

EXECUTIVE COUNCIL

RESTRICTED

Title of Report: Livestock (Amendment) Ordinance

Paper No: 69/09

Date: 23 April 2009

Report of: Principal Crown Counsel

1.0 Purpose

The purpose of this paper is to seek Honourable Members' approval for submission of the Livestock (Amendment) Bill 2009 to the Legislative Assembly.

2.0 Recommendation

Honourable Members are recommended to approve the submission of the Livestock (Amendment) Bill 2009 to the Legislative Assembly.

3.0 Summary of Financial Implications

None

4.0 Background

Following consideration of paper number 214/08 in December 2008, Executive Council approved the drafting of an amending Bill to provide for the publication of (non-financial) information contained in the annual return required by the Livestock Ordinance to be submitted by all farmers to the Department of Agriculture.

When consulting on the drafting of the Bill, it became apparent that the form of annual return currently issued by the Department of Agriculture is not exactly in the form currently set out in the schedule to the Livestock Ordinance. The Bill therefore also amends the form of annual return; regularising the position regarding the form currently used.

Section 24 of the Ordinance currently provides that the form set out in the schedule to the Ordinance, or such other form as may be approved by the Governor, must be used in submitting the annual return. The Director of Agriculture has requested that the Director be empowered to

approve an amended form where appropriate, in substitution for the Governor. The Bill has therefore also been drafted to reflect this request.

5.0 Financial Implications

None.

6.0 Legal Implications

The annexed Bill must be passed by the Legislative Assembly for it to be given effect.

The new section 23 has retrospective effect, regularising the previous publication of such information. Whilst legislation with retrospective effect is often inappropriate, the principles concerning retrospectivity in legislation indicate that it may be appropriate where the effect is benign or the public interest requires it. In this case, the publication of information from annual returns has occurred for decades without objection; the previous ExCo paper underlined the benefits of allowing this practice to continue (whilst balancing the rights of the individual by protecting details of income).

7.0 Human Resources Implications

None.

Livestock (Amendment) Bill 2009

(No: of 2009)

ARRANGEMENT OF PROVISIONS

Clause

1. Title
2. Commencement
3. Amendment of Livestock Ordinance
4. New section 23 substituted
5. New section 24 substituted
6. New Schedule substituted

LIVESTOCK (AMENDMENT) BILL 2009

(No: of 2009)

(assented to: 2009)
(commencement: on publication)
(published: 2009)

A BILL

for

AN ORDINANCE

To amend the Livestock Ordinance (Title 5.3).

BE IT ENACTED by the Legislature of the Falkland Islands —

1. Title

This Ordinance is the Livestock (Amendment) Ordinance 2009.

2. Commencement

This Ordinance comes into force on publication.

3. Amendment of Livestock Ordinance

This Ordinance amends the Livestock Ordinance.

4. New section 23 substituted

Section 23 is repealed and the following section substituted —

“23. Annual returns

(1) A farmer must, on or before 30 June each year, complete and send to the Director of Agriculture a return containing the information specified in the approved form.

(2) The Director of Agriculture may publish information contained in a return submitted under subsection (1) unless it consists of the income of the farmer or any other person.

(3) Subsection (2) has effect in relation to an annual return submitted at any time after commencement of the Ordinance.”

5. New section 24 substituted

Section 24 is repealed and the following section substituted —

“24. Form

The form set out in the Schedule, or such other form as may be approved by the Director of Agriculture, must be used in relation to the annual return required under section 23.”

6. New Schedule substituted

The Schedule is revoked and the Schedule set out in the Schedule to this Ordinance is substituted.

SCHEDULE

SUBSTITUTED SCHEDULE

SCHEDULE

Section 23

Annual return for the year ending 31 May 20...

FARM NAME: _____

AREA (ha): _____

FALKLAND ISLANDS LIVESTOCK ORDINANCE

(Section 23)



20..../20....

IMPORTANT NOTICE

Failure to complete and return this form by 30 June in the relevant year can, under Livestock Ordinance, Section 20, result in a fine of £200 per day for each day overdue.

