



ST. HELENA

## CHAPTER 94

# AGRICULTURE AND LIVESTOCK IMPROVEMENT ORDINANCE and Subsidiary Legislation

### Non-authoritative Consolidated Text

This is not an authoritative 'revised edition' for the purposes of the Revised Edition of the Laws Ordinance; it has been prepared under the supervision of the Attorney General for the purpose of enabling ready access to the current law, and specifically for the purpose of being made accessible via the internet.

Whilst it is intended that this version accurately reflects the current law, users should refer to the authoritative texts in case of doubt. Enquiries may be addressed to the Attorney General at Essex House, Jamestown [Telephone (+290) 2270; Fax (+290) 2454; email [pa.lawofficers@legallandlands.gov.sh](mailto:pa.lawofficers@legallandlands.gov.sh)]<sup>1</sup>

Visit our [LAWS page](#) to understand the St. Helena legal system and the legal status of this version of the Ordinance.

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<sup>1</sup> These contact details may change during 2011 or early in 2012. In case of difficulty, email [shgwebsite@sainthelena.gov.sh](mailto:shgwebsite@sainthelena.gov.sh) or telephone (+290) 2470.

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## CHAPTER 94

AGRICULTURE AND LIVESTOCK  
IMPROVEMENT ORDINANCE

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## CHAPTER 94

## AGRICULTURE AND LIVESTOCK IMPROVEMENT ORDINANCE

*(Ordinances 5 of 1940, 4 of 1956, 11 of 1961,  
Legal Notice 4 of 1967 and Ordinances 3 of 1974 and 13 of 2012)*

AN ORDINANCE TO MAKE PROVISION FOR THE PRESERVATION AND PROTECTION OF THE SOIL AND FOR THE CONTROL AND IMPROVEMENT OF CROP PRODUCTION AND LIVESTOCK AND THE MARKETING THEREOF.

**Commencement**

*[30 July 1940]*

**Short title**

1. This Ordinance may be cited as the Agriculture and Livestock Improvement Ordinance.

**Interpretation**

2. In this Ordinance, unless the context otherwise requires—  
“**agricultural holding**” means a holding of not less than two roods of cultivable land;  
“**agricultural produce**” means any article produced or derived from farming operations and includes meat and all products derived from livestock;  
“**Committee**” means a Council Committee<sup>2</sup>;  
“**crop**” includes all trees grown either for timber, fuel, food production or any other purpose;  
“**disease**” includes damage by insects and other pests;  
“**livestock**” includes all cattle, sheep, goats, donkeys, pigs and poultry and any other animal which the Governor may by order declare to be included in the definition for the purpose of this Ordinance;

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<sup>2</sup> *The Agricultural and Natural Resources Committee — see LN 4/1967*

“owner” means every person for the time being in chief charge or control over an agricultural holding or livestock.

### Order by the Committee

3.<sup>3</sup> (1) The Committee if they consider—

- (a) that measures are necessary for the conservation of natural resources on any land; and
- (b) that having regard to all the circumstances it is just and equitable that such measures should be undertaken by the owner or occupier of such land,

may order in writing the owner or occupier as the Committee may decide to undertake or adopt such measures as they may deem necessary for the conservation of natural resources on such land and the prevention of injury to the natural resources on other land.

