

STATUTORY LAND DESIGNATIONS IN THE FALKLAND ISLANDS

Health warning: *The text below is a summarised interpretation of the law as it currently stands. It should not be taken as a basis for any legal issue that may arise on any piece of land, and persons wishing to obtain detailed information on any aspect of the law should approach either the Environmental Planning Department or the Attorney General's Chambers.*

1. Introduction

- 1.1. The basis for environmental land designation results from the Conservation of Wildlife & Nature Ordinance (1999) (which amended the Wild Animals and Birds Protection Ordinance (1964) and the Nature Reserves Ordinance (1964)) and the National Parks Ordinance (1998).
- 1.2. This information sheet addresses National Nature Reserves, National Parks and Ramsar sites.

2. National Nature Reserves

- 2.1. The Conservation of Wildlife & Nature Ordinance (1999) creates a new category of designated land, namely a **National Nature Reserve (NNR)**. National Nature Reserves may extend to any area of land or marine waters (to a limit of three nautical miles).
- 2.2. **This replaces the old Nature Reserve and Wild Animal and Bird Sanctuary designation such that all Nature Reserves and Sanctuaries are now National Nature Reserves.**
- 2.3. A list of all NNRs is appended at Annex A.
- 2.4. NNRs may be designated on any Government owned land and on any private land with the consent of *all* owners, occupiers and those with any other legal interest in the land.
- 2.5. Government may, if they so wish, enter into management agreements with the owners or occupiers of any private land over the management of the land in question.
- 2.6. Government may also make regulations for the protection of NNRs either generally or specific to any particular NNR. The legislation allows Government to place limits on what can and what cannot be permitted or refused within NNRs.

3. Other Land Designations

- 3.1. There are two other designations of relevance here:
 - 3.1.1. **National Parks** and **Ramsar sites**.
- 3.2. **National Parks** are designated under the **National Parks Ordinance 1998** and are designated for the purpose of conserving natural beauty, wildlife and cultural heritage of the area in question.¹
- 3.3. There is an explicit right of access for open air recreation within National Parks.

¹ At the time of writing there is one candidate area, Hill Cove Mountains under consideration for designation.

- 3.4. National Parks may be designated on any Government owned land and on any private land with the consent of *all* owners, occupiers and those with any other legal interest in the land.
- 3.5. Designation as a National Park does not interfere in the right to use that land so long as it does not interfere with the fundamental right of access.
- 3.6. The legislation defines the rights and responsibilities of those using National Parks for open-air access. Any person who contravenes these responsibilities, loses the right of access and becomes a trespasser.
- 3.7. Some land within a National Park may be defined as 'excepted land' and would include land within the curtilage of private buildings, lambing paddocks, land under cultivation, telecommunications sites, quarries and mineral workings, minefields and any other land defined in any regulations made under the Ordinance.
- 3.8. Government may enter into access agreements for designation of land as National Park.
- 3.9. The Governor may make any subsidiary regulations regarding the use and/or management of National Parks
- 3.10. **Ramsar sites** are designated under the Ramsar Convention on Wetlands of International Importance², to which the Falkland Islands are a party by virtue of the UK's ratification of the Convention.
- 3.11. Ramsar sites may be designated on any Government owned land and on any private land with the consent of *all* owners, occupiers and those with any other legal interest in the land.
- 3.12. The designation process is the responsibility of the UK (Department of Environment, Fisheries and Rural Affairs) after approval by Falkland Islands Government. Sites are submitted to the Ramsar Secretariat for approval.
- 3.13. A list of candidate sites and designated sites is appended at Annex ...
- 3.14. Ramsar sites are not National Nature Reserves and there is no legislation governing their use or management, nor can government make regulations introducing any provisions for management.
- 3.15. **Marine Nature Reserves** are allowed for under the Conservation of Wildlife & Nature Ordinance (1999) but none currently exist.

² Ramsar refers to a location in Iran where the Convention was drawn up in 1971.