A glossary of terms and guidance notes for use with the Falkland Islands LIVESTOCK ORDINANCE return (section 23)

There has always been some discrepancy of terms when filling in the forms. Not all farmers will agree with this glossary, but for the purpose of filling in the forms and to obtain uniformity, please categorise animals as stated below. The explanations will go in the order in which they appear on the form.

SHEEP

Mature Ram: Any entire (not castrated) male sheep past its first shearing.

Hogget: A young sheep after weaning but prior to its first shearing.

Shearling: A sheep after its first shearing but before its second shearing.

Wether: A castrated male sheep.

Ewes Mated: this count should include all ewes mated in the year, including any shearlings and hoggets

Shearling ewes: this count should only include shearlings not mated

Ewe hoggets: this count should only include hoggets not mated

Mature Ewes not mated: this count should include all ewes over 2 years of age not mated in the year

Cast Sheep: Any sheep that have been selected for disposal after 31st May but before the main shearing next season.

Ewes mated the previous year to produce this year's lambs: This should be the same as that stated on last years form under Number of breeding ewes.

SHEARING and WOOL

Main Shearing: All shearing done during the recognised shearing season. E.g. Sheep shorn prior to slaughter should not be entered. They would be entered in the box asking for the '*Number of sheep shorn throughout the year that contribute to the other wool category*'.

All information required under '**WOOL CLIP**' should be from your bale book.

WOOL SALES FOR LAST CALENDAR YEAR: should be figures derived from your sales invoices. You are requested to examine these and show the Net Value of Wool Sold Between 01/01/... and 31/12/... (sterling) as the net Falkland Islands value to the farm of wool produced in the year.

CATTLE

Bulls: Entire (not castrated) male cattle over 1 year of age.

Cows: Any female cattle over 1 year of age.

Steers: Castrated male cattle over one year of age. All steers must go under the beef cattle heading.

Calves: All male and female cattle under one year of age.

Enter cattle as '**DAIRY**' or '**BEEF**'. E.g. If your business is mainly beef, but you have a few 'house cows' that are being milked, then those cows should go under '**DAIRY**'. Their calves would also go under '**DAIRY**' if the intention is to have them as replacement dairy cows, or '**BEEF**' if they are to be grown on for slaughter, sold for finishing or used as breeding animals for the beef herd.

HORSES

Stallions: Entire male horses over 1 year of age.

Geldings: Castrated male horses over 2 years of age.

Mares: Female horses over 2 years of age.

Yearlings: Geldings and Mares between 12 months and 2 years of age.

Foals: All horses under 12 months old.

PIGS

Breeding stock: Animals whose main purpose is breeding, not slaughter.

Boars: Males kept for breeding.

Sows: Females kept for breeding that have had at least one litter.

Gilts: Females kept for breeding that have not yet had their first farrowing (given birth to a litter).

Finishing Stock: Animals that will ultimately be slaughtered for pork or bacon and were never intended for breeding.

Not weaned: Piglets still with their mothers.

Weaned: Any animals between weaning and slaughter.

FARM POPULATION

This refers to the number of people living on the farm.

Adult males: Any men over the age of 18 years regardless of whether they work on the farm or not.

Adult females: Any women over the age of 18 years regardless of whether they work on the farm or not.

Under 18's: Anyone (including all children), under the age of 18 years whether they work on the farm or not.

Labour: Out of the categories above, state the number of those people who work on the farm.

STOCK MOVEMENT

Any animal entered in either the disposed of or acquired categories should only be entered once because an animal can only be disposed of or acquired by any single farm once. These figures should not include any of the culls stated in earlier sections of the form. They will become a part of next year's 'disposals'.

If there is not enough space provided on the form to record all of your farm's stock movements, please attach a sheet detailing such information.

Lambs: Any sheep for slaughter under one year old.

Mutton: Any sheep for slaughter over one year old acceptable for human consumption.

Culls: Any animal slaughtered that is not for consumption.

Disposal to the Abattoir: All animals sent to the abattoir for slaughter.