(2) Such Order may relate to any or all of the following matters—

- (a) prohibiting, regulating or controlling—
  - (i) the breaking or clearing of land for the purposes of cultivation;
  - (ii) the grazing or watering of livestock;
  - (iii) the firing, clearing or destruction of vegetation including stubble, when such prohibiting, regulating or controlling is deemed by the Chief Agricultural and Natural Resources Officer<sup>4</sup>, with the concurrence of the Agricultural and Natural Resources Committee, to be necessary—
    - (A) for the protection of land against storms, winds, rolling stones, floods or landslips;
    - (B) for the preservation of soil on ridges or slopes or in valleys;
    - (C) for preventing the formation of gullies;
    - (D) for the protection of the land against erosion or the deposit thereon of sand, stones or gravel;
    - (E) for the maintenance of water in a body or running stream;
    - (F) for the protection of roads, bridges or other lines of communication and for the protection of land from deterioration arising from the disposal of water from or through roads, bridges or other communications or structural works, aerodromes, factories or such other areas as may be prescribed;
    - (G) otherwise for the preservation of the soil and its fertility;
- (b) requiring, regulating or controlling—
  - (i) the afforestation or re-afforestation of land;
  - (ii) the protection of slopes, catchment areas or areas where rules made under paragraph (e) of this subsection are in force;
  - (iii) the drainage of land, including the construction, maintenance or repair of artificial or natural drains, gullies, contour banks, sponges, terraces and diversion ditches;
- (c) requiring the uprooting or destruction, without payment of any compensation therefor of any vegetation which has been planted in contravention of an order under subsection (1) of this section;
- (d) requiring the replanting or restoration of the grass cover or other vegetation of any land which has been removed;
- (e) requiring the supervision of unoccupied land;

<sup>3</sup> Section 3 amended by Ord. 4 of 1956, L.N. 4/1967, Ord. 3 of 1974 and Ord. 13 of 2012

<sup>4</sup> Gazette Notice No. 63 of 1 July 2011: Title changed to Director of Agriculture and Natural Resources

(f) prohibiting, restricting or controlling the use of land for any agricultural purposes including the grazing of stock.

(3) If any owner or occupier of land fails or neglects to carry out an order made under subsection (1) of this section within such reasonable time as may be fixed by the Committee, he shall be guilty of an offence for which the maximum penalty on conviction is a fine of £1000. A court in addition to any penalty it may impose shall make an order requiring the owner or occupier as the case may be to carry out within a specified time the order of the Committee.

(4) If any owner or occupier of land fails or neglects to carry out any order relating to paragraph (d) of subsection (2) of this section within such reasonable time as the Committee may have fixed, the Committee may direct the Chief Agricultural and Natural Resources Officer<sup>5</sup> to carry out or complete any works which are necessary to give effect to such order. The amount of the cost of such works shall be a debt due by the owner or occupier, as the case may be, to the Government and, until discharged, interest shall be charged thereon at a rate not exceeding 7 per centum per annum.

(5) Where an advance to an owner or occupier has been made by the Government to enable him to carry out an order under this section or the Chief Agricultural and Natural Resources Officer<sup>6</sup> has carried out or completed works which are necessary to give effect to such order, such advance or the amount of cost incurred by the Chief Agricultural and Natural Resources Officer shall be a debt due by such owner or occupier to the Government and, until discharged, interest shall be paid at a rate not exceeding 7 per centum per annum.

## Appeal

4.<sup>7</sup> Any person who considers any order made in terms of section 3 is inequitable, unreasonable or unduly harsh may within one month of the date of the order appeal to the Governor in Council whose decision shall be final.

## Rules

5.<sup>8</sup> (1) The Governor in Council may from time to time make rules for the following purposes—

- (a) declaring the kind of crop or agricultural produce which shall come under the operation of this Ordinance;
- (b) improving the cultural conditions of any crop, also the methods of its production, and the prevention of its destruction or waste;
- (c) improving the quality of any agricultural produce;
- (d) specifying any particular kind of crop, tree or plant, or variety thereof, as the kind or kinds which may or may not be grown, or which may or may not be destroyed;
- (e) the destruction of any diseased crop or agricultural produce with or without compensation to owner or owners thereof;
- (f) assisting and, if necessary, controlling transportation, preparation for market and marketing of agricultural produce for purposes of sale;
- (g) the inspection of any crop or agricultural produce;
- (h) the control and destruction of insect, fungus or other pest destructive to crops, plants or livestock;
- (i) the control and destruction of weeds and other noxious plants;

<sup>5</sup> Gazette Notice No. 63 of 1 July 2011: Title changed to Director of Agriculture and Natural Resources

<sup>6</sup> Gazette Notice No. 63 of 1 July 2011: Title changed to Director of Agriculture and Natural Resources

<sup>7</sup> Section 4 inserted by Ord. 4 of 1956

<sup>8</sup> Section 5 amended by Ord. 4 of 1956, Ord. 3 of 1974 and Ord. 13 of 2012

