

EXECUTIVE ORDER ON THE PILOT WHALE DRIVE²

With the authority of § 3 and § 6, paragraph 3 of Parliamentary Act no 57 from 5 June 1984 on whaling, as amended by Parliamentary Act no. 92 from 13 June 1995, and § 17 and § 19, paragraph 2 of Parliamentary Act no 9 of 14 March 1985 on animal welfare with later amendments, the following will hereby apply:

I

ON THE SUPERVISION OF THE PILOT WHALE DRIVE

§ 1

The district administrator³ is responsible for the organisation of the pilot whale drive, and for ensuring that the driving and killing of the whales are conducted according to the regulations, and together with the whaling foremen, he must ensure that each and every person fulfils his duty.

2) Every year the district administrator draws up a whaling register, which is an overview of the population in the whaling district, how distribution is organised between boats or other arrangements. The district administrator can, in consultation with individual municipalities, decide on the precise format of the whaling register and whether the municipal register is used as a basis, or some other arrangement. The whaling register shall be accessible to the public.

3) Any basis for distribution, whether it is determined according to boat or in some other way, may not contain fewer than 50 shares, if the village concerned is of such a size.

§ 2

The owner of the boat, or a man in place of the owner is the foreman of the boat, and the district administrator or whaling foremen have the right to know at any given time who is the foreman of a boat.

2) The foreman of the boat is responsible for ensuring that all crew members fulfil their duty.

Whaling foremen

§ 3

In every whaling bay, four men are appointed as whaling foremen, as well as two deputy foremen.

2) The foremen are responsible for organising and overseeing a pilot whale drive, if the district administrator is not present, and they must carry out thoroughly all those duties for which the district administrator or they are responsible according to these regulations.

3) The district administrator shall appoint the whaling foremen, upon recommendation from the relevant village councils or town councils for a period of 5 years. If the whaling participants of a certain place are in agreement, whaling foremen may be appointed according to local custom.

4) Furthermore, the district administrator has the authority to summon or appoint at short notice other whaling foreman, if he considers this necessary.

5) The district administrator can also decide that appointed whaling foremen can also function as foremen for a temporarily approved whaling bay.

6) No-one under 60 years of age may refuse to become a whaling foreman.

¹ Executive Orders: Published 12 July 2013. (Translation dated 22.10.13)

² In Faroese: *Kunngerð um grind*. The word *grind* in Faroese denotes the entire activity of driving, killing and sharing pilot whales.

³ In Faroese: *sýslumaður*.

§ 4

It is not permitted to employ any kind of system, either on land, at sea or in the air which can affect the behaviour of whales, without prior permission from the Government of the Faroes.

II

ON THE MESSAGE OF A WHALE SIGHTING AND THE EQUIPMENT REQUIRED

§ 5

When a boat sights a school of pilot whales, a piece of cloth must be attached immediately to the masthead, as is the custom, and a message communicated to the district administrator, who shall relay the message further, while at the same time drawing attention to any prohibitions on whaling in accordance with § 10 or according to the Executive Order on the protection of whales.⁴ The district administrator shall immediately notify the Faroese Museum of Natural History when messages on sightings of pilot whales and other whale species are received.

2) If a school of pilot whales is sighted from land, the same procedure shall be followed.

§ 6

The regulation whaling equipment is: stones fastened to lines, loose stones, blunt blowhole hook attached to ropes (sisal or manila), spinal lance and whaling knives. The blunt blowhole hook and spinal lance shall be crafted from materials and have the shape and size as described in Annexes 1 and 2 of this Executive Order. Minor adjustments may be made to the blunt blowhole hook and the spinal lance, as long as these do not affect the technical functionality of these instruments. The iron hook is also authorised whaling equipment, but may only be used under special circumstances and with the express permission of the district administrator or whaling foreman in each individual case.

2) It is prohibited to use any other equipment than that referred to in paragraph 1. However, with special permission from the Government on a case by case basis, trials may be performed with equipment designed to improve the method of killing. Such trials shall be organised by the Government.

§ 7

The district administrator and the whaling foremen must have the Faroese flag or other identification authorised by the Government displayed on a short pole at the rear of the boat when they embark on a whale drive. The foreman's boat may carry a megaphone. The district administrator or the foreman may use VHF-radio to communicate with the participating boats and they decide which VHF-channel is used.

2) All persons with authority in accordance with this Executive Order must be clearly identified with a badge or uniform, which shall be approved by the district administrator.

