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The following are published in this Supplement —

Stanley Common (Installation of Solar Energy Generation System) Regulations 2022 (SR&O No 27 of 2022);

Animal Health (Emergency Measures for Outbreaks of Infectious Diseases) Order 2022; (SR&O No 28 of 2022); and

Building (Amendment) Regulations 2022 (SR&O No 29 of 2022).

SUBSIDIARY LEGISLATION

Stanley Common (Installation of Solar Energy Generation System) Regulations 2022

(No. 27 OF 2022)

ARRANGEMENT OF PROVISIONS

Regulation

1. Title and commencement
2. Permitted development

Schedule

SUBSIDIARY LEGISLATION

Stanley Common (Installation of Solar Energy Generation System) Regulations 2022

(made: 30 November 2022)
(approved by resolution of Legislative Assembly: 15 December 2022)
(commencement: on publication)
(published: 16 December 2022)

I make these Regulations under section 10 of the Stanley Common Ordinance 1999 on the advice of Executive Council.

1. Title and commencement

These Regulations are the Stanley Common (Installation of Solar Energy Generation System) Regulations 2022 and following approval by resolution of the Legislative Assembly come into force on publication in the *Gazette*.

2. Permitted development

The development described in the first column in the Schedule is permitted in the area of the Common described in the second column of the Schedule for the purpose of the supply electricity pursuant to the Electricity Supply Ordinance 1939.

SCHEDULE

regulation 2

Description of development	Location of development
Installation of a grid-tied photo-voltaic (PV) power generation system, covering an area of approximately 14.5m x 6.0m, 87.0m ² .	On, and adjacent to, Substation 1/ Transformer Building at the Sand Bay Wind Farm.

Made 30 November 2022

A. M. BLAKE C.M.G.,
Governor.

EXPLANATORY NOTE
(not forming part of these Regulations)

These Regulations are made under section 10 of the Stanley Common Ordinance 1999 and, having been approved by resolution of the Legislative Assembly, come into force on publication in the *Gazette*.

Regulation 2 permits the development on Stanley Common that is described in the *Schedule*, namely the installation of a small-scale solar energy generation system that is tied to the Stanley electricity grid and consists of 24 photo-voltaic (“PV”) panels on the north facing roof of Substation 1/Transformer Building at Sand Bay Windfarm and the siting of a further 12 PV panels directly in front of north side of the building. The system will have an electrical energy production capability of up to 12 kilowatts.

SUBSIDIARY LEGISLATION

Animal Health (Emergency Measures for Outbreaks of Infectious Diseases) Order 2022

(No. 28 OF 2022)

ARRANGEMENT OF PROVISIONS

Article

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SUBSIDIARY LEGISLATION

Animal Health (Emergency Measures for Outbreaks of Infectious Diseases) Order 2022

(made: 15 December 2022)

(commencement: on publication)

(published: 16 December 2022)

I make this Order under sections 1, 7(1), 8(1), 15(4) and (5), 17(1), 23, 25, 28, 34(7), 38(1), 65A(3), 75 and 83(2) of the Animal Health Act 1981 (as it applies in the Falkland Islands under the Law Revision and Publication Ordinance 2017), on the advice of Executive Council.

1. Title and commencement

This Order is the Animal Health (Emergency Measures for Outbreaks of Infectious Diseases) Order 2022 and comes into force on publication in the *Gazette*.

2. Interpretation

In this Order —

“**the Act**” means the Animal Health Act 1981 (c.22) as modified by the Animal Health Ordinance 1998 and as it applies in the Falkland Islands under the Law Revision and Publication Ordinance 2017;

“**animal products**” means meat, carcasses, meat products, skins or hide, wool, feathers, milk, milk products, eggs or embryos and manure or other animal waste or slurry;

“**the Director**” means the person appointed Director of the Department of Natural Resources of the Government;

“**public place**” means —

- (a) Stanley Common (as defined in the Stanley Common Ordinance 1999);
- (b) any highway (as defined in the Road Traffic Ordinance 1948); and
- (c) any other place to which at the material time the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission;

“**suspected premises**” means any premises in relation to which a notice under article 3 is in force;

“**SVO**” means the person appointed Senior Veterinary Officer;

“**veterinary officer**” means the SVO and any other staff of the veterinary service acting under the direction and supervision of SVO;

“**veterinary service**” means the veterinary service provided by the Government that is conducted under the supervision and direction of the SVO.