- (j) for defining or limiting the number, kind, ages and sexes of the livestock to be carried on any agricultural holding or other area;
- (k) for promoting the improvement of the quality of the livestock in any area and preventing losses from disease or other cause;
- (l) for the disposal of surplus and undesirable livestock;
- (m) prescribing measures for the protection and preservation of the soil and the prevention of erosion by wind and water;
- (n) providing for the appointment of inspectors and other officers to carry out the provisions of any rules under this Ordinance and investing them with powers necessary for the due execution of their duties and for giving effect to the purposes of this Ordinance or any rules thereunder;
- (o) for fixing and collecting fees and charges in connection with the operation of this Ordinance;
- (p) for generally carrying out the provisions of this Ordinance.

(2) Such rules may provide that any contravention thereof shall constitute an offence and prescribe maximum penalties, not exceeding £1000, on conviction for any such offence; and may provide for forfeiture to Her Majesty (by order of the court) of any crop or livestock in respect of which the contravention was committed.

### **Prohibition of free-ranging goats or sheep**

6.<sup>9</sup> (1) The owner of any goat or sheep who allows the goat or sheep to run on any Crown land is guilty of an offence for which the maximum penalty on conviction is a fine of £250 for every goat or sheep with respect to which the offence is committed.

(2) Any person appointed or authorized by the Committee in that behalf may kill or take any goat or sheep running on Crown land and shall dispose thereof by sale or otherwise as the Committee may direct, and the owner thereof shall not be entitled to any compensation in respect of any goat or sheep so killed or taken.

(3) In this section, “owner” in relation to a goat or sheep means the person for the time being in chief charge or control of the goat or sheep.

### **Return or estimate of acreage**

7.<sup>10</sup> It shall be lawful for the Committee by notice in the *Gazette* at any time to call upon owners to furnish within a specified time such estimates or returns of acreage under cultivation or of particular crops or of livestock as may be specified in the notice.

### **Penalty for failure to make return or estimate**

8.<sup>11</sup> Any owner or person required to make an estimate or return under this Ordinance who fails to make the estimate or return within the time within which he is required to make the return or estimate, or on being so required fails to give any information or explanation respecting the estimate or return which it is in his power to give is guilty of an offence for which the maximum penalty on conviction is a fine of £100 for every day during which the default continues.

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<sup>9</sup> Section 6(1) substituted by Ord. 13 of 2012 (as amended by Correction Notice L.N. 29/2012)

<sup>10</sup> Section 7 amended by L.N. 4/1967

<sup>11</sup> Section 8 amended by Ord. 13 of 2012

**LAND USAGE AND PROTECTION RULES – SECTION 5**

*(Legal Notice 5 of 1974)*

**Short title**

1. These rules may be cited as the Land Usage and Protection Rules.

**Application**

2. These rules shall not apply to plots used for residential purposes only or to land used for recreational purposes only.

**Interpretation**

3. In these rules, except where the context otherwise requires—  
“**authorised officer**” means the Chief Agricultural and Natural Resources Officer<sup>12</sup>;  
“**owner**” means the occupier or cultivator of the land or holder of the right in question;  
“**slope**” means the vertical interval expressed as a percentage of the horizontal distance between two points;  
“**vegetation**” means trees, palms, bamboos, stumps, brushwood, undergrowth, reeds or grass;  
“**watercourse**” means a natural channel or depression in which water flows either continuously or intermittently.

**Slopes exceeding 35%**

4. Any person who cultivates, cuts down or destroys any vegetation or grazes any livestock on any land of which the slope exceeds 35 per cent. shall be guilty of an offence:  
Provided that the authorised officer may authorise an owner to cultivate, graze livestock, cut down or destroy vegetation on such land subject to such conditions as he may decide.

**Slopes exceeding 20%**

5. The authorised officer may by written order prohibit cultivation or cutting down or destruction of vegetation on any land of which the slope exceeds 20 *per cent*.

