. The maximum levels for the contaminants are applicable in so far as they relate to meat and meat products from bovine, ovine or caprine.

Part D Microbiological criteria for meat and meat products

Food category	Micro-organisms	Sampling plan (1)		Limits (2)		an		Analytical reference method (3) ISO 4833	Stage where the criterion applies	Action in case of unsatisfactory results
		n	С	m	M					
Carcasses of cattle, sheep, (4)	Aerobic colony count			3,5 log cfu/cm2 daily mean log	5,0 log cfu/cm2 daily mean log	ISO 21528-2	Carcasses after dressing but before chilling	Improvements in slaughter hygiene and review of process controls		
	Enterobacteriaceae			1,5 log cfu/cm2 daily mean log	2,5 log cfu/cm2 daily mean log		Carcasses after dressing but before chilling	Improvements in slaughter hygiene and review of process controls		
Carcasses of pigs (4)							Carcasses after dressing but before chilling			
Carcasses of cattle, sheep	Salmonella	50 (5)	2 (6)	Absence in tested per o		EN/ISO 6579		Improvements in slaughter hygiene and review of process controls		
Carcasses of pigs						ISO 4833				
Minced meat	Aerobic colony count (7)	5	2	5 × 105 cfu/g	5 × 106 cfu/g	ISO 16649-1 or 2	End of the manufacturing process	Improvements in production hygiene and improvements in selection and/or origin of raw materials		
	E. coli (8)	5	2	50 cfu/g	500 cfu/g	ISO 4833	End of the manufacturing process	Improvements in production hygiene and improvements in selection and/or origin of raw materials		
Mechanically separated meat (MSM) (9)	Aerobic colony count	5	2	5 × 105 cfu/g	5 × 106 cfu/g	ISO 16649-1 or 2	End of the manufacturing process	Improvements in production hygiene and improvements in selection and/or origin of raw materials		

	E. coli (8)	5	2	50 cfu/g	500	ISO 16649-1	End of the	Improvements
					cfu/g	or 2	manufacturing	in production
							process	hygiene and
								improvements
								in selection
								and/or origin of
								raw materials
Meat	E. coli (8)	5	2	500	5 000	ISO 16649-1	End of the	
preparations				cfu/g or	cfu/g or	or 2	manufacturing	
				cm2	cm2		process	

- (1) n = number of units comprising the sample; <math>c = number of sample units giving values between m and M.
- (2) For points 2.1.3-2.1.5 m = M.
- (3) The most recent edition of the standard shall be used.
- (4) The limits (m and M) shall apply only to samples taken by the destructive method. The daily mean log shall be calculated by first taking a log value of each individual test result and then calculating the mean of these log values.
- (5) The 50 samples shall be derived from 10 consecutive sampling sessions in accordance with the sampling rules and frequencies laid down in this Regulation.
- (6) The number of samples where the presence of salmonella is detected. The c value is subject to review in order to take into account the progress made in reducing the salmonella prevalence. Member States or regions having low salmonella prevalence may use lower c values even before the review.
- (7) This criterion shall not apply to minced meat produced at retail level when the shelf-life of the product is less than 24 hours.
- (8) E. coli is used here as an indicator of faecal contamination.
- (9) These criteria apply to mechanically separated meat (MSM) produced with the techniques referred to in paragraph 3 of Chapter III of Section V of Annex III to Regulation (EC) No 853/2004 of the European Parliament and of the Council.
- (10) Where Salmonella spp. is found, the isolates shall be further serotyped for Salmonella typhimurium and Salmonella enteritidis in order to verify compliance with the microbiological criterion set out in Row 1.28 of Chapter 1.

Interpretation of the test results

The limits given refer to each sample unit tested, excluding testing of carcasses where the limits refer to pooled samples.

The test results demonstrate the microbiological quality of the process tested.

Enterobacteriaceae and aerobic colony count in carcasses of cattle, sheep, goats, horses and pigs:

- satisfactory, if the daily mean $\log is \le m$,
- acceptable, if the daily mean log is between m and M,
- unsatisfactory, if the daily mean log is > M.

Salmonella in carcasses:

- satisfactory, if the presence of Salmonella is detected in a maximum of c/n samples,
- unsatisfactory, if the presence of Salmonella is detected in more than c/n samples.

After each sampling session, the results of the last ten sampling sessions shall be assessed in order to obtain the n number of samples.

E. coli and aerobic colony count in minced meat, meat preparations and mechanically separated meat (MSM):

- satisfactory, if all the values observed are \leq m,
- acceptable, if a maximum of c/n values are between m and M, and the rest of the values observed are \leq m,
- unsatisfactory, if one or more of the values observed are > M or more than c/n values are between m and M.

SCHEDULE 6 RELEVANT EU LEGISLATION

(regulation 3(1))

Decision 2011/690/EU amending and correcting the annex to Decision 2011/163/EU on the approval of plans submitted by third countries in accordance with article 29 of Directive 96/23/EC

Directive 96/23/EC on measures to monitor certain substances and residues in live animals and animal products (repealing Directives 85/358 and 86/469 and also Decisions 89/187 and 91/664/EC)

Council Regulation (EC) 1881/2006 setting the maximum levels for certain contaminants in foodstuffs

Council Regulation (EC) 396/2005 on maximum residue levels of pesticides in or on food and feed of plant and animal origin

Council Regulation (EU) 37/2010 on pharmacologically active substances and their classification regarding maximum residue limits in foodstuffs of animal origin

Decision 98/179/EC laying down detailed rules on official sampling for the monitoring of certain substances and residues in live animals and animal products

Directive 96/22/EC concerning the prohibition on the use in stock farming of certain substances having a hormonal or thyrostatic action and of beta-agonists and repealing Directives 81/602, 88/146 and 88/299

Council Regulation (EC) 2073/2005 on microbiological criteria for foodstuffs

Made	2015	
		Colin Roberts C.V.O., Governor.
	EXPLANATORY	NOTE

These Regulations are made under section 4(1) (c) and (h) of the Livestock and Meat Products Ordinance (No 14 of 2010), which allows the Governor to make regulations dealing with the carrying out of medical, chemical or other tests on animals as well as carrying out of chemical or other tests on meat and meat products.

The Regulations are made to give effect to the following European Community legislation:

- Decision 2011/690/EU amending and correcting the annex to Decision 2011/163/EU on the approval of plans submitted by third countries in accordance with article 29 of Directive 96/23/EC;
- Directive 96/23/EC on measures to monitor certain substances and residues in live animals and animal products (repealing Directives 85/358 and 86/469 and also Decisions 89/187 and 91/664/EC);
- Council Regulation (EC) 1881/2006 setting the maximum levels for certain contaminants in foodstuffs;
- Council Regulation (EC) 396/2005 on maximum residue levels of pesticides in or on food and feed of plant and animal origin;
- Council Regulation (EU) 37/2010 on pharmacologically active substances and their classification regarding maximum residue limits in foodstuffs of animal origin;
- Decision 98/179/EC laying down detailed rules on official sampling for the monitoring of certain substances and residues in live animals and animal products;
- Directive 96/22/EC concerning the prohibition on the use in stock farming of certain substances having a hormonal or thyrostatic action and of beta-agonists and repealing Directives 81/602, 88/146 and 88/299; and
- Council Regulation (EC) 2073/2005 on microbiological criteria for foodstuffs

Part 1 deals with introductory matters covering commencement, definitions of a number of terms used and including that of "relevant EU legislation" which lists the EU legislation applicable for purposes of setting out maximum residue limits for meat and meat products.

 $Part\ 2$ deals with the general prohibition on import, sale and use of certain products and substances on animals and provides as follows –

regulation 4 provides for the general prohibition against import, sale and use of unauthorised substances while regulation 5 provides for the prohibition against import, sale, and administration of specific substances;

regulation 6 provides for prohibition against possession of unauthorised substances and the specified substances under regulation 5. Regulation 7 provides for exceptions where the specified substances may be used that are under the control and approval of the Department of Agriculture as the competent authority. It also requires that records of administration of the listed substances must be kept and that waiting periods must be observed before any meat from animals to which the products and substances have been administered can be placed on the market for human consumption;

regulation 8 makes it an offence for any person to place on the market for sale any meat or meat product which exceeds the maximum residue limits;

Part 3 provides for controls and monitoring which must be adhered to by any person who is involved in producing meat and meat products for human consumption and provides as follows –

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regulation 9 provides for owners of animals going for slaughter, regulation 10 provides for official controls which the competent authority must put in place to ensure that there is monitoring and control of contaminants, residues and other substances and products which are harmful:

regulation 11 provides for controls to be observed by abattoir operators before they place meat and meat products on the market for human consumption while regulation 12 provides for the competent authority to do checks and approve meat and meat products placed on the market for human consumption;

Part 4 provides for official controls to be undertaken on farms and other holdings where animals are reared or kept. It provides through *regulations 13 to 15* for the designation of inspectors who will be undertaking the inspections, carrying out inspections at farms and at abattoirs. *Regulations 16 to 18* impose a requirement for residue monitoring plans in particular for export purposes. They specify what the plan must contain and when it must be transmitted to the European Commission.

Regulations 19 to 21 provide for sampling and sampling reports and specify the requirements for sampling, transport and storage of samples as well as how the sampling report must be made and its contents.

Regulations 22 and 23 provide for official controls and checks. They do so by specifying checks and measures which the competent authority must put in place to ensure that there are no prohibited or unauthorised substances or products as well as to check for residue levels. These measures include training farmers and owners of animals about proper use of veterinary medicinal substances or products and proper record keeping.

Regulations 24 provides for the competent authority to designate approved laboratories for purposes of carrying out the tests required under these regulations.

Part 5 provides, in regulations 26 to 29, for the action that the competent authority must take depending on the results of an examination under regulation 25. Regulation 26 provides for further investigations to be taken by the competent authority to establish the origin of the substances or products, the identity of the animals and the farm from which they came as well as to establish the substances or products in question.

Regulation 27 provides for specific action to be taken by the competent authority where maximum levels have been exceeded while regulation 28 provides for action to be taken where there has been illegal treatment. Regulation 29 provides for action to be taken by an official veterinarian where there has been illegal treatment at slaughterhouses. One of the actions include imposing administrative penalties specifically for where illegal treatment is established or where cases of residues found in excess of the maximum limits have been found on a number of occasions.

Part 6 provides for miscellaneous provisions as follows –

regulation 30 provides for decisions and actions of the competent authority to be given by notice;

regulation 31 provides for the process where the competent authority imposes administrative penalties;

regulation 32 provides for appeals against any action the competent authority may take under Part 5:

regulation 33 provides for record keeping;

regulation 34 provides for the competent authority to publish guidance on good record keeping, sampling, taking of samples as well as storage and administration of veterinary medicinal products;

regulation 35 makes it an offence to obstruct inspectors, official veterinarians and other competent authority officials as they discharge their duties for purposes of these regulations and regulation 36 provides for offences generally; and

regulations 37 and 38 provide for disapplied and revoked legislation which will no longer be applicable or required as these regulations replace them.

Schedule 1 lists substances or products that require monitoring, Schedule 2 lists the unauthorised or prohibited substances while Schedule 3 lists substances or products which must be monitored or checked in live animals, their feed and their drinking water.

Schedule 4 provides for further information on carrying out of sampling, the sampling strategy to be followed for residues and contaminants as well as the levels and frequency of sampling for both residues and contaminants.

Schedule 5 lays down the maximum levels for certain contaminants in meat with details of the specific substances and maximum levels. Schedule 6 lists the relevant EU legislation applicable for purposes of these regulations.

SUBSIDIARY LEGISLATION

ANIMALS

Livestock and Meat Products (Animal By-Products) Regulations 2015

S. R. & O. No. of 2015

I make the following regulations under section 4(1)(i) of the Livestock and Meat Products Ordinance (No. 14 of 2010) on the advice of Executive Council.

PART 1 INTRODUCTION

1. Title

These regulations are the Livestock and Meat Products (Animal By-Products) Regulations 2015.

2. Commencement

These regulations come into force on publication in the Gazette.

3. Interpretation

(1) In these regulations —

"animal by-products" means an entire body or parts of an animal, products of animal origin or other products obtained from an animal, including oocytes, embryos and semen, which —

- (a) is not intended for human consumption;
- (b) has been declared unfit for human consumption following ante-mortem or post-mortem inspection;
- (c) has died;
- (d) is still born or unborn; or
- (e) has been killed for reasons of disease control;

[&]quot;animal" means any invertebrate or vertebrate animal;

"appropriate scientific institution" means an institution recognised by the competent authority for the purpose of carrying out scientific progress as regards the assessment of the level of risk of animal by-products to public and animal health;

"aquatic animals" means any aquatic animal at all its life stages, including eggs and sperm/gametes, reared in a farm or mollusc farming area, including any aquatic animal from the wild intended for a farm or mollusc farming area or other commercial use;

"carcass" means the body of an animal after slaughter and dressing;

"competent authority" means the Senior Veterinary Officer or any other authorised official of the Department of Agriculture;

"derived products" means products obtained from the treatment, transformation or processing of animal by-products;

"farm" means an area of land devoted to the keeping, rearing or raising of livestock;

"farmed animal" means —

- (a) any animal that is kept, fattened or bred for the production of food, wool, fur, feathers, hides and skins or any other product obtained from animals or for other farming purposes; or
- (b) equidae;

"fur animal" means an animal kept or reared for the production of fur and not used for human consumption;

"official controls" in relation to these regulations means checks, inspections, audits and corrective procedures made by the competent authority to verify and ensure compliance with the requirements set out under Part 6;

"operator" means a person who operates an establishment which makes or produces animal byproducts or derived products, including carriers and traders;

"products of animal origin" means any product derived from or consisting of a product derived from any animal;

"pet animal" means any animal belonging to species normally nourished and kept but not consumed by humans, for purposes other than farming;

"relevant EU legislation" means (to the extent that it relates to animal by-products and derived products) the following —

- (a) Council Directive 76/768/EEC relating to cosmetic products;
- (b) Council Directive 90/385/EEC relating to active implantable medical devices;

- (c) Council Directive 93/42/EEC concerning medical devices;
- (d) Council Directive 98/79/EC on in vitro diagnostic medical devices;
- (e) Council Directive 2001/82/EC relating to veterinary medicines;
- (f) Council Directive 2001/83/EC relating to medicinal products for human use;
- (g) Regulation (EC) 882/2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules;
- (h) Regulation (EC) 1069/2009 laying down health rules as regards animal by-products and derived products not intended for human consumption;
- (i) Regulation (EU) 142/2011 laying down health rules as regards animal-by-products and derived products not intended for human consumption;

"terrestrial animal" means an animal that lives on land; and

"wild animal" means any animal not kept by humans.

PART 2 GENERAL REQUIREMENTS

4. Objectives

These regulations lay down public health and animal health rules for the use, handling and disposal of animal by-products and derived products in order to prevent and minimise risks to public and animal health arising from those products, and in particular to protect the safety of the food and feed chain.

5. Application

- (1) These regulations apply to
 - (a) animal by-products and derived products described under Part 3 of these regulations and relevant EU legislation; and
 - (b) raw materials used for the production of products of animal origin.
- (2) These regulations do not apply to the following animal by-products
 - (a) entire bodies or parts of wild animals which are not suspected of being infected or affected with a disease communicable to humans or animals, except for aquatic animals landed for commercial purposes;
 - (b) oocytes, embryos and semen destined for breeding purposes;

- (c) raw milk, colostrum and products derived from raw milk which are obtained, kept, disposed of or used on the farm of origin or supplied directly to the final consumer;
- (d) shells from shellfish with the soft tissue and flesh removed;
- (e) catering waste, except if it
 - (i) originates from means of transport operating internationally;
 - (ii) is destined for feeding purposes;
- (f) without prejudice to EU environmental legislation, material from vessels complying with Fishery Products Ordinance (No. 21 of 2006), which has arisen in the course of their fishing operations and is disposed of at sea, except material derived from on-board evisceration of fish showing signs of disease, including parasites, that are communicable to humans;
- (g) taking into account any other prohibitions, raw pet food retailed for this purpose;
- (h) taking into account any other prohibitions, raw pet food derived from animals which are slaughtered on the farm of origin for private domestic consumption;
- (i) manure and guano; and
- (j) animal by-products derived from animals slaughtered for domestic consumption on farms or to supply a small amount of product directly to the final consumer except in the following circumstances
 - (i) where there is suspicion or confirmation of a TSE or other communicable disease; or
 - (ii) where there are existing national restrictions on animal by-products.

6. General animal health restrictions

- (1) Animal by-products and derived products from susceptible species must not be dispatched from farms, abattoirs or similar establishments which are subject to restrictions imposed by the competent authority.
- (2) Subregulation (1) does not apply where animal by-products and derived products are dispatched under conditions designed to prevent the spread of diseases transmissible to humans or animals.

PART 3 CATEGORIES OF ANIMAL BY-PRODUCTS AND DERIVED PRODUCTS

7. Categorisation of animal by-products and derived products

(1) Animal by-products are divided into the following specific categories, and the categories reflect the level of risk to public and animal health arising from those animal by-products —

- (a) category 1 material;
- (b) category 2 material; and
- (c) category 3 material.
- (2) The animal by-products listed in regulation 8, 9 and 10 are fixed and should not be modified except
 - (a) to remove any product from the lists to allow for changes of categorisation; or
 - (b) to make additions in order to take into account scientific progress as regards the assessment of the level of risk.
- (3) The scientific progress referred to under subregulation (2) must be identified on the basis of a risk assessment carried out by an appropriate scientific institution.
- (4) Derived products are subject to the rules for the specific category of animal by-products from which they have been derived, unless otherwise specified in these regulations.

8. Category 1 material

Category 1 material comprises of the following animal by-products —

- (a) entire bodies and all body parts, including hides and skins, of the following animals
 - (i) animals suspected of being infected by a TSE in accordance with Livestock and Meat Products (TSE Control) Regulations 2015 (S&RO No. of 2015) or any animal in which the presence of a TSE has been officially confirmed;
 - (ii) animals killed as a result of TSE eradication measures:
 - (iii) animals other than farmed and wild animals, including in particular pet animals, zoo animals and circus animals;
 - (iv) animals used for scientific purposes where the competent authority believes the animals or body parts pose a risk to human or animal health;
 - (v) wild animals, when suspected of being infected with diseases communicable to humans or animals;
- (b) the following material
 - (i) specified risk material;
 - (ii) entire bodies or parts of dead animals containing specified risk material at the time of disposal;

- (c) animal by-products derived from animals which have been exposed to illegal treatment as defined under the Livestock and Meat Products (Examination for Contaminants, Residues and Maximum Residue Levels) Regulations 2015 (S&RO No. of 2015);
- (d) animal by-products containing residues of other substances and environmental contaminants listed in the Livestock and Meat Products (Examination for Contaminants, Residues and Maximum Residue Levels) Regulations 2015 if such residues exceed the permitted levels;
- (e) animal by-products collected during the treatment of waste water collected from establishments
 - (i) processing Category 1 material; or
 - (ii) where specified risk material is being removed;
- (f) catering waste from means of transport operating internationally; and
- (g) a mixture of Category 1 material with either Category 2 material or Category 3 material, or both.

9. Category 2 material

Category 2 material comprises of the following animal by-products —

- (a) digestive tract content;
- (b) animal by-products collected during the treatment of waste water collected from establishments processing Category 2 material;
- (c) animal by-products containing residues of authorised substances or contaminants exceeding the permitted levels as set out under the Livestock and Meat Products (Examination for Contaminants, Residues and Maximum Residue Levels) Regulations 2015;
- (d) products of animal origin which have been declared unfit for human consumption due to the presence of foreign bodies in those products;
- (e) animals and parts of animals, other than those referred to in regulation 8 or 10
 - (i) that died other than by being slaughtered or killed for human consumption, including animals killed for disease control purposes;
 - (ii) foetuses;
 - (iii) oocytes, embryos and semen which are not destined for breeding purposes; and
 - (iv) dead-in-shell poultry;

- (f) a mixture of Category 2 material and Category 3 material; and
- (g) animal by-products other than Category 1 material or Category 3 material.

10. Category 3 material

Category 3 material comprises of the following animal by-products —

- (a) carcasses and parts of animals slaughtered or, in the case of game, bodies or parts of animals killed, and which are fit for human consumption in accordance with relevant EU legislation, but are not intended for human consumption for commercial reasons;
- (b) carcasses and the following parts originating either from animals that have been slaughtered in a slaughterhouse and were considered fit for slaughter for human consumption following an ante-mortem inspection or bodies and the following parts of animals from game killed for human consumption in accordance with relevant EU legislation
 - (i) heads of poultry;
 - (ii) hides and skins, including trimmings and splitting, horns and feet, including the phalanges and the carpus and metacarpus bones, tarsus and metatarsus bones, of animals, other than ruminants requiring TSE testing, and ruminants which have been tested with a negative result in accordance with the Livestock and Meat Products (TSE Control) Regulations 2015;
 - (iii) pig bristles; and
 - (iv) feathers;
- (c) carcasses or bodies and parts of animals which are classified as being unfit for human consumption in accordance with relevant EU legislation even though they did not show any signs of disease communicable to humans or animals;
- (d) blood of animals which did not show any signs of disease communicable through blood to humans or animals, obtained from the following animals that have been slaughtered in a slaughterhouse after having been considered fit for slaughter for human consumption following an ante-mortem inspection in accordance with the Livestock and Meat Products (Hygiene) Regulations 2015 (S&RO No. of 2015);
 - (i) animals other than ruminants requiring TSE testing; and
 - (ii) ruminants which have been tested with a negative result in accordance with the Livestock and Meat Products (TSE Control) Regulations 2015;
- (e) animal by-products arising from the production of products intended for human consumption, including degreased bones, greaves and centrifuge or separator sludge from milk processing;

- (f) products of animal origin, or foodstuffs containing products of animal origin, which are no longer intended for human consumption for commercial reasons or due to problems of manufacturing or packaging defects or other defects from which no risk to public or animal health arises;
- (g) pet food and feeding stuffs of animal origin, or feeding stuffs containing animal byproducts or derived products, which are no longer intended for feeding for commercial reasons or due to problems of manufacturing or packaging defects or other defects from which no risk to public or animal health arises;
- (h) blood, placenta, wool, feathers, hair, horns and hoof cuts originating from live animals that did not show any signs of disease communicable through that product to humans or animals:
- (i) aquatic animals and parts of such animals, except sea mammals, which did not show any signs of disease communicable to humans or animals;
- (j) animal by-products from aquatic animals originating from establishments or plants manufacturing products for human consumption;
- (k) the following material originating from animals which did not show any signs of disease communicable through that material to humans or animals:
 - (i) shells from shellfish with soft tissue or flesh;
 - (ii) the following originating from terrestrial animals
 - (aa) hatchery by-products,
 - (bb) eggs,
 - (cc) egg by-products, including egg shells,
 - (iii) day-old chicks killed for commercial reasons;
- (1) aquatic and terrestrial invertebrates other than species pathogenic to humans or animals;
- (m) animals and parts from animals of the zoological orders of Rodentia and Lagomorpha, except Category 1 material as referred to in regulation 8 (a)(iii), (iv) and (v) and Category 2 material as referred to in regulation 9(a) to (g);
- (n) hides and skins, hooves, feathers, wool, horns, hair and fur originating from dead animals that did not show any signs of disease communicable through that product to humans or animals, other than those referred to in paragraph (b) above;
- (o) adipose tissue from animals which did not show any signs of disease communicable through that material to humans or animals, which were slaughtered in a slaughterhouse and

which were considered fit for slaughter for human consumption following an ante-mortem inspection in accordance with Livestock and Meat Products (Hygiene) Regulations 2015; and

(p) catering waste other than as referred to in regulation 8(f).

11. Monitoring of animal by-products and derived products

- (1) An operator who generates animal by-products or derived products which fall within the scope of these regulations must immediately identify the products as to which category they fall under and ensure that those products are dealt with in accordance with these regulations.
- (2) An operator must ensure that at all stages of collection, transport, handling, treatment, transformation, processing, storage, placing on the market, distribution, use and disposal of animal by-products and derived products under the operator's control, the requirements of these regulations are complied with in so far as it is relevant to the activities carried out within the business or operations.
- (3) The competent authority must monitor and verify that the relevant requirements of these regulations are fulfilled and complied with by operators along the entire chain of animal byproducts and derived products as referred to under subregulation (2).
- (4) In order to carry out its function under this regulation the competent authority must
 - (a) maintain a system of official controls in accordance with Part 6 and the relevant EU legislation; and
 - (b) have an adequate system in place to ensure that animal by-products are
 - (i) collected, identified and transported without undue delay; and
 - (ii) treated, used or disposed of in accordance with these regulations.
- (5) Derived products are not subject to the requirements of these regulations where those products
 - (a) have reached the stage of manufacturing as provided for in these regulations or the relevant EU legislation and are regarded as having reached the end point in the manufacturing chain; or
 - (b) no longer pose any significant risk to public or animal health and an end point in the manufacturing chain has been determined.
- (6) Subject to subregulation (7), the derived products referred to under subregulation (5)(a) may subsequently be placed on the market without being subjected to restrictions or official controls under these regulations where the products no longer pose any significant risk to public or animal health.

- (7) The derived products referred to under subregulation (5) may be withdrawn or prohibited from being placed on the market in the case of a disease outbreak or any other emergency.
- (8) A derived product is considered to no longer pose a risk to public or animal health where it has been processed or treated in such way as to remove or kill all prions or other infective particles.

PART 4 DISPOSAL AND USE OF ANIMAL BY-PRODUCTS AND DERIVED PRODUCTS

12. Restrictions on use

- (1) Subject to the provisions of these regulations a person commits an offence who uses animal by-products and derived products for any of the following
 - (a) the feeding of terrestrial animals of a given species other than fur animals with processed animal protein derived from the bodies or parts of bodies of animals of the same species;
 - (b) the feeding of ruminant protein to other ruminants;
 - (c) the feeding of farmed animals other than fur animals with catering waste containing animal protein or feed material containing or derived from catering waste containing animal protein;
 - (d) the feeding of farmed animals with herbage, either directly by grazing or by feeding with cut herbage, from land to which organic fertilisers or soil improvers, other than manure, have been applied, unless the cutting or grazing takes place after the expiry of a waiting period of at least 21 days which ensures adequate control of risks to public and animal health; and
 - (e) the feeding of farmed fish with processed animal protein derived from the bodies or parts of bodies of farmed fish of the same species.
- (2) The use of raw fishmeal as fertiliser is allowed where the fishmeal comes from a source that has been approved by the competent authority.
- (3) The competent authority must put in place in a Standard Operating Procedures Manual measures relating to the following
 - (a) the checks and controls to be carried out to ensure compliance with subregulation (1), including detection methods and tests to be used to verify the presence of materials originating from certain species and thresholds for insignificant amounts of processed animal proteins referred to in paragraphs (a) and (d) of subregulation (1) which are caused by adventitious and technically unavoidable contamination;
 - (b) the conditions for the feeding of fur animals with processed animal protein derived from bodies or parts of bodies of animals of the same species; and

(c) the conditions for the feeding of farmed animals with herbage from land to which organic fertilisers or soil improvers have been applied, in particular a modification of the waiting period as referred to in subregulation 1(d).

13. Restrictions on disposal of animal by-products

- (1) Subject to the provisions of this Part, any person who has in possession or under control any animal by-product made from materials specified under Part 3 of these regulations must dispose of the animal by-product by one of the following methods
 - (a) by incineration;
 - (b) co-incineration;
 - (c) burning;
 - (d) by burial; or
 - (e) by sea disposal.
- (2) For purposes of this Part—

"burning" means reducing to ash in an area approved by the competent authority that is not an incineration plant;

"co-incineration" means reducing to ash in an incineration plant with other categories of waste material;

"incineration" means reducing to ash in a dedicated incineration plant; and

"sea disposal" means disposing of the material at an approved coastal site.

(3) The Governor may, where it is expedient to do so, require, by notice, any by-product to be disposed of by incineration or burial.

14. Disposal and use of Category 1 material

- (1) Category 1 material must be
 - (a) disposed of as waste by burning, incineration or co-incineration
 - (i) directly without prior processing; or
 - (ii) following processing, by pressure sterilisation if the competent authority so requires, and permanent marking of the resulting material;
 - (b) in the case of Category 1 material other than material referred to in regulation 8(a)(i) and
 - (ii) —

- (i) buried in an authorised landfill; or
- (ii) disposed of at sea at an authorised site;
- (c) in the case of Category 1 material referred to in regulation 8(f), disposed by burial in an authorised landfill or burning;
- (d) used as a fuel for combustion with or without prior processing; or
- (e) used for the manufacture of any of the derived products.
- (2) The material referred to in regulation 8(a) (i) and (ii) must be incinerated or burned.

15. Disposal and use of Category 2 material

Category 2 material must be —

- (a) disposed of as waste by burning, incineration or co-incineration
 - (i) directly without prior processing; or
 - (ii) following processing, by pressure sterilisation if the competent authority so requires, and permanent marking of the resulting material;
- (b) disposed of in an authorised landfill or sea disposal site;
- (c) used for the manufacturing of organic fertilisers or soil improvers following processing by pressure sterilisation, when applicable, and permanent marking of the resulting material;
- (d) composted or transformed into biogas
 - (i) following processing by pressure sterilisation and permanent marking of the resulting material; or
 - (ii) in the case of manure, digestive tract and its content, milk, milk-based products, colostrum, eggs and egg products which the competent authority does not consider to present a risk for the spread of any serious transmissible disease, following or without prior processing;
- (e) applied to land without processing, in the case of manure, digestive tract content separated from the digestive tract, milk, milk-based products and colostrum which the competent authority does not consider to present a risk for the spread of any serious transmissible disease:
- (f) in the case of material originating from aquatic animals, ensiled, composted or transformed into biogas;
- (g) used as a fuel for combustion with or without prior processing; or

(h) used for the manufacture of derived products.

16. Disposal and use of Category 3 material

Category 3 material must be —

- (a) disposed of as waste by incineration or co-incineration, with or without prior processing;
- (b) disposed of in an authorised landfill or at an authorised sea disposal site;
- (c) processed, except in the case of Category 3 material which has changed through decomposition or spoilage so as to present an unacceptable risk to public or animal health, through that product, and used
 - (i) for the manufacturing of feed for farmed animals other than fur animals, except in the case of material referred to in regulation 10(n), (o) and (p);
 - (ii) for the manufacturing of feed for fur animals;
 - (iii) taking into account any other prohibitions, for the manufacturing of pet food; or
 - (iv) for the manufacturing of organic fertilisers or soil improvers;
- (d) taking into account any other prohibitions, used for the production of raw pet food;
- (e) composted or transformed into biogas;
- (f) in the case of material originating from aquatic animals, ensiled, composted or transformed into biogas;
- (g) in the case of shells from shellfish (other than shellfish which has the soft tissue and flesh removed) and egg shells, used under conditions determined by the competent authority which prevent risks arising to public and animal health;
- (h) used as a fuel for combustion with or without prior processing;
- (i) used for the manufacture of derived products;
- (j) in the case of catering waste referred to in regulation 10(p), processed by pressure sterilisation or by disposal in an authorised landfill; and
- (k) applied to land without processing, in the case of raw milk, colostrum and products derived from milk, which the competent authority does not consider to present a risk of any disease communicable through those products to humans or animals.

17. Inspections and audits

The competent authority must carry out inspections and audits to ensure that operators comply with the following —

- (a) that all material is burned or incinerated in such a way that there is no threat to human or animal health and in such a way as to completely reduce animal by-products to ash;
- (b) that pest control systems are maintained in all burning, incineration, burial or disposal sites:
- (c) that access to any burial, burning, incineration and disposal site is controlled and sites are inaccessible to unauthorised persons and grazing animals;
- (d) that raw pet food is only made from category 3 material that is
 - (i) fit for human consumption but not used for commercial purposes;
 - (ii) deemed unfit for human consumption as a result of communicable diseases;
- (e) that raw pet food is produced and packaged in a hygienic manner and labelled to indicate that it is to be used only as pet food;
- (f) that treated hides and skins to be placed on the market
 - (i) have not come into contact with other products of animal origin or live animals that present a risk to the spread of a serious transmissible disease;
 - (ii) are accompanied by a commercial document that indicates all precautions have been taken to avoid pathogenic agents; and
- (g) that processed animal food and fertiliser is made in accordance with the relevant EU legislation.

18. Alternative disposal methods

The competent authority may authorise alternative disposal methods as long as the methods do not pose a risk to public or animal health.

PART 5 OBLIGATIONS OF OPERATORS

19. Collection and identification as regards category and transport

- (1) An operator must collect, identify the category of the animal by-products and transport animal by-products without undue delay under conditions which prevent risks arising to public and animal health.
- (2) An operator who transports animal by-products for further processing must ensure the products are accompanied during transport by a commercial document identifying
 - (a) the category of the material carried;
 - (b) the amount of the material;

- (c) its origin and destination; and
- (d) any other information required by the receiver.
- (3) An operator must keep the transportation records for any animal by-products for 2 years.
- (4) The operator must make these records available to the competent authority whenever requested.
- (5) This regulation does not apply to the transportation of manure.

20. Approval of establishments and operations

- (1) The operator of any establishment which processes or transforms animal by-products must obtain the approval and registration from the competent authority as specified under Part 6.
- (2) The competent authority must assign an approval number and keep an up to date list of approved establishments in terms of regulation 29.

21. General hygiene requirements

- (1) An operator must ensure that an establishment
 - (a) is constructed in a way that allows for it to be effectively cleaned and disinfected (including, where appropriate, that floors are constructed in a way that facilitates the draining of liquids);
 - (b) provides staff with access to adequate facilities for personal hygiene such as lavatories, changing rooms and washbasins;
 - (c) has in place appropriate arrangements for protection against pests, such as insects, rodents and birds:
 - (d) has installations and equipment that are in good condition and has in place reliable arrangements for regularly calibrating measuring equipment; and
 - (e) has in place appropriate arrangements for the cleaning and the disinfecting of containers and vehicles so as to avoid risks of contamination.
- (2) Any person working in the establishment must wear suitable, clean, and (where necessary) protective, clothing.
- (3) The operator must ensure that in an establishment
 - (a) persons working in the unclean sector of the establishment do not enter the clean sector without first changing work clothes and shoes or without the clothes being disinfected;
 - (b) equipment and machinery are not moved from the unclean sector to the clean sector of the establishment without first being cleaned and disinfected;

- (c) there is a procedure relating to the movements of persons in order to monitor the movements and that describes the correct use of footbaths and wheel baths;
- (d) animal by-products are handled in such a way as to avoid risks of contamination;
- (e) animal by-products are processed as soon as possible and that after processing, derived products are handled and stored in such a way as to avoid risks of contamination;
- (f) where appropriate, during any processing applied to animal by-products and derived products every part of the animal by-product and derived products is treated to the temperature specified in relevant EU legislation for a given period of time and risks of recontamination are prevented;
- (g) checks are regularly made on the applicable parameters, particularly temperature, pressure, time, size of particles, and where appropriate by the use of automatic devices; and
- (h) cleaning procedures are established and documented for all of its sectors.

22. Checks by operators

- (1) An operator must put in place, implement and maintain checks in the establishment in order to monitor compliance with these regulations.
- (2) The operator must ensure that animal by-products or derived products suspected or discovered not to comply with these regulations can leave the establishment only for disposal.

23. Hazard analysis and critical control points

An operator processing or transforming animal by-products must carry out activities following written procedures based on the hazard analysis and critical control points (HACCP) principles as set out in the Livestock and Meat Products (Hygiene) Regulations.

24. Import of animal by-products

- (1) Unprocessed animal by-products may not be imported unless an import permit is obtained from the competent authority and the consignment is accompanied by a supporting commercial document identifying
 - (a) the category of the material carried;
 - (b) the amount of the material;
 - (c) its origin and destination; and
 - (d) any other information as may be necessary.
- (2) An operator must keep the commercial document for 2 years.
- (3) The operator must make the commercial document available to the competent authority whenever requested.

25. Export of animal by-products and derived products

- (1) The export of any animal by-products that come from category 1 material is prohibited.
- (2) Category 2 and 3 materials may only be exported where the operator of the establishment intending to export those materials or products from those materials is able to meet the requirements of the importing country.
- (3) An operator who intends to dispatch Category 2 material and meat-and-bone meal or animal fat derived from Category 2 materials to a country must first notify the competent authority as well as the competent authority of the country of destination.

PART 6 OFFICIAL CONTROLS

26. Procedure for approval and registration

- (1) For purposes of regulation 20, the competent authority must approve and register establishments only where an on-site visit, prior to the start-up of any activity, has demonstrated that the establishment meets the relevant requirements for
 - (a) infrastructure and equipment; and
 - (b) operational procedures.
- (2) The competent authority may grant the operator of an establishment conditional approval if it appears, from the on-site visit that
 - (a) the establishment meets all the infrastructure and equipment requirements; and
 - (b) there are shortcomings with the operational procedures but the operator has made an undertaking to ensure that there is compliance with the operational procedures.
- (3) The competent authority may only grant full approval and register an establishment if it appears, from another on-site visit carried out within three months of granting conditional approval, that the establishment meets all the requirements and there are no longer any shortcomings with the operational procedures.
- (4) If clear progress has been made, but the establishment or plant still does not meet all of these requirements, the competent authority may extend conditional approval provided that conditional approval does not exceed six months.
- (5) An operator must ensure that an establishment ceases to operate if the competent authority withdraws its approval and registration, or in the case of conditional approval fails to extend it or to grant full approval and registration.

27. Official controls

- (1) For the purposes of regulations 11 and 17, the competent authority must, at regular intervals, carry out official controls and supervision of the handling of animal by-products and derived products falling within the scope of these regulations.
- (2) The competent authority may take into account the guide to good practice referred to under regulation 30 when carrying out its official controls.
- (3) The competent authority must put in place detailed arrangements for implementing this regulation, including rules concerning the reference methods for microbiological analyses and the arrangements must be included in the guidelines referred to under regulation 30.

28. Suspension, withdrawal and prohibition of operations

- (1) If the official controls and supervision carried out by the competent authority reveal that one or more of the requirements of these regulations are not met, it must take appropriate action.
- (2) The competent authority may in particular, as appropriate to the nature and to the gravity of the deficiencies and to the potential risks for public and animal health
 - (a) suspend its approval and registration of the establishment under regulation 20, if
 - (i) the conditions for approval and registration of the establishment are no longer fulfilled;
 - (ii) the operator can be expected to remedy the deficiencies within a reasonable period of time; and
 - (iii) the potential risks to public and animal health do not require action in accordance with paragraph (b);
 - (b) withdraw its approval and registration of the establishment, if
 - (i) the conditions for approval and registration of the establishment are no longer fulfilled; and
 - (ii) after having been given a reasonable period of time within which to remedy them, the operator fails to remedy the deficiencies.
 - (c) impose specific conditions on the establishment in order to rectify existing deficiencies.
- (3) The approval and registration of an establishment may be withdrawn
 - (a) for reasons relating to the infrastructure of the establishment;
 - (b) for reasons relating to the personal capacity of the operator or the staff under the operator's supervision; or

- (c) as a result of serious risks to public and animal health requiring major adjustments to the operation of the establishment.
- (4) The competent authority may, as appropriate to the nature and gravity of the deficiencies and to the potential risks for public and animal health, temporarily or permanently prohibit operators from carrying out operations under these regulations, as appropriate, following receipt of information indicating
 - (a) that the requirements of these regulations or relevant EU legislation are not met; or
 - (b) potential risks to public or animal health arising from those operations.

29. Keeping of lists

- (1) The competent authority must draw up a list of establishments and operators which have been approved and registered in accordance with these regulations.
- (2) The competent authority must make a list of all approved and registered establishments and operators.
- (3) The competent authority must keep an up-to-date list of approved and registered establishments and operators and make the list available on request.

30. Guidance to good practice

- (1) Where necessary, the competent authority must develop and disseminate national guidance to good practice to facilitate the implementation of these regulations in particular for the application of HACCP principles as referred to in regulation 23.
- (2) The competent authority must periodically assess the guidance to ensure that
 - (a) they take into account the interest of parties whose interests may be substantially affected; and
 - (b) their contents are practicable for the sectors to which they refer.
- (3) The Senior Veterinary Officer must arrange for a notice to be published in the *Gazette* specifying
 - (a) the guidance that has been issued;
 - (b) whether it is new guidance or a replacement for an existing one; and
 - (c) the date on which the guidance comes into force.
- (4) The Senior Veterinary Officer must make arrangements for guidance to be available (either as paper copies or in electronic form) to operators.

(5) The Senior Veterinary Officer may make a reasonable charge for paper copies of the guidance.

PART 7 GENERAL PROVISIONS

31. Offences and penalties

- (1) It is an offence for a person to contravene any of the provision of these regulations.
- (2) A person convicted of an offence against any provision of these regulations is liable to a term of imprisonment not exceeding 12 months or to a fine not exceeding level 8 on the standard scale, or to both.

32. Revocation

The Waste Food Order 2002 (S.R. & O. No. 5 of 2002) is revoked.

Made 2015

	Colin Roberts C.V.O.,
	Governor
EXPLANATORY NOTE	_

These Regulations are made under section 4(1)(i) of the Livestock and Meat Products Ordinance (No 14 of 2010), which allows the Governor to make regulations dealing with the disposal of waste produced in the course of slaughtering animals or preparing meat.

The regulations are made to give effect to the following European Community legislation:

- Council Directive 76/768/EEC relating to cosmetic products;
- Council Directive 90/385/EEC relating to active implantable medical devices;
- Council Directive 93/42/EEC concerning medical devices;
- Council Directive 98/79/EC on in vitro diagnostic medical devices;
- Council Directive 2001/82/EC relating to veterinary medicines;
- Council Directive 2001/83/EC relating to medicinal products for human use;
- Regulation (EC) 882/2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules;

- Regulation (EC) 1069/2009 laying down health rules as regards animal by-products and derived products not intended for human consumption; and
- Regulation (EU) 142/2011 laying down health rules as regards animal by-products and derived products not intended for human consumption.

Part 1 deals with introductory matters covering commencement, definitions of a number of terms used and including that of "relevant EU legislation" which lists the EU legislation applicable to animal by-products and derived products.

Part 2 deals with general requirements relating to the handling, use and disposal of animal by-products. Regulation 4 sets out the objectives of the regulations, which is to specify public health and animal health rules on the use, handling and disposal of animal by-products to prevent and minimise risks to the public in the use of these products.

Regulation 5 provides for the application of the requirements of these regulations while regulation 6 provides for general restrictions to be imposed by the competent authority (Department of Agriculture) relating to animal by-products from specific susceptible animal species.

Part 3 deals with categories of animal by-products and derived products. Regulation 7 lists the three categories (category 1, 2 and 3) according to the risk attached to each category. The products cannot be switched from a category which they are put under unless there has been scientific research to justify the change.

Regulation 8 specifies the products which fall under category 1 while regulation 9 specifies animal by-products which fall under category 2 and regulation 10 lists the products which fall under category 3. Regulation 11 imposes an obligation on any operator who generates animal by-products to monitor the animal by-products generated in their operations. It also requires the competent authority to do checks to monitor compliance with these regulations.

Part 4 provides for the use and disposal of animal by-products. Regulation 12 specifies the restrictions on the use of animal by-products and regulation 13 provides for the restrictions on the disposal of animal by-products. Regulations 14, 15 and 16 provide for the restrictions on the use and disposal of category 1, 2 and 3 animal by-products.

Regulation 17 provides for inspections and audits which the competent authority must carry out to ensure that operators comply with these regulations for public health and animal safety.

Part 5 focuses on obligations of operators who generate animal by-products. Regulation 19 provides for the collection and identification of animal by-products. Regulation 21 provides for general hygiene requirements for establishments which deal in animal by-products. Regulation 22 provides for checks to be carried out by operators to ensure there is compliance with the regulations. Regulation 23 provides for an operator processing or transforming animal by-products to carry out procedures for a hazard analysis and critical control points. Regulation 24 and 25 provide for the restrictions on the import and export of animal by-products respectively.

Part 6 deals with official controls that are to be undertaken by the competent authority to ensure that all operators are registered and approved so that a list of all operators can be kept and they are properly checked for compliance. Regulation 26 deals with the approval and registration of operators while regulation 28 deals with the suspension, withdrawal and prohibition of operations where there is non-compliance. Regulation 27 provides for specific checks to be undertaken by the competent authority while regulation 29 provides for the competent authority to keep a list of all approved and registered operations. Regulation 30 provides for the competent authority to develop guides to good practice to assist operators with compliance of these regulations.

Part 7 provides for general matters such as offences and penalties and revocation of legislation which will be replaced by these regulations.

SUBSIDIARY LEGISLATION

ANIMALS

Livestock and Meat Products (TSE Control) Regulations 2015

S. R. & O. No. of 2015

I make the following regulations under section 4(1)(a), (c), (e), (h) and (i) of the Livestock and Meat Products Ordinance (No. 14 of 2010) on the advice of Executive Council.

PART 1 INTRODUCTION

1. Title

These regulations are the Livestock and Meat Products (TSE Control) Regulations 2015.

2. Commencement

These regulations come into force on publication in the *Gazette*.

3. Interpretation and application

(1) In these regulations —

"abattoir operator" means a person or company responsible for the day to day operation of activities that occur in an abattoir or slaughterhouse and includes activities in any co-located or related cutting plants, chilling or freezing establishments;

"approved laboratory" means a laboratory approved by the competent authority for the purpose of examining official samples;

"BSE" means bovine spongiform encephalopathy;

"catering establishment" means any establishment that prepares and provides food in return for payment;

"Commission" means the European Commission;

"competent authority" means the Senior Veterinary Officer or any other authorised official of the Department of Agriculture;

"farm" means an area of land devoted to the keeping, rearing or raising of livestock;

"livestock" means any animal that is kept, fattened or bred for the production of food, wool, fur, feathers, hides and skins or any other product obtained from that animal or an animal that is kept for other farming purposes;

"MSM" means mechanically separated meat;

"placing on the market" means, in relation to meat and meat products, the sale, distribution or other transfer of the meat or meat product for payment;

"product of animal origin" means any product derived from or consisting of a product derived from any animal;

"relevant EU legislation" means Regulation (EC) 999/2001 of the European Parliament and of the Council of 22 May 2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies;

"sampling" means the taking of samples, ensuring a statistically correct representation, from animals or their environment, or from products of animal origin, for the purpose of establishing a disease diagnosis, familial relationships, for health surveillance, or for the monitoring of the absence of microbiological agents or of certain materials in products of animal origin;

"specified risk material (SRM)" means the tissues specified under regulation 10;

"starting materials" means raw materials or any other product of animal origin out of which, or with the help of which, the products referred to under subregulation (3)(a) are manufactured; and

"TSE" means transmissible spongiform encephalopathies.

- (2) A farm is placed under official control when the competent authority takes control of the farm and some or all of its operations.
- (3) These regulations do not apply to the following
 - (a) cosmetic or medicinal products or medical devices, or to their starting materials or intermediate products;
 - (b) products which are not intended for use in human food, animal feed or fertilisers, or to their starting materials or intermediate products;
 - (c) products of animal origin intended for exhibition, teaching, scientific research, special studies or analysis, provided those products are not eventually consumed or used by humans or by animals other than those kept for the research projects concerned; and
 - (d) live animals used in or intended for research.

PART 2 BSE DETERMINATION AND CONTROL

4. Notifications of BSE outbreak

- (1) Where there is a suspect case of BSE the competent authority must implement protective measures specified in the TSE contingency plan referred to under regulation 17.
- (2) Where a BSE case is confirmed, the competent authority must implement the contingency plan and immediately notify countries to which the live animals or products of animal origin are exported.

5. Determination of BSE status

- (1) The competent authority may undertake a risk analysis and surveillance to determine its BSE status.
- (2) Where the competent authority undertakes the analysis and surveillance referred to under subregulation (1), it must follow the criteria and monitoring specified in the relevant EU legislation.

PART 3 PREVENTION OF TSE

6. Contamination

- (1) Subject to subregulation (2), an abattoir operator must make sure that live animals and products of animal origin are kept separately to avoid any cross-contamination.
- (2) Where the abattoir operator is unable to keep live animals and products of animal origin separate, the abattoir operator must comply with the requirements of these regulations with regards to conditions of health protection in respect of TSEs.

7. Monitoring

- (1) The competent authority may put in place an annual monitoring programme for TSEs based on the annual monitoring referred to in the relevant EU legislation and the programme may include a screening procedure using rapid tests.
- (2) The annual monitoring programme referred to in subregulation (1) must cover as a minimum the following
 - (a) all bovine animals above 24 months of age sent for emergency slaughter or during the normal ante-mortem inspections;
 - (b) all bovine animals above 30 months of age slaughtered normally for human consumption at the abattoir; and
 - (c) all bovine animals above 24 months of age not slaughtered for human consumption, which have died or been killed; on the farm, during transport or in an abattoir.

8. Breeding programmes

The competent authority may introduce breeding programmes to assess or check for resistance to TSEs in the ovine population.

9. Prohibitions concerning animal feeding

- (1) Subject to the provisions of this regulation, a person must not feed the following products to ruminants
 - (a) protein derived from animals;
 - (b) dicalcium phosphate of animal origin;
 - (c) tricalcium phosphate of animal origin; or
 - (d) any compound feed containing the items specified under paragraphs (a) to (c).
- (2) The following products must not be fed to any non-ruminant livestock the meat of which is to be placed on the market for human consumption
 - (a) ruminant specified risk material;
 - (b) ruminant meat and bone meal;
 - (c) ruminant blood products;
 - (d) ruminant collagen and gelatine;
 - (e) compound feed containing the items specified under paragraphs (a) to (d); or
 - (f) protein derived from the same species of animal.
- (3) The competent authority may amend subregulation (1) or (2) to add other materials which are prohibited from being fed to ruminants and non-ruminants where there is clinical or scientific evidence that supports the addition.
- (4) The competent authority may allow an unweaned ruminant to be fed from a feed which contains fish proteins.
- (5) The competent authority may inspect and test any imported animal feed.
- (6) It is an offence to import any animal feed for ruminant or non-ruminant livestock which contains any of the items specified in subregulations (1) and (2).
- (7) It is an offence to make any compound feed in the Falkland Islands for ruminants or non-ruminants without the authorisation of the competent authority.

PART 4 SPECIFIED RISK MATERIAL

10. Specified risk material

- (1) Any tissues derived from the following bovine animals are designated as specified risk material
 - (a) the skull excluding the mandible and including the brain and eyes, and the spinal cord of animals aged over 12 months;
 - (b) the vertebral column excluding
 - (i) the vertebrae of the tail,
 - (ii) the spinous and transverse processes of the cervical, thoracic and lumbar vertebrae, and
 - (iii) the median sacral crest and wings of the sacrum, but including the dorsal root ganglia, of animals aged over 30 months; and
 - (c) the tonsils, the intestines from the duodenum to the rectum and the mesentery of animals of all ages.
- (2) Any tissues derived from the following ovine and caprine animals are designated as specified risk material
 - (a) the skull including the brain and eyes, the tonsils and the spinal cord of animals aged over 12 months or which have a permanent incisor erupted through the gum; and
 - (b) the spleen and ileum of animals of all ages.

11. Marking, storage and disposal - abattoirs

- (1) Specified risk material removed at abattoirs or cutting plants must be collected into clearly marked, dedicated containers and disposed of as soon as is practicably possible.
- (2) Specified risk material must not be stored except in a dedicated, separate area where there is no risk of cross contamination of products of animal origin or of access by animals.
- (3) Specified risk material must be disposed through incineration, burning or approved sea disposal.

12. Removal of specified risk material

- (1) An abattoir operator must remove all specified risk material from carcasses that are to be placed on the market for human consumption.
- (2) The competent authority must ensure that the carcasses of animals slaughtered in the abattoir are examined for the presence of specified risk material.

- (3) Any carcass found to be or suspected of containing specified risk material must be kept separate from other animals and the specified risk material must be removed immediately.
- (4) The competent authority and the abattoir operator must ensure that the staff at the abattoir are trained in the recognition and removal of specified risk material.
- (5) Any meat or products of animal origin that are placed on the market for human consumption or used in any catering establishment must not contain any specified risk material.
- (6) It is an offence for a person to contravene this regulation.

13. Products of animal origin from ruminants

It is an offence to use bones of bovine, ovine and caprine animals from any country or region with a controlled or undetermined BSE risk in the production of mechanically separated meat.

PART 5 CONTROL AND ERADICATION OF TSEs

14. Notifications

- (1) The competent authority must immediately notify the Commission and any country to which it exports products of animal origin of any cases of confirmed TSEs.
- (2) Where there are any suspected cases of TSEs the competent authority must take all the measures set out under this Part.
- (3) An animal is suspected of having a TSE if the animal (whether live, slaughtered or dead) shows or showed any neurological or behavioural disorders or a progressive deterioration of the general condition linked to impairment of the central nervous system and for which the information gathered on the basis of a clinical examination, response to treatment, a post-mortem examination or an ante or post-mortem laboratory analysis do not allow an alternative diagnosis to be established.

15. Measures to be taken — suspected cases of TSE

- (1) Any animal suspected of being infected by a TSE must be either placed under an official movement restriction until the results of a clinical and epidemiological examination carried out by an approved laboratory are known, or the animal is killed for laboratory examination under official control.
- (2) Where TSE is suspected in a bovine animal at any farm or at the abattoir, all other bovine animals at that farm or at the abattoir must be placed under an official movement restriction until the results of the examination are available.
- (3) Subject to subregulation (4), the competent authority must place all animals (ovine and caprine) at a farm under an official movement restriction where the TSE is officially suspected in any of the animals at that farm.

- (4) The competent authority may place only the animal suspected of being infected by TSE where there is evidence that the farm where the animal was present when the TSE was suspected is unlikely to be the farm where the animal could have been exposed to the TSE.
- (5) The competent authority may, if it considers it necessary, decide that other farms or only the farm of exposure be placed under official control depending on the epidemiological information available.
- (6) Where the competent authority decides that the possibility of infection with a TSE cannot be ruled out, the animal suspected of being infected with a TSE must be killed and its brain and all other tissues as the competent authority may determine, must be removed and sent to an approved laboratory for examination in accordance with the testing methods laid down in regulation 21.
- (7) All parts of the body of the suspect animal must be either retained under official control until a negative diagnosis has been made, or disposed of by burning in accordance with the specification laid out by the competent authority in the TSE contingency plan.

16. Measures to be taken — confirmed presence of TSE

- (1) The competent authority must
 - (a) as soon as possible after the presence of a TSE has been officially confirmed, dispose of all parts of the body of the animal in accordance with regulation 15(7);
 - (b) place the farm which an animal that has tested positive for the presence of a TSE came from, under the official control of the competent authority; and
 - (c) immediately issue a direction to all owners of animals susceptible to TSEs.
- (2) If there is evidence that the farm where the affected animal was present when the TSE was confirmed is not likely to be the farm where the animal was exposed to the TSE, the competent authority may decide that only the farm of exposure be placed under official control.
- (3) The competent authority may require the killing and testing of known parents, siblings or offspring of animals confirmed to be suffering from a TSE.
- (4) A direction issued by the competent authority under subregulation (1)(c) to ensure that measures are in place for immediate tracing and identification of animals and products of animal origin may contain a requirement that
 - (a) all owners of animals susceptible to TSEs must first seek authority from the competent authority before moving any animals from the farms; and
 - (b) any products of animal origin derived from animals susceptible to TSEs are authorised by the competent authority before they can be transferred to any other place outside the farm.

- (5) An owner whose animals or products of animal origin are destroyed under this regulation may apply for compensation from the government.
- (6) The competent authority must draw up a compensation scheme in consultation with the Financial Secretary.
- (7) In addition to the notification requirement under regulation 14(1), the competent authority must notify the Commission about the confirmed presence of any TSE or any BSE on an annual basis.

17. TSE contingency plan

- (1) The competent authority must draw up a TSE contingency plan specifying the national measures to be implemented and indicating competences and responsibilities where cases of any diseases including TSEs are confirmed.
- (2) The TSE contingency plan referred to under subregulation (1) must be in accordance with the relevant EU legislation.

PART 6 PLACING ON THE MARKET AND EXPORT

18. Live animals, their semen and ova

- (1) The competent authority must ensure that reproductive material from bovine, ovine or caprine animals imported into the Falkland Islands
 - (a) is not collected from animals suspected of suffering from a TSE; and
 - (b) comes from countries where scrapie and BSE are notifiable diseases.
- (2) The competent authority must ensure that live bovine, ovine or caprine animals imported into the Falkland Islands
 - (a) do not suffer from, neither are suspected of suffering from, a TSE; and
 - (b) come from countries where scrapie and BSE are notifiable diseases.
- (3) The competent authority must put in place import protocols regarding import of live animals and reproductive material into the Falkland Islands, including conditions that live animals, embryos and ova must be accompanied by the appropriate animal health certificates.
- (4) First generation progeny, semen, embryos and ova of TSE suspect or confirmed animals must not be placed on the local or international market.
- (5) The provisions of this regulation may be extended to other animals.

19. Placing on the market of products of animal origin – import and export

- (1) The following products of animal origin derived from healthy ruminants are not subject to restrictions on placing on the market or for export
 - (a) reproductive products of animal origin covered by regulation 18, in particular semen, embryos and ova;
 - (b) milk and dairy products;
 - (c) hides and skins; and
 - (d) gelatine and collagen derived from hides and skins.
- (2) The competent authority must ensure that products of animal origin to be exported come from healthy bovine, ovine and caprine animals which have not been subjected to a laceration of the central nervous tissue or gas injection into the cranial cavity as provided for under the Livestock and Meat Products (Protection of Animals at Time of Slaughter or Killing) Regulations (S& RO No. of 2015) by carrying out the required inspections under the Livestock and Meat Products (Hygiene) Regulations (S& RO No. of 2015).
- (3) The competent authority must ensure that inspections are carried out on products of animal origin imported into the Falkland Islands to be able to ensure that the products
 - (a) are not collected from animals suspected of suffering from a TSE; and
 - (b) come from countries where scrapie and BSE are notifiable diseases.
- (4) The provisions of subregulation (1) may be extended to products from other animals.

20. Health certificates

The health certificate required under the Livestock and Meat Products (Hygiene) Regulations must reflect the BSE status of the Falkland Islands.

PART 7 TESTING AND CONTROLS

21. Testing

- (1) The testing of any animal or product of animal origin for a TSE must be carried out at an approved laboratory.
- (2) The competent authority must ensure that an approved laboratory uses the methods specified under the relevant EU legislation.

22. Community controls

(1) For purposes of ensuring there is compliance with these regulations, the competent authority must assist and give experts from the Commission the access required to enable the experts to

conduct on the spot checks and carry out pre-arranged audits of the abattoir and the competent authority's regulatory procedures.

(2) For purposes of these regulations, experts from the Commission have the same powers as authorised persons under section 9 of the Ordinance.

PART 8 MISCELLANEOUS PROVISIONS

- 23. Obstruction of experts, inspectors, official veterinarian or competent authority officials
- (1) It is an offence to do one or more of the following
 - (a) intentionally to obstruct any person acting in the execution of these regulations;
 - (b) knowingly to give any information that is false or misleading to any person acting in the execution of these regulations;
 - (c) intentionally fail to disclose any material particular to any person acting in the execution of these regulations; or
 - (d) to fail, without reasonable excuse
 - (i) to give any assistance that any person acting in the execution of these regulations may require, or
 - (ii) to produce any record that any person acting in the execution of these regulations may require to be produced,

for the performance of that person's functions under these regulations.

(2) A person convicted of an offence under this regulation is liable to a term of imprisonment not exceeding 6 months, or to a fine not exceeding level 6 on the standard scale.

24. Offences and penalties

- (1) It is an offence for a person to contravene a provision of these regulations.
- (2) A person convicted of an offence under these regulations for which no penalty is provided, is liable to a term of imprisonment not exceeding 12 months or to a fine not exceeding level 8 on the standard scale, or to both.

25. Disapplied United Kingdom legislation

The Bovine Spongiform Encephalopathy (No. 2) Order 1996 (S.I. 1996/3183) no longer applies to the Falkland Islands.

26. Revocation

The following Orders are revoked —

- (a) Animal Health (Application of Legislation) Order 1998 (S.R. & O. No. 64 of 1998); and
- (b) TSE Prevention, Control and Eradication Order 2002 (S.R. & O. No. 11 of 2002).

Made	2015	
		Colin Roberts C.V.O., <i>Governor</i> .
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These Regulations are made under section 4(1)(a), (c), (e), (h) and (i) of the Livestock and Meat Products Ordinance (No 14 of 2010), which allows the Governor to make regulations dealing with the importing of animals into the Falkland Islands, the carrying out of medical, chemical or other tests on animals, the disposal of dead animals, the carrying out of chemical or other tests on meat and meat products as well as the disposal of waste produced in the course of slaughtering animals or preparing meat.

The Regulations are made to give effect to Regulation (EC) 999/2001 of the European Parliament and of the Council of 22 May 2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies.

Part 1 deals with introductory matters covering commencement, definitions of a number of terms used and including that of "relevant EU legislation" (which is Regulation (EC) 999/2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies). It also specifies matters to which these regulations do not apply.

Part 2 deals with the determination and control of BSE, requiring under regulation 4, the competent authority to put in place protective measures to be followed in a BSE outbreak. In regulation 5 the competent authority is required to undertake an analysis to determine its BSE status.

Part 3 deals with the prevention of TSE and provides as follows —

regulation 6 provides for live animals to be kept separately from products of animal origin to provide contamination;

regulation 7 provides for monitoring to be carried out annually by the competent authority to check for TSEs;

regulation 8 empowers the competent authority to introduce breeding programmes to assess TSE resistance in ovine animals;

regulation 9 lays down rules regarding animal feeds; and

Part 4 deals with Specified Risk Material (SRM), lists what it is, how it is to be marked and stored, as well as its removal and disposal. It provides as follows —

regulation 10 defines what SRMs are, while regulation 11 provides for its marking, storage and disposal; and

regulation 12 provides for the removal of specified risk material and makes it an offence to place on the market for human consumption any meat or product of animal origin that contains SRM:

regulation 13 provides for a requirement for the competent authority to prepare an annual report detailing the use and production methods for mechanically separated meat;

Part 5 deals with the control and eradication of TSEs and provides as follows —

regulation 14 lays down requirements for notifications;

regulation 15 lays out measures to be taken by the competent authority where there is a suspected case of TSE while regulation 16 provides for measures to be undertaken where the presence of TSEs have been confirmed and provides that the competent authority may issue a direction to farmers to make sure there is a restriction on movement of affected animals and any products coming from those affected animals; and

regulation 17 requires the competent authority to draw up a TSE contingency plan detailing action to be taken where there is a TSE outbreak as well as the persons responsible for taking such action;

Part 6 deals with placing on the market as well as export of animals and products of animal origin and provides as follows —

regulation 18 imposes a requirement on the competent authority to check that reproductive material taken from ovine, bovine and caprine animals do not contain BSE or TSEs and that the countries from which they are imported have BSE and TSE as notifiable diseases;

regulation 19 provides for checks and restrictions on the import and export of products of animal origin that are to be placed on the market; and

regulation 20 requires that health certificates accompanying any consignment of meat and meat products must reflect the BSE status of the Falkland Islands;

Part 7 deals with testing and controls, regulation 21 provides for testing of any samples to be carried out by an approved laboratory and that it must follow the methods specified under Regulation (EC) 999/2001 while regulation 22 gives experts from the European Commission the same powers of entry, search and inspection given to authorised persons under section 9 of the Ordinance.

Part 8 in regulations 23 to 26, deals with miscellaneous provisions covering offences, disapplied laws and revocations.

SUBSIDIARY LEGISLATION

ANIMALS

Livestock and Meat Products (Veterinary Medicinal Products) Regulations 2015

S. R. & O. No. of 2015

I make the following regulations under section 4(1)(1) of the Livestock and Meat Products Ordinance (No. 14 of 2010) on the advice of Executive Council.

PART 1 Introduction

1. Title and commencement

- (1) These regulations are the Livestock and Meat Products (Veterinary Medicinal Products) Regulations 2015.
- (2) These regulations come into force on publication in the *Gazette*.

2. Interpretation

In these regulations —

"competent authority" means the Senior Veterinary Officer or any other authorised official of the Department of Agriculture;

"controlled drugs" has the same meaning under the Misuse of Drugs Ordinance (Title 49.3);

"feed" or "feedingstuff" means any substance or product, whether processed, partially processed or unprocessed, intended to be used for oral feeding to animals;

"feed additive" means any substance or product that contains a medicinal product that is added to the feed or feedingstuff of animals;

"import permit" means a permit issued by the competent authority under regulation 14;

"livestock" means any animal that is kept, fattened or bred for the production of food, wool, fur, feathers, hides and skins or any other product obtained from that animal or an animal that is kept for other farming purposes;

"medicated feed or feedingstuff" means any substance or product, whether processed, partially processed or unprocessed, intended to be used for oral feeding to animals to which a medicinal product or feed additive has been added;

"non-food producing animals" means any animal that is not kept, fattened or bred with the intention of it, or products produced from it, being used for human consumption;

"official veterinarian" means an official of the Department of Agriculture appointed under section 7(1)(b) of the Ordinance;

"prescribing cascade" means a recognised practice or provision in the United Kingdom to allow a veterinary surgeon to prescribe a medicine to an animal that is unauthorised if there is no suitable authorised preparation for the condition from which the animal is suffering;

"recognised veterinary practice" means any veterinary practice recognised as such under regulation 12;

"registered pharmacist" means a person registered to work as a pharmacist by virtue of completing a degree in Pharmacy and being registered with the United Kingdom General Pharmaceutical Council or the equivalent body in the country in which they qualified;

"suitably qualified person (SQP)" means a person approved as such under regulation 10;

"the Small Animal Exemption Scheme (SAES)" means the United Kingdom scheme for medicines marketed for use in certain pet species that are declared by the Secretary of State as not requiring veterinary control;

"qualified veterinarian" means a person who has completed a degree in veterinary medicine and surgery and who has not had this qualification removed by a regulatory authority;

"veterinary medicinal product" means any substance or combination of substances —

- (a) presented as having properties for treating or preventing disease in animals; or
- (b) that may be used in, or administered to, animals with a view to
 - (i) restoring, correcting or modifying physiological functions by exerting a pharmacological, immunological or metabolic action; or
 - (ii) making a medical diagnosis;

"Veterinary Medicines Directorate" means the United Kingdom based executive agency of the Department of Environment, Food and Rural Affairs (DEFRA); and

"withdrawal period" in relation to an authorised veterinary medicinal product administered to animals or batch of animals, means the period specified for that product (either in the marketing authorisation relating to that product or as prescribed by the official veterinarian) which is required to be observed from the time the product is administered to the animal and the time the animal can be placed on the market for slaughter for human consumption.

3. Application

- (1) These regulations do not apply to veterinary medicinal products
 - (a) referred to as "authorised veterinary medicine general sales list (AVM-GSL)" which can be imported and sold by any person without restrictions; and
 - (b) indicated as medicines which are not subject to veterinary control which are used for certain pet species in accordance with the Small Animal Exemption Scheme (SAES) as described under paragraph E of the Schedule.
- (2) These regulations apply to veterinary medicinal products for use in the treatment of livestock and include veterinary medicinal products imported from countries other than the United Kingdom.
- (3) Veterinary medicinal products imported from countries other than the United Kingdom are to be treated, in relation to the equivalent active ingredients, to have the same categorisation as veterinary medicinal products from the United Kingdom regardless of the categorisation the products are given in the country of providence.

PART 2 GENERAL PROHIBITIONS

4. General prohibition on sale and import of veterinary medicinal products

- (1) Subject to the provisions of these regulations, a person commits an offence who, without an import permit or authorisation from the competent authority
 - (a) imports into the Falkland Islands any veterinary medicinal product; or
 - (b) sells or places on the market for sale any veterinary medicinal product.
- (2) A qualified veterinarian or a registered pharmacist may sell or import any veterinary medicinal products without authorisation or an import permit from the competent authority subject to the requirements of these regulations.
- (3) Subject to Part D of the Schedule any person may sell, place on the market for sale or import veterinary medicinal products referred to under regulation 3(1) without authorisation or an import permit from the competent authority.
- (4) A person convicted of an offence under this regulation is liable to a term of imprisonment not exceeding 6 months or to a fine not exceeding level 6 on the standard scale, or to both.

5. Administration of controlled drugs to livestock

Qualified veterinary surgeons, pharmacists and suitably qualified persons must adhere to the Veterinary Medicines Directorate guidelines in relation to the prescribing, storage and destruction of controlled drugs.

6. Prohibition on sale and import of feed additives for livestock

- (1) Subject to subregulation (2), a person who imports into the Falkland Islands, or places on the market for sale or sells any medicated feedstuffs without an import permit or authorisation from the competent authority commits an offence.
- (2) A recognised veterinary practice, pharmacist or a suitably qualified person may sell or import feed additives without an authorisation or an import permit from the competent authority.
- (3) A person convicted of an offence under this regulation is liable to a term of imprisonment not exceeding 6 months or to a fine not exceeding level 6 on the standard scale, or to both.

7. Prescription only medicines (POM-V)

- (1) Veterinary medicinal products which are referred to as "prescription only medicines (POM-V)" must be provided or dispensed on prescription by a qualified veterinarian.
- (2) It is an offence for a person who is not a qualified veterinarian to provide or dispense veterinary medicinal products which are referred to as "prescription only medicines (POM-V)".
- (3) It is an offence for a person to administer veterinary medicinal products which are referred to as "prescription only medicines (POM-V)" to livestock where the medicine was not provided or dispensed by a qualified veterinarian.
- (4) A qualified veterinarian must make a prescription referred to under this regulation orally or in writing following a clinical assessment of the animal in the qualified veterinarian's care and subject to the additional requirements under Part A of the Schedule to these regulations.
- (5) A person convicted of an offence under this regulation is liable to a term of imprisonment not exceeding 12 months or to a fine not exceeding level 8 on the standard scale, or to both.

8. Prescription only medicines (POM-VPS)

- (1) Veterinary medicinal products which are referred to as "prescription only medicines (POM-VPS)" must be provided or dispensed on prescription by a qualified veterinarian, a registered pharmacist or a suitably qualified person.
- (2) It is an offence for a person who is not a qualified veterinarian, a registered pharmacist or a suitably qualified person to provide or dispense veterinary medicinal products which are referred to as "prescription only medicines (POM-VPS)".
- (3) It is an offence for a person to administer veterinary medicinal products which are referred to as "prescription only medicines (POM-VPS)" to livestock where the medicine was not provided or dispensed by a qualified veterinarian, a registered pharmacist or a suitably qualified person.

- (4) A prescription referred to under this regulation may be given orally or in writing.
- (5) A person convicted of an offence under this regulation is liable to a term of imprisonment not exceeding 6 months or to a fine not exceeding level 8 on the standard scale, or to both.

9. Non-food animal medicine (NFA-VPS)

- (1) Veterinary medicinal products which are referred to as "non-food animal medicines (NFA-VPS)" must be provided or dispensed on prescription by a qualified veterinarian, a registered pharmacist or a suitably qualified person.
- (2) It is an offence for a person who is not a qualified veterinarian, a registered pharmacist or a suitably qualified person to provide or dispense veterinary medicinal products which are referred to as "non-food animal medicines (NFA-VPS)".
- (3) It is an offence for a person to administer veterinary medicinal products which are referred to as "non-food animal medicines (NFA-VPS)" to livestock where the medicine was not provided or dispensed by a qualified veterinarian, a registered pharmacist or a suitably qualified person.
- (4) A person convicted of an offence under this regulation is liable to a term of imprisonment not exceeding 6 months or to a fine not exceeding level 6 on the standard scale, or to both.

PART 3 APPROVALS, RECOGNITIONS AND LICENCES

10. Suitably qualified persons – approval and recognition

- (1) The competent authority must train, approve and recognise certain persons as suitably qualified persons for purposes of dispensing and providing certain veterinary medicinal products.
- (2) The competent authority must keep a list of suitably qualified persons.

11. Suitably qualified persons - responsibilities

A suitably qualified person must, before dispensing or providing any veterinary medicines referred to under regulations 8 and 9 —

- (a) be satisfied that the person requiring the medicine is competent to administer it safely;
- (b) give the person information about the medicine including information on warnings and contraindications as detailed in the product leaflet or label; and
- (c) give the person advice on the administration of the medicine.

12. Recognised veterinary practice

(1) Any independent or private veterinary practice from which veterinary medicinal products are sold or placed on the market for sale must be recognised by the competent authority.

- (2) In order to be recognised by the competent authority the owner of a veterinary practice must submit to the competent authority trading licences, qualification certificates and any other information as may be required by the competent authority.
- (3) The competent authority must keep a list of all recognised veterinary practices.

13. Authorisation to sell or place on the market for sale

- (1) Any person who wishes to sell or place on the market for sale any veterinary medicinal products or medicated feedingstuff referred to under regulation 6 must apply for an authorisation from the competent authority.
- (2) The competent authority may require any information as may be necessary from an applicant including any information about training, approval or recognition of the applicant as a suitably qualified person or as a recognised veterinary practice.
- (3) An application for an authorisation under subregulation (1) must be made in writing to the Senior Veterinary Officer.
- (4) Where the applicant meets the requirements of this regulation the competent authority may issue an authorisation
 - (a) subject to any conditions as may be necessary;
 - (b) for such a period as it may specify; and
 - (c) in any form as it may specify.