3. Suspected premises

- (1) This article applies to any premises that is not a public place.
- (2) If a veterinary officer knows or suspects that disease exists or has in the previous 56 days been present on any premises or that any animal or poultry on the premises has been contaminated by being exposed directly or indirectly to disease, the veterinary officer may give notice to the occupier of the premises (“**the occupier**”) stating that fact.
- (3) If notice is given verbally it must be confirmed in writing within 24 hours.
- (4) A written notice must contain a description of the suspected premises that enables the extent of the area to which it applies to be readily ascertained and any restrictions or requirements that apply to the premises must be set out in it.
- (5) While a notice is in force, the occupier must comply with any restrictions or requirements set out in the written notice and the directions of the veterinary officer regarding the measures to be taken to contain and limit the spread of disease.
- (6) Restrictions or requirements under paragraph (3) may relate to —
 - (a) individual animals or poultry;
 - (b) the movement of animals or animals of a specified kind, poultry or poultry of a specified kind, people, animal products, feed and fodder and vehicles or any other thing liable to spread disease onto and off the premises;
 - (c) cleansing and disinfection; and
 - (d) the control of rats, mice and other rodents that are not domestic pets.
- (7) A notice under paragraph (2) is in force until the veterinary officer, after an investigation under article 4, is satisfied that infection or contamination are not present on the premises and declares the premises are free from disease by revoking the notice in writing.
- (8) A notice given under this article may be amended in writing at any time.

4. Declaration of temporary control zone

- (1) The Director may, having consulted the SVO declare any premises and any area around those premises of such size as the Director considers fit to prevent the spread of disease to be a temporary control zone.
- (2) A temporary control zone may include suspected premises and any other premises (including any public place).
- (3) Any premises that are partly inside and partly outside a temporary control zone are deemed to be wholly inside it.

- (4) A declaration of a temporary control zone must specify —
- (a) the extent of the zone;
 - (b) details of the restrictions and requirements that apply within the zone relating to —
 - (i) the movement of animals or animals of a specified kind, poultry or poultry of a specified kind, people, animal products, feed and fodder and vehicles or any other thing liable to spread disease within, or onto or out of the temporary control zone; and
 - (ii) cleansing and disinfection;
 - (c) the date on which it was made; and
 - (d) the date on which it ceases to have effect in respect of the zone or any part of it.
- (5) Any person who keeps or has charge of animals or poultry in a temporary control zone, and any occupier of premises in a temporary control zone where animals or poultry are kept, must comply with biosecurity guidance published by the Governor under section 6A of the Act.
- (6) An area remains a temporary control zone or part of one until —
- (a) the temporary control zone becomes part of a protection zone; or
 - (b) the Director is advised by the SVO that the temporary control zone is free from disease and the Director makes a declaration accordingly.
- (7) A declaration under paragraphs (1) or (6)(b) must be published in the *Gazette* and the Director must take such other steps as may be appropriate to ensure that it is brought to the attention of the public as soon as reasonably practicable.

5. Investigation

- (1) The Director must ensure that the presence or suspicion of infection or contamination with a disease that is either current or has been present on any premises (including any premises that are a public place) within the previous 56 days, is investigated by the veterinary service as soon as is reasonably practicable.
- (2) An investigation under paragraph (1) must include any steps that the SVO considers to be necessary to determine whether disease exists or has in the 56 days before the commencement of the investigation existed on the premises and the SVO must advise the Director of the outcome of the investigation.
- (3) The SVO may require any animal carcass or other thing liable to spread disease found on the premises to be marked.
- (4) If, as a result of the investigation, the SVO concludes that disease is present or has in the 56 days before the commencement of the investigation been present on the premises, the Director must declare the premises to be an infected place for the purposes of the Act and must consider making a declaration under article 7 (declaration of protection zone).