III

ON THE DRIVING AND KILLING OF PILOT WHALES

Driving pilot whales

§ 8

The district administrator decides in consultation with whaling foremen from the different whaling bays and the boat which has first sighted the whales, which way the whales shall be driven. The whales must be driven to an authorized whale bay in accordance with § 13. Whaling foremen must follow the orders of the district administrator in accordance with §§ 8-12.

⁴ In Faroese: *Kunngerð um friðing av hvali.*

2) The most suitable whaling bay shall be chosen in relation to the size of the school of whales, as well as with regard to prevailing conditions and currents. It is not permitted to drive whales unless it is under the supervision of district administrators and/or whaling foremen.

§ 9

The district administrator can stop a whale drive or kill if he considers that circumstances so require. The district administrator can also decide that a school of whales shall be used for scientific purposes and shall not be killed.

§ 10

The Faroese Government can implement temporary bans on pilot whale drives in specific whaling districts. The bans may not be implemented without other whaling districts having had the possibility to request the shares of pilot whales from the whaling district in question in accordance with § 36.

§ 11

When the message of a whale drive is communicated, the district administrator can designate a particular area, whether on land, in the sea or in the air, as a whaling area. In this connection the district administrator can decide who is permitted to be in the area and he can order vessels, aircraft or people to leave the area immediately, regardless of whether or not they are participating in the whale drive.

2) In addition, the district administrator can at any time cordon off an area as a whaling area, whether on land, at sea or in the air and order anyone to refrain from entering the said area. It is not permitted to impede any drive or kill for which the district administrator has given permission in accordance with §§ 8 and 9.

§ 12

Anyone who has responsibility for the supervision of a whale drive shall immediately, as soon as he joins the activity, make sure that the regulations on the driving of whales are upheld.

2) Participants are obliged to follow all instructions and prohibitions issued by the district administrator in this connection.

Whaling bays

§ 13

The following are the authorized whaling bays:

1) The Northern Islands:

- a) Klaksvík, the beach below Víkarnar.
- b) Viðvík, the beach.
- c) Hvannasund.

2) Eysturoy:

- a) Fuglafjørður, the beach.
- b) Funningsfjørður, the estuary.
- c) Syðrugøta.
- d) Norðragøta, on the western side of the bay below the cemetery and on the north side of the beach.
- e) Norðskála, in Miðstovukrókur between Stórá and Garðsendi and below the church.

3) Streymoy:

- a) Tórshavn, Sandagerð.
- b) Leynar, the beach.
- c) Vestmanna, Fitjasandur.
- d) Hvalvík, around Oyrarnar on the Streymnes side.
- e) Tjørnuvík, the beach.

4) Vágoy:

- a) Miðvágur, the beach.

- b) Bøur, the beach.
- c) Sandavágur, the beach.

5) Sandoy:

- a) Sandur, the beach.
- b) Húsavík, the beach.

6) Suðuroy:

- a) Øravík, the beach.
- b) Trongisvágur, the beach.
- c) Hvalba, Lítlabergssandur, í Nesi and Hvalbiarsandur.
- d) Vágur.
- e) Fámjin.

Killing pilot whales

§ 14

When a school of pilot whales has come into an authorized whale bay, the district administrator and/or whaling foremen appointed in the whaling bay shall coordinate when and where the whales are driven ashore, and how the killing is organised.

2) The district administrator and whaling foremen must ensure that enough people are available on shore to kill the whales. They shall also ensure that the area around the whaling bay is free of other people so that the participants can carry out their work without interference.

3) Effort must be made, as far as possible, to ensure that the smallest boats are first in line, and the larger boats and vessels must then be in position furthest back, forming a barrier to prevent the whales from swimming out, and all other boats and people must otherwise carry out any instructions issued by the district administrator and whaling foremen.

§ 15

When the whales have been beached or are as close to shore as possible, the district administrator or whaling foreman shall give the order that the whales can now be killed.

2) Each single whale shall be secured with a blunt blowhole hook before the spinal incision is made. From 1 May 2015 the spinal incision must be done using the spinal lance.

3) Whales which are not beached may be hooked from land in the blowhole with the blunt blowhole hook and hauled ashore.

4) It is not permitted to use the iron hook from land or boats unless the district administrator or whaling foreman has given special permission. Nor is it permitted to kill whales from boats unless the district administrator or whaling foreman has given special permission.

§ 16

When the kill is made using the spinal lance, the incision must be made in the midline on the back one hand's breadth behind the blowhole. When the whale is in its death throes the spinal lance shall be moved from side to side to ensure all blood vessels in the spinal canal are severed.

2) Those killing the whales must ensure that each whale is dead, by assessing that the whale is lying straight, and that no eye movement is seen nor felt when touching the eye. Thereafter a cut shall be made with a whaling knife to the main ventral vessels on either side of the neck to extract as much blood as possible from the whale.

