



ST. HELENA

CHAPTER 168

ANIMALS' TRESPASS ORDINANCE

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]¹

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

This version contains a consolidation of the following laws—

Page

ANIMALS' TRESSPASS ORDINANCE

2

Ordinance 13 of 1982 .. in force 22 December 1982

Amended by Legal Notice 13/1992

Amended by Ordinance 6 of 1993

Amended by Ordinance 8 of 1994

Amended by Ordinance 9 of 1995

Gazette Notice No. 63 of 1 July 2011

No Subsidiary Legislation has been made under this Ordinance

¹ These contact details may change during 2011 or early in 2012. In case of difficulty, email shgwebsite@sainthelena.gov.sh or telephone (+290) 2470.

CHAPTER 168**ANIMALS' TRESPASS ORDINANCE****ARRANGEMENT OF SECTIONS****SECTION**

1. Short title
2. Interpretation
3. Cattle, sheep, donkeys, goats and swine to be earmarked
4. Penalty for trespass
5. Fowl etc. trespassing may be shot
6. Certain animals may be shot
7. Animals may be impounded in private pound
8. Animals may be impounded in public pound
9. Food and water for impounded animals
10. Power to destroy, etc. impounded animals
11. Dogs worrying and trespassing
12. Stallions, dogs and bulls loose on highways, etc
13. Animals found loose in public place
14. Releasing
15. Procedure
16. Creation of pounds
17. Penalties do not bar actions
18. Fees and payments may be amended by Order

CHAPTER 168**ANIMALS' TRESPASS ORDINANCE**

*(Ordinance 13 of 1982, Legal Notice 13 of 1992,
Ordinances 6 of 1993, 8 of 1994 and 9 of 1995)*

AN ORDINANCE TO PROVIDE FOR THE PREVENTION OF TRESPASS BY ANIMALS.

Commencement

[22 December 1982]

Short title

1. This Ordinance may be cited as the Animals' Trespass Ordinance.

Interpretation

2. In this Ordinance, unless the context otherwise requires—

“domestic animal” means all such beasts and birds as by habit or training live in association with man: for example, cattle, horses, sheep, goats, pigs, poultry, cats and dogs;

“lawful occupier” shall include owner, tenant, or caretaker, or any one acting by order of the Governor in or upon any Crown land.

This e-version of the text is not authoritative for use in court.

Cattle, sheep, donkeys, goats and swine to be earmarked

3.² (1) All cattle, sheep, donkeys, goats and swine above the age of six months shall be earmarked.

(2) The owner of any animal required to be earmarked under the provisions of subsection (1) shall first register with the Chief Agricultural and Natural Resources Officer³ the mark he intends to use for the purposes of this section.

(3) The owner of any animal not marked in accordance with the provisions of this section, or marked with a mark not registered as hereinbefore provided shall be guilty of an offence and shall be liable on conviction to a fine not exceeding £25.

(4) Any person who without the written authority of the Chief Agricultural and Natural Resources Officer alters or removes the earmark of any animal to which this section applies shall be guilty of an offence and shall be liable on conviction to a fine not exceeding £25.

Penalty for trespass

4.⁴ If any cattle, horse, mule, ass, sheep, goat or swine trespass upon any land the lawful occupier of the said land may demand from the owner of such animal the sum of £10 for every animal so trespassing: payment whereof within 48 hours from the time of demand shall be a bar to all further or other proceedings for the same cause; alternatively such occupier may bring an action for trespass.

Fowl etc. trespassing may be shot

5.⁵ The lawful occupier of any land or any person acting with his authority may shoot or destroy any fowl, goat or sheep found trespassing thereon, and may remove the carcass to the boundary of the said land without being responsible to the owner of the said animal, or liable to an action at law or other process whatever.

Certain animals may be shot

6. (1) The Chief Agricultural and Natural Resources Officer⁶ or any person authorised by him may shoot or otherwise humanely destroy any sheep, goat, swine or ass found on the sides of Rupert's or Jamestown Valley or found trespassing on any Crown Land.