6. Declaration of infected place

(1) A declaration under article 5(4) must be made by notice served on the occupier and must include details of restrictions and requirements that apply to the infected place including any requirements relating to —

- (a) the form and content of any records to be kept in respect of the premises;
- (b) the display of signs;
- (c) the isolation, removal or detention of any animal or poultry or group of animals or poultry on the premises;
- (d) the movement of animals or poultry;
- (e) the movement of any animal product, fodder or other thing that is liable to spread disease;
- (f) the movement of persons on to or off the premises; and
- (g) cleansing and disinfection.

(2) A declaration under article 5(4) is in force until the Director declares the premises are free from disease by revoking the notice in writing.

(3) Before revoking a declaration under article 5(4), the Director must consult the SVO and be satisfied that —

- (a) infection or contamination are no longer present on the premises; and
- (b) cleansing and disinfection has been completed in accordance with the requirements in the notice.

7. Declaration of protection zone

(1) The Governor may declare an area that includes an infected place to be a protection zone.

(2) A protection zone may include any premises (including any public place) and may be of such size as the Director considers fit so as to prevent the spread of disease.

(3) A declaration of a protection zone must specify —

- (a) the extent of the zone;
- (b) details of the restrictions and requirements that apply within the zone to prevent the spread of disease relating to —
 - (i) the movement of animals or animals of a specified kind, poultry or poultry of a specified kind, people, animal products, feed and fodder and vehicles or any other thing liable to spread disease within, onto and out of the protection zone;
 - (ii) any other activities that are liable to spread disease;

- (iii) management of animals and poultry that are not wild animals or wild birds;
 - (iv) vaccination of animals or poultry; and
 - (v) cleansing and disinfection;
- (c) the date on which it was made; and
- (d) the date on which it ceases to have effect in respect of the zone or any part of it.
- (4) Any person who keeps or has charge of animals or poultry in a protection zone, and any occupier of premises in a protection zone where animals or poultry are kept must comply with biosecurity guidance published by the Governor under section 6A of the Act.
- (5) Any premises that are partly inside and partly outside a protection zone are to be treated as being wholly inside it.
- (6) An area remains a protection zone or part of one until the Director is advised by the SVO that the area is free from disease and the Director makes a declaration accordingly.
- (7) A declaration under paragraphs (1) or (6) must be published in the *Gazette* and the Director must take such other steps as may be appropriate to ensure that it is brought to the attention of the public as soon as reasonably practicable.

8. Cleansing and disinfection

- (1) Requirements imposed under this Order relating to cleansing and disinfection of premises may—
- (a) relate to the cleansing and disinfection of vehicles, equipment, surfaces and other things on the premises that are liable to be contaminated with, or spread, disease;
 - (b) relate to the materials to be used or the method to be employed for such cleansing and disinfection;
 - (c) relate to the timing or frequency of cleansing or disinfection;
 - (d) include the destruction of anything that may be contaminated by disease and cannot be cleansed or disinfected adequately or at all;
 - (e) provide for cleansing and disinfection to be carried out at the expense of the occupier of the premises or at the expense of the Governor.
- (2) Any person carrying out cleansing or disinfection under this Order must do so in accordance with any additional directions given by a veterinary officer.

9. Licences to move animals or animal products

- (1) Restrictions on the movement of animals, poultry or animal products under this Order may permit the movement of animals and animal products —

- (a) in specified circumstances and for the purposes of destruction at a specified place; or
 - (b) in accordance with the terms of a licence granted by the Director on application by any person who is directly affected by such restrictions.
- (2) A licence granted under paragraph (1) —
- (a) must be in writing;
 - (b) may be subject to such conditions as may be specified to prevent the spread of disease; and
 - (c) may be amended, suspended or revoked in writing at any time.
- (3) Any person who is issued with a licence must, when executing the activity permitted by the licence, carry the licence and produce it to a police officer or veterinary officer on demand.

