



FALKLAND ISLANDS

Conservation of Wildlife and Nature Ordinance 1999

(ORDINANCE No. 10 OF 1999)

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FALKLAND ISLANDS

Conservation of Wildlife and Nature Ordinance 1999

AN ORDINANCE To repeal the Wild Animals and Birds Protection Ordinance, the Nature Reserve Ordinance and the Fisheries Ordinance; to make new provision in relation to the conservation of nature and the protection of wildlife in the Falkland Islands.

*[DATE OF COMMENCEMENT: 1ST NOVEMBER 1999]
(Unless otherwise indicated)*

[Section 9(2) and Schedule 1 of the Fisheries Conservation and Management Ordinance 2005 extend the jurisdiction of the following provisions of this Ordinance to the fishing waters outside the territorial sea:

Sections 1 to 7, 10 to 12, 18 and Schedule 1]

PART I INTRODUCTORY

Short title, commencement and interpretation

1 Short title and commencement

This Ordinance may be cited as the Conservation of Wildlife and Nature Ordinance 1999 and shall come into force on the first day of the second month beginning after its publication in the Gazette.

[Revision w.e.f. 31/07/2017]

2 Interpretation

(1) In this Ordinance, unless the context otherwise requires-

"aircraft" includes a hovercraft;

"animal" means any kind of animate creature except human beings, birds, microbes and bacteria and includes any egg or spawn of an animal and every stage of development of an animal;

"authorized person" means-

- (a) in relation to any action, wherever done, any person authorized in writing-
 - (i) by a provision of a written law; or
 - (ii) by some licence or permit granted under a provision of any written law, to do the thing in question; and
- (b) in relation to any act not prohibited by or under this Ordinance or any other written law done on any land in private ownership, the owner or occupier of that land and any person authorized by the owner or occupier of that land to do the act in question,

but the authorization of a person by a licence or permit granted as aforesaid does not itself confer any right of entry upon any land;

"close season", in relation to a species of wild bird mentioned in the first column of Part II of Schedule 1, means the period or periods of the year mentioned in relation to that species in the second column of that Part;

"destroy"-

- (a) in relation to an egg, includes doing anything to the egg which is likely to prevent it from hatching, and "destruction", in relation to an egg, shall be construed accordingly; and
- (b) in relation to a plant, includes doing anything to a plant which is calculated to kill it, prevent it from germinating, prevent it from flowering, bearing mature seeds, asexually reproducing or spreading or which is calculated to inhibit its germination or growth, and "destruction", in relation to a plant shall be construed accordingly;

"fish" includes shellfish and molluscs;

"land" includes land covered by water;

"lichen" means a plant of the division Lichenes (that is to say a plant formed by the symbiotic association of a fungus and an alga);

"marine mammal" has the same meaning as it has under section 2 of the Marine Mammals Ordinance;

"pick", in relation to a plant, means gather or pluck any part of the plant without uprooting the plant;

"plant" means any inanimate living organism and, without prejudice to the generality of the foregoing, includes algae, fungi, lichens, mosses, bushes, shrubs and trees and seeds and spores and every other stage in the growth cycle of a plant;

"poultry" means, except when it is living wild or (before it was killed or captured) was living wild, any domestic fowl, goose, duck, guinea-fowl, pigeon, quail or turkey;

"uproot", in relation to a plant, means dig up or otherwise remove the plant from the land on which it is growing;

"wild animal" means any animal, except wild cattle and any bird, which is, or before it was killed or captured was, living wild;

"wild bird" means any bird, except poultry, which is resident in, or a visitor to, the Falkland Islands in a wild state;

"wild plant" means any plant which is or (before it was picked, uprooted or destroyed) was growing wild and is of a kind which ordinarily grows in the Falkland Islands in a wild state.

(2) A reference in this Ordinance to **"any written law"** includes a reference to this Ordinance.

(3) This Ordinance-

- (a) extends to the territorial sea of the Falkland Islands; and
- (b) binds the Crown.