(2) The carcass of every animal so destroyed shall be disposed of in accordance with instructions given by the Chief Agricultural and Natural Resources Officer.

(3) In the exercise of their powers or the performance of their duties under this section neither the Chief Agricultural and Natural Resources Officer nor any person authorised by him under the provisions of subsection (1) shall be responsible to the owner of the animal destroyed, or liable to an action at law or other process whatever.

(4) Any person who without the authority of the Chief Agricultural and Natural Resources Officer shoots or otherwise destroys any sheep, goat, swine or ass found on the sides of Rupert's or Jamestown Valley or found trespassing on any Crown Land shall be guilty of an

² Section 3 amended by Ord. 6 of 1993 and Ord. 9 of 1995

³ Gazette Notice No. 63 of 1 July 2011: Title changed to Director of Agriculture and Natural Resources

⁴ Section 4 amended by L.N. 13/1992

⁵ Section 5 amended by Ord. 8 of 1994

⁶ Agricultural and Natural Resources Committee — see LN 4/1967

offence and shall be liable on conviction to a fine not exceeding £25 or to imprisonment for a term not exceeding two months.

Animals may be impounded in private pound

7.⁷ Any cattle, horse, mule, ass, sheep, goat, swine or dog found trespassing upon any land may be impounded in any private pound or enclosure, provided the person so impounding gives notice to the owner or to the Chief of Police⁸ or to any public pound-keeper, of the animal so impounded with a description of the marking, if any, within 48 hours; and the person so impounding may demand from the owner the sum of £10 for each day that such animal be lawfully detained, and in case the same be not paid he may send the animal to any public pound.

Animals may be impounded in public pound

8.⁹ (1) Any cattle, horse, mule, ass, sheep, goat, swine or dog found trespassing on the sides of Rupert's or Jamestown Valley may be impounded in a public pound, and the owner thereof shall, previous to such animal being released, pay to the poundkeeper £10 for every animal so impounded for the first twenty-four hours or part thereof and £10 for every subsequent twenty-four hours or part thereof that such animal remains in the pound.

(2) Any cattle, horse, mule, ass, sheep, goat, swine or dog found trespassing upon any other land may be impounded in a public pound, and the owner thereof shall, previous to such animal being released, pay to the poundkeeper £10 for every animal so impounded for the first twenty-four hours or part thereof and £10 for every subsequent twenty-four hours or part thereof that such animal remains in the pound.

(3) Of the pound fees payable under this section—

(a) if the land on which the animal was trespassing was not a public place—£1 shall be paid to the owner of the land the the remainder if the poundkeeper is a public officer shall be paid into the public revenue or, if the poundkeeper is not a public officer, shall be retained by the poundkeeper; or

(b) if the land on which the animal was trespassing was a public place—shall be paid into public revenue or, if the poundkeeper is not a public officer, shall be retained by the poundkeeper.

(4) Every poundkeeper shall maintain a register in which shall be recorded particulars of all animals impounded, the date and time such animals were impounded and released and the fees paid in respect of such animals.

Food and water for impounded animals

9.¹⁰ (1) Every public poundkeeper or other person lawfully detaining any animal shall provide it with sufficient food and water.

(2) Any person who neglects or fails to comply with the provisions of subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding £25.

Power to destroy, etc. impounded animals

⁷ Section 7 amended by L.N. 13/1992 and Ord. 9 of 1995

⁸ Gazette Notice No. 63 of 1 July 2011: Title changed to Director of Police

⁹ Section 8 amended by L.N. 13/1992 and Ord. 9 of 1995

¹⁰ Section 9 amended by Ord. 9 of 1995

10.¹¹ (1) The Chief Agricultural and Natural Resources Officer¹² may destroy or otherwise dispose of in such manner as he considers most appropriate any animal that has remained in a public pound for 5 days or more.