For all animals the term '**Culls**' means any animal selected for slaughter for a variety of reasons such as old age or breeding selection. In most cases, these animals will just be slaughtered and the carcasses disposed of in accordance with the current law on disposal. However, some animals selected for culling may be 're-directed' to a more profitable end (e.g. A 4 year old cow intended for breeding doesn't produce a calf or is a bad mother. She may be culled out for breeding selection but is suitable for slaughter for beef).

LAND UNDER CULTIVATION - This has been separated into Horticultural and Agricultural.

Horticultural: Typically crops such as potatoes, carrots, cabbages, cauliflowers, parsnips, salad vegetables, etc. This is asked for in approximate Kg's sold and is sub-divided into outdoor and indoor production.

Agricultural: Typically crops primarily grown for animal feed. A measure of approximate hectares is required.

Perennial: Pasture's are typically perennial because they grow year after year once they are prepared and sown, providing there is aftercare (fertilising, etc.)

Annual: These are crops that are sown each year and harvested/graze cropped.

FALKLAND ISLANDS LIVESTOCK ORDINANCE

(Section 23)

Farm Name		Owner	
Brand for horses and cattle		Earmark for Sheep	

SHEEP

No. of MATURE RAMS		No. of BREEDING EWES (all mated)	
No. of RAM HOGGETS		No. of EWES OVER 2 YRS (not mated)	
Total No. of RAMS			

No. of MATURE WETHERS		No. of SHEARLING EWES (not mated)	
No. of SHEARLING WETHERS		No. of EWE HOGGETS (not mated)	
No. of WETHER HOGGEST			
Total No. of Wethers		Total No. of EWES	

NO. of CAST SHEEP (stock to be disposed of before next shearing)	
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TOTAL NUMBER OF SHEEP on the farm at 31.05.20..	
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Number of Ewes mated in previous year to produce this year's lambs	
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Lambs marked

No. of RAM LAMBS		Lambing percentage	
No. of EWE LAMBS		(Number of lambs divided by number of ewes mated multiplied by 100 = lambing percentage)	
No. of WETHER LAMBS			
TOTAL			

SHEARING

WOOL CLIP

No. of SHEEP SHORN at main shearing(s)

Hoggets		Main shearing(s) wool clip (greasy Kg's)	
Shearlings		Other wool	
Wethers		TOTAL	
Ewes		Wool Shipped (greasy Kg's)	
Rams		Number of Bales Shipped	
TOTAL		Wool held on farm (greasy Kg's)	

Number of other sheep shorn throughout the year that contribute to the 'other wool' category	
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WOOL SALES FOR LAST CALENDAR YEAR

TOTAL WEIGHT OF WOOL SOLD BETWEEN 01.01.0.. AND 31.12... (Kg's greasy)	
TOTAL WEIGHT OF WOOL SOLD BETWEEN 01.01.0.. AND 31.12...(Kg's clean)	
TOTAL NET VALUE OF WOOL SOLD BETWEEN 01.01.0.. AND 31.12...(STERLING)	

CATTLE (DAIRY)	Number of animals	CATTLE (BEEF)	Number of animals
Bulls		Bulls	
Cows (over 2 years)		Cows (over 2 years)	
Cows (under 2 years)		Cows (under 2 years)	
Steers (over 2 years)	→	Steers (over 2 years)	
Steers (under 2 years)	→	Steers (under 2 years)	
Calves (any under one year old)		Calves (any under one year old)	
Total at 31.05.20..		Total at 31.05.20..	

TOTAL NUMBER OF CATTLE AT 31.05.20..	
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NUMBER OF COWS MATED IN PREVIOUS YEAR TO PRODUCE THIS YEAR'S CALVES	
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HORSES		DOGS	
Stallions		Adult Bitches	
Geldings		Bitch pups (under one year)	
Mares		Adult Dogs	
Yearlings		Dog pups (under one year)	
Foals		Total DOGS at 31.05.20..	
Total HORSES at 31.05.20..			