PART II WILDLIFE

Protection of wild birds and of wild animals

3 Protection of wild birds

(1) Subject to the provisions of this Part, it is an offence for any person deliberately-

- (a) to kill, injure or capture a wild bird;
- (b) to disturb a wild bird while it is building a nest or is in, on or near a nest containing eggs or young;
- (c) to disturb dependent young of a wild bird;
- (d) except in relation to a bird mentioned in Schedule 1, to damage or destroy the breeding site, nest or nesting place of any wild bird; or

[S. 2(a)/Ord. 1/04/w.e.f. 10/3/2004.]

- (e) to take or destroy an egg of a wild bird.

(2) Subject to this Part, it is an offence for any person knowingly to keep, transport, sell or exchange, or offer for sale or exchange, any live or dead wild bird, or any part of, or anything derived from, such a wild bird.

(3) Subsections (1) and (2) apply to all stages of the life of the wild birds to which they apply.

(4) The owner or occupier of land or any person authorized by either of them does not commit an offence under subsection (1) or subsection (2) by doing in relation to a bird included in Part I of

Schedule 1 or its nest or any of its eggs any of the things which would otherwise constitute an offence by him under one or other of those subsections.

[S. 2(a)/Ord. 4/03/w.e.f. 27/2/03.]

(5) An authorized person does not commit an offence under subsection (1) or (2) by killing or capturing outside the close season a bird included in Part II of Schedule 1 or by injuring such a bird outside that season in the course of an attempt to kill it.

(6) A person shall not be convicted of an offence under subsection (2) if he shows-

- (a) that the bird had not been captured or killed, or had been lawfully captured or killed;
- (b) that the bird or other thing in question had been lawfully sold or given (whether to him or to another person); or
- (c) that the bird or other thing was lawfully acquired (by him or another person) before the coming into force of this Ordinance.

(7) In this section "wild bird" does not include any bird which is shown to have been bred in captivity, but in proceedings for an offence under subsection (1) or subsection (2) a bird shall be presumed to be a wild bird unless the contrary is shown, and an egg or anything derived from a bird shall be presumed to be an egg of, or as the case may be, derived from a wild bird unless the contrary is shown.

(8) Subsection (6)(a) shall apply to eggs with the substitution of the word "taken" for the word "captured" in both places where "captured" appears in that paragraph.

(9) Schedule 1 may from time to time be amended by the Governor by order under this subsection.

(10) A person convicted of an offence under subsection (1) or (2) is liable to a fine not exceeding the maximum of level 5 on the standard scale.

4 Protection of wild animals

(1) Subject to the provisions of this Part, it is an offence deliberately-

- (a) to capture or kill a protected wild animal;
- (b) to take or destroy the eggs or spawn of such an animal; or
- (c) to damage or destroy a breeding site or resting place of a protected wild animal.

(2) Subject to this Part, it is an offence knowingly to keep, transport, sell or exchange, or offer for sale or exchange, any live or dead protected wild animal, or any part of, or anything derived from, such an animal.

(3) Subsections (1) and (2) apply to all stages of the life of the animals to which they apply.

(4) For the purposes of this section, a wild animal is a protected wild animal if-

- (a) it is an animal mentioned in, or falling within a description of animals contained in Schedule 2; or
- (b) it is a marine mammal.

(5) Subject to subsection (7), a person shall not be convicted of an offence under subsection (1) if he shows-

- (a) that the animal had not been captured or killed, or had been lawfully captured or killed;
- (b) in respect of an animal mentioned in Part II of Schedule 2, that he captured it by rod and line outside the closed season, and does not capture more than six of the animals on the day in question.

[S. 2(b)/Ord. 4/03/w.e.f. 27/2/03.]

(6) Subject to subsection (7), a person shall not be convicted of an offence under subsection (2) if he shows in respect of an animal mentioned in Part II of Schedule 2, that he captured it by rod and line outside the closed season, and does not capture more than six of the animals on the day in question.

[S. 2(c)/Ord. 4/03/w.e.f. 27/2/03.]

(7) Nothing in subsection (5)(a) authorizes the sale of any protected wild animal or its eggs.

(8) In this section-

- (a) "wild animal" does not include any wild animal which is shown to have been bred in captivity, but in proceedings for an offence under subsection (1) or subsection (2) an animal shall be presumed to be a wild animal unless the contrary is shown, and an egg or anything derived from an animal shall be presumed to be an egg of, or as the case may be, derived from a wild animal unless the contrary is shown;
- (b) "close season" in relation to any animal mentioned in Part II of Schedule 2, means the months of May to August.