**Slopes exceeding 12%**

6. (1) Any person who cultivates any land of which the slope exceeds 12 *per cent*, and does not exceed 35 *per cent*, when the soil is not protected against erosion by conservation works to the satisfaction of the authorised officer, shall be guilty of an offence.  
(2) Where the soil on any slope exceeding 12 *per cent*, is not in the opinion of the authorised officer adequately protected against erosion, he may, by written order, require the owner to construct such works or to carry out such repairs as he deems necessary within such reasonable period of time as may be specified in such order.  
(3) Any person who cultivates by ploughing or other means any land of which the slope exceeds 12 *per cent* except along the contour, or, except with the written permission of

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<sup>12</sup> Gazette Notice No. 63 of 1 July 2011: Title changed to Director of Agriculture and Natural Resources  
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the authorised officer, digs or ploughs any boundary furrows, trenches or ditches on such land, shall be guilty of an offence.

### **Land near watercourse**

7. Any person who, except with the written permission of the authorised officer, cultivates or destroys the soil, cuts down any vegetation or grazes any livestock, on any land lying within 6 feet of a watercourse, or in the case of a watercourse more than 6 feet wide, within a distance equal to the width of that watercourse to a maximum of 100 feet, shall be guilty of an offence.

### **Removal of water and prevention of erosion**

8. (1) Any person who uses any channel, ditch or drainage way which has been constructed for the removal of run-off water as a footpath, road, wagon track or livestock track shall be guilty of an offence, and the owners of the land over which such channel, ditch or drainage way passes, and of the adjoining land, shall comply with any orders issued by the authorised officer for the effective removal of run-off water and the avoidance of erosion.

(2) The owner of any land shall take such steps as the authorised officer may specify to prevent water from flowing on to any adjoining land in such manner as to cause the erosion thereof, and shall comply with such order as the authorised officer deems necessary to prevent such erosion.

### **Offences**

9. Any person who fails to comply with any order made or any conditions imposed under these rules shall be guilty of an offence.

### **Appeal**

10. Any person who is aggrieved by a decision taken, or an order made under these rules may, within 28 days of such decision or order appeal to the Governor in Council, whose decision shall be final and not questioned in any Court.

### **Penalties**

11. Any person who is guilty of an offence under these rules shall be liable on conviction to a fine not exceeding £200 or to imprisonment for a term not exceeding six months.



**PHORMIUM (CROP PROTECTION AND  
SOIL CONSERVATION) RULES – SECTION 5**

*(Legal Notices 3 of 1947 and 17 of 1956)*

**Short title**

1. These rules may be cited as the Phormium (Crop Protection and Soil Conservation) Rules.

**Interpretation**

2. In these rules, unless the context otherwise requires—  
“**phormium**” shall mean the plant Phormium tenax;  
“**sucker**” shall mean all living parts of the plant Phormium tenax, including the roots and the base of the leaves, but excluding those parts of the leaves normally used for manufacture in the production of fibre.

**Permission to remove suckers**

3. (1) Any person desiring to dig up or otherwise remove any growing sucker, for any purpose whatsoever, must previously obtain the consent of the Chief Agricultural and Natural Resources Officer<sup>13</sup>.

(2) The Chief Agricultural and Natural Resources Officer may in his discretion grant or refuse his consent, or grant his consent under such restrictions or conditions as he considers necessary.

**Penalties**

4.<sup>14</sup> Any person who shall—  
(a) dig up or otherwise remove any growing sucker, for any purpose whatsoever, without the consent of the Chief Agricultural and Natural Resources Officer<sup>15</sup> previously obtained; or  
(b) for the purpose of obtaining his consent, make any false or misleading statement to the Chief Agricultural and Natural Resources Officer or to any other person engaged or employed under his directions,  
shall be guilty of an offence and liable on conviction to a fine not exceeding £1.