10. Marks applied under this Order

A person must not remove, obscure or erase a mark applied to any animal, poultry, animal product, vehicle or other thing under this Order without the written authority of a veterinary officer.

11. Change of occupation of premises

- (1) This article applies to premises that are suspected premises, an infected place or included in a temporary control zone or protection zone.
- (2) If the keeper of any animal or poultry is unable to move it from premises on the termination of the keeper's right of occupation because of a restriction imposed by or under this Order, the person entitled to occupation of the premises on that termination must —
- (a) provide such facilities for feeding, tending or otherwise using (including selling) the animal or poultry as the keeper may reasonably require; and
 - (b) allow entry to the premises to that keeper and any person authorised by the keeper at reasonable times for feeding, tending or otherwise using the animal or poultry.
- (3) If the keeper is unable or unwilling to feed or tend the animal or poultry the person entitled to occupation of the premises must ensure it is properly fed and tended.
- (4) The keeper is liable to pay the reasonable costs incurred by any person feeding or tending the animal or poultry under paragraph (3).

12. Reasonable assistance

Any person required to give reasonable assistance or information to a person acting under this Order must, as far as is reasonably practicable, do so without delay.

13. False information

A person must not knowingly give false or misleading information to a person acting under this Order.

14. Compliance with notices and direction

Any notice or direction served under this Order must be complied with at the expense of the person on whom it is served except where otherwise provided in that notice or direction.

15. Designated areas and periods for the inspection of vehicles

The following are designated for the purposes of section 65A of the Act (inspection of vehicles)—

- (a) any temporary control zone for the duration of its existence; and
- (b) any protection zone for the duration of its existence.

16. General powers of veterinary officers to act to prevent the spread of disease

(1) This article applies to —

- (a) a temporary control zone;
- (b) a protection zone;
- (c) suspected premises; and
- (d) infected premises.

(2) A veterinary officer may, if the officer considers it necessary to prevent the spread of disease, require —

- (a) the detention and isolation of any vehicle, equipment or other thing and its cleansing and disinfection by serving notice requiring such action on the occupier of the premises where it is present or on the person in charge of it;
- (b) the cleansing and disinfection of any premises in accordance with article 8 by serving a notice requiring such action on the occupier of the premises;
- (c) the removal, laundering, cleansing, disinfection or disposal of the clothing or footwear of any person by serving notice on them requiring such action;
- (d) any person to cleanse themselves by serving notice on that person requiring such action;
- (e) detention or isolation in a specified place of any animal or poultry by serving a notice requiring such action on the occupier of premises where it is present or on its keeper;
- (f) the separation of any animals or poultry from other animals or poultry by serving notice on the occupier of the premises whether it is present or on its keeper requiring such action.

(3) Notice under this article may include such directions and conditions as the veterinary officer considers necessary to prevent the spread of disease.

17. Powers of veterinary officers in case of default

(1) Where a person fails to comply with a restriction or requirement imposed by or under this Order a veterinary officer may take any steps the veterinary officer considers necessary —

- (a) to ensure the requirement is met; or
- (b) to rectify the situation so as to prevent the spread of disease.

(2) In taking steps under paragraph (1), a veterinary officer may seize and detain any animal moved, kept or otherwise dealt with in contravention of a restriction or requirement imposed by or under this Order.

(3) In taking steps under paragraph (1)(b) a veterinary officer may by notice served on any person direct the person to take or refrain from specified action in respect of any place, animal, poultry, vehicle, animal product or other thing.

(4) The person in default must reimburse any reasonable expenses incurred by the Governor in taking such steps and any such debt is recoverable in a court of competent jurisdiction.

18. Offences by bodies corporate

(1) This article applies where a body corporate is shown to have committed an offence against or under the Act.

(2) An officer is guilty of the offence and liable to be prosecuted and punished accordingly if it is shown that the offence —

- (a) was committed with the consent or connivance of the officer; or
- (b) is attributable to any neglect on the part of the officer.

(3) If the affairs of the body corporate are managed by its members, paragraph (2) applies in relation to the acts and defaults of a member in connection with the member's functions of management as if he were an officer of the body.