(2) Where—

- (a) the owner of an animal impounded in a public pound is informed by the pound keeper that the animal is available for collection on payment of the pound fees; and
 - (b) the owner of the animal fails or refuses to collect the animal; and
 - (c) the animal is destroyed or otherwise disposed of in accordance with subsection (1),
- the cost to the Government of destroying or otherwise disposing of the animal and the pound fees incurred up to the date the animal is destroyed or otherwise disposed of is a debt due to the Crown by the owner of the animal which may be sued for in a court of competent jurisdiction by the Chief Agricultural and Natural Resources Officer or by a person acting on his behalf.

Dogs worrying and trespassing

11.¹³ (1) Whenever any dog kills, wounds or worries any domestic animal or poultry the keeper of such dog shall be guilty of an offence and shall be liable on conviction to a fine not exceeding £150 for every animal so killed, wounded or worried.

(2) The lawful occupier of any land, or any person acting with his authority, may shoot or otherwise humanely destroy any dog found trespassing thereon and killing, wounding or worrying any domestic animal or poultry, without being responsible to the owner or keeper of the said dog, or liable to an action at law or other process whatever.

(3) The Magistrates' Court shall take cognisance of a complaint that a dog has trespassed on such land and has killed, wounded or worried any domestic animal or poultry thereon, and if it appears to the Court having cognisance of such complaint that such dog has trespassed on such land and has killed, wounded or worried any domestic animal or poultry thereon, the Court shall make an order requiring the keeper of the dog to have it humanely destroyed, and any person failing to comply with such order shall be guilty of an offence and shall be liable on conviction to a fine not exceeding £10 for every day during which he fails to comply with such order.

(4) The keeper of a dog for the purposes of this section means the person who is the keeper of such dog for the purposes of the Dogs and Cats Ordinance.

Stallions, dogs and bulls loose on highways, etc

12.¹⁴ (1) Whenever any horse or donkey stallion or dog above the age of twelve months, or any bull above the age of six months, is found loose in a public place as defined by section 2 of the Summary Offences Ordinance, the owner thereof shall be guilty of an offence and shall be liable on conviction to a fine not exceeding £25.

(2) For the purposes of this section “owner” in respect of a dog means the person who is the keeper of the dog for the purposes of the Dogs and Cats Ordinance.¹⁵

Animals found loose in public place

¹¹ Section 10 amended by Ord. 8 of 1994 and Ord. 9 of 1995

¹² Gazette Notice No. 63 of 1 July 2011: Title changed to Director of Agriculture and Natural Resources

¹³ Section 11 amended by Ord. 6 of 1993

¹⁴ Section 12 amended by Ord. 6 of 1993 and Ord. 9 of 1995

¹⁵ Cap. 163

13.¹⁶ (1) If any cattle, horse, mule, ass, sheep, goat or swine is found loose and unattended in a public place as defined by section 2 of the Summary Offences Ordinance, the owner thereof shall be guilty of an offence and shall be liable on conviction to a fine not exceeding £10 in respect of each animal.

(2) Any cattle, horse, mule, ass, sheep, goat or swine found loose and unattended in any such public place may be impounded in a private or public pound.

Releasing

14.¹⁷ Any person releasing or attempting to release any animal which has been lawfully seized and detained shall be guilty of an offence and shall be liable on conviction to a fine not exceeding £50 in respect of each such animal released or which is attempted to be released.

Procedure

15. Any contravention of this Ordinance may be heard and dealt with in a summary way by the Magistrates' Court.

Creation of pounds

16. It shall be lawful for the Governor¹⁸ by notice in the *Gazette* to constitute such public pounds as may be necessary, and from time to time to appoint any person to be the poundkeeper thereof.

Penalties do not bar actions

17. No penalty imposed under sections 11, 12 and 13 of this Ordinance shall be a bar to or prejudice any action at law which may be brought by any person who has suffered injury or loss.

Fees and payments may be amended by Order

18. The Governor in Council may by Order amend the amount of any fee or payment stated in money terms in this Ordinance but may not amend the amount of any fine.

¹⁶ Section 13 amended by Ord. 6 of 1993 and Ord. 9 of 1995

¹⁷ Section 14 amended by Ords. 6 of 1993 and 8 of 1994

¹⁸ Agricultural and Natural Resources Committee — see LN 4/1967