(9) Subsection (5)(a) shall apply to eggs with the substitution-

- (a) of the word "taken" for the word "captured" in both places where "captured" appears in that paragraph; and
- (b) of the word "destroyed" for the word "killed".

[S.R. & O. 28/99/w.e.f. 21/9/99.]

(10) Schedule 2 may from time to time be amended by the Governor by order under this subsection.

(11) A person convicted of an offence under subsection (1) or (2) is liable to a fine not exceeding the maximum of level 5 on the standard scale.

5 Further defences in relation to offences under sections 3 and 4

Nothing in section 3(1), (2), 4(1) or (2) renders it unlawful or an offence for any person-

- (a) to do anything done under, or in pursuance of, an order made under the Animal Health Ordinance 1998;

[Revision w.e.f. 31/07/2017]

- (b) to disturb any wild bird or protected wild animal within a dwelling-house;

- (c) to damage or destroy the nest, breeding site or resting place of a wild bird or protected wild animal within a dwelling-house;

[S.R. & O. 28/99/w.e.f. 21/9/99.]

- (d) to capture or take any wild bird or wild animal if that person shows that the wild bird or protected wild animal had previously been disabled otherwise than by his unlawful act and that he captured or took it solely for the purpose of tending to it and releasing it when no longer disabled;
- (e) to kill such a wild bird or protected wild animal if that person shows that the wild bird or wild animal had been so seriously disabled otherwise than by his unlawful act that there was no reasonable chance of its recovering; or

[S.R. & O. 28/99/w.e.f. 21/9/99.]

- (f) to do any other act rendered unlawful by any of those provisions if the person who did that act shows that the act was the incidental result of a lawful operation and could not reasonably have been avoided.

[S.R. & O. 28/99/w.e.f. 21/9/99.]

6 Prohibition of certain methods of capturing or killing wild birds and protected wild animals

(1) It is an offence to use for the purpose of capturing or killing any wild bird or protected wild animal-

- (a) any of the means listed in subsection (2) of this section; or
- (b) any form of capturing or killing from the modes of transport mentioned in subsection (3) of this section.

(2) The prohibited means of capturing or killing protected wild birds and protected wild animals are-

- (a) using any bird or animal (whether or not it is a protected wild bird or protected wild animal), as a decoy;
- (b) any form of equipment capable of replaying a recording of sounds or pictures or both;
- (c) electrical and electronic devices capable of killing or stunning;
- (d) artificial light sources;
- (e) mirrors and other dazzling devices;
- (f) devices for illuminating targets;
- (g) sighting devices for night shooting comprising an electronic image intensifier or image converter;
- (h) explosives;
- (i) except in relation to fish under the authority of a licence granted under the Fisheries (Conservation and Management) Ordinance 2005, any net or trap which is non-selective according to its principle or its conditions of use;

[Revision w.e.f. 31/07/2017]

- (j) crossbows;
- (k) gassing or smoking out;
- (l) poisons and poisoned or anaesthetic bait;
- (m) semi-automatic or automatic weapons with a magazine capable of holding more than two rounds of ammunition;
- (n) chemical wetting agents; and
- (o) any of the following which is calculated to cause injury that is to say any gin, snare, noose, any form of bird lime and, except in relation to fish, any trap, net or hook and line,

but nothing in this subsection renders unlawful the use of any of the foregoing methods by a person acting in pursuance of any written law to which section 5(a) relates.

(3) The prohibited means of transport are-

- (a) aircraft; and
- (b) moving motor vehicles.

(4) A person convicted of an offence under subsection (1) is liable to a fine not exceeding the maximum of level 5 on the standard scale.

(5) In this section, "protected wild bird" means a bird of a species other than a species mentioned in either Part of Schedule 1.

Protection of wild plants

7 Protection of wild plants

(1) It is an offence deliberately to pick, collect, cut, uproot or destroy a protected wild plant or for any person other than an authorized person deliberately to uproot any protected wild plant.