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<sup>13</sup> Gazette Notice No. 63 of 1 July 2011: Title changed to Director of Agriculture and Natural Resources

<sup>14</sup> Rule 4 amended by L.N. 17/1956

<sup>15</sup> Gazette Notice No. 63 of 1 July 2011: Title changed to Director of Agriculture and Natural Resources

**LIVESTOCK IMPROVEMENT RULES – SECTION 5**

*(Legal Notices 24 of 1994 and 26 of 2009)*

**Short title**

1. These rules may be cited as the Livestock Improvement Rules.

**Interpretation**

2. In these rules the “**Board**” means the Board appointed under rule 3.

**Appointment of Board**

3.<sup>16</sup> The Committee must appoint a Board consisting of the Chief Agricultural and Natural Resources Officer<sup>17</sup> or his nominee as Chairman and not less than 2 and not more than 4 other members.

**Restriction on ownership, etc. of whole male animals**

4. (1) A person must not own or have in his possession or under his control—
- (a) a stallion donkey that has attained the age of 24 months; or
  - (b) a bull that has attained the age of 6 months; or
  - (c) a ram that has attained the age of 3 months; or
  - (d) an uncastrated male goat that has attained the age of 3 months; or
  - (e) a boar that has attained the age of 6 months,

unless a permit has been issued in respect of the animal by the Board, and that permit is still in effect.

(2) An application for a permit under subrule (1) must be made to the Chief Agricultural and Natural Resources Officer<sup>18</sup>.

- (3) The Board must not issue a permit in respect of an animal unless it—
- (a) has examined the animal; and
  - (b) as a result of that examination—is satisfied that the retention of the animal for breeding purposes would improve the stock of that type of animal on St. Helena.

**Revocation of permit**

5. The Board may at any time revoke a permit issued under rule 4 if it is satisfied that the retention of the animal for breeding purposes would no longer improve the stock of that type of animal on St. Helena.

**Animal to be castrated or killed**

6. Where—
- (a) an application for a permit under rule 4 is refused; or
  - (b) a permit is revoked under rule 5,

the owner of the animal or the person having control or possession of the animal—

<sup>16</sup> Rule 3 amended by L.N. 26 of 2009

<sup>17</sup> Gazette Notice No. 63 of 1 July 2011: Title changed to Director of Agriculture and Natural Resources

<sup>18</sup> Gazette Notice No. 63 of 1 July 2011: Title changed to Director of Agriculture and Natural Resources

- (i) must—
  - (A) cause the animal to be castrated in a manner approved by the Chief Agricultural and Natural Resources Officer<sup>19</sup>; or
  - (B) cause the animal to be killed, within 4 weeks of the refusal or revocation; and
- (ii) must until the animal is so castrated or killed keep the animal isolated from any female animal of its kind capable of producing progeny.

## Offences

- 7.** A person who—
- (a) owns or has possession or control of an animal contrary to rule 4(1); or
  - (b) fails to have an animal castrated or killed, or to keep it isolated in accordance with rule 6,
- is guilty of an offence and is liable on conviction to a fine not exceeding £200.

## Transitional

- 8.** Any permit issued under rules in force immediately before these rules have effect shall on these rules having effect be taken to be a permit issued under rule 4.
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<sup>19</sup> *Gazette Notice No. 63 of 1 July 2011: Title changed to Director of Agriculture and Natural Resources*  
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**NOXIOUS WEEDS RULES – SECTION 5**

*(Legal Notices 7 of 1974 and 26 of 2009)*

**Short title**

1. These rules may be cited as the Noxious Weeds Rules.

**Interpretation**

2. In these rules, except where the context otherwise requires—  
“clear” in relation to plants, means to dig up or pull up and burn, or employ other means of destruction authorised by the Committee;  
“Committee”<sup>20</sup> ...  
“declared area” means the Island of St. Helena or any area thereof in respect of which a plant has been declared under rule 3 of these rules to be a noxious weed;  
“inspector” means any person authorised in writing by the Committee to perform the duties of an inspector under these rules in an area specified by the Committee;  
“noxious weed” means any plant which the Governor in Council may from time to time declare by public notice to be a noxious weed either throughout the Island of St. Helena or in any area thereof;  
“person responsible” in relation to land, means the occupier of land, or, in the case of unoccupied land, the registered owner thereof or his agent in St. Helena.

**Declaration that plant a noxious weed**

3. The Governor in Council may by public notice—
  - (a) declare any plant to be a noxious weed in the Island of St. Helena or any area thereof which shall be specified in such notice; or
  - (b) vary or revoke such notice.