§17

If it is not possible to kill a whale with a spinal lance, the whale may be killed with the whaling knife, if the district administrator or whaling foreman has given special permission. A deep cut must be made one hand's breadth behind the blow hole from one side of the head to the other and then the

spinal cord must be severed. The main ventral vessels on either side of the neck shall then be severed.

Instruction and certification

§ 18

From 1 May 2015 only those having attended a course of instruction in the regulation whale killing equipment and methods, assessment of when a whale is dead, and the whaling laws and regulations will be permitted to kill whales.

2) The course shall consist of at least 2 hours of theory. The instruction materials shall be approved by the Government.

3) The district administrator ensures that courses are offered and issues the certificates of participation in the course.

§ 19

The district administrator or whaling foremen can demand to see the certificate of participation in a course in accordance with § 18.

§ 20

If a school of pilot whales driven into a bay is larger than the whaling bay can accommodate, the district administrator can stop the kill. It shall then be arranged for the rest of the whales to be driven out again.

2) If several unsuccessful attempts have been made to beach a school of pilot whales in the whaling bay to which it has been driven and it is not possible to beach the whales nor secure them with hooks, the district administrator together with the whaling foreman shall order the whales to be driven out again. The same applies to remaining groups of whales from a school.

3) All boats and people on land shall carry out whatever instructions are issued by the district administrator or whaling foremen.

IV

ON THE WATCH, GATHERING AND ASSESSMENT OF WHALES

Watch

§ 21

As soon as the whales are killed, the district administrator or the whaling foremen shall set immediate watch over sea and land and give the watchmen necessary instructions, including to ensure that the whales are kept whole, with the exception of opening their stomachs to cool the carcasses according to § 24, marking according to § 26 and possible use for instruction in killing techniques.

Gathering

§ 22

Under the supervision of the district administrator or whaling foreman, the whales shall be towed to another place, e.g. dock, hoisted up and placed there.

2) Where this is not practicable, the whales shall be hauled up from the shoreline and placed side by side, where possible, such that their heads remain above high tide.

3) All participants and boats are obliged to take part in the work outlined in paragraphs 1 and 2 as soon as the whales have been killed.

4) When all necessary work is completed, the whaling foremen shall send all boats and people ashore, and the names of the participants in the drive and kill shall then be registered. The registration of participants shall be conducted no later than one hour after all necessary work is completed.

5) No-one may gather in whales without permission from the district administrator or whaling foremen. All other boats must stay away.

§ 23

If there is any disagreement as to who is registered as a participant in the drive, the district administrator shall make a decision after consultation with the whaling foremen.

2) No-one may refuse to follow the instructions of the district administrator or whaling foremen.

§ 24

The watchmen shall open the whale carcasses so they do not spoil, and they must ensure that no unauthorized person has access to the whales. No unauthorized person has the right to approach or remove any part from a whale while the Faroese Museum of Natural History is carrying out scientific sampling.

2) No-one may refuse to follow the instructions of the watchmen.

Assessment

§ 25

The district administrator shall choose two, or if necessary more than two, known, independent and reliable people to assess the whales, as is the custom, according to the authorized measurement, such that a whale which is 3.14 m = 5 ells long from the eye to the anal opening is measured as a guilder, and the other whales are measured thereafter, also with regard to quality.

2) White-sided and bottlenose dolphins are assessed in relation to each individual drive. The district administrator decides how they shall be assessed.

§ 26

The assessment must be conducted as quickly as possible, in consultation between the district administrator and the assessors.

2) The assessors shall mark the *skinn*⁵ value in Roman numerals on the flipper and the consecutive number of the whale in Arabic numerals on each carcass head, and these numbers, along with the sex of each whale and its length in cm from the top of the melon to the base of the tail, are recorded in writing.

V

ON THE DIVISION AND DISTRIBUTION OF PILOT WHALES

Division

§ 27

Once all the whales have been numbered they shall be divided and shared out by the district administrator according to §§ 28-39.

Finder's whale

§ 28

A boat which finds a group of whales and follows it until the message is communicated, receives the finder's whale.

2) When whales are first sighted from land or from a boat which does not stay with the whales until other boats arrive, but which communicates the message, half of the finder's whale goes to those who have communicated the message, and the other half to the first boat which

⁵ *Skinn*: traditional measurement roughly equivalent to c.75 kg (both blubber and meat). NB: 20 *skinn* = 1 guilder = a whale of 3.14 metres or 5 ells.

reaches the whales. The same procedure applies when messages are relayed from one village to another and a boat from the second village is the first to reach the whales.