(4) In this article, “**officer**” means a director, member of the committee of management, chief executive, manager, secretary or other similar officer of the body or any person purporting to act in any such capacity.

19. Offences: no knowledge of restriction or requirement

A person is not guilty of failing to comply with a restriction or requirement that applies because of the declaration of a temporary control zone or a protection zone if the person shows to the court's satisfaction that they did not know of the restriction or requirement and that they could not with reasonable diligence have obtained knowledge of it.

20. Penalties

A person who is found guilty of a breach of this Order or other offence under section 73 of the Act is liable on conviction to imprisonment for a term not exceeding 6 months or a fine up to level 5 on the standard scale or both.

Made 15 December 2022

A. M. BLAKE C.M.G.,
Governor.

EXPLANATORY NOTE
(not forming part of this Order)

This Order is made under sections 1, 7(1), 8(1), 15(4) and (5), 17(1), 23, 25, 28, 34(7), 38(1), 65A(3), 75 and 83(2) of the Animal Health Act 1981 (c.22) (“**the Act**”), a UK statute applied in the Falkland Islands by the Law Revision and Publication Ordinance 2017. The Act was amended by the Animal Health Act 2002 (c.42), also applied in the Falkland Islands. It is modified in its application to the Falkland Islands by the Animal Health Ordinance 1998.

The Order provides the legal powers to implement the National Contingency Plan for Emergency Animal Disease, published at:- [General Publications \(falklands.gov.fk\)](https://www.falklands.gov.fk/general-publications).

The title of the Order is the Animal Health (Emergency Measures for Infectious Disease) Order 2022. It comes into force on publication in the *Gazette* (*article 1*).

The terms “**animal**”, “**poultry**” and “**disease**” are interpreted in this Order in accordance with the Animal Health (Definitions Extended and Duties of Keepers of Poultry) Order 2022. *Article 2* defines other terms used in this Order.

Article 3 provides that if a veterinary officer knows or suspects that disease exists or has in the previous 56 days been present on any premises or that any animal or poultry on the premises has been exposed to disease, the veterinary officer may give notice to the occupier of the premises imposing requirements or restrictions relating to management of the animals or poultry or biosecurity measures. If notice is given orally, it must be confirmed in writing within 48 hours. A notice can be amended and will be revoked once the veterinary officer is satisfied the premises are free from disease.

Article 4 enables the Director of Natural Resources to declare any premises (including premises to which article 3 applies or any public premises) and any area around those premises a temporary control zone. The declaration must specify the extent of the zone, any requirements and restrictions that apply in the zone relating to the movement of animals, poultry or other things and persons and cleansing or disinfection, the date on which it is made and the date on which it ceases to have effect.

The declaration must be published in the *Gazette* and the Director must take other appropriate steps to bring it to the attention of the public.

Under *article 5* the Director must ensure that the presence or suspicion of infection on any premises is investigated by the veterinary service as soon as practicable. If the Senior Veterinary Officer concludes disease is or has been present, the premises must be declared an infected place for the purposes of the Act. The Director must also consider declaring a protection zone under *article 7*.

A declaration that a place is an infected place is made by notice under *article 6*. The notice must specify the restrictions and requirements that apply to the infected place until the notice is revoked by the Director in consultation with the Senior Veterinary Officer.

A protection zone under *article 7* may be declared by the Governor in Council, in relation to an area that includes an infected place. The zone must be of sufficient area to prevent the spread of disease.

The declaration must specify the extent of the zone, any requirements and restrictions that apply in the zone relating to the movement of animals, poultry or other things and persons, any other activities that may spread disease (e.g. recreational activities such as walking, fishing or hunting), vaccination and cleansing or disinfection, the date on which it is made and the date on which it ceases to have effect.

Any person who keeps animals or poultry in a protection zone must comply with any biosecurity guidance issued under section 6A of the Act. Failure to do so is a criminal offence.

The declaration must be published in the *Gazette* and the Director must take other appropriate steps to bring it to the attention of the public.