**Report and clearance of noxious weeds**

4. (1) It shall be the duty of every person responsible for any land within a declared area—
  - (a) to report to an inspector, to the Chief Agricultural and Natural Resources Officer<sup>21</sup> or the Committee the presence of any noxious weed thereon; and
  - (b) to clear such noxious weed, or cause such noxious weed to be cleared, from such land.
- (2) Any person who fails to comply with the provisions of this rule shall be guilty of an offence.

**Power of entry**

5. (1) An inspector may at all reasonable times enter upon any land situate in an area in respect of which he is authorised to be an inspector for the purpose of ascertaining whether any noxious weed or other weed exists thereon.

<sup>20</sup> Definition of “Committee” revoked by L.N. 26 of 2009

<sup>21</sup> Gazette Notice No. 63 of 1 July 2011: Title changed to Director of Agriculture and Natural Resources

(2) Any person who obstructs or attempts to obstruct or hinder an inspector in the exercise of his duties under this rule shall be guilty of an offence.

### **Notice to clear noxious weeds**

6. (1) If an inspector finds upon any land within a declared area any plant which has been declared under rule 3 of these rules to be a noxious weed, he may, by notice in writing to the person responsible for the land, require such person to clear the land of such noxious weed within a time to be specified in such notice.

(2) Such notice shall state the particular noxious weed which has been found upon the land on which such noxious weed has been found.

(3) Any person who fails to comply with the provisions of any such notice within the time specified in the notice shall be guilty of an offence.

### **Power to enter and eradicate noxious weeds**

7. (1) If the person responsible fails to clear the land within the time specified in a notice under rule 6 of these rules, an inspector may, upon receiving a written notice from the Committee, enter, with or without assistance, upon the land and eradicate or cause to be eradicated any noxious weed found thereon.

(2) Any expenses incurred in such eradication shall be a civil debt recoverable summarily from the person responsible at the suit of the Committee:

Provided that nothing in this rules shall relieve the person responsible of any penalty incurred under these rules in consequence of his failure to comply with the provisions of a notice under rule 6 of these rules.

### **Notices**

8. Any notice under rule 6 of these rules shall be in writing and may be served—

- (a) personally upon the person responsible; or
- (b) by having it addressed to the person responsible at his usual or last known place of abode; or
- (c) by registered post.

### **Importation, propagation, sale, etc**

9. Except with the written consent of the Committee, no person shall import into St. Helena any noxious weed or any part or seed thereof or in a declared area shall propagate, sow, sell or distribute or cause to be propagated, sown, sold or distributed any such weed or any part or seed thereof.

### **Penalties**

10. Any person who is guilty of an offence under these rules shall be liable to a fine not exceeding £100 or to imprisonment for a period not exceeding six months or to both such fine and imprisonment and in the case of a continuing offence to a fine not exceeding £5 or each day during which the offence continues.

**RODENT CONTROL AND DESTRUCTION RULES – SECTION 5**

*(Legal Notice 29 of 1988)*

**Short title**

1. These rules may be cited as the Rodent Control and Destruction Rules.

**Interpretation**

2. In these rules—

“**authorised Officer**” means the Senior Environmental Health Officer and such other persons as the Governor may from time to time appoint;

“**land**” includes any buildings and any other erection on land, and any cellar, drain or culvert in or under land;

“**occupier**” means, in the case of land not occupied by any tenant or other person, the owner of the land.

**Occupier to destroy rodents**

3. Every occupier of land shall take such steps as may from time to time be necessary and reasonably practicable for the destruction of rodents on or in any land of which he is the occupier, or for preventing such land from becoming infested with rodents.

**Occupier to report presence of rodents**

4. Every occupier of land in St. Helena who has reason to believe that rodents are present on his land shall report the fact to the authorised officer.

**Authorised officer may serve notice**

5. (1) Where an authorised officer is of the opinion that the occupier of any land has failed to take such steps as are required by rule 3 he may, with the prior approval of a Council Committee<sup>22</sup>, serve a notice on the occupier requiring him to take such steps as are prescribed in the notice, within a time specified therein.