14. Import permit

- (1) Any person who wishes to import into the Falkland Islands any veterinary medicinal products or any medicated feedingstuff must apply for an import permit from the competent authority.
- (2) The competent authority may require any information as may be necessary from an applicant including information about
 - (a) any training, approval or recognition of the applicant as a suitably qualified person or as a recognised veterinary practice;
 - (b) the quantities and names of the veterinary medicinal products to be imported; and
 - (c) the purpose of importing the veterinary medicinal products.
- (3) An application for an import permit under subregulation (1) must be made in writing to the Senior Veterinary Officer.
- (4) Where the applicant meets the requirement of this regulation the competent authority may issue an import permit —

- (a) subject to any conditions as may be necessary;
- (b) for such a period as it may specify; and
- (c) in any form as it may specify.

15. Record keeping

- (1) There must be kept on a farm a register on which the following is recorded
 - (a) information relating to any veterinary medicinal products or medicated feedingstuffs administered or given to livestock;
 - (b) the date when the products or medicated feedingstuffs were acquired and the establishment from where they were acquired;
 - (c) the date when the products or medicated feedstuffs were administered or given to the livestock;
 - (d) the withdrawal periods to be observed for those products (including information indicating when those periods elapsed);
 - (e) the identification of the livestock receiving the product; and
 - (f) any other relevant information that the competent authority may require.
- (2) A suitably qualified person, recognised veterinary practice or any other person who imports, sells or places on the market any veterinary medicinal products must keep records of the following
 - (a) all veterinary medicinal products imported or sold, including invoices;
 - (b) in the case of a suitably qualified person, any information and advice given in accordance with regulation 11;
 - (c) any training undertaken in relation to the use of veterinary medicinal products; and
 - (d) any other relevant information that the competent authority may require.
- (3) A qualified veterinarian and a registered pharmacist must keep a record of all prescriptions issued in relation to veterinary medicinal products that require prescriptions as well as a record of all products provided or dispensed.
- (4) A copy of the records to be kept under this regulation must be made available to the competent authority when requested.

16. Competent authority to give guidance – codes of practice

(1) The competent authority must publish guidance in relation to the prescribing, storage and destruction of controlled drugs in terms of regulation 5.

- (2) The competent authority may prepare and issue codes of practice regarding the prescribing of veterinary medicinal products other than controlled drugs.
- (3) A guidance or code of practice must be
 - (a) published in the *Gazette*; and
 - (b) kept under review.

SCHEDULE CATEGORIES OF MEDICINES

Part A - POM-V medicines

(regulation 7)

- 1. A veterinary medicinal product that has been classified as a POM-V may only be supplied to the client where it has been prescribed by a qualified veterinarian who has carried out a clinical assessment of an animal, or group of animals, under the qualified veterinary's care.
- 2. Qualified veterinarians are expected to use their professional judgement in deciding how 'clinical assessment' should be interpreted in their particular circumstances and when an animal is 'under their care'.

(The Royal College of Veterinary Surgeons (RCVS) has interpreted "clinical assessment" as meaning an assessment of relevant clinical information, which may include an examination of the animal, and "under their care" as meaning —

- (a) the qualified veterinary must have been given the responsibility for the health of the animal or herd by the owner or the owner's agent;
- (b) that responsibility must be real and not nominal;
- (c) the animal or herd must have been seen immediately before prescription or recently enough or often enough for the veterinary surgeon to have personal knowledge of the condition of the animal or current health status of the herd or flock to make a diagnosis and prescribe; and
- (d) the veterinary surgeon must maintain clinical records of that herd/flock/individual.

What amounts to 'recent enough' must be a matter for the professional judgement of the qualified veterinarian in each individual case.)

3. The client may request a written prescription from the qualified veterinarian if they wish to obtain the product from a supplier other than the prescribing qualified veterinarian. In all cases, the prescribing qualified veterinarian must accept clinical responsibility for the treatment.

- 4. Any registered qualified veterinarian or registered pharmacist may supply POM-V products or products to be used under the Veterinary Medicines Directorate Prescribing Cascade in accordance with a written prescription from a qualified veterinarian.
- 5. The supplying qualified veterinarian or pharmacist should use their specialist knowledge to check that the prescription accords with their own understanding of the product. If they have concerns about the prescription they should raise them with the prescribing qualified veterinarian before dispensing the medicine. It is open to any supplier to refuse to supply against a prescription.
- 6. A product will generally be included in the POM-V category when
 - (a) it requires a strict limitation on its use for specific safety reasons;
 - (b) it requires the specialised knowledge of a veterinary surgeon for its use or application;
 - (c) it has a narrow safety margin requiring above average care in its use;
 - (d) Government policy demands professional control of it at a high level. For example, products containing controlled drugs (CDs) are classified as POM-V and will be clearly identified on their labels with "CD" and the relevant class to which they fall under in the Schedule of the Misuse of Drugs Ordinance (Title 49.3).
- 7. Products containing new active substances will usually be categorised as POM-V, although in very rare cases the nature of the substance, indications, supporting data and other data may enable a product to be categorised as POM-VPS. A product for a food-producing species will usually be classified as either POM-V or POM-VPS.

Part B - POM-VPS medicines

(regulation 8)

- 1. A veterinary medicine classified as POM-VPS may be prescribed by a qualified veterinarian, a registered pharmacist or an appropriately qualified SQP (collectively known as Registered Qualified Persons RQPs)).
- 2. A clinical assessment of the animal(s) is not required when prescribing this category of veterinary medicine and the animal does not have to be seen by the prescriber. However sufficient information about the animal and the way it is kept must be known to the prescriber in order to prescribe and supply appropriately.
- 3. The customer may request a written prescription from the prescribing RQP if they wish to obtain the product from a supplier other than the prescribing RQP.
- 4. An RQP may supply POM-VPS medicines in accordance with a written prescription from another RQP.

- 5. Registered pharmacists and SQPs may supply a POM-VPS medicine for use under the cascade if prescribed by a veterinary surgeon and, in the case of SQPs, if they hold the relevant qualification to supply that medicine.
- 6. A veterinary medicine will generally be included in the POM-VPS category when
 - (a) it is used to reduce or prevent the effects of endemic disease in herds, flocks or in individual animals (such as treatment for worms and other parasites);
 - (b) its use implies risks for the user, the animal, consumer safety or the environment but users can be made aware of suitable countermeasures through simple, oral or written, advice;
 - (c) a professional user can be given adequate training in its regular use.

Part C - NFA-VPS medicines

(regulation 9)

- 1. A veterinary medicine classified as NFA-VPS may be supplied by any RQP provided the requirements for supply under paragraph 2 are met.
- 2. The requirements referred to under paragraph 1 are
 - (a) that the supplier is satisfied that the person who will use the product is competent to do so safely; and
 - (b) that the person intends to use the product for the purpose for which it is authorised.
- 3. These medicines do not require a prescription.
- 4. A medicine will generally be included in the NFA-VPS category when
 - (a) it is indicated for use only in non-food animals;
 - (b) it is used routinely to prevent or limit the effects of endemic disease in non-food animals;
 - (c) its use implies risks for the user, the animal, for consumer safety or for the environment but users can be made aware of suitable countermeasures through simple, oral or written advice;
 - (d) the animal keeper can be given sufficient practical advice to permit effective or safe usage.

Part D – AVM-GSL medicines

(regulation 3(1)(a))

- 1. There are no legal restrictions for the retail supply of veterinary medicines classified as AVM-GSL ("over the counter" medicine) but a responsible approach to the supply of these medicines is expected.
- 2. A medicine will generally be included in the AVM-GSL category when
 - (a) its use has a wide margin of safety;
 - (b) it is used to alleviate or prevent the signs of disease or support the treatment of common ailments;
 - (c) special advice is not required to permit safe or effective use.

Part E

Medicines not Subject to Veterinary Control (Exemptions for Small Animals (Pets)) (regulation 3(1)(b))

- 1. The exemption permits certain medicines to be placed on the market without a marketing authorisation (MA), subject to certain conditions.
- 2. This exemption scheme applies only to veterinary medicines labelled exclusively for use in one or more of the following animals that are not intended for human consumption
 - (a) aquarium animals (including fish kept in closed water systems);
 - (b) cage birds (meaning birds kept in cages or aviaries);
 - (c) homing pigeons (meaning pigeons kept for racing or exhibition);
 - (d) terrarium animals (meaning reptiles, amphibians and arthropods kept in tanks and cages including animals free-living in domestic gardens);
 - (e) small rodents (meaning domestic mammals of the order *rodentia*);
 - (f) ferrets; and
 - (g) rabbits.
- 3. Products marketed under the exemption may be sold by any retailer.

Made 2015

Colin Roberts C.V.O., *Governor*.

EXPLANATORY NOTE

These regulations are made under section 4(1)(l) of the Livestock and Meat Products Ordinance (No 14 of 2010), which allows the Governor to make regulations dealing with the following —

- (a) the use, sale, import or export of veterinary medicinal products through permits;
- (b) restrictions on the sale and distribution of veterinary medicinal products; and
- (c) the licensing of establishments that can sell and distribute veterinary medicinal products.

This section has been added to the Ordinance to specifically empower the Governor to regulate veterinary medicines for livestock. The Medicines Ordinance, which deals with all medicines generally, has not been commenced and therefore it has been amended to remove this aspect from it so that the Department of Agriculture (as the competent authority for regulating livestock) will regulate the use of veterinary medicines under the Livestock and Meat Products Ordinance. The regulation of veterinary medicines which are used for other animals (not livestock) will still be dealt with by the Medicines Ordinance.

Part 1 deals with introductory matters and provides as follows —

regulation 2 provides for interpretation of the different terms used in the regulations;

regulation 3 provides that the regulations only apply to the veterinary medicinal products that are given or administered to livestock. This is to clarify that all other medicines will still be regulated by the Medicines Ordinance;

Part 2 provides for the general prohibitions against selling, using and importing of veterinary medicines unless on the authorisation of the competent authority or where the person is qualifies to do that. Regulations 4, 5 and 6 provide for this.

regulation 7 provides for prescription only medicines to be dispensed by a qualified veterinarian, a registered pharmacist or a suitably qualified person and makes it an offence for an unauthorised or unqualified person to do so. It further makes it an offence for a person to administer prescription only medicines to livestock where the person knows the medicine was dispensed by a person not qualified to do so;

regulation 8 provides for prescription only medicines to be dispensed by a qualified veterinarian and makes it an offence for an unauthorised or unqualified person to do so. It further makes it an offence for a person to administer prescription only medicines to livestock where the person knows the medicine was not dispensed by a qualified veterinarian:

Part 3 deals with approval and recognition of suitably qualified persons. It also deals with licences to sell and distribute veterinary medicinal products. It provides as follows —

regulation 10 and 11 provide for the approval and recognition of suitably qualified persons as well as their responsibilities;

regulation 12 deals with recognised veterinary practices while regulation 13 deals with the authorisations granted by the competent authority for the sale and placing on the market of veterinary medicinal products or feedstuff. Regulation 14 provides for the application process for import permits;

regulation 15 provides for record keeping of all information relating to the use, import, sales, administration and all relevant information.

regulation 16 requires the competent authority to give guidance through codes of practice on the prescription and dispensing of the different categories of veterinary medicinal products.

The *Schedule* sets out the different categories of medicines and provides for additional requirements to be observed when dispensing the different veterinary medicines.

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FALKLAND ISLANDS GAZETTE Supplement

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The following are published in this Supplement –

Land (Non-residents) (Amendment) Bill 2015; Endangered Species Protection Bill 2015; and Marine Farming (Amendment) Bill 2015.

Land (Non-Residents) (Amendment) Bill 2015

(No: of 2015)

ARRANGEMENT OF PROVISIONS

Clause

- 1. Title
- 2. Commencement
- 3. Section 2 amended Interpretation

LAND (NON-RESIDENTS) (AMENDMENT) BILL 2015

(No: of 2015)

(assented to: 2015)
(commencement:on publication)
(published:)

A BILL

for

AN ORDINANCE

To amend the Land (Non-Residents) Ordinance (No. 14 of 1999) to remove the requirement that a company is to be regarded as resident in the Falkland Islands as provided by the Taxes Ordinance 1997.

BE IT ENACTED by the Legislature of the Falkland Islands —

1. Title

This Ordinance is the Land (Non-Residents) (Amendment) Ordinance 2015.

2. Commencement

This Ordinance comes into force on publication.

3. Section 2 amended — Interpretation

Section 2(2) is amended as follows —

- (a) by deleting paragraph (b)(ii); and
- (b) in paragraph (b)(i) by
 - (i) deleting the words "; or"; and
 - (ii) renumbering the remaining words to fit into paragraph (b).

OBJECTS AND REASONS

This Bill amends the Land (Non-Residents) Ordinance to remove the requirement that a company is to be regarded as resident in the Falkland Islands as provided by the Taxes Ordinance 1997. This is necessary because the test of residence contained within section 201 of the Taxes Ordinance 1997 is a simple test of whether the company is incorporated in the Falkland Islands. The test of central control and management for management and control of a

company in section 201 of the Taxes Ordinance 1997 applies only to companies which are not incorporated in the Falkland Islands.

Clause 1 provides for the title while clause 2 provides for commencement on publication.

Clause 3 deletes section 2(2)(b)(ii) (the cross-reference to the Taxes Ordinance 1997 where a company is considered to be resident if its central control and management are done from the Falklands Islands).

It also makes minor consequential amendments in paragraph (b).

Endangered Species Protection Bill 2015

(No: of 2015)

ARRANGEMENT OF PROVISIONS

Clause

PART 1 – PRELIMINARY

- 1. Title and commencement
- 2. Interpretation

PART 2 – THE MANAGEMENT AUTHORITY

- 3. Management Authority
- 4. Functions of the Management Authority
- 5. Confiscation of specimens
- 6. Records and reports

PART 3 – THE SCIENTIFIC AUTHORITY

- 7. Scientific Authority
- 8. Functions of the Scientific Authority

PART 4 – PERMITS AND CERTIFICATES

General provisions

9. Permits and certificates

Species under Appendix I

- 10. Regulation of trade in specimens of species included in Appendix I
- 11. Export permits Appendix I
- 12. Import permits Appendix I
- 13. Re-export permits Appendix I
- 14. Certificates authorising introduction from the sea Appendix I

Species under Appendix II

- 15. Regulation of trade in specimens of species included in Appendix II
- 16. Export permits Appendix II
- 17. Import permits Appendix II
- 18. Re-export certificates Appendix II
- 19. Certificates authorising introduction from the sea Appendix II

Species under Appendix III

- 20. Regulation of trade in specimens of species included in Appendix III
- 21. Export permits Appendix III
- 22. Import permits Appendix III

PART 5 – MISCELLANEOUS

- 23. Exemptions and other special provisions relating to trade
- 24. Resolution of disputes
- 25. Offences by company, etc
- 26. Stop and search powers
- 27. Duty to show proof of lawful importation or exportation
- 28. Obstruction
- 29. Administration and enforcement
- 30. Confiscation of specimens
- 31. Offences relating to false statements
- 32. Appeals
- 33. Subsidiary legislation
- 34. Repeal

SCHEDULE – Text of the Articles of CITES

ENDANGERED SPECIES PROTECTION BILL 2015

(No: of 2015)

(assented to: 2015) (commencement: on publication) (published: 2015)

A BILL

for

AN ORDINANCE

To repeal and re-enact the Endangered Species Protection Ordinance 2003; to incorporate into the written law of the Falkland Islands the provisions of the Convention on International Trade in Endangered Species of Wild Fauna and Flora; and for connected purposes.

BE IT ENACTED by the Legislature of the Falkland Islands —

PART 1 – PRELIMINARY

1. Title and commencement

This Ordinance is the Endangered Species Protection Ordinance 2015 and comes into force on publication in the *Gazette*.

2. Interpretation

- (1) In this Ordinance, unless the context otherwise requires —
- "Appendix I, Appendix II, Appendix III or Appendix IV" means the appendices to CITES as amended from time to time;
- "CITES" means the Convention on International Trade in Endangered Species of Wild Fauna and Flora that was concluded at Washington D.C. on 3 March 1973, and references to any particular provision of CITES are references to that provision as it appears in the version of CITES, as in force at the relevant time, that is published in the Treaty Series issued by Her Majesty's Stationery Office in the United Kingdom);
- "competent authority" means, as may be appropriate in accordance with CITES, the Management Authority or the Scientific Authority of a Party to which the Falkland Islands is importing or exporting from other than the Falkland Islands;
- "export" means to take, or cause to be taken, out of the Falkland Islands or out of Falkland Islands waters;
- "import" means to bring, or cause to be brought, into the Falkland Islands or into Falkland Islands waters, including for the purpose of export;

"introduction from the sea" means transportation into the Falkland Islands waters or to any port in the Falkland Islands of specimens of any species which were taken in the marine environment not under the jurisdiction of any State, including the seabed and subsoil;

"Management Authority" means the Management Authority for the Falkland Islands appointed by the Governor under section 3; (designated for the purposes of Article IX of CITES);

"Party" means a State in which CITES is in force;

"protected goods" means any specimen of a species that is for the time being included in Appendix I, Appendix II or Appendix III of the Convention;

"re-export" means export of any specimen of a species that has previously been imported;

"rescue centre" means an institution designated by the Management Authority under section 4;

"Scientific Authority" means the scientific authority of the Falkland Islands appointed by the Governor under section 7 (so designated in accordance with Article IX of CITES);

"Secretariat" means the Secretariat provided by the Executive Director of the United Nations Environment Programme upon the entry into force of CITES, in accordance with Article XII of CITES;

"species" means any species, subspecies, or geographically separate population of a species;

"specimen" means —

- (a) any animal or plant, whether alive or dead;
- (b) in the case of an animal—
 - (i) for species included in Appendices I and II to CITES, any readily recognizable part or derivative of that species, and
 - (ii) for species included in Appendix III of CITES, any readily recognizable part of derivative of that species (specified in Appendix III in relation to the species); and
- (c) in the case of a plant,
 - (i) for species included in Appendix I to CITES, any readily recognizable part or derivative of that species; and
 - (ii) for species included in Appendices II and III of CITES, any readily recognizable part or derivative of that species (specified in Appendices II and III of CITES in relation to the species);

[&]quot;State of export" means a State from which specimen are taken out from;

"State of import" means a State to which specimen are sent to or received;

"State of re-export" means a State which exports (sends out) imported specimen;

"trade" means export, re-export, import and introduction from the sea.

- (2) For the purposes of this Ordinance "State" includes the Falkland Islands.
- (3) Every reference in this Ordinance to an Appendix is a reference to an Appendix to CITES.
- (4) The full text of all the Articles of CITES is set out in the Schedule as it appears in the version of CITES, as in force at the relevant time, that is published in the Treaty Series issued by Her Majesty's Stationery Office in the United Kingdom and may be updated by the Governor under section 33(2).

PART 2 – THE MANAGEMENT AUTHORITY

3. Management Authority

- (1) The Management Authority for the Falkland Islands is the Chief Executive or such other public officer as the Governor may from time to time appoint.
- (2) Subject to subsection (3), the Management Authority must obtain the advice of the Scientific Authority before exercising any of its functions under this Ordinance.
- (3) Despite subsection (2), the exercise of any power by the Management Authority will not be invalidated by reason only of the Management Authority's failure to obtain the advice of the Scientific Authority.

4. Functions of the Management Authority

- (1) The general function of the Management Authority is to monitor the activities of Falkland Islands importers, exporters and re-exporters to ensure their compliance with CITES and with this Ordinance.
- (2) The Management Authority must, in accordance with sections 9 to 22—
 - (a) consider applications for permits or certificates relating to—
 - (i) import;
 - (ii) export; or
 - (iii) re-export,

of any specimen of a species included in Appendix I, Appendix II or Appendix III to CITES; and

(b) approve or deny applications and, where it approves an application, issue a control number is respect of each permit or certificate it approves, in compliance with section 9(4).

- (c) designate a rescue centre for purposes of any confiscated living specimens and may designate one or more rescue centres as necessary.
- (3) The Management Authority must satisfy itself—
 - (a) where the Falkland Islands is the State of export
 - (i) that the specimen was not obtained in contravention of the law relating to the protection of fauna and flora;
 - (ii) that any living specimen will be prepared and shipped to minimise the risk of injury, damage to health or cruel treatment to the specimen;
 - (iii) that an import permit has been granted for the specimen by the competent authority in the State of import;
 - (b) where the Falkland Islands is the State of import, that any protected goods that are being imported into the Falkland Islands are not to be used for primarily commercial purposes;
 - (c) where the Falkland Islands is the State of re-export
 - (i) that the specimen was imported into the Falkland Islands in accordance with the provisions of CITES;
 - (ii) that any living specimen will be prepared and shipped to minimise the risk of injury, damage to health or cruel treatment to the specimen;
 - (iii) that an import permit for any living specimen has been obtained from the competent authority in the State to which the protected goods are to be re-exported; and
 - (iv) that the specimen was not obtained in contravention of the law relating to the protection of fauna and flora;
 - (d) where the Falkland Islands is the State of introduction
 - (i) that the proposed recipient of a living specimen is suitably equipped to house and care for it; and
 - (ii) that the specimen is not to be used for primarily commercial purposes; and
 - (iii) that any living specimen will be handled to minimise the risk of injury, damage to health or cruel treatment.
- (4) The Management Authority must take appropriate measures to enforce the provisions of CITES and to prohibit trade in specimens in violation of CITES, and this duty includes —

- (a) to penalise trade in, or possession of, such specimens, or both; and
- (b) the confiscation or return to the State of export of such specimens
- (c) taking such supplementary measures as may be set out in regulations made by the Governor.
- (5) The Governor may, in regulations made under subsection (4), also prescribe a method by which the Management Authority may reimburse all persons who incurred expenses as a result of lawfully participating in the confiscation of a specimen traded in violation of the measures taken pursuant to provisions in the regulations that comply with paragraphs (a) and (b) of subsection (4).
- (6) As far as possible, the Management Authority must ensure that specimens pass through any formalities required for trade with a minimum of delay and, in this connection—
 - (a) to facilitate such passage, may designate ports of exit and ports of entry at which specimens must be presented for clearance; and
 - (b) must ensure that all living specimens, during any period of transit, holding or shipment, are properly cared for so as to minimise the risk of injury, damage to health or cruel treatment.

5. Confiscation of specimens

Where a living specimen is confiscated under subsections (4), the Management Authority—

- (a) has custody of the specimen and is responsible for the care of it;
- (b) must, after consultation with the State of export, return the specimen to that State at the expense of that State, or to a rescue centre or such other place as the Management Authority deems appropriate and consistent with the purposes of CITES; and
- (c) may obtain the advice of the Scientific Authority, or may, whenever it considers it desirable, consult the Secretariat in order to facilitate the decision under paragraph (b), including the choice of a rescue centre or other place.

6. Records and reports

- (1) The Management Authority must maintain records of trade in specimens of species included in Appendices I, II and III to CITES, which must cover—
 - (a) the names and addresses of exporters and importers; and
 - (b) each of the following
 - (i) the number and type of permits and certificates granted;

- (ii) the States with which such trade occurred;
- (iii) the numbers or quantities and types of specimens;
- (iv) names of species as included in Appendices I, II and III to CITES; and
- (v) where applicable, the size and gender of the specimens in question.
- (2) The Management Authority must prepare periodic reports on its implementation of the CITES and must transmit to the Secretariat
 - (a) an annual report containing a summary of the information specified in paragraph (b) of subsection (1); and
 - (b) a biennial report on legislative, regulatory and administrative measures taken to enforce the provisions of CITES.
- (3) The information referred to in subsection (2) must be made available to the public, subject to the contrary provisions of any other written law of the Falkland Islands.

PART 3 – THE SCIENTIFIC AUTHORITY

7. Scientific Authority

The Scientific Authority for the Falkland Islands for the purpose of CITES is such person or persons or body of persons as the Governor from time to time appoints.

8. Functions of the Scientific Authority

The functions of the Scientific Authority are —

- (a) to advise the Management Authority or, as appropriate, the Governor—
 - (i) on the exercise of the Management Authority's functions under sections 4 and 5;
 - (ii) on any matter relating to the administration of this Ordinance on which its advice is sought or on which it wishes to tender advice; and
 - (iii) on whether the export or import of a specimen of a species will be detrimental to the survival of that species;
 - (iv) on whether the proposed recipient of a living specimen is suitably equipped to house and care for it;
 - (v) of suitable measures to be taken to limit the grant of export permits for specimens of species referred to in paragraphs (b) and (c); and

- (vi) generally, on matters falling within the scope of CITES on which its advice is sought or on which it wishes to tender advice;
- (b) to monitor both the export permits granted by the Management Authority for specimens of species included in Appendix II and the actual exports of those specimens;
- (c) to determine whether the export of specimens of any such species should be limited in order to maintain that species throughout its range at a level consistent with its role in the ecosystems in which it occurs and well above the level at which that species might become eligible for inclusion in Appendix I; and
- (d) in accordance with paragraph 7 of Article IV of CITES, to consult with other national scientific authorities or, when appropriate, international scientific authorities, in respect of periods not exceeding one year for total numbers of specimens to be introduced in specified periods.

PART 4 – PERMITS AND CERTIFICATES

General provisions

9. Permits and certificates (Article VI of CITES)

- (1) Permits and certificates granted under the provisions of section 4(2) must be in accordance with the provisions of this section.
- (2) An export permit must contain the information specified in the model set out in Appendix IV to CITES, and may only be used for export within a period of six months from the date on which it was granted.
- (3) Each permit or certificate must contain the title of CITES, the name and any identifying stamp of the Management Authority and a control number assigned by the Management Authority.
- (4) Any copies of a permit or certificate issued by a Management Authority must be clearly marked as copies only and no such copy may be used in place of the original, except to the extent endorsed on the copy.
- (5) A separate permit or certificate is required for each consignment of specimens.
- (6) Where the Falkland Islands is the State of import of any specimen, the Management Authority (in order to ensure that any permit or certificate is not used in relation to more than one consignment of specimens) must cancel and retain
 - (a) the export permit or re-import certificate issued, respectively, by the State of export or the State of re-import; and
 - (b) any corresponding import permit presented in respect of the import of that specimen.

- (7) Where appropriate and feasible, the Management Authority may affix a mark upon any specimen to assist in identifying the specimen.
- (8) For the purposes of subsection (7), "mark" means any indelible imprint, lead seal or other suitable means of identifying a specimen, designed in such a way as to render its imitation by unauthorised persons as difficult as possible.
- (9) For the purposes of this Part, any reference to a person being requested or required to present or produce a permit or certificate is to be construed as a reference to the person being so requested or required, as the case may be, by a customs officer, a police officer or an officer of the Management Authority.

Species under Appendix I

10. Regulation of trade in specimens of species included in Appendix I (Article III of CITES)

All trade in specimens of species included in Appendix I must be in accordance with sections 11 to 14.

11. Export permits – Appendix I

- (1) Before a person exports from the Falkland Islands any specimen of a species included in Appendix I, the person must first obtain an export permit from the Management Authority, which the person must present when required to do so.
- (2) In order to obtain an export permit, a person referred to in subsection (1) must submit an application to the Management Authority in the prescribed form and must pay the prescribed fee.
- (3) The Management Authority must not grant the export permit unless the following conditions have been met
 - (a) the Scientific Authority has advised that such export will not be detrimental to the survival of that species; and
 - (b) the Management Authority is satisfied that
 - (i) the specimen was not obtained in contravention of any law for the protection of fauna and flora:
 - (ii) any living specimen will be prepared and shipped to minimise the risk of injury, damage to health or cruel treatment of the specimen; and
 - (iii) an import permit has been granted for the specimen.

(4) A person who—

(a) exports from the Falkland Islands any specimen of a species included in Appendix I without having obtained an export permit as required by subsection (1); or

(b) having obtained an export permit, fails to produce it in accordance with subsection (1), commits an offence and is liable on conviction to a fine not exceeding level 12 on the standard scale.

12. Import permits – Appendix I

- (1) Before a person imports into the Falkland Islands any specimen of a species included in Appendix I, the person must first obtain—
 - (a) an import permit from the Management Authority; and
 - (b) either, as the case may be,—
 - (i) an export permit from the competent authority of the State of export; or
 - (ii) a re-export certificate from the State of re-export,

and must, when requested, present both permits or the import permit and the re-export certificate, as the case may be.

- (2) In order to obtain an import permit a person referred to in subsection (1) must submit an application to the Management Authority in the prescribed form and pay the prescribed fee.
- (3) The Management Authority must not grant an import permit unless the following conditions have been met—
 - (a) the Scientific Authority—
 - (i) has advised that the import will be for purposes which are not detrimental to the survival of the species involved;
 - (ii) is satisfied that the proposed recipient of a living specimen is suitably equipped to house and care for it; and
 - (b) the Management Authority is satisfied that the specimen is not to be used for primarily commercial purposes.
- (4) A person who—
 - (a) imports into the Falkland Islands any specimen of a species included in Appendix I without having obtained an import permit and either an export permit or a re-export certificate as required by subsection (1); or
 - (b) having obtained an import permit and either an export permit or a re-export certificate, fails to produce any or both of them in accordance with subsection (1),

commits a separate offence in respect of each item that the person has not obtained or, as the case may be, that the person fails to produce, and is liable in respect of a conviction for each offence to a fine not exceeding level 12 on the standard scale.

13. Re-export certificates – Appendix I

- (1) Before a person re-exports from the Falkland Islands any specimen of a species included in Appendix I, the person must first obtain a re-export certificate from the Management Authority, which the person must present upon request.
- (2) In order to obtain a re-export certificate, a person referred to in subsection (1) must submit an application to the Management Authority in the prescribed form and pay the prescribed fee.
- (3) The Management Authority must not grant a re-export certificate unless a Management Authority is satisfied that
 - (a) the specimen was imported into the Falkland Islands in accordance with the provisions of CITES;
 - (b) any living specimen will be so prepared and shipped as to minimise the risk of injury, damage to health or cruel treatment; and
 - (c) an import permit for any living specimen has been granted by the competent authority in the State of import.

(4) A person who—

- (a) re-exports from the Falkland Islands any specimen of a species included in Appendix I without having obtained a re-export certificate as required by subsection (1); or
- (b) having obtained a re-export certificate, fails to produce it in accordance with subsection (1),

commits an offence and is liable on summary conviction to a fine not exceeding level 12 on the standard scale.

14. Certificates authorising introduction from the sea – Appendix I

- (1) Before a person introduces from the sea into the Falkland Islands any specimen of a species included in Appendix I, the person must first obtain from the Management Authority a certificate for that purpose, which the person must present when requested to do so.
- (2) In order to obtain a certificate under this section, a person referred to in subsection (1) must submit an application to the Management Authority in the prescribed form and pay the prescribed fee.
- (3) The Management Authority must not grant a certificate under this section unless the following conditions have been met—

- (a) a Scientific Authority advises that the introduction will not be detrimental to the survival of the species involved; and
- (b) a Management Authority is satisfied that
 - (i) the proposed recipient of a living specimen is suitably equipped to house and care for it; and
 - (ii) the specimen is not to be used for primarily commercial purposes.
- (4) A person who—
 - (a) introduces from the sea into the Falkland Islands any specimen of a species included in Appendix I without having obtained a certificate as required by subsection (1); or
 - (b) having obtained a certificate, fails to present it in accordance with subsection (1),

commits an offence and is liable on conviction to a fine not exceeding level 12 on the standard scale.

Species under Appendix II

15. Regulation of trade in specimens of species included in Appendix II (Article IV of *CITES*)

All trade in specimens of species included in Appendix II must be in accordance with sections 16 to 19.

16. Export permits – Appendix II

- (1) Before a person exports from the Falkland Islands any specimen of a species included in Appendix II, the person must first obtain an export permit from the Management Authority, which the person must present when required to do so.
- (2) In order to obtain an export permit, a person referred to in subsection (1) must submit an application to the Management Authority in the prescribed form and must pay the prescribed fee.
- (3) The Management Authority must not grant the export permit unless the following conditions have been met—
 - (a) the Scientific Authority has advised that such export will not be detrimental to the survival of that species;
 - (b) the Management Authority is satisfied that
 - (i) the specimen was not obtained in contravention of the law for the protection of fauna and flora; and

- (ii) any living specimen will be so prepared and shipped as to minimise the risk of injury, damage to health or cruel treatment.
- (4) When complying with this section, the Management Authority and the Scientific Authority must have regard to paragraphs (a)(v), (b) and (c) of section 8.

(5) A person who—

- (a) exports from the Falkland Islands any specimen of a species included in Appendix II without having obtained an export permit as required by subsection (1); or
- (b) having obtained an export permit, fails to present it in accordance with subsection (1),

commits an offence and on conviction is liable to a fine not exceeding level 12 on the standard scale.

17. Import permits – Appendix II

- (1) Before a person imports into the Falkland Islands any specimen of a species included in Appendix II, the person must first obtain from the competent authority of the State of export or re-export either an export permit or a re-export certificate, which the person must present when required to do so.
- (2) A person referred to in subsection (1) must comply with
 - (a) section 16(2) in order to obtain an export permit;
 - (b) section 18(2) in order to obtain a re-export certificate.

(3) A person who—

- (a) imports into the Falkland Islands any specimen of a species included in Appendix II without having obtained an export permit or a re-export certificate as required by subsection (1); or
- (b) having obtained an export permit or a re-export certificate, fails to present it in accordance with subsection (1),

commits an offence and is liable on conviction to a fine not exceeding level 12 on the standard scale.

18. Re-export certificates – Appendix II

(1) Before a person re-exports from the Falkland Islands any specimen of a species included in Appendix II, the person must first obtain from the Management Authority a re-export certificate, which the person must present when required to do so.

- (2) In order to obtain a re-export certificate, a person referred to in subsection (1) must submit an application to the Management Authority in the prescribed form and must pay the prescribed fee.
- (3) The Management Authority must not grant a re-export certificate unless it is satisfied that
 - (a) the specimen was imported into the Falkland Islands in accordance with the provisions of CITES; and
 - (b) any living specimen will be so prepared and shipped as to minimise the risk of injury, damage to health or cruel treatment.

(4) A person who—

- (a) re-exports from the Falkland Islands any specimen of a species included in Appendix II without having obtained a re-export certificate as required by subsection (1); or
- (b) having obtained a re-export certificate, fails to present it in accordance with subsection (1),

commits an offence and is liable on conviction to a fine not exceeding level 12 on the standard scale.

19. Certificates authorising introduction from the sea – Appendix II

- (1) Before a person introduces from the sea into the Falkland Islands any specimen of a species included in Appendix II, the person must first obtain from the Management Authority a certificate for that purpose, which the person must present when requested to do so.
- (2) In order to obtain a certificate under this section, a person referred to in subsection (1) must submit an application to the Management Authority in the prescribed form and pay the prescribed fee.
- (3) The Management Authority must not grant a certificate under this section unless the following conditions have been met—
 - (a) the Scientific Authority advises that the introduction will not be detrimental to the survival of the species involved;
 - (b) the Management Authority is satisfied that any living specimen will be so handled as to minimise the risk of injury, damage to health or cruel treatment.
- (4) The Management Authority may grant certificates referred to in subsection (3) on the advice of the Scientific Authority, in consultation with other national scientific authorities or, when appropriate, international scientific authorities, in respect of periods not exceeding one year for total numbers of specimens to be introduced during such periods.

(5) A person who—

- (a) introduces from the sea into the Falkland Islands any specimen of a species included in Appendix II without having obtained a certificate as required by subsection (1);
- (b) having obtained a certificate, fails to present it in accordance with subsection (1),

commits an offence and is liable on conviction to a fine not exceeding level 12 on the standard scale.

Species under Appendix III

20. Regulation of trade in specimens of species included in Appendix III (Article V of CITES)

All trade in specimens of species included in Appendix III must be in accordance with sections 21 and 22.

21. Export permits – Appendix III

- (1) Subject to subsection (2), before a person exports from the Falkland Islands any specimen of a species included in Appendix III, the person must first obtain an export permit from the Management Authority, which the person must present when required to do so.
- (2) This section only applies if the United Kingdom has included any species to which subsection (1) refers in Appendix III in respect of the Falkland Islands.
- (3) Where this section applies a person referred to in subsection (1) must, in order to obtain an export permit, submit an application to the Management Authority in the prescribed form and must pay the prescribed fee.
- (4) The Management Authority must not grant the export permit unless it is satisfied that
 - (a) the specimen was not obtained in contravention of the law for the protection of fauna and flora; and
 - (b) any living specimen will be so prepared and shipped as to minimise the risk of injury, damage to health or cruel treatment.

(5) A person who —

- (a) exports from the Falkland Islands any specimen of a species included in Appendix III without having obtained an export permit as required by subsection (1); or
- (b) having been granted an export permit, fails to present it in accordance with subsection (1),

commits an offence and is liable on conviction to a fine not exceeding level 12 on the standard scale.

22. Import permits – Appendix III

- (1) Before a person imports into the Falkland Islands any specimen of a species included in Appendix III, the person must, except in circumstances to which subsection (2) applies, first—
 - (a) present to the Management Authority a certificate of origin; and
 - (b) where the import is from a State which has included that species in Appendix III, an export permit,

granted by the competent authority of that State.

- (2) Where a specimen of a species included in subsection (1) is being imported into the Falkland Islands by way of re-export, a certificate granted by the competent authority of the State of re-export that the specimen was processed in that State or is being re-exported must be accepted by the Management Authority as evidence that the provisions of CITES have been complied with in respect of the specimen concerned, and the submission to the Management Authority of the aforementioned certificate obviates the requirement to comply with paragraphs (a) and (b) of subsection (1).
- (3) In the case of re-export from the Falkland Islands, the Management Authority must (in accordance with and in reliance on paragraph 4 of Article V of CITES) grant to the prospective re-exporter a certificate that the specimen was processed in the Falkland Islands or is being re-exported from the Falkland.
- (4) A person who imports into the Falkland Islands any specimen of a species included in Appendix III without having complied with
 - (a) paragraph (a) of subsection (1); or
 - (b) where appropriate, both paragraphs (a) and (b) of subsection (1),

commits an offence and is liable on conviction to a fine not exceeding level 12 on the standard scale.

PART 5 - MISCELLANEOUS

23. Exemptions and other special provisions relating to trade (Article VII of CITES)

- (1) The provisions of sections 10 to 22 do not apply to the following
 - (a) the transit or transhipment of specimens through Falkland Islands waters or in the territory of the Falkland Islands while the specimens remain in Customs control;
 - (b) the export or re-export of a specimen by the Falkland Islands where the Management Authority is satisfied that the specimen was acquired before the provisions of CITES applied to that specimen, and where the Management Authority issues a certificate to that effect; or
 - (c) where the following circumstance exist—

- (i) the competent authority of a State of export or re-export is satisfied that a specimen was acquired before the provisions of CITES applied to that specimen; and
- (ii) issues a certificate to that effect by virtue of which the provisions of Articles III, IV and V of CITES (or, as the case may be, provisions of the Party's domestic legislation giving effect to those Articles of CITES) have been rendered inapplicable to that specimen,

the Management Authority must recognise such a certificate.

- (2) The provisions of sections 10 to 22 do not apply to specimens that are personal or household effects.
- (3) Subsection (2) does not apply where
 - (a) in the case of specimens of a species included in Appendix I, they were acquired by the owner outside the owner's State of usual residence, and are being imported into the Falkland Islands; or
 - (b) in the case of specimens of species included in Appendix II—
 - (i) they were acquired by the owner outside the owner's State of usual residence and in a State where removal from the wild occurred:
 - (ii) they are being imported into the owner's State of usual residence; and
 - (iii) the State where removal from the wild occurred requires the prior grant of export permits before any export of such specimens,

unless the Management Authority is satisfied that the specimens were acquired before the provisions of CITES applied to such specimens.

- (4) Specimens of an animal species included in Appendix I bred in captivity for commercial purposes, or of a plant species included in Appendix I artificially propagated for commercial purposes, must be deemed to be specimens of species included in Appendix II.
- (5) Where
 - (a) the following circumstances exist, namely—
 - (i) the Falkland Islands is the State of export; and
 - (ii) the Management Authority is satisfied that
 - (aa) any specimen of an animal species was bred in captivity;

- (bb) any specimen of a plant species was artificially propagated; or
- (cc) any specimen of an animal or plant species is a part of an illegally propagated specimen or was derived therefrom,

a certificate by the Management Authority to that effect must, in reliance on Article VII of CITES, be presented in lieu of any permits or certificates required under the provisions of sections 10 to 22; or

- (b) the following circumstances exist—
 - (i) the Falkland Islands is not the State of export; and
 - (ii) the Falkland Islands is the State of import,

the Management Authority must accept, in lieu of a permit or certificate required by Article III, IV, or V of CITES (or, as the case may be, provisions of the Party's domestic legislation giving effect to those Articles of CITES), a certificate that the competent authority of the State of export issued upon being satisfied of the facts set out in paragraph (a).

- (6) The provisions of sections 10 to 22 do not apply to the non-commercial loan, donation or exchange between scientists or scientific institutions registered by the Management Authority and scientists or scientific institutions registered by the competent authorities of other Parties, of herbarium specimens, other preserved, dried or embedded museum specimens, and live plant material, which carry a label issued or approved by the Management Authority or by the competent authority of another Party.
- (7) The Management Authority may waive the requirements of sections 10 to 22 and allow the movement without permits or certificates of specimens which form part of a travelling zoo, circus, menagerie, plant exhibition or other travelling exhibition provided that
 - (a) the exporter or importer registers full details of such specimens with the Management Authority;
 - (b) the specimens are either of the categories specified in subsection (3) or subsection (6); and
 - (c) the Management Authority is satisfied that any living specimen will be so transported and cared for as to minimise the risk of injury, damage to health or cruel treatment.
- (8) The Management Authority must recognise and allow movement based on waivers of the requirements of Article III, IV or V of CITES (or, as the case may be, provisions of the Party's domestic legislation giving effect to those Articles of CITES) granted by the competent authorities of other Parties in circumstances identical to those set out in subsection (7).

24. Resolution of disputes (Article XVIII of CITES)

- (1) Any dispute which may arise between the Falkland Islands and any one or more of the other Parties with respect to the interpretation or application of the provisions of CITES must be made the subject of negotiation between the Parties involved in the dispute.
- (2) If the dispute cannot be resolved in accordance with subsection (2), the Management Authority must, subject to securing the consent of the other Parties, submit the dispute to arbitration, in particular that of the Permanent Court of Arbitration at The Hague, and the Management Authority will, on behalf of the Falkland Islands, be bound by the arbitral decision.

25. Offences by company, etc

- (1) If an offence under this Ordinance is committed by a company, firm or other association of individuals whether incorporated or not, each
 - (a) director and officer of the company;
 - (b) partner and officer of the firm; or
 - (c) member and person concerned in the management of the affairs of the association,

as the case may be, is severally liable to be prosecuted and punished for the offence, unless the act or omission constituting the offence took place without his knowledge, consent or connivance.

(2) A person may be prosecuted by virtue of subsection (1) whether or not the company, firm or other association of individuals is prosecuted.

26. Stop and search powers

- (1) The powers conferred by this section have effect without prejudice to any powers conferred, in any particular case, by any other written law.
- (2) For the purposes of this Ordinance, any customs officer and any police officer may—
 - (a) stop, board and search any ship, aircraft or vehicle if he has reason to suspect that there is therein anything liable to seizure;
 - (b) stop and search the property of any person if he has reason to suspect that that person has in his possession anything liable to seizure; and
 - (c) enter and search any premises, being premises on which he has reason to suspect that an imported living specimen is being held, for the purpose of ascertaining whether any condition to which the relevant importation licence is subject and which relates to the housing or care of that specimen is being complied with.
- (3) Where it appears to a justice of the peace upon the oath of any person that there is reasonable cause to believe that there is in any place or premises anything liable to seizure he

may, by warrant directed to a customs officer or a police officer, empower him to enter, by force if necessary, and search the place or premise named in the warrant and to seize anything therein which is liable to seizure.

(4) For the purposes of this section, any protected goods imported in contravention of this Ordinance are liable to seizure.

27. Duty to show proof of lawful importation or exportation

- (1) Where any protected goods are being exported or imported or have been imported, a customs officer or police officer may require any person having possession or control of those goods to furnish proof that its exportation or importation is or was lawful.
- (2) Any person who fails or refuses to submit proof as required under subsection (1) commits an offence and is liable to imprisonment for a term not exceeding five years or to a fine not exceeding the maximum of level 12 on the standard scale.
- (3) Where any person is convicted of an offence under subsection (2) the goods in respect of which the offence was committed will, without further order, be forfeited to the Crown and will be disposed of in such manner as the Governor may direct.

28. Obstruction

A person who obstructs a customs officer or any police officer —

- (a) in the exercise of the powers under this Ordinance; or
- (b) in the execution of a warrant granted under section 26(3),

commits an offence and is liable on conviction to a fine not exceeding the maximum of level 12 on the standard scale.

29. Administration and enforcement

The provisions in this Ordinance relating to the functions of the Management Authority and the Scientific Authority are to be administered by the officers provided for in Part II of the Customs Ordinance, and such officers have in respect of this Ordinance all the powers and duties that they have in relation to the Customs Ordinance, in so far as those powers and duties are relevant to this Ordinance.

30. Confiscation of specimens

- (1) Subject to section 5, the Prohibited Goods Ordinance applies to this Ordinance subject to the following qualifications
 - (a) every mention in that Ordinance of the term "prohibited goods" must for the purposes of this Ordinance be construed as a reference to "protected goods";
 - (b) the provisions in that Ordinance relating to destruction of prohibited goods or forfeited goods, as the case may be, do not automatically apply to confiscated specimens of species that are living; rather —

- (i) all such confiscated specimens are to be brought to the attention of the Scientific Authority;
- (ii) the Scientific Authority must advise on how the specimens are to be dealt with and on who is to be made to pay for any manner in which it determines that the specimens are to be dealt with;
- (iii) compliance with the Scientific Authority's advice is mandatory; and
- (iv) the directive by the Scientific Authority as to who is required to pay for the manner in which the specimens are to be dealt with
 - (aa) must be accompanied by reasons; and
 - (bb) may be enforced by legal process and is judicially reviewable.
- (2) This Ordinance must be construed in conjunction with the Customs Ordinance generally, and particular regard must be had to the following provisions of the Customs Ordinance
 - (a) section 44(e), which must be construed with respect to this Ordinance as referring specifically to protected goods;
 - (b) section 134(1);
 - (c) section 139; and
 - (d) section 143.

31. Offences relating to false statements

Any person who, for the purpose of obtaining, whether for himself or for another, the issue of a permit or a certificate under Part 4 —

- (a) makes any statement which the person knows to be false in a material particular; or
- (b) furnishes a document or information which the person knows to be false in a material particular; or
- (c) recklessly makes a statement or furnishes a document or information which is false in a material particular,

commits an offence and is liable, on conviction, to a fine not exceeding level 9 on the standard scale or to imprisonment for a period not exceeding 18 months or to both such fine and imprisonment.

32. Appeals

Any person aggrieved by the Management Authority's refusal to grant the person a permit or a certificate under any section of this Ordinance may appeal to the Governor in Council in such manner and within such time as is prescribed in regulations made by the Governor in Council.

33. Subsidiary legislation

- (1) In addition to the powers to make regulations that are conferred on the Governor by preceding provisions of this Ordinance, the Governor may make regulations generally for giving effect to the purposes or provisions of this Ordinance, and may prescribe forms and fees referred to under this Ordinance.
- (2) The Governor may by order publish an amended Schedule.
- (3) If no primary legislation is enacted to amend any section of this Ordinance so as to complement any amendments made to CITES or the Appendices every effort must be made, to the fullest extent permitted by the rules of statutory interpretation, to interpret the sections of this Ordinance in a manner that is consistent with all the Articles of CITES taken together in the light of the amendments made to any such Article.

34. Repeal

- (1) The Endangered Species Protection Ordinance 2003 is repealed.
- (2) Any appointment made or licence issued under the repealed Ordinance remains in force.

SCHEDULE

section 2(4)

Text of the Articles of CITES

Convention on International Trade in Endangered Species of Wild Fauna and Flora

Signed at Washington, D.C., on 3 March 1973 Amended at Bonn, on 22 June 1979 Amended at Gaborone, on 30 April 1983

The Contracting States,

Recognizing that wild fauna and flora in their many beautiful and varied forms are an irreplaceable part of the natural systems of the earth which must be protected for this and the generations to come:

Conscious of the ever-growing value of wild fauna and flora from aesthetic, scientific, cultural, recreational and economic points of view;

Recognizing that peoples and States are and should be the best protectors of their own wild fauna and flora;

Recognizing, in addition, that international co-operation is essential for the protection of certain species of wild fauna and flora against over-exploitation through international trade;

Convinced of the urgency of taking appropriate measures to this end;

Have agreed as follows:

Article I: Definitions

For the purpose of the present Convention, unless the context otherwise requires:

- (a) "Species" means any species, subspecies, or geographically separate population thereof:
- (b) "Specimen" means:
 - (i) any animal or plant, whether alive or dead;
 - (ii) in the case of an animal: for species included in Appendices I and II, any readily recognizable part or derivative thereof; and for species included in Appendix III, any readily recognizable part or derivative thereof specified in Appendix III in relation to the species; and
 - (iii) in the case of a plant: for species included in Appendix I, any readily recognizable part or derivative thereof; and for species included in Appendices II and III, any readily recognizable part or derivative thereof specified in Appendices II and III in relation to the species;
- (c) "Trade" means export, re-export, import and introduction from the sea;
- (d) "Re-export" means export of any specimen that has previously been imported;
- (e) "Introduction from the sea" means transportation into a State of specimens of any species which were taken in the marine environment not under the jurisdiction of any State;
- (f) "Scientific Authority" means a national scientific authority designated in accordance with Article IX;
- (g) "Management Authority" means a national management authority designated in accordance with Article IX;
- (h) "Party" means a State for which the present Convention has entered into force.

Article II: Fundamental principles

1. Appendix I shall include all species threatened with extinction which are or may be affected by trade. Trade in specimens of these species must be subject to particularly strict regulation in order not to endanger further their survival and must only be authorized in exceptional circumstances.

2. Appendix II shall include:

- (a) all species which although not necessarily now threatened with extinction may become so unless trade in specimens of such species is subject to strict regulation in order to avoid utilization incompatible with their survival; and
- (b) other species which must be subject to regulation in order that trade in specimens of certain species referred to in sub-paragraph (a) of this paragraph may be brought under effective control.
- 3. Appendix III shall include all species which any Party identifies as being subject to regulation within its jurisdiction for the purpose of preventing or restricting exploitation, and as needing the co-operation of other Parties in the control of trade.

4. The Parties shall not allow trade in specimens of species included in Appendices I, II and III except in accordance with the provisions of the present Convention.

Article III: Regulation of trade in specimens of species included in Appendix I

- 1. All trade in specimens of species included in Appendix I shall be in accordance with the provisions of this Article.
- 2. The export of any specimen of a species included in Appendix I shall require the prior grant and presentation of an export permit. An export permit shall only be granted when the following conditions have been met:
 - (a) a Scientific Authority of the State of export has advised that such export will not be detrimental to the survival of that species;
 - (b) a Management Authority of the State of export is satisfied that the specimen was not obtained in contravention of the laws of that State for the protection of fauna and flora;
 - (c) a Management Authority of the State of export is satisfied that any living specimen will be so prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment; and
 - (d) a Management Authority of the State of export is satisfied that an import permit has been granted for the specimen.
- 3. The import of any specimen of a species included in Appendix I shall require the prior grant and presentation of an import permit and either an export permit or a re-export certificate. An import permit shall only be granted when the following conditions have been met:
 - (a) a Scientific Authority of the State of import has advised that the import will be for purposes which are not detrimental to the survival of the species involved;
 - (b) a Scientific Authority of the State of import is satisfied that the proposed recipient of a living specimen is suitably equipped to house and care for it; and
 - (c) a Management Authority of the State of import is satisfied that the specimen is not to be used for primarily commercial purposes.
- 4. The re-export of any specimen of a species included in Appendix I shall require the prior grant and presentation of a re-export certificate. A re-export certificate shall only be granted when the following conditions have been met:
 - (a) a Management Authority of the State of re-export is satisfied that the specimen was imported into that State in accordance with the provisions of the present Convention;
 - (b) a Management Authority of the State of re-export is satisfied that any living specimen will be so prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment; and
 - (c) a Management Authority of the State of re-export is satisfied that an import permit has been granted for any living specimen.
- 5. The introduction from the sea of any specimen of a species included in Appendix I shall require the prior grant of a certificate from a Management Authority of the State of introduction. A certificate shall only be granted when the following conditions have been met:

- (a) a Scientific Authority of the State of introduction advises that the introduction will not be detrimental to the survival of the species involved;
- (b) a Management Authority of the State of introduction is satisfied that the proposed recipient of a living specimen is suitably equipped to house and care for it; and
- (c) a Management Authority of the State of introduction is satisfied that the specimen is not to be used for primarily commercial purposes.

Article IV: Regulation of trade in specimens of species included in Appendix II

- 1. All trade in specimens of species included in Appendix II shall be in accordance with the provisions of this Article.
- 2. The export of any specimen of a species included in Appendix II shall require the prior grant and presentation of an export permit. An export permit shall only be granted when the following conditions have been met:
 - (a) a Scientific Authority of the State of export has advised that such export will not be detrimental to the survival of that species;
 - (b) a Management Authority of the State of export is satisfied that the specimen was not obtained in contravention of the laws of that State for the protection of fauna and flora; and
 - (c) a Management Authority of the State of export is satisfied that any living specimen will be so prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment.
- 3. A Scientific Authority in each Party shall monitor both the export permits granted by that State for specimens of species included in Appendix II and the actual exports of such specimens. Whenever a Scientific Authority determines that the export of specimens of any such species should be limited in order to maintain that species throughout its range at a level consistent with its role in the ecosystems in which it occurs and well above the level at which that species might become eligible for inclusion in Appendix I, the Scientific Authority shall advise the appropriate Management Authority of suitable measures to be taken to limit the grant of export permits for specimens of that species.
- 4. The import of any specimen of a species included in Appendix II shall require the prior presentation of either an export permit or a re-export certificate.
- 5. The re-export of any specimen of a species included in Appendix II shall require the prior grant and presentation of a re-export certificate. A re-export certificate shall only be granted when the following conditions have been met:
 - (a) a Management Authority of the State of re-export is satisfied that the specimen was imported into that State in accordance with the provisions of the present Convention; and
 - (b) a Management Authority of the State of re-export is satisfied that any living specimen will be so prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment.

- 6. The introduction from the sea of any specimen of a species included in Appendix II shall require the prior grant of a certificate from a Management Authority of the State of introduction. A certificate shall only be granted when the following conditions have been met:
 - (a) a Scientific Authority of the State of introduction advises that the introduction will not be detrimental to the survival of the species involved; and
 - (b) a Management Authority of the State of introduction is satisfied that any living specimen will be so handled as to minimize the risk of injury, damage to health or cruel treatment.
- 7. Certificates referred to in paragraph 6 of this Article may be granted on the advice of a Scientific Authority, in consultation with other national scientific authorities or, when appropriate, international scientific authorities, in respect of periods not exceeding one year for total numbers of specimens to be introduced in such periods.

Article V: Regulation of trade in specimens of species included in Appendix III

- 1. All trade in specimens of species included in Appendix III shall be in accordance with the provisions of this Article.
- 2. The export of any specimen of a species included in Appendix III from any State which has included that species in Appendix III shall require the prior grant and presentation of an export permit. An export permit shall only be granted when the following conditions have been met:
 - (a) a Management Authority of the State of export is satisfied that the specimen was not obtained in contravention of the laws of that State for the protection of fauna and flora; and
 - (b) a Management Authority of the State of export is satisfied that any living specimen will be so prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment.
- 3. The import of any specimen of a species included in Appendix III shall require, except in circumstances to which paragraph 4 of this Article applies, the prior presentation of a certificate of origin and, where the import is from a State which has included that species in Appendix III, an export permit.
- 4. In the case of re-export, a certificate granted by the Management Authority of the State of re-export that the specimen was processed in that State or is being re-exported shall be accepted by the State of import as evidence that the provisions of the present Convention have been complied with in respect of the specimen concerned.

Article VI: Permits and certificates

- 1. Permits and certificates granted under the provisions of Articles III, IV, and V shall be in accordance with the provisions of this Article.
- 2. An export permit shall contain the information specified in the model set forth in Appendix IV, and may only be used for export within a period of six months from the date on which it was granted.

- 3. Each permit or certificate shall contain the title of the present Convention, the name and any identifying stamp of the Management Authority granting it and a control number assigned by the Management Authority.
- 4. Any copies of a permit or certificate issued by a Management Authority shall be clearly marked as copies only and no such copy may be used in place of the original, except to the extent endorsed thereon.
- 5. A separate permit or certificate shall be required for each consignment of specimens.
- 6. A Management Authority of the State of import of any specimen shall cancel and retain the export permit or re-export certificate and any corresponding import permit presented in respect of the import of that specimen.
- 7. Where appropriate and feasible a Management Authority may affix a mark upon any specimen to assist in identifying the specimen. For these purposes "mark" means any indelible imprint, lead seal or other suitable means of identifying a specimen, designed in such a way as to render its imitation by unauthorized persons as difficult as possible.

Article VII: Exemptions and other special provisions relating to trade

- 1. The provisions of Articles III, IV and V shall not apply to the transit or transhipment of specimens through or in the territory of a Party while the specimens remain in Customs control.
- 2. Where a Management Authority of the State of export or re-export is satisfied that a specimen was acquired before the provisions of the present Convention applied to that specimen, the provisions of Articles III, IV and V shall not apply to that specimen where the Management Authority issues a certificate to that effect.
- 3. The provisions of Articles III, IV and V shall not apply to specimens that are personal or household effects. This exemption shall not apply where:
 - (a) in the case of specimens of a species included in Appendix I, they were acquired by the owner outside his State of usual residence, and are being imported into that State; or
 - (b) in the case of specimens of species included in Appendix II:
 - (i) they were acquired by the owner outside his State of usual residence and in a State where removal from the wild occurred;
 - (ii) they are being imported into the owner's State of usual residence; and
 - (iii) the State where removal from the wild occurred requires the prior grant of export permits before any export of such specimens; unless a Management Authority is satisfied that the specimens were acquired before the provisions of the present Convention applied to such specimens.
- 4. Specimens of an animal species included in Appendix I bred in captivity for commercial purposes, or of a plant species included in Appendix I artificially propagated for commercial purposes, shall be deemed to be specimens of species included in Appendix II.

- 5. Where a Management Authority of the State of export is satisfied that any specimen of an animal species was bred in captivity or any specimen of a plant species was artificially propagated, or is a part of such an animal or plant or was derived therefrom, a certificate by that Management Authority to that effect shall be accepted in lieu of any of the permits or certificates required under the provisions of Article III, IV or V.
- 6. The provisions of Articles III, IV and V shall not apply to the non-commercial loan, donation or exchange between scientists or scientific institutions registered by a Management Authority of their State, of herbarium specimens, other preserved, dried or embedded museum specimens, and live plant material which carry a label issued or approved by a Management Authority.
- 7. A Management Authority of any State may waive the requirements of Articles III, IV and V and allow the movement without permits or certificates of specimens which form part of a travelling zoo, circus, menagerie, plant exhibition or other travelling exhibition provided that:
 - (a) the exporter or importer registers full details of such specimens with that Management Authority;
 - (b) the specimens are in either of the categories specified in paragraph 2 or 5 of this Article; and
 - (c) the Management Authority is satisfied that any living specimen will be so transported and cared for as to minimize the risk of injury, damage to health or cruel treatment.

Article VIII: Measures to be taken by the Parties

- 1. The Parties shall take appropriate measures to enforce the provisions of the present Convention and to prohibit trade in specimens in violation thereof. These shall include measures:
 - (a) to penalize trade in, or possession of, such specimens, or both; and
 - (b) to provide for the confiscation or return to the State of export of such specimens.
- 2. In addition to the measures taken under paragraph 1 of this Article, a Party may, when it deems it necessary, provide for any method of internal reimbursement for expenses incurred as a result of the confiscation of a specimen traded in violation of the measures taken in the application of the provisions of the present Convention.
- 3. As far as possible, the Parties shall ensure that specimens shall pass through any formalities required for trade with a minimum of delay. To facilitate such passage, a Party may designate ports of exit and ports of entry at which specimens must be presented for clearance. The Parties shall ensure further that all living specimens, during any period of transit, holding or shipment, are properly cared for so as to minimize the risk of injury, damage to health or cruel treatment.
- 4. Where a living specimen is confiscated as a result of measures referred to in paragraph 1 of this Article:
 - (a) the specimen shall be entrusted to a Management Authority of the State of confiscation;
 - (b) the Management Authority shall, after consultation with the State of export, return the specimen to that State at the expense of that State, or to a rescue centre or such other place as

- the Management Authority deems appropriate and consistent with the purposes of the present Convention; and
- (c) the Management Authority may obtain the advice of a Scientific Authority, or may, whenever it considers it desirable, consult the Secretariat in order to facilitate the decision under subparagraph (b) of this paragraph, including the choice of a rescue centre or other place.
- 5. A rescue centre as referred to in paragraph 4 of this Article means an institution designated by a Management Authority to look after the welfare of living specimens, particularly those that have been confiscated.
- 6. Each Party shall maintain records of trade in specimens of species included in Appendices I, II and III which shall cover:
 - (a) the names and addresses of exporters and importers; and
 - (b) the number and type of permits and certificates granted; the States with which such trade occurred; the numbers or quantities and types of specimens, names of species as included in Appendices I, II and III and, where applicable, the size and sex of the specimens in question.
- 7. Each Party shall prepare periodic reports on its implementation of the present Convention and shall transmit to the Secretariat:
 - (a) an annual report containing a summary of the information specified in sub-paragraph (b) of paragraph 6 of this Article; and
 - (b) a biennial report on legislative, regulatory and administrative measures taken to enforce the provisions of the present Convention.
- 8. The information referred to in paragraph 7 of this Article shall be available to the public where this is not inconsistent with the law of the Party concerned.

Article IX: Management and Scientific Authorities

- 1. Each Party shall designate for the purposes of the present Convention:
 - (a) one or more Management Authorities competent to grant permits or certificates on behalf of that Party; and
 - (b) one or more Scientific Authorities.
- 2. A State depositing an instrument of ratification, acceptance, approval or accession shall at that time inform the Depositary Government of the name and address of the Management Authority authorized to communicate with other Parties and with the Secretariat.
- 3. Any changes in the designations or authorizations under the provisions of this Article shall be communicated by the Party concerned to the Secretariat for transmission to all other Parties.
- 4. Any Management Authority referred to in paragraph 2 of this Article shall, if so requested by the Secretariat or the Management Authority of another Party, communicate to it impression of stamps, seals or other devices used to authenticate permits or certificates.

Article X: Trade with States not party to the Convention

Where export or re-export is to, or import is from, a State not a Party to the present Convention, comparable documentation issued by the competent authorities in that State which substantially conforms with the requirements of the present Convention for permits and certificates may be accepted in lieu thereof by any Party.

Article XI: Conference of the Parties

- 1. The Secretariat shall call a meeting of the Conference of the Parties not later than two years after the entry into force of the present Convention.
- 2. Thereafter the Secretariat shall convene regular meetings at least once every two years, unless the Conference decides otherwise, and extraordinary meetings at any time on the written request of at least one-third of the Parties.
- 3. At meetings, whether regular or extraordinary, the Parties shall review the implementation of the present Convention and may:
 - (a) make such provision as may be necessary to enable the Secretariat to carry out its duties, and adopt financial provisions;
 - (b) consider and adopt amendments to Appendices I and II in accordance with Article XV;
 - (c) review the progress made towards the restoration and conservation of the species included in Appendices I, II and III;
 - (d) receive and consider any reports presented by the Secretariat or by any Party; and
 - (e) where appropriate, make recommendations for improving the effectiveness of the present Convention.
- 4. At each regular meeting, the Parties may determine the time and venue of the next regular meeting to be held in accordance with the provisions of paragraph 2 of this Article.
- 5. At any meeting, the Parties may determine and adopt rules of procedure for the meeting.
- 6. The United Nations, its Specialized Agencies and the International Atomic Energy Agency, as well as any State not a Party to the present Convention, may be represented at meetings of the Conference by observers, who shall have the right to participate but not to vote.
- 7. Any body or agency technically qualified in protection, conservation or management of wild fauna and flora, in the following categories, which has informed the Secretariat of its desire to be represented at meetings of the Conference by observers, shall be admitted unless at least one third of the Parties present object:
 - (a) international agencies or bodies, either governmental or non-governmental, and national governmental agencies and bodies; and
 - (b) national non-governmental agencies or bodies which have been approved for this purpose by the State in which they are located.

Once admitted, these observers shall have the right to participate but not to vote.

Article XII: The Secretariat

1. Upon entry into force of the present Convention, a Secretariat shall be provided by the Executive Director of the United Nations Environment Programme. To the extent and in the manner he considers appropriate, he may be assisted by suitable inter-governmental or non-governmental international or national agencies and bodies technically qualified in protection, conservation and management of wild fauna and flora.

2. The functions of the Secretariat shall be:

- (a) to arrange for and service meetings of the Parties;
- (b) to perform the functions entrusted to it under the provisions of Articles XV and XVI of the present Convention;
- (c) to undertake scientific and technical studies in accordance with programmes authorized by the Conference of the Parties as will contribute to the implementation of the present Convention, including studies concerning standards for appropriate preparation and shipment of living specimens and the means of identifying specimens;
- (d) to study the reports of Parties and to request from Parties such further information with respect thereto as it deems necessary to ensure implementation of the present Convention;
- (e) to invite the attention of the Parties to any matter pertaining to the aims of the present Convention;
- (f) to publish periodically and distribute to the Parties current editions of Appendices I, II and III together with any information which will facilitate identification of specimens of species included in those Appendices;
- (g) to prepare annual reports to the Parties on its work and on the implementation of the present Convention and such other reports as meetings of the Parties may request;
- (h) to make recommendations for the implementation of the aims and provisions of the present Convention, including the exchange of information of a scientific or technical nature;
- (i) to perform any other function as may be entrusted to it by the Parties.

Article XIII: International measures

- 1. When the Secretariat in the light of information received is satisfied that any species included in Appendix I or II is being affected adversely by trade in specimens of that species or that the provisions of the present Convention are not being effectively implemented, it shall communicate such information to the authorized Management Authority of the Party or Parties concerned.
- 2. When any Party receives a communication as indicated in paragraph 1 of this Article, it shall, as soon as possible, inform the Secretariat of any relevant facts insofar as its laws permit and, where appropriate, propose remedial action. Where the Party considers that an inquiry is desirable, such inquiry may be carried out by one or more persons expressly authorized by the Party.
- 3. The information provided by the Party or resulting from any inquiry as specified in paragraph 2 of this Article shall be reviewed by the next Conference of the Parties which may make whatever recommendations it deems appropriate.

Article XIV: Effect on domestic legislation and international conventions

- 1. The provisions of the present Convention shall in no way affect the right of Parties to adopt:
 - (a) stricter domestic measures regarding the conditions for trade, taking, possession or transport of specimens of species included in Appendices I, II and III, or the complete prohibition thereof; or
 - (b) domestic measures restricting or prohibiting trade, taking, possession or transport of species not included in Appendix I, II or III.
- 2. The provisions of the present Convention shall in no way affect the provisions of any domestic measures or the obligations of Parties deriving from any treaty, convention, or international agreement relating to other aspects of trade, taking, possession or transport of specimens which is in force or subsequently may enter into force for any Party including any measure pertaining to the Customs, public health, veterinary or plant quarantine fields.
- 3. The provisions of the present Convention shall in no way affect the provisions of, or the obligations deriving from, any treaty, convention or international agreement concluded or which may be concluded between States creating a union or regional trade agreement establishing or maintaining a common external Customs control and removing Customs control between the parties thereto insofar as they relate to trade among the States members of that union or agreement.
- 4. A State party to the present Convention, which is also a party to any other treaty, convention or international agreement which is in force at the time of the coming into force of the present Convention and under the provisions of which protection is afforded to marine species included in Appendix II, shall be relieved of the obligations imposed on it under the provisions of the present Convention with respect to trade in specimens of species included in Appendix II that are taken by ships registered in that State and in accordance with the provisions of such other treaty, convention or international agreement.
- 5. Notwithstanding the provisions of Articles III, IV and V, any export of a specimen taken in accordance with paragraph 4 of this Article shall only require a certificate from a Management Authority of the State of introduction to the effect that the specimen was taken in accordance with the provisions of the other treaty, convention or international agreement in question.
- 6. Nothing in the present Convention shall prejudice the codification and development of the law of the sea by the United Nations Conference on the Law of the Sea convened pursuant to Resolution 2750 C (XXV) of the General Assembly of the United Nations nor the present or future claims and legal views of any State concerning the law of the sea and the nature and extent of coastal and flag State jurisdiction.

Article XV: Amendments to Appendices I and II

- 1. The following provisions shall apply in relation to amendments to Appendices I and II at meetings of the Conference of the Parties:
 - (a) Any Party may propose an amendment to Appendix I or II for consideration at the next meeting. The text of the proposed amendment shall be communicated to the Secretariat at

least 150 days before the meeting. The Secretariat shall consult the other Parties and interested bodies on the amendment in accordance with the provisions of subparagraphs (b) and (c) of paragraph 2 of this Article and shall communicate the response to all Parties not later than 30 days before the meeting.

- (b) Amendments shall be adopted by a two-thirds majority of Parties present and voting. For these purposes "Parties present and voting" means Parties present and casting an affirmative or negative vote. Parties abstaining from voting shall not be counted among the two-thirds required for adopting an amendment.
- (c) Amendments adopted at a meeting shall enter into force 90 days after that meeting for all Parties except those which make a reservation in accordance with paragraph 3 of this Article.
- 2. The following provisions shall apply in relation to amendments to Appendices I and II between meetings of the Conference of the Parties:
 - (a) Any Party may propose an amendment to Appendix I or II for consideration between meetings by the postal procedures set forth in this paragraph.
 - (b) For marine species, the Secretariat shall, upon receiving the text of the proposed amendment, immediately communicate it to the Parties. It shall also consult intergovernmental bodies having a function in relation to those species especially with a view to obtaining scientific data these bodies may be able to provide and to ensuring co-ordination with any conservation measures enforced by such bodies. The Secretariat shall communicate the views expressed and data provided by these bodies and its own findings and recommendations to the Parties as soon as possible.
 - (c) For species other than marine species, the Secretariat shall, upon receiving the text of the proposed amendment, immediately communicate it to the Parties, and, as soon as possible thereafter, its own recommendations.
 - (d) Any Party may, within 60 days of the date on which the Secretariat communicated its recommendations to the Parties under sub-paragraph (b) or (c) of this paragraph, transmit to the Secretariat any comments on the proposed amendment together with any relevant scientific data and information.
 - (e) The Secretariat shall communicate the replies received together with its own recommendations to the Parties as soon as possible.
 - (f) If no objection to the proposed amendment is received by the Secretariat within 30 days of the date the replies and recommendations were communicated under the provisions of subparagraph (e) of this paragraph, the amendment shall enter into force 90 days later for all Parties except those which make a reservation in accordance with paragraph 3 of this Article.
 - (g) If an objection by any Party is received by the Secretariat, the proposed amendment shall be submitted to a postal vote in accordance with the provisions of sub-paragraphs (h), (i) and (j) of this paragraph.
 - (h) The Secretariat shall notify the Parties that notification of objection has been received.
 - (i) Unless the Secretariat receives the votes for, against or in abstention from at least one-half of the Parties within 60 days of the date of notification under sub-paragraph (h) of this paragraph, the proposed amendment shall be referred to the next meeting of the Conference for further consideration.
 - (j) Provided that votes are received from one-half of the Parties, the amendment shall be adopted by a two-thirds majority of Parties casting an affirmative or negative vote.

- (k) The Secretariat shall notify all Parties of the result of the vote.
- (1) If the proposed amendment is adopted it shall enter into force 90 days after the date of the notification by the Secretariat of its acceptance for all Parties except those which make a reservation in accordance with paragraph 3 of this Article.
- 3. During the period of 90 days provided for by sub-paragraph (c) of paragraph 1 or subparagraph (l) of paragraph 2 of this Article any Party may by notification in writing to the Depositary Government make a reservation with respect to the amendment. Until such reservation is withdrawn the Party shall be treated as a State not a Party to the present Convention with respect to trade in the species concerned.