(2) For the purposes of this section, a plant is a protected plant if it is a plant mentioned in, or falls within a description of plants contained in, Schedule 3.

(3) It is an offence to keep, transport, sell or exchange or offer for sale or exchange, any live or dead protected wild plant or any part of, or anything derived from, such a plant.

(4) Subsections (1) and (3) apply to all stages of the growth cycle of the plants to which they apply.

(5) A person does not commit an offence under subsection (1)-

- (a) if he is the owner or occupier of the land in question or an authorized person and shows that the act which would otherwise have been unlawful by virtue of subsection (1) was an incidental result of a lawful operation carried out by him and could not reasonably have been avoided;

- (b) under subsection (3) if he shows that the plant or other thing in question had been sold or given (whether to him or any other person) without any contravention of any provision of this Part.

(6) For the purposes of this section-

- (a) a plant which is growing, or is shown to have been growing within the enclosed curtilage of a building, is for the purposes of this section not a wild plant even if it is shown that it was not cultivated; but otherwise
- (b) a plant which if it is a wild plant would be a protected wild plant, is to be presumed to be a wild plant unless the contrary is shown,

and for the purposes of paragraph (a) of this subsection "enclosed curtilage" means land within a hedge, fence or wall and constituting the garden or other land for the amenity of the building which it surrounds or abuts.

(7) Schedule 3 may be amended by order made by the Governor under this subsection.

(8) A person convicted of an offence under this section is liable to a fine not exceeding the maximum of level 5 on the standard scale.

Miscellaneous

8 Introduction of new species, etc.

(1) Subject to the provisions of this Part, it is an offence for a person to release or allow to escape into the wild any animal or bird which is of a kind not ordinarily resident in or a visitor to the Falkland Islands.

(2) Subject to the provisions of this Part, it is an offence for a person to plant or otherwise cause to grow in the wild any plant of a kind not ordinarily found growing in the wild in the Falkland Islands.

(3) Subject to subsection (4), a person shall not be convicted of an offence under subsection (1) or (2) if he proves that he took all reasonable steps and exercised all due diligence to avoid committing the offence.

(4) Where the defence provided by subsection (3) involves an allegation that the offence was due to the act or default of another person, the person charged shall not, without leave of the court, be entitled to rely on the defence unless, within a period of seven clear days before the hearing, he has served on the prosecutor a notice giving such information identifying or assisting in the identification of the other person as was then in his possession.

(5) A person convicted of an offence under this section is liable to a fine not exceeding the maximum of level 5 on the standard scale.

Supplemental

9 Grant of licences for certain purpose

(1) Subject to subsection (2A) of this section, sections 3 to 8 do not apply to anything done-

- (a) under and in accordance with the terms and conditions of a licence granted under any written law; or
- (b) for any of the purposes mentioned in subsection (2) under and in accordance with the terms and conditions of a licence granted by the Governor.

[S. 2(d)/Ord. 4/03/w.e.f. 27/2/03 and s. 2(b) and (c)/Ord. 1/04/w.e.f. 10/3/2004.]

(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.

[S. 8(a)/Ord. 5/15/w.e.f. 1/7/15.]

(2) The purposes referred to in subsection (1) are-

(a) scientific or educational purposes, 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;

[S. 8(b)/Ord. 5/15/w.e.f. 1/7/15.]

- (b) ringing or marking, or examining any ring or mark on, and wild animal or wild bird;
- (c) conserving wild animals, wild birds or wild plants or introducing them to particular areas;
- (d) preserving public health or public safety;
- (e) preventing the spread of disease;
- (f) preventing serious damage to livestock, foodstuffs for livestock, crops, vegetables, fruit, growing timber or for any other form of property or to fisheries;
- (g) the improvement of agriculture or forestry; or
- (h) authorizing a person resident in the Falkland Islands to collect the eggs of any bird specified in the licence for human consumption in the Falkland Islands or for the purposes of a scientific institution outside the Falkland Islands.

(2A) Nothing in subsection (1)(a) of this section authorises the grant under any other written law of a licence to do anything in relation to any albatross or petrel of any species or any egg of any such bird or the breeding site, nest or nesting place of any such bird, which cannot be authorised by a licence granted under this Ordinance and any such written law shall cease to have effect in so far as it might otherwise authorise the grant of any such licence.

