



ST. HELENA

## CHAPTER 95

# **PASTURAGE (GOVERNMENT LANDS) 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@legalandlands.gov.sh](mailto:pa.lawofficers@legalandlands.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.

This version contains a consolidation of the following laws—

	Page
<b>PASTURAGE (GOVERNMENT LANDS) ORDINANCE</b>	<b>2</b>
Ordinance 1 of 1938 .. in force 22 February 1938	
Amended by: Ord. 6 of 1956 .. in force 30 May 1956	
Ord. 4 of 1966 .. in force 9 June 1966	
L.N. 4 of 1967	
Gazette Notice No. 63 of 2011	
<b>PASTURAGE (GOVERNMENT LANDS) REGULATIONS</b>	<b>5</b>
Legal Notices 9 of 1966, 4 of 1967 and 1 of 1992	

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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.

## CHAPTER 95

## PASTURAGE (GOVERNMENT LANDS) ORDINANCE

## ARRANGEMENT OF SECTIONS

## SECTION

1. Short title
2. Interpretation
3. Powers of Governor in Council
4. Management of lay or common
5. Owners to send representatives on impounding days
6. Stray animals and animals in excess of authorised number to be impounded
7. The Animal Husbandry Fund
8. Damage caused by trespass
9. Charges for pasturage, fines, etc., to be recovered by distress and sale
10. Removal of stock before payment of dues
11. Crown rights of alienation reserved

## CHAPTER 95

## PASTURAGE (GOVERNMENT LANDS) ORDINANCE

*(Ordinances 1 of 1938, 6 of 1956, 4 of 1966 and Legal Notice 4 of 1967)*

AN ORDINANCE TO REGULATE AND CONTROL THE PASTURAGE OF ANIMALS ON GOVERNMENT LANDS.

**Commencement**

*[22 February 1938]*

**Short title**

1. This Ordinance may be cited as the Pasturage (Government Lands) Ordinance.

**Interpretation**

2.<sup>2</sup> In this Ordinance, and in any regulations made hereunder, unless the context otherwise requires—

“**Agricultural Officer**” means the Chief Agricultural and Natural Resources Officer<sup>3</sup> or such other officer as may be appointed by the Governor under this Ordinance;

“**animals**” means quadrupeds of the bovine family, horses, mules, asses and sheep;

“**Committee**” means a Council Committee<sup>4</sup>;

“**land**” means any land owned or leased by Government and expressly reserved by regulations made under this Ordinance for the pasturage of animals subject to such restrictions and conditions as may be prescribed by regulations made under this Ordinance.

<sup>2</sup> Section 2 amended by L.N. 4/1967

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

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

## Powers of Governor in Council

**3.<sup>5</sup>** It shall be lawful for the Governor in Council to make regulations, which may at any time be varied and revoked—

- (a) reserving any land as a lay or common for the pasturage of animals;
- (b) restricting the use of land for the pasturage of particular kinds of animals and limiting the number of any such animals;
- (c) prescribing fees for the pasturage of animals;
- (d) prescribing days and time for the impounding, shearing and branding or marking of sheep by the owners thereof;
- (e) requiring the castration or removal of animals within a prescribed age, save such animals that may be selected by the Agricultural Officer to be retained for breeding purposes;
- (f) requiring the removal or destruction of aged or unsuitable animals;
- (g) providing for the subdivision and fencing of any land, and for rotational grazing;
- (h) providing for the exclusion of any land unsuitable for grazing and for the afforestation thereof;
- (i) providing for the exclusion of animals, or a number thereof, in the event of any deficiency of water or herbage;
- (j) providing generally for the effective carrying out of the purposes of this Ordinance.

## Management of lay or common

**4.<sup>6</sup>** The Committee shall be responsible for the carrying out of this Ordinance and regulations made thereunder; and, subject to the approval of the Governor, the Committee shall employ such stockmen and labourers as may be deemed necessary for the purpose.

## Owners to send representatives on impounding days

**5. (1)** The owners of sheep authorised to be pastured on any land shall cause to be present on the prescribed days and time such representatives as may be required by regulations made under this Ordinance for the purpose of impounding, shearing, branding or marking sheep.

**(2)** Any owner neglecting to comply with any such regulation shall be liable to a fine not exceeding £5.

## Stray animals and animals in excess of authorised number to be impounded

**6. (1)** All animals which may be found on any land declared to be a lay or common under this Ordinance, save as may be permitted by any regulation made under this Ordinance, and also pigs and goats and animals in excess of the number which any individual owner is authorised to pasture, shall be impounded and dealt with as in cases of trespass.