Article XVI: Appendix III and amendments thereto

- 1. Any Party may at any time submit to the Secretariat a list of species which it identifies as being subject to regulation within its jurisdiction for the purpose mentioned in paragraph 3 of Article II. Appendix III shall include the names of the Parties submitting the species for inclusion therein, the scientific names of the species so submitted, and any parts or derivatives of the animals or plants concerned that are specified in relation to the species for the purposes of subparagraph (b) of Article I.
- 2. Each list submitted under the provisions of paragraph 1 of this Article shall be communicated to the Parties by the Secretariat as soon as possible after receiving it. The list shall take effect as part of Appendix III 90 days after the date of such communication. At any time after the communication of such list, any Party may by notification in writing to the Depositary Government enter a reservation with respect to any species or any parts or derivatives, and until such reservation is withdrawn, the State shall be treated as a State not a Party to the present Convention with respect to trade in the species or part or derivative concerned.
- 3. A Party which has submitted a species for inclusion in Appendix III may withdraw it at any time by notification to the Secretariat which shall communicate the withdrawal to all Parties. The withdrawal shall take effect 30 days after the date of such communication.
- 4. Any Party submitting a list under the provisions of paragraph 1 of this Article shall submit to the Secretariat a copy of all domestic laws and regulations applicable to the protection of such species, together with any interpretations which the Party may deem appropriate or the Secretariat may request. The Party shall, for as long as the species in question is included in Appendix III, submit any amendments of such laws and regulations or any interpretations as they are adopted.

Article XVII: Amendment of the Convention

1. An extraordinary meeting of the Conference of the Parties shall be convened by the Secretariat on the written request of at least one-third of the Parties to consider and adopt amendments to the present Convention. Such amendments shall be adopted by a two-thirds majority of Parties present and voting. For these purposes "Parties present and voting" means Parties present and casting an affirmative or negative vote. Parties abstaining from voting shall not be counted among the two-thirds required for adopting an amendment.

- 2. The text of any proposed amendment shall be communicated by the Secretariat to all Parties at least 90 days before the meeting.
- 3. An amendment shall enter into force for the Parties which have accepted it 60 days after two thirds of the Parties have deposited an instrument of acceptance of the amendment with the Depositary Government. Thereafter, the amendment shall enter into force for any other Party 60 days after that Party deposits its instrument of acceptance of the amendment.

Article XVIII: Resolution of disputes

- 1. Any dispute which may arise between two or more Parties with respect to the interpretation or application of the provisions of the present Convention shall be subject to negotiation between the Parties involved in the dispute.
- 2. If the dispute cannot be resolved in accordance with paragraph 1 of this Article, the Parties may, by mutual consent, submit the dispute to arbitration, in particular that of the Permanent Court of Arbitration at The Hague, and the Parties submitting the dispute shall be bound by the arbitral decision.

Article XIX: Signature

The present Convention shall be open for signature at Washington until 30th April 1973 and thereafter at Berne until 31st December 1974.

Article XX: Ratification, acceptance, approval

The present Convention shall be subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Government of the Swiss Confederation which shall be the Depositary Government.

Article XXI: Accession

- 1. The present Convention shall be open indefinitely for accession. Instruments of accession shall be deposited with the Depositary Government.
- 2. This Convention shall be open for accession by regional economic integration organizations constituted by sovereign States which have competence in respect of the negotiation, conclusion and implementation of international agreements in matters transferred to them by their Member States and covered by this Convention.
- 3. In their instruments of accession, such organizations shall declare the extent of their competence with respect to the matters governed by the Convention. These organizations shall also inform the Depositary Government of any substantial modification in the extent of their competence. Notifications by regional economic integration organizations concerning their competence with respect to matters governed by this Convention and modifications thereto shall be distributed to the Parties by the Depositary Government.
- 4. In matters within their competence, such regional economic integration organizations shall exercise the rights and fulfil the obligations which this Convention attributes to their Member States, which are Parties to the Convention. In such cases the Member States of the organizations shall not be entitled to exercise such rights individually.

- 5. In the fields of their competence, regional economic integration organizations shall exercise their right to vote with a number of votes equal to the number of their Member States which are Parties to the Convention. Such organizations shall not exercise their right to vote if their Member States exercise theirs, and vice versa.
- 6. Any reference to "Party" in the sense used in Article I (h) of this Convention to "State"/"States" or to "State Party"/"State Parties" to the Convention shall be construed as including a reference to any regional economic integration organization having competence in respect of the negotiation, conclusion and application of international agreements in matters covered by this Convention.

Article XXII: Entry into force

- 1. The present Convention shall enter into force 90 days after the date of deposit of the tenth instrument of ratification, acceptance, approval or accession, with the Depositary Government.
- 2. For each State which ratifies, accepts or approves the present Convention or accedes thereto after the deposit of the tenth instrument of ratification, acceptance, approval or accession, the present Convention shall enter into force 90 days after the deposit by such State of its instrument of ratification, acceptance, approval or accession.

Article XXIII: Reservations

- 1. The provisions of the present Convention shall not be subject to general reservations. Specific reservations may be entered in accordance with the provisions of this Article and Articles XV and XVI.
- 2. Any State may, on depositing its instrument of ratification, acceptance, approval or accession, enter a specific reservation with regard to:
 - (a) any species included in Appendix I, II or III; or
 - (b) any parts or derivatives specified in relation to a species included in Appendix III.
- 3. Until a Party withdraws its reservation entered under the provisions of this Article, it shall be treated as a State not a Party to the present Convention with respect to trade in the particular species or parts or derivatives specified in such reservation.

Article XXIV: Denunciation

Any Party may denounce the present Convention by written notification to the Depositary Government at any time. The denunciation shall take effect twelve months after the Depositary Government has received the notification.

Article XXV: Depositary

1. The original of the present Convention, in the Chinese, English, French, Russian and Spanish languages, each version being equally authentic, shall be deposited with the Depositary Government, which shall transmit certified copies thereof to all States that have signed it or deposited instruments of accession to it.

- 2. The Depositary Government shall inform all signatory and acceding States and the Secretariat of signatures, deposit of instruments of ratification, acceptance, approval or accession, entry into force of the present Convention, amendments thereto, entry and withdrawal of reservations and notifications of denunciation.
- 3. As soon as the present Convention enters into force, a certified copy thereof shall be transmitted by the Depositary Government to the Secretariat of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations. *In witness whereof* the undersigned Plenipotentiaries, being duly authorized to that effect, have signed the present Convention. *Done* at Washington this third day of March, One Thousand Nine Hundred and Seventy-three.

OBJECTS AND REASONS

This Bill seeks to incorporate into the written law of the Falkland Islands the provisions of the Convention on the International Trade in Endangered Species of Wild Fauna and Flora ("the Convention"). In doing so it seeks to meet 4 basic requirements identified by the Department for Environment, Food & Rural Affairs (DEFRA) in the United Kingdom. The Bill therefore seeks to repeal and replace the Endangered Species Protection Ordinance 2003, which has been adjudged by DEFRA to not meet the 4 basic requirements.

Clause 3 sets out the identity of the Management Authority, which the Convention requires every State Party to have one of. The Management Authority is the Chief Executive or such other officer as the Governor may from time to time appoint in accordance with the Convention. The Management Authority must obtain the advice of the Scientific Authority before exercising any of its powers, but failure to obtain such advice before exercising a power will not by itself invalidate any of the Management Authority's lawful actions.

Clause 4 sets out the functions of the Management Authority. It is required to receive and determine applications for permits and certificates which the Convention requires to be issued as a prerequisite for lawful importation, exportation and re-exportation of specimens of species covered by the Convention. Among the powers and duties of the Management Authority is the responsibility to confiscate specimens of species in appropriate circumstances in accordance with the Convention.

Clause 5 designates the Management Authority the custodian and responsible agency for specimens confiscated as authorised in the preceding clause and prescribes the actions that must be taken by the Management Authority in respect of confiscated specimens of species.

Clause 6 sets out the records and reports required to be kept and maintained by the Management Authority. It also requires the Management Authority to prepare periodic reports on its implementation of the Convention and to transmit reports on a specified periodic basis to the Secretariat for the Convention. The reports so submitted are also to be made available for public perusal.

Clause 7 confers on the Governor power to appoint a Scientific Authority, which the Convention requires every State Party to have one of.

Clause 8 sets out the functions of the Scientific Authority. Its role is mainly advisory in respect of the Management Authority, but it is also required to liaise with the Scientific Authorities of other States Parties as appropriate.

Clause 9 sets out general provisions in relation to permits and certificates.

Clause 10 declares that clauses 11 to 14 aim to give effect to Article III of the Convention.

Clause 11 sets out Convention based rules for the issue of export permits in respect of specimens of species included in Appendix I of the Convention.

Clause 12 sets out Convention based rules for the issue of import permits in respect of specimens of species included in Appendix I of the Convention.

Clause 13 sets out Convention based rules for the issue of re-export certificates in respect of specimens of species included in Appendix I of the Convention.

Clause 14 sets out Convention based rules for the issue of certificates authorising introduction from the sea into the Falkland Islands of specimens of species included in Appendix I of the Convention.

Clause 15 declares that clauses 16 to 19 aim to give effect to Article IV of the Convention.

Clause 16 sets out Convention based rules for the issue of export permits in respect of specimens of species included in Appendix II of the Convention.

Clause 17 sets out Convention based rules for the issue of import permits in respect of specimens of species included in Appendix II of the Convention.

Clause 18 sets out Convention based rules for the issue of re-export certificates in respect of specimens of species included in Appendix II of the Convention.

Clause 19 sets out Convention based rules for the issue of certificates authorising introduction from the sea into the Falkland Islands of specimens of species included in Appendix I of the Convention.

Clause 20 declares that clauses 21 and 22 aim to give effect to Article V of the Convention.

Clause 21 sets out Convention based rules for the issue of export permits in respect of specimens of species included in Appendix III of the Convention.

Clause 22 sets out Convention based rules for the issue of import permits in respect of specimens of species included in Appendix III of the Convention.

Clause 23 sets out several Convention based exceptions and other special provisions relating to trade in specimens of species covered by the Convention. Among these are the requirement imposed on the Falkland Islands Management Authority to recognise certificates issued by Management Authorities in other States Parties to the Convention in prescribed circumstances.

Clause 24 makes Convention based provisions for the resolution of disputes between the Falkland Islands and other States Parties to the Convention. Negotiation and, as a last resort, binding arbitration, are the prescribed methods of dispute resolution.

Clause 25 makes Convention based provisions regarding offences committed by companies, firms or other associations of individuals whether they are incorporated or not. Directors, partners, officers and members, as the case may be, are all severally liable provided the offence did not take place without that person's knowledge, consent or connivance. Such persons may be prosecuted even if the company, etc. is not prosecuted.

Clause 26 confers powers of stop and search on customs officers and police officers for the purposes of enforcing the Convention. These powers include power to enter specified seize appropriate items. These powers must in some circumstances be exercised in accordance with a warrant issued by a justice of the peace.

Clause 27 imposes on importers and exporters a duty to show evidence of lawful importation or exportation, as the case may be, of specimens of species covered by the Convention. This evidence is to be produced to any customs officer or police officer who asks.

Clause 28 cross refers to and relies on the Prohibited Goods Ordinance in making it an offence for anyone to obstruct a customs officer or police officer in the execution of his or her duties under the Convention.

Clause 29 makes provisions for administration and enforcement of the provisions of the Convention. In so doing it cross refers to and relies on the Customs Ordinance.

Clause 30 buttresses the provisions regarding confiscation of specimens of species by cross referring to and relying on the Prohibited Goods Ordinance and specified sections of the Customs Ordinance.

Clause 31 creates offences in relation to the giving of false statements.

Clause 32 confers a right of appeal on any person aggrieved by a decision of the Management Authority under the provisions of the Bill. It also empowers the Governor in Council to prescribe by regulations rules relating to appeals.

Clause 33 makes provisions regarding subsidiary legislation. It empowers the Governor to make regulations generally for giving effect to the purposes or provisions of the Bill. Notably, it empowers the Governor to amend by order the Schedule to the Bill so as to give effect to amendments made to the Convention after the passage of the Bill. The exercise of this power is expressly stated to have the effect of precluding the need for primary legislation to be passed to give effect to such amendments and decrees that every attempt is to be made (to the fullest extent

consistent with the rules of statutory interpretation) to construe the provisions of the Bill in accordance with the Convention as amended by order as authorised.

Clause 34 repeals the Endangered Species Protection Ordinance 2003.

The Schedule sets out in full the current text of the Articles of the Convention for the purposes of reference and as an aid to interpretation of the provisions of the Bill.

Marine Farming (Amendment) Bill 2015

(No: of 2015)

ARRANGEMENT OF PROVISIONS

Clause

PART 1 - INTRODUCTION

- 1. Title
- 2. Commencement

PART 2 – AMENDMENT OF MARINE FARMING ORDINANCE

- 3. Amendment of Marine Farming Ordinance
- 4. Section 2 amended Interpretation
- 5. Section 3 amended Issue of marine farming licences
- 6. Section 20 amended Enforcement: general
- 7. Section 23 amended Amendments
- 8. Schedule amended Powers of entry and search

PART 3 – AMENDMENT OF FISHERIES (CONSERVATION AND MANAGEMENT) ORDINANCE

- 9. Amendment of Fisheries (Conservation and Management) Ordinance
- 10. Section 2 amended Interpretation
- 11. Section 92 amended Disposal of fish by commercial fishers

PART 4 – AMENDMENT OF PLANNING ORDINANCE

- 12. Amendment of Planning Ordinance
- 13. Section 3A amended Meaning of "determine"
- 14. Section 36 amended Determination of applications
- 15. Section 39 amended Applications for planning permission in respect of minerals
- 16. Section 115 amended Notices

PART 5 — AMENDMENT OF PLANNING (GENERAL) REGULATIONS

- 17. Amendment of Planning (General) Regulations
- 18. Regulation 6 amended Publicity for environmental impact statements

MARINE FARMING (AMENDMENT) BILL 2015

(No of 2015)

(assented to: 2015) (commencement: on publication) (published:)

A BILL

for

AN ORDINANCE

To amend the Marine Farming Ordinance (No 20 of 2006), the Fisheries (Conservation and Management) Ordinance (No 14 of 2005), the Planning Ordinance (Title 55.3) and the Planning Regulations to provide for marine fishing licences, determination of planning permission for applications for marine farming legislation as well as other related matters.

BE IT ENACTED by the Legislature of the Falkland Islands —

PART 1 - INTRODUCTION

1. Title

This Ordinance is the Marine Farming (Amendment) Ordinance 2015.

2. Commencement

This Ordinance comes into force on publication in the Gazette.

PART 2 – AMENDMENT OF MARINE FARMING ORDINANCE

3. Amendment of Marine Farming Ordinance

- (1) This Part amends the Marine Farming Ordinance.
- (2) The Ordinance is amended as follows
 - (a) by deleting the long title to the Ordinance and replacing it with the following
 - "To provide for the licensing and regulation of fish farming; and for connected purposes.";
 - (b) by deleting the title to the Ordinance and replacing it with the following new title —

"Fish Farming Ordinance";

(c) by replacing "relevant Community legislation" wherever it appears in the Ordinance with "relevant EU legislation"; and

(d)	by	inserting	the	words	"or	freshwater"	immediately	after	the	words	"marine	waters"	in
the	fol	lowing —	-										

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(i) section 4(1)(a);
(ii) section 5(b)(iii) and (d)(ii);
(iii) section 8(1)(a);
(iv) section 9(1)(b)(i) and (7)(a);
(v) section 10(2) and (3);
(vi) section 12(1) and (4);
(vii) section 15(1)(a) and (9);
(viii) section 16(1);
(ix) section 18(3) and (5);
(x) section 21; and
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4. Section 2 amended — Interpretation

(xi) paragraph 1 of the Schedule.

Section 2 is amended as follows —

- (a) in the definition of "licence" by omitting the word "marine" and replacing it with the word "fish";
- (b) by deleting the definition of "fish farming" and replacing it with the following —;

""fish farming" means the breeding, rearing or keeping of fish, whether or not for profit, with a view to their sale or transfer to marine waters or freshwater:"

(c) in the definition of "qualifying company" by omitting the word "marine" and replacing it with the word "fish".

5. Section 3 amended — Issue of marine farming licences

Section 3 is amended as follows —

- (a) by deleting the heading to the section and replacing it with the following
 - "3. Issue of fish farming licences";

- (b) by omitting the words "marine farming licence" and replacing them with the words "fish farming licence"; and
- (c) by inserting immediately after the words "marine waters" the words "or the freshwater".

6. Section 20 amended — Enforcement: general

Section 20(5) is amended by inserting the words "and veterinary officers" immediately after the words "fishery officers" wherever they appear in that subsection.

7. Section 23 amended — Amendments

Section 23 is repealed.

8. Schedule amended — Powers of entry and search

The Schedule is amended by inserting the words "and veterinary officers" immediately after the words "fishery officers" wherever they appear in the Schedule.

PART 3 – AMENDMENT OF FISHERIES (CONSERVATION AND MANAGEMENT) ORDINANCE

9. Amendment of Fisheries (Conservation and Management) Ordinance

This part amends the Fisheries (Conservation and Management) Ordinance.

10. Section 2 amended — Interpretation

Section 2 is amended as follows —

- (a) deleting the definition of "fish farmer";
- (b) inserting in its correct alphabetical place the following new definition —

"fish farming" means the breeding, rearing or keeping of fish, whether or not for profit, with a view to their sale or transfer to marine waters or freshwater;"; and

(c) inserting in the definition of "fishing" after paragraph (f) the following —

"but does not include fish farming or any activity which is part of a business of fish farming;".

11. Section 92 amended — Disposal of fish by commercial fishers

Section 92(6) is amended by inserting the following new paragraph after paragraph (c) —

"(ca) produced in the course of a lawful fish farming operation, except fish (other than shellfish) which have been released from captivity;".

PART 4 – AMENDMENT OF PLANNING ORDINANCE

12. Amendment of Planning Ordinance

This Part amends the Planning Ordinance.

13. Section 3A amended — Meaning of "determine"

Section 3A(c) is amended by replacing the words "for exploration for or winning and working minerals" with the words "under section 39,".

14. Section 36 amended — Determination of applications

Section 36(1) is amended by replacing the words "sections 37 and 38" with the words "sections 37, 38 and 39".

15. Section 39 amended — Applications for planning permission in respect of minerals Section 39 is repealed and replaced with the following —

"39. Applications for planning permission in respect of minerals and marine farming

- (1) Subject to the following subsections, an application for planning permission for exploration for or winning and working of minerals or an application for planning permission for fish farming must be determined by the Governor.
- (2) Before transmitting an application under subsection (1) to the Governor for determination the Committee must make written recommendations to the Governor giving reasons for those recommendations.
- (3) Where an application under subsection (1) is made by the Crown and the Governor grants it, section 43 applies subject to conditions.
- (4) This section does not apply in respect of an application relating to winning and working peat.
- (5) In subsection (1) "fish farming" has the same meaning as in section 26(6).".

16. Section 115 amended — Notices

Section 115(4) is amended by replacing the words "section 30(2)" with "section 30(1)".

PART 5 — AMENDMENT OF PLANNING (GENERAL) REGULATIONS

17. Amendment of Planning (General) Regulations

This Part amends Planning Regulations

18. Regulation 6 amended — Publicity for environmental impact statements Regulation 6 is deleted.

OBJECTS AND REASONS

This Bill amends the Marine Farming Ordinance (No 20 of 2006), the Fisheries (Conservation and Management) Ordinance (No 14 of 2005) as well as the Planning Ordinance (Title 55.3) and the Planning (General) Regulations (Title 55.3.3).

Part 1 provides for introductory matters.

Part 2 provides for the amendment of the Marine Farming Ordinance as follows —

Clause 3 makes a general amendment to the Ordinance to —

- (a) replace the long title to the Ordinance to reflect that the Ordinance deals with fish farming generally;
- (b) replace the title of the Ordinance from Marine Farming Ordinance to Fish Farming Ordinance:
- (c) replace "relevant Community legislation" with relevant EU legislation" to bring it in line with other legislation and to reflect the correct reference to the European Community;
- (d) to include freshwater within several provisions of the Ordinance as fish farming involves farming in both marine waters and freshwater;

Clause 4 amends section 2 to include "freshwater" across different definitions;

Clause 5 amends section 3 to make corrections to reflect the new title to the Ordinance to reflect that fish farming also includes freshwater;

Clause 6 amends section 20 to include veterinary officers within the enforcement of the Ordinance alongside fishery officers as is currently provided;

Clause 7 repeals section 23 which provided for amendments to the Planning Ordinance and the Fisheries (Conservation and Management) Ordinance which are now being directly amended through this Bill;

Clause 8 amends the Schedule to include veterinary officers in line with clause 6 so that they can have the same powers as fishery officers in enforcing the Ordinance.

Part 3 amends the Fisheries (Conservation and Management) Ordinance as follows —

Clause 10 replaces the definition of "fish farmer" with one for "fish farming";

Clause 11 amends section 92 to add a new paragraph under subsection (6) to include fish from fish farming operations;

Part 4 amends the Planning Ordinance as follows —

Clause 13 amends section 3A to remove the specific reference to planning permissions for exploration of minerals so that it is more general and refers to application under section 39;

Clause 14 amends section 36 to update the references to include section 39;

Clause 15 amends section 39 to include planning permission application for marine fish farming which together with planning permission for minerals are determined by the Governor; the clause also provides for definitions alongside other matters which are excluded;

Clause 16 amends section 115 to correct the cross reference in subsection (4);

Part 5 amends the Planning (General) Regulations to delete regulation 6 as there are separate regulations which deal and provide for environmental impact assessments.

Published at the Attorney General's Chambers, Stanley, Falkland Islands
Price: Five pound sixty pence.



FALKLAND ISLANDS GAZETTE Extraordinary

PUBLISHED BY AUTHORITY

Vol. 124 11 December 2015 No. 16

NOTICES

No. 127

Companies (Amendment) Ordinance 2006

Golden Sea Limited (the "Company") Registered Number: 14233

Notice is hereby given pursuant to section 175 of the Companies Act 1985 (in its application to the Falkland Islands pursuant to the Companies (Amendment) Ordinance 2006) (the "Act"); that on 10 December 2015 the Company approved payments of (1) £646,440 out of capital for the purpose of purchasing 646,440 of its own ordinary shares of £1 each and (2) £1,543,399 out of capital for the purpose of purchasing 1,543,399 of its own ordinary shares of £1 each; that the statutory declaration of the Company's directors and the auditors' report required by section 173 of the Act are available for inspection at the Company's registered office, Atlantic House, Fitzroy Road, Stanley, Falkland Islands; and that any creditor of the Company may at any time within the 5 weeks immediately following the aforementioned date apply to the Court under section 176 of the Act for an order prohibiting the payments.

By Order of the Board

Dated 10 December 2015

G. FARQUHAR,

Director, Pinsent Masons Nominee Company (Falklands) Limited (Company Secretary)

Published at the Attorney General's Chambers, Stanley, Falkland Islands.

Price: Fifty pence.



FALKLAND ISLANDS GAZETTE

Supplement

PUBLISHED BY AUTHORITY

Vol. 26 24 December 2015 No. 10

The following are published in this Supplement –

Taxes (Amendment) Ordinance 2015 (No 10 of 2015);

Livestock and Meat Products (Amendment) Ordinance 2015 (No 11 of 2015);

Endangered Species Protection Ordinance 2015 (No 13 of 2015);

Marine Farming (Amendment) Ordinance 2015 (No 14 of 2015);

Fishery Products (Examination for Contaminants, Residues and Maximum Residue Levels) Regulations 2015 (SR&O No 22 of 2015);

Fishery Products (Hygiene)(Amendment) Regulations 2015 (SR&O No 23 of 2015);

ELIZABETH II



FALKLAND ISLANDS

COLIN ROBERTS C.V.O., *Governor*.

Taxes (Amendment) Ordinance 2015

(No: 10 of 2015)

ARRANGEMENT OF PROVISIONS

Section

- 1. Title
- 2. Commencement
- 3. Section 106 amended Interpretation for purposes of Chapter II
- 4. Section 116 amended Initial allowances and writing-down allowances for capital expenditure

ELIZABETH II



FALKLAND ISLANDS

COLIN ROBERTS C.V.O., *Governor*.

TAXES (AMENDMENT) ORDINANCE 2015

(No: 10 of 2015)

(assented to: 22 December 2015) (commencement: in accordance with section 2) (published: 24 December 2015)

AN ORDINANCE

To amend the Taxes Ordinance (No. 14 of 1997) to provide for depreciation allowances for roads.

ENACTED by the Legislature of the Falkland Islands —

1. Title

This Ordinance is the Taxes (Amendment) Ordinance 2015.

2. Commencement

This Ordinance comes into force on 1 January 2016.

3. Section 106 amended — Interpretation for purposes of Chapter II

Section 106(4) is amended as follows —

(c) inserting immediately after the definition of "market value" the following —

""road" means a path built for traffic by motor vehicles with a durable surface material that has been sealed to the ground in a manner which prevents it from being extracted without the surfacing being destroyed."

4. Section 116 amended — Initial allowances and writing-down allowances for capital expenditure

Section 116 is amended as follows —

- (a) in subsection (1) by adding the following new paragraphs immediately after paragraph (d)—
 - "(e) a road,"
- (e) by deleting subsection (14) and replacing it with the following
 - "(14) The writing-down allowance
 - (a) for a car park or hard standing is 2 per cent of the expenditure incurred in constructing or purchasing it; and
 - (b) for a road is 2 per cent of the expenditure incurred in constructing the road up to £100,000 per kilometre of road."

Passed by the Legislature of the Falkland Islands on 17 December 2015.

CHERIE CLIFFORD,

Deputy Clerk of the Legislative Assembly.

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

CHERIE CLIFFORD,

Deputy Clerk of the Legislative Assembly.

ELIZABETH II



FALKLAND ISLANDS

COLIN ROBERTS C.V.O., *Governor*.

Livestock and Meat Products (Amendment) Ordinance 2015

(No: 11 of 2015)

ARRANGEMENT OF PROVISIONS

Section

PART 1 - INTRODUCTION

- 1. Title
- 2. Commencement

PART 2 – AMENDMENT OF LIVESTOCK AND MEAT PRODUCTS ORDINANCE

- 3. Amendment of Livestock and Meat Products Ordinance
- 4. Section 3 amended Interpretation
- 5. Section 4 amended Power to make regulations
- 6. Section 7 amended Officials
- 7. New sections inserted sections 8A and 8B
- 8. Section 9 amended Enforcement
- 9. Insertion of new sections sections 9A, 9B and 9C

PART 3 – AMENDMENT OF MEDICINES ORDINANCE

- 10. Amendment of Medicines Ordinance
- 11. Part 2 amended Dealings with medicinal products

PART 4 - REPEAL OF ABATTOIRS ORDINANCE

12. Repeal of Abattoirs Ordinance

PART 5 – REPEAL OF SLAUGHTERING AND INSPECTION ORDINANCE

13. Repeal of Slaughtering and Inspection Ordinance

ELIZABETH II



FALKLAND ISLANDS

COLIN ROBERTS C.V.O., *Governor*.

LIVESTOCK AND MEAT PRODUCTS (AMENDMENT) ORDINANCE 2015

(No: 11 of 2015)

(assented to: 22 December 2015) (commencement: on publication) (published: 24 December 2015)

AN ORDINANCE

To amend the Livestock and Meat Products Ordinance (No. 14 of 2010) to provide for the regulation of veterinary medicinal products, the power to impose fees, the appointment of inspectors to monitor and examine residues and other matters; and make consequential amendments to the Medicines Ordinance (No. 13 of 2006) to allow the Livestock and Meat Products Ordinance to provide for the regulation of veterinary medicinal products administered to animals kept for slaughter for human consumption; and for connected purposes.

ENACTED by the Legislature of the Falkland Islands —

PART 1 INTRODUCTION

1. Title

This Ordinance is the Livestock and Meat Products (Amendment) Ordinance 2015.

2. Commencement

This Ordinance comes into force on publication in the Gazette.

PART 2 AMENDMENT OF LIVESTOCK AND MEAT PRODUCTS ORDINANCE

3. Amendment of Livestock and Meat Products Ordinance

This Part amends the Livestock and Meat Products Ordinance.

4. Section 3 amended – Interpretation

Section 3 is amended —

- (a) under subsection (3) by omitting the definition of "designated abattoir" and replacing it with the following —
- ""designated abattoir" means an abattoir designated by Notice for the purpose of producing meat for human consumption;";
- (b) by inserting in their correct alphabetical order the following new definitions —
- ""authorised official" means an inspector or official referred to under section 7;";
- "authorised person" means a person authorised in writing by the Senior Veterinary Officer to be an authorised person for the purposes of this Ordinance or regulations made under it;";
- "inspector" means a person authorised by the Senior Veterinary Officer under section 7(7);";
- ""fresh meat" means meat that has not undergone any preserving process other than chilling, freezing or quick-freezing, including meat that is vacuum-wrapped or wrapped in a controlled atmosphere;";
- ""livestock" means any animal that is kept, fattened or bred for the production of food, wool, fur, feathers, hides and skins or any other product obtained from that animal or an animal that is kept for other farming purposes;";
- ""meat products" means processed products resulting from the processing of meat or from the further processing of such processed products, so that the cut surface shows that the product no longer has the characteristics of fresh meat;";
- ""official controls" means the tasks and activities undertaken by the competent authority aimed towards ensuring there is compliance with the requirements of this Ordinance and regulations made under it as set out under section 7A;"; and
- ""veterinary medicinal product" means any substance or combination of substances
 - (a) presented as having properties for treating or preventing disease in animals; or
 - (b) that may be used in, or administered to, animals with a view to —

- (i) restoring, correcting or modifying physiological functions by exerting a pharmacological, immunological or metabolic action; or
- (ii) making a medical diagnosis;".

5. Section 4 amended — Power to make regulations

Section 4(1) is amended by —

- (a) deleting the full stop after paragraph (k) and replacing it with a semicolon; and
- (b) inserting the following new paragraphs after paragraph (k)
 - "(l) the use, sale, import and export of veterinary medicinal products; and
 - (*m*) the payment of fees.".

6. Section 7 amended – Officials

Section 7 is amended as follows —

- (a) by inserting the following new subsection after subsection (6)
 - "(7) The persons authorised under subsection (6) may include inspectors who are responsible for the following
 - (a) carrying out official controls in relation to the enforcement of regulations made under this Ordinance;
 - (b) monitoring of animals and animal products to check for diseases, residues, chemicals and other substances as may be specified in the regulations;
 - (c) taking, registering and checking of all official control samples as required under regulations made under section 4; and
 - (d) any other functions required to give effect to this Ordinance as may be specified in the authorisation ."
- (b) by inserting the following new section 7A —

"7A. Powers of competent authority – official controls

In order to carry out its functions under this Ordinance the competent authority may —

- (a) put in place official controls aimed at ensuring there is compliance with feed and food requirements and animal health and welfare rules for the protection of public health;
- (b) conduct checks and audits to verify and ensure there is compliance with animal health and welfare rules for the protection of animals; and

(c) carry out specific tasks aimed at ensuring corrective procedures are followed as may be specified in regulations made under this Ordinance."

7. New sections inserted — sections 8A and 8B

The Ordinance is amended by inserting the following new sections after section 8 —

"8A. Examination and monitoring of chemicals, residues, etc.

- (1) The regulations under section 4(1)(c) and (h) may make provision as to the manner in which
 - (a) samples may be taken, transported and submitted for analysis;
 - (b) tests on animals, meat and meat products may be undertaken; and
 - (c) official controls and checks in relation to the monitoring of chemicals and residues may be carried out.
- (2) Regulations referred to under subsection (1) may also make provision for the method of analysis as well as other relevant matters to be taken into consideration in examining and monitoring chemicals and residues.

8B. Sale, import and use of veterinary medicinal products

- (1) Regulations under section 4(1)(l) may
 - (a) make provision for the sale, distribution, import or export of veterinary medicinal products through permits;
 - (b) include restrictions on the sale and distribution of veterinary medicinal products; and
 - (c) make provision for the licensing of establishments that can sell and distribute veterinary medicinal products.
- (2) Subject to any circumstances or conditions as may be included in a permit issued in accordance with regulations made in accordance with subsection (1)(a), the regulations may prohibit any person from doing any of the activities listed in subsection (3).
- (3) The activities referred to in subsection (2) are, in the course of a business carried on by the person
 - (a) selling by retail;
 - (b) offering or exposing for sale by retail; or
 - (c) supplying in circumstances corresponding to retail sale,
- a veterinary medicinal product, unless that product meets any of the requirements in subsection (4).

- (4) The requirements referred to in subsection (3) are that the veterinary medicinal product is
 - (a) sold or supplied in accordance with a prescription given by a qualified veterinarian, a registered pharmacist, or a suitably qualified person; and
 - (b) complies with such conditions as may be prescribed.
- (5) Regulations made in accordance with subsection (1) may make provision for controlling, restricting, licensing or prohibiting the following activities
 - (a) selling, supplying or otherwise placing the veterinary medicinal products on the market;
 - (b) manufacturing or assembling any veterinary medicinal product;
 - (c) distributing any veterinary medicinal product;
 - (d) procuring the sale, supply or placing on the market of the veterinary medicinal products otherwise than by sale or supply, manufacture, assembly or distribution;
 - (e) importing or exporting of any veterinary medicinal product;
 - (f) possessing any veterinary medicinal product, with a view to selling or supplying it or otherwise placing it on the market; or
 - (g) issuing, sending or delivering any advertisement, or making any representation or recommendation in the course of a business, relating to any veterinary medicinal product.
- (6) Regulations made in accordance with subsection (1) may impose any requirements as the Governor considers necessary or expedient for any of the purposes specified in subsection (7) with respect to
 - (a) the labelling of containers of veterinary medicinal products;
 - (b) the labelling of packages of veterinary medicinal products;
 - (c) the display of distinctive marks on containers and packages of veterinary medicinal products;
 - (d) the supply of leaflets with veterinary medicinal products;
- (7) The purposes referred to in subsection (6) are
 - (a) to ensure that veterinary medicinal products are correctly described and readily identifiable;

- (b) to ensure that any appropriate warning or other appropriate information or instruction is given, and that false or misleading information is not given, with respect to veterinary medicinal products; and
- (c) to promote safety in relation to veterinary medicinal products."

8. Section 9 amended - Enforcement

Section 9 is repealed and replaced with the following —

"9. Inspections generally

- (1) For carrying out the functions under this Ordinance or regulations made under it, an authorised official may
 - (a) conduct searches and inspections;
 - (b) take photographs and recordings;
 - (c) conduct tests;
 - (d) require the production of livestock, meat products and other relevant substances for inspection;
 - (e) require, for inspection, the production of records which a person is required to keep under this Ordinance or any regulations made under it; and
 - (f) request any other information as may be necessary.
- (2) If records which a person is required to keep are stored in electronic form, the power under subsection (1) includes power to require the records to be made available for inspection in
 - (a) a visible and legible form; or
 - (b) a form from which they can readily be produced in a visible and legible form.
- (3) An authorised official may inspect and take copies of any records produced for inspection as required under this Ordinance or any regulations made under it.
- (4) An authorised official may carry out an inspection in order to check compliance with any requirement to inspect as provided by or under this Ordinance or any regulations made under it."

9. Insertion of new sections — sections 9A, 9B and 9C

The Ordinance is amended by inserting the following new sections after section 9 —

"9A. Authorised persons - Entry

- (1) An authorised person may enter premises or land with the consent of the owner or occupier or on the authority of a warrant issued under section 9B.
- (2) An authorised official may, for the purpose of carrying out any function under this Ordinance, enter at a reasonable time and with the consent of the owner
 - (a) premises or land on which the carrying on of an activity regulated under this Ordinance is authorised:
 - (b) premises or land on which the authorised official reasonably believes an activity to which a permit or a licence relates is being carried on;
 - (c) any premises or land on which livestock is kept, or where the authorised official believes any livestock is kept.
- (3) Subject to subsection (2), an authorised official may enter into any premises or land in order to
 - (a) check for compliance with regulations made under this Ordinance;
 - (b) carry out official controls including appropriate tests, checks and other requirements of this Ordinance and regulations made under it;
 - (c) ascertain whether any offence under or by virtue of this Ordinance or any regulations made under it has been or is being committed.
- (4) An authorised official may enter premises or land which the official reasonably believes to be premises or land on which livestock is kept in order to carry out an inspection under section 9.

9B. Entry and search under warrant

- (1) Subject to subsection (3), a justice of the peace may, on the application of an authorised person or a police officer, issue a warrant authorising the authorised person or a police officer to enter at any reasonable hour, premises or land in order to search for evidence of the commission of an offence under this Ordinance or any regulations made under it.
- (2) A warrant issued under subsection (1) may authorise
 - (a) the authorised person or a police officer to be accompanied by any person or persons; and
 - (b) the use of reasonable force, where necessary.
- (3) The power to issue a warrant under subsection (1) is exercisable only if the justice of the peace is satisfied that there are reasonable grounds for believing that —

- (a) an offence under this Ordinance or any regulations made under it has been committed on the premises or land; or
- (b) evidence of the commission of an offence under this Ordinance is to be found on the premises or land.
- (4) A person who wilfully hinders or obstructs the lawful execution of a warrant issued under subsection (1) by an authorised person or police officer or any person authorised by that warrant to accompany the authorised person or police officer, commits an offence.

9C. Enforcement

- (1) Regulations under section 4(1) may include provision for enforcement.
- (2) In particular, the regulations may
 - (a) create criminal offences;
 - (b) provide for the imposition of civil penalties;
 - (c) confer power to serve notices and make provision about the consequences of the service of notices;
 - (d) confer jurisdiction on a court or tribunal;
 - (e) include provision for forfeiture of goods or equipment;
 - (f) confer powers of entry, search and seizure;
 - (g) require the provision of information; and
 - (h) confer powers to require the provision of information.
- (3) If the regulations create an offence they may provide for a maximum penalty of
 - (a) 12 months imprisonment,
 - (b) a fine of level 8 on the standard scale, or
 - (c) a combination.".

PART 3 AMENDMENT OF MEDICINES ORDINANCE

10. Amendment of Medicines Ordinance

This Part amends the Medicines Ordinance.

11. Part 2 amended — Dealings with medicinal products

The Medicines Ordinance is amended in section 11 by —

- (a) deleting the full stop after paragraph (b) and replacing it with a semicolon; and
- (b) inserting the following new paragraph after paragraph (b)
 - "(c) where the veterinary medicinal products referred to above relate to veterinary medicinal products that are administered to livestock or animals slaughtered or killed for human consumption the Livestock and Meat Products Ordinance (No. 14 of 2010) applies."

PART 4 REPEAL OF ABATTOIRS ORDINANCE

12. Repeal of Abattoirs Ordinance

- (1) This Part amends the Abattoirs Ordinance (Title 5.8).
- (2) The Abattoirs Ordinance is repealed.
- (3) Notwithstanding subsection (2) any subsidiary legislation made under the repealed Ordinance which is in force immediately before the commencement of this section continue in force until revoked.

PART 5 REPEAL OF SLAUGHTERING AND INSPECTION ORDINANCE

13. Repeal of Slaughtering and Inspection Ordinance

- (1) This Part amends the Slaughtering and Inspection Ordinance (Title 5.5).
- (2) The Slaughtering and Inspection Ordinance is repealed.

Passed by the Legislature of the Falkland Islands on 17 December 2015.

CHERIE CLIFFORD.

Deputy Clerk of the Legislative Assembly.

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

CHERIE CLIFFORD,

Deputy Clerk of the Legislative Assembly.

ELIZABETH II



FALKLAND ISLANDS

COLIN ROBERTS C.V.O., *Governor*.

Endangered Species Protection Ordinance 2015

(No: 13 of 2015)

ARRANGEMENT OF PROVISIONS

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- 2. Interpretation

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SCHEDULE - Text of the Articles of CITES

ELIZABETH II



FALKLAND ISLANDS

COLIN ROBERTS C.V.O., *Governor*.

ENDANGERED SPECIES PROTECTION ORDINANCE 2015

(No: 13 of 2015)

(assented to: 22 December 2015) (commencement: on publication) (published: 24 December 2015)

AN ORDINANCE

To repeal and re-enact the Endangered Species Protection Ordinance 2003; to incorporate into the written law of the Falkland Islands the provisions of the Convention on International Trade in Endangered Species of Wild Fauna and Flora; and for connected purposes.

ENACTED by the Legislature of the Falkland Islands —

PART 1 – PRELIMINARY

1. Title and commencement

This Ordinance is the Endangered Species Protection Ordinance 2015 and comes into force on publication in the *Gazette*.

2. Interpretation

(1) In this Ordinance, unless the context otherwise requires —

"Appendix I, Appendix II, Appendix III or Appendix IV" means the appendices to CITES as amended from time to time;

"CITES" means the Convention on International Trade in Endangered Species of Wild Fauna and Flora that was concluded at Washington D.C. on 3 March 1973, and references to any particular provision of CITES are references to that provision as it appears in the version of CITES, as in force at the relevant time, that is published in the Treaty Series issued by Her Majesty's Stationery Office in the United Kingdom);

"competent authority" means, as may be appropriate in accordance with CITES, the Management Authority or the Scientific Authority of a Party to which the Falkland Islands is importing or exporting from other than the Falkland Islands;

"export" means to take, or cause to be taken, out of the Falkland Islands or out of Falkland Islands waters;

"import" means to bring, or cause to be brought, into the Falkland Islands or into Falkland Islands waters, including for the purpose of export;

"introduction from the sea" means transportation into the Falkland Islands waters or to any port in the Falkland Islands of specimens of any species which were taken in the marine environment not under the jurisdiction of any State, including the seabed and subsoil;

"Management Authority" means the Management Authority for the Falkland Islands appointed by the Governor under section 3; (designated for the purposes of Article IX of CITES);

"Party" means a State in which CITES is in force;

"protected goods" means any specimen of a species that is for the time being included in Appendix I, Appendix II or Appendix III of the Convention;

"re-export" means export of any specimen of a species that has previously been imported;

"rescue centre" means an institution designated by the Management Authority under section 4;

"Scientific Authority" means the scientific authority of the Falkland Islands appointed by the Governor under section 7 (so designated in accordance with Article IX of CITES);

"Secretariat" means the Secretariat provided by the Executive Director of the United Nations Environment Programme upon the entry into force of CITES, in accordance with Article XII of CITES:

"species" means any species, subspecies, or geographically separate population of a species;

"specimen" means —

(a) any animal or plant, whether alive or dead;

- (b) in the case of an animal—
 - (i) for species included in Appendices I and II to CITES, any readily recognizable part or derivative of that species, and
 - (ii) for species included in Appendix III of CITES, any readily recognizable part of derivative of that species (specified in Appendix III in relation to the species); and
- (c) in the case of a plant,
 - (i) for species included in Appendix I to CITES, any readily recognizable part or derivative of that species; and
 - (ii) for species included in Appendices II and III of CITES, any readily recognizable part or derivative of that species (specified in Appendices II and III of CITES in relation to the species);

"State of export" means a State from which specimen are taken out from;

"State of import" means a State to which specimen are sent to or received;

"State of re-export" means a State which exports (sends out) imported specimen;

"trade" means export, re-export, import and introduction from the sea.

- (2) For the purposes of this Ordinance "State" includes the Falkland Islands.
- (3) Every reference in this Ordinance to an Appendix is a reference to an Appendix to CITES.
- (4) The full text of all the Articles of CITES is set out in the Schedule as it appears in the version of CITES, as in force at the relevant time, that is published in the Treaty Series issued by Her Majesty's Stationery Office in the United Kingdom and may be updated by the Governor under section 33(2).

PART 2 – THE MANAGEMENT AUTHORITY

3. Management Authority

- (1) The Management Authority for the Falkland Islands is the Chief Executive or such other public officer as the Governor may from time to time appoint.
- (2) Subject to subsection (3), the Management Authority must obtain the advice of the Scientific Authority before exercising any of its functions under this Ordinance.

(3) Despite subsection (2), the exercise of any power by the Management Authority will not be invalidated by reason only of the Management Authority's failure to obtain the advice of the Scientific Authority.

4. Functions of the Management Authority

- (1) The general function of the Management Authority is to monitor the activities of Falkland Islands importers, exporters and re-exporters to ensure their compliance with CITES and with this Ordinance.
- (2) The Management Authority must, in accordance with sections 9 to 22—
 - (a) consider applications for permits or certificates relating to—
 - (i) import;
 - (ii) export; or
 - (iii) re-export,

of any specimen of a species included in Appendix I, Appendix II or Appendix III to CITES; and

- (b) approve or deny applications and, where it approves an application, issue a control number is respect of each permit or certificate it approves, in compliance with section 9(4).
- (c) designate a rescue centre for purposes of any confiscated living specimens and may designate one or more rescue centres as necessary.
- (3) The Management Authority must satisfy itself—
 - (a) where the Falkland Islands is the State of export
 - (i) that the specimen was not obtained in contravention of the law relating to the protection of fauna and flora;
 - (ii) that any living specimen will be prepared and shipped to minimise the risk of injury, damage to health or cruel treatment to the specimen;
 - (iii) that an import permit has been granted for the specimen by the competent authority in the State of import;
 - (b) where the Falkland Islands is the State of import, that any protected goods that are being imported into the Falkland Islands are not to be used for primarily commercial purposes;
 - (c) where the Falkland Islands is the State of re-export —

- (i) that the specimen was imported into the Falkland Islands in accordance with the provisions of CITES;
- (ii) that any living specimen will be prepared and shipped to minimise the risk of injury, damage to health or cruel treatment to the specimen;
- (iii) that an import permit for any living specimen has been obtained from the competent authority in the State to which the protected goods are to be re-exported; and
- (iv) that the specimen was not obtained in contravention of the law relating to the protection of fauna and flora;
- (d) where the Falkland Islands is the State of introduction
 - (i) that the proposed recipient of a living specimen is suitably equipped to house and care for it; and
 - (ii) that the specimen is not to be used for primarily commercial purposes; and
 - (iii) that any living specimen will be handled to minimise the risk of injury, damage to health or cruel treatment.
- (4) The Management Authority must take appropriate measures to enforce the provisions of CITES and to prohibit trade in specimens in violation of CITES, and this duty includes
 - (a) to penalise trade in, or possession of, such specimens, or both; and
 - (b) the confiscation or return to the State of export of such specimens
 - (c) taking such supplementary measures as may be set out in regulations made by the Governor.
- (5) The Governor may, in regulations made under subsection (4), also prescribe a method by which the Management Authority may reimburse all persons who incurred expenses as a result of lawfully participating in the confiscation of a specimen traded in violation of the measures taken pursuant to provisions in the regulations that comply with paragraphs (a) and (b) of subsection (4).
- (6) As far as possible, the Management Authority must ensure that specimens pass through any formalities required for trade with a minimum of delay and, in this connection—
 - (a) to facilitate such passage, may designate ports of exit and ports of entry at which specimens must be presented for clearance; and

(b) must ensure that all living specimens, during any period of transit, holding or shipment, are properly cared for so as to minimise the risk of injury, damage to health or cruel treatment.

5. Confiscation of specimens

Where a living specimen is confiscated under subsections (4), the Management Authority —

- (a) has custody of the specimen and is responsible for the care of it;
- (b) must, after consultation with the State of export, return the specimen to that State at the expense of that State, or to a rescue centre or such other place as the Management Authority deems appropriate and consistent with the purposes of CITES; and
- (c) may obtain the advice of the Scientific Authority, or may, whenever it considers it desirable, consult the Secretariat in order to facilitate the decision under paragraph (b), including the choice of a rescue centre or other place.

6. Records and reports

- (1) The Management Authority must maintain records of trade in specimens of species included in Appendices I, II and III to CITES, which must cover—
 - (a) the names and addresses of exporters and importers; and
 - (b) each of the following
 - (i) the number and type of permits and certificates granted;
 - (ii) the States with which such trade occurred;
 - (iii) the numbers or quantities and types of specimens;
 - (iv) names of species as included in Appendices I, II and III to CITES; and
 - (v) where applicable, the size and gender of the specimens in question.
- (2) The Management Authority must prepare periodic reports on its implementation of the CITES and must transmit to the Secretariat
 - (a) an annual report containing a summary of the information specified in paragraph (b) of subsection (1); and
 - (b) a biennial report on legislative, regulatory and administrative measures taken to enforce the provisions of CITES.
- (3) The information referred to in subsection (2) must be made available to the public, subject to the contrary provisions of any other written law of the Falkland Islands.

PART 3 - THE SCIENTIFIC AUTHORITY

7. Scientific Authority

The Scientific Authority for the Falkland Islands for the purpose of CITES is such person or persons or body of persons as the Governor from time to time appoints.

8. Functions of the Scientific Authority

The functions of the Scientific Authority are —

- (a) to advise the Management Authority or, as appropriate, the Governor—
 - (i) on the exercise of the Management Authority's functions under sections 4 and 5;
 - (ii) on any matter relating to the administration of this Ordinance on which its advice is sought or on which it wishes to tender advice; and
 - (iii) on whether the export or import of a specimen of a species will be detrimental to the survival of that species;
 - (iv) on whether the proposed recipient of a living specimen is suitably equipped to house and care for it:
 - (v) of suitable measures to be taken to limit the grant of export permits for specimens of species referred to in paragraphs (b) and (c); and
 - (vi) generally, on matters falling within the scope of CITES on which its advice is sought or on which it wishes to tender advice;
- (b) to monitor both the export permits granted by the Management Authority for specimens of species included in Appendix II and the actual exports of those specimens;
- (c) to determine whether the export of specimens of any such species should be limited in order to maintain that species throughout its range at a level consistent with its role in the ecosystems in which it occurs and well above the level at which that species might become eligible for inclusion in Appendix I; and
- (d) in accordance with paragraph 7 of Article IV of CITES, to consult with other national scientific authorities or, when appropriate, international scientific authorities, in respect of periods not exceeding one year for total numbers of specimens to be introduced in specified periods.

PART 4 – PERMITS AND CERTIFICATES

General provisions

9. Permits and certificates (Article VI of CITES)

- (1) Permits and certificates granted under the provisions of section 4(2) must be in accordance with the provisions of this section.
- (2) An export permit must contain the information specified in the model set out in Appendix IV to CITES, and may only be used for export within a period of six months from the date on which it was granted.
- (3) Each permit or certificate must contain the title of CITES, the name and any identifying stamp of the Management Authority and a control number assigned by the Management Authority.
- (4) Any copies of a permit or certificate issued by a Management Authority must be clearly marked as copies only and no such copy may be used in place of the original, except to the extent endorsed on the copy.
- (5) A separate permit or certificate is required for each consignment of specimens.
- (6) Where the Falkland Islands is the State of import of any specimen, the Management Authority (in order to ensure that any permit or certificate is not used in relation to more than one consignment of specimens) must cancel and retain—
 - (a) the export permit or re-import certificate issued, respectively, by the State of export or the State of re-import; and
 - (b) any corresponding import permit presented in respect of the import of that specimen.
- (7) Where appropriate and feasible, the Management Authority may affix a mark upon any specimen to assist in identifying the specimen.
- (8) For the purposes of subsection (7), "mark" means any indelible imprint, lead seal or other suitable means of identifying a specimen, designed in such a way as to render its imitation by unauthorised persons as difficult as possible.
- (9) For the purposes of this Part, any reference to a person being requested or required to present or produce a permit or certificate is to be construed as a reference to the person being so requested or required, as the case may be, by a customs officer, a police officer or an officer of the Management Authority.

Species under Appendix I

10. Regulation of trade in specimens of species included in Appendix I (Article III of CITES)

All trade in specimens of species included in Appendix I must be in accordance with sections 11 to 14.

11. Export permits – Appendix I

- (1) Before a person exports from the Falkland Islands any specimen of a species included in Appendix I, the person must first obtain an export permit from the Management Authority, which the person must present when required to do so.
- (2) In order to obtain an export permit, a person referred to in subsection (1) must submit an application to the Management Authority in the prescribed form and must pay the prescribed fee.
- (3) The Management Authority must not grant the export permit unless the following conditions have been met
 - (a) the Scientific Authority has advised that such export will not be detrimental to the survival of that species; and
 - (b) the Management Authority is satisfied that
 - (i) the specimen was not obtained in contravention of any law for the protection of fauna and flora;
 - (ii) any living specimen will be prepared and shipped to minimise the risk of injury, damage to health or cruel treatment of the specimen; and
 - (iii) an import permit has been granted for the specimen.
- (4) A person who—
 - (a) exports from the Falkland Islands any specimen of a species included in Appendix I without having obtained an export permit as required by subsection (1); or
 - (b) having obtained an export permit, fails to produce it in accordance with subsection (1),

commits an offence and is liable on conviction to a fine not exceeding level 12 on the standard scale.

12. Import permits – Appendix I

- (1) Before a person imports into the Falkland Islands any specimen of a species included in Appendix I, the person must first obtain
 - (a) an import permit from the Management Authority; and

- (b) either, as the case may be,—
 - (i) an export permit from the competent authority of the State of export; or
 - (ii) a re-export certificate from the State of re-export,

and must, when requested, present both permits or the import permit and the re-export certificate, as the case may be.

- (2) In order to obtain an import permit a person referred to in subsection (1) must submit an application to the Management Authority in the prescribed form and pay the prescribed fee.
- (3) The Management Authority must not grant an import permit unless the following conditions have been met—
 - (a) the Scientific Authority
 - (i) has advised that the import will be for purposes which are not detrimental to the survival of the species involved;
 - (ii) is satisfied that the proposed recipient of a living specimen is suitably equipped to house and care for it; and
 - (b) the Management Authority is satisfied that the specimen is not to be used for primarily commercial purposes.
- (4) A person who—
 - (a) imports into the Falkland Islands any specimen of a species included in Appendix I without having obtained an import permit and either an export permit or a re-export certificate as required by subsection (1); or
 - (b) having obtained an import permit and either an export permit or a re-export certificate, fails to produce any or both of them in accordance with subsection (1),

commits a separate offence in respect of each item that the person has not obtained or, as the case may be, that the person fails to produce, and is liable in respect of a conviction for each offence to a fine not exceeding level 12 on the standard scale.

13. Re-export certificates – Appendix I

- (1) Before a person re-exports from the Falkland Islands any specimen of a species included in Appendix I, the person must first obtain a re-export certificate from the Management Authority, which the person must present upon request.
- (2) In order to obtain a re-export certificate, a person referred to in subsection (1) must submit an application to the Management Authority in the prescribed form and pay the prescribed fee.

- (3) The Management Authority must not grant a re-export certificate unless a Management Authority is satisfied that
 - (a) the specimen was imported into the Falkland Islands in accordance with the provisions of CITES;
 - (b) any living specimen will be so prepared and shipped as to minimise the risk of injury, damage to health or cruel treatment; and
 - (c) an import permit for any living specimen has been granted by the competent authority in the State of import.
- (4) A person who—
 - (a) re-exports from the Falkland Islands any specimen of a species included in Appendix I without having obtained a re-export certificate as required by subsection (1); or
 - (b) having obtained a re-export certificate, fails to produce it in accordance with subsection (1),

commits an offence and is liable on summary conviction to a fine not exceeding level 12 on the standard scale.

14. Certificates authorising introduction from the sea – Appendix I

- (1) Before a person introduces from the sea into the Falkland Islands any specimen of a species included in Appendix I, the person must first obtain from the Management Authority a certificate for that purpose, which the person must present when requested to do so.
- (2) In order to obtain a certificate under this section, a person referred to in subsection (1) must submit an application to the Management Authority in the prescribed form and pay the prescribed fee.
- (3) The Management Authority must not grant a certificate under this section unless the following conditions have been met—
 - (a) a Scientific Authority advises that the introduction will not be detrimental to the survival of the species involved; and
 - (b) a Management Authority is satisfied that
 - (i) the proposed recipient of a living specimen is suitably equipped to house and care for it; and
 - (ii) the specimen is not to be used for primarily commercial purposes.
- (4) A person who—

- (a) introduces from the sea into the Falkland Islands any specimen of a species included in Appendix I without having obtained a certificate as required by subsection (1); or
- (b) having obtained a certificate, fails to present it in accordance with subsection (1),

commits an offence and is liable on conviction to a fine not exceeding level 12 on the standard scale.

Species under Appendix II

15. Regulation of trade in specimens of species included in Appendix II (Article IV of CITES)

All trade in specimens of species included in Appendix II must be in accordance with sections 16 to 19.

16. Export permits – Appendix II

- (1) Before a person exports from the Falkland Islands any specimen of a species included in Appendix II, the person must first obtain an export permit from the Management Authority, which the person must present when required to do so.
- (2) In order to obtain an export permit, a person referred to in subsection (1) must submit an application to the Management Authority in the prescribed form and must pay the prescribed fee.
- (3) The Management Authority must not grant the export permit unless the following conditions have been met—
 - (a) the Scientific Authority has advised that such export will not be detrimental to the survival of that species;
 - (b) the Management Authority is satisfied that
 - (i) the specimen was not obtained in contravention of the law for the protection of fauna and flora; and
 - (ii) any living specimen will be so prepared and shipped as to minimise the risk of injury, damage to health or cruel treatment.
- (4) When complying with this section, the Management Authority and the Scientific Authority must have regard to paragraphs (a)(v), (b) and (c) of section 8.
- (5) A person who—
 - (a) exports from the Falkland Islands any specimen of a species included in Appendix II without having obtained an export permit as required by subsection (1); or
 - (b) having obtained an export permit, fails to present it in accordance with subsection (1),

commits an offence and on conviction is liable to a fine not exceeding level 12 on the standard scale.

17. Import permits – Appendix II

- (1) Before a person imports into the Falkland Islands any specimen of a species included in Appendix II, the person must first obtain from the competent authority of the State of export or re-export either an export permit or a re-export certificate, which the person must present when required to do so.
- (2) A person referred to in subsection (1) must comply with
 - (a) section 16(2) in order to obtain an export permit;
 - (b) section 18(2) in order to obtain a re-export certificate.
- (3) A person who—
 - (a) imports into the Falkland Islands any specimen of a species included in Appendix II without having obtained an export permit or a re-export certificate as required by subsection (1); or
 - (b) having obtained an export permit or a re-export certificate, fails to present it in accordance with subsection (1),

commits an offence and is liable on conviction to a fine not exceeding level 12 on the standard scale.

18. Re-export certificates – Appendix II

- (1) Before a person re-exports from the Falkland Islands any specimen of a species included in Appendix II, the person must first obtain from the Management Authority a re-export certificate, which the person must present when required to do so.
- (2) In order to obtain a re-export certificate, a person referred to in subsection (1) must submit an application to the Management Authority in the prescribed form and must pay the prescribed fee.
- (3) The Management Authority must not grant a re-export certificate unless it is satisfied that
 - (a) the specimen was imported into the Falkland Islands in accordance with the provisions of CITES; and
 - (b) any living specimen will be so prepared and shipped as to minimise the risk of injury, damage to health or cruel treatment.
- (4) A person who—

- (a) re-exports from the Falkland Islands any specimen of a species included in Appendix II without having obtained a re-export certificate as required by subsection (1); or
- (b) having obtained a re-export certificate, fails to present it in accordance with subsection (1),

commits an offence and is liable on conviction to a fine not exceeding level 12 on the standard scale.

19. Certificates authorising introduction from the sea – Appendix II

- (1) Before a person introduces from the sea into the Falkland Islands any specimen of a species included in Appendix II, the person must first obtain from the Management Authority a certificate for that purpose, which the person must present when requested to do so.
- (2) In order to obtain a certificate under this section, a person referred to in subsection (1) must submit an application to the Management Authority in the prescribed form and pay the prescribed fee.
- (3) The Management Authority must not grant a certificate under this section unless the following conditions have been met—
 - (a) the Scientific Authority advises that the introduction will not be detrimental to the survival of the species involved;
 - (b) the Management Authority is satisfied that any living specimen will be so handled as to minimise the risk of injury, damage to health or cruel treatment.
- (4) The Management Authority may grant certificates referred to in subsection (3) on the advice of the Scientific Authority, in consultation with other national scientific authorities or, when appropriate, international scientific authorities, in respect of periods not exceeding one year for total numbers of specimens to be introduced during such periods.

(5) A person who—

- (a) introduces from the sea into the Falkland Islands any specimen of a species included in Appendix II without having obtained a certificate as required by subsection (1);
- (b) having obtained a certificate, fails to present it in accordance with subsection (1),

commits an offence and is liable on conviction to a fine not exceeding level 12 on the standard scale.

Species under Appendix III

20. Regulation of trade in specimens of species included in Appendix III (Article V of CITES)

All trade in specimens of species included in Appendix III must be in accordance with sections 21 and 22.

21. Export permits – Appendix III

- (1) Subject to subsection (2), before a person exports from the Falkland Islands any specimen of a species included in Appendix III, the person must first obtain an export permit from the Management Authority, which the person must present when required to do so.
- (2) This section only applies if the United Kingdom has included any species to which subsection (1) refers in Appendix III in respect of the Falkland Islands.
- (3) Where this section applies a person referred to in subsection (1) must, in order to obtain an export permit, submit an application to the Management Authority in the prescribed form and must pay the prescribed fee.
- (4) The Management Authority must not grant the export permit unless it is satisfied that
 - (a) the specimen was not obtained in contravention of the law for the protection of fauna and flora; and
 - (b) any living specimen will be so prepared and shipped as to minimise the risk of injury, damage to health or cruel treatment.

(5) A person who —

- (a) exports from the Falkland Islands any specimen of a species included in Appendix III without having obtained an export permit as required by subsection (1); or
- (b) having been granted an export permit, fails to present it in accordance with subsection (1),

commits an offence and is liable on conviction to a fine not exceeding level 12 on the standard scale.

22. Import permits – Appendix III

- (1) Before a person imports into the Falkland Islands any specimen of a species included in Appendix III, the person must, except in circumstances to which subsection (2) applies, first—
 - (a) present to the Management Authority a certificate of origin; and
 - (b) where the import is from a State which has included that species in Appendix III, an export permit,

granted by the competent authority of that State.

- (2) Where a specimen of a species included in subsection (1) is being imported into the Falkland Islands by way of re-export, a certificate granted by the competent authority of the State of re-export that the specimen was processed in that State or is being re-exported must be accepted by the Management Authority as evidence that the provisions of CITES have been complied with in respect of the specimen concerned, and the submission to the Management Authority of the aforementioned certificate obviates the requirement to comply with paragraphs (a) and (b) of subsection (1).
- (3) In the case of re-export from the Falkland Islands, the Management Authority must (in accordance with and in reliance on paragraph 4 of Article V of CITES) grant to the prospective re-exporter a certificate that the specimen was processed in the Falkland Islands or is being re-exported from the Falkland.
- (4) A person who imports into the Falkland Islands any specimen of a species included in Appendix III without having complied with
 - (a) paragraph (a) of subsection (1); or
 - (b) where appropriate, both paragraphs (a) and (b) of subsection (1),

commits an offence and is liable on conviction to a fine not exceeding level 12 on the standard scale.

PART 5 - MISCELLANEOUS

- 23. Exemptions and other special provisions relating to trade (Article VII of CITES)
- (1) The provisions of sections 10 to 22 do not apply to the following
 - (a) the transit or transhipment of specimens through Falkland Islands waters or in the territory of the Falkland Islands while the specimens remain in Customs control;
 - (b) the export or re-export of a specimen by the Falkland Islands where the Management Authority is satisfied that the specimen was acquired before the provisions of CITES applied to that specimen, and where the Management Authority issues a certificate to that effect; or
 - (c) where the following circumstance exist—
 - (i) the competent authority of a State of export or re-export is satisfied that a specimen was acquired before the provisions of CITES applied to that specimen; and
 - (ii) issues a certificate to that effect by virtue of which the provisions of Articles III, IV and V of CITES (or, as the case may be, provisions of the Party's domestic legislation giving effect to those Articles of CITES) have been rendered inapplicable to that specimen,

the Management Authority must recognise such a certificate.

- (2) The provisions of sections 10 to 22 do not apply to specimens that are personal or household effects.
- (3) Subsection (2) does not apply where
 - (a) in the case of specimens of a species included in Appendix I, they were acquired by the owner outside the owner's State of usual residence, and are being imported into the Falkland Islands; or
 - (b) in the case of specimens of species included in Appendix II—
 - (i) they were acquired by the owner outside the owner's State of usual residence and in a State where removal from the wild occurred:
 - (ii) they are being imported into the owner's State of usual residence; and
 - (iii) the State where removal from the wild occurred requires the prior grant of export permits before any export of such specimens,

unless the Management Authority is satisfied that the specimens were acquired before the provisions of CITES applied to such specimens.

- (4) Specimens of an animal species included in Appendix I bred in captivity for commercial purposes, or of a plant species included in Appendix I artificially propagated for commercial purposes, must be deemed to be specimens of species included in Appendix II.
- (5) Where
 - (a) the following circumstances exist, namely—
 - (i) the Falkland Islands is the State of export; and
 - (ii) the Management Authority is satisfied that
 - (aa) any specimen of an animal species was bred in captivity;
 - (bb) any specimen of a plant species was artificially propagated; or
 - (cc) any specimen of an animal or plant species is a part of an illegally propagated specimen or was derived therefrom,

a certificate by the Management Authority to that effect must, in reliance on Article VII of CITES, be presented in lieu of any permits or certificates required under the provisions of sections 10 to 22; or

- (b) the following circumstances exist—
 - (i) the Falkland Islands is not the State of export; and
 - (ii) the Falkland Islands is the State of import,

the Management Authority must accept, in lieu of a permit or certificate required by Article III, IV, or V of CITES (or, as the case may be, provisions of the Party's domestic legislation giving effect to those Articles of CITES), a certificate that the competent authority of the State of export issued upon being satisfied of the facts set out in paragraph (a).

- (6) The provisions of sections 10 to 22 do not apply to the non-commercial loan, donation or exchange between scientists or scientific institutions registered by the Management Authority and scientists or scientific institutions registered by the competent authorities of other Parties, of herbarium specimens, other preserved, dried or embedded museum specimens, and live plant material, which carry a label issued or approved by the Management Authority or by the competent authority of another Party.
- (7) The Management Authority may waive the requirements of sections 10 to 22 and allow the movement without permits or certificates of specimens which form part of a travelling zoo, circus, menagerie, plant exhibition or other travelling exhibition provided that
 - (a) the exporter or importer registers full details of such specimens with the Management Authority;
 - (b) the specimens are either of the categories specified in subsection (3) or subsection (6); and
 - (c) the Management Authority is satisfied that any living specimen will be so transported and cared for as to minimise the risk of injury, damage to health or cruel treatment.
- (8) The Management Authority must recognise and allow movement based on waivers of the requirements of Article III, IV or V of CITES (or, as the case may be, provisions of the Party's domestic legislation giving effect to those Articles of CITES) granted by the competent authorities of other Parties in circumstances identical to those set out in subsection (7).

24. Resolution of disputes (Article XVIII of CITES)

(1) Any dispute which may arise between the Falkland Islands and any one or more of the other Parties with respect to the interpretation or application of the provisions of CITES must be made the subject of negotiation between the Parties involved in the dispute.

(2) If the dispute cannot be resolved in accordance with subsection (2), the Management Authority must, subject to securing the consent of the other Parties, submit the dispute to arbitration, in particular that of the Permanent Court of Arbitration at The Hague, and the Management Authority will, on behalf of the Falkland Islands, be bound by the arbitral decision.

25. Offences by company, etc

- (1) If an offence under this Ordinance is committed by a company, firm or other association of individuals whether incorporated or not, each
 - (a) director and officer of the company;
 - (b) partner and officer of the firm; or
 - (c) member and person concerned in the management of the affairs of the association,

as the case may be, is severally liable to be prosecuted and punished for the offence, unless the act or omission constituting the offence took place without his knowledge, consent or connivance.

(2) A person may be prosecuted by virtue of subsection (1) whether or not the company, firm or other association of individuals is prosecuted.

26. Stop and search powers

- (1) The powers conferred by this section have effect without prejudice to any powers conferred, in any particular case, by any other written law.
- (2) For the purposes of this Ordinance, any customs officer and any police officer may—
 - (a) stop, board and search any ship, aircraft or vehicle if he has reason to suspect that there is therein anything liable to seizure;
 - (b) stop and search the property of any person if he has reason to suspect that that person has in his possession anything liable to seizure; and
 - (c) enter and search any premises, being premises on which he has reason to suspect that an imported living specimen is being held, for the purpose of ascertaining whether any condition to which the relevant importation licence is subject and which relates to the housing or care of that specimen is being complied with.
- (3) Where it appears to a justice of the peace upon the oath of any person that there is reasonable cause to believe that there is in any place or premises anything liable to seizure he may, by warrant directed to a customs officer or a police officer, empower him to enter, by force if necessary, and search the place or premise named in the warrant and to seize anything therein which is liable to seizure.

(4) For the purposes of this section, any protected goods imported in contravention of this Ordinance are liable to seizure.

27. Duty to show proof of lawful importation or exportation

- (1) Where any protected goods are being exported or imported or have been imported, a customs officer or police officer may require any person having possession or control of those goods to furnish proof that its exportation or importation is or was lawful.
- (2) Any person who fails or refuses to submit proof as required under subsection (1) commits an offence and is liable to imprisonment for a term not exceeding five years or to a fine not exceeding the maximum of level 12 on the standard scale.
- (3) Where any person is convicted of an offence under subsection (2) the goods in respect of which the offence was committed will, without further order, be forfeited to the Crown and will be disposed of in such manner as the Governor may direct.

28. Obstruction

A person who obstructs a customs officer or any police officer —

- (a) in the exercise of the powers under this Ordinance; or
- (b) in the execution of a warrant granted under section 26(3),

commits an offence and is liable on conviction to a fine not exceeding the maximum of level 12 on the standard scale.

29. Administration and enforcement

The provisions in this Ordinance relating to the functions of the Management Authority and the Scientific Authority are to be administered by the officers provided for in Part II of the Customs Ordinance, and such officers have in respect of this Ordinance all the powers and duties that they have in relation to the Customs Ordinance, in so far as those powers and duties are relevant to this Ordinance.

30. Confiscation of specimens

- (1) Subject to section 5, the Prohibited Goods Ordinance applies to this Ordinance subject to the following qualifications
 - (a) every mention in that Ordinance of the term "prohibited goods" must for the purposes of this Ordinance be construed as a reference to "protected goods";
 - (b) the provisions in that Ordinance relating to destruction of prohibited goods or forfeited goods, as the case may be, do not automatically apply to confiscated specimens of species that are living; rather
 - (i) all such confiscated specimens are to be brought to the attention of the Scientific Authority;

- (ii) the Scientific Authority must advise on how the specimens are to be dealt with and on who is to be made to pay for any manner in which it determines that the specimens are to be dealt with;
- (iii) compliance with the Scientific Authority's advice is mandatory; and
- (iv) the directive by the Scientific Authority as to who is required to pay for the manner in which the specimens are to be dealt with—
 - (aa) must be accompanied by reasons; and
 - (bb) may be enforced by legal process and is judicially reviewable.
- (2) This Ordinance must be construed in conjunction with the Customs Ordinance generally, and particular regard must be had to the following provisions of the Customs Ordinance
 - (a) section 44(e), which must be construed with respect to this Ordinance as referring specifically to protected goods;
 - (b) section 134(1);
 - (c) section 139; and
 - (d) section 143.

31. Offences relating to false statements

Any person who, for the purpose of obtaining, whether for himself or for another, the issue of a permit or a certificate under Part 4—

- (a) makes any statement which the person knows to be false in a material particular; or
- (b) furnishes a document or information which the person knows to be false in a material particular; or
- (c) recklessly makes a statement or furnishes a document or information which is false in a material particular,

commits an offence and is liable, on conviction, to a fine not exceeding level 9 on the standard scale or to imprisonment for a period not exceeding 18 months or to both such fine and imprisonment.

32. Appeals

Any person aggrieved by the Management Authority's refusal to grant the person a permit or a certificate under any section of this Ordinance may appeal to the Governor in Council in such manner and within such time as is prescribed in regulations made by the Governor in Council.

33. Subsidiary legislation

- (1) In addition to the powers to make regulations that are conferred on the Governor by preceding provisions of this Ordinance, the Governor may make regulations generally for giving effect to the purposes or provisions of this Ordinance, and may prescribe forms and fees referred to under this Ordinance.
- (2) The Governor may by order publish an amended Schedule.
- (3) If no primary legislation is enacted to amend any section of this Ordinance so as to complement any amendments made to CITES or the Appendices every effort must be made, to the fullest extent permitted by the rules of statutory interpretation, to interpret the sections of this Ordinance in a manner that is consistent with all the Articles of CITES taken together in the light of the amendments made to any such Article.

34. Repeal

- (1) The Endangered Species Protection Ordinance 2003 is repealed.
- (2) Any appointment made or licence issued under the repealed Ordinance remains in force.