[S. 2(d)/Ord. 1/04/w.e.f. 10/3/2004.]

(2B) Nothing in subsection (1)(b) or subsection (2)(h) of this section authorises the grant of a licence permitting the collection for the purposes of human consumption of any egg of any albatross or petrel of any species.

[S. 2(d)/Ord. 1/04/w.e.f. 10/3/2004.]

(3) The Governor may by instrument under his hand delegate the exercise of all or any of his powers under this section, except this power of delegation, to such public officer or officers or other person or persons, and subject to such conditions, limitations and to compliance with such directions, which may include a requirement that such fee shall be paid for a licence as is therein mentioned, as are specified in any such instrument.

(4) The grant of a licence under this section shall not be construed as authorising any person to enter upon the land of another without that other's permission or consent.

(5) A licence of a kind to which subsection (2)(h) refers shall-

- (a) specify the quantity and species of bird eggs it authorizes the licensee to collect;
- (b) prohibit the sale to any person of those eggs; and
- (c) not authorize the collection for human consumption of the eggs of any species of bird except Gentoo penguin (*Pygoscelis papua*), Magellanic penguin (*Spheniscus magellanicus*), Logger duck (*Tachyeres brachydactyla*), Patagonian crested duck (*Anas specularioides*), Yellow-billed teal (*Anas flavirostris*) and Kelp gull (*Larus dominicanus*) (otherwise known as Dominican gull).

[S. 2(e)/Ord. 1/04/w.e.f. 10/3/2004.]

10 Licences: supplementary provisions

(1) A licence under section 9-

- (a) may be, to any degree, general or specific;
- (b) may be granted either to persons of a class or to a particular person; and
- (c) without prejudice to section 9(5) may be subject to compliance with any specified conditions.

(2) A licence granted under section 9 may be granted subject to conditions, which shall be complied with and such a licence may be revoked at any time by the Governor, but otherwise shall be valid for the period stated in the licence.

(3) A licence under section 9 which authorizes any person to kill any wild bird or protected wild animal shall specify the area within which and the methods by which wild birds or protected wild animals may be killed and shall not be granted so as to be valid for a period exceeding two years.

(4) It is a defence for a person charged with an offence under section 16(1) of this Ordinance (Poisoning, etc. of domestic animals) to show that-

[S. 60/Ord. 11/2016/w.e.f. 21/4/2017]

- (a) the act alleged to constitute the offence was done under and in accordance with the terms of a licence under section 9; and
- (b) any conditions specified in or by the licence were complied with.

(5) A person who contravenes any condition of a licence granted under section 9 commits an offence and is liable on conviction to a fine not exceeding the maximum of level 5 on the standard scale and to imprisonment for a term not exceeding three months.

11 False statements made for obtaining licence

(1) A person commits an offence who for the purposes of obtaining, whether for himself or another, the grant of a licence under section 9-

- (a) makes a statement or representation, or furnishes a document or information, which he knows to be false in a material particular; or
- (b) recklessly makes a statement or representation, or furnishes a document or information, which is false in a material particular.

(2) A person convicted of an offence under this section is liable to a fine not exceeding the maximum of level 4 on the standard scale.

PART III CONSERVATION AREAS

Introductory

12 Interpretation of Part III

In this Part, unless the context otherwise requires-

- (a) "**national nature reserve**" means an area of land or water (or both) to which an order under section 13(1) relates; and

[S.R. & O. No. 5/07/w.e.f. 1/11/99.]

- (b) "**marine area**" means an area consisting of land covered (continuously or intermittently) by tidal waters or parts of the sea which are landward of the baselines from which the breadth of the territorial sea adjacent to the Falkland Islands is measured or are seaward of those baselines up to a distance of three nautical miles; and

- (c) references to the natural beauty of an area shall be construed as including references to its flora, fauna and geological or physiographical features.

National nature reserves

13 Designation of national nature reserves

(1) The Governor may by order declare-

- (a) any area of Crown land or any marine area; or
- (b) with the agreement of every owner, lessee and occupier, any privately owned land,

to be a national nature reserve.