Article 8 provides for requirements relating to cleansing and disinfection.

Article 9 provides for the Director to issue licences for the movement of animals, poultry and animal products.

Article 10 provides that marks applied to an animal, poultry, animal product (including a carcass), vehicle or other thing (for example during an investigation of disease) must not be removed without written authority.

Article 11 makes provision for change of occupation of premises that are suspected premises, infected premises or included in a temporary control zone or protection zone.

Article 12 requires any person to give reasonable assistance or information to a member of the veterinary service or the Director if asked to do so and *article 13* prohibits knowingly giving false or misleading information to those people. *Article 14* provides that any person who is required to comply with a notice or declaration must do so at their own expense (no compensation is payable unless expressly provided for).

The effect of *article 15* is that an inspector may stop, detain and inspect any vehicle that is in a temporary control zone or a protection zone to ensure it complies with the Act and this Order.

Article 16 provides veterinary officers with broad powers to take necessary action to prevent the spread of disease on suspected or infected premises or within a temporary control zone or a protection zone. *Article 17* enables veterinary officers to act where any person fails to comply with restrictions or requirements in a notice or declaration.

Article 20 provides that breach of the Order or other offence under the Act is punishable on conviction by a fine up to level 5 on the standard scale (£4000) or imprisonment for up to 6 months or both. *Articles 18 and 19* make further provision for criminal offences.

SUBSIDIARY LEGISLATION

Building (Amendment) Regulations 2022

(No. 29 OF 2022)

ARRANGEMENT OF PROVISIONS

Regulation

1. Title and commencement
2. Amendment of Building Regulations 1999

SUBSIDIARY LEGISLATION

Building (Amendment) Regulations 2022

(made: 15 December 2022)

(commencement: on publication)

(published: 16 December 2022)

I make these Regulations under section 3 of the Building Control Ordinance 1994 on the advice of Executive Council.

1. Title and commencement

These Regulations are the Building (Amendment) Regulations 2022 and come into force on publication in the *Gazette*.

2. Amendment of Building Regulations 1999

Amend the Building Regulations 1999 —

- (a) in regulation 2 (interpretation), in the definition of “**building permit**”, by deleting “or the Committee”;
- (b) in regulation 7 (further provisions in relation to distant sites) —
 - (i) in subregulation (2)(a), by deleting “to the Committee”;
 - (ii) in subregulation (2)(b), by deleting “, visit the site and”;
 - (iii) by revoking subregulation (3);
- (c) in regulation 8 (notification of decision of Committee or of the Building Control Surveyor)—
 - (i) in the heading, by deleting “**Committee or of the**”;
 - (ii) in subregulation (1), by deleting “or the Committee” in both places it appears; and
 - (iii) by replacing subregulation (2) with —

“(2) A further copy of the marked plans and other documents referred to in subregulation (1) must be retained by the Building Control Surveyor and open for inspection by any person appearing to have reasonable cause for wishing to inspect them.”; and
- (d) in regulation 8A (appeal to the Governor) —

- (i) in subregulation (1) by deleting “under regulation 6 of the principal Regulations or of the Committee under Regulation 7 of the principal Regulations”;
- (ii) in subregulation (2) by deleting “, or as the case may be, the Committee”; and
- (iii) by replacing subregulation (3) with —
“(3) The Governor must inform the Building Control Surveyor in writing of a decision made under subregulation (2).”.

Made 15 December 2022

A. M. BLAKE C.M.G.,
Governor.

EXPLANATORY NOTE
(not forming part of these Regulations)

These Regulations are made under section 3 of the Building Control Ordinance 1994 and come into force on publication in the *Gazette* (regulation 1).

Regulation 2 makes a number of amendments to regulations 2-8A of the Building Regulations 1999 to —

- remove the requirement for a site visit by the Building Control Surveyor in relation to applications for building permits for buildings in Camp; and
- give the Building Control Surveyor power to determine applications for all building permits, whether relating to buildings in Camp or Stanley.

This removes the current role of the Planning Committee in relation to applications for building permits in Camp.

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