SCHEDULE

section 2(4)

Text of the Articles of CITES

Convention on International Trade in Endangered Species of Wild Fauna and Flora Signed at Washington, D.C., on 3 March 1973

Amended at Bonn, on 22 June 1979

Amended at Gaborone, on 30 April 1983

The Contracting States,

Recognizing that wild fauna and flora in their many beautiful and varied forms are an irreplaceable part of the natural systems of the earth which must be protected for this and the generations to come;

Conscious of the ever-growing value of wild fauna and flora from aesthetic, scientific, cultural, recreational and economic points of view;

Recognizing that peoples and States are and should be the best protectors of their own wild fauna and flora:

Recognizing, in addition, that international co-operation is essential for the protection of certain species of wild fauna and flora against over-exploitation through international trade;

Convinced of the urgency of taking appropriate measures to this end;

Have agreed as follows:

Article I: Definitions

For the purpose of the present Convention, unless the context otherwise requires:

- (a) "Species" means any species, subspecies, or geographically separate population thereof;
- (b) "Specimen" means:
 - (i) any animal or plant, whether alive or dead;
 - (ii) in the case of an animal: for species included in Appendices I and II, any readily recognizable part or derivative thereof; and for species included in Appendix III, any readily recognizable part or derivative thereof specified in Appendix III in relation to the species; and
 - (iii) in the case of a plant: for species included in Appendix I, any readily recognizable part or derivative thereof; and for species included in Appendices II and III, any readily recognizable part or derivative thereof specified in Appendices II and III in relation to the species;
- (c) "Trade" means export, re-export, import and introduction from the sea;
- (d) "Re-export" means export of any specimen that has previously been imported;
- (e) "Introduction from the sea" means transportation into a State of specimens of any species which were taken in the marine environment not under the jurisdiction of any State;
- (f) "Scientific Authority" means a national scientific authority designated in accordance with Article IX;
- (g) "Management Authority" means a national management authority designated in accordance with Article IX:
- (h) "Party" means a State for which the present Convention has entered into force.

Article II: Fundamental principles

1. Appendix I shall include all species threatened with extinction which are or may be affected by trade. Trade in specimens of these species must be subject to particularly strict regulation in order not to endanger further their survival and must only be authorized in exceptional circumstances.

2. Appendix II shall include:

(a) all species which although not necessarily now threatened with extinction may become so unless trade in specimens of such species is subject to strict regulation in order to avoid utilization incompatible with their survival; and

- (b) other species which must be subject to regulation in order that trade in specimens of certain species referred to in sub-paragraph (a) of this paragraph may be brought under effective control.
- 3. Appendix III shall include all species which any Party identifies as being subject to regulation within its jurisdiction for the purpose of preventing or restricting exploitation, and as needing the co-operation of other Parties in the control of trade.
- 4. The Parties shall not allow trade in specimens of species included in Appendices I, II and III except in accordance with the provisions of the present Convention.

Article III: Regulation of trade in specimens of species included in Appendix I

- 1. All trade in specimens of species included in Appendix I shall be in accordance with the provisions of this Article.
- 2. The export of any specimen of a species included in Appendix I shall require the prior grant and presentation of an export permit. An export permit shall only be granted when the following conditions have been met:
 - (a) a Scientific Authority of the State of export has advised that such export will not be detrimental to the survival of that species;
 - (b) a Management Authority of the State of export is satisfied that the specimen was not obtained in contravention of the laws of that State for the protection of fauna and flora;
 - (c) a Management Authority of the State of export is satisfied that any living specimen will be so prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment; and
 - (d) a Management Authority of the State of export is satisfied that an import permit has been granted for the specimen.
- 3. The import of any specimen of a species included in Appendix I shall require the prior grant and presentation of an import permit and either an export permit or a re-export certificate. An import permit shall only be granted when the following conditions have been met:
 - (a) a Scientific Authority of the State of import has advised that the import will be for purposes which are not detrimental to the survival of the species involved;
 - (b) a Scientific Authority of the State of import is satisfied that the proposed recipient of a living specimen is suitably equipped to house and care for it; and
 - (c) a Management Authority of the State of import is satisfied that the specimen is not to be used for primarily commercial purposes.
- 4. The re-export of any specimen of a species included in Appendix I shall require the prior grant and presentation of a re-export certificate. A re-export certificate shall only be granted when the following conditions have been met:

- (a) a Management Authority of the State of re-export is satisfied that the specimen was imported into that State in accordance with the provisions of the present Convention;
- (b) a Management Authority of the State of re-export is satisfied that any living specimen will be so prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment; and
- (c) a Management Authority of the State of re-export is satisfied that an import permit has been granted for any living specimen.
- 5. The introduction from the sea of any specimen of a species included in Appendix I shall require the prior grant of a certificate from a Management Authority of the State of introduction. A certificate shall only be granted when the following conditions have been met:
 - (a) a Scientific Authority of the State of introduction advises that the introduction will not be detrimental to the survival of the species involved;
 - (b) a Management Authority of the State of introduction is satisfied that the proposed recipient of a living specimen is suitably equipped to house and care for it; and
 - (c) a Management Authority of the State of introduction is satisfied that the specimen is not to be used for primarily commercial purposes.

Article IV: Regulation of trade in specimens of species included in Appendix II

- 1. All trade in specimens of species included in Appendix II shall be in accordance with the provisions of this Article.
- 2. The export of any specimen of a species included in Appendix II shall require the prior grant and presentation of an export permit. An export permit shall only be granted when the following conditions have been met:
 - (a) a Scientific Authority of the State of export has advised that such export will not be detrimental to the survival of that species;
 - (b) a Management Authority of the State of export is satisfied that the specimen was not obtained in contravention of the laws of that State for the protection of fauna and flora; and
 - (c) a Management Authority of the State of export is satisfied that any living specimen will be so prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment.
- 3. A Scientific Authority in each Party shall monitor both the export permits granted by that State for specimens of species included in Appendix II and the actual exports of such specimens. Whenever a Scientific Authority determines that the export of specimens of any such species should be limited in order to maintain that species throughout its range at a level consistent with its role in the ecosystems in which it occurs and well above the level at which that species might become eligible for inclusion in Appendix I, the Scientific Authority shall advise the appropriate Management Authority of suitable measures to be taken to limit the grant of export permits for specimens of that species.

- 4. The import of any specimen of a species included in Appendix II shall require the prior presentation of either an export permit or a re-export certificate.
- 5. The re-export of any specimen of a species included in Appendix II shall require the prior grant and presentation of a re-export certificate. A re-export certificate shall only be granted when the following conditions have been met:
 - (a) a Management Authority of the State of re-export is satisfied that the specimen was imported into that State in accordance with the provisions of the present Convention; and
 - (b) a Management Authority of the State of re-export is satisfied that any living specimen will be so prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment.
- 6. The introduction from the sea of any specimen of a species included in Appendix II shall require the prior grant of a certificate from a Management Authority of the State of introduction. A certificate shall only be granted when the following conditions have been met:
 - (a) a Scientific Authority of the State of introduction advises that the introduction will not be detrimental to the survival of the species involved; and
 - (b) a Management Authority of the State of introduction is satisfied that any living specimen will be so handled as to minimize the risk of injury, damage to health or cruel treatment.
- 7. Certificates referred to in paragraph 6 of this Article may be granted on the advice of a Scientific Authority, in consultation with other national scientific authorities or, when appropriate, international scientific authorities, in respect of periods not exceeding one year for total numbers of specimens to be introduced in such periods.

Article V: Regulation of trade in specimens of species included in Appendix III

- 1. All trade in specimens of species included in Appendix III shall be in accordance with the provisions of this Article.
- 2. The export of any specimen of a species included in Appendix III from any State which has included that species in Appendix III shall require the prior grant and presentation of an export permit. An export permit shall only be granted when the following conditions have been met:
 - (a) a Management Authority of the State of export is satisfied that the specimen was not obtained in contravention of the laws of that State for the protection of fauna and flora; and
 - (b) a Management Authority of the State of export is satisfied that any living specimen will be so prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment.
- 3. The import of any specimen of a species included in Appendix III shall require, except in circumstances to which paragraph 4 of this Article applies, the prior presentation of a certificate of origin and, where the import is from a State which has included that species in Appendix III, an export permit.

4. In the case of re-export, a certificate granted by the Management Authority of the State of re-export that the specimen was processed in that State or is being re-exported shall be accepted by the State of import as evidence that the provisions of the present Convention have been complied with in respect of the specimen concerned.

Article VI: Permits and certificates

- 1. Permits and certificates granted under the provisions of Articles III, IV, and V shall be in accordance with the provisions of this Article.
- 2. An export permit shall contain the information specified in the model set forth in Appendix IV, and may only be used for export within a period of six months from the date on which it was granted.
- 3. Each permit or certificate shall contain the title of the present Convention, the name and any identifying stamp of the Management Authority granting it and a control number assigned by the Management Authority.
- 4. Any copies of a permit or certificate issued by a Management Authority shall be clearly marked as copies only and no such copy may be used in place of the original, except to the extent endorsed thereon.
- 5. A separate permit or certificate shall be required for each consignment of specimens.
- 6. A Management Authority of the State of import of any specimen shall cancel and retain the export permit or re-export certificate and any corresponding import permit presented in respect of the import of that specimen.
- 7. Where appropriate and feasible a Management Authority may affix a mark upon any specimen to assist in identifying the specimen. For these purposes "mark" means any indelible imprint, lead seal or other suitable means of identifying a specimen, designed in such a way as to render its imitation by unauthorized persons as difficult as possible.

Article VII: Exemptions and other special provisions relating to trade

- 1. The provisions of Articles III, IV and V shall not apply to the transit or transhipment of specimens through or in the territory of a Party while the specimens remain in Customs control.
- 2. Where a Management Authority of the State of export or re-export is satisfied that a specimen was acquired before the provisions of the present Convention applied to that specimen, the provisions of Articles III, IV and V shall not apply to that specimen where the Management Authority issues a certificate to that effect.
- 3. The provisions of Articles III, IV and V shall not apply to specimens that are personal or household effects. This exemption shall not apply where:
 - (a) in the case of specimens of a species included in Appendix I, they were acquired by the owner outside his State of usual residence, and are being imported into that State; or
 - (b) in the case of specimens of species included in Appendix II:

- (i) they were acquired by the owner outside his State of usual residence and in a State where removal from the wild occurred;
- (ii) they are being imported into the owner's State of usual residence; and
- (iii) the State where removal from the wild occurred requires the prior grant of export permits before any export of such specimens; unless a Management Authority is satisfied that the specimens were acquired before the provisions of the present Convention applied to such specimens.
- 4. Specimens of an animal species included in Appendix I bred in captivity for commercial purposes, or of a plant species included in Appendix I artificially propagated for commercial purposes, shall be deemed to be specimens of species included in Appendix II.
- 5. Where a Management Authority of the State of export is satisfied that any specimen of an animal species was bred in captivity or any specimen of a plant species was artificially propagated, or is a part of such an animal or plant or was derived therefrom, a certificate by that Management Authority to that effect shall be accepted in lieu of any of the permits or certificates required under the provisions of Article III, IV or V.
- 6. The provisions of Articles III, IV and V shall not apply to the non-commercial loan, donation or exchange between scientists or scientific institutions registered by a Management Authority of their State, of herbarium specimens, other preserved, dried or embedded museum specimens, and live plant material which carry a label issued or approved by a Management Authority.
- 7. A Management Authority of any State may waive the requirements of Articles III, IV and V and allow the movement without permits or certificates of specimens which form part of a travelling zoo, circus, menagerie, plant exhibition or other travelling exhibition provided that:
 - (a) the exporter or importer registers full details of such specimens with that Management Authority;
 - (b) the specimens are in either of the categories specified in paragraph 2 or 5 of this Article; and
 - (c) the Management Authority is satisfied that any living specimen will be so transported and cared for as to minimize the risk of injury, damage to health or cruel treatment.

Article VIII: Measures to be taken by the Parties

- 1. The Parties shall take appropriate measures to enforce the provisions of the present Convention and to prohibit trade in specimens in violation thereof. These shall include measures:
 - (a) to penalize trade in, or possession of, such specimens, or both; and
 - (b) to provide for the confiscation or return to the State of export of such specimens.
- 2. In addition to the measures taken under paragraph 1 of this Article, a Party may, when it deems it necessary, provide for any method of internal reimbursement for expenses incurred as a

result of the confiscation of a specimen traded in violation of the measures taken in the application of the provisions of the present Convention.

- 3. As far as possible, the Parties shall ensure that specimens shall pass through any formalities required for trade with a minimum of delay. To facilitate such passage, a Party may designate ports of exit and ports of entry at which specimens must be presented for clearance. The Parties shall ensure further that all living specimens, during any period of transit, holding or shipment, are properly cared for so as to minimize the risk of injury, damage to health or cruel treatment.
- 4. Where a living specimen is confiscated as a result of measures referred to in paragraph 1 of this Article:
 - (a) the specimen shall be entrusted to a Management Authority of the State of confiscation;
 - (b) the Management Authority shall, after consultation with the State of export, return the specimen to that State at the expense of that State, or to a rescue centre or such other place as the Management Authority deems appropriate and consistent with the purposes of the present Convention; and
 - (c) the Management Authority may obtain the advice of a Scientific Authority, or may, whenever it considers it desirable, consult the Secretariat in order to facilitate the decision under subparagraph (b) of this paragraph, including the choice of a rescue centre or other place.
- 5. A rescue centre as referred to in paragraph 4 of this Article means an institution designated by a Management Authority to look after the welfare of living specimens, particularly those that have been confiscated.
- 6. Each Party shall maintain records of trade in specimens of species included in Appendices I, II and III which shall cover:
 - (a) the names and addresses of exporters and importers; and
 - (b) the number and type of permits and certificates granted; the States with which such trade occurred; the numbers or quantities and types of specimens, names of species as included in Appendices I, II and III and, where applicable, the size and sex of the specimens in question.
- 7. Each Party shall prepare periodic reports on its implementation of the present Convention and shall transmit to the Secretariat:
 - (a) an annual report containing a summary of the information specified in sub-paragraph (b) of paragraph 6 of this Article; and
 - (b) a biennial report on legislative, regulatory and administrative measures taken to enforce the provisions of the present Convention.
- 8. The information referred to in paragraph 7 of this Article shall be available to the public where this is not inconsistent with the law of the Party concerned.

Article IX: Management and Scientific Authorities

- 1. Each Party shall designate for the purposes of the present Convention:
 - (a) one or more Management Authorities competent to grant permits or certificates on behalf of that Party; and
 - (b) one or more Scientific Authorities.
- 2. A State depositing an instrument of ratification, acceptance, approval or accession shall at that time inform the Depositary Government of the name and address of the Management Authority authorized to communicate with other Parties and with the Secretariat.
- 3. Any changes in the designations or authorizations under the provisions of this Article shall be communicated by the Party concerned to the Secretariat for transmission to all other Parties.
- 4. Any Management Authority referred to in paragraph 2 of this Article shall, if so requested by the Secretariat or the Management Authority of another Party, communicate to it impression of stamps, seals or other devices used to authenticate permits or certificates.

Article X: Trade with States not party to the Convention

Where export or re-export is to, or import is from, a State not a Party to the present Convention, comparable documentation issued by the competent authorities in that State which substantially conforms with the requirements of the present Convention for permits and certificates may be accepted in lieu thereof by any Party.

Article XI: Conference of the Parties

- 1. The Secretariat shall call a meeting of the Conference of the Parties not later than two years after the entry into force of the present Convention.
- 2. Thereafter the Secretariat shall convene regular meetings at least once every two years, unless the Conference decides otherwise, and extraordinary meetings at any time on the written request of at least one-third of the Parties.
- 3. At meetings, whether regular or extraordinary, the Parties shall review the implementation of the present Convention and may:
 - (a) make such provision as may be necessary to enable the Secretariat to carry out its duties, and adopt financial provisions;
 - (b) consider and adopt amendments to Appendices I and II in accordance with Article XV;
 - (c) review the progress made towards the restoration and conservation of the species included in Appendices I, II and III;
 - (d) receive and consider any reports presented by the Secretariat or by any Party; and
 - (e) where appropriate, make recommendations for improving the effectiveness of the present Convention.

- 4. At each regular meeting, the Parties may determine the time and venue of the next regular meeting to be held in accordance with the provisions of paragraph 2 of this Article.
- 5. At any meeting, the Parties may determine and adopt rules of procedure for the meeting.
- 6. The United Nations, its Specialized Agencies and the International Atomic Energy Agency, as well as any State not a Party to the present Convention, may be represented at meetings of the Conference by observers, who shall have the right to participate but not to vote.
- 7. Any body or agency technically qualified in protection, conservation or management of wild fauna and flora, in the following categories, which has informed the Secretariat of its desire to be represented at meetings of the Conference by observers, shall be admitted unless at least one third of the Parties present object:
 - (a) international agencies or bodies, either governmental or non-governmental, and national governmental agencies and bodies; and
 - (b) national non-governmental agencies or bodies which have been approved for this purpose by the State in which they are located.

Once admitted, these observers shall have the right to participate but not to vote.

Article XII: The Secretariat

- 1. Upon entry into force of the present Convention, a Secretariat shall be provided by the Executive Director of the United Nations Environment Programme. To the extent and in the manner he considers appropriate, he may be assisted by suitable inter-governmental or non-governmental international or national agencies and bodies technically qualified in protection, conservation and management of wild fauna and flora.
- 2. The functions of the Secretariat shall be:
 - (a) to arrange for and service meetings of the Parties;
 - (b) to perform the functions entrusted to it under the provisions of Articles XV and XVI of the present Convention;
 - (c) to undertake scientific and technical studies in accordance with programmes authorized by the Conference of the Parties as will contribute to the implementation of the present Convention, including studies concerning standards for appropriate preparation and shipment of living specimens and the means of identifying specimens;
 - (d) to study the reports of Parties and to request from Parties such further information with respect thereto as it deems necessary to ensure implementation of the present Convention;
 - (e) to invite the attention of the Parties to any matter pertaining to the aims of the present Convention;
 - (f) to publish periodically and distribute to the Parties current editions of Appendices I, II and III together with any information which will facilitate identification of specimens of species included in those Appendices;

- (g) to prepare annual reports to the Parties on its work and on the implementation of the present Convention and such other reports as meetings of the Parties may request;
- (h) to make recommendations for the implementation of the aims and provisions of the present Convention, including the exchange of information of a scientific or technical nature;
- (i) to perform any other function as may be entrusted to it by the Parties.

Article XIII: International measures

- 1. When the Secretariat in the light of information received is satisfied that any species included in Appendix I or II is being affected adversely by trade in specimens of that species or that the provisions of the present Convention are not being effectively implemented, it shall communicate such information to the authorized Management Authority of the Party or Parties concerned.
- 2. When any Party receives a communication as indicated in paragraph 1 of this Article, it shall, as soon as possible, inform the Secretariat of any relevant facts insofar as its laws permit and, where appropriate, propose remedial action. Where the Party considers that an inquiry is desirable, such inquiry may be carried out by one or more persons expressly authorized by the Party.
- 3. The information provided by the Party or resulting from any inquiry as specified in paragraph 2 of this Article shall be reviewed by the next Conference of the Parties which may make whatever recommendations it deems appropriate.

Article XIV: Effect on domestic legislation and international conventions

- 1. The provisions of the present Convention shall in no way affect the right of Parties to adopt:
 - (a) stricter domestic measures regarding the conditions for trade, taking, possession or transport of specimens of species included in Appendices I, II and III, or the complete prohibition thereof; or
 - (b) domestic measures restricting or prohibiting trade, taking, possession or transport of species not included in Appendix I, II or III.
- 2. The provisions of the present Convention shall in no way affect the provisions of any domestic measures or the obligations of Parties deriving from any treaty, convention, or international agreement relating to other aspects of trade, taking, possession or transport of specimens which is in force or subsequently may enter into force for any Party including any measure pertaining to the Customs, public health, veterinary or plant quarantine fields.
- 3. The provisions of the present Convention shall in no way affect the provisions of, or the obligations deriving from, any treaty, convention or international agreement concluded or which may be concluded between States creating a union or regional trade agreement establishing or maintaining a common external Customs control and removing Customs control between the parties thereto insofar as they relate to trade among the States members of that union or agreement.

- 4. A State party to the present Convention, which is also a party to any other treaty, convention or international agreement which is in force at the time of the coming into force of the present Convention and under the provisions of which protection is afforded to marine species included in Appendix II, shall be relieved of the obligations imposed on it under the provisions of the present Convention with respect to trade in specimens of species included in Appendix II that are taken by ships registered in that State and in accordance with the provisions of such other treaty, convention or international agreement.
- 5. Notwithstanding the provisions of Articles III, IV and V, any export of a specimen taken in accordance with paragraph 4 of this Article shall only require a certificate from a Management Authority of the State of introduction to the effect that the specimen was taken in accordance with the provisions of the other treaty, convention or international agreement in question.
- 6. Nothing in the present Convention shall prejudice the codification and development of the law of the sea by the United Nations Conference on the Law of the Sea convened pursuant to Resolution 2750 C (XXV) of the General Assembly of the United Nations nor the present or future claims and legal views of any State concerning the law of the sea and the nature and extent of coastal and flag State jurisdiction.

Article XV: Amendments to Appendices I and II

- 1. The following provisions shall apply in relation to amendments to Appendices I and II at meetings of the Conference of the Parties:
 - (a) Any Party may propose an amendment to Appendix I or II for consideration at the next meeting. The text of the proposed amendment shall be communicated to the Secretariat at least 150 days before the meeting. The Secretariat shall consult the other Parties and interested bodies on the amendment in accordance with the provisions of subparagraphs (b) and (c) of paragraph 2 of this Article and shall communicate the response to all Parties not later than 30 days before the meeting.
 - (b) Amendments shall be adopted by a two-thirds majority of Parties present and voting. For these purposes "Parties present and voting" means Parties present and casting an affirmative or negative vote. Parties abstaining from voting shall not be counted among the two-thirds required for adopting an amendment.
 - (c) Amendments adopted at a meeting shall enter into force 90 days after that meeting for all Parties except those which make a reservation in accordance with paragraph 3 of this Article.
- 2. The following provisions shall apply in relation to amendments to Appendices I and II between meetings of the Conference of the Parties:
 - (a) Any Party may propose an amendment to Appendix I or II for consideration between meetings by the postal procedures set forth in this paragraph.
 - (b) For marine species, the Secretariat shall, upon receiving the text of the proposed amendment, immediately communicate it to the Parties. It shall also consult

intergovernmental bodies having a function in relation to those species especially with a view to obtaining scientific data these bodies may be able to provide and to ensuring co-ordination with any conservation measures enforced by such bodies. The Secretariat shall communicate the views expressed and data provided by these bodies and its own findings and recommendations to the Parties as soon as possible.

- (c) For species other than marine species, the Secretariat shall, upon receiving the text of the proposed amendment, immediately communicate it to the Parties, and, as soon as possible thereafter, its own recommendations.
- (d) Any Party may, within 60 days of the date on which the Secretariat communicated its recommendations to the Parties under sub-paragraph (b) or (c) of this paragraph, transmit to the Secretariat any comments on the proposed amendment together with any relevant scientific data and information.
- (e) The Secretariat shall communicate the replies received together with its own recommendations to the Parties as soon as possible.
- (f) If no objection to the proposed amendment is received by the Secretariat within 30 days of the date the replies and recommendations were communicated under the provisions of subparagraph (e) of this paragraph, the amendment shall enter into force 90 days later for all Parties except those which make a reservation in accordance with paragraph 3 of this Article.
- (g) If an objection by any Party is received by the Secretariat, the proposed amendment shall be submitted to a postal vote in accordance with the provisions of sub-paragraphs (h), (i) and (j) of this paragraph.
- (h) The Secretariat shall notify the Parties that notification of objection has been received.
- (i) Unless the Secretariat receives the votes for, against or in abstention from at least one-half of the Parties within 60 days of the date of notification under sub-paragraph (h) of this paragraph, the proposed amendment shall be referred to the next meeting of the Conference for further consideration.
- (j) Provided that votes are received from one-half of the Parties, the amendment shall be adopted by a two-thirds majority of Parties casting an affirmative or negative vote.
- (k) The Secretariat shall notify all Parties of the result of the vote.
- (1) If the proposed amendment is adopted it shall enter into force 90 days after the date of the notification by the Secretariat of its acceptance for all Parties except those which make a reservation in accordance with paragraph 3 of this Article.
- 3. During the period of 90 days provided for by sub-paragraph (c) of paragraph 1 or subparagraph (l) of paragraph 2 of this Article any Party may by notification in writing to the Depositary Government make a reservation with respect to the amendment. Until such reservation is withdrawn the Party shall be treated as a State not a Party to the present Convention with respect to trade in the species concerned.

Article XVI: Appendix III and amendments thereto

- 1. Any Party may at any time submit to the Secretariat a list of species which it identifies as being subject to regulation within its jurisdiction for the purpose mentioned in paragraph 3 of Article II. Appendix III shall include the names of the Parties submitting the species for inclusion therein, the scientific names of the species so submitted, and any parts or derivatives of the animals or plants concerned that are specified in relation to the species for the purposes of subparagraph (b) of Article I.
- 2. Each list submitted under the provisions of paragraph 1 of this Article shall be communicated to the Parties by the Secretariat as soon as possible after receiving it. The list shall take effect as part of Appendix III 90 days after the date of such communication. At any time after the communication of such list, any Party may by notification in writing to the Depositary Government enter a reservation with respect to any species or any parts or derivatives, and until such reservation is withdrawn, the State shall be treated as a State not a Party to the present Convention with respect to trade in the species or part or derivative concerned.
- 3. A Party which has submitted a species for inclusion in Appendix III may withdraw it at any time by notification to the Secretariat which shall communicate the withdrawal to all Parties. The withdrawal shall take effect 30 days after the date of such communication.
- 4. Any Party submitting a list under the provisions of paragraph 1 of this Article shall submit to the Secretariat a copy of all domestic laws and regulations applicable to the protection of such species, together with any interpretations which the Party may deem appropriate or the Secretariat may request. The Party shall, for as long as the species in question is included in Appendix III, submit any amendments of such laws and regulations or any interpretations as they are adopted.

Article XVII: Amendment of the Convention

- 1. An extraordinary meeting of the Conference of the Parties shall be convened by the Secretariat on the written request of at least one-third of the Parties to consider and adopt amendments to the present Convention. Such amendments shall be adopted by a two-thirds majority of Parties present and voting. For these purposes "Parties present and voting" means Parties present and casting an affirmative or negative vote. Parties abstaining from voting shall not be counted among the two-thirds required for adopting an amendment.
- 2. The text of any proposed amendment shall be communicated by the Secretariat to all Parties at least 90 days before the meeting.
- 3. An amendment shall enter into force for the Parties which have accepted it 60 days after two thirds of the Parties have deposited an instrument of acceptance of the amendment with the Depositary Government. Thereafter, the amendment shall enter into force for any other Party 60 days after that Party deposits its instrument of acceptance of the amendment.

Article XVIII: Resolution of disputes

- 1. Any dispute which may arise between two or more Parties with respect to the interpretation or application of the provisions of the present Convention shall be subject to negotiation between the Parties involved in the dispute.
- 2. If the dispute cannot be resolved in accordance with paragraph 1 of this Article, the Parties may, by mutual consent, submit the dispute to arbitration, in particular that of the Permanent Court of Arbitration at The Hague, and the Parties submitting the dispute shall be bound by the arbitral decision.

Article XIX: Signature

The present Convention shall be open for signature at Washington until 30th April 1973 and thereafter at Berne until 31st December 1974.

Article XX: Ratification, acceptance, approval

The present Convention shall be subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Government of the Swiss Confederation which shall be the Depositary Government.

Article XXI: Accession

- 1. The present Convention shall be open indefinitely for accession. Instruments of accession shall be deposited with the Depositary Government.
- 2. This Convention shall be open for accession by regional economic integration organizations constituted by sovereign States which have competence in respect of the negotiation, conclusion and implementation of international agreements in matters transferred to them by their Member States and covered by this Convention.
- 3. In their instruments of accession, such organizations shall declare the extent of their competence with respect to the matters governed by the Convention. These organizations shall also inform the Depositary Government of any substantial modification in the extent of their competence. Notifications by regional economic integration organizations concerning their competence with respect to matters governed by this Convention and modifications thereto shall be distributed to the Parties by the Depositary Government.
- 4. In matters within their competence, such regional economic integration organizations shall exercise the rights and fulfil the obligations which this Convention attributes to their Member States, which are Parties to the Convention. In such cases the Member States of the organizations shall not be entitled to exercise such rights individually.
- 5. In the fields of their competence, regional economic integration organizations shall exercise their right to vote with a number of votes equal to the number of their Member States which are Parties to the Convention. Such organizations shall not exercise their right to vote if their Member States exercise theirs, and vice versa.

6. Any reference to "Party" in the sense used in Article I (h) of this Convention to "State"/"States" or to "State Party"/"State Parties" to the Convention shall be construed as including a reference to any regional economic integration organization having competence in respect of the negotiation, conclusion and application of international agreements in matters covered by this Convention.

Article XXII: Entry into force

- 1. The present Convention shall enter into force 90 days after the date of deposit of the tenth instrument of ratification, acceptance, approval or accession, with the Depositary Government.
- 2. For each State which ratifies, accepts or approves the present Convention or accedes thereto after the deposit of the tenth instrument of ratification, acceptance, approval or accession, the present Convention shall enter into force 90 days after the deposit by such State of its instrument of ratification, acceptance, approval or accession.

Article XXIII: Reservations

- 1. The provisions of the present Convention shall not be subject to general reservations. Specific reservations may be entered in accordance with the provisions of this Article and Articles XV and XVI.
- 2. Any State may, on depositing its instrument of ratification, acceptance, approval or accession, enter a specific reservation with regard to:
 - (a) any species included in Appendix I, II or III; or
 - (b) any parts or derivatives specified in relation to a species included in Appendix III.
- 3. Until a Party withdraws its reservation entered under the provisions of this Article, it shall be treated as a State not a Party to the present Convention with respect to trade in the particular species or parts or derivatives specified in such reservation.

Article XXIV: Denunciation

Any Party may denounce the present Convention by written notification to the Depositary Government at any time. The denunciation shall take effect twelve months after the Depositary Government has received the notification.

Article XXV: Depositary

- 1. The original of the present Convention, in the Chinese, English, French, Russian and Spanish languages, each version being equally authentic, shall be deposited with the Depositary Government, which shall transmit certified copies thereof to all States that have signed it or deposited instruments of accession to it.
- 2. The Depositary Government shall inform all signatory and acceding States and the Secretariat of signatures, deposit of instruments of ratification, acceptance, approval or accession, entry into force of the present Convention, amendments thereto, entry and withdrawal of reservations and notifications of denunciation.

3. As soon as the present Convention enters into force, a certified copy thereof shall be transmitted by the Depositary Government to the Secretariat of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

In witness whereof the undersigned Plenipotentiaries, being duly authorized to that effect, have signed the present Convention. *Done* at Washington this third day of March, One Thousand Nine Hundred and Seventy-three.

Passed by the Legislature of the Falkland Islands on 17 December 2015.

CHERIE CLIFFORD,

Deputy Clerk of the Legislative Assembly.

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

CHERIE CLIFFORD,

Deputy Clerk of the Legislative Assembly.

ELIZABETH II



FALKLAND ISLANDS

COLIN ROBERTS C.V.O., *Governor*.

Marine Farming (Amendment) Ordinance 2015

(No: 14 of 2015)

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ELIZABETH II



FALKLAND ISLANDS

COLIN ROBERTS C.V.O., *Governor*.

MARINE FARMING (AMENDMENT) ORDINANCE 2015

(No: 14 of 2015)

(assented to: 22 December 2015) (commencement: on publication) (published: 24 December 2015)

AN ORDINANCE

To amend the Marine Farming Ordinance (No 20 of 2006), the Fisheries (Conservation and Management) Ordinance (No 14 of 2005), the Planning Ordinance (Title 55.3) and the Planning Regulations to provide for marine fishing licences, determination of planning permission for applications for marine farming legislation as well as other related matters.

ENACTED by the Legislature of the Falkland Islands —

PART 1 - INTRODUCTION

1. Title

This Ordinance is the Marine Farming (Amendment) Ordinance 2015.

2. Commencement

This Ordinance comes into force on publication in the Gazette.

PART 2 – AMENDMENT OF MARINE FARMING ORDINANCE

3. Amendment of Marine Farming Ordinance

- (1) This Part amends the Marine Farming Ordinance.
- (2) The Ordinance is amended as follows 58

- (a) by deleting the long title to the Ordinance and replacing it with the following
 - "To provide for the licensing and regulation of fish farming; and for connected purposes.";
- (b) by deleting the title to the Ordinance and replacing it with the following new title —

"Fish Farming Ordinance";

- (c) by replacing "relevant Community legislation" wherever it appears in the Ordinance with "relevant EU legislation"; and
- (d) by inserting the words "or freshwater" immediately after the words "marine waters" in the following
 - (i) section 4(1)(a);
 - (ii) section 5(b)(iii) and (d)(ii);
 - (iii) section 8(1)(a);
 - (iv) section 9(1)(b)(i) and (7)(a);
 - (v) section 10(2) and (3);
 - (vi) section 12(1) and (4);
 - (vii) section 15(1)(a) and (9);
 - (viii) section 16(1);
 - (ix) section 18(3) and (5);
 - (x) section 21; and
 - (xi) paragraph 1 of the Schedule.

4. Section 2 amended — Interpretation

Section 2 is amended as follows —

- (a) in the definition of "licence" by omitting the word "marine" and replacing it with the word "fish";
- (b) by deleting the definition of "fish farming" and replacing it with the following —;

"fish farming" means the breeding, rearing or keeping of fish, whether or not for profit, with a view to their sale or transfer to marine waters or freshwater;"

(c) in the definition of "qualifying company" by omitting the word "marine" and replacing it with the word "fish".

5. Section 3 amended — Issue of marine farming licences

Section 3 is amended as follows —

(a) by deleting the heading to the section and replacing it with the following —

"3. Issue of fish farming licences";

- (b) by omitting the words "marine farming licence" and replacing them with the words "fish farming licence"; and
- (c) by inserting immediately after the words "marine waters" the words "or the freshwater".

6. Section 20 amended — Enforcement: general

Section 20(5) is amended by inserting the words "and veterinary officers" immediately after the words "fishery officers" wherever they appear in that subsection.

7. Section 23 amended — Amendments

Section 23 is repealed.

8. Schedule amended — Powers of entry and search

The Schedule is amended by inserting the words "and veterinary officers" immediately after the words "fishery officers" wherever they appear in the Schedule.

PART 3 – AMENDMENT OF FISHERIES (CONSERVATION AND MANAGEMENT) ORDINANCE

9. Amendment of Fisheries (Conservation and Management) Ordinance

This part amends the Fisheries (Conservation and Management) Ordinance.

10. Section 2 amended — Interpretation

Section 2 is amended as follows —

- (a) deleting the definition of "fish farmer";
- (b) inserting in its correct alphabetical place the following new definition —

"fish farming" means the breeding, rearing or keeping of fish, whether or not for profit, with a view to their sale or transfer to marine waters or freshwater;"; and

(c) inserting in the definition of "fishing" after paragraph (f) the following — "but does not include fish farming or any activity which is part of a business of fish farming;".

11. Section 92 amended — Disposal of fish by commercial fishers

Section 92(6) is amended by inserting the following new paragraph after paragraph (c) —

"(ca) produced in the course of a lawful fish farming operation, except fish (other than shellfish) which have been released from captivity;".

PART 4 – AMENDMENT OF PLANNING ORDINANCE

12. Amendment of Planning Ordinance

This Part amends the Planning Ordinance.

13. Section 3A amended — Meaning of "determine"

Section 3A(c) is amended by replacing the words "for exploration for or winning and working minerals" with the words "under section 39,".

14. Section 36 amended — Determination of applications

Section 36(1) is amended by replacing the words "sections 37 and 38" with the words "sections 37, 38 and 39".

15. Section 39 amended — Applications for planning permission in respect of minerals

Section 39 is repealed and replaced with the following —

"39. Applications for planning permission in respect of minerals and marine farming

- (1) Subject to the following subsections, an application for planning permission for exploration for or winning and working of minerals or an application for planning permission for fish farming must be determined by the Governor.
- (2) Before transmitting an application under subsection (1) to the Governor for determination the Committee must make written recommendations to the Governor giving reasons for those recommendations.
- (3) Where an application under subsection (1) is made by the Crown and the Governor grants it, section 43 applies subject to conditions.
- (4) This section does not apply in respect of an application relating to winning and working peat.
- (5) In subsection (1) "fish farming" has the same meaning as in section 26(6).".

16. Section 115 amended — Notices

Section 115(4) is amended by replacing the words "section 30(2)" with "section 30(1)".

PART 5 — AMENDMENT OF PLANNING (GENERAL) REGULATIONS

17. Amendment of Planning (General) Regulations

This Part amends Planning Regulations

18. Regulation 6 amended — Publicity for environmental impact statements Regulation 6 is deleted.

Passed by the Legislature of the Falkland Islands on 17 December 2015.

CHERIE CLIFFORD,

Deputy Clerk of the Legislative Assembly.

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

CHERIE CLIFFORD,

Deputy Clerk of the Legislative Assembly.

SUBSIDIARY LEGISLATION

FISHERIES

Fishery Products (Examination For Contaminants, Residues and Maximum Residue Levels) Regulations 2015

S. R. & O. No. 22 of 2015

Made: 14 December 2015 Published: 24 December 2015 Coming into force: on publication

I make the following regulations under sections 37 and 47 of the Fishery Products Ordinance (No. 21 of 2006).

PART 1 – INTRODUCTION

1. Title

These regulations are the Fishery Products (Examination for Residues and Maximum Residue Levels) Regulations 2015.

2. Commencement

These regulations come into force on publication in the Gazette.

3. Interpretation

(1) In these regulations —

"aquaculture fish" means all live fish or shellfish coming from a farm, or coming from the wild and intended for a farm;

"approved laboratory" means a laboratory approved by the food authority for the purpose of examining official samples;

"competent authority" means the food authority as defined under the Ordinance;

"contaminants" in relation to maximum levels in fish and fishery products means any of the substances referred to in the relevant EU legislation specified under Schedule 5;

"feed" or "feedingstuff" means any substance or product, including additives, whether processed, partially processed or unprocessed, intended to be used for oral feeding to fish;

"fish" means all seawater or freshwater fish (except for live bivalve molluscs, live echinoderms, live tunicates and live marine gastropods, and all mammals, reptiles and frogs) whether wild or farmed and including all edible forms, parts and products of such fish;

"illegal treatment" means the use of unauthorised substances or products and includes the use of authorised products or substances for purposes other than those lawfully permitted;

"inspector" means a person who is designated in writing under regulation 13 by the Director, either generally or specifically, to carry out inspections under these regulations;

"fisheries officer" has the same meaning as in the Fisheries (Conservation and Management) Ordinance 2005, but includes an examiner appointed by the Director under section 20 of the Fish Farming Ordinance, either generally or specifically, to carry out inspections under these regulations;

"maximum residue limits" means, in relation to a substance or product specified under these regulations or the relevant EU legislation, its concentration in the tissues or body fluids of a fish or fishery products, the limit of which is specified in the relevant EU legislation appearing under Schedule 5:

"official controls" means checks, audits and corrective procedures made by the competent authority to verify and ensure there is compliance with feed and food requirements and fish health and welfare rules for the protection of public health;

"official sample" means a sample taken by the competent authority under Part 4;

"operator" means —

- (a) the operator of a designated vessel, establishment or installation; and
- (b) the holder of a licence for fish farming;

"pesticide residues" means residues including active substances, their metabolites, and the breakdown or reaction products of the active substances specified in the relevant EU legislation under Part B of Schedule 5 (in so far as they are present in fish and fishery products);

"relevant EU legislation" means (to the extent that it relates to residue limits in fish and fishery products) the legislation specified in the Schedule to the Ordinance;

"residue" means the residue of a substance that has a pharmacological action, of its metabolites and of any other substances transmitted to fish or fishery products which is likely to be harmful to human health:

"therapeutic purposes" means the administering of an authorised substance or product to a fish;

"traceability" means the ability to trace and follow a feed, or substance intended to be,

or expected to be incorporated into a feed, through all stages of production, processing and distribution;

"unauthorised substances or products" means the substances or products specified under Schedule 2 which are prohibited under these regulations and relevant EU legislation;

"veterinary medicinal product" means —

- (a) any substance or combination of substances presented as having properties for treating or preventing disease in fish; or
- (b) any substance or combination of substances that may be used in, or administered to, fish with a view either to restoring, correcting or modifying physiological functions by exerting a pharmacological, immunological or metabolic action, or to making a medical diagnosis;

"withdrawal period" in relation to an authorised veterinary medicinal product administered to an fish or batch of fish, means the period specified for that product (either in the marketing authorisation relating to that product or as prescribed by the official veterinarian) which is required to be observed from the time the product is administered to the fish and the time the fish can be placed on the market for slaughter for human consumption; and

- (2) In these regulations any reference to the 'licenced use' of a substance or product means any use of a substance or product that the manufacturer has permitted or approved.
- (3) The relevant EU legislation specified under Schedule 5 setting out the maximum residue limits apply to fish and fishery products intended for human consumption.
- (4) For purposes of ascertaining whether the maximum residue limits have been exceeded the competent authority must test for the presence of the substance (the drug, drug metabolite or a combination of both) as specified in Schedule 5 (in relation to contaminants) or as specified in the relevant EU legislation listed under Schedule 6 (in particular Regulation 37/2010 of 22 December 2009 in relation to pharmacologically active substances) and measure the levels of that substance.

4. Application

These regulations apply to fish and fishery products which are to be placed on the market for human consumption produced —

- (a) on vessels, establishments and installations designated under the Fishery Products (Vessels, Establishment and Installations) Regulations 2014 (S. R. & O No. 2014); and
- (b) in fish farming establishments licenced under the Fish Farming Ordinance (No. 20 of 2006).

PART 2 – PROHIBITIONS ON IMPORT, SALE AND USE OF CERTAIN PRODUCTS AND SUBSTANCES ON FISH

5. General prohibition of import, sale and use of unauthorised substances

- (1) Subject to the provisions of these regulations, a person commits an offence who
 - (a) imports into the Falkland Islands any of the unauthorised substances or products specified under Schedule 2:
 - (b) places on the market for sale any of the unauthorised substances or products specified under Schedule 2;
 - (c) administers to any fish any of the unauthorised substances or products specified under Schedule 2;
 - (d) places on the market for slaughter any fish to which any of the substances specified under Schedule 2 has been administered; or
 - (e) processes or places on the market for sale any fish or fishery products (intended for human consumption) from a fish to which any of the substances specified under Schedule 2 has been administered.
- (2) A person convicted of an offence under this regulation is liable to a term of imprisonment not exceeding 12 months or to a fine not exceeding level 8 on the standard scale.
- (3) The competent authority may import any of the unauthorised substances or products for zootechnical purposes or any other purposes as may be necessary.

6. Prohibitions on the import, sale or administration of certain substances

- (1) A person commits an offence who imports into the Falkland Islands or places on the market for sale for administration to fish any of the following substances
 - (a) stilbenes, stilbene derivatives including their salts and esters;
 - (b) oestradiol 17 β and its ester-like derivatives; or
 - (c) malachite green, crystal violet or their derivatives.
- (2) Subject to regulation 7, a person commits an offence who administers to a fish intended for human consumption any of the following substances
 - (a) stilbenes, stilbene derivatives including their salts and esters;
 - (b) oestradiol 17 β and its ester-like derivatives; or
 - (c) malachite green, crystal violet or their derivatives.

(3) A person convicted of an offence under this regulation is liable to a term of imprisonment not exceeding 12 months or to a fine not exceeding level 6 on the standard scale.

7. Prohibition of possession of unauthorised substances and substances under regulation 6

- (1) A person commits an offence who is in possession of any unauthorised substances or any of the substances specified under regulation 6.
- (2) It is a defence for a person charged with an offence under sub-regulation (1) in relation to the substances specified under regulation 6 that the person had an authorisation from the competent authority to use the substance for its licenced use.
- (3) A person convicted of an offence under this regulation is liable to a term of imprisonment not exceeding 12 months or to a fine not exceeding level on the 6 on the standard scale.

8. Fish and fishery products with levels in excess of the maximum residue limits

- (1) A person commits an offence who places on the market for sale any fish and fishery products intended for human consumption which contains
 - (a) residue levels that exceed the maximum residue limits specified under Part A of Schedule 5 in relation to pharmacologically active substances;
 - (b) pesticides residue levels that exceed the maximum residue limits specified under Part B of Schedule 5;
 - (c) levels that exceed the maximum levels for certain contaminants as specified under Part C of Schedule 5;
 - (d) levels that exceed the maximum limits specified under Part D of Schedule 5 in relation to microbiological contaminants; or
 - (e) levels that exceed the maximum limits in relation to relevant EU legislation specified under Schedule 5.
- (2) A person convicted of an offence under this regulation is liable to a term of imprisonment not exceeding 6 months or to a fine not exceeding level 4 on the standard scale.

PART 3 – GENERAL CONTROL AND MONITORING ON PRODUCTION AND PLACING ON THE MARKET

9. Controls and monitoring of fish going for slaughter

- (1) A person in control of fish going for slaughter must take all reasonable steps to ensure that the fish which are to be taken for slaughter
 - (a) are constantly monitored for the purpose of detecting the level of residues from substances or products specified under Schedule 1; and

- (b) are not treated with any of the unauthorised substances or products specified under Schedule 2.
- (2) The reasonable steps may include the following
 - (a) the correct and appropriate use of veterinary medicinal products (to avoid illegal treatment);
 - (b) the keeping of records of all the veterinary medicinal products administered to fish;
 - (c) the correct and appropriate use of feed (and additives) and ensuring their traceability; and
 - (d) the correct storage of feed (to avoid contamination); and
 - (e) ensuring as far as possible that fish which had been administered with authorised substances or products are sent for slaughter only after the applicable withdrawal periods which have been prescribed for those substances or products have elapsed.

10. Official controls – competent authority

- (1) The competent authority must put in place measures aimed at ensuring compliance with official controls and these measures may include
 - (a) the control of contaminants such as mycotoxins, heavy metals and radioactive material;
 - (b) the use of water as specified under Part 2 of the Fishery Products Ordinance;
 - (c) organic waste and fertilisers;
 - (d) the correct and appropriate use of plant protection products and biocides and their traceability;
 - (e) the correct and appropriate use of veterinary medicinal products;
 - (f) the keeping of records of all the veterinary medicinal products administered to fish;
 - (g) the correct and appropriate use of feed additives and their traceability;
 - (h) frequent monitoring to ensure that fish do not contain
 - (i) residue levels which exceed maximum residue limits specified under these regulations; or
 - (ii) any trace of prohibited substances or products.
- (2) The competent authority must put in place a monitoring plan and must ensure that inspections are carried out as often as possible for the proper monitoring of the use of substances or products in fish and to check the residues listed under the Schedules to these regulations.

- (3) The competent authority must ensure that
 - (a) the residue monitoring plan complies with the requirements under Part 4; and
 - (b) the data collected and all the results are sent to the Commission not later than 31^{st} March in each year.

11. Controls at slaughter - placing on the market for human consumption

- (1) In this Part
 - (a) to "process fish" means to alter the initial product by heating, smoking, curing, maturing, drying, marinating, extraction, extrusion or a combination of those processes
 - (b) to "produce fish" means to kill, bleed, skin, clean, slice, trim, part, sever, bone, mince, grind, freeze or thaw a fish or a combination of these procedures.
- (2) An operator must take the necessary steps to ensure that fish that are processed for slaughter for human consumption do not contain residues in excess of the maximum limits and that they do not contain any trace of prohibited substances or products as set out under these regulations and the relevant EU legislation.
- (3) Any fish or fishery product which is produced and processed to be placed on the market for human consumption must
 - (a) be authorised by the competent authority to ensure that it does not contain residues in excess of the levels set out under these regulations and the relevant EU legislation;
 - (b) in the case of fish which were used for breeding purposes or come from fish which have undergone treatment using authorised products or substances, that the fish were only slaughtered after the lapse of the specified withdrawal periods prescribed for those substances or products;
 - (c) be thoroughly checked to ensure compliance with the applicable measures relating to fish health and welfare that have implications for human health, including programmes for the monitoring and control of zoonoses and zoonotic agents.

12. Checks and approval by competent authority before fish or fishery products is placed on the market

- (1) An operator must ensure that all fresh fish to be placed on the market is produced and processed in compliance with the Fishery Products (Hygiene) Regulations (S.R. & O. No. 7 of 2012).
- (2) An official veterinarian must carry out the official controls referred to in Part 4 to ensure that fish and fishery products placed on the market comply with the residue and contaminant levels set out in these regulations and the relevant EU legislation.

(3) The competent authority must also carry out the official checks aimed at detecting the presence of unauthorised or prohibited substances (which may be used for fattening or for other illegal treatment).

PART 4 – OFFICIAL CONTROLS (SAMPLING, TESTING, EXAMINATIONS, INSPECTIONS AND AUDITS)

13. Designation of Inspectors

- (1) The Director of Natural Resources may designate official veterinarians and fishery officers as inspectors for purposes of carrying out all the checks, sampling, monitoring and other official control measures required under these regulations.
- (2) An inspector designated under these regulations is responsible for
 - (a) carrying out inspections for detecting the presence of unauthorised substances or products intended to be administered to fish for purposes of fattening or for any illegal treatment;
 - (b) checking the records or registers kept at farms in relation to treatment administered to fish:
 - (c) taking of samples, registering, preparing and organising the transportation of official control samples; and
 - (d) any other duties as may be specified in the designation.

14. Inspections at fish farms

- (1) The operator must cooperate with the inspectors to facilitate inspections and in particular assist the inspectors or any other authorised staff to carry out any official controls required under these regulations.
- (2) The inspectors must check all the records and registers kept in terms of regulation 32.
- (3) Where there is any suspicion that fish have been treated with illegal or unauthorised substances or products the competent authority must ensure that inspections or checks are carried out as soon as possible.
- (4) An inspection carried out under this regulation may include
 - (a) official sampling of the fish feeding stuff or water in which the fish are kept;
 - (b) a search within the farm for the presence of the unauthorised substances or products or where there are unauthorised substances or products found checks to establish the origin of those substances or products;

- (c) a requirement for the owner of the fish to detain a certain number of fish to enable the fish to be inspected for the purposes of checking for unauthorised substances or the residue levels of authorised substances; or
- (d) any other action as may be appropriate in the circumstances.
- (5) Where further samples or checks are to be carried out in compliance with sub-regulation (3) or if the sampling is carried out on a specific batch of fish the competent authority must give the owner of the fish or the person in control of the fish 7 days' notice in writing as to when the further sampling and checks are to take place.
- (6) The owner or person in control of the fish must allow further sampling and checks to take place within 7 days of the notification.
- (7) Where an inspection under this section reveals any positive results the competent authority must take any action as specified under Part 5.

15. Inspections at vessels, establishments or installations

- (1) An operator must cooperate with the inspectors by facilitating pre- and post-slaughter inspection operations and offer any assistance as necessary so that official controls to be carried out by the inspectors and the competent authority can be performed effectively.
- (2) The operator must in particular
 - (a) give access to all buildings, premises, installations or other infrastructures where fish production or processing is done; and
 - (b) make available any documentation and records required or considered necessary by an inspector.
- (3) Where an inspection under this section reveals any positive results the competent authority must take action as specified under Part 5.

Residue Monitoring Plans – Fish and fishery products for Export Purposes

16. Residue monitoring plans

- (1) The competent authority must prepare and transmit to the Community a residue monitoring plan for all fish and fishery products produced and processed for export to the Community annually as required under regulation 10.
- (2) The residue monitoring plan must comply with the requirements of the relevant EU legislation and must take into account the following
 - (a) the legal requirements on the use of substances or products specified under these regulations and the relevant EU legislation;
 - (b) the capacity of all the relevant parties involved in implementing the plan;

- (c) the laboratories approved for processing samples;
- (d) the number of official samples to be taken (in relation to the number of fish of the species slaughtered in preceding years) in accordance with the sampling levels and frequencies laid down under Schedule 4;
- (e) the legal requirements for collection of samples and the information provided with samples; and
- (f) measures to be taken with regard to fish or fishery products which are found to contain residues in excess of the prescribed maximum limits.

17. Monitoring

- (1) The competent authority must monitor fish production and the overall processing and production of fish and fishery products for detecting the presence of any residues and substances listed under these regulations and the relevant EU legislation.
- (2) The competent authority must ensure that all samples are collected in accordance with these regulations and the relevant EU legislation in particular by
 - (a) drawing up a monitoring plan to enable inspections to be carried out as and when necessary;
 - (b) collecting all the data needed to evaluate the methods used to collect samples and the results obtained from carrying out any measures taken; and
 - (c) sending to the Commission, not later than 31 March in each year the data and the results (including the results of any surveys taken during the course of that year).
- (3) The competent authority may introduce separate monitoring and sampling procedures for fish and fishery products that are for domestic human consumption in the interests of public food safety.

18. Contents of the monitoring plan

The monitoring plan must —

- (a) provide, according to the category of fish, for detection of groups of residues or substances specified under Schedule 3;
- (b) specify the measures for detection of the presence of the substances referred to under paragraph (a) (and where necessary in the feeding stuffs and in the water where the fish are kept);
- (c) comply with the sampling rules and levels laid down under Schedule 4.

Sampling and Sampling Reports

19. Requirements for taking samples

- (1) The competent authority must ensure that samples are taken frequently or as routinely as possible throughout the course of the year to detect the possession or presence of prohibited substances or products or to determine the levels of residues or contaminants from products of substances.
- (2) The taking of samples may be unscheduled and must be done as often as necessary to detect the possession or presence of prohibited substances or products.
- (3) The taking of official samples must be done in accordance with the requirements of Schedule 4 and the competent authority must ensure the establishments take samples at a frequency appropriate to production.

20. Transport and storage of samples

- (1) Residue control plans must specify suitable storage and transport conditions for each analyte or matrix combination to ensure analyte stability and sample integrity.
- (2) The competent authority may impose additional conditions under which official control samples are transported in relation to the temperature and the storage of the samples.

21. Sampling report

- (1) The report must contain the following
 - (a) name of the officer carrying out the sampling;
 - (b) official code of the sample;
 - (c) sampling date;
 - (d) if the sampling is done on farm, the name and address of the owner or the person who has control of the fish farm;
 - (e) in the case of fish and fishery products prepared for placing on the market, the name and address of the fish slaughter establishment;
 - (f) licence number of the fish farm;
 - (g) lot or batch number of the fish;
 - (h) fish species;
 - (i) sample matrix indicating the type of tissue sampled;
 - (j) veterinary medicinal products given to the fish within the last four weeks before the sampling is undertaken;

- (k) substances or groups of substances which the sampling is to cover; and
- (l) any other necessary information relevant to the sampling.
- (2) The sampling report must be signed and the original copy filed with the competent authority.

Official control checks

22. Official control measures

- (1) The competent authority must ensure that official control measures are put in place to detect the possession or presence of unauthorised substances or products intended to be administered to fish for any illegal treatment (including fattening).
- (2) The official control measures referred to in sub-regulation (1) may include the following
 - (a) unscheduled checks carried out as often as necessary;
 - (b) training of fish farmers or people in charge of fish on the keeping of records and the proper use of veterinary medicinal substances or products.

23. Official control checks

- (1) The competent authority must perform periodic unscheduled checks at farms to check any of the following
 - (a) the treatment given to fish;
 - (b) the records of treatments administered on fish;
 - (c) any traces of implants on the fish and these checks may include official sampling;
 - (d) the presence of prohibited or unauthorised substances or products; or
 - (e) the fish's feeding stuffs and water in which they are kept to detect any prohibited or unauthorised substances or products.
- (2) The competent authority may perform unscheduled checks on a particular fish farm where there is suspicion that illegal treatment has taken place.
- (3) Where the competent authority finds any unauthorised substances or products as a result of a check under sub-regulation (2), it must carry out further checks to clarify the origins of the unauthorised substances or products.
- (4) Where the checks under sub-regulation (2) reveal that the maximum limits or levels laid down under Schedule 5 have been exceeded the competent authority must take such action or measures it may deem appropriate in the circumstances.

Approved laboratories

24. Designated laboratories

- (1) The competent authority must designate a number of laboratories for purposes of complying with these regulations and the relevant EU legislation.
- (2) The designated laboratories must be capable of carrying out the tests required under these regulations for the testing of samples for residues.

25. Examination of samples

Where the examination of a sample reveals that there has been illegal treatment, the competent authority must take such measures and any of the actions laid down under Part 5.

PART 5 – ACTION TO BE TAKEN FOR POSITIVE RESULTS

26. Further investigations – competent authority

- (1) Where the results or outcome of the official checks and examinations carried out under Part 4 reveal positive results of the presence of any residues that exceed the maximum limits specified under Schedule 1, the competent authority must carry out a further investigation.
- (2) The competent authority must obtain all the necessary information without delay in order to—
 - (a) establish whether the residues are of authorised or unauthorised substances or products;
 - (b) identify the fish and the fish farm or establishment from where the affected fish come; and
 - (c) establish the source of the unauthorised substances or products.
- (3) Depending on the outcome of the investigation and based on its findings, the competent authority may take the appropriate action as set out under regulations 27 and 28.

27. Actions by competent authority – maximum levels exceeded

- (1) Where the results or outcome of the official checks and examinations carried out under Part 4 or a further investigation conducted under regulation 25 reveal that the residue levels of authorised substances or products exceed the maximum levels specified under Schedule 5, the competent authority must carry out a further investigation to determine the reasons of the excess in residue levels.
- (2) Based on the outcome of the further investigation under sub-regulation (1), the competent authority must put in place necessary measures to safeguard public health.
- (3) The measures referred to under sub-regulation (2) may include
 - (a) where the residues which exceed the maximum limits are found in fish, the confiscation and destruction of those fish;

- (b) the prevention of the placing on the market for slaughter, of fish from that fish farm for a specified period.
- (4) The competent authority must ensure that fish that come from a fish farm, a designated vessel, establishment or installation which have had repeated incidents of exceeding the maximum residue limits go through intensified checks and examinations for a specified period not less than 6 months before fish from that farm can be placed on the market for slaughter; and

28. Actions by competent authority – illegal treatment

- (1) Where the results or outcome of the official checks and examinations carried out under Part 4 or a further investigation conducted under regulation 26 reveal that there has been illegal treatment the competent authority must
 - (a) ensure that all the fish on that fish farm or from a designated vessel, establishment or installation) are checked and the affected fish are immediately placed under official control;
 - (b) cause the pen or tank of the batch of affected fish to be marked to ensure that they are easily identifiable; and
 - (c) cause all the affected fish to be slaughtered separately.
- (2) Based on the outcome of the further investigation under sub-regulation (1) and depending on the nature of the unauthorised substances or products identified, the competent authority may put in place necessary precautionary measures to safeguard public health.
- (3) The measures referred to under sub-regulation (2) may include
 - (a) where any unauthorised substances or products are found in the fish farm or on the establishment, the confiscation of those substances or products;
 - (b) the prevention of the placing on the market for slaughter, of fish from that fish farm for a period as may be specified by the competent authority; or
 - (c) cancellation of the fish farming licence.
- (4) The owner of the fish farm must bear the following costs
 - (a) costs of the checks done on all the fish;
 - (b) costs of slaughter of the affected fish including the costs of transporting the fish to a processing establishment or approved laboratory.

29. Action by official veterinarian – fish farming establishments

(1) If an official veterinarian at a slaughterhouse has evidence that fish have been treated with unauthorised substances or products or that, after being treated or administered with authorised substances or products, the withdrawal periods were not observed, the official veterinarian must—

- (a) in the case of live fish, arrange for the fish to be slaughtered separately from other fish;
- (b) if the fish have already been slaughtered, impound all the fish until all the sampling procedures necessary to detect the level of residues for the substances or products in question have been conducted.
- (2) The official veterinarian may, where there is suspicion that fish have been illegally treated or that, after being treated or administered with authorised substances or products, the withdrawal periods were not observed
 - (a) impound all the carcases and offal from fish slaughtered until all the sampling procedures necessary to detect the residues have been complied with; or
 - (b) subject to sub-regulation (3), delay the slaughter of the fish until satisfied that the quality of the residues does not exceed the permitted levels by observing the withdrawal periods to be observed with respect to those substances or products.
- (3) If there is an emergency or due to fish welfare reasons it is required that slaughter cannot be delayed the fish must be slaughtered immediately and the fish must be checked before it can be placed on the market for human consumption.
- (4) If the sampling procedures undertaken in relation to fish under this regulation show that the residue levels exceed the maximum limits, the fish or any fishery products from that fish must be declared unfit for human consumption and be destroyed.
- (5) The competent authority may impose any of the measures specified under these regulations based on the results of the sampling procedures undertaken under this regulation (whether the sampling reveals illegal treatment or exceeding of maximum limits).

PART 6 – MISCELLANEOUS PROVISIONS

30. Notices

Any decision or action to be taken by the competent authority under these Regulations must be given by notice which —

- (a) must be in writing;
- (b) may be subject to conditions; and
- (c) may, depending on the decision or action be amended, suspended or revoked.

31. Appeals

(1) Any person aggrieved by the decision of the competent authority under these regulations may lodge an appeal in writing to the Governor within 14 days from the date of the decision by the competent authority.

- (2) An appeal under sub-regulation (1) must be commenced by submitting a notice of appeal to the Governor.
- (3) The notice of appeal must be accompanied by supporting documents including a copy of the decision of the competent authority.
- (4) Where an appeal is made under this regulation, the Governor may
 - (a) allow the appeal in full;
 - (b) dismiss it entirely; or
 - (c) reverse or vary one or more parts of the decision made by the competent authority.

32. Record keeping

- (1) There must be kept on the fish farm a register on which the following is recorded
 - (a) all the information relating to any treatment prescribed or administered to fish;
 - (b) the date when the treatment was administered to the fish;
 - (c) the identification of the batch of fish treated;
 - (d) the withdrawal periods to be observed for the treatments administered (including information indicating when those periods elapsed); and
 - (e) any other relevant information.
- (2) A person who owns a fish farm or is in control of fish or is engaged in the placing on the market of fish for slaughter must keep records of the following
 - (a) all veterinary medicinal products or other treatments administered to fish, the dates of administration and withdrawal periods;
 - (b) the occurrence of diseases that may affect the safety of the fish and products of fish origin;
 - (c) the results of any analyses carried out on samples taken from fish or other samples taken for diagnostic purposes, that have importance for human health; and
 - (d) any relevant reports on checks carried out on fish or fishery products.
- (3) The inspector, the owner of the fish farm or the person in charge of the fish must enter the details specified under this regulation in the register.
- (4) An operator must keep all the records relating to fish brought into the fish farm, vessel, establishment or installation including any records relating to fish and fish products produced and processed in the fish farm, vessel, establishment or installation.

(5) A copy of the register or records to be kept under this regulation must be made available to the competent authority when requested.

33. Guidance by competent authority

The competent authority may publish guidance on good record keeping practices as well as on the taking of samples, sampling frequency and strategy as well as on the storage and administration of veterinary medicinal products.

34. Obstruction of inspectors and other competent authority officials

- (1) It is an offence to do one or more of the following
 - (a) intentionally to obstruct any person acting in the execution of these regulations;
 - (b) knowingly to give any information that is false or misleading to any person acting in the execution of these regulations;
 - (c) intentionally to fail to disclose any material particular to any person acting in the execution of these regulations; or
 - (d) to fail, without reasonable excuse
 - (i) to give any assistance that any person acting in the execution of these regulations may require, or
 - (ii) to produce any record that any person acting in the execution of these regulations may require to be produced,

for the performance of that person's functions under these regulations.

(2) A person convicted of an offence under this regulation is liable to a term of imprisonment not exceeding 6 months, or to a fine not exceeding level 6 on the standard scale.

35. Offences and penalties

- (1) It is an offence for a person to contravene a provision of these regulations.
- (2) A person convicted of an offence under these regulations for which no penalty is provided, is liable to a term of imprisonment not exceeding 6 months, or to a fine not exceeding level 8 on the standard scale.

SCHEDULE 1 SUBSTANCES OR PRODUCTS TO BE MONITORED IN FISH AND AQUACULTURE FISH

(regulation 9(1)(a))

Group A

(i) Substances which have anabolic effect and unauthorised substances

- (1) Stillbenes, stillbene derivatives, and their salts and esthers Steroids
- (2) The following substances for which no maximum residue levels can be established:

Aristolochia
Chloramphenicol
Chloroform
Chlorpromazine
Colchicine
Dapsone
Dimetridazole
Metronidazole
Nitrofurans (including furazolidone)
Ronidazole

Group B

Veterinary drugs and contaminants:

- (1) Antibacterial substances including sulphonamides, quinolones
- (2) Other veterinary drugs
 - (a) Anthelmintics
- (3) Other substances and environmental contaminants
 - (a) Organochlorine compounds including PcBs
 - (b) Chemical elements
 - (c) Mycotoxins
 - (d) Dyes

SCHEDULE 2 UNAUTHORISED/PROHIBITED SUBSTANCES

(regulation 5)

List A – Prohibited Substances

Stillbenes, stilbene derivatives, their salts and esters Oestradiol 17β and its ester-like derivatives Dyes

List D – Substances for which a maximum safe level in food cannot be established

The following substances for which no MRL can be established)

Aristolochia
Chloramphenicol
Chloroform
Chlorpromazine
Colchicine
Dapsone
Dimetridazole
Metronidazole
Nitrofurans (including furazolidone)
Ronidazole

SCHEDULE 3 SUBSTANCES SUBJECT TO MONITORING OR CHECKING

(regulation 18(a))

The following substances are to be checked in the fish specified (checked in live fish, their excrement and body fluids as well as in the fish's feeding stuffs and drinking water) —

Substances to be checked	Types of fish		
Stilbenes	aquaculture fish		
Steroids			
Compounds for which no MRL can be established			
Antibacterial substances including sulphonamides,	aquaculture fish		
quinolones			
Anthelmintics	aquaculture fish		
Organochlorine compounds including PCBs	aquaculture fish		
Chemical elements	aquaculture fish and wild caught fish		
Mycotoxins*	aquaculture fish		
Dyes	aquaculture fish		
Dioxins	aquaculture fish and wild caught fish		
Polyaromatic hydrocarbons	aquaculture fish and wild caught fish**		

- *Mycotoxins may only be investigated if there are any results over 0
- **PAH must be monitored in dried, salted, brined or smoked fish, cephalopods, crustaceans and molluscs and fish fat/oils. PAH must be measured in plain fish if there has been environmental contamination that may increase risk of high PAH levels

SCHEDULE 4

(regulation 16(2)(d))

PART A SAMPLING STRATEGY - RESIDUES

- 1. The residue control plan must be aimed at surveying and revealing the reasons for residue hazards in fish and fishery products.
- 2. The taking of samples must comply with the requirements of Part B of this Schedule.
- 3. Sampling must be unscheduled and must be carried out as often as is necessary.
- 4. For Group A substances the sampling must be conducted to check for
 - (a) illegal treatment of fish using the prohibited/unauthorised substances under paragraph (6); and
 - (b) unlawful use of authorised substances.
- 5. The samples must be targeted and must check the sex and age of the fish, the fish species, any fattening system in place and any other information relevant to the detection of residue levels or any illegal treatment.
- 6. For Group B substances the sampling must be aimed at controlling and ensuring that there is compliance with maximum residue limits for the following
 - (a) residues of veterinary medicinal products specified under EU Regulation 37/2010;
 - (b) levels of pesticides specified under EU Regulation 396/2005; and
 - (c) concentration levels of environmental contaminants.

PART B SAMPLING LEVELS AND FREQUENCY - RESIDUES

General

- 1. Sampling must be done only on a specified number of fish.
- 2. A sample must be analysed for detecting the presence of one or more substances.

Aquaculture products

- 1. Finfish farming products
 - (a) A sample is one or more fish, according to the size of the fish in question and of the requirements of the analytical method.

- (b) The competent authority must respect the minimum sampling levels and frequencies given below, depending on the production of farmed fish (expressed in tonnes).
- (c) The minimum number of samples to be collected each year must be at least 1 per 100 tonnes of annual production.
- (d) The compounds sought and the samples selected for analysis should be selected according to the likely use of these substances.

The following breakdown must be respected:

Group A:

one third of the total samples: all the samples must be taken at farm level, on fish at all stages of farming (1), including fish which is ready to be placed on the market for consumption.

Group B:

two thirds of the total samples: the sampling should be carried out:

- (a) preferably at the fish farm, on fish ready to be placed on the market for human consumption; or
- (b) at the processing plant, or at wholesale level, on fresh fish, on condition that tracing-back to the farm of origin, in the event of positive results, can be done.

2. Sea-farming

- (a) For sea-farming, in which sampling conditions may be especially difficult, samples may be taken from feed in place of samples from fish.
- (b) In all cases, samples taken at farm level should be taken from a minimum of 10 % of registered sites of production.

3. Other aquaculture products

When the competent authority has reason to believe that veterinary medicine or chemicals are being applied to the other aquaculture products, or when environmental contamination is suspected, then these species must be included in the sampling plan in proportion to their production as additional samples to those taken for finfish farming products.

4. Wild caught fish

A sampling strategy must be produced by the competent authority based on realistic cost, logistics and risk assessment.

SCHEDULE 5 MAXIMUM LEVELS FOR CERTAIN CONTAMINANTS IN FISH

(regulation 23(4))

Part A

Pharmacologically active substances

Council Regulation (EU) 37/2010 sets out the pharmacologically active substances and their classification regarding maximum residue limits in foodstuffs of fish origin. The pharmacologically active substances listed are applicable in so far as they relate to fish and fishery products.

Part B

Pesticide Residues

Council Regulation (EC) 396/2005 sets the maximum residue levels of pesticides in or on food and feed of plant and fish origin. The maximum residue levels are applicable in so far as they relate to fish and fishery products.

Part C

Council Regulation (EC) 1881/2006 sets out the maximum levels for certain contaminants in foodstuffs. The maximum levels for the contaminants are applicable in so far as they relate to fish and fishery products.

Part D
Microbiological criteria for fish and fishery products

Food category	Micro- organisms	Sampling plan (1)		Limits (2)		Analytical reference method (3)	Stage where the criterion	Action in case of unsatisfactory results
cooked	Salmonella	n 5	0	m absence	M in 25g	ISO 6579	applies Products	Improvements
crustaceans and molluscan shellfish					- 6		placed on the market during their shelf-life	in process hygiene and review of process controls
fishery products from fish species associated with high amount of histamine (2)	Histamine	9(3)	2	100mg /kg	200mg /kg	HPLC	Products placed on the market during their shelf life	Review of processing controls

fishery products	Histamine	9(3)	2	200mg	400mg	HPLC	Products	Review of
which have				/kg	/		placed on	processing
undergone					kg		the	controls
enzyme							market	
maturation							during	
treatment in brine,							their	
manufactured							shelf-life	
from fish species								
associated with a								
high amount of								
histamine (2)								

- (1) E.coli is used here as an indication of faecal contamination
- (2) Fish species of the families Scombridae, Clupeidae, Engraulidae, Coryfenidae, Pomatomidae, Scombresosidae
- (3) Single samples may be taken at retail level. If the result is above M the whole batch is deemed unsafe

Made 14th December 2015

C. Roberts C.V.O.,

Governor

EXPLANATORY NOTE

These Regulations are made under section 4(1)(c) and (h) of the Fishery Products Ordinance (No 21 of 2006), which allows the Governor to make regulations dealing with the carrying out of medical, chemical or other tests on fish as well as carrying out of chemical or other tests on fish and fishery products.

Part 1 deals with introductory matters covering commencement, definitions of a number of terms used and including the application of the regulations to fish and fishery products from fish farms as well as from vessels, establishments and installations where fish or fishery products are processed or produced.

Part 2 deals with the general prohibition on import, sale and use of certain products and substances on fish and provides as follows –

regulation 5 provides for the general prohibition against import, sale and use of unauthorised substances while regulation 6 provides for the prohibition against import, sale, and administration of specific substances;

regulation 7 provides for prohibition against possession of unauthorised substances and the specified substances under regulation 6.

regulation 8 makes it an offence for any person to place on the market for sale any fish or fishery product which exceeds the maximum residue limits;

Part 3 provides for controls and monitoring which must be adhered to by any person who is involved in producing fish and fishery products for human consumption and provides as follows—

regulation 9 provides for persons in control of fish going for slaughter to ensure they are constantly monitored, regulation 10 provides for official controls which the competent authority must put in place to ensure that there is monitoring and control of contaminants, residues and other substances and products which are harmful;

regulation 11 provides for controls to be observed by operators before they place fish and fishery products on the market for human consumption while regulation 12 provides for the competent authority to do checks and approve fish and fishery products placed on the market for human consumption;

Part 4 provides for official controls to be undertaken on fish farms where fish are reared or designated vessels, establishments or installations where fish are kept. It provides through regulations 13 to 15 for the inspectors to undertake the inspections, carrying out inspections at farms. Regulations 16 to 18 impose a requirement for residue monitoring plans in particular for export purposes. They specify what the plan must contain and when it must be transmitted to the European Commission. It further provides for the competent authority to provide a different monitoring plan for fish produced for the domestic market.

Regulations 19 to 21 provide for sampling and sampling reports and specify the requirements for sampling, transport and storage of samples as well as how the sampling report must be made and its contents.

Regulations 22 and 23 provide for official controls and checks. They do so by specifying checks and measures which the competent authority must put in place to ensure that there are no prohibited or unauthorised substances or products as well as to check for residue levels. These measures include training farmers and owners of fish about proper use of veterinary medicinal substances or products and proper record keeping.