3) Those who are entitled to the finder's whale may pick out for themselves the largest whale, or smaller whales which constitute the same value in *skinn* as the largest whale.

4) If several people sight a school of pilot whales at the same time, the finder's whale shall be divided among them.

Watch

§ 29

For watch during the day $\frac{1}{2}$ *skinn* to each boat which is used, and $\frac{1}{2}$ *skinn* to each person. At night 1 *skinn* each.

Assessors

§30

Assessors receive 2 *skinn* for every hundred whales or otherwise at the discretion of the district administrator.

District administrator

§31

The district administrator receives 2 % of the total *skinn*.

Whaling foremen

§ 32

The whaling foremen each receive 1 % of the total *skinn*.

Damage inspectors

§ 33

The damage inspectors receive at least 1 *skinn* each as compensation, or otherwise at the discretion of the district administrator.

Division assistants etc

§ 34

The district administrator pays compensation to the division assistants etc. according to the amount and responsibility of the work.

Catch share

§ 35

Every person who has actually taken part in the drive and/or kill – in a boat or on shore – has the right to a catch share. The catch share is that compensation which such participants receive for their work. This work includes the drive or kill from boat or land, the gathering in of whales immediately after the catch until the whaling foreman give word and transporting of carcasses.

2) Boats and their crews from outside the district have the right to catch shares if they have participated in the drive or kill etc.

3) In order to receive a catch share one must be at least 14 years of age.

4) One participant is only entitled to one share, even if he has driven whales in one boat and killed from another or from land.

5) In negotiation with the whaling foremen, the district administrator can allot an extra share to the boats that have driven the whales, if the drive has been particularly long and difficult.

6) In cases where a school of whales has been held aside, the boats which did not take part in the drive, but only in the kill, may receive a catch share if the district administrator or a whaling foreman has asked them to participate.

7) The district administrator determines the size of the catch share.

8) A catch share is given to every person on a boat, with the following maximum allowances:

a) Eight-man boats and larger: maximum 8 catch shares.

b) Six-man boats: maximum 6 catch shares.

- c) Four-man boats: maximum 5 catch shares.
- d) Boats smaller than the above: maximum 3 catch shares.

Home share or whale

§ 36

These whales shall be set aside for the municipalities or local communities, which shall themselves arrange for distribution in the villages.

2) Home shares shall be divided according to the whaling register. If there are difficulties in sharing a catch of whales in a whaling district, the district administrator has the authority to share the whales among a specific municipality or municipalities, including to a municipality or municipalities beyond the whaling district in question.

Surplus whales and other

§ 37

It is necessary to compensate for sick and spoiled whales. If the entire catch is not shared, the district administrator must sell the surplus in the most suitable way.

When the catch is not divided into home shares

§ 38

If the home shares are not at least 1 *skinn* per boat, 50 people, after deductions have been made according to §§ 29-35., the remainder will be divided among the participants.

§ 39

If the district administrator, whale foremen and participants agree, the division may proceed as local custom has been. This also applies to the costs of material damages and clearing.

2) The district administrator arranges for the division of white-sided and bottlenose dolphins after each drive.

Clearing and removal

§ 40

The costs of material damages, and of clearing and removal of pilot whale remains etc. from the beach or the fjord where the whales were killed and on the wharf or other site where they were placed until the division was carried out, will be paid proportionally according to the number of *skinn* in the area where the catch was shared, including catch and boat shares.

2) If the catch is sold according to § 37 or § 45, paragraph 2, the revenue shall be used to pay damages from the whale drive, clearing and removal of remains. The proceeds can also be used for measures or activities which benefit the whale drive.

3) If the sale produces a profit, the surplus shall be placed in a fund to be used for the same purpose in a later whale drive in the district.

4) The removal of pilot whale carcasses in individual municipalities shall otherwise be done by the municipality itself, without cost to the catch of pilot whales.

Insurance and compensation

§41

All municipalities in the whale district take out a joint collective accident insurance against personal injury which may occur in the driving and killing of pilot whales. Payments are made in accordance with a payment scheme determined by the district administrator.

2) The district administrator has the authority to make arrangements with the municipality in the whale district for immediate payment of compensation for damage incurred during the drive, lost equipment, and clearing.

3) Damage incurred during whaling is:

1. Damage to boats, including damage to propeller and axle, oars and tillers

2. Broken and lost equipment
3. Lost and broken dentures and spectacles
4. Personal injury

4) Damage incurred during whaling shall be reported to the district administrator within 24 hours after the kill.