POULTRY and FOWL	Number of birds	PIGS	Number of animals
Cockerels		Breeding Stock:	↓
Hens		Boars	
Pullets		Sows	
Total of above		Gilts	
		Total breeding stock	
Geese		Finishers:	↓
Ducks		Not weaned	
Turkeys		Weaned	
Other		Total Finishing stock	
		Total PIGS at 31.05.20..	

OTHER LIVESTOCK ie Goats. Please use the blank tables below to detail any other farming livestock as at 31.05.20..

FARM POPULATION as at 31.05.20..

Adult Males	Adult Females	Under 18's	Labour

STOCK MOVEMENT

Animals disposed of to the abattoir between 1.06.20.. and 31.05.20..

SHEEP	Number of animals	CATTLE	Number of animals
Lambs (sheep under 1 year old)		Bulls	
Mutton (sheep over 1 year old)		Cows (over 2 years)	
Culls		Cows (under 2 years)	
TOTAL		Steers (over 2 years)	
		Steers (under 2 years)	
OTHER (please specify)	Number of animals	Calves (any cattle under 1 year)	
		Culls	
		TOTAL	
		PIGS	Number of animals
		Finished animals	
		Culls	
		TOTAL	

Other disposals

SHEEP	Number of animals	Purpose (mutton/dogs meat, sold for sheep replacement, culled for age or breeding selection, etc.)	Destination (if any)
Rams			
Lambs			
Mutton			
Hoggets			
Shearlings			
Others			
Culls			
TOTAL			

CATTLE	Number of animals	Purpose (beef/dogs meat, weaners, culled for age or breeding selection, etc.)	Destination (if any)
Bulls			
Cows (over 2 years)			
Cows (under 2 years)			
Steers (over 2 years)			
Steers (under 2 years)			
Calves (any cattle under 1 year)			
TOTAL			

PIGS	Number of animals	Purpose (pork, weaners, culled for age or breeding selection, etc.)	Destination (if any)
Boars			
Sows and Gilts			
Finished animals			
Weaners			
Culls			
TOTAL			

OTHER (please specify)	Number of animals	Purpose	Destination (if any)

Animals acquired/purchased between 1.06.20.. and 31.05.20..

SHEEP	Number of animals	Purpose (breeding ewes, replacement wethers, etc.)	Origins
Rams			
Hoggets			
Shearlings			
Between 2 nd shearing & 6 years			
Over 6 years of age			
TOTAL			

CATTLE	Number of animals	Purpose (breeding stock, finishing, etc.)	Origins
Bulls			
Cows (over 2 years)			
Cows (under 2 years)			
Steers (over 2 years)			
Steers (under 2 years)			
Calves (any cattle under 1 year)			
TOTAL			

PIGS	Number of animals	Purpose (pork, finishing, breeding, etc.)	Origins
Boars			
Sows and Gilts			
Weaners			
TOTAL			

OTHER (please specify)	Number of animals	Purpose	Origins

LAND UNDER CULTIVATION

HORTICULTURAL

Outdoor Production

Indoor Production (glass house or polyhouse)

Crop Type	Annual yield (approx. Kg's)	Crop Type	Annual yield (approx Kg's)

AGRICULTURAL

PERENNIAL CROP (pasture)	Number of hectares
Sown in the last 12 months	
Sown between 12 months and 5 years ago	
Sown between 5 and 10 years ago	
TOTAL hectares sown in the last 10 years	

ANNUAL CROP (forage/root)	
Crop Type	Hectares
TOTAL sown this year	

Please attach on a separate sheet any additional information that you have regarding any section of this form.

SERVICEABLE TRACTORS	
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I solemnly declare that the foregoing is, to the best of my knowledge and belief, a correct and accurate statement.

(signature)

This return must be made to THE DIRECTOR OF AGRICULTURE on or before 30 June 20...

OBJECTS AND REASONS

This Bill amends the Livestock Ordinance to —

- (a) permit, with effect from commencement of the Ordinance, the Director of Agriculture to publish information (other than income information) from a farmer's annual return;
- (b) permit the Director of Agriculture to approve a new form for an annual return;
and
- (c) substitute a new Schedule with an amended annual return form.