Regulations 24 provides for the competent authority to designate approved laboratories for purposes of carrying out the tests required under these regulations;

Part 5 provides, in regulations 26 to 29, for the action that the competent authority must take depending on the results of an examination under regulation 25. Regulation 26 provides for further investigations to be taken by the competent authority to establish the origin of the substances or products, the identity of the fish and the fish farm from which they came as well as to establish the substances or products in question.

Regulation 27 provides for specific action to be taken by the competent authority where maximum levels have been exceeded while regulation 28 provides for action to be taken where there has been illegal treatment. Regulation 29 provides for action to be taken by an official veterinarian where there has been illegal treatment at slaughterhouses.

Part 6 provides for miscellaneous provisions as follows –

regulation 30 provides for decisions and actions of the competent authority to be given by notice;

regulation 31 provides for appeals against any action the competent authority may take under Part 5;

regulation 32 provides for record keeping;

regulation 33 provides for the competent authority to publish guidance on good record keeping, sampling, taking of samples as well as storage and administration of veterinary administration products;

regulation 34 makes it an offence to obstruct inspectors and other competent authority officials as they discharge their duties for purposes of these regulations and regulation 35 provides for offences generally; and

Schedule 1 lists substances or products that require monitoring, Schedule 2 lists the unauthorised or prohibited substances while Schedule 3 lists substances or products which must be monitored or checked in live fish, their feed and their drinking water.

Schedule 4 provides for further information on carrying out of sampling, the sampling strategy to be followed for residues and contaminants as well as the levels and frequency of sampling for both residues and contaminants.

Schedule 5 lays down the maximum levels for certain contaminants in fish with details of the specific substances and maximum levels.

SUBSIDIARY LEGISLATION

FISHERIES

Fishery Products (Hygiene) (Amendment) Regulations 2015

S. R. & O. No. 23 of 2015

Made: 14 December 2015 Published: 24 December 2015 Coming into force: on publication

I make these regulations under section 37 of the Fishery Products Ordinance (No 21 of 2006) on the advice of Executive Council.

1. Title

These regulations are the Fishery Products (Hygiene) (Amendment) Regulations 2015.

2. Commencement

These regulations come into force on publication in the *Gazette*.

3. Amendment of the Fishery Products (Hygiene) Regulations

These regulations amend the Fishery Products (Hygiene) Regulations (No 7 of 2012).

4. Regulation 3 amended – Interpretation

Regulation 3 is amended in the definition of "potable water" by replacing the words "Council Directive 98/53/EC" with "Council Directive 98/83/EC".

5. Regulation 4(3) amended – Placing on the market

Regulation 4(3) is deleted and replaced with the following regulation —

- "(3) The following are excluded sales, distribution and transfers for the purposes of paragraph (1)
 - (a) direct transfers on local markets of small quantities of fishery products from fishermen to retailers or consumers in the circumstances specified in regulation 20; and
 - (b) distribution for either of those purposes."

6. Regulation 15 amended – Packaging of fishery products

Regulation 15 is amended as follows —

(a) by omitting the heading to regulation 15 and replacing it with the following heading —

"15. Packaging of fishery products and other information"

- (b) by deleting subregulation (2) and replacing it as follows
 - "(2) The operator of the vessel or establishment must ensure that
 - (a) the packaging of the products is carried out in accordance with the applicable requirements of those set out in Division 1 Part 6 of Schedule 1; and
 - (b) the product contains the information specified under Division 2 Part 6 of Schedule 1."

7. Regulation 16 amended – Storage and transportation of fishery products

Regulation 16(2) is amended by adding the following new paragraph after paragraph (b) —

"(c) are accompanied by a health certificate issued by the competent authority containing information set out under Division 2 of Part 7."

8. Schedule 1 amended — Production and placing on the market conditions for fishery products

- (1) Schedule 1 Part 6 is amended as follows
 - (a) by numbering the current text that appears under that Part as "Division 1"; and
 - (b) by adding the following new division immediately after Division 1 —

"Division 2 MANDATORY FOOD INFORMATION REQUIRED FOR EXPORTED PRODUCTS

A. Requirements for the name of the food (products)

- 1. The name or type of fish must be accompanied by particulars as to the physical condition of the product or the specific treatment which it has undergone (e.g. powdered, refrozen, smoked, etc.)
- 2. The information must indicate if the product has been frozen and defrosted before sale. This requirement does not apply to the following:
 - (a) ingredients present in the final product;
 - (b) fish or fish products for which freezing is a technologically necessary step of the production process;
 - (c) fish or fish products for which the defrosting has no negative impact on the safety or quality of the fish.
 - (d) fishery and aquaculture products previously frozen for health and safely purposes

- (e) fish and aquaculture products that have been defrosted before smoking, salting, cooking, pickling, drying or a combination of these processes.
- 3. The information must indicate if the fish product contains added proteins from a different animal.
- 4. The information must indicate if water has been added to the fish products that make up more than 5% of the finished product weight.
- 5. The information must indicate if the fish products have been made by adding different pieces of meat.

B. The list of ingredients in the fish product

- 1. This is not required for foods consisting of a single ingredient where the name of the food is identical to the ingredient name or the name of the food enables the nature of the ingredient to be clearly identified.
- 2. Any ingredient or processing aid listed in Annex II of EU Regulation 1169/2011 that may cause allergies or intolerances.
- 3. The indication of these ingredients is not required in cases where the name of the product clearly refers to the substance or product concerned.

C. The quantity of certain ingredients or categories of ingredients

This is not required for products consisting of a single ingredient where the name of the product is identical to the ingredient name or the name of the product enables the nature of the ingredient to be clearly identified.

D. The net quantity of the product

The net quantity of the product must be expressed using litres, centilitres, millilitres, kilograms or grams, as appropriate.

E. the date of minimum durability or the 'use by' date

- 1. In the case of products which, from a microbiological point of view, are highly perishable and are therefore likely after a short period to constitute an immediate danger to human health
 - (a) the date of minimum durability must be replaced by the 'use by' date; and
 - (b) after the 'use by' date the product is deemed to be unsafe.
- 2. In the case of products which are not highly perishable, a period of minimum durability may be indicated by a 'best before' date, with that date preceded by the words—
 - (a) "Best before ..." when the date includes an indication of the day; or

(b) "Best before end ..." in other cases,

with the words accompanied by either the date itself, or a reference to where the date is given on the labelling.

- 3. Where the product is to keep for the specified period, the particulars under paragraph 2 must be followed by a description of the storage conditions which must be observed, and the date must consist of the day, the month and possibly, the year, in that order and in uncoded form.
- 4. Where the product will not keep for more than 3 months, an indication of the day and the month is sufficient, and the labelling requirements are as follows
 - (a) for products which will keep for more than 3 months but not more than 18 months, an indication of the month and year is sufficient;
 - (b) for products which will keep for more than 18 months, an indication of the year is sufficient, including any special storage conditions or conditions of use.

F. The name or business name and address of the food business operator

- 1. The operator responsible for the product information is the operator under whose name or business name the food is marketed or imported into the EU market.
- 2. The information must include the country of origin or place of provenance.
- 3. The information must contain instructions for use where it would be difficult to make appropriate use of the product in the absence of those instructions.

G. A nutrition declaration

This is not necessary for unprocessed products comprising a single ingredient or category of ingredients.

H. Additional mandatory particulars for fish

- 1. Frozen unprocessed fishery products must indicate the date of freezing or the date of first freezing in cases where the product has been frozen more than once.
 - (a) it must be preceded by the words 'Frozen on ...';
 - (b) the words referred to in paragraph (a) must be accompanied by:
 - (i) the date itself, or,
 - (ii) a reference to where the date is given on the labelling,
 - (c) the date must consist of the day, the month and the year, in that order and in uncoded form.

2. Fishery and aquaculture products:

- (a) the production method, in particular by the following words; "caught", "caught in freshwater" or "farmed";
- (b) the area where the product was caught or farmed and the category of fishing gear used (see annex III of EU reg1379/2013 for categories and codes).

I. Presentation of mandatory particulars:

- 1. Mandatory food information must be marked in a conspicuous place in such a way as to be easily visible, clearly legible and, where appropriate, indelible. It must not in any way be hidden, obscured, detracted from or interrupted by any other written or pictorial matter or any other intervening material.
- 2. When appearing on the package or on the label attached to the product, the mandatory particulars listed must be printed on the package or on the label in such a way as to ensure clear legibility, in characters using a font size where the main body of the letters used, is equal to or greater than 1,2 mm.
- 3. In case of packaging or containers the largest surface of which has an area of less than 80 cm², main body of the letters used must be equal to or greater than 0,9 mm.
- 4. When pre-packaged food is being supplied directly to the final consumer all mandatory particulars must be present on the label or packaging. When food is being provided to another food business operator, wholesaler or mass cater for onward distribution only points (a), (f), (g) and (h) must be on the label or packaging. All the remaining mandatory particulars may be made available on accompanying commercial documentation as long as they are clear and can be related to the product to which they refer.
- 5. Until the stage at which a food is labelled in accordance with the particulars above or used for further processing, food business operators must ensure that in the case of frozen food of animal origin intended for human consumption, the following information is made available to the food business operator to whom the food is supplied and, upon request, to the competent authority:
 - (a) the date of production which is the date of harvesting or catching, in the case of fishery products; and
 - (b) the date of freezing, if different from the date of production.

Where a food is made from a batch of raw materials with different dates of production and of freezing, the oldest dates of production and/or of freezing, as appropriate, must be made available.

6. The appropriate form in which the information must be made available is up to the choice of the supplier of the frozen food, as long as the information requested in

paragraph 2 will be clearly and unequivocally available to and retrievable by the business operator to whom the food is supplied."

- (2) Schedule 1 Part 7 is amended as follows
 - (a) by numbering the current text that appears under that Part as "Division 1"; and
 - (b) by adding the following new division immediately after Division 1 —

"Division 2 HEALTH CERTIFICATE FOR IMPORTS OF FISHERY PRODUCTS INTENDED FOR HUMAN CONSUMPTION

COUNTRY Fishery products

U.	Health information	II.a. Certificate reference number	II.b.
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II.2.3.3. the consignment is identified by a legible label on the exterior of the container, or when transported by well boat, in the ship's manifest, with the relevant information referred to in boxes I.7 to I.11 of Part I of this certificate, and the following statement:

"(4) [Fish] (4) [Crustaceans] intended for human consumption in the Union".

Notes

Part I:

- Box reference I.8: Region of origin: For frozen or processed bivalve molluscs, indicate the production area.
- Box reference I.11: Place of origin: name and address of the dispatch establishment.
- Box reference I.15: Registration number (railway wagons or container and lorries), flight number (aircraft) or name (ship). Separate information is
 to be provided in the event of unloading and reloading.
- Box reference I.19: Use the appropriate Harmonised System (HS) codes of the World Customs Organisation of the following headings: 0301, 0302, 0303, 0304, 0305, 0306, 0307, 0308, 05.11, 15.04, 1516, 1518, 1603, 1604, 1605 or 2106.
- Box reference I.23: Identification of container/Seal number: Where there is a serial number of the seal it has to be indicated.
- Box reference I.28: Nature of commodity: Specify whether aquaculture or wild origin.

Treatment type: Specify whether live, chilled, frozen or processed.

Manufacturing plant: includes factory vessel, freezer vessel, cold store, processing plant.

Part II:

- (1) Part II.1 of this certificate does not apply to countries with special public health certification requirements laid down in equivalence agreements or other Union legislation.
- (2) Part II.2 of this certificate does not apply to:
 - (a) non-viable crustaceans, which means crustaceans no longer able to survive as living animals if returned to the environment from which they
 were obtained,
 - (b) fish which are slaughtered and eviscerated before dispatch,
 - (c) aquaculture animals and products thereof, which are placed on the market for human consumption without further processing, provided that they are packed in retail-sale packages which comply with the provisions for such packages in Regulation (EC) No 853/2004,
 - (d) crustaceans destined for processing establishments authorised in accordance with Article 4(2) of Directive 2006/88/EC, or for dispatch centres, purification centres or similar businesses which are equipped with an effluent treatment system inactivating the pathogens in question, or where the effluent is subject to other types of treatment reducing the risk of transmitting diseases to the natural waters to an acceptable level,
 - (e) crustaceans which are intended for further processing before human consumption without temporary storage at the place of processing and packed and labelled for that purpose in accordance with Regulation (EC) No 853/2004.
- (3) Parts II.2.1 and II.2.2 of this certificate only apply to species susceptible to one or more of the diseases referred to in the heading of the point concerned. Susceptible species are listed in Annex IV to Directive 2006/88/EC.
- (4) Keep as appropriate.
- (5) For consignments of species susceptible to EHN, Taura syndrome and/or Yellowhead disease this statement must be kept for the consignment to be authorised into any part of the Union.

COUNTRY		Fishery product
II. Health information	II.a. Certificate reference No	II.b.
KHV or Whitespot disease or with a sur 2006/88/EC, one of these statements must or programme(s) apply(ies). Data on the europa.eu/food/animal/liveanimals/aquacult	one or compartment (boxes I.9 and I.10 of Part I of the cert reveillance or eradication programme drawn up in accorda- st be kept if the consignment contain species susceptible to a disease status of each farm and mollusc farming area sture/index_en.htm.	ance with Article 44(1) or (2) of Directive of the disease(s) for which disease freedom in the Union are accessible at http://ec.
STATE STANDARD PARTY STANDARD	anders des Princes de Association de L'Absociation de Brades au Sociation II Materiale de Martine de Carles de	444/46205517
Official inspector		
Name (in capital letters):	Qualific	cation and title:
Date:	Signati	ure:'
Stamp:		

Made 14th December 2015

C. Roberts C.V.O., *Governor*.

EXPLANATORY NOTE

(not part of the regulations)

These regulations amend the Fishery Products (Hygiene) Regulations (SR&O No 7 of 2012).

They are made under section 36 of the Fishery Products Ordinance (No 21 of 2006).

These regulations form part of a package of legislation about fishery products, along with: amendments to the Marine Farming Ordinance and new regulations on residues, contaminants and maximum residue levels in fish.

regulation 2 provides that the regulations will come into force on publication at the same time as the rest of the package of legislation.

regulation 4 amends regulation 3 under the definition of 'portable water' to correct the error in the citation of the EU Legislation being referred to;

regulation 5 amends regulation 4 to remove references to 'retail sales' under the definition of 'placing on the market';

regulation 6 amends regulation 15 to provide for the requirements for the labelling information to be added to Part 6 of Schedule 1:

regulation 7 amends regulation 16 to add a requirement for any consignment of fish or fishery products to be accompanied by a health certificate set out under Division 2 of Part 7; and

regulation 8 amends Schedule 1 Part 6 to add a new Division which deals with the information required under regulation 15 relating to the packaging of fishery products and further amends Part 7 to add a Division 2 which specifies the form of the Health Certificate required under regulation 16.

Published at the Attorney General's Chambers, Stanley, Falkland Islands Price: Twelve pound and sixty pence.



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Supplement

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The following are published in this Supplement –

Livestock and Meats Products (Hygiene) Regulations 2015 (SR&O No 24 of 2015);

Livestock and Meats Products (Veterinary Officials) Regulations 2015 (SR&O No 25 of 2015);

Livestock and Meats Products (Protection of Animals at Time of Slaughter or Killing) Regulations 2015 (SR&O No 26 of 2015);

Livestock and Meats Products (Examination for Contaminants, Residues and Maximum Residue Levels) Regulations 2015 (SR&O No 27 of 2015);

Livestock and Meats Products (Animal By-Products) Regulations 2015 (SR&O No 28 of 2015);

Livestock and Meats Products (TSE Control) Regulations 2015 (SR&O No 29 of 2015);

Livestock and Meats Products (Veterinary Medicinal Products) Regulations 2015 (SR&O No 30 of 2015); and

Taxes (Amendment) Ordinance 2015 (Correction) Order 2015 (SR&O No 31 of 2015).

SUBSIDIARY LEGISLATION

ANIMALS

Livestock and Meat Products (Hygiene) Regulations 2015

S. R. & O. No. 24 of 2015

Made: 22 December 2015 Published: 24 December 2015 Coming into force: on publication

I make the following regulations under section 4(1) and 5(6) of the Livestock and Meat Products Ordinance (No. 14 of 2010) on the advice of Executive Council.

PART 1 – INTRODUCTION

1. Title

These regulations are the Livestock and Meat Products (Hygiene) Regulations 2015.

2. Commencement

These regulations come into force on publication in the Gazette.

3. Interpretation

(1) In these regulations —

"abattoir operator" means a person or company responsible for the day to day operation of activities that occur in an abattoir or slaughterhouse and includes activities in any co-located or related cutting plants, chilling or freezing establishments;

"audit" means a systematic and independent examination to determine whether activities and related results comply with planned arrangements and whether these arrangements are implemented effectively and are suitable to achieve objectives;

"carcass" means the body of an animal after slaughter and dressing;

"competent authority" means the Senior Veterinary Officer or any other authorised official of the Department of Agriculture;

"contamination" means the presence or introduction of a hazard;

"cutting plant" means an establishment used for boning and cutting up meat;

"domestic ungulates" means domestic bovine (*including bubalus and Bison species*), porcine, ovine and caprine animals;

"establishment" means a unit of the abattoir;

"farm" means an area of land devoted to the rearing, keeping or raising of livestock;

"food business" means any undertaking carrying out any activities related to the production, processing and distribution of meat and meat products;

"fresh meat" means meat that has not undergone any preserving process other than chilling, freezing or quick-freezing, including meat that is vacuum-wrapped or wrapped in a controlled atmosphere;

"holding" means a section of land leased or otherwise tenanted for agricultural purposes;

"livestock" means any animal that is kept, fattened or bred for the production of food, wool, fur, feathers, hides and skins or any other product obtained from animals or any animal that is kept for other farming purposes;

"meat products" means processed products resulting from the processing of meat or from the further processing of such processed products, so that the cut surface shows that the product no longer has the characteristics of fresh meat;

"mechanically separated meat (MSM)" means the product obtained by removing meat from flesh-bearing bones after boning using mechanical means which result in the loss or modification of the muscle fibre structure;

"Meat Hygiene Inspector" means an official of the Department of Agriculture appointed under section 7 of the Ordinance:

"meat preparations" means fresh meat, including meat that has been reduced to fragments, which has had foodstuffs, seasonings or additives added to it or which has undergone processes insufficient to modify the internal muscle fibre structure of the meat and eliminate the characteristics of fresh meat:

"meat production" means the killing, bleeding and skinning of animals;

"minced meat" means boned meat that has been minced into fragments and contains less than 1% salt;

"offal" means fresh meat other than that of the carcass, including viscera and blood;

"Official Veterinarian" means an official of the Department of Agriculture appointed under section 7 of the Ordinance;

"packaging" means —

- (a) in relation to wrapped meat and meat products, placing one or more of them in a second container;
- (b) the second container itself;

"placing on the market" has the meaning given by regulation 15;

"potable water" means fresh water that meets the requirements of Council Directive 98/83/EC of 3 November 1998 on the quality of water intended for human consumption;

"primary products" means products of stock farming;

"processing" means, in relation to meat or a meat product, an action that substantially alters the initial product, including heating, smoking, curing, maturing, drying, marinating, extraction, extrusion or a combination of one or more of those processes;

"relevant EU legislation" means (to the extent that it relates to meat) —

- (a) Regulation (EC) 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs as amended or revised from time to time;
- (b) Regulation (EC) 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin as amended or revised from time to time;
- (c) Regulation (EC) 854/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption as amended or revised from time to time;
- (d) Regulation (EC) 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety;
- (e) Regulation (EC) 1099/2009 of 24 September 2009 on the protection of animals at the time of killing;
- (f) Council Directive 96/23/EC of 26 April 1996 on measures to monitor certain substances and residues in live animals and animal products;
- (g) Council Directive 96/22/EC of 29 April 1996 concerning the prohibition on the use in stock farming of certain substances having a hormonal or thyrostatic action and beta-agonists;
- (h) any other EU legislation as the Governor may specify by order;

"slaughterhouse" means an establishment used for slaughtering and dressing animals, the meat of which is intended for human consumption;

"small quantities" means —

- (a) an average of not more than 20 sheep carcasses in a month; and
- (b) an average of not more than 1 beef carcass in a month

"unprocessed meat products" means meat that has not been processed, and includes meat that has been divided, parted, severed, sliced, boned, minced, skinned, ground, cut, cleaned, trimmed, chilled, frozen, deep-frozen or thawed; and

"viscera" means the organs of the thoracic, abdominal and pelvic cavities, as well as the trachea and oesophagus.

4. Application

These Regulations do not apply to —

- (a) primary production for private domestic use;
- (b) the preparation, handling or storage of meat and meat products for private domestic consumption; and
- (c) the direct supply, by a farmer (producer), of small quantities of primary products to the final consumer.

5. Requirement of designated abattoir

A person may not operate an abattoir for the preparation of meat or meat products intended for placing on the market unless the abattoir has been designated by the Governor under section 3 of the Livestock and Meat Products Ordinance (No. 14 of 2010).

PART 2 – HYGIENE REQUIREMENTS FOR ABATTOIRS (DESIGNATED ABATTOIRS)

6. Hygiene requirements

- (1) The operator of a designated abattoir (for the preparation of meat and meat products) must take all reasonable steps to ensure that livestock coming into the abattoir and meat and meat products produced at the abattoir adhere to the hygiene requirements specified in the relevant EU legislation and the applicable provisions of these Regulations.
- (2) The relevant EU legislation applies to the Falkland Islands so far as it relates to meat and meat products intended for export to the European Community.

7. Obligations of the operator of a designated abattoir

(1) The abattoir operator must put in place the following measures to control hazards in primary production and associated operations —

[&]quot;the Ordinance" means the Livestock and Meat Products Ordinance;

- (a) measures to control contamination arising from the air, soil, water, feed, fertilisers, veterinary medicinal products, the storage, handling and disposal of waste; and
- (b) measures relating to animal health and welfare that have implications for human health, including programmes for the monitoring and control of zoonoses and zoonotic agents.
- (2) The abattoir operator must also put in place measures set out in Part A of Schedule 1 to control hazards in primary production.

8. Guidance on good hygiene practice

- (1) The competent authority must publish guidance on good hygiene practice for the control of hazards in primary production and associated operations.
- (2) The guidance may include the following information
 - (a) the control of contamination such as mycotoxins, heavy metals and radioactive material;
 - (b) the use of water;
 - (c) the correct and appropriate use of veterinary medicinal products and feed additives and their traceability;
 - (d) the preparation, storage, use and traceability of feed;
 - (e) the proper disposal of dead animals, waste and litter;
 - (f) protective measures to prevent the introduction of contagious diseases transmissible to humans through food, and any obligation to notify the competent authority;
 - (g) procedures, practices and methods to ensure that meat is produced, handled, packed, stored and transported under appropriate hygienic conditions, including effective cleaning and pest-control;
 - (h) measures relating to the cleanliness of production animals going for slaughter and the slaughter process; and
 - (i) measures relating to record-keeping.

9. Protection against contamination – animals going for slaughter

- (1) A person in control of an animal going for slaughter must take all reasonable steps to ensure that the animal is protected against contamination.
- (2) The reasonable steps may include the following
 - (a) to keep any facilities used in connection with primary production and associated operations, including facilities used to store and handle feed, clean and, where necessary after cleaning, to disinfect them in an appropriate manner;

- (b) to keep clean and, where necessary after cleaning, to disinfect, in an appropriate manner, equipment, containers, crates, vehicles and vessels;
- (c) as far as possible to ensure the cleanliness of animals going to slaughter;
- (d) to use potable water, or clean water, whenever necessary to prevent contamination;
- (e) to ensure that staff handling foodstuffs are in good health and undergo training on health risks;
- (f) as far as possible to prevent animals and pests from causing contamination;
- (g) to store and handle waste and hazardous substances so as to prevent contamination;
- (h) to prevent the introduction and spread of contagious diseases transmissible to humans through meat or meat products, including taking precautionary measures when introducing new animals and reporting suspected outbreaks of such diseases to the competent authority;
- (i) to take account of the results of any relevant analyses carried out on samples taken from animals or other samples that have importance to human health; and
- (j) to use feed additives and veterinary medicinal products correctly, as required by the competent authority.
- (3) The competent authority must put in place measures aimed at ensuring compliance with this regulation, and these measures may include
 - (a) the control of contamination such as mycotoxins, heavy metals and radioactive material;
 - (b) the use of water, organic waste and fertiliser on animal feeds;
 - (c) the correct and appropriate use of plant protection products and biocides and their traceability;
 - (d) the correct and appropriate use of veterinary medicinal products and feed additives and their traceability;
 - (e) the preparation, storage, use and traceability of feed;
 - (f) the proper disposal of dead animals, waste and litter;
 - (g) protective measures to prevent the introduction of contagious diseases transmissible to humans through food; and
 - (h) measures relating to the cleanliness of animals going for slaughter.

- 10. HACCP (hazard analysis and critical control points) based procedures
- (1) The abattoir operator must ensure that the procedures in place
 - (a) comply with the general requirements of relevant EU legislation (*Article 5 of Regulation (EC) 852/2004*);
 - (b) follow the principles set out in Part A of Schedule 1; and
 - (c) meet the requirements that the hazard analysis shows are necessary and adheres to any recommendations made by the competent authority.
- (2) The procedures must guarantee that each animal accepted onto the abattoir
 - (a) is properly identified;
 - (b) is accompanied by the relevant information from the farm from which the animal comes;
 - (c) is clean;
 - (d) is healthy, as far as the abattoir operator can judge; and
 - (e) is in a satisfactory state as regards welfare on arrival at the abattoir.
- (3) The abattoir operator must, in particular, determine whether the procedures guarantee, to the extent possible, that the meat from the slaughtered animals
 - (a) complies with microbiological criteria laid down under the relevant EU legislation;
 - (b) complies with the relevant EU legislation on residues, contaminants and prohibited substances; and
 - (c) does not contain physical hazards, such as foreign bodies.

11. Transport of live animals to the abattoir

A person transporting live animals to the abattoir must ensure compliance with the following requirements —

- (a) during collection and transport, animals must be handled carefully without causing unnecessary distress to the animals;
- (b) animals showing symptoms of disease or originating in herds known to be contaminated with agents of public health importance may only be transported to the abattoir after permission from the competent authority has been granted;
- (c) that all animals have the relevant records that address information requested in the food chain information specified under Schedule 5; and

(d) compliance with the Livestock and Meat Products (Welfare of Livestock) Regulations (S.R & O. No. 15 of 2011).

12. Hygiene requirements for abattoir premises and equipment

The abattoir operator must ensure equipment used in the slaughter of animals and meat production complies with the minimum requirements set out in Parts B and C of Schedule 1.

PART 3 – PRODUCTION AND PLACING ON THE MARKET OF MEAT AND MEAT PRODUCTS

13. Production and processing of fresh meat

- (1) In this Part
 - (a) to "process meat" means to bone, mince, chill, freeze or otherwise prepare meat for sale; and
 - (b) to "produce meat" means to kill, bleed, skin, and cut up an animal.
- (2) An abattoir operator must ensure that all fresh meat to be placed on the market is produced and processed in compliance with the minimum requirements of Part A, B and C of Schedule 2.
- (3) An abattoir operator must ensure that all other meat to be placed on the market is produced and processed in compliance with the minimum requirements of Part D of Schedule 2.
- (4) The competent authority may impose other requirements for specific types of meat to ensure that the exported meat complies with the requirements of the receiving country.
- (5) The competent authority may allow meat from domestic ungulates that have undergone emergency slaughter from outside the abattoir to be used for domestic human consumption if it complies with the requirements of Part E of Schedule 2.
- (6) An abattoir operator must store and transport fresh meat in accordance with the requirements of Part F of Schedule 2.

14. Production and processing of meat products

- (1) An abattoir operator must ensure that all meat products to be placed on the market for human consumption are produced and processed in compliance with the minimum requirements of Schedule 3.
- (2) An operator of premises where minced meat, meat preparations or mechanically separated meat is produced must ensure the minimum requirements of Part A, B, C and D of Schedule 3 are complied with.

15. Placing of fresh meat on the market

(1) Meat and meat products are placed on the market for human consumption if —

- (a) the meat or the meat product is held for the purpose of sale or another form of transfer (other than an excluded sale or transfer), whether free of charge or not;
- (b) the meat or the meat product is offered for sale or another form of transfer (other than an excluded sale or transfer), whether free of charge or not.
- (2) "Placing on the market" also means, in relation to meat and meat products, the sale, distribution or other transfer of the meat or meat product (other than an excluded sale, distribution or transfer).
- (3) The direct transfer on the domestic market of small quantities of meat and meat products from farmers (producers) to final consumers are to be regarded as excluded sales, distribution and transfers for purposes of subregulation (1).

16. Health and identification marks

- (1) An abattoir operator must ensure that a health or identification mark is placed on meat or meat products before the meat or meat products leaves the abattoir.
- (2) Subject to section 5(6) of the Ordinance the Senior Veterinary Officer must ensure that marks are only used at a designated abattoir.
- (3) Subject to regulation 17, a health or identification mark must only be placed on the meat or meat products which comply with hygiene requirements specified in these Regulations in addition to verification of compliance with other requirements.
- (4) A health mark must be applied by the official veterinarian after official assessments and inspections have been conducted to ensure that no deficiencies exist that would make the meat unfit for human consumption.
- (5) An identification mark must be applied by the abattoir operator after official assessments and inspections have been conducted to ensure that no deficiencies exist that would make the meat unfit for human consumption.

17. Checks by official veterinarian before meat is placed on the market

- (1) An official veterinarian must carry out the auditing tasks referred to in Part 4 before any fresh meat is placed on the market.
- (2) When carrying out auditing tasks, the official veterinarian must take special care
 - (a) to determine whether staff and staff activities in the establishment at all stages of the production process comply with the relevant requirements of these Regulations; and
 - (b) to verify the abattoir operator's relevant records.
- (3) The official veterinarian is to ensure, in particular, that —

- (a) the health mark is placed on meat from animals that have undergone ante-mortem and post-mortem inspection in accordance with Part 4 and have been found to be fit for human consumption; and
- (b) a health mark is applied in accordance with the requirements of Schedule 4.

18. Form of health and identification mark

- (1) The health mark must be
 - (a) in the form specified in Part C of Schedule 4;
 - (b) an oval mark at least 6.5 cm wide by 4.5 cm high bearing the following information in perfectly legible characters
 - (i) on the upper part, the words "The Falkland Islands" or such letters as may be approved; and
 - (ii) in the centre, the approval number of the abattoir.
- (2) The identification mark must be
 - (a) in the form specified in Part C of Schedule 4; and
 - (b) a mark bearing the following information in perfectly legible characters
 - (i) on the upper part, the words "The Falkland Islands" or such letters as may be approved; and
 - (ii) in the centre, the approval number of the abattoir.
- (3) The official veterinarian must issue an identification mark to the abattoir operator whenever necessary.
- (4) An abattoir operator, a food business operator or any person must not place any mark that purports to be an identification mark on any meat or meat product unless it complies with this Part.

19. Packaging, marking and labelling of meat and meat products

- (1) This regulation applies to meat and meat products that are intended for placing on the market for human consumption.
- (2) An abattoir operator or a food business operator must ensure that any meat or meat product placed on the market for human consumption is marked, packaged and labelled in accordance with the specific requirements of Schedule 4.
- (3) Minced meat, meat preparations and mechanically separated meat (MSM) must be labelled in accordance with Part E of Schedule 4.

20. Requirements for frozen meat

- (1) This regulation applies to meat and meat products which are frozen before being placed on the market for human consumption.
- (2) For the purposes of this regulation, "date of production" means
 - (a) the date of slaughter in the case of carcasses, half carcasses or quarter carcasses; or
 - (b) the date of processing, cutting, mincing or preparation, as appropriate, for any other meat or meat product.
- (3) Until the stage at which meat and meat products are labelled in accordance with these Regulations and other relevant EU legislation or used for further processing, abattoir operators must ensure that in the case of frozen meat and meat products intended for human consumption, the following information is made available to the receiving country or a person to whom the meat or meat product is supplied and, upon request, to the competent authority
 - (a) the date of production; and
 - (b) the date of freezing, if different from the date of production.
- (4) Where any meat product is made from a batch of raw materials with a different date of production and date of freezing, the oldest date of production or date of freezing, as the case may be, must be made available.
- (5) The competent authority may prescribe an appropriate form which contains the information required under subregulation (3).

21. Storage and transportation

An abattoir operator must store and transport meat and meat products in accordance with the requirements of Part F of Schedule 2.

PART 4 – OFFICIAL CONTROLS, INSPECTIONS AND AUDITS

22. Duties and responsibilities of official veterinarians – Fresh Meat

- (1) The official veterinarian must carry out inspection tasks in slaughterhouses and cutting plants processing fresh meat to be placed on the market in accordance with the general requirements of Schedule 5 and with the following specific requirements
 - (a) food chain information;
 - (b) ante-mortem inspection;
 - (c) animal welfare;
 - (d) post-mortem inspection;

- (e) specified risk material and other animal by-products; and
- (f) laboratory testing.
- (2) The health marking of carcasses of domestic ungulates, as well as half-carcasses, quarters and cuts produced by cutting half-carcasses into three wholesale cuts, must be carried out in slaughterhouses in accordance with regulation 16 and Schedule 4.
- (3) The official veterinarian must take any of the following appropriate measures specified in Part C of Schedule 5 after carrying out the requirements specified in subregulations (1) and (2), in particular with regard to
 - (a) the communication of inspection results;
 - (b) decisions concerning food chain information;
 - (c) decisions concerning live animals;
 - (d) decisions concerning animal welfare; and
 - (e) decisions concerning meat.

23. Meat Hygiene Inspectors

Meat Hygiene Inspectors may assist the official veterinarian with all tasks, subject to the following restrictions and to any specific rules laid down in Part D of Schedule 5 —

- (a) in relation to auditing tasks, Meat Hygiene Inspectors may only collect information regarding good hygienic practices and HACCP-based procedures;
- (b) in relation to ante-mortem inspections and checks concerning the welfare of animals, Meat Hygiene Inspectors may only make an initial check of animals and help with purely practical tasks; and
- (c) in relation to post-mortem inspections, the official veterinary must regularly check the work of Meat Hygiene Inspectors and, in the case of inspections on animals which have undergone emergency slaughter outside the slaughterhouse, the inspection must be carried out by the official veterinarian.

24. Inspections

- (1) Abattoir operators must offer assistance so that official controls to be carried out by the competent authority can be performed effectively.
- (2) The abattoir operators must in particular
 - (a) give access to all buildings, premises, installations or other infrastructures related to the abattoir and meat production; and

(b) make available any documentation and records required or considered necessary by the competent authority.

25. Official controls

- (1) The competent authority must carry out official controls to verify abattoir operators' compliance with the requirements of these Regulations and other relevant EU legislation.
- (2) The official controls must include
 - (a) audits of good hygiene practices and HACCP-based procedures;
 - (b) the official inspection tasks and measures specified in regulation 22; and
 - (c) any particular auditing tasks specified in Schedule 5.
- (3) The competent authority must carry out an audit of good hygiene practices to verify that abattoir operators apply the following procedures continuously and properly
 - (a) checks on food-chain information;
 - (b) the design and maintenance of premises and equipment;
 - (c) pre-operational, operational and post-operational hygiene;
 - (d) personal hygiene;
 - (e) training in hygiene and in work procedures;
 - (f) pest control;
 - (g) water quality;
 - (h) temperature control; and
 - (i) controls on animals entering the abattoir, and meat and meat products leaving the establishment and any accompanying documentation.
- (4) The competent authority must carry out an audit of HACCP-based procedures to verify that abattoir operators apply the procedures continuously and properly to ensure that the procedures provide the guarantees specified in regulation 10 and in particular, determine whether the procedures guarantee, to the extent possible, that products of animal origin
 - (a) comply with microbiological criteria laid down under the Livestock and Meat Products (Examination for Contaminants, Residues and Maximum Residue Levels) Regulations 2015 and the relevant EU legislation;

- (b) comply with the Livestock and Meat Products (Examination for Contaminants, Residues and Maximum Residue Levels) Regulations 2015 and the relevant EU legislation on residues, contaminants and other prohibited substances; and
- (c) do not contain physical hazards, such as foreign bodies.
- (5) The competent authority must verify the use and application of identification marks in accordance with Part 3, in addition to verification of compliance with other traceability requirements.
- (6) The official veterinarian must, when carrying out auditing tasks take special care
 - (a) to determine whether, staff and staff activities in the abattoir at all stages of the production process comply with the relevant requirements of these Regulations;
 - (b) to verify the abattoir operator's relevant records;
 - (c) to take samples for laboratory analysis whenever necessary; and
 - (d) to document elements taken into account and the findings of the audit.
- (7) The nature and intensity of auditing tasks in respect of each abattoir must depend upon the assessed risk and the competent authority must regularly assess
 - (a) public and, where appropriate, animal health risks;
 - (b) in the case of slaughterhouses within the abattoir, animal welfare aspects;
 - (c) the type and throughput of the processes carried out in that abattoir; and
 - (d) the abattoir operator's past record as regards compliance with hygiene and other requirements of these Regulations and the relevant EU legislation.

26. Frequency of controls

- (1) The competent authority must ensure that at least one Senior Veterinary Officer is present in the abattoir and in the slaughterhouse, throughout both ante-mortem and post-mortem inspections where a risk analysis or criteria laid down to determine any risk has shown that the presence of a Senior Veterinary Officer is required.
- (2) In the absence of any risk a Senior Veterinary Officer need not be present
 - (a) at the time of ante-mortem inspection in the slaughterhouse if
 - (i) an official veterinarian carried out ante-mortem inspection at the farm, checked the food chain information and communicated the results of the check to the official auxiliary at the slaughterhouse;

- (ii) the Meat Hygiene Inspector at the slaughterhouse is satisfied that the food chain information does not point to any possible problem for food safety and that the animal's general state of health and welfare is satisfactory; and
- (iii) the official veterinarian regularly checks and is satisfied that the Meat Hygiene Inspector is carrying out those checks properly;
- (b) at all times during post-mortem inspection if
 - (i) a Meat Hygiene Inspector carries out post-mortem inspection and puts aside meat with abnormalities and all other meat from the same animal;
 - (ii) the official veterinarian subsequently inspects all such meat; and
 - (iii) the Meat Hygiene Inspector documents all the procedures and findings in a manner that allows the official veterinarian to be satisfied that standards are being met.
- (3) Subregulation (2) does not apply
 - (a) to animals that have undergone emergency slaughter;
 - (b) to animals suspected of having a disease or a condition that may adversely affect human health:
 - (c) to bovine animals from herds that have not been declared officially free of tuberculosis;
 - (d) to bovine, ovine and caprine animals from herds that have not been declared officially free of brucellosis; and
 - (e) in the case of an outbreak of any animal disease for which animal health rules are laid down in the relevant EU legislation.
- (4) The competent authority must ensure that an official veterinarian or a Meat Hygiene Inspector is present in a cutting plant when meat is being worked on with a frequency appropriate to achieving the objectives of this regulation.

PART 5 – MISCELLANEOUS PROVISIONS

27. Certificates for exporting fresh meat

- (1) Any fresh meat exported from the Falkland Islands may only be exported if a meat export certificate in respect of that fresh meat has been drawn up and issued by the competent authority.
- (2) Any certificate issued under subregulation (1) must be in one of the official languages of the receiving country to which the fresh meat is being exported and must
 - (a) accompany the fresh meat consignment in the original;

- (b) meet all the requirements specified in Schedule 6;
- (c) be issued at the time the fresh meat consignment is despatched;
- (d) be made out to a single recipient; and
- (e) have an animal health and a public health component.
- (3) Subject to section 5(6) of the Ordinance a meat export certificate can only be issued in respect of fresh meat produced and processed at a designated abattoir.
- (4) The animal health certificate referred to in subregulation (1) must certify that the fresh meat complies with animal health requirements and the hygiene requirements laid down in these Regulations and the relevant EU legislation.

28. Record keeping

- (1) A person who owns or is in control of animals must keep records of
 - (a) the nature and origin of feed fed to the animals;
 - (b) veterinary medicinal products or other treatments administered to the animals, dates of administration and withdrawal periods;
 - (c) the occurrence of diseases that may affect the safety of the meat and products of animal origin;
 - (d) the results of any analyses carried out on samples taken from animals or other samples taken for diagnostic purposes, that have importance for human health; and
 - (e) any relevant reports on checks carried out on animals or products of animal origin.
- (2) An abattoir operator must keep all the records relating to animals brought into the abattoir including any records relating to meat and meat products produced and processed in the abattoir.

29. Offences and penalties

- (1) It is an offence for a person to contravene a provision of these regulations.
- (2) A person found guilty of an offence under these regulations is liable on conviction to a term of imprisonment not exceeding 12 months, or to a fine not exceeding level 8 on the standard scale, or to both.

30. Disapplied UK Regulations

The following no longer apply to the Falkland Islands —

- (a) Fresh Meat (Hygiene and Inspection) Regulations 1995 (S.I 1995/539);
- (b) Fresh Meat (Hygiene and Inspection) (Amendment) Regulations 1995 (S.I 1995/3189); and

(c) Fresh Meat (Hygiene and Inspection) (Amendment) Regulations 1996 (S.I 1996/1148).

31. Revocation

- (1) The Designated Abattoirs (Application of Legislation) Order 1999 (S.R. & O. No. 65 of 1998) is amended by revoking paragraphs 3, 4 and 5 and revoking Schedules 1, 2 and 3.
- (2) The Abattoirs (Miscellaneous Provisions) Order 2002 (S.R. & O. No. 35 of 2002) is revoked.

SCHEDULE 1 HYGIENE REQUIREMENTS FOR ABATTOIRS

PART A - HAZARD ANALYSIS AND CRITICAL CONTROL POINTS (HACCP)

(regulation 7(2), 10(1)(b))

- 1. The abattoir operator must put in place, implement and maintain a permanent procedure or procedures based on the HACCP principles.
- 2. The HACCP principles referred to in paragraph 1 must consist of the following
 - (a) identifying any hazards that must be prevented, eliminated or reduced to acceptable levels;
 - (b) identifying the critical control points at the step or steps at which control is essential to prevent or eliminate a hazard or to reduce it to acceptable levels;
 - (c) establishing critical limits at critical control points which separate acceptability from unacceptability for the prevention, elimination or reduction of identified hazards;
 - (d) establishing and implementing effective monitoring procedures at critical control points;
 - (e) establishing corrective actions when monitoring indicates that a critical control point is not under control;
 - (f) establishing procedures, which must be carried out regularly, to verify that the measures outlined in subparagraphs (a) to (e) are working effectively; and
 - (g) establishing documents and records commensurate with the nature and size of the abattoir to demonstrate the effective application of the measures outlined in subparagraphs (a) to (f).

PART B - MINIMUM REQUIREMENTS FOR EQUIPMENT USED IN MEAT PRODUCTION

(regulation 12)

1. All articles, fittings and equipment with which meat comes into contact must be —

- (a) effectively cleaned and, where necessary, disinfected. Cleaning and disinfection must be done at set intervals to avoid any risk of contamination;
- (b) constructed with materials that enable them to be kept clean to minimise any risk of contamination:
- (c) kept in good order, repair and condition to minimise any risk of contamination;
- (d) disinfected where necessary, with the exception of non-returnable containers and packaging; and
- (e) installed in a manner that allows adequate cleaning of the equipment and the surrounding area
- 2. Where necessary, equipment is to be fitted with any appropriate control device to guarantee fulfilment of these objectives.
- 3. Where chemical additives have to be used to prevent corrosion of equipment and containers, they must be used in accordance with good practice.

PART C – GENERAL REQUIREMENTS RELATING TO ABATTOIR PREMISES AND EQUIPMENT

(regulation 12)

- 1. Abattoir operators must ensure that the construction, layout and equipment of abattoirs in which domestic ungulates are slaughtered meet the following requirements
 - (a) abattoirs must have adequate and hygienic lairage facilities or, climate permitting, waiting pens that are easy to clean and disinfect. These facilities must be equipped for watering the animals and, if necessary, feeding them. The drainage of the waste water must not compromise meat safety and animal health;
 - (b) abattoirs must also have separate lockable facilities or, climate permitting, pens for sick animals or animals suspected of being sick with separate drainage and sited in such a way as to avoid contamination of other animals, unless the competent authority considers that such facilities are unnecessary; and
 - (c) the size of the lairage facilities must ensure that the welfare of animals is respected. The layout must facilitate ante-mortem inspections, including the identification of the animals or groups of animals and there must be adequate lighting to facilitate this.
- 2. To avoid contamination of meat, the abattoir operator must
 - (a) have a sufficient number of rooms, appropriate to the operations being carried out;

- (b) have a separate room for the emptying and cleaning of stomachs and intestines, unless the competent authority authorises different times within which these operations may be carried out within a specific abattoir on a case-by-case basis;
- (c) ensure the following operations are carried out at different times and in different places—
 - (i) stunning and bleeding;
 - (ii) in the case of porcine animals, scalding, depilation, scraping and singeing;
 - (iii) evisceration and further dressing;
 - (iv) handling clean guts and tripe;
 - (v) preparation and cleaning of other offal, particularly the handling of skinned heads if it does not take place at the slaughter line;
 - (vi) packaging offal; and
 - (vii) dispatching meat;
- (d) have installations that prevent contact between the meat and the floors, walls and fixtures; and
- (e) have slaughter lines (where operated) that are designed to allow constant progress of the slaughter process and to avoid cross-contamination between the different parts of the slaughter line. Where more than one slaughter line is operated in the same premises, there must be adequate separation of the lines to prevent cross-contamination.
- 3. There must be facilities for disinfecting tools with hot water (at not less than 82°C), or an alternative system which has an equivalent effect.
- 4. The equipment for washing hands used by the staff engaged in handling exposed meat must have taps designed to prevent contamination.
- 5. There must be lockable facilities for the refrigerated storage of detained meat and separate lockable facilities for the storage of meat declared unfit for human consumption.
- 6. There must be a separate place with appropriate facilities for the cleaning, washing and disinfection of any vessel used in the transport of livestock. However, slaughterhouses may not have these places and facilities if the competent authority permits and official authorised places and facilities exist nearby that can be used.
- 7. There must be lockable facilities reserved for the slaughter of sick animals or any animals suspected of being sick. This is not essential if the slaughter takes place in any other establishment authorised by the competent authority for this purpose, or at the end of the normal slaughter period.

- 8. If manure or digestive tract content is stored in the slaughterhouse, there must be a special area or place where it is stored.
- 9. There must be an adequately equipped lockable facility or, where needed, a room for the exclusive use for the competent authority.

PART D - WASTE

- 1. Abattoir operators must remove any animal waste, non-edible by-products and other refuse from rooms where meat is produced as quickly as possible, so that waste or any refuse does not accumulate.
- 2. Animal waste, non-edible by-products and other refuse must be deposited in closable and leak proof containers, unless abattoir operators can demonstrate to the competent authority that other types of containers or evacuation systems used are appropriate.
- 3. The containers must be
 - (a) constructed appropriately (leak proof);
 - (b) labelled;
 - (c) kept in sound condition; and
 - (d) easy to clean and if necessary, easy to disinfect.
- 4. There must be adequate provision for the storage and disposal of waste, non-edible by-products and other refuse.
- 5. Refuse stores are to be designed and managed in such a way that they are easy to clean and, where necessary, kept far from animals and where necessary be kept free of pests.
- 6. All waste must be eliminated in a hygienic and environmentally friendly way in accordance with the Environmental Protection (Overseas Territories) Order 1988 (S.I. 1988/1084) as amended by the Environmental Protection (Overseas Territories) (Amendment) Order 1997).

PART E - WATER SUPPLY

- 1. There must be facilities to provide adequate supplies of potable water, which is to be used whenever necessary to ensure that meat and meat products are not contaminated.
- 2. If there is a supply of non-potable water
 - (a) the pipes installed for the purpose must preclude the use of that water for purposes other than
 - (i) the production of steam;

- (ii) fire-fighting; or
- (iii) the cooling of refrigeration equipment;
- (b) the pipes used for non-potable water pipes must be clearly distinguishable from those used for potable water;
- (c) there must be no risk of contamination of meat and meat products.
- 3. If recycled water is used it must
 - (a) not present a risk of contamination of meat and meat products;
 - (b) be of the same standard as potable water.
- 4. Ice used for the chilling of meat and meat products must
 - (a) be made from potable water; and
 - (b) be stored before use under conditions that prevent its contamination.
- 5. Steam used directly in the preparation of meat and meat products must not contain any substance that presents a hazard to health or is likely to contaminate the meat.
- 6. Where any heat treatment is applied to meat or meat products in hermetically sealed containers it must not be a source of contamination.

PART F - PERSONAL HYGIENE

- 1. All staff working in the abattoir must
 - (a) maintain a high degree of personal cleanliness; and
 - (b) wear suitable, clean and, where necessary, protective clothing.
- 2. Any member of staff who suffers from, or is a carrier of a disease likely to be transmitted to the meat and meat products must not be permitted
 - (a) to handle meat and meat products; or
 - (b) to enter any area in any capacity if there is any likelihood of direct or indirect contamination.
- 3. A member of staff who is likely to come into contact with meat must immediately report any illness or symptoms, and if possible their causes, to the abattoir operator.

SCHEDULE 2

PRODUCING, PROCESSING AND PLACING FRESH MEAT AND MEAT PRODUCTS ON THE MARKET

PART A- PRODUCTION AND PROCESSING OF FRESH MEAT- ABATTOIR HYGIENE

(regulation 13(2))

A person who operates an abattoir at which domestic ungulates are slaughtered must ensure compliance with the following requirements —

- 1. After arrival in the abattoir, the slaughter of the animals must not be unduly delayed. However, where required for welfare reasons, animals must be given a resting period before slaughter.
- 2. Meat from animals other than those referred to in paragraphs 3 and 4 must not be used for human consumption if they die otherwise than by being slaughtered in the abattoir.
- 3. Only live animals intended for slaughter may be brought into the slaughter premises, with the exception of animals that have undergone emergency slaughter outside the slaughterhouse.
- 4. Meat from animals that undergo slaughter following an accident in an abattoir may be used for human consumption if, on inspection, no serious lesions other than those due to the accident are found.
- 5. The animals or, where appropriate, each batch of animals sent for slaughter must be identified so that their origin can be traced.
- 6. Animals must be clean.
- 7. Abattoir operators must follow the instructions of the official veterinarian to ensure that antemortem inspection of every animal to be slaughtered is carried out under suitable conditions.
- 8. Animals brought into the slaughter hall must be slaughtered without undue delay.
- 9. Stunning, bleeding, skinning, evisceration and other dressing must be carried out without undue delay and in a manner that avoids contaminating the meat. In particular
 - (a) the trachea and oesophagus must remain intact during bleeding, except in the case of slaughter according to a religious custom;
 - (b) during the removal of hides and fleece
 - (i) contact between the outside of the skin and the carcass must be prevented; and
 - (ii) operators and equipment coming into contact with the outer surface of hides and fleece must not touch the meat;

- (c) measures must be taken to prevent the spillage of digestive tract content during and after evisceration and to ensure that evisceration is completed as soon as possible after stunning; and
- (d) removal of the udder must not result in contamination of the carcass with milk or colostrum.
- 10. Complete skinning of the carcass and other parts of the body intended for human consumption must be carried out, except for porcine animals and the heads and feet of ovine and caprine animals and calves. Heads and feet must be handled so as to avoid contamination of other meat.
- 11. When not skinned, porcine animals must have their bristles removed immediately. The risk of contamination of the meat with scalding water must be minimised. Only approved additives may be used for this operation. Porcine animals must be thoroughly rinsed afterwards with potable water.
- 12. The carcasses must not contain visible faecal contamination. Any visible contamination must be removed without delay by trimming or alternative means having an equivalent effect.
- 13. Carcasses and offal must not come into contact with floors, walls or work stands.
- 14. Abattoir operators must follow the instructions of the competent authority to ensure that post-mortem inspection of all slaughtered animals is carried out under suitable conditions.
- 15. Until post-mortem inspection is completed, parts of a slaughtered animal subject to such inspection must
 - (a) remain identifiable as belonging to a given carcass; and
 - (b) come into contact with no other carcass, offal or viscera, including those that have already undergone post-mortem inspection.

However, provided that it shows no pathological lesion, the penis may be discarded immediately.

- 16. Both kidneys must be removed from their fatty covering. In the case of bovine and porcine animals, and solipeds, the peri-renal capsule must also be removed.
- 17. If the blood or other offal of several animals is collected in the same container before completion of post-mortem inspection, the entire contents must be declared unfit for human consumption if the carcass of one or more of the animals concerned has been declared unfit for human consumption.
- 18. After post-mortem inspection
 - (a) the tonsils of bovine animals must be removed hygienically;

- (b) parts unfit for human consumption must be removed as soon as possible from the clean sector of the establishment;
- (c) meat detained or declared unfit for human consumption and inedible by-products must not come into contact with meat declared fit for human consumption; and
- (d) viscera or parts of viscera remaining in the carcass, except for the kidneys, must be removed entirely and as soon as possible, unless the competent authority authorises otherwise.
- 19. After completion of slaughter and post-mortem inspection, the meat must be stored in accordance with the requirements laid down in Part E of this Schedule.
- 20. When destined for further handling
 - (a) stomachs must be scalded or cleaned;
 - (b) intestines must be emptied and cleaned; and
 - (c) heads and feet must be skinned or scalded and depilated.
- 21. Where establishments are approved for the slaughter of different animal species precautions must be taken to prevent cross-contamination by separation either in time or in space of operations carried out on the different species.
- 22. If the abattoir does not have lockable facilities reserved for the slaughter of sick animals or animals suspected of being sick, the facilities used to slaughter such animals must be cleaned, washed and disinfected under official supervision before the slaughter of other animals is resumed.

PART B - REQUIREMENTS FOR CUTTING PLANTS

(regulation 13(2))

An abattoir operator must ensure that cutting plants handling meat of domestic ungulates —

- (1) are constructed so as to avoid contamination of meat, in particular by
 - (a) allowing constant progress of the operations; or
 - (b) ensuring separation between the different production batches;
- (2) have rooms for the separate storage of packaged and exposed meat, unless stored at different times or in such a way that the packaging material and the manner of storage cannot be a source of contamination for the meat:
- (3) have cutting rooms equipped to ensure compliance with the requirements laid down in Part C;

- (4) have equipment for washing hands with taps designed to prevent the spread of contamination, for use by staff engaged in handling exposed meat; and
- (5) have facilities for disinfecting tools with hot water supplied at not less than 82°C, or an alternative system that has an equivalent effect.

PART C - HYGIENE DURING CUTTING AND BONING: FRESH MEAT

(regulation 13(2))

Abattoir operators must ensure that cutting and boning of meat of domestic ungulates takes place in accordance with the following requirements —

- 1. Carcasses of domestic ungulates may be cut as follows
 - (a) at slaughterhouses, into half-carcasses or quarters, and half carcasses into no more than three wholesale cuts; and
 - (b) any further cutting and boning must be carried out in a cutting plant;
- 2. The work on meat must be organised in such a way as to prevent or minimise contamination. To this end, operators must ensure in particular that
 - (a) meat intended for cutting is brought into the workrooms progressively as needed;
 - (b) during cutting, boning, trimming, slicing, dicing, wrapping and packaging, the meat is maintained at not more than 3°C for offal and 7°C for other meat, by means of an ambient temperature of not more than 12°C or an alternative system having an equivalent effect; and
 - (c) where the premises are approved for the cutting of meat of different animal species, precautions are taken to avoid cross-contamination, where necessary by separation of the operations on the different species in either space or time;
- 3. However, meat may be boned and cut before it reaches the temperature referred to in paragraph 2(b) in accordance with paragraph 2 of Part F of this Schedule; and
- 4. Meat may also be boned and cut prior to reaching the temperature referred to in paragraph 2(b) when the cutting room is on the same site as the slaughter premises. In this case, the meat must be transferred to the cutting room either directly from the slaughter premises or after a waiting period in a chilling or refrigerating room. As soon as it is cut and, where appropriate, packaged, the meat must be chilled to the temperature referred to in paragraph 2(b).

PART D - TREATED STOMACHS, BLADDERS AND INTESTINES

(regulation 13(3))

Abattoir operators treating stomachs, bladders and intestines must ensure compliance with the following requirements —

- 1. Animal intestines, bladders and stomachs may be placed on the market only if
 - (a) they derive from animals which have been slaughtered in a slaughterhouse, and which have been found fit for human consumption following ante-mortem and post-mortem inspection;
 - (b) they are salted, heated or dried; and
 - (c) after the treatment referred to in paragraph (b), effective measures are taken to prevent recontamination.
- 2. Treated stomachs, bladders and intestines that cannot be kept at ambient temperature must be stored chilled using facilities intended for that purpose until their dispatch. In particular, products that are not salted or dried must be kept at a temperature of not more than 3°C.

PART E - EMERGENCY SLAUGHTER OUTSIDE THE ABATTOIR SLAUGHTERHOUSE

(regulation 13(5))

Abattoir operators must ensure that meat from domestic ungulates that have undergone emergency slaughter outside the slaughterhouse may be used for human consumption only if it complies with all the following requirements —

- 1. A healthy animal which has suffered an accident that prevented its transport to the abattoir for welfare reasons.
- 2. An official veterinarian must carry out an ante-mortem inspection of the animal.
- 3. The slaughtered and bled animal must be transported to the abattoir hygienically and without undue delay.
- 4. Removal of the stomach and intestines, but no other dressing, may take place on the spot, under the supervision of the official veterinarian.
- 5. Any viscera removed must accompany the slaughtered animal to the slaughterhouse and be identified as belonging to that animal.
- 6. If more than two hours elapse between slaughter and arrival at the slaughterhouse, the animal must be refrigerated. Where climatic conditions so permit, active chilling is not necessary.
- 7. A declaration by the farmer who reared the animal, stating the identity of the animal and indicating any veterinary products or other treatments administered to the animal, dates of administration and withdrawal periods, must accompany the slaughtered animal to the abattoir.
- 8. A declaration issued by the official veterinarian recording the outcome of the ante-mortem inspection, the date and time of, and reason for, emergency slaughter, and the nature of any

treatment administered by the official veterinarian to the animal, must accompany the slaughtered animal to the slaughterhouse.

- 9. The slaughtered animal must be fit for human consumption following post-mortem inspection carried out in the slaughterhouse in accordance with Part B of Schedule 5, including any additional tests required in the case of emergency slaughter.
- 10. Abattoir and food business operators must follow any instructions that the official veterinarian may give after post-mortem inspection concerning the use of the meat.
- 11. Abattoirs and food business operators may not place meat from animals having undergone emergency slaughter on the market unless it bears a special health mark which cannot be confused with the health or identification mark provided for in regulation 16. The meat may only be placed on the market for domestic purposes.

PART F - STORAGE AND TRANSPORT OF FRESH MEAT

(regulation 13(6))

Abattoir operators must ensure that the storage and transport of meat of domestic ungulates takes place in accordance with the following requirements —

- 1. Meat is chilled immediately after post-mortem inspection and is kept chilled to ensure a temperature throughout the meat of not more than 3 °C for offal and 7 °C for other meat along a chilling curve that ensures a continuous decrease of the temperature.
- 2. Meat may be cut and boned during chilling in accordance with Part B of this Schedule and during the chilling operations there must be adequate ventilation to prevent condensation on the surface of the meat.
- 3. Meat must attain the temperature specified under paragraph 1 and remain at that temperature during storage.
- 4. Meat must attain the temperature specified under paragraph 1 before it can be transported, and must remain at that temperature during transport. Meat may still be transported at a different temperature if the competent authority authorises the transport to enable the production of specific products, provided that
 - (a) transport takes place in accordance with the requirements that the competent authority specifies in respect of transporting the meat from one particular establishment to another; and
 - (b) the meat leaves the slaughterhouse, or a cutting room on the same site as the abattoir premises immediately and the total transport time does not take more than two hours.
- 5. Meat intended for freezing must be frozen without undue delay, taking into account where necessary a stabilisation period before freezing.

6. Exposed meat must be stored and transported separately from packaged meat, unless stored or transported at different times or in such a way that the packaging material and the manner of storage or transport does not result in the meat being contaminated.

SCHEDULE 3 PRODUCTION AND PROCESSING OF MEAT PRODUCTS – MINCED MEAT AND MECHANICALLY SEPARATED MEAT (MSM)

(regulation 14(1))

PART A - MEAT PRODUCTS

(regulation 14(2))

- 1. An abattoir operator must ensure that the following items are not used in the preparation of meat products
 - (a) genital organs of either female or male animals, except testicles;
 - (b) urinary organs, except the kidneys and the bladder;
 - (c) the cartilage of the larynx, the trachea and the extra-lobular bronchi;
 - (d) eyes and eyelids;
 - (e) the external auditory meatus; and
 - (f) horn tissue.
- 2. All meat, including minced meat and meat preparations, used to produce meat products must meet the requirements for fresh meat. However, minced meat and meat preparations used to produce meat products need not satisfy other specific requirements of this Schedule.

PART B - REQUIREMENTS FOR PRODUCTION ESTABLISHMENTS

(regulation 14(2))

- 1. Abattoir operators producing minced meat, meat preparations or mechanically separated meat (MSM) must ensure that the facilities
 - (a) are constructed so as to avoid contamination of meat and meat products, in particular by—
 - (i) allowing constant monitoring of the operations to ensure the facilities are fit for purpose; and
 - (ii) ensuring there is adequate separation between the different production batches;
 - (b) have rooms to allow separate storage of packaged and exposed meat and products, and if there are not enough rooms to allow this the meat and meat products must be stored at

different times or in such a way that the packaging material and the manner of storage cannot be a source of contamination for the meat or products;

- (c) have rooms equipped to ensure compliance with the temperature requirements laid down in Part D of this Schedule:
- (d) have equipment for washing hands used by staff handling exposed meat and products with taps designed to prevent the spread of contamination; and
- (e) have facilities for disinfecting tools with hot water supplied at not less than 82°C, or an alternative system which has an equivalent effect.

PART C - REQUIREMENTS FOR RAW MATERIAL

(regulation 14(2))

An abattoir operator who produces minced meat, meat preparations or MSM must ensure that the raw materials used in the process satisfy the following requirements —

- (1) The raw material used to prepare minced meat must meet the following requirements
 - (a) it must comply with the requirements for fresh meat;
 - (b) it must be taken from skeletal muscle, including adherent fatty tissues;
 - (c) it must not be taken from
 - (i) scrap cuttings and scrap trimmings (other than whole muscle cuttings);
 - (ii) MSM;
 - (iii) meat containing bone fragments or skin; or
 - (iv) meat of the head with the exception of the masseters, the non-muscular part of the linea alba, the region of the carpus and the tarsus, bone scrapings and the muscles of the diaphragm (unless the serosa has been removed).
- (2) The following raw material may be used to prepare meat preparations
 - (a) fresh meat;
 - (b) meat which meets the requirements of paragraph (1); and
 - (c) if the meat preparation is not intended to be consumed without first undergoing heat treatment
 - (i) meat taken from the mincing or fragmentation of meat which meets the requirements of paragraph (1) except paragraph 1(c)(i); and

- (ii) MSM meeting the requirements of Part D, paragraph (3)(d) of this Schedule.
- (3) The raw material used to produce MSM must meet the following requirements
 - (a) it must comply with the requirements for fresh meat;
 - (b) the following material must not be used to produce MSM
 - (i) the bones of the head; and
 - (ii) feet, tails, femur, tibia, fibula, humerus, radius and ulna.

PART D - HYGIENE DURING AND AFTER PRODUCTION

(regulation 14(2))

Abattoir operators producing minced meat, meat preparations or MSM must ensure compliance with the following requirements —

- (1) Any processing to be done on the meat must be organised in such a way as to prevent or minimise contamination and abattoir operators must ensure that the meat used
 - (a) is at a temperature of not more than 3°C for offal and 7°C for other meat; and
 - (b) is only brought into the preparation room when needed.
- (2) The following requirements apply to the production of minced meat and meat preparations
 - (a) frozen or deep-frozen meat used for the preparation of minced meat or meat preparations must be boned before freezing unless the competent authority authorises boning immediately before mincing;
 - (b) frozen or deep-frozen meat used for the preparation of minced meat or meat preparations may be stored only for a limited period;
 - (c) when prepared from chilled meat, minced meat must be prepared
 - (i) within no more than 6 days of slaughter in the case of any animal other than poultry (poultry must be prepared within 3 days); or
 - (ii) within no more than 15 days from slaughter of the animal in the case of boned, vacuum-packed beef and veal.
 - (d) immediately after production, minced meat and meat preparations must be wrapped or packaged and be
 - (i) chilled to an internal temperature of not more than 2°C for minced meat and 4°C for meat preparations; or

- (ii) frozen to an internal temperature of not more than -18°C.
- (3) The following requirements apply to the production and use of MSM produced using techniques that do not alter the structure of the bones used in the production of MSM and the calcium content of which is not significantly higher than that of minced meat
 - (a) raw material for deboning from an on-site slaughterhouse must be no more than 7 days old; otherwise, raw material for deboning must be no more than 5 days old;
 - (b) mechanical separation must take place immediately after deboning;
 - (c) if not used immediately after being obtained, MSM must be wrapped or packaged and then chilled to a temperature of not more than 2°C or frozen to an internal temperature of not more than -18°C;
 - (d) if the abattoir operator has carried out scientific risk assessment/analyses demonstrating that MSM complies with the prescribed microbiological criteria for minced meat it may be used in meat preparations that are clearly not intended to be consumed without first undergoing heat treatment and in meat products; and
 - (e) MSM which does not comply with the criteria referred to in subparagraph (d) may only be used to manufacture heat-treated meat products in establishments approved in accordance with the Ordinance.
- (4) The following requirements apply to the production and use of MSM produced using techniques other than those mentioned in paragraph (3)
 - (a) raw material for deboning from an on-site slaughterhouse must be no more than 7 days old; otherwise, raw material for deboning must be no more than 5 days old;
 - (b) if mechanical separation does not take place immediately after deboning the flesh-bearing bones must be stored and transported at a temperature of not more than 2° C or, if frozen, at a temperature of not more than -18° C;
 - (c) flesh-bearing bones obtained from frozen carcasses must not be refrozen;
 - (d) if not used within one hour of being obtained, MSM must be chilled immediately to a temperature of not more than 2°C;
 - (e) if, after chilling, MSM is not processed within 24 hours, it must be frozen within 12 hours of production and reach an internal temperature of not more than -18°C within six hours;
 - (f) frozen MSM must be wrapped or packaged before storage or transport, must not be stored for more than three months and must be maintained at a temperature of not more than -18° C during storage and transport; and

- (g) MSM may be used only to manufacture heat-treated meat products in establishments approved in accordance with the Ordinance.
- (5) Minced meat, meat preparations and MSM must not be re-frozen after thawing.
- (6) The temperature conditions specified under paragraph (2)(d) must be maintained during storage and transport of minced meat and MSM.

SCHEDULE 4

PACKAGING, MARKING AND LABELLING OF MEAT AND MEAT PRODUCTS

PART A - APPLICATION OF THE HEALTH MARK

(regulation 19(2))

- 1. A health mark must be applied before the meat or meat product leaves the abattoir.
- 2. A health mark must be applied on the external surface of the carcass, by stamping the mark in ink in such a way that, if carcasses are cut into half carcasses or quarters, or half carcasses are cut into three pieces, each piece bears a health mark.

PART B - APPLICATION OF THE IDENTIFICATION MARK

(regulation 19(2))

- 1. An identification mark must be applied before the meat or meat product leaves the abattoir.
- 2. A new identification mark need not be applied to a product unless its packaging or wrapping is removed or it is further processed in another establishment, in which case the new mark must indicate the approval number of the establishment where these operations take place.
- 3. Abattoir operators must have in place systems and procedures to identify food business operators to whom they have delivered meat and meat products.

PART C- FORM OF THE HEALTH AND IDENTIFICATION MARKS

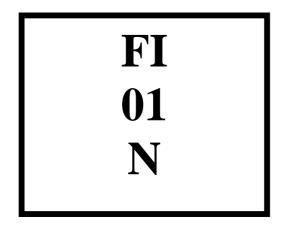
HEALTH MARKS

(regulation 18(1)(a))

Figure 1 —Health Mark for Meat Intended for Export



Figure 2 - Health Mark for Meat Intended for Domestic Market



IDENTIFICATION MARK

(regulation 18(2)(b))

Figure 3 – Identification Mark



PART D - METHOD OF MARKING/LABELLING

(regulation 19(2)

- 1. The mark may, depending on the presentation of different products of animal origin, be applied directly to the product, the wrapping or the packaging, or be printed on a label affixed to the product, the wrapping or the packaging.
- 2. The mark may also be an irremovable tag made of resistant material.
- 3. In the case of packaging containing cut meat or offal, the mark must be applied to a label fixed to the packaging, or printed on the packaging, in such a way that it is not destroyed when the packaging is opened but this is not necessary if the process of opening destroys the packaging.
- 4. When wrapping provides the same protection as packaging, the label may be affixed to the wrapping.
- 5. For products of animal origin that are placed in transport containers or large packages and are intended for further handling, processing, wrapping or packaging in another establishment, the mark may be applied to the external surface of the container or packaging.
- 6. When products of animal origin are placed in a package destined for direct supply to the final consumer, it is sufficient to apply the mark to the exterior of that package only.
- 7. When the mark is applied directly to products of animal origin, the colouring used must be acceptable for use in foodstuffs.

PART E -- MANDATORY FOOD INFORMATION REQUIRED FOR EXPORTED PRODUCTS

A. Requirements for the name of the food (products of animal origin)

- 1. The name or type of animal product must be accompanied by particulars as to the physical condition of the product or the specific treatment which it has undergone (e.g. powdered, refrozen, smoked, etc.)
- 2. It must be made clear if the product has been frozen and defrosted before sale.
- 3. It must be made clear if the product contains added proteins from a different animal.
- 4. It must be made clear if water has been added to meat products that make up more than 5% of the finished product weight.
- 5. It must be made clear if meat products have been made by adding different pieces of meat.

B. The list of ingredients in the meat or meat product

- 1. This is not required for foods consisting of a single ingredient where the name of the food is identical to the ingredient name or the name of the food enables the nature of the ingredient to be clearly identified.
- 2. Any ingredient or processing aid listed in Annex II of EU Regulation 1169/2011 that may cause allergies or intolerances.
- 3. The indication of these ingredients is not required in cases where the name of the product clearly refers to the substance or product concerned.

C. The quantity of certain ingredients or categories of ingredients

This is not required for products consisting of a single ingredient where the name of the product is identical to the ingredient name or the name of the product enables the nature of the ingredient to be clearly identified.

D. The net quantity of the product

The net quantity of the product must be expressed using litres, centilitres, millilitres, kilograms or grams, as appropriate.

E. The date of minimum durability or the 'use by' date

- 1. In the case of products which, from a microbiological point of view, are highly perishable and are therefore likely after a short period to constitute an immediate danger to human health
 - (a) the date of minimum durability must be replaced by the 'use by' date; and
 - (b) after the 'use by' date the product must be deemed to be unsafe.
- 2. In the case of products which are not highly perishable, a period of minimum durability may be indicated by a 'best before' date, with that date preceded by the words —

- (a) "Best before ..." when the date includes an indication of the day; or
- (b) "Best before end ..." in other cases,

with the words accompanied by either the date itself, or a reference to where the date is given on the labelling.

- 3. Where the product is to keep for the specified period, the particulars under paragraph 2 must be followed by a description of the storage conditions which must be observed, and the date must consist of the day, the month and possibly, the year, in that order and in un-coded form.
- 4. Where the product will not keep for more than 3 months, an indication of the day and the month is sufficient, and the labelling requirements are as follows
 - (a) for products which will keep for more than 3 months but not more than 18 months, an indication of the month and year is sufficient;
 - (b) for products which will keep for more than 18 months, an indication of the year is sufficient,

including any special storage conditions or conditions of use.

F. The name or business name and address of the food business operator

- 1. The operator responsible for the product information is the operator under whose name or business name the food is marketed or imported into the EU market.
- 2. The information must include the country of origin or place of provenance.
- 3. The information must contain instructions for use where it would be difficult to make appropriate use of the product in the absence of those instructions.

G. A nutrition declaration

This is not necessary for unprocessed products comprising a single ingredient or category of ingredients.

PART F - LABELLING OF MINCED MEAT, MEAT PREPARATIONS AND MECHANICALLY SEPARATED MEAT (MSM)

(regulation 19(3))

Any package intended for supply to the final consumer containing minced meat or meat preparations containing MSM must bear a notice indicating that the products should be cooked before consumption.

SCHEDULE 5 PART A - AUDITING TASKS

- 1. In addition to the general requirements of regulation 23 concerning audits of good hygiene practices, the official veterinarian must verify continuous compliance with the abattoir operators' own procedures concerning any collection, transport, storage, handling, processing and use or disposal of animal by-products, including specified risk material, for which the abattoir operator is responsible.
- 2. In addition to the general requirements of regulation 10 concerning audits of HACCP-based principles, the official veterinarian must check that the abattoir operators' procedures guarantee, to the extent possible, that meat —
- (a) does not contain patho-physiological abnormalities or changes;
- (b) does not bear faecal or other contamination; and
- (c) does not contain specified risk material, except as provided for under the relevant EU legislation, and has been produced in accordance with the relevant legislation on transmissible spongiform encephalopathies (TSEs).
- 3. "Specified risk material" means material referred to in the Livestock and Meat Products (TSE Control) Regulations 2015 (SR&O No 29 of 2015).