Whaling districts

§ 42

To each whaling bay, the following districts belong, where all receive full shares:

I Northern Islands district:

- a) To Hvannasund and Viðvík: The Northern Islands district.
- b) To Klaksvík: Northern Islands district and the eastern side of Eysturoy, Æðuvík and Gjógv.

II) District of Eysturoy:

- a) To Gøta, Fuglafjørður and Funningsfjørður: district of Eysturoy and Northern Islands west of Múli.
- b) To Norðskála: North Streymoy, district of Eysturoy, Kaldbak and Sund.

III) District of Streymoy:

- a) To Tórshavn: South Streymoy, Nólsoy, Hestur and Koltur.
- b) To Hvalvík and Tjørnuvík: North Streymoy, district of Eysturoy, Kaldbak and Sund.
- c) To Vestmanna and Leynar: North Streymoy, district of Vágur, western side of South Streymoy, Hestur and Koltur.

IV) District of Vágur: To both whale bays in the district of Vágur: Eastern side of Streymoy, Hestur and Koltur.

V) District of Sandoy: To both whale bays: the district of Sandoy

VI) District of Suðuroy: To all whale bays: the district of Suðuroy

§ 43

If whales are beached in any other location than the aforementioned whale bays, they shall be shared in the whale district in which they occur according to § 42.

§ 44

As soon as the division and distribution has been determined, the district administrator shall announce to those present how many whales there are, the total assessment (i.e. *skinn*) of the catch, how much there is per boat and he shall issue tickets specifying from which whales the different shares shall be taken.

§ 45

A whale which floats or is fished up after the district administrator has begun the division, but before the calculation of shares is completed shall be included in the division.

2) If whales float up within two hours after the tickets have been issued, one half becomes the property of those who find them, and the other half will be sold for the benefit of the catch. If a whale floats up later it is the sole property of the person who finds it.

§ 46

Municipal councils or other local communities in accordance § 36, are responsible for ensuring that the tickets for home shares are collected within an hour after they are issued and that the catch is shared to the people in the municipality or local community as soon as possible.

2) Participants have the duty to collect their shares within an hour after the tickets have been issued.

3) If the district administrator is informed and there is good reason, the time period of one hour specified in paragraphs 1 and 2 above can be extended to up to 3 hours.

4) Whales which are not collected or taken away by the specified time can be allotted to others.

3) Remains and entrails of whales shall be cleared away no later than 24 hours after the tickets have been issued.

§ 47

If special circumstances so require, such as if a catch is so large that there is a risk that it can spoil, or if it is uncertain whether the provisions on watch, gathering and assessment in §§ 21-26 or the provisions on division and distribution of a catch in §§ 27-46 can be fulfilled, the district administrator can make exceptions from these provisions. Such exceptions shall be made with due regard to the circumstances of the whale catch in question, with the primary aim of ensuring that the entire catch is utilised and nothing is spoiled.

§ 48

The district administrator shall send the Faroese Government the whale drive accounts and a brief report of the kill, including information on where and when the whales were found. He must also report if there have been any breaches of the regulations in this order. The district administrator must also report if there were orders to let a school of whales go, or to stop a kill in the district. The district administrator shall also report on any exceptions made under § 47 with a detailed explanation for the reasons.

2) No later than three days after a school of pilot whales or other whales are harvested the district administrator shall report the species, number of whales and number of skinn to the Faroese Government and Faroese Museum of Natural History.

3) The district administrator shall provide the Faroese Museum of Natural History with the assessment of the pilot whale catch made in accordance with § 26, paragraph 2.

§ 49

if no harsher penalty is issued according to any other law, breaches of the regulations in § 6, paragraph 2, §§ 8-13, §§ 15-17 and § 20, paragraph 3, in this Executive Order will be penalized by fine and if the breach is intentional, by imprisonment for up to 4 months according to § 19, paragraph 2, in the Parliamentary Act on animal welfare .

§ 50

This Executive Order takes effect the day after it is published.

2) At the same time Executive Order no 107 from 21 November 1989 on approval of whaling bays⁶, Executive Order no 166 from 27 August 1993 on temporary approval of whale bays⁷, Executive Order no 118 from 23 October 1996 on temporary approval of whale bays, Executive Order no 46 from 8 April 1998 on the pilot whale drive and Executive Order no 72 from 17 May 2000 on temporary approval of whale bays cease to be in force.

Ministry of Fisheries, 5 July 2013
Jacob Vestergaard (sign.), Minister

/ Rógvi Reinert (sign.)

⁶ In Faroese: *Kunngerð um góðkenning av hvalvágum.*

⁷ In Faroese: *Kunngerð um fyribilsgóðkenning av hvalvágum.*