(2) If an occupier fails to comply with the terms of a notice under this rule the authorised officer may, after not less than twenty-four hours previous notice to the occupier, enter upon the land and take such steps as are necessary and reasonably practicable for destroying the rodents on the land or of preventing the land from becoming infested with rodents, and may recover any reasonable expenses so incurred from the occupier of the land summarily as a civil debt.

**Power of entry**

6. An authorised officer or his representative may enter any land where he has reasonable cause for believing that rodents are present for the purpose of inspecting the land or of enforcing these rules in any respect.

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<sup>22</sup> *Public Health Committee* —see LN 4/1967

## Offences

7. Any person obstructing an authorised officer or his representative in the execution of his duties shall be guilty of an offence.

## DONKEY REGISTRATION RULES – SECTION 5

*(Legal Notice 4 of 1972 and Ord. 1 of 2001)*

### Short title

1. These rules may be cited as the Donkey Registration Rules.

### Interpretation

2. In these rules, unless the context otherwise requires—  
“authorised officer” means every person appointed as such for the purposes of these Rules by the Chief Agricultural and Natural Resources Officer<sup>23</sup>;  
“Department” means the Agricultural and Forestry Department;  
“keeps”, in relation to a donkey, includes harbouring that donkey for a period in excess of one month;  
“owner” in relation to a donkey—
  - (a) which is registered, means the person named in the register as the owner; or
  - (b) which is not registered or is under the age of six months, means the person who keeps the donkey.

### Duties of Department

3. (1) The Department shall be the registration authority for the purposes of these rules.  
(2) The Department shall keep a register in which shall be recorded, in relation to a donkey—
  - (a) the date of its registration;
  - (b) the name in full and address of the owner;
  - (c) the registration number assigned to the donkey.  
(3) A copy of the register shall be supplied to the Superintendent of Police, to the police station in Jamestown, to every sub-police station and to the Royal Society for the Prevention of Cruelty to Animals.

### Registration

4. (1) Subject to the provisions of subrules (5) and (7) of this rule, no person shall keep any donkey unless it has been registered.  
(2) The owner of the donkey concerned shall apply to the Department for its registration and shall cause the donkey to be produced to the Department for numbering.

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<sup>23</sup> Gazette Notice No. 63 of 1 July 2011: Title changed to Director of Agriculture and Natural Resources  
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(3) The application may be made either in person or by letter to the Department and shall give particulars of the name in full and address of the owner.

(4) On registration, the Department shall assign to the donkey concerned a registration number and that number shall be specified on an identification tag which shall be supplied by and affixed by the Department to the right ear of the donkey.

(5) The time limit for completion of registration shall be one month after the donkey has attained the age of six months.

(6) Any person who acquires a donkey by purchase or otherwise shall, within the time limit specified in subrule (5) of this rule in relation to that donkey, cause it to be registered in accordance with these rules or, where such donkey is already registered, within one month of the acquisition cause his name to be entered in the register as the new owner.

(7) A registration fee of 10 pence per donkey shall be paid to the Department.

### **Destruction of unregistered and unnumbered donkeys**

5. After the expiration of six months from the operative date, it shall be lawful for any authorised officer to shoot or otherwise destroy in a humane way any donkey that has not been registered in accordance with the provisions of these rules and is unnumbered, wherever that donkey may be.

### **Immunity from proceedings and from liability for compensation**

6. No action shall lie against the Department or any officer thereof or any authorised officer for any act done in good faith in pursuance of the provisions of rule 5 of these rules, and no compensation shall be payable to any person in respect of any such act.

### **Penalties**

7.<sup>24</sup> Any person who—

- (a) keeps an unregistered donkey in contravention of the provisions of rule 4 of these rules;
- (b) obstructs an officer authorised under the provisions of rule 5 in the execution of his duties,

shall be guilty of an offence and shall for every such offence be liable on summary conviction to a fine not exceeding £50 for the first offence and £100 for a second or subsequent offence.

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<sup>24</sup> Rule 7 amended by Ord. 1 of 2001