PART B - INSPECTION TASKS

When carrying out inspection tasks in accordance with this Part, the official veterinarian must take account of the results of the auditing tasks carried out in accordance with Part A of this Schedule and where appropriate the official veterinarian must target inspection tasks accordingly.

1. Food chain information

- (a) The official veterinarian must check and analyse relevant information from the records of the farm from which animals intended for slaughter were kept and to take into account the documented results of this check and analysis when carrying out ante- and post-mortem inspection.
- (b) When carrying out inspection tasks, the official veterinarian must take account of official certificates accompanying animals, and any declarations made by official veterinarians carrying out controls at the level of primary production.
- (c) When food business operators in the food chain take additional measures to guarantee food safety by implementing integrated systems, private control systems, independent third party certification or by other means, and when these measures are documented and animals covered by these schemes clearly identifiable, the official veterinarian may take this into account when carrying out inspection tasks and reviewing the HACCP-based procedures.

2. Ante-mortem inspection

- (a) Subject to paragraphs (d) and (e)
 - (i) the official veterinarian is to carry out an ante-mortem inspection of all animals before slaughter;
 - (ii) the inspection must take place within 24 hours of arrival at the slaughterhouse and less than 24 hours before slaughter; and
 - (iii) the official veterinarian may require inspection at any other time.
- (b) Ante-mortem inspection must in particular determine whether, as regards the particular animal inspected, there is any sign
 - (i) that welfare has been compromised; or
 - (ii) of any condition which might adversely affect human or animal health, paying particular attention to the detection of zoonotic diseases and any other prescribed animal diseases.
- (c) In addition to routine ante-mortem inspection, the official veterinarian is to carry out a clinical inspection of all animals that the abattoir operator or a Meat Hygiene Inspector may have put aside.
- (d) In the case of emergency slaughter outside the slaughterhouse, the official veterinarian must examine the declaration accompanying the animal issued by the official veterinarian or the trained person in accordance with Part D of Schedule 2.
- (e) Where provided for in Part C or D of this Schedule, ante-mortem inspection may be carried out at the farm. In such cases, the official veterinarian at the slaughterhouse must carry out ante-mortem inspection only when and to the extent specified.

3. Animal welfare

The official veterinarian must verify compliance with relevant EU legislation and the Livestock and Meat Products (Protection of Animals at Time of Slaughter or Killing) Regulations 2015 (SR&O No 26 of 2015), concerning the welfare of animals at the time of slaughter or killing.

4. Post-mortem inspection

- (a) Carcasses and accompanying offal are to be subjected without delay after slaughter to post-mortem inspection and
 - (i) all external surfaces are to be viewed;

- (ii) minimal handling of the carcass and offal or special technical facilities may be required for that purpose;
- (iii) particular attention must be paid to the detection of zoonotic diseases and diseases on the OIE listed diseases (Office International des Epizooties (World Organisation for Animal Health); and
- (iv) the speed of the slaughter line and the number of inspection staff present are to be such as to allow for proper inspection.
- (b) Additional examinations are to take place, such as palpation and incision of parts of the carcass and offal and laboratory tests, whenever considered necessary
 - (i) to reach a definitive diagnosis; or
 - (ii) to detect the presence of
 - (aa) an animal disease;
 - (bb) residues or contaminants in excess of the levels laid down under the relevant EU legislation;
 - (cc) non-compliance with microbiological criteria; or
 - (dd) other factors that might require the meat to be declared unfit for human consumption or for restrictions to be placed on its use, particularly in the case of animals having undergone emergency slaughter.
- (c) The official veterinarian is to require carcasses of bovine animals over six months old and domestic swine over four weeks old to be submitted for post-mortem inspection split lengthways into half carcasses down the spinal column.
- (d) If the inspection so necessitates, the official veterinarian may also require any head or any carcass to be split lengthways however, to take account of particular eating habits, technological developments or specific sanitary situations, the competent authority may authorise the submission for inspection of carcasses of bovine animals over six months old and domestic swine over four weeks old, not split in half.
- (e) During the inspection, precautions must be taken to ensure that contamination of the meat by actions such as palpation, cutting or incision is kept to a minimum.
- (f) In the event of an emergency slaughter, the carcass must be subjected to post-mortem examination as soon as possible in accordance with paragraphs (a) to (e) before it is released for human consumption.

5. Specified risk material and other animal by-products

- (a) The official veterinarian must check the removal, separation and, where appropriate, marking of products in accordance with the specific relevant EU legislation on specified risk material and other animal by-products.
- (b) The official veterinarian must ensure that the abattoir operator takes all necessary measures to avoid contaminating meat with specified risk material during slaughter (including stunning) and removal of specified risk material.

6. Laboratory testing

- (a) The official veterinarian must ensure that sampling takes place and that samples are appropriately identified and handled and sent to the appropriate laboratory within the framework of
 - (i) the monitoring and control of zoonoses and zoonotic agents;
 - (ii) specific laboratory testing for the diagnosis of TSEs in accordance with the relevant EU legislation;
 - (iii) the detection of unauthorised substances or products and the control of regulated substances, in particular within the framework of the relevant EU legislation; and
 - (iv) the detection of other prescribed animal diseases.
- (b) The official veterinarian must ensure that any other necessary laboratory testing takes place.

PART C - ACTION FOLLOWING CONTROLS

1. Communication of inspection results

- (a) The official veterinarian must record and evaluate the results of inspection activities.
- (b) The official veterinarian must inform
 - (i) the abattoir operator if inspections reveal the presence of any disease or conditions that might affect public or animal health, or compromise animal welfare;
 - (ii) the official veterinarian attending the farm or the person in charge of the farm when the problem identified arose during primary production, (provided that such information would not prejudice subsequent legal proceedings).
- (c) The results of inspections and tests are to be included or kept in relevant databases.

(d) When the official veterinarian, while carrying out ante-mortem or post-mortem inspection or any other inspection activity, suspects the presence of an infectious agent of animal diseases the official veterinarian must take all necessary measures and precautions to prevent the possible spread of the infectious agent in accordance with the relevant EU legislation.

2. Decisions concerning food chain information

- (a) Subject to paragraph (b) the official veterinarian must verify that animals are not slaughtered unless the abattoir operator has been provided with and checked relevant food chain information.
- (b) The official veterinarian may allow animals to undergo slaughter in the abattoir even if the relevant food chain information is not available provided
 - (i) all relevant food chain information is supplied before the carcass is approved for human consumption;
 - (ii) carcasses and related offal from those animals are stored separately from other meat pending submission of the food chain information.
- (c) Where the relevant food chain information is not made available within 24 hours of an animal's arrival at the slaughterhouse
 - (i) in the case where the animal was already slaughtered, all meat from the animal is to be declared unfit for human consumption; and
 - (ii) in the case where the animal has not yet been slaughtered, it must be slaughtered separately from other animals.
- (d) When the accompanying records, documentation or other information shows that
 - (i) animals come from a farm or an area subject to a movement prohibition or other restriction for reasons of animal or public health;
 - (ii) rules on the use of veterinary medicinal products have not been complied with; or
 - (iii) any other condition which might adversely affect human or animal health is present, animals may not be accepted for slaughter other than in accordance with procedures laid down under relevant EU legislation to eliminate human or animal health risks.
- (e) If the animals are already present at the abattoir, they must be killed separately and declared unfit for human consumption, taking precautions to safeguard animal and public health where appropriate.
- (f) Official controls may be carried out on that farm whenever the official veterinarian considers it necessary to do so.

- (g) The competent authority must take appropriate action if it discovers that the accompanying records, documentation or other information supplied does not correspond with the true situation on the farm or the true condition of the animals or is given with an aim to deliberately mislead the official veterinarian.
- (h) The competent authority must take action against the owner or the person in control of the animals, or impose extra controls and the owner or the person in control of the animals must bear the costs of those extra controls.

3. Decisions concerning live animals

- (a) The official veterinarian must verify and ensure that
 - (i) animals accepted for slaughter for human consumption are properly identified;
 - (ii) any animals whose identity is not reasonably ascertainable must be killed separately and declared unfit for human consumption.
- (b) Official controls may be carried out on the farm from where the unidentifiable animals were kept if the official veterinarian considers it necessary to do so.
- (c) The official veterinarian must verify that
 - (i) the abattoir operator complies with the duty to ensure that animals with hides, skin or fleece conditions are cleaned before slaughter and do not pose a risk of contamination of the meat during slaughter;
 - (ii) animals with a disease or condition that may be transmitted to animals or humans through handling or eating of their meat and, in general, animals showing clinical signs of systemic disease or emaciation, are not slaughtered for human consumption.
- (d) The official veterinarian may request that
 - (i) the slaughter of any animals suspected of having a disease or condition that may adversely affect human or animal health be deferred;
 - (ii) any animals suspected of having a disease or condition that may adversely affect human or animal health undergo detailed ante-mortem examination in order for a diagnosis to be made;
 - (iii) sampling and laboratory examinations be undertaken to supplement post-mortem inspection, if necessary; and
 - (iv) such animals be slaughtered separately or at the end of normal slaughtering, taking all necessary precautions to avoid contamination of other meat and if necessary declared unfit for human consumption.

- (e) Animals that might contain residues of veterinary medicinal products in excess of the levels laid down in accordance with relevant EU legislation, or residues of forbidden substances, are to be dealt with according to the requirements of that legislation.
- (f) The official veterinarian must impose conditions under which animals are to be dealt with under a specific scheme for the eradication or control of a specific disease, such as brucellosis or tuberculosis, or zoonotic agents.
- (g) The competent authority must determine the conditions under which animals with diseases specified under (f) may be slaughtered and the conditions must minimise contamination of meat or other animals.
- (h) Animals must be slaughtered at an abattoir to which they are presented for slaughter unless where exceptional circumstances exist and the official veterinarian must give consent to allow animals to be moved to the farm of origin or an approved holding.

4. Decisions concerning animal welfare

- (a) When the Livestock and Meat Products (Protection of Animals at Time of Slaughter or Killing) Regulations 2015 are not complied with, the official veterinarian must verify that the abattoir operator immediately takes necessary corrective measures and prevents recurrence.
- (b) The official veterinarian must take a proportionate and progressive approach to enforcement action, ranging from issuing directions to slowing down and stopping production, depending on the nature and gravity of the problem.
- (c) When the official veterinarian discovers that rules concerning the protection of animals during transport are not being complied with, the official veterinarian must take necessary measures in accordance with the Livestock and Meat Products (Welfare of Livestock) Regulations.
- (d) The Meat Hygiene Inspector must immediately inform the official veterinarian and, if necessary in cases of urgency, take the necessary measures referred to in paragraphs (a) to (c) pending the arrival of the official veterinarian, where
 - (i) a Meat Hygiene Inspector is carrying out checks on animal welfare in terms of Part C and D of this Schedule; and
 - (ii) those checks identify non-compliance with any of the rules on the protection of animals.

5. Decisions concerning meat

- (a) Meat must be declared unfit for human consumption if it
 - (i) comes from animals that have not undergone ante-mortem and post-mortem inspection;

- (ii) comes from animals the offal of which has not undergone post-mortem inspection, unless otherwise provided for under these Regulations or the relevant EU legislation;
- (iii) comes from an animal which dies before slaughter, is stillborn, unborn or under the age of seven days;
- (iv) results from the trimming of sticking points;
- (v) comes from animals affected by animal diseases for which animal health rules are laid down in relevant EU legislation, unless otherwise provided for in Part D of this Schedule;
- (vi) comes from animals affected by a generalised disease, such as generalised septicaemia, pyaemia, toxaemia or viraemia;
- (vii) is not in conformity with microbiological criteria laid down under relevant EU legislation to determine whether or not meat may be placed on the market;
- (viii) exhibits parasitic infestation, unless otherwise provided for;
- (ix) contains residues or contaminants in excess of the levels laid down in the relevant EU legislation. The official veterinarian must undertake additional analysis where there is any excess of the relevant levels;
- (x) comes from animals or carcasses containing residues of forbidden substances or from animals that have been treated with forbidden substances;
- (xi) consists of the liver and kidneys of animals more than two years old from regions where implementation of plans approved in accordance with relevant EU legislation has revealed the generalised presence of heavy metals in the environment;
- (xii) has been treated illegally with decontaminating substances or with ionising or UV-rays;
- (xiii) contains foreign bodies, shows soiling, faecal or other contamination;
- (xiv) exceeds the maximum permitted radioactivity levels laid down in relevant EU legislation;
- (xv) indicates patho-physiological changes, anomalies in consistency, insufficient bleeding or organoleptic anomalies, in particular a pronounced sexual odour;
- (xvi) comes from emaciated animals and animals without identification;
- (xvii) contains specified risk material, except those provided for under the relevant EU legislation;

(xviii) consists of blood that may constitute a risk to public or animal health owing to the health status of any animal from which it derives or contamination arising during the slaughter process; or

(xix) constitutes a risk to public or animal health or is for any other reason not suitable for human consumption in the opinion of the official veterinarian, after examination of all the relevant information.

- (b) The official veterinarian may impose requirements concerning the use of meat derived from animals
 - (i) which have undergone emergency slaughter outside the slaughterhouse; or
 - (ii) which come from flocks that require treatment before their meat is placed on the market.

PART D - SPECIFIC INSPECTION REQUIREMENTS

1. DOMESTIC BOVINE ANIMALS

A. BOVINE ANIMALS UNDER SIX WEEKS OLD

Carcasses and offal of bovine animals under six weeks old are to undergo the following post-mortem inspection procedures —

- (a) visual inspection of the head and throat; incision and examination of the retropharyngeal lymph nodes (*Lnn retropharyngiales*); inspection of the mouth and fauces; palpation of the tongue;
- (b) visual inspection of the lungs, trachea and oesophagus; palpation of the lungs; incision and examination of the bronchial and mediastinal lymph nodes (*Lnn. bifucationes, eparteriales and mediastinales*). The trachea and the main branches of the bronchi must be opened lengthwise and the lungs must be incised in their posterior third, perpendicular to their main axes; these incisions are not necessary where the lungs are excluded from human consumption;
- (c) visual inspection of the pericardium and heart, the latter being incised lengthwise so as to open the ventricles and cut through the interventricular septum;
- (d) visual inspection of the diaphragm;
- (e) visual inspection of the liver and the hepatic and pancreatic lymph nodes, (*Lnn portales*); palpation and, if necessary, incision of the liver and its lymph nodes;

- (f) visual inspection of the gastro-intestinal tract, the mesentery, the gastric and mesenteric lymph nodes (*Lnn. gastrici, mesenterici, craniales and caudales*); palpation and, if necessary, incision of the gastric and mesenteric lymph nodes;
- (g) visual inspection and, if necessary, palpation of the spleen;
- (h) visual inspection of the kidneys; incision, if necessary, of the kidneys and the renal lymph nodes (*Lnn. renales*);
- (i) visual inspection of the pleura and peritoneum; and
- (j) visual inspection and palpation of the umbilical region and the joints. In the event of doubt, the umbilical region must be incised and the joints opened and the synovial fluid must be examined.

B. BOVINE ANIMALS OVER SIX WEEKS OLD

Carcasses and offal of bovine animals over six weeks old are to undergo the following post-mortem inspection procedures —

- (a) visual inspection of the head and throat; incision and examination of the sub-maxillary, retropharyngeal and parotid lymph nodes (*Lnn retropharyngiales, mandibulares and parotidei*); examination of the external masseters, in which two incisions must be made parallel to the mandible, and the internal masseters (internal pterygoid muscles), which must be incised along one plane. The tongue must be freed to permit a detailed visual inspection of the mouth and the fauces and must itself be visually inspected and palpated;
- (b) inspection of the trachea and oesophagus; visual examination and palpation of the lungs; incision and examination of the bronchial and mediastinal lymph nodes (*Lnn. bifucationes, eparteriales and mediastinales*). The trachea and the main branches of the bronchi must be opened lengthways and the lungs must be incised in their posterior third, perpendicular to their main axes; these incisions are not necessary where the lungs are excluded from human consumption;
- (c) visual inspection of the pericardium and heart, the latter being incised lengthways so as to open the ventricles and cut through the interventricular septum;
- (d) visual inspection of the diaphragm;
- (e) visual inspection and palpation of the liver and the hepatic and pancreatic lymph nodes, (*Lnn portales*); incision of the gastric surface of the liver and at the base of the caudate lobe to examine the bile ducts:
- (f) visual inspection of the gastro-intestinal tract, the mesentery, the gastric and mesenteric lymph nodes (*Lnn. gastrici, mesenterici, craniales and caudales*); palpation and, if necessary, incision of the gastric and mesenteric lymph nodes;

- (g) visual inspection and, if necessary, palpation of the spleen;
- (h) visual inspection of the kidneys and incision, if necessary, of the kidneys and the renal lymph nodes (*Lnn. renales*);
- (i) visual inspection of the pleura and the peritoneum;
- (j) visual inspection of the genital organs (except for the penis, if already discarded); and
- (k) visual inspection and, if necessary, palpation and incision of the udder and its lymph nodes (*Lnn. supramammarii*). In cows, each half of the udder must be opened by a long, deep incision as far as the lactiferous sinuses (*sinus lactiferes*) and the lymph nodes of the udder must be incised, except when the udder is excluded from human consumption.

2. DOMESTIC SHEEP AND GOATS

Carcasses and offal of sheep and goats are to undergo the following post-mortem inspection procedures —

- (a) visual inspection of the head after flaying and, in the event of doubt, examination of the throat, mouth, tongue and retropharyngeal and parotid lymph nodes. Without prejudice to animal health rules, these examinations are not necessary if the competent authority is able to guarantee that the head, including the tongue and the brains, will be excluded from human consumption;
- (b) visual inspection of the lungs, trachea and oesophagus; palpation of the lungs and the bronchial and mediastinal lymph nodes (*Lnn. bifucationes, eparteriales and mediastinales*); in the event of doubt, these organs and lymph nodes must be incised and examined;
- (c) visual inspection of the pericardium and heart; in the event of doubt, the heart must be incised and examined:
- (d) visual inspection of the diaphragm;
- (e) visual inspection of the liver and the hepatic and pancreatic lymph nodes, (*Lnn portales*); palpation of the liver and its lymph nodes; incision of the gastric surface of the liver to examine the bile ducts;
- (f) visual inspection of the gastro-intestinal tract, the mesentery and the gastric and mesenteric lymph nodes (*Lnn. gastrici, mesenterici, craniales and caudales*);
- (g) visual inspection and, if necessary, palpation of the spleen;
- (h) visual inspection of the kidneys; incision, if necessary, of the kidneys and the renal lymph nodes (*Lnn. renales*);
- (i) visual inspection of the pleura and peritoneum;

- (j) visual inspection of the genital organs (except for the penis, if already discarded);
- (k) visual inspection of the udder and its lymph nodes; and
- (l) visual inspection and palpation of the umbilical region and joints of young animals. In the event of doubt, the umbilical region must be incised and the joints opened; the synovial fluid must be examined.

3. DOMESTIC SWINE

A. ANTE-MORTEM INSPECTION

- (a) The competent authority may decide that pigs intended for slaughter are to be submitted to ante-mortem inspection at the farm. In that case, slaughter of a lot of pigs from a farm may be authorised only if
 - (i) the health certificate provided for in Schedule 6 accompanies them; and
 - (ii) the requirements of paragraphs (a) to (e) are complied with;
- (b) Ante-mortem inspection at the farm must comprise
 - (i) checks on records or documentation at the holding, including food chain information; and
 - (ii) the examination of the pigs to determine whether
 - (aa) they have a disease or condition which may be transmitted to animals or humans through handling or eating the meat, or are behaving, individually or collectively, in a manner indicating that such a disease may occur;
 - (bb) they show disturbance of general behaviour or signs of disease which may make the meat unfit for human consumption; or
 - (cc) there is evidence or reasons to suspect that they may contain chemical residues in excess of the levels laid down in the relevant EU legislation, or residues of forbidden substances;
- (c) An official veterinarian must carry out ante-mortem inspection at the farm. The pigs are to be sent directly to slaughter and not to be mixed with other pigs;
- (d) Ante-mortem inspection at the slaughterhouse must only cover
 - (i) the animals' identification; and
 - (ii) a screening to ascertain whether the Livestock and Meat Products (Welfare of Livestock) Regulations have been complied with and whether signs of any condition

which might adversely affect human or animal health are present. A Meat Hygiene Inspector may carry out this screening;

- (e) When pigs are not slaughtered within three days of the issue of the health certificate provided for in paragraph 3(a)
 - (i) they are to be re-examined and a new health certificate issued, if the pigs have not left the farm for the slaughterhouse; or
 - (ii) if the pigs are already en route to or at the slaughterhouse, slaughter may be authorised once the reason for the delay has been assessed, provided that the pigs undergo a further veterinary ante-mortem inspection.

B. POST-MORTEM INSPECTION

- (a) Carcasses and offal of pigs other than those referred to in paragraph (b) are to undergo the following post-mortem inspection procedures
 - (i) visual inspection of the head and throat; incision and examination of the submaxillary lymph nodes (*Lnn mandibulares*); visual inspection of the mouth, fauces and tongue;
 - (ii) visual inspection of the lungs, trachea and oesophagus; palpation of the lungs and the bronchial and mediastinal lymph nodes (*Lnn. bifucationes, eparteriales and mediastinales*). The trachea and the main branches of the bronchi must be opened lengthwise and the lungs must be incised in their posterior third, perpendicular to their main axes; these incisions are not necessary where the lungs are excluded from human consumption;
 - (iii) visual inspection of the pericardium and heart, the latter being incised lengthwise so as to open the ventricles and cut through the interventricular septum;
 - (iv) visual inspection of the diaphragm;
 - (v) visual inspection of the liver and the hepatic and pancreatic lymph nodes, (*Lnn portales*); palpation of the liver and its lymph nodes;
 - (vi) visual inspection of the gastro-intestinal tract, the mesentery, the gastric and mesenteric lymph nodes (*Lnn. gastrici, mesenterici, craniales and caudales*); palpation and, if necessary, incision of the gastric and mesenteric lymph nodes;
 - (vii) visual inspection and, if necessary, palpation of the spleen;
 - (viii) visual inspection of the kidneys; incision, if necessary, of the kidneys and the renal lymph nodes (*Lnn. renales*);
 - (ix) visual inspection of the pleura and peritoneum;

- (x) visual inspection of the genital organs (except for the penis, if already discarded);
- (xi) visual inspection of the udder and its lymph nodes (*Lnn. supramammarii*); incision of the supramammary lymph nodes in sows;
- (xii) visual inspection and palpation of the umbilical region and joints of young animals; in the event of doubt, the umbilical region must be incised and the joints opened; and
- (b) The competent authority may decide, on the basis of epidemiological or other data from the farm, that fattening pigs housed under controlled housing conditions in integrated production systems since weaning need, in some or all of the cases referred to in paragraph (a), only undergo visual inspection.

PART E - SPECIFIC HAZARDS

1. Transmissible spongiform encephalopathies (TSEs)

The official veterinarian must carry out official controls in relation to TSEs and these controls must follow the requirements of the relevant legislation.

2. Cysticercosis

- (1) The post-mortem inspection procedures described in this Schedule must be used as the minimum requirements for the examination for cysticercosis in bovine animals over six weeks old. In addition, specific serological tests may be used. In the case of bovines over six weeks old, incision of the masseters at post-mortem inspection is not compulsory when a specific serological test is used. The same applies when bovine animals over six weeks old have been raised on a farm officially certified to be free of cysticercosis.
- (2) Any meat infected with cysticercus must be declared unfit for human consumption except that when the animal is not generally infected with cysticercus, the parts not infected may be declared fit for human consumption where they have undergone a cold treatment.

SCHEDULE 6 HEALTH CERTIFICATE

(regulation 27(2))

MEAT EXPORT CERTIFICATE

REQUIREMENTS FOR CERTIFICATES

1. An officer of the competent authority who issues a certificate to accompany a consignment of products of animal origin destined for the European Community must sign the certificate and ensure that it bears an official stamp.

(This requirement applies to each sheet of the certificate if it consists of more than one sheet. In the case of factory vessels, the competent authority may authorise the captain or another ship's officer to sign the certificate.)

2. A certificate must be in English or in the language of the Member State in which the border inspection takes place, or be accompanied by a certified translation into that language or languages.

(If the Member State of destination so requests, certificates must also be accompanied by a certified translation into the official language or languages of that Member State. However, a Member State may consent to the use of an official Community language other than its own.)

- 3. The original version of the certificate must accompany consignments on entry into the Community.
- 4. Certificates must consist of
 - (a) a single sheet of paper;
 - (b) two or more pages that are part of an integrated and indivisible sheet of paper; or
 - (c) a sequence of pages numbered so as to indicate that it is a particular page in a finite sequence (for example, 'page 2 of four pages').
- 5. Certificates must bear a unique identifying number. Where the certificate consists of a sequence of pages, each page must indicate this number.
- 6. The certificate must be issued before the consignment to which it relates leaves the control of the officer of the competent authority.

Made 22nd December 2015

Colin Roberts C.V.O., *Governor*.

EXPLANATORY NOTE

These Regulations are made under section 4(1) of the Livestock and Meat Products Ordinance (No 14 of 2010), which allows the Governor to make regulations dealing with the slaughter of animals, the treatment of animals and meat at abattoirs before and after slaughter, as well as the treatment of meat in the course of export or domestic trade. The Regulations are made to give effect to European Community legislation which third countries (*which include the Falkland Islands*) must meet to be able to export meat into the European Union. The regulations domesticate Regulation (EC) 852/2004 which deals with hygiene of foodstuffs; Regulation (EC) 853/2004 which lays down specific hygiene rules for food of animal origin; Regulation (EC) 854/2004 which lays down specific rules for the organisation of official controls on products of animal origin intended for human consumption;

Part 1 deals with introductory matters covering commencement, definitions of a number of terms and the scope of application of the Regulations. The definitions also list which relevant EU legislation is applicable for purposes of meat and meat products hygiene.

Part 2 deals with hygiene requirements for designated abattoirs and sets out certain measures and controls which an abattoir operator must put in place to ensure there is no contamination of meat and meat products produced and processed at the abattoir. Further specific controls and principles are detailed in the corresponding Schedules and the Department of Agriculture (the competent authority) can provide guidance to ensure there are controls of hazards at all levels of production as detailed at regulation 8.

Part 3 deals with the actual production of meat and placing of the meat in the market and specifically addresses the different 'types' of meat, fresh meat, frozen meat and other meat products. It provides for marking, labelling and packaging of meat and meat products as well as checks to be done on the meat and meat products before they are put on the market. It provides further for the storage and transportation conditions of the different 'meats' and the corresponding Schedule lays down specific and detailed requirements for this.

Part 4 provides for official controls, inspections and auditing tasks that officials from the competent authority must undertake. The specific tasks for officials to undertake as detailed in Regulation (EC) 854/2004 are dealt with in this Part to ensure that the proper hygiene requirements are complied with. This Part assigns specific tasks to the different officials, setting out which official controls must be undertaken and the frequency of these controls and what tests need to be conducted, etc.

Part 5 deals with certificates accompanying meat and meat products consignments for export, requirements for record keeping and regulation 30 disapplies all UK legislation that will no longer apply to the Falkland Islands while regulation 31 revokes certain provisions within the Designated Abattoirs (Application of Legislation) Order 1999 that relate to the disapplied legislation and the Abattoirs (Miscellaneous Provisions) Order 2002.

SUBSIDIARY LEGISLATION

ANIMALS

Livestock and Meat Products (Veterinary Officials) Regulations 2015

S. R. & O. No. 25 of 2015

Made: 22 December 2015 Published: 24 December 2015 Coming into force: on publication

I make the following regulations under section 4(1) and 7(3) of the Livestock and Meat Products Ordinance (No. 14 of 2010) on the advice of Executive Council.

PART 1 – INTRODUCTION

1. Title

These regulations are the Livestock and Meat Products (Veterinary Officials) Regulations 2015.

2. Commencement

These regulations come into force on publication in the *Gazette*.

3. Interpretation

In these regulations —

- "Meat Hygiene Inspector" means an official of the Department of Agriculture appointed under section 7 of the Ordinance;
- "official veterinarian" means an official of the Department of Agriculture appointed under section 7 of the Ordinance; and
- "qualification" means any diploma, degree, fellowship, membership, licence, authority to practise, letters testimonial, certificate or other status or document granted by any university, corporation, college or other body or by any department of, or persons acting under the authority of, the government of any country or place.

[&]quot;Department" means the Department of Agriculture;

PART 2 - PROFESSIONAL QUALIFICATIONS – OFFICIAL VETERINARIANS

4. Official veterinarians

- (1) The Department of Agriculture may appoint as an official veterinarian a person who meets the requirements of this regulation.
- (2) The Department must not appoint a person as an official veterinarian unless the person
 - (a) qualifies as an official veterinarian in the United Kingdom or elsewhere in the European Union; or
 - (b) meets such other requirements as to qualifications, knowledge and experience as specified under these Regulations.
- (3) The Department may test a veterinarian's knowledge of the following subjects to the extent necessary depending on the veterinarian's background and qualifications
 - (a) national and EU legislation on veterinary public health, food safety, animal health, animal welfare and pharmaceutical substances;
 - (b) principles of the common agricultural policy, market measures, export refunds and fraud detection (*including the global context*);
 - (c) essentials of food processing and food technology;
 - (d) principles, concepts and methods of good manufacturing practice and quality management;
 - (e) pre-harvest quality management (good farming practices);
 - (f) promotion and use of food hygiene, food related safety (good hygiene practices);
 - (g) principles, concepts and methods of risk-analysis;
 - (h) principles, concepts and methods of HACCP (hazard analysis and critical control points), use of HACCP throughout the food production food chain;
 - (i) prevention and control of food-borne hazards related to human health;
 - (j) population dynamics of infection and intoxication;
 - (k) diagnostic epidemiology;
 - (1) monitoring and surveillance systems;
 - (m) auditing and regulatory assessment of food safety management systems;

- (n) principles and diagnostic applications of modern testing methods;
- (o) information and communication technology as related to veterinary public health;
- (p) data-handling and applications of biostatistics;
- (q) investigations of outbreaks of food-borne diseases in humans;
- (r) relevant aspects concerning TSEs (transmissible spongiform encephalopathies);
- (s) animal welfare at the level of production, transport and slaughter;
- (t) environmental issues related to food production (including waste management);
- (u) precautionary principle and consumer concerns; and
- (v) principles of training of personnel working in the production chain.

5. Additional special tests

- (1) The Department may arrange for different tests to take into account a candidate's background and may waive the requirement for a test in relation to
 - (a) candidates who may have acquired the required knowledge as part of their basic veterinary training, or through training undertaken, or professional experience acquired, after qualifying as veterinarians; or
 - (b) candidates who acquired all the required knowledge as part of a university degree, or through continuing education resulting in a postgraduate qualification.
- (2) In addition, a veterinarian must
 - (a) undergo practical training under the supervision of an official veterinarian for a probationary period of at least 200 hours before starting to work independently; and
 - (b) have an aptitude for multidisciplinary co-operation.
- (3) The training referred to under subregulation (2) must include auditing of food safety management systems

6. Continued professional development

- (1) Once appointed as an official veterinarian, the official veterinarian must maintain up-to-date knowledge and keep abreast of new developments through regular continuing training and professional development.
- (2) The official veterinarian must
 - (a) undertake annual continuous professional development, wherever possible; and

- (b) have adequate knowledge of the subjects mentioned in regulation 2 and where necessary, undertake professional training courses and other relevant education activities.
- (3) The Department must make adequate provision for official veterinarians to undertake continuous professional development.

7. Part-time veterinarians

The Department may lay down specific rules for an official veterinarian to work on a part-time basis to inspect small scale establishments.

PART 3 – Meat Hygiene Inspectors

8. Meat Hygiene Inspectors

- (1) The Department may appoint as many meat hygiene inspectors as the Department think necessary for the execution and enforcement of the Livestock and Meat Products Ordinance (No. 14 of 2010).
- (2) A person may be appointed as a Meat Hygiene Inspector where the person meets the requirements of this regulation.
- (3) The Department must not appoint a person as a Meat Hygiene Inspector unless the person
 - (a) has undertaken and passed a course which covers the areas specified in subregulation (6); or
 - (b) meets such other requirements as to qualifications, knowledge and experience as specified under these Regulations.
- (4) The Department may test a candidate's eligibility and the candidate must prove that they have received
 - (a) at least 500 hours of theoretical training and at least 400 hours of practical training, covering the areas specified in subregulation (7); and
 - (b) any additional training necessary to the competent discharge of duties required of a Meat Hygiene Inspector.
- (5) The practical training referred to in subregulation (4)(a) must take place in slaughterhouses and cutting plants, and on farms (holdings) and in other relevant establishments under the supervision of an official veterinarian.
- (6) Training and tests must cover red meat but persons who have undergone training for other categories and passed the test need only undergo abridged training to pass the test for the other category.
- (7) Training for meat hygiene inspectors must cover, and tests are to confirm knowledge of the following —

(a) in relation to farms —
(i) the theoretical part must cover —
(aa) familiarity with the farming industry organisation, production methods, international trade and other related fields;
(bb) good livestock husbandry practices;
(cc) basic knowledge of diseases, in particular zoonoses (viruses, bacteria, parasites, etc.);
(dd) monitoring for disease, use of medicines and vaccines, residue testing;
(ee) hygiene and health inspection;
(ff) animal welfare on the farm and during transport;
(gg) environmental requirements, in buildings, on farms and in general;
(hh) relevant laws, regulations and administrative provisions; and
(ii) consumer concerns and quality control; and
(ii) the practical part must cover —
(aa) visits to farms of different types and using different rearing methods;
(bb) visits to production establishments;
(cc) observation of the loading and unloading of animals;
(dd) laboratory demonstrations;
(ee) veterinary checks; and
(ff) documentation; and
(b) in relation to abattoirs (slaughterhouses and cutting plants) —
(i) the theoretical part must cover —
(aa) familiarity with the meat industry organisation, production methods, international trade and slaughter and cutting technology;
(bb) basic knowledge of hygiene and good hygienic practices, and in particular industrial hygiene, slaughter, cutting and storage hygiene, hygiene of work;

- (cc) HACCP and the audit of HACCP based procedures;
- (dd) animal welfare on unloading after transport and at the slaughterhouse;
- (ee) basic knowledge of the anatomy and physiology of slaughtered animals;
- (ff) basic knowledge of the pathology of slaughtered animals;
- (gg) basic knowledge of the pathological anatomy of slaughtered animals;
- (hh) relevant knowledge concerning TSEs and other important zoonoses and zoonotic agents;
- (ii) knowledge of methods and procedures for the slaughter, inspection, preparation, wrapping, packaging and transport of fresh meat;
- (jj) basic knowledge of microbiology;
- (kk) ante-mortem inspection;
- (ll) examination for trichinosis;
- (mm) post-mortem inspection;
- (nn) administrative tasks;
- (00) knowledge of the relevant laws, regulations and administrative provisions;
- (pp) sampling procedure; and
- (qq) fraud aspects; and
- (ii) the practical part must cover
 - (aa) animal identification;
 - (bb) age checks;
 - (cc) inspection and assessment of slaughtered animals;
 - (dd) post-mortem inspection in a slaughterhouse;
 - (ee) examination for trichinosis;
 - (ff) identification of animal species by examination of typical parts of the animal;

- (gg) identifying and commenting on parts of slaughtered animals in which changes have occurred;
- (hh) hygiene control, including the audit of the good hygiene practices and the HACCP-based procedures;
- (ii) recording the results of ante-mortem inspection;
- (jj) sampling;
- (kk) traceability of meat; and
- (ll) documentation.

9. Continued professional development

- (1) Meat Hygiene Inspectors must maintain up-to-date knowledge and keep abreast of new developments through regular continuing education activities and professional literature.
- (2) A Meat Hygiene Inspector must
 - (a) undertake annual continuous professional development, wherever possible;
 - (b) have adequate knowledge of the subjects mentioned in regulation 8 and where necessary, undertake professional training courses and other relevant education activities.
- (3) The Department must make adequate provision for meat hygiene inspectors to undertake continuous professional development and in particular in connection with examinations for trichinosis.
- (4) The Department must ensure that meat hygiene inspectors receive training appropriate to all the tasks required to be undertaken by meat hygiene inspectors.

Made 22nd December 2015

Colin Roberts C.V.O.,

Governor.

EXPLANATORY NOTE

These Regulations are made under section 4 of the Livestock and Meat Products Ordinance (No. 14 of 2010) and give effect to Regulation (EC) 854/2004 which lays down the different qualifications which official veterinarians and meat hygiene inspectors should possess in order to

be able to carry out all the functions, controls and audits required under the Ordinance as well as under the different regulations made under the Ordinance.

Part 1 deals with introductory matters including definitions and commencement.

Part 2 provides for the qualifications of official veterinarians and the requirements for special additional tests and continued professional development as well as the appointment of part-time official veterinarians.

Part 3 provides for qualifications for meat hygiene inspectors and the specific requirements for their continued professional development.

SUBSIDIARY LEGISLATION

ANIMALS

Livestock and Meat Products (Protection of Animals at Time of Slaughter or Killing) Regulations 2015

S. R. & O. No. 26 of 2015

Made: 22 December 2015 Published: 24 December 2015 Coming into force: on publication

I make the following regulations under section 4(1), (b), (d) and (f) of the Livestock and Meat Products Ordinance (No. 14 of 2010) on the advice of Executive Council.

PART 1 – INTRODUCTION

1. Title

These regulations are the Livestock and Meat Products (Protection of Animals at Time of Slaughter or Killing) Regulations 2015.

2. Commencement

These regulations come into force on publication in the Gazette.

3. Interpretation

In these regulations —

"abattoir" means a place for slaughtering animals, the meat of which is intended for human consumption, and includes any place available in connection with such a place for the confinement of animals while awaiting slaughter there or for keeping, or subjecting to any treatment or process, products of the slaughtering of animals there;

"abattoir operator" means a person or company responsible for the day to day operation of activities that occur in an abattoir or slaughterhouse and includes activities in any co-located or related cutting plants, chilling or freezing establishments;

"adverse weather condition" means any weather condition, including direct sunlight, which has an adverse effect on the welfare of an animal:

"animals for slaughter" means sheep, goats, cattle or pigs sent to an abattoir for slaughter;

"certificate of competence" means the certificate of competence granted under regulation 17;

"competent authority" means the Senior Veterinary Officer or any other authorised official of the Department of Agriculture;

"designated abattoir" means an abattoir which has been designated as such by order made under section 3(3) of the Livestock and Meat Products Ordinance (No. 14 of 2010);

"emergency killing" means the killing of animals which are injured or have a disease associated with severe pain or suffering and where there is no other practical possibility to alleviate this pain or suffering;

"holding" means a section of land leased or otherwise tenanted for agricultural purposes;

"holding pen" means an enclosure for temporarily confining livestock;

"killing" means any intentionally induced process which causes the death of an animal;

"lairaging" means the keeping of animals in stalls, pens, covered areas or fields associated with or which are part of the slaughterhouse before the animals are killed or slaughtered;

"pithing" means the laceration of the central nervous tissue and spinal cord by means of an elongated rod-shaped instrument introduced into the cranial cavity;

"provisional certificate" means the provisional certificate of competence granted under regulation 17;

"related operations" means operations such as handling, lairaging, restraining, stunning and bleeding of animals taking place in the context and at the location where they are to be killed;

"relevant legislation" means (to the extent that it relates to animal welfare) Regulation (EC) 1099/2009 of 24 September 2009 on the protection of animals at the time of killing;

"religious rites" means a series of acts related to the slaughter of animals and prescribed by a religion;

"restraint" means the application to an animal of any procedure designed to restrict its movements sparing any avoidable pain, fear or agitation in order to facilitate effective stunning and killing;

"slaughter" means the killing of an animal by bleeding;

"slaughterhouse" means an establishment used for slaughtering and dressing animals, the meat of which is intended for human consumption;

"slaughter operations" means any of the operations specified under regulation 8;

"standard operating procedures" means a set of written instructions aimed at achieving uniformity of the performance of specific functions or standards within the abattoir as required by regulation 7(2); and

"stunning" means any intentionally induced process which causes loss of consciousness and sensibility without pain, including any process resulting in instantaneous death.

4. Application

These Regulations apply to the welfare of animals intended to be killed for human consumption at a designated abattoir.

PART 2 REQUIREMENTS FOR ABATTOIR OPERATORS

5. General requirements for welfare of animals

- (1) An abattoir operator must ensure that animals are spared any avoidable pain, distress or suffering during slaughter.
- (2) For purposes of subregulation (1) an abattoir operator must ensure that animals to be slaughtered
 - (a) are provided with physical comfort and protection, in particular by being kept clean in adequate thermal conditions and prevented from falling or slipping;
 - (b) are protected from injury;
 - (c) are handled and housed taking into consideration their normal behaviour;
 - (d) do not show signs of avoidable pain or fear or exhibit abnormal behaviour;
 - (e) do not suffer from prolonged withdrawal of feed or water;
 - (f) are prevented from avoidable interaction with other animals that could harm their welfare.

6. Requirements for abattoirs

- (1) An abattoir operator must ensure that the abattoir is designed, constructed, maintained and operated in such a way that the welfare of animals is not compromised.
- (2) An abattoir operator must ensure that the layout and construction of slaughterhouses and the equipment used in the killing of animals complies with the requirements set out in Schedule 1.

7. Requirements for killing of animals and related operations

- (1) An abattoir operator must ensure that
 - (a) the killing of animals and related operations is done in accordance with the methods set out under Schedule 2;

- (b) monitoring and checks during the stunning of animals is carried out in terms of Schedule 3; and
- (c) there are in place operational rules for slaughterhouses, setting out the processes and information specified at Schedule 4.
- (2) The abattoir operator must ensure that there are in place standard operating procedures of the abattoir which must
 - (a) ensure that killing and related operations are carried out in accordance with the requirements of regulation 5;
 - (b) with regards to stunning
 - (i) define for each stunning method used, the key parameters set out in Schedule 2;
 - (ii) specify the corrective action to be taken where the monitoring procedure under Schedule 3 indicates that an animal is not properly stunned;
 - (c) with regards to an animal slaughtered in accordance with regulation 13, what measures are to be taken where the animal still presents signs of life;
 - (d) be effectively brought to the attention of the personnel concerned; and
 - (e) be made available to the competent authority upon request.

8. Competent personnel

- (1) An abattoir operator must ensure that the following slaughter operations are only carried out by persons holding a certificate of competence or a provisional certificate for such operations, and who have demonstrated their ability to carry them out in accordance with these Regulations—
 - (a) the handling and care of animals before they are restrained;
 - (b) the restraint of animals for the purpose of stunning or killing;
 - (c) the stunning of animals;
 - (d) the assessment of effective stunning;
 - (e) the shackling or hoisting of live animals;
 - (f) the bleeding of live animals; and
 - (g) the slaughtering of animals in accordance with Part 3.

(2) An abattoir operator must ensure that the person (holding a certificate of competence or provisional certificate) carries out the operations and (where appropriate) uses the type of equipment in respect of which the certificate of competence or provisional certificate is granted.

9. Welfare of animals

- (1) An abattoir operator must ensure that when there are live animals on the premises a person designated as animal welfare officer is available at all times to safeguard the welfare of animals.
- (2) The abattoir operator must designate as an animal welfare officer a person who
 - (a) is competent and has authority to take whatever action is necessary to safeguard the welfare of animals as provided for under regulation 23; and
 - (b) holds a certificate of competence issued under Part 4.

PART 3 KILLING OF ANIMALS AND RELATED OPERATIONS

10. Treatment of animals – general requirements

A person involved in the movement, lairaging, restraint, stunning, slaughter or killing of animals must ensure that —

- (a) animals are spared any avoidable pain, distress or suffering; and
- (b) it is carried out in compliance with these Regulations.

11. Stunning of animals

- (1) Subject to regulation 13, an animal must only be killed after stunning in accordance with the methods and specific requirements set out in Schedule 2.
- (2) Where any of the methods referred to under Schedule 2 do not result in instantaneous death (also referred to as simple stunning) this must be followed as quickly as possible by a procedure that can ensure death such as bleeding, pithing, electrocution or prolonged exposure to anoxia.
- (3) Where an animal's death is caused by pithing, the carcass of that animal may not be used for human or animal consumption.
- (4) Any person in charge of stunning an animal must ensure the loss of consciousness and sensibility is maintained until the death of the animal.

12. Monitoring and checks on stunning

- (1) An abattoir operator must ensure that persons responsible for stunning or other nominated staff carry out regular monitoring and checks to ensure that the animals do not present any signs of consciousness or sensibility in the period between the end of the stunning process and death.
- (2) The checks referred to under subregulation (1) must be carried out on a sufficiently representative number of animals and their frequency must be established taking into account the

outcome of previous checks and any factors which may affect the efficiency of the stunning process.

(3) When the outcome of the checks indicates that an animal is not properly stunned, the person in charge of stunning must immediately take the appropriate measures set out in the monitoring procedures specified under Schedule 3.

13. Animals killed without prior stunning

- (1) Where an animal is killed without prior stunning (including animals subjected to particular methods of killing prescribed by religious rites), a person responsible for slaughtering must carry out systematic checks to ensure that
 - (a) the animal does not present any signs of consciousness or sensibility before being released from restraint; and
 - (b) the animal does not present any sign of life before undergoing dressing or scalding.
- (2) For the purpose of subregulation (1), the person responsible for slaughtering must use the monitoring and checks specified under Schedule 3.

PART 4 CERTIFICATES OF COMPETENCE

14. Requirements for certificate of competence

A person who carries on any of the slaughter operations specified in regulation 8 must do so under a certificate issued under this Part except where it is for emergency killing purposes.

15. Requirements for certificate of competence

The applicant must —

- (a) either
 - (i) submit a qualification certificate in respect of the operation, category of animal and, where appropriate, type of equipment for which the qualification certificate relates and indicate which operation, category of animal and type of equipment for which a certificate of competence is sought; or
 - (ii) demonstrate to the satisfaction of the competent authority that the applicant has relevant professional experience of at least 3 months and can demonstrate practical competency to the satisfaction of the competent authority in respect of the operation, category of animal and type of equipment for which the certificate of competence is sought;
- (b) submit a written declaration stating that the applicant has not committed any offence on the protection of animals in the three years preceding the date of application for a certificate of competence;

- (c) provide written details of
 - (i) any conviction of an offence concerning the welfare of animals;
 - (ii) any refusal to be granted a certificate in relation to the slaughter or killing of animals or a related operation; or
 - (iii) had any such certificate revoked or suspended; and
- (d) pay any fee which may be charged by the competent authority in accordance with regulation 22.

16. Requirements for provisional certificate

The applicant must —

- (a) submit evidence to confirm the applicant is registered on a training course in respect of the operation, category of animal and, where appropriate, type of equipment for which a provisional certificate is sought;
- (b) submit a written declaration stating that the applicant has not committed any offence on the protection of animals in the three years preceding the date of application for a provisional certificate;
- (c) provide written details if the applicant has
 - (i) been convicted of an offence concerning the welfare of animals;
 - (ii) any refusal to be granted a provisional certificate in relation to the slaughter or killing of animals or a related operation; or
 - (iii) had any such certificate revoked or suspended; and
- (d) pay any fee which may be charged by the competent authority in accordance with regulation 22.

17. Grant of certificate of competence or provisional certificate

- (1) The competent authority may grant a certificate or provisional certificate if
 - (a) in the case of a certificate of competence, the applicant meets the conditions in regulation 15:
 - (b) in the case of a provisional certificate, the applicant meets the conditions in regulation 16: and
 - (c) it is satisfied that the applicant is a fit and proper person to hold such a certificate.

- (2) A certificate of competence or provisional certificate must specify the operation, category of animal and (where appropriate) type of equipment in respect of which it is granted.
- (3) A provisional certificate may be granted in respect of an operation, category of animal or type of equipment only if the training course on which the applicant is registered provides training in relation to that operation, category or type of equipment.
- (4) A provisional certificate is valid for three months and may be renewed for a further period of 3 months for a maximum of three times.
- (5) The holder of a provisional certificate must carry out an operation specified in the provisional certificate in the presence and under the direct supervision of a person who holds a certificate of competence in relation to that operation.
- (6) A certificate of competence may be granted in respect of an operation, category of animal or type of equipment only if
 - (a) the qualification certificate submitted with the application for the certificate of competence relates to that operation, category or type of equipment; or
 - (b) the competent authority is satisfied that the applicant possesses the relevant professional experience and has demonstrated practical competency in respect of the operation, category or type of equipment indicated in the application.
- (7) A certificate of competence is valid for the period indicated on it or until it is revoked.

18. Refusal of certificate

- (1) A certificate of competence or provisional certificate will not be granted if the competent authority is satisfied that the applicant
 - (a) has failed to meet any of the conditions in regulation 15 or 16; or
 - (b) is not a fit and proper person to hold a certificate.
- (2) If the competent authority makes a decision not to grant a certificate of competence or provisional certificate it must inform the applicant of the refusal by notice in writing and the notice must
 - (a) give reasons for the refusal; and
 - (b) give details of the right of the applicant to a reconsideration under regulation 21.

19. Suspension or revocation of certificate of competence or provisional certificate

- (1) The competent authority may, by notice in writing, suspend or revoke a certificate of competence or a provisional certificate where it is satisfied that the holder
 - (a) has failed to comply with any provision of the relevant legislation or these Regulations;

- (b) is no longer a fit and proper person to hold the certificate of competence or the provisional certificate;
- (c) is no longer competent to carry out the operations which the certificate authorises; or
- (d) has been convicted of an offence concerning the welfare of animals.
- (2) A notice under subregulation (1) must
 - (a) give reasons for the suspension or revocation;
 - (b) state the date from which the suspension or revocation has effect; and
 - (c) give details of the right of the holder to appeal against the decision.
- (3) A person whose certificate or provisional certificate is suspended or revoked must surrender it to the competent authority within 14 days of receiving the notice of suspension or revocation unless the person makes a request under regulation 21.

20. Modification of a certificate

- (1) Upon request by the holder of a certificate of competence or a provisional certificate, the competent authority may modify a certificate in respect of an operation, category of animal or, where appropriate, type of equipment, provided
 - (a) the holder meets the conditions in regulation 15 or 16 in respect of the modification; and
 - (b) the competent authority is satisfied that the holder is a fit and proper person to hold the certificate as modified.
- (2) The competent authority may, by notice in writing, refuse to modify a certificate if satisfied that the holder
 - (a) has failed to meet any of the conditions in regulation 15 or 16 in respect of those modifications; or
 - (b) is not a fit or proper person to hold the certificate as modified.
- (3) The notice must
 - (a) give reasons for the refusal; and
 - (b) give details of the right of appeal against the decision.

21. Reconsiderations

(1) This regulation applies where, the competent authority has —

- (a) refused to grant a certificate of competence under regulation 15 or a provisional certificate under regulation 16;
- (b) revoked or suspended a certificate of competence or a provisional certificate under regulation 19; or
- (c) refused to modify the conditions on a certificate of competence or a provisional certificate under regulation 20.
- (2) Where subregulation (1) applies, the person aggrieved by the decision of the competent authority may make a written submission to the competent authority requesting the competent authority to reconsider the application within 14 days of receipt of the competent authority's decision.
- (3) A written submission under subregulation (2) must contain reasons supporting the application for reconsideration and provide as much information as is necessary.
- (4) The competent authority must assess all the information provided and may
 - (a) in the case of an application for any of the certificates (certificate of competence or provisional certificate), require the applicant to undergo further training in relation to the operation, category or type of equipment applied for;
 - (b) in the case of an application for a certificate of competence, issue a provisional certificate with a condition for the holder to undergo further training in relation to the operation, category or type of equipment applied for;
 - (c) in the case of a suspension, reduce the period of the suspension;
 - (d) in the case of subregulation (1)(c) modify the conditions; or
 - (e) make any decision as it thinks fit.
- (5) Where the competent authority makes a decision
 - (a) under subregulation (4)(b), the period specified must not be more than 3 months (bearing in mind the duration of a provisional certificate);
 - (b) for the person to undergo further training it must, at the end of that training, re-assess the person's competency in respect of the operation, category of animal and type of equipment applied for.
- (6) The competent authority must communicate any decision it makes under subregulation (5) to the person as soon as possible after it makes the decision.
- (7) The decision of the competent authority under this regulation is final.

22. Fees

The competent authority may charge an applicant for, or a holder of a certificate or provisional certificate such reasonable fees as it may determine in respect of —

- (a) the assessment of the competence of any person who applies for a certificate;
- (b) the assessment of the competence of any person who applies for a modification of a certificate:
- (c) the issue of a certificate or provisional certificate; and
- (d) an application for reconsideration.

23. Animal welfare officer

- (1) An animal welfare officer must hold a certificate of competence granted under this Part, issued for all the operations taking place in the slaughterhouses for which the animal welfare officer is responsible.
- (2) An animal welfare officer
 - (a) is under the direct authority of the abattoir operator and must report directly to the abattoir operator on all matters relating to the welfare of animals; and
 - (b) has authority to require slaughterhouse personnel to carry out any remedial actions necessary to ensure compliance with the rules laid down in these Regulations.
- (3) The responsibilities of the animal welfare officer must be set out in the operational rules referred to under regulation 7.
- (4) The animal welfare officer must keep a record of all the action taken to improve animal welfare in the abattoir.
- (5) The record referred to under subregulation (4) must be kept for at least one year and must be made available to the competent authority upon request.

PART 5 GENERAL PROVISIONS

24. Guidance on good practice

- (1) The Senior Veterinary Officer must develop and disseminate guidance on good practice to facilitate the implementation of these Regulations.
- (2) The Senior Veterinary Officer must keep the guidance under review and issue new guidance when necessary.
- (3) The Senior Veterinary Officer must arrange for a notice to be published in the *Gazette* specifying —

- (a) the guidance that has been issued;
- (b) whether it is new guidance or a replacement for an existing one; and
- (c) the date on which the guidance comes into force.
- (4) The Senior Veterinary Officer must make arrangements for the guidance to be available (either as paper copies or in electronic form) to those who have responsibility for livestock.
- (5) The Senior Veterinary Officer may make a reasonable charge for paper copies of the guidance.

25. Keeping of records

An abattoir operator must —

- (a) draw up a record of maintenance;
- (b) keep the record of maintenance for at least one year and make it available to the competent authority upon request.

26. Offences and penalties

- (1) It is an offence for a person to contravene any of the provisions of these regulations.
- (2) A person found guilty of an offence against paragraph (1) is liable on conviction to a term of imprisonment not exceeding 6 months, or to a fine not exceeding level 6 on the standard scale, or to both.

27. Transitional provisions

The provisions of Schedule 1 Part 4 do not apply to abattoirs in operation immediately before the commencement of these Regulations until 8 December 2019 but apply —

- (a) to any abattoirs designated after the commencement of these Regulations; and
- (b) to any new layout or construction carried out or new equipment acquired in a designated abattoir after the commencement of these Regulations.

28. Disapplied UK Regulations

The following no longer apply to the Falkland Islands —

- (a) Welfare of Animals (Slaughter or Killing) Regulations 1995 (S.I. 1995/731); and
- (b) Welfare of Animals (Transport) Order 1997 (S.I. 1997/1480).

29. Revocation

The Designated Abattoirs (Application of Legislation) Order 1999 (S.R. & O. No. 65 of 1998) is amended by revoking paragraphs 6 and 7 and revoking Schedules 4 and 5.

SCHEDULE 1

LAYOUT, CONSTRUCTION AND EQUIPMENT OF SLAUGHTERHOUSES (regulation 6(2))

PART 1 HANDLING AND MOVEMENT OPERATIONS

A. Unloading equipment

1. The abattoir operator must ensure that suitable equipment and facilities are available for the purpose of unloading animals.

B. General requirements — handling operations

- 2. The abattoir operator and any person engaged in the movement or lairaging of animals must ensure that
 - (a) when unloaded, every animal is protected from adverse weather conditions and is provided with adequate ventilation;
 - (b) equipment for unloading animals is of a suitable height and design for that purpose, has non-slip flooring and, if necessary, is provided with lateral protection;
 - (c) any animals which might injure each other on account of their species, sex, age or origin or for any other reason are kept and lairaged apart from each other;
 - (d) pens, passageways and races are designed and constructed to allow the animals to move freely using their behavioural characteristics and without distraction;
 - (e) ramps and bridges are fitted with sides, railings or some other means of protection to prevent animals falling off it;
 - (f) the water supply system in pens are designed, constructed and maintained so as to allow animals to access clean water at all times without being injured or limited in their movements;
 - (g) when a waiting pen is used, it is constructed with a level floor and solid sides, between the holding pens and the race leading to the point of stunning, and is designed so that animals cannot be trapped or trampled; and
 - (h) floors are built and maintained in such a way as to minimise the risk of animals slipping, falling or injuring their feet.

PART 2 LAIRAGING FACILITIES AND EQUIPMENT

A. General requirements — lairage facilities

1. The abattoir operator must ensure that a lairage has —

- (a) where necessary, suitable equipment for tethering animals; and
- (b) racks, mangers or other equipment adequate in number and size for the feeding of all animals confined in the lairage, fixed where practicable, and constructed and placed so that they are easily accessible to all the animals, can readily be filled and cannot readily be fouled.

B. Lairages other than field lairages

- 2. The abattoir operator must ensure that
 - (a) the premises are equipped with a sufficient number of pens for adequate lairaging of the animals with protection from the effects of adverse weather conditions;
 - (b) the lairage has ventilation systems which are designed, constructed and maintained so that the welfare of the animals is constantly ensured, taking into account the expected range of weather conditions, and where mechanical means of ventilation are required, provision must be made for alarm and emergency back-up facilities in the event of breakdown;
 - (c) the lairage facilities are designed and constructed so as to
 - (i) minimise the risk of injuries to the animals and the occurrence of sudden noises which may frighten or excite the animals;
 - (ii) facilitate inspection of the animals; and
 - (iii) enable the inspection of animals at any time through adequate lighting (whether fixed or portable);
 - (d) the lairage has drinking facilities adequate in number and size for the watering of all animals confined in the lairage, fixed where practicable, and so constructed and placed that they are easily accessible to all the animals, can readily be filled and cannot readily be fouled; and
 - (e) the lairage has an adequate supply of suitable bedding material for all animals kept in the lairage overnight, unless the lairage has a slatted or mesh floor.

C. Field lairages

- 3. The abattoir operator must ensure that a field lairage
 - (a) without natural shelter or shade which is used during adverse weather conditions has appropriate protection against such conditions for the animals using it; and
 - (b) has an adequate natural water supply of drinking water for the number of animals present and if there is no natural water supply, a clean supply of water must be provided.

PART 3 RESTRAINING OPERATIONS

A. General requirements – restraining operations

- 1. A person must not stun or slaughter an animal without restraining it in an appropriate manner in such a way as to spare the animal avoidable pain, distress or suffering.
- 2. The abattoir operator and any person engaged in the stunning or slaughter of any animal must ensure that any animal which is to be stunned or slaughtered by mechanical means applied to the head is presented in such a position that the equipment can be applied and operated easily, accurately and for the appropriate time.

B. Restraining equipment and facilities

- 3. Restraining equipment and facilities must be designed, built and maintained to
 - (a) optimise the application of the stunning or killing method;
 - (b) prevent injury or contusions to the animals;
 - (c) minimise struggle and vocalisation when animals are restrained; and
 - (d) minimise the time of restraint.
- 4. For animals of bovine species, restraining boxes used in conjunction with a pneumatic captive bolt must be fitted with a device that restricts both the lateral and vertical movement of the head of the animal.
- 5. The following methods of restraint are prohibited
 - (a) suspending or hoisting conscious animals;
 - (b) mechanical clamping or tying of the legs or feet of animals;
 - (c) severing of the animal's spinal cord (such as by the use of a puntilla or dagger);
 - (d) the use of electric currents to immobilise the animal where the electric current does not stun or kill the animal, in particular, any electric current application that does not span the brain.

PART 4 STUNNING OPERATIONS

A. Electrical stunning equipment

1. Electrical stunning equipment must be fitted with a device which displays and records the details of the electrical key parameters for each animal stunned.

- 2. The device must be placed so as to be clearly visible to the personnel and must give a clearly visible and audible warning if the duration of exposure falls below the required level.
- 3. Automatic electrical stunning equipment associated to a restrainer must deliver a constant current.
- 4. The records from the device under paragraph 1 must be kept for at least one year.

SCHEDULE 2 KILLING OF ANIMALS AND RELATED OPERATIONS

(regulation 7(1)(a))

PART 1 LIST OF STUNNING METHODS AND RELATED SPECIFICATIONS

Table 1 — Mechanical methods

Name	Description	Conditions of use	Key parameters	
Penetrative	Severe and irreversible	All species. Slaughter,	Position and direction of the shot.	
captive	damage of the brain	depopulation and other	Appropriate velocity, exit length and	
bolt device	provoked by the shock	situations.	diameter of bolt according to animal	
	and the penetration of a		size and species. Maximum stun to	
	captive bolt. Simple		stick/kill interval(s).	
	stunning.			
Non-	Severe damage of the	Sheep and goats.	Position and direction of the shot.	
penetrative	brain by the shock of a	Slaughter only for	Appropriate velocity, diameter and	
captive	captive bolt without	sheep and goats.	shape of bolt according to animal size	
bolt device	penetration. Simple	Slaughter,	and species. Strength of the cartridge	
	stunning.	depopulation.	used. Maximum stun to stick/kill	
			interval(s).	
Firearm	Severe and irreversible	All species. Slaughter,	Position of the shot. Power and calibre	
with free	damage of the brain	depopulation and other	of the cartridge. Type of projectile.	
projectile	provoked by the shock	situations.		
	and the penetration of			
	one or more projectiles.			

Table 2 — Electrical methods

Name	Description	Conditions of use	Key parameters	
Head-only	Exposure of the brain	All species. Slaughter,	Minimum current (A or mA).	
electrical	to a current generating	depopulation and other	Minimum voltage (V). Maximum	
stunning	a generalised epileptic	situations.	frequency (Hz). Minimum time of	
	form on the electro-		exposure. Maximum stun to stick/kill	
	encephalogram (EEG).		interval(s). Frequency of calibration of	
	Simple stunning.		the equipment. Optimisation of the	
			current flow. Prevention of electrical	
			shocks before stunning. Position and	
			contact surface area of electrodes.	

Table 3 — Other methods

Name	Description	Conditions of use	Key parameters
Lethal	Loss of consciousness	All species. Situations	Type of injection. Using approved
injection	and sensibility followed	other than slaughter.	medicines.
	by irreversible death		
	induced by the injection		
	of veterinary		
	medicines.		

PART 2 SPECIFIC REQUIREMENTS FOR CERTAIN METHODS

A person who uses any of the following methods must take note of the following —

A. Non-penetrative captive bolt device

- 1. When using this method attention must be taken to avoid the fracture of the skull.
- 2. This method must only be used for sheep and goats of less than 10 kg of live weight.

B. Head-only electrical stunning

- 1. When using head-only electrical stunning, electrodes must span the brain of the animal and be adapted to its size.
- 2. Head-only electrical stunning must be carried out in accordance with the minimum currents set out in Table 1.

Table 1

Category of animal	Bovine animal of	Bovine	Animals of ovine	Animals of
	6 months or	animals less	and caprine	porcine species
	older	than 6 months	species	
Minimum current	1,28A	1,25 A	1,00 A	1,30 A

PART 3 RESTRAINING AND STUNNING OF ANIMALS

C. Use of restraining and stunning equipment

- 1. Abattoir operators must ensure that all equipment used for restraining or stunning animals is maintained and checked in accordance with the manufacturers' instructions by persons specifically trained for that purpose.
- 2. Abattoir operators must ensure that during stunning operations appropriate back-up equipment is immediately available on the spot and is used in the case of failure of the stunning equipment initially used.

3. Abattoir operators must ensure that animals are not placed in restraining equipment, including head restraints, until the person in charge of stunning or bleeding is ready to stun or bleed them as quickly as possible.

D. Handling and restraining operations at slaughterhouses

Abattoir operators must ensure that the operational rules for slaughterhouses set out in Schedule 1 and 4 are complied with.

SCHEDULE 3

Monitoring procedures at slaughterhouses

(regulation 7(b) and 12(3))

- 1. Abattoir operators must put in place and implement appropriate monitoring procedures in slaughterhouses.
- 2. The monitoring procedures referred to in paragraph 1 must describe the way the checks referred to in regulation 12 have to be carried out and must include at least the following
 - (a) the name of the persons responsible for the monitoring procedure;
 - (b) indicators designed to detect signs of unconsciousness and consciousness or sensibility in the animals; indicators designed to detect the absence of signs of life in the animals slaughtered in accordance with regulation 13;
 - (c) criteria for determining whether the results shown by the indicators are satisfactory;
 - (d) the circumstances and the time when the monitoring must take place;
 - (e) the number of animals in each sample to be checked during the monitoring;
 - (f) appropriate procedures to ensure that in the event that the criteria referred to in subparagraph (c) are not met, the stunning or killing operations are reviewed in order to identify the causes of any shortcomings and the necessary changes to be made to those operations.
- 3. Abattoir operators must put in place a specific monitoring procedure for each slaughter line.
- 4. The frequency of the checks must take into account the main risk factors, such as changes regarding the types or the size of animals slaughtered or personnel working patterns and must be established so as to ensure results.
- 5. For the purpose of paragraphs 1 to 4, abattoir operators may use monitoring procedures as described in the guides to good practice referred to in regulation 24.

SCHEDULE 4 OPERATIONAL RULES FOR SLAUGHTERHOUSES

(regulation 7(1))

HANDLING AND MOVEMENT OPERATIONS

The arrival, moving and handling of animals

- 1. The welfare conditions of each consignment of animals must be systematically assessed by the animal welfare officer or a person reporting directly to the animal welfare officer upon arrival in order to identify the priorities, in particular by determining which animals have specific welfare needs and the corresponding measures to be taken.
- 2. Animals must be unloaded as quickly as possible after arrival and subsequently slaughtered without undue delay.
- 3. Animals which have not been slaughtered within 12 hours of their arrival must
 - (a) be fed, and subsequently given moderate amounts of food at appropriate intervals; and
 - (b) be provided with an appropriate amount of bedding or equivalent material which guarantees a level of comfort appropriate to the species and the number of animals concerned and the material must have an efficient drainage or adequate absorption of urine and faeces.
- 4. Whenever possible animals must be unloaded individually.
- 5. For the purpose of slaughter, unweaned animals or females having given birth during the journey or animals delivered in containers must be given priority over other types of animal.
- 6. Where there are female animals which have given birth during the journey they must be provided with appropriate conditions for suckling and the welfare of the newborn animal taken into account.
- 7. Mammals which are not taken directly to the place of slaughter after being unloaded, must have drinking water available to them from appropriate facilities at all times.
- 8. A steady supply of animals for stunning and killing must be ensured in order to prevent animal handlers rushing animals from the holding pens.

Treatment of animals

- 9. A person must not
 - (a) strike or apply any pressure to any sensitive part of an animal's body in such a way as to cause the animal avoidable pain or suffering;
 - (b) kick or inflict any blow to an animal;

(c) lift or drag the animals by the head, ears, horns, legs, tail or fleece, or handle an animal in such a way as to cause it pain or suffering.

Use of Instruments

- 10. A person must not use prods or other implements with pointed ends which will twist, crush or break the tails of animals or grasp the eyes of any animal.
- 11. A person must not use any instrument which administers electric shock to make animals move, except that such an instrument may be used on adult bovine animals and adult pigs which refuse to move, provided that the shocks
 - (a) last not longer than one second and each are adequately spaced out;
 - (b) are applied only to the muscles of the hindquarters;
 - (c) are not used repeatedly if the animal fails to respond; and
 - (d) the animal has room ahead of it in which to move.
- 12. A person must not tie or cause the legs of any animals to be tied.
- 13. Animals which are unable to walk must not be dragged to the place of slaughter, but must be slaughtered where they lie.

Additional rules for mammals in lairage

- 14. An animal must have enough space to stand up, lie down and, except for cattle kept individually, turn around.
- 15. Animals must be kept securely in the lairage and care must be taken to prevent them from escaping.
- 16. Each pen must be indicated with a visible sign with the date and time of arrival of the animals and, except for cattle kept individually, the maximum number of animals to be kept.
- 17. All operating slaughterhouses must be prepared and kept ready for immediate use with isolation pens for animals that require specific care.
- 18. The condition and state of health of the animals in a lairage must be regularly assessed by the animal welfare officer or a competent person.

Bleeding of animals

19. Where one person is responsible for the stunning, shackling, hoisting and bleeding of animals, the person must carry out all those operations consecutively in respect of one animal before carrying them out on other animals.

- 20. A person engaged in the bleeding of any animal that has undergone simple stunning or slaughter in accordance with regulation 13, must ensure that the two carotid arteries or the vessels from which they arise are systematically severed.
- 21. A person must not cause or permit any electrical stimulation to be performed on an animal before the unconsciousness of the animal has been verified and any further dressing or scalding must only be performed once the absence of signs of life of the animal has been verified.

Made 22nd December 2015

Colin Roberts C.V.O., *Governor*.

EXPLANATORY NOTE (not part of the Regulations)

These Regulations are made under section 4(1)(b), (d) and (f) of the Livestock and Meat Products Ordinance (No 14 of 2010) which allows the Governor to make regulations dealing with the slaughtering of animals and the treatment of animals at abattoirs before and after slaughter. The regulations give effect to Regulation (EC) 1099/2009 of 24 September 2009 on the protection of animals at the time of killing which lays down requirements which must be met by countries exporting meat to the European Union.

This EC Regulation takes into account that any killing of animals would include pain, distress, fear or other forms of suffering but lays down requirements which will minimise the distress and suffering of animals and stipulates measures which if taken will avoid the infliction of pain to animals.

The Regulations are divided into five parts; Part 1 deals with introductory matters covering interpretation, commencement and the application of the regulations which is limited to animals slaughtered or killed for human consumption.

Part 2 lays down the general requirements which abattoir operators must meet (which comply with Article 3 of the EC Regulation), which stipulates that animals must be spared any avoidable pain, distress or suffering either during killing or during any related operations. *Regulation 6* sets out requirements which abattoirs must comply with and these are set out under Schedule 1 to the Regulations.

Schedule 1 lays down specific requirements for slaughterhouses, the equipment and facilities that are required for all the operations that are carried out to be done effectively. It sets out the requirements that the specific equipment, depending on its use, must have so that the operations can be carried out smoothly to promote the welfare of animals as they arrive at the abattoir and as they are processed for slaughter or killing.

Regulation 7 sets out the specific methods which must be used to give effect to Article 3 and further provides for the specific methods and requirements to be carried out in Schedules 2 to 5.

Schedule 2 provides for stunning operations by specifying which stunning methods are allowed, setting out the minimum standards for these different stunning methods and how they are to be carried out.

Schedule 3 lays down the monitoring procedures which must be in place in all slaughterhouses. These procedures ensure animals are checked and monitored at all times so that they do not suffer any unnecessary pain or distress as they are being processed for killing or slaughter.

Schedule 4 lays down the operational rules for slaughterhouses which set out procedures to be complied with from the arrival of animals until their killing or slaughter. These include practical considerations which promote the welfare of animals as well as the need for an assessment of animals as they arrive at the abattoir so that those which require specific welfare needs can be attended to as required.

Regulation 8 provides for all killing and related operations to be carried out by competent personnel and regulation 9 provides for an animal welfare officer who must be available at all times to safeguard the welfare of animals.

Part 3 provides for the requirements which need to be observed in the killing of animals and related operations. *Regulation 10* lays down the general requirements for the treatment of animals, *regulation 11* provides for the stunning of animals and *regulation 12* provides for checks and monitoring to be carried out where animals are stunned while *regulation 13* provides for requirements to be met where animals are killed without having been stunned. This includes animals which are killed using methods prescribed by religious rites.

Part 4 provides for the certification of all personnel involved in the killing or slaughter of animals and other related operations. The requirement is that all killing and slaughter must be done by competent personnel except in emergency situations. *Regulation 15* provides for the qualifications and other requirements which an applicant must possess to be able to be granted a certificate of competence.

Regulation 16 provides for requirements which an applicant for a provisional certificate must have. Regulation 17 provides for the grant of a certificate of competence and the grant of a provisional certificate. Regulation 18 sets out when the competent authority may refuse to issue a certificate and the requirement to furnish the applicant with reasons for refusal and information about the right of the applicant to have their application reconsidered under regulation 21. Regulations 19 and 20 provide for suspensions, modifications and revocations. Regulation 22 provides for fees and regulation 23 provides for the qualifications and responsibilities of an animal welfare officer.