**(2)<sup>7</sup>** Notwithstanding the provisions of subsection (1), if any person pastures on any land declared to be a lay or common under this Ordinance any animals in excess of the number he is authorised to pasture on such land, the Committee may order such person to remove from such land any animals in excess of the number such person is authorised to pasture and in the

<sup>5</sup> Section 3 amended by Ord. 6 of 1956

<sup>6</sup> Section 4 amended by L.N. 4/1967

<sup>7</sup> Section 6(2) inserted by Ord. 4 of 1966

event of such person failing to comply with such order he shall be liable to a penalty of one shilling in respect of each animal so ordered to be removed for each day the order remains uncomplied with.

### **The Animal Husbandry Fund**

7. All sums of money which shall be raised by virtue of this Ordinance, including the proceeds from sales of unclaimed animals and also goats and swine, shall be paid to the Financial Secretary for the purpose of forming a fund, which fund shall be styled the “Animal Husbandry Fund”; and the said fund, after defraying rent, wages and other expenses, shall be applied in improving the land and the breed of animals in such manner as the Governor in Council may decide.

### **Damage caused by trespass**

8. All damages and expenses incurred by, or in consequence of, any trespass committed by any animal admitted to pasture on any land declared to be a lay or common under this Ordinance shall be defrayed by and out of the said fund.

### **Charges for pasturage, fines, etc., to be recovered by distress and sale**

9.<sup>8</sup> All dues for pasturage, fines and other sums of money imposed or which may become payable by virtue of this Ordinance or regulations made hereunder, may be recovered by distress and sale of the stock of any animals, the property of the person so liable, that may be pastured on the land by an order in writing under the hand of the Committee.

### **Removal of stock before payment of dues**

10. All stock removed from any land before the dues thereon are paid, shall be liable to be distrained and impounded, wherever found, and sold for the amount of such dues and the expenses attending the distress.

### **Crown rights of alienation reserved**

11. Nothing herein contained shall affect or be construed or considered to affect the rights and prerogatives of Her Majesty, Her heirs and successors, to grant, sell, alienate, lease, resume or otherwise appropriate all or any of the lands declared to be a lay or common under this Ordinance:

Provided that six months’ notice shall be given by a public notice suitably displayed on the land.

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<sup>8</sup> Section 9 amended by L.N. 4/1967

**PASTURAGE (GOVERNMENT LANDS) REGULATIONS – SECTION 3**

*(Legal Notices 9 of 1966, 4 of 1967 and 1 of 1992)*

**Short title**

1. These regulations may be cited as the Pasturage (Government Lands) Regulations.

**Certain lands declared to be lays, etc.**

2. Each of the areas of Government land specified in the First Schedule to these regulations (hereinafter in these regulations referred to as “the lands”) shall be reserved as a lay or common for the pasturage of animals.

**Council Committee to determine number and kind of animals pastured**

3. The number and kind of animals that may be pastured at any time on any of the lands by any individual owner shall be determined by the Council Committee<sup>9</sup>:  
Provided that no sheep or goats shall be pastured on the lands.

**Fees**

4. The fees payable in respect of animals pastured on any of the lands shall be those set out in the Second Schedule to these regulations.

**Removal of aged or unsuitable animals**

5. The Chief Agricultural and Natural Resources Officer<sup>10</sup> may at his discretion order any animal that is aged or unsuitable for breeding to be removed from the lands or to be destroyed.

**Treatment of diseased animals**

6. If the Chief Agricultural and Natural Resources Officer<sup>11</sup> considers it necessary to treat any animal pastured on any of the lands for any disease or parasitic infection, he may require the owner of such animal to carry out such treatment or he may carry out such treatment himself and require the owner to pay the cost thereof.

**Management of pastures**

7. The Council Committee may for the better management of the lands—  
(a) fence or subdivide any of the lands and provide for rotational grazing;  
(b) exclude any area that is unsuitable for grazing and provide for the afforestation thereof.

<sup>9</sup> Agricultural and Natural Resources Committee — see LN 4/1967

<sup>10</sup> Gazette Notice No. 63 of 1 July 2011: Title changed to Director of Agriculture and Natural Resources

<sup>11</sup> Gazette Notice No. 63 of 1 July 2011: Title changed to Director of Agriculture and Natural Resources

**Exclusion of animals in case of deficiency of water, etc.**

8. The Council Committee may exclude any animals from any of the lands or any part thereof in the event of any deficiency of water or herbage.

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**FIRST SCHEDULE**

*(Regulation 2)*

**LANDS DECLARED TO BE LAYS OR COMMONS**

1. That area of land known as Greater Deadwood and entered as No. 96 in the General Register of Properties.
2. That area of land known as Sane Valley and entered as No. 241 in the Register of Deeds.
3. That area of land known as Thompson's Wood and entered as No. 1 in the General Register of Properties.

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**SECOND SCHEDULE<sup>12</sup>**

*(Regulation 4)*

**FEES FOR ANIMALS OVER 3 MONTHS OLD**

The fees for horses, donkeys, cattle and other permitted animals shall be £2 per head per month for day only pastures and £3 per head per month for full time pastures; part of a month being counted as one month.

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<sup>12</sup> *Second Schedule substituted by L.N. 1/1992*