(2) All Sanctuary Orders and Nature Reserve Orders in force immediately prior to the commencement of this Ordinance shall, until they are revoked by an order under this section, on commencement of this Ordinance continue in force as if-

- (a) they had been made as national nature reserve orders immediately on such commencement; and
- (b) the provisions of any such order regulating the control, administration or protection of the area to which the order relates had been made immediately on commencement of this Ordinance as regulations under section 16,

but nothing in this subsection shall affect the application of any such order in relation to any act or omission of any person occurring before the commencement of this Ordinance and any contravention of any such order occurring before the commencement of this Ordinance may be prosecuted, and the offender be dealt with, in the same way as if this Ordinance had not been enacted.

(3) In this section, "Sanctuary Order" means an order made under section 4 of the Wild Animals and Birds Protection Ordinance 1964 and "Nature Reserve Order" means an order made under section 3 of the Nature Reserves Ordinance.

[Revision w.e.f. 31/07/2017]

14 Management agreements

(1) If the Governor considers that it would be in the public interest that any area of private land should be managed as a national nature reserve, he may enter into an agreement with every owner, lessee and occupier of that land that it shall be so managed.

(2) Any such agreement may-

- (a) provide for the management of the land in such manner and the carrying out on it of such work and the doing thereon of such other things as may be expedient for the purposes of the agreement;
- (b) provide for any of the things mentioned in paragraph (a) being carried out, or the cost of them defrayed in whole or in part by the owner or any other person or by the Crown;

- (c) contain such other provisions as may be agreed between the Crown and the owner, lessee or occupier; and
- (d) be made irrevocably or subject to such provisions for revocation or variation as may be specified in the agreement.

(3) Any agreement under this section shall be registered under sections 3 and 4 of the Land Charges Ordinance 1996 against the name of every owner, lessee and occupier who is party to it as a Class II land charge and, subject to such registration before he acquired his interest, every provision of the agreement shall be enforceable against every successor in title of any such owner, lessee or occupier as if he had been a party to the agreement in the first place.

15 Breach of management agreements

(1) The Governor may, if it appears to him that a breach of an agreement under section 14(1) has occurred and that that breach adversely affects the satisfactory management as a national nature reserve of land to which the agreement relates by notice to the person or persons in breach of the agreement, require that person or those persons to remedy that breach at his or their cost within such time, not being less than forty-two days, as shall be specified in that notice.

(2) If a breach of such an agreement is not remedied within the period specified in the notice served under subsection (1) or any greater period the Governor may have allowed for the purpose, the Governor may enter upon the land with or without workmen and others and take such steps as appear to him to be necessary to remedy the breach, and recover as a civil debt the cost of so doing, as certified by the Financial Secretary, from the person or persons in breach, whose liability shall, if more than one, be joint and several.

16 Regulations in relation to national nature reserves

(1) The Governor may make regulations for the protection of any national nature reserve. Such regulations may be expressed to apply to one or more national nature reserves specified therein or as to all national nature reserves and may make different provision in relation to different parts of the year and different provision in relation to different national nature reserves or different parts of the same national nature reserve.

(2) Without prejudice to the generality of subsection (1) of this section, regulations may-

- (a) provide for prohibiting or restricting, either absolutely or subject to any exceptions-
 - (i) in relation to any marine national nature reserve and any part of any other national nature reserve consisting of land covered by water, the entry into, or movement within, the reserve of persons and vessels; and
 - (ii) in relation to any national nature reserve or part thereof consisting of land not covered by water, the entry into, or movement within, the reserve of persons and vehicles of any kind;
- (b) prohibit the killing, taking, destruction, molestation or disturbance of animals, birds or plants of any description in the reserve, the taking or destruction of the egg of any animal or bird, the picking, plucking, uprooting of any plant, the damaging or destroying of the breeding site, resting place or nest of any animal or bird or the doing

of anything within the reserve which interferes with the seabed or the bed of any water or disturbs or damages any object within the reserve;

- (c) prohibit the depositing of rubbish in the reserve and the discharge of any noxious or polluting substance;
- (d) prohibit the bringing into the reserve of any weapon or other device or thing designed or adapted for the purpose of capturing or killing any animal or bird;
- (e) prohibit the smoking of any cigarette, cigar or pipe within the reserve, the lighting of any fire or the doing of anything likely to cause a fire within the reserve; and
- (f) prohibit the bringing into the reserve of any animal, bird or plant.