Part 5 provides for general matters. These include guides to good practice which the Senior Veterinary Officer must develop for abattoir operators and people caring for livestock, the keeping of records, offences and penalties as well as transitional provisions. The transitional provision gives abattoirs until 8 December 2019 to comply with requirements which must be in

place for electrical stunning equipment). This is limited only to Schedule 1 Part 4 because the Sand Bay abattoir already complies with all the requirements of Schedule 1 and any abattoirs which may be set up in future will have to comply with these requirements before they are designated to provide meat for export and local consumption. *Regulation 28* disapplies UK subsidiary legislation which will no longer apply as a result of these regulations. *Regulation 29* revokes the relevant paragraphs of the Designated Abattoirs (Application of Legislation) Order 1999 which provides for the application of the two pieces of UK subsidiary legislation referred to under regulation 28 to apply in the Falkland Islands.

SUBSIDIARY LEGISLATION

ANIMALS

Livestock and Meat Products (Examination for Contaminants, Residues and Maximum Residue Levels) Regulations 2015

S. R. & O. No. 27 of 2015

Made: 22 December 2015 Published: 24 December 2015 Coming into force: on publication

I make the following regulations under section 4(1)(c) and (h) of the Livestock and Meat Products Ordinance (No. 14 of 2010).

PART 1 – INTRODUCTION

1. Title

These regulations are the Livestock and Meat Products (Examination for Contaminants, Residues and Maximum Residue Levels) Regulations 2015.

2. Commencement

These regulations come into force on publication in the Gazette.

3. Interpretation and application

(1) In these regulations —

"abattoir operator" means a person or company responsible for the day to day operation of activities that occur in an abattoir or slaughterhouse and includes activities in any co-located or related cutting plants, chilling or freezing establishments;

"analysis" includes any technique for establishing the composition of an official sample;

"approved laboratory" means a laboratory approved by the competent authority for the purpose of examining official samples;

"competent authority" means the Senior Veterinary Officer or any other authorised official of the Department of Agriculture;

"contaminants" in relation to maximum levels in meat and meat products means any of the substances referred to in the relevant EU legislation specified under Schedule 5;

"Commission" means the European Commission;

"farm" means an area of land devoted to the keeping, rearing or raising of livestock;

"feed" or "feedingstuff" means any substance or product, including additives, whether processed, partially processed or unprocessed, intended to be used for oral feeding to animals;

"fresh meat" means meat that has not undergone any preserving process other than chilling, freezing or quick-freezing, including meat that is vacuum-wrapped or wrapped in a controlled atmosphere;

"holding" means a section of land leased or otherwise tenanted for agricultural purposes;

"illegal treatment" means the use of unauthorised substances or products and includes the use of authorised products or substances for purposes other than those lawfully permitted;

"inspector" means a person who is designated in writing under regulation 13 by the competent authority, either generally or specifically, to carry out inspections under these regulations;

"maximum residue limits" means, in relation to a substance or product specified under these regulations or the relevant EU legislation, its concentration in the tissues or body fluids of an animal, its meat or meat products, the limit of which is specified in the relevant EU legislation appearing under Schedule 5 and 6;

"meat preparations" means fresh meat, including meat that has been reduced to fragments, which has had foodstuffs, seasonings or additives added to it or which has undergone processes insufficient to modify the internal muscle fibre structure of the meat and eliminate the characteristics of fresh meat;

"meat products" means processed products resulting from the processing of meat or from the further processing of such processed products, so that the cut surface shows that the product no longer has the characteristics of fresh meat;

"mechanically separated meat (MSM)" means the product obtained by removing meat from flesh-bearing bones after boning using mechanical means which result in the loss or modification of the muscle fibre structure;

"official controls" in relation to these regulations means checks, inspections, audits and corrective procedures made by the competent authority to verify and ensure compliance with feed and food requirements so that the maximum residue limits set for the different substances and products are not exceeded for the protection of public and animal health;

"official sample" means a sample taken by the competent authority under Part 4;

"official veterinarian" means an official of the Department of Agriculture appointed under section 7 of the Ordinance;

"pesticide residues" means residues including active substances, their metabolites, and the breakdown or reaction products of the active substances specified in the relevant EU legislation under Part B of Schedule 5 (in so far as they are present in meat and meat products);

"relevant EU legislation" means (to the extent that it relates to residue limits in meat and meat products) the legislation specified in Schedule 6;

"residue" means the residue of a substance that has a pharmacological action, of its metabolites and of any other substances transmitted to animal products which is likely to be harmful to human health:

"the Ordinance" means the Livestock and Meat Products Ordinance;

"therapeutic purposes" means the administering of an authorised substance or product to an animal —

- (a) to treat a fertility problem; or
- (b) in the case of beta-agonists
 - (i) to induce tocolysis in cows when calving;
 - (ii) to treat respiratory problems; or
 - (iii) to treat navicular diseases and laminitis;

"traceability" means the ability to trace and follow a feed, or substance intended to be, or expected to be incorporated into a feed, through all stages of production, processing and distribution;

"unauthorised substances or products" means the substances or products specified under Schedule 2 which are prohibited under these regulations and relevant EU legislation and "prohibited substances or products" must be construed accordingly;

"veterinary medicinal product" means any substance or combination of substances —

- (a) presented as having properties for treating or preventing disease in animals; or
- (b) that may be used in, or administered to, animals with a view to
 - (i) restoring, correcting or modifying physiological functions by exerting a pharmacological, immunological or metabolic action; or
 - (ii) making a medical diagnosis;

"withdrawal period" in relation to an authorised veterinary medicinal product administered to an animal or batch of animals, means the period specified for that product (either in the marketing

authorisation relating to that product or as prescribed by the official veterinarian) which is required to be observed from the time the product is administered to the animal and the time the animal can be placed on the market for slaughter for human consumption; and

"zootechnical treatment" means the administering of any substance authorised by regulation 7 for use in artificial insemination or embryo transfer programmes.

- (2) In these regulations any reference to the 'licence or licenced use' of a substance or product means any use of a substance or product that the manufacturer has permitted or approved.
- (3) The relevant EU legislation specified under Schedule 5 and 6 setting out the maximum residue limits apply to meat and meat products intended for human consumption.
- (4) For purposes of ascertaining whether the maximum residue limits have been exceeded the competent authority must test for the presence of the substance (the drug, drug metabolite or a combination of both) as specified in Schedule 5 (in relation to contaminants) or as specified in the relevant EU legislation listed under Schedule 6 (in particular Regulation 37/2010 of 22 December 2009 in relation to pharmacologically active substances) and measure the levels of that substance.

PART 2 – PROHIBITIONS ON IMPORT, SALE AND USE OF CERTAIN PRODUCTS AND SUBSTANCES ON ANIMALS

4. General prohibition on import, sale and use of unauthorised substances

- (1) Subject to the provisions of these regulations, a person commits an offence who
 - (a) imports into the Falkland Islands any of the unauthorised substances or products specified under Schedule 2;
 - (b) places on the market for sale any of the unauthorised substances or products specified under Schedule 2:
 - (c) administers to any animal any of the unauthorised substances or products specified under Schedule 2;
 - (d) places on the market for slaughter any animal to which any of the substances specified under Schedule 2 has been administered; or
 - (e) processes or places on the market for sale any meat or meat products (intended for human consumption) from an animal to which any of the substances specified under Schedule 2 has been administered.
- (2) A person convicted of an offence under this regulation is liable to a term of imprisonment not exceeding 12 months or to a fine not exceeding level 8 on the standard scale, or to both.
- (3) The competent authority may import any of the unauthorised substances or products for zootechnical purposes or for any other purposes as may be necessary.

5. Prohibitions on the import, sale or administration of certain substances

- (1) A person commits an offence who imports into the Falkland Islands or places on the market for sale for administration to animals any of the following substances
 - (a) thyrostatic substances;
 - (b) beta-agonists;
 - (c) stilbenes, stilbene derivatives including their salts and esters; or
 - (d) oestradiol 17β and its ester-like derivatives.
- (2) Subject to regulation 7, a person commits an offence who administers to an animal intended for human consumption any of the following substances
 - (a) thyrostatic substances;
 - (b) beta-agonists;
 - (c) stilbenes, stilbene derivatives including their salts and esters; or
 - (d) oestradiol 17β and its ester-like derivatives.
- (3) A person convicted of an offence under this regulation is liable to a term of imprisonment not exceeding 12 months or to a fine not exceeding level 8 on the standard scale, or to both.

6. Prohibition of possession of unauthorised substances and substances under regulation 5

- (1) A person commits an offence who is in possession of any unauthorised substances or any of the substances specified under regulation 5.
- (2) It is a defence for a person charged with an offence under subregulation (1) in relation to the substances specified under regulation 5 that the person had an authorisation from the competent authority to use the substance for its licenced use.
- (3) A person convicted of an offence under this regulation is liable to a term of imprisonment not exceeding 12 months or to a fine not exceeding level 8 on the standard scale, or to both.

7. Exceptions

- (1) Nothing under regulation 5 prohibits the administering of any of the following specified substances or products for the following purposes
 - (a) administering for therapeutic purposes testosterone and progesterone and derivatives which, when administered, yield the parent compound on hydrolysis after absorption in the area where the injection is administered;
 - (b) administering progesterone for the treatment of ovarian dysfunctions through the use of vaginal spirals;

- (c) administering for therapeutic purposes authorised veterinary products or substances which contain
 - (i) allyl trenbolone, if administered orally;
 - (ii) beta-agonists where it is injected to induce tocolysis in cows when calving;
- (d) administering for zootechnical treatment authorised veterinary substances or products which have
 - (i) an oestrogenic action (other than oestradiol 17β and its ester-like derivatives); and
 - (ii) androgenic or gestagenic action which are authorised in accordance with the relevant EU legislation.
- (2) The substances and products referred to under subregulation (1) must
 - (a) be administered by an official veterinarian to clearly identified animals;
 - (b) not be kept by farmers.
- (3) The official veterinarian must record the details of any products or substances administered under this section.
- (4) Therapeutic treatment of animals other than for breeding purposes is prohibited (including breeding animals which are at the end of their reproductive life).
- (5) The substances or products referred to under this regulation
 - (a) must only be used in accordance with this regulation,
 - (b) must be authorised by the competent authority or licensed to be so used for the therapeutic purpose for which they are used and the waiting periods specified in the manufacturer's information for those substances or products must be observed before the animals can be placed on the market for slaughter.

8. Meat and meat products with levels in excess of the maximum residue limits

- (1) A person commits an offence who places on the market for sale any meat or meat products intended for human consumption which contains
 - (a) residue levels that exceed the maximum residue limits specified under Part A of Schedule 5 in relation to pharmacologically active substances;
 - (b) pesticides residue levels that exceed the maximum residue limits specified under Part B of Schedule 5;

- (c) levels that exceed the maximum levels for certain contaminants as specified under Part C of Schedule 5;
- (d) levels that exceed the maximum limits specified under Part D of Schedule 5 in relation to microbiological contaminants; or
- (e) levels that exceed the maximum limits in relation to relevant EU legislation specified under Schedule 6.
- (2) A person convicted of an offence under this regulation is liable to a term of imprisonment not exceeding 6 months or to a fine not exceeding level 4 on the standard scale, or to both.

PART 3 – GENERAL CONTROL AND MONITORING ON PRODUCTION AND PLACING ON THE MARKET

9. Controls by animal owners – monitoring of animals going for slaughter

- (1) A person in control of animals going for slaughter must take all reasonable steps to ensure that the animals which are to be taken for slaughter
 - (a) are constantly monitored for the purpose of detecting the level of residues from substances or products specified under Schedule 1; and
 - (b) are not treated with any of the unauthorised substances or products specified under Schedule 2.
- (2) The reasonable steps may include the following
 - (a) the correct and appropriate use of veterinary medicinal products (to avoid illegal treatment);
 - (b) the keeping of records of all the veterinary medicinal products administered to animals;
 - (c) the correct and appropriate use of feed (and additives) and ensuring their traceability; and
 - (d) the correct storage of feed (to avoid contamination); and
 - (e) ensuring as far as possible that animals which had been administered with authorised substances or products are sent for slaughter only after the applicable withdrawal periods which have been prescribed for those substances or products have elapsed.

10. Official controls – competent authority

- (1) The competent authority must put in place measures aimed at ensuring compliance with these regulations and these measures may include
 - (a) the control of contaminants such as mycotoxins, heavy metals and radioactive material;
 - (b) the use of water, organic waste and fertilisers on animal feeds;

- (c) the correct and appropriate use of plant protection products and biocides and their traceability;
- (d) the correct and appropriate use of veterinary medicinal products;
- (e) the keeping of records of all the veterinary medicinal products administered to animals;
- (f) the correct and appropriate use of feed additives and their traceability;
- (g) frequent monitoring to ensure that animals do not contain
 - (i) residue levels which exceed maximum residue limits specified under these regulations; or
 - (ii) any trace of prohibited substances or products.
- (2) The competent authority must put in place a monitoring plan and must ensure that inspections are carried out as often as possible for the proper monitoring of the use of substances or products in animals and to check the residues listed under the Schedules to these regulations.
- (3) The competent authority must ensure that
 - (a) the residue monitoring plan complies with the requirements under Part 4; and
 - (b) the data collected and all the results are sent to the Commission not later than 31 March in each year.

11. Controls at slaughter - placing on the market for human consumption

- (1) In this Part
 - (a) to "process meat" means to bone, mince, chill, freeze or otherwise prepare meat for sale; and
 - (b) to "produce meat" means to kill, bleed, skin, and cut up an animal.
- (2) An abattoir operator must take the necessary steps to ensure that animals that are processed for slaughter do not contain residues in excess of the maximum limits and that they do not contain any trace of prohibited substances or products as set out under these regulations and the relevant EU legislation.
- (3) Any meat or meat product which is produced and processed to be placed on the market for human consumption must
 - (a) be examined by the competent authority to ensure that it does not contain residues in excess of the levels set out under these regulations and the relevant EU legislation;

- (b) in the case of meat from animals which were used for breeding purposes or from animals which have undergone treatment using authorised products or substances, come from animals which were only slaughtered after the lapse of the specified withdrawal periods prescribed for those substances or products;
- (c) in the case of animals administered with substances which have oestrogenic, androgenic or gestagenic action or beta-agonists, come from those animals which have undergone treatment following the administration of those substances; and
- (d) be thoroughly checked by the competent authority to ensure compliance with the applicable measures relating to animal health and welfare that have implications for human health, including programmes for the monitoring and control of zoonoses and zoonotic agents.

12. Checks and approval by competent authority before meat is placed on the market

- (1) An abattoir operator must ensure that all fresh meat to be placed on the market is produced and processed in compliance with the Livestock and Meat Products (Hygiene) Regulations 2015 (SR&O No 24 of 2015).
- (2) An official veterinarian must carry out the official controls referred to in Part 4 to ensure that meat and meat products placed on the market comply with the residue and contaminant levels set out in these regulations and the relevant EU legislation.
- (3) The competent authority must also carry out the official checks aimed at detecting the presence of unauthorised substances or products (which may be used for fattening or for other illegal treatment).

PART 4 – OFFICIAL CONTROLS (SAMPLING, TESTING, EXAMINATIONS, INSPECTIONS AND AUDITS)

13. Designation of Inspectors

- (1) The competent authority must designate inspectors for purposes of carrying out all the checks, sampling, monitoring and other official control measures required under these regulations.
- (2) An inspector designated under these regulations is responsible for
 - (a) carrying out inspections for detecting the presence of unauthorised substances or products intended to be administered to animals for purposes of fattening or for any illegal treatment;
 - (b) checking the records or registers kept at farms in relation to treatment administered to animals:
 - (c) taking of samples, registering, preparing and organising the transportation of official control samples; and

(d) any other duties as may be specified in the designation.

14. Inspections at farms or holdings

- (1) The owner or any person in charge of animals must cooperate with the inspectors and facilitate inspection operations and in particular assist the inspector, the official veterinarian or any other authorised staff to carry out any official controls required under these regulations.
- (2) The inspector must check all the records and registers kept in terms of regulation 33.
- (3) Where there is any suspicion that animals have been treated with illegal or unauthorised substances or products the competent authority must ensure that inspections or checks are carried out as soon as possible.
- (4) An inspection carried out under this regulation may include
 - (a) official sampling of the animals' feeding stuff or drinking water;
 - (b) a search within the farm for the presence of the unauthorised substances or products or, where there are unauthorised substances or products found, checks to establish the origin of those substances or products;
 - (c) a request for the owner of the animals to detain a certain number of animals to enable the animals to be inspected for the purposes of checking for unauthorised substances or the residue levels of authorised substances; or
 - (d) any other action as may be appropriate in the circumstances.
- (5) Where samples or checks are to be carried out in compliance with subregulation (3) or if the sampling is carried out on a specific batch of animals the competent authority must give the owner of the animals or the person in control of the animals 7 days' notice in writing as to when the sampling and checks are to take place.
- (6) The owner or person in control of the animals must allow sampling and checks to take place within 7 days of the notification.
- (7) Where an inspection under this section reveals any positive results the competent authority must take any action as specified under Part 5.

15. Inspections at abattoir

- (1) An abattoir operator must cooperate with the inspectors by facilitating pre-slaughter inspection operations and offer any assistance as necessary so that official controls to be carried out by the inspectors and officers of the competent authority can be performed effectively.
- (2) The abattoir operators must in particular
 - (a) give access to all buildings, premises, installations or other infrastructures related to the abattoir and meat production; and

- (b) make available any documentation and records required or considered necessary by an inspector or an officer of the competent authority.
- (3) Where an inspection under this section reveals any positive results the competent authority must take action as specified under Part 5.

Residue Monitoring Plans – Meat and Meat Products for Export Purposes

16. Residue monitoring plans

- (1) The competent authority must prepare and transmit to the Commission a residue monitoring plan for all meat and meat products produced and processed for export to the Commission annually as required under regulation 10.
- (2) The residue monitoring plan must comply with the requirements of the relevant EU legislation and must take into account the following
 - (a) the legal requirements on the use of substances or products specified under these regulations and the relevant EU legislation;
 - (b) the capacity of all the relevant parties involved in implementing the plan;
 - (c) the laboratories approved for processing samples;
 - (d) the number of official samples to be taken (in relation to the number of animals of the species slaughtered in preceding years) in accordance with the sampling levels and frequencies laid down under Schedule 4;
 - (e) the legal requirements for collection of samples and the information provided with samples; and
 - (f) measures to be taken with regard to animals, meat or meat products which are found to contain residues in excess of the prescribed maximum limits.

17. Monitoring

- (1) The competent authority must monitor animal production and the overall processing and production of meat and meat products for detecting the presence of any residues and substances listed under these regulations and the relevant EU legislation.
- (2) The competent authority must ensure that all samples are collected in accordance with these regulations and the relevant EU legislation in particular by
 - (a) drawing up a monitoring plan to enable inspections to be carried out as and when necessary;
 - (b) collecting all the data needed to evaluate the methods used to collect samples and the results obtained from carrying out any measures taken; and

(c) sending to the Commission, not later than 31 March in each year the data and the results (including the results of any surveys taken during the course of that year).

18. Contents of the monitoring plan

The monitoring plan must —

- (a) provide, according to the type of animal, for detection of groups of residues or substances specified under Schedule 3;
- (b) specify the measures for detection of the presence of
 - (i) the substances referred to under paragraph (a) (and where necessary in the drinking water, feeding stuffs and in all the places where the animals are kept);
 - (ii) residues of the substances specified under Schedule 3 (by checking the animal's excrement and body fluids, and in animal products such as meat and milk); and
- (c) comply with the sampling rules and levels laid down under Schedule 4.

Sampling and Sampling Reports

19. Requirements for taking samples

- (1) The competent authority must ensure that samples are taken frequently or as routinely as possible throughout the course of the year to detect the possession or presence of prohibited substances or products or to determine the levels of residues or contaminants from products or substances.
- (2) The taking of samples may be unscheduled and must be done as often as necessary to detect the possession or presence of unauthorised substances or products.
- (3) The taking of official samples must be done in accordance with the requirements of Schedule 4 and the competent authority must ensure the establishments take samples at a frequency appropriate to production.

20. Transport and storage of samples

- (1) Residue control plans must specify suitable storage and transport conditions for each analyte or matrix combination to ensure analyte stability and sample integrity.
- (2) The competent authority may impose additional conditions under which official control samples are transported in relation to the temperature and the storage of the samples.

21. Sampling report

- (1) The sampling report must contain the following
 - (a) name of the inspector carrying out the sampling;
 - (b) official code of the sample;

- (c) sampling date;
- (d) if the sampling is done on farm, the name and address of the owner or the person who has control of the animals:
- (e) in the case of meat and meat products, the name and address of the abattoir operator;
- (f) registration number of the abattoir;
- (g) animal, meat or meat product number;
- (h) animal species;
- (i) sample matrix indicating the type of tissue sampled;
- (j) veterinary medicinal products given to the animals within the last four weeks before the sampling is undertaken;
- (k) substances or groups of substances which the sampling is to cover; and
- (1) any other necessary information relevant to the sampling.
- (2) The sampling report must be signed by an inspector and the original copy filed with the competent authority.

Official control measures and checks

22. Official control measures

- (1) The competent authority must ensure that official control measures are put in place to detect the possession or presence of unauthorised substances or products intended to be administered to animals for any illegal treatment (including fattening).
- (2) The official control measures referred to in subregulation (1) may include the following
 - (a) unscheduled checks carried out as often as necessary;
 - (b) training of owners of animals or people in charge of animals on the keeping of records and the proper use of veterinary medicinal substances or products.

23. Official control checks

- (1) The competent authority must perform periodic unscheduled checks at farms to check any of the following
 - (a) the treatment given to animals;
 - (b) the records of treatments administered on animals;

- (c) any traces of implants on the animals and these checks may include official sampling;
- (d) the presence of prohibited or unauthorised substances or products; or
- (e) the animal's feeding stuffs and drinking water to detect any prohibited or unauthorised substances or products.
- (2) The competent authority may perform unscheduled checks on a particular farm where there is suspicion that illegal treatment has taken place.
- (3) Where the competent authority finds any unauthorised substances or products as a result of a check under subregulation (2), it must carry out further checks to clarify the origins of the unauthorised substances or products.
- (4) Where the checks under subregulation (2) reveal that the maximum limits or levels laid down under Schedule 5 have been exceeded the competent authority must take such action or measures it may deem appropriate in the circumstances.

Approved laboratories

24. Designated laboratories

- (1) The competent authority must designate a number of laboratories for purposes of these regulations and the relevant EU legislation.
- (2) The designated laboratories must be capable of carrying out the tests required under these regulations.

25. Examination of samples

Where the examination of a sample reveals that there has been illegal treatment, the competent authority must take such measures and any of the actions laid down under Part 5.

PART 5 – ACTION TO BE TAKEN FOR POSITIVE RESULTS

26. Further investigations – competent authority

- (1) Where the results or outcome of the official checks and examinations carried out under Part 4 reveal positive results of the presence of any residues that exceed the maximum limits specified under Schedule 1, the competent authority must carry out a further investigation.
- (2) The competent authority must obtain all the necessary information without delay in order to—
 - (a) establish whether the residues are of authorised or unauthorised substances or products;
 - (b) identify the animals and the farm from where the affected animals come; and
 - (c) establish the source of the unauthorised substances or products.

(3) Depending on the outcome of the investigation and based on its findings, the competent authority may take the appropriate action as set out under regulations 27 and 28.

27. Actions by competent authority – maximum levels exceeded

- (1) Where the results or outcome of the official checks and examinations carried out under Part 4 or a further investigation conducted under regulation 26 reveal that the residue levels of authorised substances or products exceed the maximum levels specified under Schedule 5, the competent authority must carry out a further investigation to determine the reasons of the excess in residue levels.
- (2) Based on the outcome of the further investigation under subregulation (1), the competent authority must put in place necessary measures to safeguard public health.
- (3) The measures referred to under subregulation (2) may include
 - (a) the prohibition of affected animals from leaving the farm where they are kept for a specified period;
 - (b) where the residues which exceed the maximum limits are found in carcasses, the confiscation and destruction of those carcasses;
 - (c) the prevention of the placing on the market for slaughter, of animals from that farm for a specified period.
- (4) The competent authority
 - (a) must ensure that animals that come from a farm which has had repeated incidents of exceeding the maximum residue limits go through intensified checks and examinations for a specified period not less than 6 months before animals from that farm can be placed on the market for slaughter; and
 - (b) may impose administrative penalties on the owner of those animals.
- (5) The imposition of administrative penalties under subregulation (3) does not prevent the prosecution of any person whose animals have been found with residues that exceed the maximum limits.

28. Actions by competent authority – illegal treatment

- (1) Where the results or outcome of the official checks and examinations carried out under Part 4 or a further investigation conducted under regulation 26 reveal that there has been illegal treatment the competent authority must
 - (a) ensure that all the animals on that farm are checked and the affected animals are immediately placed under official control;
 - (b) cause all the affected animals to be marked to ensure that they are easily identifiable; and

- (c) cause all the affected animals to be slaughtered separately.
- (2) Based on the outcome of the further investigation under subregulation (1) and depending on the nature of the unauthorised substances or products identified, the competent authority may put in place necessary precautionary measures to safeguard public health.
- (3) The measures referred to under subregulation (2) may include
 - (a) where any unauthorised substances or products are found in the farm or on any unauthorised persons, the confiscation of those substances or products;
 - (b) the prevention of the placing on the market for slaughter, of animals from that farm for a period as may be specified by the competent authority; or
 - (c) the imposition of administrative penalties on the owner of the farm or any unauthorised person found in possession of the unauthorised substances or products.
- (4) The imposition of administrative penalties under subregulation (3) does not prevent the prosecution of any person found in possession of unauthorised substances or products.
- (5) The owner of the animals must bear the following costs
 - (a) costs of the checks done on all the animals under this regulation;
 - (b) costs of slaughter of the affected animals including the costs of transporting the animals to a slaughterhouse.

29. Action by official veterinarian - slaughterhouses

- (1) If the official veterinarian at a slaughterhouse has evidence that animals have been treated with unauthorised substances or products or that, after being treated or administered with authorised substances or products, the withdrawal periods were not observed, the official veterinarian must
 - (a) in the case of live animals, arrange for the animals to be slaughtered separately from other animals;
 - (b) if the animals have already been slaughtered, impound all the carcasses and offal from those animals until all the sampling procedures necessary to detect the level of residues for the substances or products in question have been conducted.
- (2) The official veterinarian may, where there is suspicion that animals have been illegally treated or that, after being treated or administered with authorised substances or products, the withdrawal periods were not observed
 - (a) impound all the carcasses and offal from animals slaughtered until all the sampling procedures necessary to detect the residues have been complied with; or

- (b) subject to subregulation (3), delay the slaughter of the animals until satisfied that the quantity of the residues does not exceed the permitted levels by observing the withdrawal periods to be observed with respect to those substances or products.
- (3) If there is an emergency or due to animal welfare reasons it is required that slaughter cannot be delayed the animals must be slaughtered immediately and the carcass and offal from those animals must be checked before it can be placed on the market for human consumption.
- (4) If the sampling procedures undertaken in relation to meat or offal from animals under this regulation show that the residue levels exceed the maximum limits, the carcass and offal must be declared unfit for human consumption and be destroyed.
- (5) The competent authority may impose any of the measures specified under these regulations based on the results of the sampling procedures undertaken under this regulation (whether the sampling reveals illegal treatment or an excess of maximum limits).

PART 6 – MISCELLANEOUS PROVISIONS

30. Notices

Except in so far as it relates to unscheduled checks and unscheduled sampling, any decision or action to be taken by the competent authority under these regulations must be given by notice which —

- (a) must be in writing;
- (b) may be subject to conditions; and
- (c) may, depending on the decision or action be amended, suspended or revoked.

31. Administrative penalties

- (1) Where the competent authority imposes administrative penalties under Part 5 it must cause a notice in writing to be served on the owner of the animals.
- (2) A notice under subregulation (1) must specify
 - (a) the date and nature of the offence;
 - (b) a summary of the facts on which the allegation that an offence has been committed is based (being a sufficient summary fully and fairly to inform the person of the allegation against the person); and
 - (c) any other matters that the competent authority considers relevant to the imposition of a penalty.
- (3) A notice under subregulation (1) must be endorsed with a statement setting out the provisions of these regulations.

- (4) Any person on whom a notice under subregulation (1) is served may, within 28 days after the service, by notice in writing served on the competent authority, require that proceedings in respect of the alleged offence be dealt with by a court having jurisdiction to try and determine that offence, in which case the following applies
 - (a) no further proceedings are to be taken under this regulation by the competent authority; and
 - (b) nothing in this regulation is to be construed to prevent the subsequent laying of any information charge in respect of the alleged offence, or the conviction of the person of the offence by that court, or the imposition of any penalty or fine under these regulations upon such conviction.
- (5) Any person on whom a notice under subregulation (1) is served who does not require that proceedings in respect of the alleged offence be dealt with by a court may by notice in writing served on the competent authority
 - (a) admit the offence; and
 - (b) bring to the attention of the competent authority any matters the person wishes the competent authority to take into account in imposing any administrative penalty.
- (6) Where a person on whom a notice under subregulation (1) is served does not, within 28 days after the notice is served
 - (a) require that proceedings in respect of the alleged offence be dealt with by a court; or
 - (b) admit the offence,

the person is, on the expiration of that period, deemed to have admitted the offence.

- (7) Where a person admits or is deemed to have admitted an offence the competent authority may, after taking into account any submissions made by that person under subregulation (5), impose a monetary penalty on that person in respect of the offence not exceeding in amount one third of the maximum fine to which the person would be liable if the person were convicted of the offence by a court.
- (8) An admission or deemed admission of an offence and the imposition of a penalty under this regulation is not to be regarded as a conviction for an offence.
- (9) Where the competent authority imposes a penalty on a person under this regulation in respect of an offence, the competent authority must cause a notice in writing with the particulars of the penalty to be served on the person.
- (10) A person on whom a penalty is imposed under this regulation must pay the amount of the penalty to the Crown within 28 days after the notice of the penalty is served on the person.

(11) A penalty imposed under this regulation is recoverable by the Crown from the person on whom it has been imposed in the same manner as a fine is recoverable on conviction for an offence and, without prejudice to the foregoing, may be recovered in any manner in which a civil debt to the Crown from that person may be recovered.

32. Appeals

- (1) Any person aggrieved by the decision of the competent authority under these regulations may lodge an appeal in writing to the Governor within 14 days from the date of the decision by the competent authority.
- (2) An appeal under subregulation (1) must be commenced by submitting a notice of appeal to the Governor.
- (3) The notice of appeal must be accompanied by supporting documents including a copy of the decision of the competent authority.
- (4) Where an appeal is made under this regulation, the Governor may
 - (a) allow the appeal in full;
 - (b) dismiss it entirely; or
 - (c) reverse or vary one or more parts of the decision made by the competent authority.

33. Record keeping

- (1) There must be kept on the farm or holding a register on which the following is recorded
 - (a) information relating to any treatment prescribed or administered to animals;
 - (b) the date when the treatment was administered to the animals;
 - (c) the identification of the animals treated;
 - (d) the withdrawal periods to be observed for the treatments administered (including information indicating when those periods elapsed); and
 - (e) any other relevant information.
- (2) A person who owns or is in control of animals or is engaged in the placing on the market of animals for slaughter must keep records of the following
 - (a) all veterinary medicinal products or other treatments administered to animals, the dates of administration and withdrawal periods;
 - (b) the occurrence of diseases that may affect the safety of the meat and products of animal origin;

- (c) the results of any analysis carried out on samples taken from animals or other samples taken for diagnostic purposes which must include results of tests for diseases or contamination in meat which may have an adverse effect on human health; and
- (d) any relevant reports on checks carried out on animals or products of animal origin.
- (3) The official veterinarian, the owner of the animal or the person in charge of the animal must enter the details specified under this regulation in the register.
- (4) An abattoir operator must keep all the records relating to animals brought into the abattoir including any records relating to meat and meat products produced or processed in the abattoir.
- (5) A copy of the register or records to be kept under this regulation must be made available to inspectors when requested.

34. Guidance by competent authority

The competent authority may publish guidance on good record keeping practices, the taking of samples, sampling frequency and strategy as well as on the storage and administration of veterinary medicinal products.

35. Obstruction of inspectors, official veterinarian and competent authority officials

- (1) It is an offence to do one or more of the following
 - (a) intentionally to obstruct any person acting in the execution of these regulations;
 - (b) knowingly to give any information that is false or misleading to any person acting in the execution of these regulations;
 - (c) intentionally to fail to disclose any material particular to any person acting in the execution of these regulations; or
 - (d) to fail, without reasonable excuse
 - (i) to give any assistance that any person acting in the execution of these regulations may require, or
 - (ii) to produce any record that any person acting in the execution of these regulations may require to be produced,

for the performance of that person's functions under these regulations.

(2) A person convicted of an offence under this regulation is liable to a term of imprisonment not exceeding 12 months, or to a fine not exceeding level 8 on the standard scale, or to both.

36. Offences and penalties

(1) It is an offence for a person to contravene a provision of these regulations.

(2) A person convicted of an offence under these regulations for which no penalty is provided is liable to a term of imprisonment not exceeding 6 months or to a fine not exceeding level 6 on the standard scale, or to both.

37. Disapplied United Kingdom legislation

The Animals and Animal Products (Examination for Residues and Maximum Residue Limits) Regulations 1997 (S.I. 1997/1729) no longer apply to the Falkland Islands.

38. Revocation

- (1) The Designated Abattoirs (Application of Legislation) Order 1999 (S.R. & O. No. 65 of 1998) is amended by revoking paragraph 8 and revoking Schedule 6; and
- (2) The Foodstuffs (Maximum Levels of Certain Metals) Order 2002 (S.R. & O. No. 15 of 2002) is revoked.

SUBSTANCES OR PRODUCTS TO BE MONITORED

(regulation 9(1)(a))

Group A

- (i) Substances which have anabolic effect and unauthorised substances
 - (a) Stilbenes, stilbene derivatives, and their salts and esthers
 - (b) Antithyroid agents
 - (c) Steroids
 - (d) Resorcyclic acid lactones including zeranol
 - (e) Beta-agonists

Group B

Veterinary drugs and contaminants:

- (1) Antibacterial substances including sulphonamides, quinolones
- (2) Other veterinary drugs
 - (a) Anthelmintics
 - (b) Anticoccidials, including nitroimidazoles
 - (c) Carbamates and pyrethroids
 - (d) Sedatives
 - (e) Non-steroidal anti-inflammatory drugs (NSAIDs)
 - (f) Other pharmacologically active substances
- (3) Other substances and environmental contaminants
 - (a) Organochlorine compounds including PcBs
 - (b) Organophosphorus compounds

- (c) Chemical elements
- (d) Mycotoxins
- (e) Dyes
- (f) Others

SCHEDULE 2 UNAUTHORISED/PROHIBITED SUBSTANCES

(regulation 4(1)9(1)(b))

List A – Prohibited Substances

Thyrostatic substances Stilbenes, stilbene derivatives, their salts and esters Oestradiol 17β and its ester-like derivatives

List B – Prohibited substances with exceptions

Beta-agonists (permitted use as per regulation 7)

List C – Provisionally prohibited substances

Substances which have oestrogenic (other than oestradiol 17β and its ester-like derivatives) androgenic or gestagenic action

List D – Substances for which a maximum safe level in food cannot be established

The following substances for which no Maximum Residue Limits can be established:

Aristolochia
Chloramphenicol
Chloroform
Chlorpromazine
Colchicine
Dapsone
Dimetridazole
Metronidazole
Nitrofurans (including furazolidone)
Ronidazole

SUBSTANCES SUBJECT TO MONITORING OR CHECKING (Regulation 18(a))

The following substances are to be checked in the animals specified (checked in live animals, their excrement and body fluids as well as in the animal's feeding stuffs and drinking water) —

Substances to be checked	Types of animals		
All the substances under Group A (Schedule 1)	bovine, ovine, caprine		
Antibacterial substances including sulphonamides, quinolones	bovine, ovine, caprine		
Anthelmintics	bovine, ovine, caprine		
Anticoccidials, including nitroimidazoles	bovine, ovine, caprine		
Carbamates and pyrethroids	bovine, ovine, caprine		
Sedatives	bovine, ovine, caprine		
Non-steroidal anti-inflammatory drugs (NSAIDs)	bovine, ovine, caprine		
Organochlorine compounds including PCBs	bovine, ovine, caprine		
Organophosphorus compounds	bovine, ovine, caprine		
Chemical elements	bovine, ovine, caprine		
Mycotoxins*	bovine, ovine, caprine		

^{*}Mycotoxins may only be investigated if there are any results over 0

SCHEDULE 4

(regulation 16(2)(d))

PART A SAMPLING STRATEGY - RESIDUES

- 1. The residue monitoring plan must be aimed at surveying and revealing the reasons for residue hazards in meat and meat products.
- 2. The taking of samples must comply with the requirements of Part B of this Schedule.
- 3. Sampling may be unscheduled and must be carried out as often as is necessary.
- 4. For Group A substances (Schedule 1) the sampling must be conducted to check for
 - (a) illegal treatment of animals using the unauthorised substances; and
 - (b) unlawful use of authorised substances.
- 5. The samples must be targeted and must check the sex and age of the animal, the animal species, any fattening system in place and any other information relevant to the detection of residue levels or any illegal treatment.

- 6. For Group B substances (Schedule 1) the sampling must be aimed at controlling and ensuring that there is compliance with maximum residue limits for the following
 - (a) residues of veterinary medicinal products specified under EU Regulation 37/2010;
 - (b) levels of pesticides specified under EU Regulation 396/2005; and
 - (c) concentration levels of environmental contaminants.

PART B SAMPLING LEVELS AND FREQUENCY - RESIDUES

- 1. Sampling must be done only on a specified number of animals in compliance with paragraph 3.
- 2. A sample must be analysed for detecting the presence of one or more substances.
- 3. Samples must be taken from the following minimum number of animals
 - (a) for bovine animals the minimum number of animals in any year to be checked for residues and substances must be at least 0.4% of the bovine animals slaughtered in the previous year with the following numbers represented
 - (i) for Group A substances (Schedule 1) or products, 0.25% divided as follows —

Samples to be taken at the farm/holding	Samples to be taken at slaughterhouse	Frequency of samples	Balance
½ of the samples taken	½ of the samples	Each of the relevant	Allocated as may be
from live animals with		substances to be	necessary looking at
25% of the samples		checked for bovine	the specific
analysed for the research		animals must be	information of the
of Group A (5 beta-		checked yearly using	farm or history of the
agonists) substances		5% of the total	animals
taken from the		number of the	
appropriate material		samples collected	

(ii) For Group B substances or products (Schedule 1), 0.15% divided as follows —

Grou	Group B1 Group B2 Group B3		Balance						
30%	of	the	30%	of	the	10% of the			Allocated as may be necessary looking at
samp	mples. samples			samples			the specific information of the farm or		
			1		-			history of the animals	

(b) for sheep and goats – the minimum number of animals to be checked for all kind of residues and substances must at least equal 0.05% of sheep and goats over three months of age slaughtered in the previous year with the following breakdown —

Substance/	Sampling Level	Balance
Product Group		
Group A	0.01% of the samples.	Allocated as may be necessary looking at the specific information of the farm
	Each sub-group of Group A must be checked each year using a minimum	or history of the animals
	of 5% of the total number of samples to be collected for Group A	
Group B	0.04%	Allocated as may be necessary looking at the specific information of the farm
	The same breakdown per sub-group must be maintained	or history of the animals

PART C SAMPLING STRATEGY – MICROBIOLOGICAL CONTAMINATION

Sampling rules for carcasses of cattle, pigs and sheep

Bacteriological sampling in abattoirs and at premises producing minced meat, meat preparations, mechanically separated meat and fresh meat must be done as follows —

- 1. using a non-destructive sampling method;
- 2. the selection of the sampling sites and the rules for storage and transport of samples to be used are set out in standard ISO 17604;
- 3. five carcasses must be sampled at random during each sampling session;
- 4. sample sites must be selected taking into account the slaughter technology used in each abattoir;
- 5. when sampling for analysis of *Enterobacteriaceae* and aerobic colony counts, four sites of each carcass must be sampled;
- 6. four tissue samples representing a total of 20 cm² must be obtained (destructive method);
- 7. when sampling for salmonella analysis, an abrasive sponge sampling method must be used and areas most likely to be contaminated must be selected;
- 8. the total sampling area must cover a minimum of 400 cm²; and

9. when samples are taken from the different sampling sites on the carcass, the samples must be pooled before examination.

PART D SAMPLING LEVELS AND FREQUENCY - CONTAMINANTS

Sampling frequencies for carcasses, minced meat, meat preparations and mechanically separated meat —

- 1. An abattoir operator who produces minced meat, meat preparations or mechanically separated meat must take samples for microbiological analysis at least once a week.
- 2. The day of sampling must be changed each week to ensure that each day of the week is covered.
- 3. As regards the sampling of minced meat and meat preparations for *E. coli* and aerobic colony count analysis and the sampling of carcasses for *Enterobacteriaceae* and aerobic colony count analysis, the frequency may be reduced to fortnightly testing if satisfactory results are obtained for six consecutive weeks.
- 4. In the case of sampling for *salmonella* analysis of minced meat, meat preparations and carcasses, the frequency may be reduced to fortnightly if satisfactory results have been obtained for 30 consecutive weeks.

Small slaughterhouses and other establishments producing minced meat or meat preparations in small quantities may be exempted from these sampling frequencies if it can be justified on the basis of a risk analysis and consequently authorised by the competent authority.

SCHEDULE 5 MAXIMUM LEVELS FOR CERTAIN CONTAMINANTS IN MEAT

(regulation 8(1), 23(4), 27)

Part A

Pharmacologically active substances

Council Regulation (EU) 37/2010 sets out the pharmacologically active substances and their classification regarding maximum residue limits in foodstuffs of animal origin. The pharmacologically active substances listed are applicable in so far as they relate to meat and meat products from bovine, ovine or caprine.

Part B

Pesticide Residues

Council Regulation (EC) 396/2005 sets the maximum residue levels of pesticides in or on food and feed of plant and animal origin. The maximum residue levels are applicable in so far as they relate to meat and meat products from bovine, ovine or caprine.

Part C

Council Regulation (EC) 1881/2006 sets out the maximum levels for certain contaminants in foodstuffs. The maximum levels for the contaminants are applicable in so far as they relate to meat and meat products from bovine, ovine or caprine.

Part D Microbiological criteria for meat and meat products

Food category	Micro-organisms	Sampling plan (1)		plan		Limits (2)		Limits (2)		Limits (2)		Limits (2)		plan		Analytical reference method (3) ISO 4833	Stage where the criterion applies	Action in case of unsatisfactory results
		n	С	m	M	-												
Carcasses of cattle, sheep, (4)	Aerobic colony count			3,5 log cfu/cm2 daily mean log	5,0 log cfu/cm2 daily mean log	ISO 21528-2	Carcasses after dressing but before chilling	Improvements in slaughter hygiene and review of process controls										
	Enterobacteriaceae			1,5 log cfu/cm2 daily mean log	2,5 log cfu/cm2 daily mean log		Carcasses after dressing but before chilling	Improvements in slaughter hygiene and review of process controls										
Carcasses of pigs (4)							Carcasses after dressing but before chilling											
Carcasses of cattle, sheep	Salmonella	50 (5)	2 (6)	Absence in the area tested per carcass		EN/ISO 6579		Improvements in slaughter hygiene and review of process controls										
Carcasses of pigs						ISO 4833												
Minced meat	Aerobic colony count (7)	5	2	5 × 105 cfu/g	5 × 106 cfu/g	ISO 16649-1 or 2	End of the manufacturing process	Improvements in production hygiene and improvements in selection and/or origin of raw materials										
	E. coli (8)	5	2	50 cfu/g	500 cfu/g	ISO 4833	End of the manufacturing process	Improvements in production hygiene and improvements in selection and/or origin of raw materials										
Mechanically separated meat (MSM) (9)	Aerobic colony count	5	2	5 × 105 cfu/g	5 × 106 cfu/g	ISO 16649-1 or 2	End of the manufacturing process	Improvements in production hygiene and improvements in selection and/or origin of raw materials										

	E. coli (8)	5	2	50 cfu/g	500	ISO 16649-1	End of the	Improvements
					cfu/g	or 2	manufacturing	in production
							process	hygiene and
								improvements
								in selection
								and/or origin of
								raw materials
Meat	E. coli (8)	5	2	500	5 000	ISO 16649-1	End of the	
preparations				cfu/g or	cfu/g or	or 2	manufacturing	
				cm2	cm2		process	

- (1) n = number of units comprising the sample; <math>c = number of sample units giving values between m and M.
- (2) For points 2.1.3-2.1.5 m = M.
- (3) The most recent edition of the standard shall be used.
- (4) The limits (m and M) shall apply only to samples taken by the destructive method. The daily mean log shall be calculated by first taking a log value of each individual test result and then calculating the mean of these log values.
- (5) The 50 samples shall be derived from 10 consecutive sampling sessions in accordance with the sampling rules and frequencies laid down in this Regulation.
- (6) The number of samples where the presence of salmonella is detected. The c value is subject to review in order to take into account the progress made in reducing the salmonella prevalence. Member States or regions having low salmonella prevalence may use lower c values even before the review.
- (7) This criterion shall not apply to minced meat produced at retail level when the shelf-life of the product is less than 24 hours.
- (8) E. coli is used here as an indicator of faecal contamination.
- (9) These criteria apply to mechanically separated meat (MSM) produced with the techniques referred to in paragraph 3 of Chapter III of Section V of Annex III to Regulation (EC) No 853/2004 of the European Parliament and of the Council.
- (10) Where Salmonella spp. is found, the isolates shall be further serotyped for Salmonella typhimurium and Salmonella enteritidis in order to verify compliance with the microbiological criterion set out in Row 1.28 of Chapter 1.

Interpretation of the test results

The limits given refer to each sample unit tested, excluding testing of carcasses where the limits refer to pooled samples.

The test results demonstrate the microbiological quality of the process tested.

Enterobacteriaceae and aerobic colony count in carcasses of cattle, sheep, goats, horses and pigs:

- satisfactory, if the daily mean $\log is \le m$,
- acceptable, if the daily mean log is between m and M,
- unsatisfactory, if the daily mean log is > M.

Salmonella in carcasses:

- satisfactory, if the presence of Salmonella is detected in a maximum of c/n samples,
- unsatisfactory, if the presence of Salmonella is detected in more than c/n samples.

After each sampling session, the results of the last ten sampling sessions shall be assessed in order to obtain the n number of samples.

E. coli and aerobic colony count in minced meat, meat preparations and mechanically separated meat (MSM):

- satisfactory, if all the values observed are \leq m,
- acceptable, if a maximum of c/n values are between m and M, and the rest of the values observed are \leq m,
- unsatisfactory, if one or more of the values observed are > M or more than c/n values are between m and M.

SCHEDULE 6 RELEVANT EU LEGISLATION

(regulation 3(1))

Decision 2011/690/EU amending and correcting the annex to Decision 2011/163/EU on the approval of plans submitted by third countries in accordance with article 29 of Directive 96/23/EC

Directive 96/23/EC on measures to monitor certain substances and residues in live animals and animal products (repealing Directives 85/358 and 86/469 and also Decisions 89/187 and 91/664/EC)

Council Regulation (EC) 1881/2006 setting the maximum levels for certain contaminants in foodstuffs

Council Regulation (EC) 396/2005 on maximum residue levels of pesticides in or on food and feed of plant and animal origin

Council Regulation (EU) 37/2010 on pharmacologically active substances and their classification regarding maximum residue limits in foodstuffs of animal origin

Decision 98/179/EC laying down detailed rules on official sampling for the monitoring of certain substances and residues in live animals and animal products

Directive 96/22/EC concerning the prohibition on the use in stock farming of certain substances having a hormonal or thyrostatic action and of beta-agonists and repealing Directives 81/602, 88/146 and 88/299

Council Regulation (EC) 2073/2005 on microbiological criteria for foodstuffs

Made 22nd December 2015

Colin Roberts C.V.O.,

Governor.

EXPLANATORY NOTE

These Regulations are made under section 4(1) (c) and (h) of the Livestock and Meat Products Ordinance (No 14 of 2010), which allows the Governor to make regulations dealing with the carrying out of medical, chemical or other tests on animals as well as carrying out of chemical or other tests on meat and meat products.

The Regulations are made to give effect to the following European Community legislation:

- Decision 2011/690/EU amending and correcting the annex to Decision 2011/163/EU on the approval of plans submitted by third countries in accordance with article 29 of Directive 96/23/EC;
- Directive 96/23/EC on measures to monitor certain substances and residues in live animals and animal products (repealing Directives 85/358 and 86/469 and also Decisions 89/187 and 91/664/EC);
- Council Regulation (EC) 1881/2006 setting the maximum levels for certain contaminants in foodstuffs;
- Council Regulation (EC) 396/2005 on maximum residue levels of pesticides in or on food and feed of plant and animal origin;
- Council Regulation (EU) 37/2010 on pharmacologically active substances and their classification regarding maximum residue limits in foodstuffs of animal origin;
- Decision 98/179/EC laying down detailed rules on official sampling for the monitoring of certain substances and residues in live animals and animal products;
- Directive 96/22/EC concerning the prohibition on the use in stock farming of certain substances having a hormonal or thyrostatic action and of beta-agonists and repealing Directives 81/602, 88/146 and 88/299; and
- Council Regulation (EC) 2073/2005 on microbiological criteria for foodstuffs

Part 1 deals with introductory matters covering commencement, definitions of a number of terms used and including that of "relevant EU legislation" which lists the EU legislation applicable for purposes of setting out maximum residue limits for meat and meat products.

 $Part\ 2$ deals with the general prohibition on import, sale and use of certain products and substances on animals and provides as follows –

regulation 4 provides for the general prohibition against import, sale and use of unauthorised substances while regulation 5 provides for the prohibition against import, sale, and administration of specific substances;

regulation 6 provides for prohibition against possession of unauthorised substances and the specified substances under regulation 5. Regulation 7 provides for exceptions where the specified substances may be used that are under the control and approval of the Department of Agriculture as the competent authority. It also requires that records of administration of the listed substances must be kept and that waiting periods must be observed before any meat from animals to which the products and substances have been administered can be placed on the market for human consumption;

regulation 8 makes it an offence for any person to place on the market for sale any meat or meat product which exceeds the maximum residue limits;

Part 3 provides for controls and monitoring which must be adhered to by any person who is involved in producing meat and meat products for human consumption and provides as follows –

regulation 9 provides for owners of animals going for slaughter, regulation 10 provides for official controls which the competent authority must put in place to ensure that there is monitoring and control of contaminants, residues and other substances and products which are harmful:

regulation 11 provides for controls to be observed by abattoir operators before they place meat and meat products on the market for human consumption while regulation 12 provides for the competent authority to do checks and approve meat and meat products placed on the market for human consumption;

Part 4 provides for official controls to be undertaken on farms and other holdings where animals are reared or kept. It provides through *regulations 13 to 15* for the designation of inspectors who will be undertaking the inspections, carrying out inspections at farms and at abattoirs. *Regulations 16 to 18* impose a requirement for residue monitoring plans in particular for export purposes. They specify what the plan must contain and when it must be transmitted to the European Commission.

Regulations 19 to 21 provide for sampling and sampling reports and specify the requirements for sampling, transport and storage of samples as well as how the sampling report must be made and its contents.

Regulations 22 and 23 provide for official controls and checks. They do so by specifying checks and measures which the competent authority must put in place to ensure that there are no prohibited or unauthorised substances or products as well as to check for residue levels. These measures include training farmers and owners of animals about proper use of veterinary medicinal substances or products and proper record keeping.

Regulations 24 provides for the competent authority to designate approved laboratories for purposes of carrying out the tests required under these regulations.

Part 5 provides, in regulations 26 to 29, for the action that the competent authority must take depending on the results of an examination under regulation 25. Regulation 26 provides for further investigations to be taken by the competent authority to establish the origin of the substances or products, the identity of the animals and the farm from which they came as well as to establish the substances or products in question.

Regulation 27 provides for specific action to be taken by the competent authority where maximum levels have been exceeded while regulation 28 provides for action to be taken where there has been illegal treatment. Regulation 29 provides for action to be taken by an official veterinarian where there has been illegal treatment at slaughterhouses. One of the actions include imposing administrative penalties specifically for where illegal treatment is established or where cases of residues found in excess of the maximum limits have been found on a number of occasions.

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Part 6 provides for miscellaneous provisions as follows –

regulation 30 provides for decisions and actions of the competent authority to be given by notice;

regulation 31 provides for the process where the competent authority imposes administrative penalties;

regulation 32 provides for appeals against any action the competent authority may take under Part 5:

regulation 33 provides for record keeping;

regulation 34 provides for the competent authority to publish guidance on good record keeping, sampling, taking of samples as well as storage and administration of veterinary medicinal products;

regulation 35 makes it an offence to obstruct inspectors, official veterinarians and other competent authority officials as they discharge their duties for purposes of these regulations and regulation 36 provides for offences generally; and

regulations 37 and 38 provide for disapplied and revoked legislation which will no longer be applicable or required as these regulations replace them.

Schedule 1 lists substances or products that require monitoring, Schedule 2 lists the unauthorised or prohibited substances while Schedule 3 lists substances or products which must be monitored or checked in live animals, their feed and their drinking water.

Schedule 4 provides for further information on carrying out of sampling, the sampling strategy to be followed for residues and contaminants as well as the levels and frequency of sampling for both residues and contaminants.

Schedule 5 lays down the maximum levels for certain contaminants in meat with details of the specific substances and maximum levels. Schedule 6 lists the relevant EU legislation applicable for purposes of these regulations.

SUBSIDIARY LEGISLATION

ANIMALS

Livestock and Meat Products (Animal By-Products) Regulations 2015

S. R. & O. No. 28 of 2015

Made: 22 December 2015 Published: 24 December 2015 Coming into force: on publication

I make the following regulations under section 4(1)(i) of the Livestock and Meat Products Ordinance (No. 14 of 2010) on the advice of Executive Council.

PART 1 INTRODUCTION

1. Title

These regulations are the Livestock and Meat Products (Animal By-Products) Regulations 2015.

2. Commencement

These regulations come into force on publication in the Gazette.

3. Interpretation

(1) In these regulations —

"animal by-products" means an entire body or parts of an animal, products of animal origin or other products obtained from an animal, including oocytes, embryos and semen, which —

- (a) is not intended for human consumption;
- (b) has been declared unfit for human consumption following ante-mortem or post-mortem inspection;
- (c) has died;
- (d) is still born or unborn; or
- (e) has been killed for reasons of disease control;

[&]quot;animal" means any invertebrate or vertebrate animal;

"appropriate scientific institution" means an institution recognised by the competent authority for the purpose of carrying out scientific progress as regards the assessment of the level of risk of animal by-products to public and animal health;

"aquatic animals" means any aquatic animal at all its life stages, including eggs and sperm/gametes, reared in a farm or mollusc farming area, including any aquatic animal from the wild intended for a farm or mollusc farming area or other commercial use;

"carcass" means the body of an animal after slaughter and dressing;

"competent authority" means the Senior Veterinary Officer or any other authorised official of the Department of Agriculture;

"derived products" means products obtained from the treatment, transformation or processing of animal by-products;

"farm" means an area of land devoted to the keeping, rearing or raising of livestock;

"farmed animal" means —

- (a) any animal that is kept, fattened or bred for the production of food, wool, fur, feathers, hides and skins or any other product obtained from animals or for other farming purposes; or
- (b) equidae;

"fur animal" means an animal kept or reared for the production of fur and not used for human consumption;

"official controls" in relation to these regulations means checks, inspections, audits and corrective procedures made by the competent authority to verify and ensure compliance with the requirements set out under Part 6;

"operator" means a person who operates an establishment which makes or produces animal byproducts or derived products, including carriers and traders;

"products of animal origin" means any product derived from or consisting of a product derived from any animal;

"pet animal" means any animal belonging to species normally nourished and kept but not consumed by humans, for purposes other than farming;

"relevant EU legislation" means (to the extent that it relates to animal by-products and derived products) the following —

- (a) Council Directive 76/768/EEC relating to cosmetic products;
- (b) Council Directive 90/385/EEC relating to active implantable medical devices;

- (c) Council Directive 93/42/EEC concerning medical devices;
- (d) Council Directive 98/79/EC on in vitro diagnostic medical devices;
- (e) Council Directive 2001/82/EC relating to veterinary medicines;
- (f) Council Directive 2001/83/EC relating to medicinal products for human use;
- (g) Regulation (EC) 882/2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules;
- (h) Regulation (EC) 1069/2009 laying down health rules as regards animal by-products and derived products not intended for human consumption;
- (i) Regulation (EU) 142/2011 laying down health rules as regards animal-by-products and derived products not intended for human consumption;

PART 2 GENERAL REQUIREMENTS

4. Objectives

These regulations lay down public health and animal health rules for the use, handling and disposal of animal by-products and derived products in order to prevent and minimise risks to public and animal health arising from those products, and in particular to protect the safety of the food and feed chain.

5. Application

- (1) These regulations apply to
 - (a) animal by-products and derived products described under Part 3 of these regulations and relevant EU legislation; and
 - (b) raw materials used for the production of products of animal origin.
- (2) These regulations do not apply to the following animal by-products
 - (a) entire bodies or parts of wild animals which are not suspected of being infected or affected with a disease communicable to humans or animals, except for aquatic animals landed for commercial purposes;
 - (b) oocytes, embryos and semen destined for breeding purposes;

[&]quot;terrestrial animal" means an animal that lives on land; and

[&]quot;wild animal" means any animal not kept by humans.

- (c) raw milk, colostrum and products derived from raw milk which are obtained, kept, disposed of or used on the farm of origin or supplied directly to the final consumer;
- (d) shells from shellfish with the soft tissue and flesh removed;
- (e) catering waste, except if it
 - (i) originates from means of transport operating internationally;
 - (ii) is destined for feeding purposes;
- (f) without prejudice to EU environmental legislation, material from vessels complying with Fishery Products Ordinance (No. 21 of 2006), which has arisen in the course of their fishing operations and is disposed of at sea, except material derived from on-board evisceration of fish showing signs of disease, including parasites, that are communicable to humans;
- (g) taking into account any other prohibitions, raw pet food retailed for this purpose;
- (h) taking into account any other prohibitions, raw pet food derived from animals which are slaughtered on the farm of origin for private domestic consumption;
- (i) manure and guano; and
- (j) animal by-products derived from animals slaughtered for domestic consumption on farms or to supply a small amount of product directly to the final consumer except in the following circumstances
 - (i) where there is suspicion or confirmation of a TSE or other communicable disease; or
 - (ii) where there are existing national restrictions on animal by-products.

6. General animal health restrictions

- (1) Animal by-products and derived products from susceptible species must not be dispatched from farms, abattoirs or similar establishments which are subject to restrictions imposed by the competent authority.
- (2) Subregulation (1) does not apply where animal by-products and derived products are dispatched under conditions designed to prevent the spread of diseases transmissible to humans or animals.

PART 3 CATEGORIES OF ANIMAL BY-PRODUCTS AND DERIVED PRODUCTS

7. Categorisation of animal by-products and derived products

(1) Animal by-products are divided into the following specific categories, and the categories reflect the level of risk to public and animal health arising from those animal by-products —

- (a) category 1 material;
- (b) category 2 material; and
- (c) category 3 material.
- (2) The animal by-products listed in regulation 8, 9 and 10 are fixed and should not be modified except
 - (a) to remove any product from the lists to allow for changes of categorisation; or
 - (b) to make additions in order to take into account scientific progress as regards the assessment of the level of risk.
- (3) The scientific progress referred to under subregulation (2) must be identified on the basis of a risk assessment carried out by an appropriate scientific institution.
- (4) Derived products are subject to the rules for the specific category of animal by-products from which they have been derived, unless otherwise specified in these regulations.

8. Category 1 material

Category 1 material comprises of the following animal by-products —

- (a) entire bodies and all body parts, including hides and skins, of the following animals
 - (i) animals suspected of being infected by a TSE in accordance with Livestock and Meat Products (TSE Control) Regulations 2015 (S&RO No. of 2015) or any animal in which the presence of a TSE has been officially confirmed;
 - (ii) animals killed as a result of TSE eradication measures:
 - (iii) animals other than farmed and wild animals, including in particular pet animals, zoo animals and circus animals;
 - (iv) animals used for scientific purposes where the competent authority believes the animals or body parts pose a risk to human or animal health;
 - (v) wild animals, when suspected of being infected with diseases communicable to humans or animals;
- (b) the following material
 - (i) specified risk material;
 - (ii) entire bodies or parts of dead animals containing specified risk material at the time of disposal;

- (c) animal by-products derived from animals which have been exposed to illegal treatment as defined under the Livestock and Meat Products (Examination for Contaminants, Residues and Maximum Residue Levels) Regulations 2015 (S&RO No. of 2015);
- (d) animal by-products containing residues of other substances and environmental contaminants listed in the Livestock and Meat Products (Examination for Contaminants, Residues and Maximum Residue Levels) Regulations 2015 if such residues exceed the permitted levels;
- (e) animal by-products collected during the treatment of waste water collected from establishments
 - (i) processing Category 1 material; or
 - (ii) where specified risk material is being removed;
- (f) catering waste from means of transport operating internationally; and
- (g) a mixture of Category 1 material with either Category 2 material or Category 3 material, or both.

9. Category 2 material

Category 2 material comprises of the following animal by-products —

- (a) digestive tract content;
- (b) animal by-products collected during the treatment of waste water collected from establishments processing Category 2 material;
- (c) animal by-products containing residues of authorised substances or contaminants exceeding the permitted levels as set out under the Livestock and Meat Products (Examination for Contaminants, Residues and Maximum Residue Levels) Regulations 2015;
- (d) products of animal origin which have been declared unfit for human consumption due to the presence of foreign bodies in those products;
- (e) animals and parts of animals, other than those referred to in regulation 8 or 10
 - (i) that died other than by being slaughtered or killed for human consumption, including animals killed for disease control purposes;
 - (ii) foetuses;
 - (iii) oocytes, embryos and semen which are not destined for breeding purposes; and
 - (iv) dead-in-shell poultry;

- (f) a mixture of Category 2 material and Category 3 material; and
- (g) animal by-products other than Category 1 material or Category 3 material.

10. Category 3 material

Category 3 material comprises of the following animal by-products —

- (a) carcasses and parts of animals slaughtered or, in the case of game, bodies or parts of animals killed, and which are fit for human consumption in accordance with relevant EU legislation, but are not intended for human consumption for commercial reasons;
- (b) carcasses and the following parts originating either from animals that have been slaughtered in a slaughterhouse and were considered fit for slaughter for human consumption following an ante-mortem inspection or bodies and the following parts of animals from game killed for human consumption in accordance with relevant EU legislation
 - (i) heads of poultry;
 - (ii) hides and skins, including trimmings and splitting, horns and feet, including the phalanges and the carpus and metacarpus bones, tarsus and metatarsus bones, of animals, other than ruminants requiring TSE testing, and ruminants which have been tested with a negative result in accordance with the Livestock and Meat Products (TSE Control) Regulations 2015;
 - (iii) pig bristles; and
 - (iv) feathers;
- (c) carcasses or bodies and parts of animals which are classified as being unfit for human consumption in accordance with relevant EU legislation even though they did not show any signs of disease communicable to humans or animals;
- (d) blood of animals which did not show any signs of disease communicable through blood to humans or animals, obtained from the following animals that have been slaughtered in a slaughterhouse after having been considered fit for slaughter for human consumption following an ante-mortem inspection in accordance with the Livestock and Meat Products (Hygiene) Regulations 2015 (S&RO No. of 2015);
 - (i) animals other than ruminants requiring TSE testing; and
 - (ii) ruminants which have been tested with a negative result in accordance with the Livestock and Meat Products (TSE Control) Regulations 2015;
- (e) animal by-products arising from the production of products intended for human consumption, including degreased bones, greaves and centrifuge or separator sludge from milk processing;

- (f) products of animal origin, or foodstuffs containing products of animal origin, which are no longer intended for human consumption for commercial reasons or due to problems of manufacturing or packaging defects or other defects from which no risk to public or animal health arises;
- (g) pet food and feeding stuffs of animal origin, or feeding stuffs containing animal byproducts or derived products, which are no longer intended for feeding for commercial reasons or due to problems of manufacturing or packaging defects or other defects from which no risk to public or animal health arises;
- (h) blood, placenta, wool, feathers, hair, horns and hoof cuts originating from live animals that did not show any signs of disease communicable through that product to humans or animals:
- (i) aquatic animals and parts of such animals, except sea mammals, which did not show any signs of disease communicable to humans or animals;
- (j) animal by-products from aquatic animals originating from establishments or plants manufacturing products for human consumption;
- (k) the following material originating from animals which did not show any signs of disease communicable through that material to humans or animals:
 - (i) shells from shellfish with soft tissue or flesh;
 - (ii) the following originating from terrestrial animals
 - (aa) hatchery by-products,
 - (bb) eggs,
 - (cc) egg by-products, including egg shells,
 - (iii) day-old chicks killed for commercial reasons;
- (1) aquatic and terrestrial invertebrates other than species pathogenic to humans or animals;
- (m) animals and parts from animals of the zoological orders of Rodentia and Lagomorpha, except Category 1 material as referred to in regulation 8 (a)(iii), (iv) and (v) and Category 2 material as referred to in regulation 9(a) to (g);
- (n) hides and skins, hooves, feathers, wool, horns, hair and fur originating from dead animals that did not show any signs of disease communicable through that product to humans or animals, other than those referred to in paragraph (b) above;
- (o) adipose tissue from animals which did not show any signs of disease communicable through that material to humans or animals, which were slaughtered in a slaughterhouse and

which were considered fit for slaughter for human consumption following an ante-mortem inspection in accordance with Livestock and Meat Products (Hygiene) Regulations 2015; and

(p) catering waste other than as referred to in regulation 8(f).

11. Monitoring of animal by-products and derived products

- (1) An operator who generates animal by-products or derived products which fall within the scope of these regulations must immediately identify the products as to which category they fall under and ensure that those products are dealt with in accordance with these regulations.
- (2) An operator must ensure that at all stages of collection, transport, handling, treatment, transformation, processing, storage, placing on the market, distribution, use and disposal of animal by-products and derived products under the operator's control, the requirements of these regulations are complied with in so far as it is relevant to the activities carried out within the business or operations.
- (3) The competent authority must monitor and verify that the relevant requirements of these regulations are fulfilled and complied with by operators along the entire chain of animal byproducts and derived products as referred to under subregulation (2).
- (4) In order to carry out its function under this regulation the competent authority must
 - (a) maintain a system of official controls in accordance with Part 6 and the relevant EU legislation; and
 - (b) have an adequate system in place to ensure that animal by-products are
 - (i) collected, identified and transported without undue delay; and
 - (ii) treated, used or disposed of in accordance with these regulations.
- (5) Derived products are not subject to the requirements of these regulations where those products
 - (a) have reached the stage of manufacturing as provided for in these regulations or the relevant EU legislation and are regarded as having reached the end point in the manufacturing chain; or
 - (b) no longer pose any significant risk to public or animal health and an end point in the manufacturing chain has been determined.
- (6) Subject to subregulation (7), the derived products referred to under subregulation (5)(a) may subsequently be placed on the market without being subjected to restrictions or official controls under these regulations where the products no longer pose any significant risk to public or animal health.

- (7) The derived products referred to under subregulation (5) may be withdrawn or prohibited from being placed on the market in the case of a disease outbreak or any other emergency.
- (8) A derived product is considered to no longer pose a risk to public or animal health where it has been processed or treated in such way as to remove or kill all prions or other infective particles.

PART 4 DISPOSAL AND USE OF ANIMAL BY-PRODUCTS AND DERIVED PRODUCTS

12. Restrictions on use

- (1) Subject to the provisions of these regulations a person commits an offence who uses animal by-products and derived products for any of the following
 - (a) the feeding of terrestrial animals of a given species other than fur animals with processed animal protein derived from the bodies or parts of bodies of animals of the same species;
 - (b) the feeding of ruminant protein to other ruminants;
 - (c) the feeding of farmed animals other than fur animals with catering waste containing animal protein or feed material containing or derived from catering waste containing animal protein;
 - (d) the feeding of farmed animals with herbage, either directly by grazing or by feeding with cut herbage, from land to which organic fertilisers or soil improvers, other than manure, have been applied, unless the cutting or grazing takes place after the expiry of a waiting period of at least 21 days which ensures adequate control of risks to public and animal health; and
 - (e) the feeding of farmed fish with processed animal protein derived from the bodies or parts of bodies of farmed fish of the same species.
- (2) The use of raw fishmeal as fertiliser is allowed where the fishmeal comes from a source that has been approved by the competent authority.
- (3) The competent authority must put in place in a Standard Operating Procedures Manual measures relating to the following
 - (a) the checks and controls to be carried out to ensure compliance with subregulation (1), including detection methods and tests to be used to verify the presence of materials originating from certain species and thresholds for insignificant amounts of processed animal proteins referred to in paragraphs (a) and (d) of subregulation (1) which are caused by adventitious and technically unavoidable contamination;
 - (b) the conditions for the feeding of fur animals with processed animal protein derived from bodies or parts of bodies of animals of the same species; and

(c) the conditions for the feeding of farmed animals with herbage from land to which organic fertilisers or soil improvers have been applied, in particular a modification of the waiting period as referred to in subregulation 1(d).

13. Restrictions on disposal of animal by-products

- (1) Subject to the provisions of this Part, any person who has in possession or under control any animal by-product made from materials specified under Part 3 of these regulations must dispose of the animal by-product by one of the following methods
 - (a) by incineration;
 - (b) co-incineration;
 - (c) burning;
 - (d) by burial; or
 - (e) by sea disposal.
- (2) For purposes of this Part—

"burning" means reducing to ash in an area approved by the competent authority that is not an incineration plant;

"co-incineration" means reducing to ash in an incineration plant with other categories of waste material;

"incineration" means reducing to ash in a dedicated incineration plant; and

"sea disposal" means disposing of the material at an approved coastal site.

(3) The Governor may, where it is expedient to do so, require, by notice, any by-product to be disposed of by incineration or burial.

14. Disposal and use of Category 1 material

- (1) Category 1 material must be
 - (a) disposed of as waste by burning, incineration or co-incineration
 - (i) directly without prior processing; or
 - (ii) following processing, by pressure sterilisation if the competent authority so requires, and permanent marking of the resulting material;
 - (b) in the case of Category 1 material other than material referred to in regulation 8(a)(i) and
 - (ii) —

- (i) buried in an authorised landfill; or
- (ii) disposed of at sea at an authorised site;
- (c) in the case of Category 1 material referred to in regulation 8(f), disposed by burial in an authorised landfill or burning;
- (d) used as a fuel for combustion with or without prior processing; or
- (e) used for the manufacture of any of the derived products.
- (2) The material referred to in regulation 8(a) (i) and (ii) must be incinerated or burned.

15. Disposal and use of Category 2 material

Category 2 material must be —

- (a) disposed of as waste by burning, incineration or co-incineration
 - (i) directly without prior processing; or
 - (ii) following processing, by pressure sterilisation if the competent authority so requires, and permanent marking of the resulting material;
- (b) disposed of in an authorised landfill or sea disposal site;
- (c) used for the manufacturing of organic fertilisers or soil improvers following processing by pressure sterilisation, when applicable, and permanent marking of the resulting material;
- (d) composted or transformed into biogas
 - (i) following processing by pressure sterilisation and permanent marking of the resulting material; or
 - (ii) in the case of manure, digestive tract and its content, milk, milk-based products, colostrum, eggs and egg products which the competent authority does not consider to present a risk for the spread of any serious transmissible disease, following or without prior processing;
- (e) applied to land without processing, in the case of manure, digestive tract content separated from the digestive tract, milk, milk-based products and colostrum which the competent authority does not consider to present a risk for the spread of any serious transmissible disease:
- (f) in the case of material originating from aquatic animals, ensiled, composted or transformed into biogas;
- (g) used as a fuel for combustion with or without prior processing; or

(h) used for the manufacture of derived products.

16. Disposal and use of Category 3 material

Category 3 material must be —

- (a) disposed of as waste by incineration or co-incineration, with or without prior processing;
- (b) disposed of in an authorised landfill or at an authorised sea disposal site;
- (c) processed, except in the case of Category 3 material which has changed through decomposition or spoilage so as to present an unacceptable risk to public or animal health, through that product, and used
 - (i) for the manufacturing of feed for farmed animals other than fur animals, except in the case of material referred to in regulation 10(n), (o) and (p);
 - (ii) for the manufacturing of feed for fur animals;
 - (iii) taking into account any other prohibitions, for the manufacturing of pet food; or
 - (iv) for the manufacturing of organic fertilisers or soil improvers;
- (d) taking into account any other prohibitions, used for the production of raw pet food;
- (e) composted or transformed into biogas;
- (f) in the case of material originating from aquatic animals, ensiled, composted or transformed into biogas;
- (g) in the case of shells from shellfish (other than shellfish which has the soft tissue and flesh removed) and egg shells, used under conditions determined by the competent authority which prevent risks arising to public and animal health;
- (h) used as a fuel for combustion with or without prior processing;
- (i) used for the manufacture of derived products;
- (j) in the case of catering waste referred to in regulation 10(p), processed by pressure sterilisation or by disposal in an authorised landfill; and
- (k) applied to land without processing, in the case of raw milk, colostrum and products derived from milk, which the competent authority does not consider to present a risk of any disease communicable through those products to humans or animals.

17. Inspections and audits

The competent authority must carry out inspections and audits to ensure that operators comply with the following —

- (a) that all material is burned or incinerated in such a way that there is no threat to human or animal health and in such a way as to completely reduce animal by-products to ash;
- (b) that pest control systems are maintained in all burning, incineration, burial or disposal sites:
- (c) that access to any burial, burning, incineration and disposal site is controlled and sites are inaccessible to unauthorised persons and grazing animals;
- (d) that raw pet food is only made from category 3 material that is
 - (i) fit for human consumption but not used for commercial purposes;
 - (ii) deemed unfit for human consumption as a result of communicable diseases;
- (e) that raw pet food is produced and packaged in a hygienic manner and labelled to indicate that it is to be used only as pet food;
- (f) that treated hides and skins to be placed on the market
 - (i) have not come into contact with other products of animal origin or live animals that present a risk to the spread of a serious transmissible disease;
 - (ii) are accompanied by a commercial document that indicates all precautions have been taken to avoid pathogenic agents; and
- (g) that processed animal food and fertiliser is made in accordance with the relevant EU legislation.

18. Alternative disposal methods

The competent authority may authorise alternative disposal methods as long as the methods do not pose a risk to public or animal health.

PART 5 OBLIGATIONS OF OPERATORS

19. Collection and identification as regards category and transport

- (1) An operator must collect, identify the category of the animal by-products and transport animal by-products without undue delay under conditions which prevent risks arising to public and animal health.
- (2) An operator who transports animal by-products for further processing must ensure the products are accompanied during transport by a commercial document identifying
 - (a) the category of the material carried;
 - (b) the amount of the material;

- (c) its origin and destination; and
- (d) any other information required by the receiver.
- (3) An operator must keep the transportation records for any animal by-products for 2 years.
- (4) The operator must make these records available to the competent authority whenever requested.
- (5) This regulation does not apply to the transportation of manure.

20. Approval of establishments and operations

- (1) The operator of any establishment which processes or transforms animal by-products must obtain the approval and registration from the competent authority as specified under Part 6.
- (2) The competent authority must assign an approval number and keep an up to date list of approved establishments in terms of regulation 29.

21. General hygiene requirements

- (1) An operator must ensure that an establishment
 - (a) is constructed in a way that allows for it to be effectively cleaned and disinfected (including, where appropriate, that floors are constructed in a way that facilitates the draining of liquids);
 - (b) provides staff with access to adequate facilities for personal hygiene such as lavatories, changing rooms and washbasins;
 - (c) has in place appropriate arrangements for protection against pests, such as insects, rodents and birds:
 - (d) has installations and equipment that are in good condition and has in place reliable arrangements for regularly calibrating measuring equipment; and
 - (e) has in place appropriate arrangements for the cleaning and the disinfecting of containers and vehicles so as to avoid risks of contamination.
- (2) Any person working in the establishment must wear suitable, clean, and (where necessary) protective, clothing.
- (3) The operator must ensure that in an establishment
 - (a) persons working in the unclean sector of the establishment do not enter the clean sector without first changing work clothes and shoes or without the clothes being disinfected;
 - (b) equipment and machinery are not moved from the unclean sector to the clean sector of the establishment without first being cleaned and disinfected;

- (c) there is a procedure relating to the movements of persons in order to monitor the movements and that describes the correct use of footbaths and wheel baths;
- (d) animal by-products are handled in such a way as to avoid risks of contamination;
- (e) animal by-products are processed as soon as possible and that after processing, derived products are handled and stored in such a way as to avoid risks of contamination;
- (f) where appropriate, during any processing applied to animal by-products and derived products every part of the animal by-product and derived products is treated to the temperature specified in relevant EU legislation for a given period of time and risks of recontamination are prevented;
- (g) checks are regularly made on the applicable parameters, particularly temperature, pressure, time, size of particles, and where appropriate by the use of automatic devices; and
- (h) cleaning procedures are established and documented for all of its sectors.

22. Checks by operators

- (1) An operator must put in place, implement and maintain checks in the establishment in order to monitor compliance with these regulations.
- (2) The operator must ensure that animal by-products or derived products suspected or discovered not to comply with these regulations can leave the establishment only for disposal.

23. Hazard analysis and critical control points

An operator processing or transforming animal by-products must carry out activities following written procedures based on the hazard analysis and critical control points (HACCP) principles as set out in the Livestock and Meat Products (Hygiene) Regulations.

24. Import of animal by-products

- (1) Unprocessed animal by-products may not be imported unless an import permit is obtained from the competent authority and the consignment is accompanied by a supporting commercial document identifying
 - (a) the category of the material carried;
 - (b) the amount of the material;
 - (c) its origin and destination; and
 - (d) any other information as may be necessary.
- (2) An operator must keep the commercial document for 2 years.
- (3) The operator must make the commercial document available to the competent authority whenever requested.

25. Export of animal by-products and derived products

- (1) The export of any animal by-products that come from category 1 material is prohibited.
- (2) Category 2 and 3 materials may only be exported where the operator of the establishment intending to export those materials or products from those materials is able to meet the requirements of the importing country.
- (3) An operator who intends to dispatch Category 2 material and meat-and-bone meal or animal fat derived from Category 2 materials to a country must first notify the competent authority as well as the competent authority of the country of destination.

PART 6 OFFICIAL CONTROLS

26. Procedure for approval and registration

- (1) For purposes of regulation 20, the competent authority must approve and register establishments only where an on-site visit, prior to the start-up of any activity, has demonstrated that the establishment meets the relevant requirements for
 - (a) infrastructure and equipment; and
 - (b) operational procedures.
- (2) The competent authority may grant the operator of an establishment conditional approval if it appears, from the on-site visit that
 - (a) the establishment meets all the infrastructure and equipment requirements; and
 - (b) there are shortcomings with the operational procedures but the operator has made an undertaking to ensure that there is compliance with the operational procedures.
- (3) The competent authority may only grant full approval and register an establishment if it appears, from another on-site visit carried out within three months of granting conditional approval, that the establishment meets all the requirements and there are no longer any shortcomings with the operational procedures.
- (4) If clear progress has been made, but the establishment or plant still does not meet all of these requirements, the competent authority may extend conditional approval provided that conditional approval does not exceed six months.
- (5) An operator must ensure that an establishment ceases to operate if the competent authority withdraws its approval and registration, or in the case of conditional approval fails to extend it or to grant full approval and registration.

27. Official controls

- (1) For the purposes of regulations 11 and 17, the competent authority must, at regular intervals, carry out official controls and supervision of the handling of animal by-products and derived products falling within the scope of these regulations.
- (2) The competent authority may take into account the guide to good practice referred to under regulation 30 when carrying out its official controls.
- (3) The competent authority must put in place detailed arrangements for implementing this regulation, including rules concerning the reference methods for microbiological analyses and the arrangements must be included in the guidelines referred to under regulation 30.

28. Suspension, withdrawal and prohibition of operations

- (1) If the official controls and supervision carried out by the competent authority reveal that one or more of the requirements of these regulations are not met, it must take appropriate action.
- (2) The competent authority may in particular, as appropriate to the nature and to the gravity of the deficiencies and to the potential risks for public and animal health
 - (a) suspend its approval and registration of the establishment under regulation 20, if
 - (i) the conditions for approval and registration of the establishment are no longer fulfilled;
 - (ii) the operator can be expected to remedy the deficiencies within a reasonable period of time; and
 - (iii) the potential risks to public and animal health do not require action in accordance with paragraph (b);
 - (b) withdraw its approval and registration of the establishment, if
 - (i) the conditions for approval and registration of the establishment are no longer fulfilled; and
 - (ii) after having been given a reasonable period of time within which to remedy them, the operator fails to remedy the deficiencies.
 - (c) impose specific conditions on the establishment in order to rectify existing deficiencies.
- (3) The approval and registration of an establishment may be withdrawn
 - (a) for reasons relating to the infrastructure of the establishment;
 - (b) for reasons relating to the personal capacity of the operator or the staff under the operator's supervision; or

- (c) as a result of serious risks to public and animal health requiring major adjustments to the operation of the establishment.
- (4) The competent authority may, as appropriate to the nature and gravity of the deficiencies and to the potential risks for public and animal health, temporarily or permanently prohibit operators from carrying out operations under these regulations, as appropriate, following receipt of information indicating
 - (a) that the requirements of these regulations or relevant EU legislation are not met; or
 - (b) potential risks to public or animal health arising from those operations.

29. Keeping of lists

- (1) The competent authority must draw up a list of establishments and operators which have been approved and registered in accordance with these regulations.
- (2) The competent authority must make a list of all approved and registered establishments and operators.
- (3) The competent authority must keep an up-to-date list of approved and registered establishments and operators and make the list available on request.

30. Guidance to good practice

- (1) Where necessary, the competent authority must develop and disseminate national guidance to good practice to facilitate the implementation of these regulations in particular for the application of HACCP principles as referred to in regulation 23.
- (2) The competent authority must periodically assess the guidance to ensure that
 - (a) they take into account the interest of parties whose interests may be substantially affected; and
 - (b) their contents are practicable for the sectors to which they refer.
- (3) The Senior Veterinary Officer must arrange for a notice to be published in the *Gazette* specifying
 - (a) the guidance that has been issued;
 - (b) whether it is new guidance or a replacement for an existing one; and
 - (c) the date on which the guidance comes into force.
- (4) The Senior Veterinary Officer must make arrangements for guidance to be available (either as paper copies or in electronic form) to operators.

(5) The Senior Veterinary Officer may make a reasonable charge for paper copies of the guidance.

PART 7 GENERAL PROVISIONS

31. Offences and penalties

- (1) It is an offence for a person to contravene any of the provision of these regulations.
- (2) A person convicted of an offence against any provision of these regulations is liable to a term of imprisonment not exceeding 12 months or to a fine not exceeding level 8 on the standard scale, or to both.

32. Revocation

The Waste Food Order 2002 (S.R. & O. No. 5 of 2002) is revoked.

Made 22nd December 2015

	Colin Roberts C.V.O.,
	Governor.
EXPLANATORY NOTE	-

These Regulations are made under section 4(1)(i) of the Livestock and Meat Products Ordinance (No 14 of 2010), which allows the Governor to make regulations dealing with the disposal of waste produced in the course of slaughtering animals or preparing meat.

The regulations are made to give effect to the following European Community legislation:

- Council Directive 76/768/EEC relating to cosmetic products;
- Council Directive 90/385/EEC relating to active implantable medical devices;
- Council Directive 93/42/EEC concerning medical devices;
- Council Directive 98/79/EC on in vitro diagnostic medical devices;
- Council Directive 2001/82/EC relating to veterinary medicines;
- Council Directive 2001/83/EC relating to medicinal products for human use;
- Regulation (EC) 882/2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules;

- Regulation (EC) 1069/2009 laying down health rules as regards animal by-products and derived products not intended for human consumption; and
- Regulation (EU) 142/2011 laying down health rules as regards animal by-products and derived products not intended for human consumption.

Part 1 deals with introductory matters covering commencement, definitions of a number of terms used and including that of "relevant EU legislation" which lists the EU legislation applicable to animal by-products and derived products.

Part 2 deals with general requirements relating to the handling, use and disposal of animal by-products. Regulation 4 sets out the objectives of the regulations, which is to specify public health and animal health rules on the use, handling and disposal of animal by-products to prevent and minimise risks to the public in the use of these products.

Regulation 5 provides for the application of the requirements of these regulations while regulation 6 provides for general restrictions to be imposed by the competent authority (Department of Agriculture) relating to animal by-products from specific susceptible animal species.

Part 3 deals with categories of animal by-products and derived products. Regulation 7 lists the three categories (category 1, 2 and 3) according to the risk attached to each category. The products cannot be switched from a category which they are put under unless there has been scientific research to justify the change.

Regulation 8 specifies the products which fall under category 1 while regulation 9 specifies animal by-products which fall under category 2 and regulation 10 lists the products which fall under category 3. Regulation 11 imposes an obligation on any operator who generates animal by-products to monitor the animal by-products generated in their operations. It also requires the competent authority to do checks to monitor compliance with these regulations.

Part 4 provides for the use and disposal of animal by-products. Regulation 12 specifies the restrictions on the use of animal by-products and regulation 13 provides for the restrictions on the disposal of animal by-products. Regulations 14, 15 and 16 provide for the restrictions on the use and disposal of category 1, 2 and 3 animal by-products.

Regulation 17 provides for inspections and audits which the competent authority must carry out to ensure that operators comply with these regulations for public health and animal safety.

Part 5 focuses on obligations of operators who generate animal by-products. Regulation 19 provides for the collection and identification of animal by-products. Regulation 21 provides for general hygiene requirements for establishments which deal in animal by-products. Regulation 22 provides for checks to be carried out by operators to ensure there is compliance with the regulations. Regulation 23 provides for an operator processing or transforming animal by-products to carry out procedures for a hazard analysis and critical control points. Regulation 24 and 25 provide for the restrictions on the import and export of animal by-products respectively.

Part 6 deals with official controls that are to be undertaken by the competent authority to ensure that all operators are registered and approved so that a list of all operators can be kept and they are properly checked for compliance. Regulation 26 deals with the approval and registration of operators while regulation 28 deals with the suspension, withdrawal and prohibition of operations where there is non-compliance. Regulation 27 provides for specific checks to be undertaken by the competent authority while regulation 29 provides for the competent authority to keep a list of all approved and registered operations. Regulation 30 provides for the competent authority to develop guides to good practice to assist operators with compliance of these regulations.

Part 7 provides for general matters such as offences and penalties and revocation of legislation which will be replaced by these regulations.

SUBSIDIARY LEGISLATION

ANIMALS

Livestock and Meat Products (TSE Control) Regulations 2015

S. R. & O. No. 29 of 2015

Made: 22 December 2015 Published: 24 December 2015 Coming into force: on publication

I make the following regulations under section 4(1)(a), (c), (e), (h) and (i) of the Livestock and Meat Products Ordinance (No. 14 of 2010) on the advice of Executive Council.

PART 1 INTRODUCTION

1. Title

These regulations are the Livestock and Meat Products (TSE Control) Regulations 2015.

2. Commencement

These regulations come into force on publication in the *Gazette*.

3. Interpretation and application

(1) In these regulations —

"abattoir operator" means a person or company responsible for the day to day operation of activities that occur in an abattoir or slaughterhouse and includes activities in any co-located or related cutting plants, chilling or freezing establishments;

"approved laboratory" means a laboratory approved by the competent authority for the purpose of examining official samples;

"BSE" means bovine spongiform encephalopathy;

"catering establishment" means any establishment that prepares and provides food in return for payment;

"Commission" means the European Commission;

"competent authority" means the Senior Veterinary Officer or any other authorised official of the Department of Agriculture;

"farm" means an area of land devoted to the keeping, rearing or raising of livestock;

"livestock" means any animal that is kept, fattened or bred for the production of food, wool, fur, feathers, hides and skins or any other product obtained from that animal or an animal that is kept for other farming purposes;

"MSM" means mechanically separated meat;

"placing on the market" means, in relation to meat and meat products, the sale, distribution or other transfer of the meat or meat product for payment;

"product of animal origin" means any product derived from or consisting of a product derived from any animal;

"relevant EU legislation" means Regulation (EC) 999/2001 of the European Parliament and of the Council of 22 May 2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies;

"sampling" means the taking of samples, ensuring a statistically correct representation, from animals or their environment, or from products of animal origin, for the purpose of establishing a disease diagnosis, familial relationships, for health surveillance, or for the monitoring of the absence of microbiological agents or of certain materials in products of animal origin;

"specified risk material (SRM)" means the tissues specified under regulation 10;

"starting materials" means raw materials or any other product of animal origin out of which, or with the help of which, the products referred to under subregulation (3)(a) are manufactured; and

"TSE" means transmissible spongiform encephalopathies.

- (2) A farm is placed under official control when the competent authority takes control of the farm and some or all of its operations.
- (3) These regulations do not apply to the following
 - (a) cosmetic or medicinal products or medical devices, or to their starting materials or intermediate products;
 - (b) products which are not intended for use in human food, animal feed or fertilisers, or to their starting materials or intermediate products;
 - (c) products of animal origin intended for exhibition, teaching, scientific research, special studies or analysis, provided those products are not eventually consumed or used by humans or by animals other than those kept for the research projects concerned; and
 - (d) live animals used in or intended for research.

PART 2 BSE DETERMINATION AND CONTROL

4. Notifications of BSE outbreak

- (1) Where there is a suspect case of BSE the competent authority must implement protective measures specified in the TSE contingency plan referred to under regulation 17.
- (2) Where a BSE case is confirmed, the competent authority must implement the contingency plan and immediately notify countries to which the live animals or products of animal origin are exported.

5. Determination of BSE status

- (1) The competent authority may undertake a risk analysis and surveillance to determine its BSE status.
- (2) Where the competent authority undertakes the analysis and surveillance referred to under subregulation (1), it must follow the criteria and monitoring specified in the relevant EU legislation.

PART 3 PREVENTION OF TSE

6. Contamination

- (1) Subject to subregulation (2), an abattoir operator must make sure that live animals and products of animal origin are kept separately to avoid any cross-contamination.
- (2) Where the abattoir operator is unable to keep live animals and products of animal origin separate, the abattoir operator must comply with the requirements of these regulations with regards to conditions of health protection in respect of TSEs.

7. Monitoring

- (1) The competent authority may put in place an annual monitoring programme for TSEs based on the annual monitoring referred to in the relevant EU legislation and the programme may include a screening procedure using rapid tests.
- (2) The annual monitoring programme referred to in subregulation (1) must cover as a minimum the following
 - (a) all bovine animals above 24 months of age sent for emergency slaughter or during the normal ante-mortem inspections;
 - (b) all bovine animals above 30 months of age slaughtered normally for human consumption at the abattoir; and
 - (c) all bovine animals above 24 months of age not slaughtered for human consumption, which have died or been killed; on the farm, during transport or in an abattoir.

8. Breeding programmes

The competent authority may introduce breeding programmes to assess or check for resistance to TSEs in the ovine population.

9. Prohibitions concerning animal feeding

- (1) Subject to the provisions of this regulation, a person must not feed the following products to ruminants
 - (a) protein derived from animals;
 - (b) dicalcium phosphate of animal origin;
 - (c) tricalcium phosphate of animal origin; or
 - (d) any compound feed containing the items specified under paragraphs (a) to (c).
- (2) The following products must not be fed to any non-ruminant livestock the meat of which is to be placed on the market for human consumption
 - (a) ruminant specified risk material;
 - (b) ruminant meat and bone meal;
 - (c) ruminant blood products;
 - (d) ruminant collagen and gelatine;
 - (e) compound feed containing the items specified under paragraphs (a) to (d); or
 - (f) protein derived from the same species of animal.
- (3) The competent authority may amend subregulation (1) or (2) to add other materials which are prohibited from being fed to ruminants and non-ruminants where there is clinical or scientific evidence that supports the addition.
- (4) The competent authority may allow an unweaned ruminant to be fed from a feed which contains fish proteins.
- (5) The competent authority may inspect and test any imported animal feed.
- (6) It is an offence to import any animal feed for ruminant or non-ruminant livestock which contains any of the items specified in subregulations (1) and (2).
- (7) It is an offence to make any compound feed in the Falkland Islands for ruminants or non-ruminants without the authorisation of the competent authority.

PART 4 SPECIFIED RISK MATERIAL

10. Specified risk material

- (1) Any tissues derived from the following bovine animals are designated as specified risk material
 - (a) the skull excluding the mandible and including the brain and eyes, and the spinal cord of animals aged over 12 months;
 - (b) the vertebral column excluding
 - (i) the vertebrae of the tail,
 - (ii) the spinous and transverse processes of the cervical, thoracic and lumbar vertebrae, and
 - (iii) the median sacral crest and wings of the sacrum, but including the dorsal root ganglia, of animals aged over 30 months; and
 - (c) the tonsils, the intestines from the duodenum to the rectum and the mesentery of animals of all ages.
- (2) Any tissues derived from the following ovine and caprine animals are designated as specified risk material
 - (a) the skull including the brain and eyes, the tonsils and the spinal cord of animals aged over 12 months or which have a permanent incisor erupted through the gum; and
 - (b) the spleen and ileum of animals of all ages.

11. Marking, storage and disposal - abattoirs

- (1) Specified risk material removed at abattoirs or cutting plants must be collected into clearly marked, dedicated containers and disposed of as soon as is practicably possible.
- (2) Specified risk material must not be stored except in a dedicated, separate area where there is no risk of cross contamination of products of animal origin or of access by animals.
- (3) Specified risk material must be disposed through incineration, burning or approved sea disposal.

12. Removal of specified risk material

- (1) An abattoir operator must remove all specified risk material from carcasses that are to be placed on the market for human consumption.
- (2) The competent authority must ensure that the carcasses of animals slaughtered in the abattoir are examined for the presence of specified risk material.

- (3) Any carcass found to be or suspected of containing specified risk material must be kept separate from other animals and the specified risk material must be removed immediately.
- (4) The competent authority and the abattoir operator must ensure that the staff at the abattoir are trained in the recognition and removal of specified risk material.
- (5) Any meat or products of animal origin that are placed on the market for human consumption or used in any catering establishment must not contain any specified risk material.
- (6) It is an offence for a person to contravene this regulation.

13. Products of animal origin from ruminants

It is an offence to use bones of bovine, ovine and caprine animals from any country or region with a controlled or undetermined BSE risk in the production of mechanically separated meat.

PART 5 CONTROL AND ERADICATION OF TSEs

14. Notifications

- (1) The competent authority must immediately notify the Commission and any country to which it exports products of animal origin of any cases of confirmed TSEs.
- (2) Where there are any suspected cases of TSEs the competent authority must take all the measures set out under this Part.
- (3) An animal is suspected of having a TSE if the animal (whether live, slaughtered or dead) shows or showed any neurological or behavioural disorders or a progressive deterioration of the general condition linked to impairment of the central nervous system and for which the information gathered on the basis of a clinical examination, response to treatment, a post-mortem examination or an ante or post-mortem laboratory analysis do not allow an alternative diagnosis to be established.

15. Measures to be taken — suspected cases of TSE

- (1) Any animal suspected of being infected by a TSE must be either placed under an official movement restriction until the results of a clinical and epidemiological examination carried out by an approved laboratory are known, or the animal is killed for laboratory examination under official control.
- (2) Where TSE is suspected in a bovine animal at any farm or at the abattoir, all other bovine animals at that farm or at the abattoir must be placed under an official movement restriction until the results of the examination are available.
- (3) Subject to subregulation (4), the competent authority must place all animals (ovine and caprine) at a farm under an official movement restriction where the TSE is officially suspected in any of the animals at that farm.

- (4) The competent authority may place only the animal suspected of being infected by TSE where there is evidence that the farm where the animal was present when the TSE was suspected is unlikely to be the farm where the animal could have been exposed to the TSE.
- (5) The competent authority may, if it considers it necessary, decide that other farms or only the farm of exposure be placed under official control depending on the epidemiological information available.
- (6) Where the competent authority decides that the possibility of infection with a TSE cannot be ruled out, the animal suspected of being infected with a TSE must be killed and its brain and all other tissues as the competent authority may determine, must be removed and sent to an approved laboratory for examination in accordance with the testing methods laid down in regulation 21.
- (7) All parts of the body of the suspect animal must be either retained under official control until a negative diagnosis has been made, or disposed of by burning in accordance with the specification laid out by the competent authority in the TSE contingency plan.

16. Measures to be taken — confirmed presence of TSE

- (1) The competent authority must
 - (a) as soon as possible after the presence of a TSE has been officially confirmed, dispose of all parts of the body of the animal in accordance with regulation 15(7);
 - (b) place the farm which an animal that has tested positive for the presence of a TSE came from, under the official control of the competent authority; and
 - (c) immediately issue a direction to all owners of animals susceptible to TSEs.
- (2) If there is evidence that the farm where the affected animal was present when the TSE was confirmed is not likely to be the farm where the animal was exposed to the TSE, the competent authority may decide that only the farm of exposure be placed under official control.
- (3) The competent authority may require the killing and testing of known parents, siblings or offspring of animals confirmed to be suffering from a TSE.
- (4) A direction issued by the competent authority under subregulation (1)(c) to ensure that measures are in place for immediate tracing and identification of animals and products of animal origin may contain a requirement that
 - (a) all owners of animals susceptible to TSEs must first seek authority from the competent authority before moving any animals from the farms; and
 - (b) any products of animal origin derived from animals susceptible to TSEs are authorised by the competent authority before they can be transferred to any other place outside the farm.

- (5) An owner whose animals or products of animal origin are destroyed under this regulation may apply for compensation from the government.
- (6) The competent authority must draw up a compensation scheme in consultation with the Financial Secretary.
- (7) In addition to the notification requirement under regulation 14(1), the competent authority must notify the Commission about the confirmed presence of any TSE or any BSE on an annual basis.

17. TSE contingency plan

- (1) The competent authority must draw up a TSE contingency plan specifying the national measures to be implemented and indicating competences and responsibilities where cases of any diseases including TSEs are confirmed.
- (2) The TSE contingency plan referred to under subregulation (1) must be in accordance with the relevant EU legislation.

PART 6 PLACING ON THE MARKET AND EXPORT

18. Live animals, their semen and ova

- (1) The competent authority must ensure that reproductive material from bovine, ovine or caprine animals imported into the Falkland Islands
 - (a) is not collected from animals suspected of suffering from a TSE; and
 - (b) comes from countries where scrapie and BSE are notifiable diseases.
- (2) The competent authority must ensure that live bovine, ovine or caprine animals imported into the Falkland Islands
 - (a) do not suffer from, neither are suspected of suffering from, a TSE; and
 - (b) come from countries where scrapie and BSE are notifiable diseases.
- (3) The competent authority must put in place import protocols regarding import of live animals and reproductive material into the Falkland Islands, including conditions that live animals, embryos and ova must be accompanied by the appropriate animal health certificates.
- (4) First generation progeny, semen, embryos and ova of TSE suspect or confirmed animals must not be placed on the local or international market.
- (5) The provisions of this regulation may be extended to other animals.

19. Placing on the market of products of animal origin – import and export

- (1) The following products of animal origin derived from healthy ruminants are not subject to restrictions on placing on the market or for export
 - (a) reproductive products of animal origin covered by regulation 18, in particular semen, embryos and ova;
 - (b) milk and dairy products;
 - (c) hides and skins; and
 - (d) gelatine and collagen derived from hides and skins.
- (2) The competent authority must ensure that products of animal origin to be exported come from healthy bovine, ovine and caprine animals which have not been subjected to a laceration of the central nervous tissue or gas injection into the cranial cavity as provided for under the Livestock and Meat Products (Protection of Animals at Time of Slaughter or Killing) Regulations (S& RO No. of 2015) by carrying out the required inspections under the Livestock and Meat Products (Hygiene) Regulations (S& RO No. of 2015).
- (3) The competent authority must ensure that inspections are carried out on products of animal origin imported into the Falkland Islands to be able to ensure that the products
 - (a) are not collected from animals suspected of suffering from a TSE; and
 - (b) come from countries where scrapie and BSE are notifiable diseases.
- (4) The provisions of subregulation (1) may be extended to products from other animals.

20. Health certificates

The health certificate required under the Livestock and Meat Products (Hygiene) Regulations must reflect the BSE status of the Falkland Islands.

PART 7 TESTING AND CONTROLS

21. Testing

- (1) The testing of any animal or product of animal origin for a TSE must be carried out at an approved laboratory.
- (2) The competent authority must ensure that an approved laboratory uses the methods specified under the relevant EU legislation.

22. Community controls

(1) For purposes of ensuring there is compliance with these regulations, the competent authority must assist and give experts from the Commission the access required to enable the experts to

conduct on the spot checks and carry out pre-arranged audits of the abattoir and the competent authority's regulatory procedures.

(2) For purposes of these regulations, experts from the Commission have the same powers as authorised persons under section 9 of the Ordinance.

PART 8 MISCELLANEOUS PROVISIONS

- 23. Obstruction of experts, inspectors, official veterinarian or competent authority officials
- (1) It is an offence to do one or more of the following
 - (a) intentionally to obstruct any person acting in the execution of these regulations;
 - (b) knowingly to give any information that is false or misleading to any person acting in the execution of these regulations;
 - (c) intentionally fail to disclose any material particular to any person acting in the execution of these regulations; or
 - (d) to fail, without reasonable excuse
 - (i) to give any assistance that any person acting in the execution of these regulations may require, or
 - (ii) to produce any record that any person acting in the execution of these regulations may require to be produced,

for the performance of that person's functions under these regulations.

(2) A person convicted of an offence under this regulation is liable to a term of imprisonment not exceeding 6 months, or to a fine not exceeding level 6 on the standard scale.

24. Offences and penalties

- (1) It is an offence for a person to contravene a provision of these regulations.
- (2) A person convicted of an offence under these regulations for which no penalty is provided, is liable to a term of imprisonment not exceeding 12 months or to a fine not exceeding level 8 on the standard scale, or to both.

25. Disapplied United Kingdom legislation

The Bovine Spongiform Encephalopathy (No. 2) Order 1996 (S.I. 1996/3183) no longer applies to the Falkland Islands.

26. Revocation

The following Orders are revoked —

- (a) Animal Health (Application of Legislation) Order 1998 (S.R. & O. No. 64 of 1998); and
- (b) TSE Prevention, Control and Eradication Order 2002 (S.R. & O. No. 11 of 2002).

Made 22nd December 2015

	Colin Roberts C.V.O. <i>Governor</i>
 EXPLANATORY NOTE	

These Regulations are made under section 4(1)(a), (c), (e), (h) and (i) of the Livestock and Meat Products Ordinance (No 14 of 2010), which allows the Governor to make regulations dealing with the importing of animals into the Falkland Islands, the carrying out of medical, chemical or other tests on animals, the disposal of dead animals, the carrying out of chemical or other tests on meat and meat products as well as the disposal of waste produced in the course of slaughtering animals or preparing meat.

The Regulations are made to give effect to Regulation (EC) 999/2001 of the European Parliament and of the Council of 22 May 2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies.

Part 1 deals with introductory matters covering commencement, definitions of a number of terms used and including that of "relevant EU legislation" (which is Regulation (EC) 999/2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies). It also specifies matters to which these regulations do not apply.

Part 2 deals with the determination and control of BSE, requiring under regulation 4, the competent authority to put in place protective measures to be followed in a BSE outbreak. In regulation 5 the competent authority is required to undertake an analysis to determine its BSE status.

Part 3 deals with the prevention of TSE and provides as follows —

regulation 6 provides for live animals to be kept separately from products of animal origin to provide contamination;

regulation 7 provides for monitoring to be carried out annually by the competent authority to check for TSEs;

regulation 8 empowers the competent authority to introduce breeding programmes to assess TSE resistance in ovine animals;

regulation 9 lays down rules regarding animal feeds; and

Part 4 deals with Specified Risk Material (SRM), lists what it is, how it is to be marked and stored, as well as its removal and disposal. It provides as follows —

regulation 10 defines what SRMs are, while regulation 11 provides for its marking, storage and disposal; and

regulation 12 provides for the removal of specified risk material and makes it an offence to place on the market for human consumption any meat or product of animal origin that contains SRM;

regulation 13 provides for a requirement for the competent authority to prepare an annual report detailing the use and production methods for mechanically separated meat;

Part 5 deals with the control and eradication of TSEs and provides as follows —

regulation 14 lays down requirements for notifications;

regulation 15 lays out measures to be taken by the competent authority where there is a suspected case of TSE while regulation 16 provides for measures to be undertaken where the presence of TSEs have been confirmed and provides that the competent authority may issue a direction to farmers to make sure there is a restriction on movement of affected animals and any products coming from those affected animals; and

regulation 17 requires the competent authority to draw up a TSE contingency plan detailing action to be taken where there is a TSE outbreak as well as the persons responsible for taking such action;

Part 6 deals with placing on the market as well as export of animals and products of animal origin and provides as follows —

regulation 18 imposes a requirement on the competent authority to check that reproductive material taken from ovine, bovine and caprine animals do not contain BSE or TSEs and that the countries from which they are imported have BSE and TSE as notifiable diseases;

regulation 19 provides for checks and restrictions on the import and export of products of animal origin that are to be placed on the market; and

regulation 20 requires that health certificates accompanying any consignment of meat and meat products must reflect the BSE status of the Falkland Islands;

Part 7 deals with testing and controls, regulation 21 provides for testing of any samples to be carried out by an approved laboratory and that it must follow the methods specified under Regulation (EC) 999/2001 while regulation 22 gives experts from the European Commission the same powers of entry, search and inspection given to authorised persons under section 9 of the Ordinance.

Part 8 in regulations 23 to 26, deals with miscellaneous provisions covering offences, disapplied laws and revocations.

SUBSIDIARY LEGISLATION

ANIMALS

Livestock and Meat Products (Veterinary Medicinal Products) Regulations 2015

S. R. & O. No. 30 of 2015

Made: 22 December 2015 Published: 24 December 2015 Coming into force: on publication

I make the following regulations under section 4(1)(1) of the Livestock and Meat Products Ordinance (No. 14 of 2010) on the advice of Executive Council.

PART 1 Introduction

1. Title and commencement

- (1) These regulations are the Livestock and Meat Products (Veterinary Medicinal Products) Regulations 2015.
- (2) These regulations come into force on publication in the *Gazette*.

2. Interpretation

In these regulations —

"competent authority" means the Senior Veterinary Officer or any other authorised official of the Department of Agriculture;

"controlled drugs" has the same meaning under the Misuse of Drugs Ordinance (Title 49.3);

"feed" or "feedingstuff" means any substance or product, whether processed, partially processed or unprocessed, intended to be used for oral feeding to animals;

"feed additive" means any substance or product that contains a medicinal product that is added to the feed or feedingstuff of animals;

"import permit" means a permit issued by the competent authority under regulation 14;

"livestock" means any animal that is kept, fattened or bred for the production of food, wool, fur, feathers, hides and skins or any other product obtained from that animal or an animal that is kept for other farming purposes;

"medicated feed or feedingstuff" means any substance or product, whether processed, partially processed or unprocessed, intended to be used for oral feeding to animals to which a medicinal product or feed additive has been added;

"non-food producing animals" means any animal that is not kept, fattened or bred with the intention of it, or products produced from it, being used for human consumption;

"official veterinarian" means an official of the Department of Agriculture appointed under section 7(1)(b) of the Ordinance;

"prescribing cascade" means a recognised practice or provision in the United Kingdom to allow a veterinary surgeon to prescribe a medicine to an animal that is unauthorised if there is no suitable authorised preparation for the condition from which the animal is suffering;

"recognised veterinary practice" means any veterinary practice recognised as such under regulation 12;

"registered pharmacist" means a person registered to work as a pharmacist by virtue of completing a degree in Pharmacy and being registered with the United Kingdom General Pharmaceutical Council or the equivalent body in the country in which they qualified;

"suitably qualified person (SQP)" means a person approved as such under regulation 10;

"the Small Animal Exemption Scheme (SAES)" means the United Kingdom scheme for medicines marketed for use in certain pet species that are declared by the Secretary of State as not requiring veterinary control;

"qualified veterinarian" means a person who has completed a degree in veterinary medicine and surgery and who has not had this qualification removed by a regulatory authority;

"veterinary medicinal product" means any substance or combination of substances —

- (a) presented as having properties for treating or preventing disease in animals; or
- (b) that may be used in, or administered to, animals with a view to
 - (i) restoring, correcting or modifying physiological functions by exerting a pharmacological, immunological or metabolic action; or
 - (ii) making a medical diagnosis;

"Veterinary Medicines Directorate" means the United Kingdom based executive agency of the Department of Environment, Food and Rural Affairs (DEFRA); and

"withdrawal period" in relation to an authorised veterinary medicinal product administered to animals or batch of animals, means the period specified for that product (either in the marketing authorisation relating to that product or as prescribed by the official veterinarian) which is required to be observed from the time the product is administered to the animal and the time the animal can be placed on the market for slaughter for human consumption.

3. Application

- (1) These regulations do not apply to veterinary medicinal products
 - (a) referred to as "authorised veterinary medicine general sales list (AVM-GSL)" which can be imported and sold by any person without restrictions; and
 - (b) indicated as medicines which are not subject to veterinary control which are used for certain pet species in accordance with the Small Animal Exemption Scheme (SAES) as described under paragraph E of the Schedule.
- (2) These regulations apply to veterinary medicinal products for use in the treatment of livestock and include veterinary medicinal products imported from countries other than the United Kingdom.
- (3) Veterinary medicinal products imported from countries other than the United Kingdom are to be treated, in relation to the equivalent active ingredients, to have the same categorisation as veterinary medicinal products from the United Kingdom regardless of the categorisation the products are given in the country of providence.

PART 2 GENERAL PROHIBITIONS

4. General prohibition on sale and import of veterinary medicinal products

- (1) Subject to the provisions of these regulations, a person commits an offence who, without an import permit or authorisation from the competent authority
 - (a) imports into the Falkland Islands any veterinary medicinal product; or
 - (b) sells or places on the market for sale any veterinary medicinal product.
- (2) A qualified veterinarian or a registered pharmacist may sell or import any veterinary medicinal products without authorisation or an import permit from the competent authority subject to the requirements of these regulations.
- (3) Subject to Part D of the Schedule any person may sell, place on the market for sale or import veterinary medicinal products referred to under regulation 3(1) without authorisation or an import permit from the competent authority.
- (4) A person convicted of an offence under this regulation is liable to a term of imprisonment not exceeding 6 months or to a fine not exceeding level 6 on the standard scale, or to both.

5. Administration of controlled drugs to livestock

Qualified veterinary surgeons, pharmacists and suitably qualified persons must adhere to the Veterinary Medicines Directorate guidelines in relation to the prescribing, storage and destruction of controlled drugs.

6. Prohibition on sale and import of feed additives for livestock

- (1) Subject to subregulation (2), a person who imports into the Falkland Islands, or places on the market for sale or sells any medicated feedstuffs without an import permit or authorisation from the competent authority commits an offence.
- (2) A recognised veterinary practice, pharmacist or a suitably qualified person may sell or import feed additives without an authorisation or an import permit from the competent authority.
- (3) A person convicted of an offence under this regulation is liable to a term of imprisonment not exceeding 6 months or to a fine not exceeding level 6 on the standard scale, or to both.

7. Prescription only medicines (POM-V)

- (1) Veterinary medicinal products which are referred to as "prescription only medicines (POM-V)" must be provided or dispensed on prescription by a qualified veterinarian.
- (2) It is an offence for a person who is not a qualified veterinarian to provide or dispense veterinary medicinal products which are referred to as "prescription only medicines (POM-V)".
- (3) It is an offence for a person to administer veterinary medicinal products which are referred to as "prescription only medicines (POM-V)" to livestock where the medicine was not provided or dispensed by a qualified veterinarian.
- (4) A qualified veterinarian must make a prescription referred to under this regulation orally or in writing following a clinical assessment of the animal in the qualified veterinarian's care and subject to the additional requirements under Part A of the Schedule to these regulations.
- (5) A person convicted of an offence under this regulation is liable to a term of imprisonment not exceeding 12 months or to a fine not exceeding level 8 on the standard scale, or to both.

8. Prescription only medicines (POM-VPS)

- (1) Veterinary medicinal products which are referred to as "prescription only medicines (POM-VPS)" must be provided or dispensed on prescription by a qualified veterinarian, a registered pharmacist or a suitably qualified person.
- (2) It is an offence for a person who is not a qualified veterinarian, a registered pharmacist or a suitably qualified person to provide or dispense veterinary medicinal products which are referred to as "prescription only medicines (POM-VPS)".
- (3) It is an offence for a person to administer veterinary medicinal products which are referred to as "prescription only medicines (POM-VPS)" to livestock where the medicine was not provided or dispensed by a qualified veterinarian, a registered pharmacist or a suitably qualified person.

- (4) A prescription referred to under this regulation may be given orally or in writing.
- (5) A person convicted of an offence under this regulation is liable to a term of imprisonment not exceeding 6 months or to a fine not exceeding level 8 on the standard scale, or to both.

9. Non-food animal medicine (NFA-VPS)

- (1) Veterinary medicinal products which are referred to as "non-food animal medicines (NFA-VPS)" must be provided or dispensed on prescription by a qualified veterinarian, a registered pharmacist or a suitably qualified person.
- (2) It is an offence for a person who is not a qualified veterinarian, a registered pharmacist or a suitably qualified person to provide or dispense veterinary medicinal products which are referred to as "non-food animal medicines (NFA-VPS)".
- (3) It is an offence for a person to administer veterinary medicinal products which are referred to as "non-food animal medicines (NFA-VPS)" to livestock where the medicine was not provided or dispensed by a qualified veterinarian, a registered pharmacist or a suitably qualified person.
- (4) A person convicted of an offence under this regulation is liable to a term of imprisonment not exceeding 6 months or to a fine not exceeding level 6 on the standard scale, or to both.

PART 3 APPROVALS, RECOGNITIONS AND LICENCES

10. Suitably qualified persons – approval and recognition

- (1) The competent authority must train, approve and recognise certain persons as suitably qualified persons for purposes of dispensing and providing certain veterinary medicinal products.
- (2) The competent authority must keep a list of suitably qualified persons.

11. Suitably qualified persons - responsibilities

A suitably qualified person must, before dispensing or providing any veterinary medicines referred to under regulations 8 and 9 —

- (a) be satisfied that the person requiring the medicine is competent to administer it safely;
- (b) give the person information about the medicine including information on warnings and contraindications as detailed in the product leaflet or label; and
- (c) give the person advice on the administration of the medicine.

12. Recognised veterinary practice

(1) Any independent or private veterinary practice from which veterinary medicinal products are sold or placed on the market for sale must be recognised by the competent authority.

- (2) In order to be recognised by the competent authority the owner of a veterinary practice must submit to the competent authority trading licences, qualification certificates and any other information as may be required by the competent authority.
- (3) The competent authority must keep a list of all recognised veterinary practices.

13. Authorisation to sell or place on the market for sale

- (1) Any person who wishes to sell or place on the market for sale any veterinary medicinal products or medicated feedingstuff referred to under regulation 6 must apply for an authorisation from the competent authority.
- (2) The competent authority may require any information as may be necessary from an applicant including any information about training, approval or recognition of the applicant as a suitably qualified person or as a recognised veterinary practice.
- (3) An application for an authorisation under subregulation (1) must be made in writing to the Senior Veterinary Officer.
- (4) Where the applicant meets the requirements of this regulation the competent authority may issue an authorisation
 - (a) subject to any conditions as may be necessary;
 - (b) for such a period as it may specify; and
 - (c) in any form as it may specify.

14. Import permit

- (1) Any person who wishes to import into the Falkland Islands any veterinary medicinal products or any medicated feedingstuff must apply for an import permit from the competent authority.
- (2) The competent authority may require any information as may be necessary from an applicant including information about
 - (a) any training, approval or recognition of the applicant as a suitably qualified person or as a recognised veterinary practice;
 - (b) the quantities and names of the veterinary medicinal products to be imported; and
 - (c) the purpose of importing the veterinary medicinal products.
- (3) An application for an import permit under subregulation (1) must be made in writing to the Senior Veterinary Officer.
- (4) Where the applicant meets the requirement of this regulation the competent authority may issue an import permit —

- (a) subject to any conditions as may be necessary;
- (b) for such a period as it may specify; and
- (c) in any form as it may specify.

15. Record keeping

- (1) There must be kept on a farm a register on which the following is recorded
 - (a) information relating to any veterinary medicinal products or medicated feedingstuffs administered or given to livestock;
 - (b) the date when the products or medicated feedingstuffs were acquired and the establishment from where they were acquired;
 - (c) the date when the products or medicated feedstuffs were administered or given to the livestock;
 - (d) the withdrawal periods to be observed for those products (including information indicating when those periods elapsed);
 - (e) the identification of the livestock receiving the product; and
 - (f) any other relevant information that the competent authority may require.
- (2) A suitably qualified person, recognised veterinary practice or any other person who imports, sells or places on the market any veterinary medicinal products must keep records of the following
 - (a) all veterinary medicinal products imported or sold, including invoices;
 - (b) in the case of a suitably qualified person, any information and advice given in accordance with regulation 11;
 - (c) any training undertaken in relation to the use of veterinary medicinal products; and
 - (d) any other relevant information that the competent authority may require.
- (3) A qualified veterinarian and a registered pharmacist must keep a record of all prescriptions issued in relation to veterinary medicinal products that require prescriptions as well as a record of all products provided or dispensed.
- (4) A copy of the records to be kept under this regulation must be made available to the competent authority when requested.

16. Competent authority to give guidance – codes of practice

(1) The competent authority must publish guidance in relation to the prescribing, storage and destruction of controlled drugs in terms of regulation 5.

- (2) The competent authority may prepare and issue codes of practice regarding the prescribing of veterinary medicinal products other than controlled drugs.
- (3) A guidance or code of practice must be
 - (a) published in the *Gazette*; and
 - (b) kept under review.

SCHEDULE CATEGORIES OF MEDICINES

Part A - POM-V medicines

(regulation 7)

- 1. A veterinary medicinal product that has been classified as a POM-V may only be supplied to the client where it has been prescribed by a qualified veterinarian who has carried out a clinical assessment of an animal, or group of animals, under the qualified veterinary's care.
- 2. Qualified veterinarians are expected to use their professional judgement in deciding how 'clinical assessment' should be interpreted in their particular circumstances and when an animal is 'under their care'.

(The Royal College of Veterinary Surgeons (RCVS) has interpreted "clinical assessment" as meaning an assessment of relevant clinical information, which may include an examination of the animal, and "under their care" as meaning —

- (a) the qualified veterinary must have been given the responsibility for the health of the animal or herd by the owner or the owner's agent;
- (b) that responsibility must be real and not nominal;
- (c) the animal or herd must have been seen immediately before prescription or recently enough or often enough for the veterinary surgeon to have personal knowledge of the condition of the animal or current health status of the herd or flock to make a diagnosis and prescribe; and
- (d) the veterinary surgeon must maintain clinical records of that herd/flock/individual.

What amounts to 'recent enough' must be a matter for the professional judgement of the qualified veterinarian in each individual case.)

3. The client may request a written prescription from the qualified veterinarian if they wish to obtain the product from a supplier other than the prescribing qualified veterinarian. In all cases, the prescribing qualified veterinarian must accept clinical responsibility for the treatment.

- 4. Any registered qualified veterinarian or registered pharmacist may supply POM-V products or products to be used under the Veterinary Medicines Directorate Prescribing Cascade in accordance with a written prescription from a qualified veterinarian.
- 5. The supplying qualified veterinarian or pharmacist should use their specialist knowledge to check that the prescription accords with their own understanding of the product. If they have concerns about the prescription they should raise them with the prescribing qualified veterinarian before dispensing the medicine. It is open to any supplier to refuse to supply against a prescription.
- 6. A product will generally be included in the POM-V category when
 - (a) it requires a strict limitation on its use for specific safety reasons;
 - (b) it requires the specialised knowledge of a veterinary surgeon for its use or application;
 - (c) it has a narrow safety margin requiring above average care in its use;
 - (d) Government policy demands professional control of it at a high level. For example, products containing controlled drugs (CDs) are classified as POM-V and will be clearly identified on their labels with "CD" and the relevant class to which they fall under in the Schedule of the Misuse of Drugs Ordinance (Title 49.3).
- 7. Products containing new active substances will usually be categorised as POM-V, although in very rare cases the nature of the substance, indications, supporting data and other data may enable a product to be categorised as POM-VPS. A product for a food-producing species will usually be classified as either POM-V or POM-VPS.

Part B - POM-VPS medicines

(regulation 8)

- 1. A veterinary medicine classified as POM-VPS may be prescribed by a qualified veterinarian, a registered pharmacist or an appropriately qualified SQP (collectively known as Registered Qualified Persons RQPs)).
- 2. A clinical assessment of the animal(s) is not required when prescribing this category of veterinary medicine and the animal does not have to be seen by the prescriber. However sufficient information about the animal and the way it is kept must be known to the prescriber in order to prescribe and supply appropriately.
- 3. The customer may request a written prescription from the prescribing RQP if they wish to obtain the product from a supplier other than the prescribing RQP.
- 4. An RQP may supply POM-VPS medicines in accordance with a written prescription from another RQP.

- 5. Registered pharmacists and SQPs may supply a POM-VPS medicine for use under the cascade if prescribed by a veterinary surgeon and, in the case of SQPs, if they hold the relevant qualification to supply that medicine.
- 6. A veterinary medicine will generally be included in the POM-VPS category when
 - (a) it is used to reduce or prevent the effects of endemic disease in herds, flocks or in individual animals (such as treatment for worms and other parasites);
 - (b) its use implies risks for the user, the animal, consumer safety or the environment but users can be made aware of suitable countermeasures through simple, oral or written, advice;
 - (c) a professional user can be given adequate training in its regular use.

Part C - NFA-VPS medicines

(regulation 9)

- 1. A veterinary medicine classified as NFA-VPS may be supplied by any RQP provided the requirements for supply under paragraph 2 are met.
- 2. The requirements referred to under paragraph 1 are
 - (a) that the supplier is satisfied that the person who will use the product is competent to do so safely; and
 - (b) that the person intends to use the product for the purpose for which it is authorised.
- 3. These medicines do not require a prescription.
- 4. A medicine will generally be included in the NFA-VPS category when
 - (a) it is indicated for use only in non-food animals;
 - (b) it is used routinely to prevent or limit the effects of endemic disease in non-food animals;
 - (c) its use implies risks for the user, the animal, for consumer safety or for the environment but users can be made aware of suitable countermeasures through simple, oral or written advice;
 - (d) the animal keeper can be given sufficient practical advice to permit effective or safe usage.

Part D – AVM-GSL medicines

(regulation 3(1)(a))

- 1. There are no legal restrictions for the retail supply of veterinary medicines classified as AVM-GSL ("over the counter" medicine) but a responsible approach to the supply of these medicines is expected.
- 2. A medicine will generally be included in the AVM-GSL category when
 - (a) its use has a wide margin of safety;
 - (b) it is used to alleviate or prevent the signs of disease or support the treatment of common ailments;
 - (c) special advice is not required to permit safe or effective use.

Part E

Medicines not Subject to Veterinary Control (Exemptions for Small Animals (Pets)) (regulation 3(1)(b))

- 1. The exemption permits certain medicines to be placed on the market without a marketing authorisation (MA), subject to certain conditions.
- 2. This exemption scheme applies only to veterinary medicines labelled exclusively for use in one or more of the following animals that are not intended for human consumption
 - (a) aquarium animals (including fish kept in closed water systems);
 - (b) cage birds (meaning birds kept in cages or aviaries);
 - (c) homing pigeons (meaning pigeons kept for racing or exhibition);
 - (d) terrarium animals (meaning reptiles, amphibians and arthropods kept in tanks and cages including animals free-living in domestic gardens);
 - (e) small rodents (meaning domestic mammals of the order *rodentia*);
 - (f) ferrets; and
 - (g) rabbits.
- 3. Products marketed under the exemption may be sold by any retailer.

Made 22nd December 2015

Colin Roberts C.V.O., *Governor*.

EXPLANATORY NOTE

These regulations are made under section 4(1)(l) of the Livestock and Meat Products Ordinance (No 14 of 2010), which allows the Governor to make regulations dealing with the following —

- (a) the use, sale, import or export of veterinary medicinal products through permits;
- (b) restrictions on the sale and distribution of veterinary medicinal products; and
- (c) the licensing of establishments that can sell and distribute veterinary medicinal products.

This section has been added to the Ordinance to specifically empower the Governor to regulate veterinary medicines for livestock. The Medicines Ordinance, which deals with all medicines generally, has not been commenced and therefore it has been amended to remove this aspect from it so that the Department of Agriculture (as the competent authority for regulating livestock) will regulate the use of veterinary medicines under the Livestock and Meat Products Ordinance. The regulation of veterinary medicines which are used for other animals (not livestock) will still be dealt with by the Medicines Ordinance.

Part 1 deals with introductory matters and provides as follows —

regulation 2 provides for interpretation of the different terms used in the regulations;

regulation 3 provides that the regulations only apply to the veterinary medicinal products that are given or administered to livestock. This is to clarify that all other medicines will still be regulated by the Medicines Ordinance;

Part 2 provides for the general prohibitions against selling, using and importing of veterinary medicines unless on the authorisation of the competent authority or where the person is qualifies to do that. Regulations 4, 5 and 6 provide for this.

regulation 7 provides for prescription only medicines to be dispensed by a qualified veterinarian, a registered pharmacist or a suitably qualified person and makes it an offence for an unauthorised or unqualified person to do so. It further makes it an offence for a person to administer prescription only medicines to livestock where the person knows the medicine was dispensed by a person not qualified to do so;

regulation 8 provides for prescription only medicines to be dispensed by a qualified veterinarian and makes it an offence for an unauthorised or unqualified person to do so. It further makes it an offence for a person to administer prescription only medicines to livestock where the person knows the medicine was not dispensed by a qualified veterinarian:

Part 3 deals with approval and recognition of suitably qualified persons. It also deals with licences to sell and distribute veterinary medicinal products. It provides as follows —

regulation 10 and 11 provide for the approval and recognition of suitably qualified persons as well as their responsibilities;

regulation 12 deals with recognised veterinary practices while regulation 13 deals with the authorisations granted by the competent authority for the sale and placing on the market of veterinary medicinal products or feedstuff. Regulation 14 provides for the application process for import permits;

regulation 15 provides for record keeping of all information relating to the use, import, sales, administration and all relevant information.

regulation 16 requires the competent authority to give guidance through codes of practice on the prescription and dispensing of the different categories of veterinary medicinal products.

The *Schedule* sets out the different categories of medicines and provides for additional requirements to be observed when dispensing the different veterinary medicines.

SUBSIDIARY LEGISLATION

TAXES

Taxes (Amendment) Ordinance 2015 (Correction) Order 2015

S. R. & O. No: 31 of 2015

Made: 22 December 2015 Published: 24 December 2015 Coming into force: see article 2

IN EXERCISE of my powers under section 93 of the Interpretation and General Clauses Ordinance (Title 67.2) I make the following order—

1. Title

This order is the Taxes (Amendment) Ordinance 2015 (Correction) Order 2015.

2. Commencement

This order will come into force on publication in the Gazette.

3. Correction of Taxes (Amendment) Ordinance 2015

The Taxes (Amendment) Ordinance 2015 (No 10 of 2015) is amended in —

- (a) section 3
 - (i) by deleting "as follows (c)"; and
 - (ii) by inserting "by" after the word "amended",
- (b) section 4 by renumbering subsection 4(e) to be numbered subsection 4(b).

Made 22 December 2015

D. C. Brown, *Acting Attorney General.*

EXPLANATORY NOTE

(not forming part of the order)

This order corrects a typographical error.

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FALKLAND ISLANDS GAZETTE

PUBLISHED BY AUTHORITY

Vol. 124 31 December 2015 No. 17

Appointment

David Colin Storey, Licensed Aircraft Engineer, Falkland Islands Government Air Service, Central Services Department, 23.11.15.

Peter Frederick Moden, Assistant Materials Manager, Materials Section, Public Works Department, 26.11.15.

Stuart James Walker, Crown Counsel (Prosecution), Government Legal Services, Law and Regulation Directorate, 26.11.15.

James Anderson Breckenridge, Clerk, Customs and Immigration, Emergency Services Department, 01.12.15.

Tracey Lynne Desjardins, Legal Secretary, Law and Regulation Directorate, 14.12.15.

Muchazondida Frank Hochi, General Handyperson, Property and Municipal Section, Public Works Department, 14.12.15.

Morgen Mapepa, Plant Operator/Handyperson, Highways Section, Public Works Department, 14.12.15.

Anne Margaret Milston, Deputy Head Teacher, Infant and Junior School, Education Department, 21.12.15.

Completion of Contract

Jessica Briony Jones, Fisheries Observer, Fisheries, Natural Resources Department, 01.12.15

Jonathan Hadley, Senior Staff Nurse, Health and Social Services Department, 11.12.15.

Renewal of Contract

Mukhtar Ahmad Uqaili, Medical Officer, Health and Social Services Department, 09.12.15.

Promotion

Eva Irma Linda Velasquez, from Labourer to Plant Operator/Handyperson, Highways Section, Public Works Department, 23.11.15.

Resignation

Leann Caroline Ford, Part-time Clerk/Social Work Assistant, Health and Social Services Department, 30.11.15.

Erin Elizabeth Price, Sports Attendant, Leisure Centre, Central Services Department, 02.12.15.

Travis Robert Allington, Agricultural Advisor, Agriculture, Natural Resources Department, 04.12.15.

Martin Allan Winward, Head Teacher, Falkland Islands Community School, Education Department, 04.12.15.

Duane Andrew Roy Allen, Legislative Drafter, Government Legal Services, Law and Regulation Directorate, 07.12.15.

Alexandra Sally Birmingham, Learning Support Assistant, Falkland Islands Community School, Education Department, 17.12.15.

Caris Kirsten Steven, Housing Officer, Property and Municipal Section, Public Works Department, 23.12.15.

Transfer

Alan Keith Joshua, from Plant Operator/Handyperson, Materials Section to Plant Operator/Handyperson, Highways Section, Public Works Department, 01.12.15.

Joanna Rose Lazo, from Learning Support Assistant, Education Department, to Residential Care Worker, Health and Social Services Department 18.12.15.

Death in Service

Christopher John McCallum, Power Station Operator, Power and Electrical Section, Public Works Department, 10.11.15.

No. 128

23 November 2015

Post Office Ordinance (Title 58.1) section 2 Falkland Islands Constitution Order (Title 1) section 84

Appointment of Superintendent of Posts and Telecommunications

- 1. Section 2 of the Post Office Ordinance makes provision for the Superintendent of Posts and Telecommunications.
- 2. Section 84 of the Falkland Islands Constitution Order confers power on the Governor to make appointment to any public office; but the Chief Executive shall exercise that power, and may delegate the exercise of that power to other public officers. The Chief Executive delegated power to appoint the Superintendent of Posts and Telecommunications to the Financial Secretary by email on 8 July 2014.
- 3. In exercise of my delegated powers under section 84 of the Falkland Islands Constitution Order I appoint **Daniel Robert Heath** to be the Superintendent of Posts and Telecommunications.
- 4. This appointment is deemed to have effect from 1 July 2015, and continues in effect whilst Daniel Robert Heath holds office as Chief Accountant (or similar position in Treasury), unless terminated sooner.

Dated 23 November 2015

N. J. GRANGER, Financial Secretary.

No. 129

1 December 2015

Supreme Court of the Falkland Islands Notice under the Administration of Estates Ordinance (Title 68.1)

Take notice that **Rose Anne Cameron** of Beaufort House, Beaufort, County Kerry, Republic of Ireland, died on 27 January 2002.

Whereas **Joost Herman Willem Pompert** as lawful attorney for **John Donald Keith Cameron** has applied for Letters of Administration with will annexed to administer the estate of the said deceased in the Falkland Islands.

Notice is hereby given pursuant to section 4 of the Administration of Estates Ordinance to all persons resident in the Falkland Islands who may have prior claim to such grant that the prayer of the Petitioner will be granted provided no caveat be entered in the Supreme Court within 21 days of the publication hereof.

Dated 1 December 2015

L-M. REINDERS, Registrar, Supreme Court No. 130

United Kingdom Statutory Instruments

01 December 2015

Notice is hereby given that the following United Kingdom Statutory Instruments have been published in the United Kingdom by The Stationery Office Limited and are available to view at: http://www.legislation.gov.uk

2015 No 1898 – The Burundi (Sanctions) (Overseas Territories) Order 2015

http://www.legislation.gov.uk/uksi/2015/1898/contents/made

and

2015 No 1899 – The Liberia (Sanctions) (Overseas Territories) Order 2015

http://www.legislation.gov.uk/uksi/2015/1899/contents/made

The Orders require publication of a list of designated persons and/or restricted goods. This obligation is satisfied by publication of a link to the relevant list available through the websites below:

Designated persons:

https://www.gov.uk/government/collections/financial-sanctions-regime-specific-consolidated-lists-and-releases

Restricted goods:

 $\underline{https://www.gov.uk/current-arms-embargoes-and-other-restrictions}$

Dated 01 December 2015

B. I. STEEN, for Attorney General.

No. 131

4 December 2015

No 1 Electrical (Falklands) Limited Company Number: 10932

Notice is hereby given that the above named company was struck-off the Register of Companies pursuant to section 652A of the Companies Act 1985 on 30 November 2015.

Dated 4 December 2015

E. J. DENT, Registrar of Companies.

No. 132

4 December 2015

Creating Choices Falklands Limited Company number: 14647

Take notice that in accordance with the provisions of section 652A of the Companies Act 1985, the requirements of the said section having been complied with, the above named company will be removed from the Register of Companies upon the expiry of three months from the publication of this notice in the Gazette unless good cause do be shown as to why such action should not be taken.

Dated 4 December 2015

E. J. DENT, Registrar of Companies.

Supreme Court of the Falkland Islands Notice under the Administration of Estates Ordinance (Title 68.1)

Take notice that **Timothy Andrew McCallum** of 14A Drury Street, Stanley, died on 7 July 2015.

Whereas **Rampai McCallum** has applied for Letters of Administration to administer the estate of the said deceased in the Falkland Islands.

Notice is hereby given pursuant to section 4 of the Administration of Estates Ordinance to all persons resident in the Falkland Islands who may have prior claim to such grant that the prayer of the Petitioner will be granted provided no caveat be entered in the Supreme Court within 21 days of the publication hereof.

Dated 10 December 2015

L-M. REINDERS, Registrar, Supreme Court

No. 134

11 December 2015

Falkland Islands Constitution

section 38

Proclamation Appointing Dates, Times and Place for Sittings of the Legislative Assembly (Proclamation No 2 of 2015)

- 1. Section 38(1) of the Constitution provides that each sitting of the Legislative Assembly shall be held at such place and at such time as the Governor may appoint by proclamation published in the Gazette.
- 2. I proclaim that the following places and times are appointed for sittings of the Legislative Assembly:

28 January 2016	9.00 am Court and Assembly Chamber,
	Town Hall, Stanley
25 February 2016	9.00 am Court and Assembly Chamber,
	Town Hall, Stanley
24 March 2016	9.00 am Port Howard
28 April 2016	9.00 am Court and Assembly Chamber,
•	Town Hall, Stanley
31 May 2016	9.00 am Court and Assembly Chamber,
•	Town Hall, Stanley
3 June 2016	9.45 am Court and Assembly Chamber,
	Town Hall, Stanley
30 June 2016	9.00 am Court and Assembly Chamber,
	Town Hall, Stanley
28 July 2016	9.00 am Court and Assembly Chamber,
,	Town Hall, Stanley
25 August 2016	9.00 am Court and Assembly Chamber,
	Town Hall, Stanley
29 September 2016	9.00 am Court and Assembly Chamber,
	Town Hall, Stanley
27 October 2016	9.00 am Court and Assembly Chamber,
_, _, _, _, _, _, _, _, _, _, _, _, _, _	Town Hall, Stanley
24 November 2016	9.00 am Court and Assembly Chamber,
21110 (emoci 2010	Town Hall, Stanley
15 December 2016	9.00 am Court and Assembly Chamber,
10 2000111001 2010	Town Hall, Stanley
	10WII 11uii, Duilley

3. If a change of place or time is necessary, reasonable efforts will be made to publish that change through appropriate means.

Dated 11 December 2015

C. ROBERTS C.V.O., Governor.

No. 135

11 December 2015

Interpretation and General Clauses Ordinance

section 42

Immigration Ordinance 1999

section 3

Revocation of Appointment

In exercise of my powers under section 42 of the Interpretation and General Clauses Ordinance and section 3 of the Immigration Ordinance and of all other powers enabling me in that regard, I Colin Roberts CVO, Governor of the Falkland Islands hereby revoke the following appointment:

Len Stanford McGill as Acting Principal Immigration Officer on 18 September 2015.

Dated 11 December 2015

C. ROBERTS C.V.O., *Governor*.

No. 136

11 December 2015

Merchant Shipping Act 1894 section 566

Appointment of Acting Receiver of Wreck

- 1. Section 566 of the Merchant Shipping Act 1894 (as it applies in the Falkland Islands) provides that the Governor may, with the consent of the Treasury, appoint a receiver of wreck to perform the duties of receiver under Part IX of the Act.
- 2. The consent of the Treasury was given by the Financial Secretary on 18 September 2015 to the appointment below.
- 3. In exercise of my powers under section 566 I appoint **Michael Floyd** to be acting receiver of wreck if the Receiver of Wreck, Robert John King, is unable for any reason fully to discharge his duties or exercise his powers under the Act.
- 4. This appointment has effect from the date below, and continues in effect whilst Michael Floyd holds office as a Customs Officer, unless terminated sooner.
- 5. Previous appointment of Michael Floyd as a receiver of wreck made under the same provisions dated 18 September 2015 is hereby revoked.

Dated 11 December 2015

C. ROBERTS C.V.O., Governor.

Taxes Ordinance (Title 69.1)

section 182

Appointment of Clerk Tax Appeal Tribunal

- 1. Section 182 provides that the Governor shall appoint a public officer to be the clerk to the Tax Appeal Tribunal.
- 2. In exercise of my powers under section 182 I appoint **Louise-Marie Reinders** to be clerk to the Tax Appeal Tribunal.
- 3. This appointment is deemed to have effect from 16 November 2015 and continues in effect whilst Louise-Marie Reinders holds office as Head of Courts and Tribunal Service, unless terminated sooner.

Dated 11 December 2015

C. ROBERTS C.V.O., *Governor*.

Governor.

No. 138

11 December 2015

Harbour Ordinance

section 4

Oil in Territorial Waters Ordinance

section 2(1)

Appointment of Harbour Master

- 1. Section 4 of the Harbour Ordinance (Title 57.3) provides that the Governor may appoint a Harbour Master.
- 2. Section 2(1) of the Oil in Territorial Waters Ordinance (Title 34.3) provides that the Harbour Master is any person appointed by the Governor for the purposes of enforcing the provisions of the Ordinance.
- 3. In exercise of my powers under section 4 of the Harbour Ordinance and section 2(1) of the Oil in Territorial Waters Ordinance, I appoint **Christopher Paul Locke** to be Harbour Master for the purposes of those Ordinances and for all other purposes.
- 4. This appointment has effect from 2 November 2015, and continues in effect whilst the appointee continues to hold the post of Marine Officer, unless terminated sooner.

Dated 11 December 2015

C. ROBERTS C.V.O., *Governor*.

No. 139 11 December 2015

Offshore Minerals Ordinance section 27(4) Health and Safety at Work etc Act 1974

section 19(1)

Appointment of Inspector

1. Section 27(4) of the Offshore Minerals Ordinance (Title 53.1) ("the Ordinance") provides that the Governor may

appoint inspectors to discharge the functions conferred by regulations, and to assist the Governor in the execution of the provisions under Part III of the Ordinance.

- 2. The Health and Safety at Work etc Act 1974 has effect under Falkland Islands law by virtue of:
 - (a) the Offshore Health and Safety Order 1998 (SR&O No 5 of 1998); and
 - (b) the Health and Safety at Work etc Act 1974 (Application outside the Falkland Islands) Order 2008 (SR&O No 6 of 2008)
- 3. Section 19(1) of the Act in its application under Falkland Islands law ("the Act") provides that the Governor may appoint inspectors to carry into effect the relevant statutory provisions under the Act.
- 4. In exercise of my powers under section 27(4) Ordinance and section 19(1) of the Act, I appoint **Christopher Paul Locke**, Marine Officer, Falkland Islands Government to be an inspector.
- 5. The inspector has the powers referred to in paragraph 6, but may only exercise those powers following consultation, if reasonably practicable in the circumstances, with an inspector at the UK Health and Safety Executive offshore safety division:
- 6. The powers of inspection which may be exercised by the inspectors are:
 - (a) the powers contained in:
 - (i) the Act;
 - (ii) any regulations made in the Falkland Islands under section 15 of the Act;
 - (iii) any regulations made under sections 27 or 36 of the Ordinance; and
 - (b) the power to generally assist the Governor in the execution of the provisions of Part 3 of the Ordinance.
- 7. This appointment has effect from the date of signature, and continues in effect whilst the person holds the relevant substantive post described in paragraph 3, unless terminated sooner.

Dated 11 December 2015

C. ROBERTS C.V.O., Governor.

No. 140

11 December 2015

Falkland Islands Constitution Order 2008 (SI 2008 No 2846)

section 84

Appointment of Deputy Admiralty Marshal

1. The office of Deputy Admiralty Marshal for the Falkland Islands was established under section 76 of the Falkland Islands Constitution Order 1985 (SI 1985/444), and remains so

4

established under section 6 of the Falkland Islands Constitution Order 2008.

- 2. In exercise of my powers under section 84 of the Falkland Islands Constitution Order 2008 I appoint **Christopher Paul Locke** to be a Deputy Admiralty Marshal for the Falklands Islands.
- 3. This appointment has effect from the date of signature, and continues in effect whilst the appointee continues to hold the post of Marine Officer, unless terminated sooner.

Dated 11 December 2015

C. ROBERTS C.V.O., *Governor*.

No. 141

15 December 2015

Supreme Court of the Falkland Islands Notice under the Administration of Estates Ordinance (Title 68.1)

Take notice that **Carole Lee** of 15 Ian Campbell Drive, Stanley, died on 20 September 2015.

Whereas **Rodney William Lee** has applied for Letters of Administration to administer the estate of the said deceased in the Falkland Islands.

Notice is hereby given pursuant to section 4 of the Administration of Estates Ordinance to all persons resident in the Falkland Islands who may have prior claim to such grant that the prayer of the Petitioner will be granted provided no caveat be entered in the Supreme Court within 21 days of the publication hereof.

Dated 15 December 2015

L-M. REINDERS, Registrar, Supreme Court

No. 142

18 December 2015

Dangerous Goods Ordinance (Title 36.1)

section 3

Appointment of Licensing Authority

- 1. Section 3 of the Dangerous Goods Ordinance (Title 36.1) provides that the Governor shall appoint a person to be the Licensing Authority for the purposes of the Ordinance.
- 2. In exercise of my powers under section 3, I appoint **Andrew Almond-Bell** to be the Licensing Authority.
- 3. This appointment is deemed to have effect from 20 August 2015, and continues in effect whilst Andrew Almond-Bell holds office as Director of Emergency Services and Island Security, unless terminated sooner.

Dated 18 December 2015

C. ROBERTS C.V.O.,

No. 143

18 December 2015

Dangerous Goods Ordinance (Title 36.1)

section 3

Appointment of Deputy Licensing Authority

- 1. Section 3 of the Dangerous Goods Ordinance (Title 36.1) provides that the Governor shall appoint a person to be the Licensing Authority for the purposes of the Ordinance.
- 2. I appoint **Len Stanford McGill** to carry out the duties of the Licensing Authority as required under the Ordinance at any time when the post is vacant, or the substantive holder of the post is unavailable to discharge the same through any absence from the Falkland Islands, or inability to perform the functions and duties of the post.
- 3. This appointment is deemed to have effect from 1 June 2014, and continues in effect whilst Len Stanford McGill holds office as Chief Police Officer in the Royal Falkland Islands Police, unless terminated sooner.

Dated 18 December 2015

C. ROBERTS C.V.O., *Governor*.

No. 144

21 December 2015

Application for Permanent Residence

Notice is hereby given that:-

Angela Jane Craggs Deborah Davidson; and Juan Moises Salluca Tito

have applied to the Principal Immigration Officer to be granted Permanent Residence Permits.

Any person who knows of any reason why a permit should not be granted to any of the above named should send a written and signed statement of the facts, giving grounds for their objection, to the Immigration Officer, Customs and Immigration Department, Stanley by 21 January 2016.

Dated 21 December 2015

J. E. SMITH, Immigration Officer.

No. 145

22 December 2015

Customs Ordinance 2003

section 7(3)

Appointment of Temporary Customs Officer

In exercise of the powers conferred by section 7(3) of the Customs Ordinance 2003, I appoint **Cpl Andrew O'Brien** – 30121362 to be a temporary Customs Officer from 11 December 2015 to 10 June 2016.

Dated 22 December 2015

R. J. KING, Collector of Customs.

Marine Farming Ordinance 2006

section 1

Commencement Notice

- 1. Section 1 of the Marine Farming Ordinance 2006 (No. 20 of 2006) provides that the Ordinance comes into force on a day appointed by the Governor by notice published in the *Gazette* (and that the Governor may appoint different dates for different provisions to come into force).
- 2. I give notice that the Marine Farming Ordinance 2006 (No 20 of 2006) as amended by the Marine Farming (Amendment) Ordinance 2015 (No 14 of 2015) and re-titled as the Fish Farming Ordinance will come into force on 1 January 2016.

Dated 22 December 2015

C. ROBERTS C.V.O., *Governor*.

Falkland Islands Cricket Association Limited Company number: 14454

Take notice that in accordance with the provisions of section 652A of the Companies Act 1985, the requirements of the said section having been complied with, the above named company will be removed from the Register of Companies upon the expiry of three months from the publication of this notice in the Gazette unless good cause do be shown as to why such action should not be taken.

Dated 23 December 2015

No. 147

E. J. DENT, Registrar of Companies.