(3) Nothing in regulations under this section shall-

- (a) prohibit or restrict, except with respect to particular parts of the reserve at particular times of year in relation to a pleasure boat, the exercise of any right of passage by a vessel;
- (b) render unlawful anything done for the purpose of securing the safety of any vessel, or of preventing damage to any vessel or cargo, or saving life;
- (c) render unlawful anything done more than 30 metres below the sea bed;
- (d) render unlawful anything done under authority of a licence granted under any written law or pursuant to an order under any written law of the Falkland Islands in relation to animal health; or
- (e) interfere with the exercise by any person of-
 - (i) a right vested in him as owner, lessee or occupier of land in the reserve or otherwise permitted under the terms of an agreement relating to that land; or
 - (ii) any public right of way over land.

(4) Regulations made under this section may provide that a contravention of any provision of such regulations specified for that purpose constitutes an offence and that a person convicted of that offence shall be liable to a fine of such amount, not exceeding the maximum of level 5 on the standard scale, as is specified by the regulations in relation to contravention of the provision in question.

PART IV MISCELLANEOUS

Offences

17 Offences by corporations

(1) Where an offence under this Ordinance which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any

neglect on the part of, a director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members subsection (1) shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

Repeals

18 Repeals

The Fisheries Ordinance, the Wild Animals and Birds Protection Ordinance and the Nature Reserves Ordinance are repealed.

[S.R. & O. 31/99/w.e.f. 14/10/99.]

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.

[S. 8(c)/Ord. 5/15/w.e.f. 1/7/15.]

SCHEDULE 1

PART I

BIRDS WHICH MAY BE KILLED OR CAPTURED BY AUTHORIZED PERSONS AT ANY TIME

Upland Goose

Domestic Goose of any species which have become feral

Mallard Duck

PART II
BIRDS WHICH MAY BE KILLED OR CAPTURED BY AUTHORIZED PERSONS AT
ANY TIME OUTSIDE THE CLOSE SEASON

<i>Species</i>	<i>Close season</i>
Yellow-billed Teal	1st July to 31st March
Crested Duck (otherwise known as Patagonian Crested Duck)	1st July to 31st March

SCHEDULE 2

PART I PROTECTED WILD ANIMALS

All species of butterflies (*Rhopalocera*)

Trout (*Salmo trutta*)

Falkland Islands Trout (*Aplochiton zebra*)

PART II PROTECTED WILD ANIMALS WHICH MAY BE KILLED OR CAPTURED BY AUTHORIZED PERSONS AT ANY TIME OUTSIDE THE CLOSE SEASON (1st MAY TO 31ST AUGUST)

Trout (*Salmo trutta*)

**SCHEDULE 3
PROTECTED PLANTS**

Adder's tongue	<i>Ophioglossum crotalophoroides</i>
Dusen's moonwort	<i>Botrychium dusenii</i>
Chilean maidenhair fern	<i>Adiantum chilense</i>
Felton's flower	<i>Calandrinia feltonii</i>
Shrubby seablite	<i>Suaeda argentinensis</i>
Falkland rock cress	<i>Phlebolobium maclovianum</i>
Fuegian saxifrage	<i>Saxifraga magellanica</i>
Native yellow violet	<i>Viola maculata</i>
Yellow lady's slipper	<i>Calceolaria dichotoma</i>
Falkland false plantain	<i>Nastanthus falklandicus</i>
Hairy daisy	<i>Erigeron incertus</i>
Falkland pondweed	<i>Potamogeton linguatus</i>
Yellow pale maiden	<i>Sisyrinchium chilense</i>
Pale yellow orchid	<i>Gavilea australis</i>
Yellow orchid	<i>Gavilea littoralis</i>
Gaudichaud's orchid	<i>Chlorae gaudichaudii</i>
Fir clubmoss	<i>Huperzia selago</i>
Comb fern	<i>Schizaea fistulosa</i>
Leathery shield fern	<i>Rumohra adiantiformis</i>