



**ST HELENA**

**REVISED EDITION OF THE LAWS, 2017**

**LAND OWNERSHIP & USE**

**PASTURAGE (GOVERNMENT LANDS) ORDINANCE, 1938<sup>1</sup>**

*Ordinance 1 of 1938*

*In force 22 February 1938*

*Amended by Ordinances 6 of 1956 and 4 of 1966 and L.N. 4/1967*

*Subsidiary legislation:*

**PASTURAGE (GOVERNMENT LANDS) REGULATIONS, 1966**

*Legal Notice 9 of 1966*

*Amended by L.N. 4/1967, L.N. 1/1992*

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**PASTURAGE (GOVERNMENT LANDS) ORDINANCE, 1938**

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AN ORDINANCE to regulate and control the pasturage of animals on Government lands.

**Short title**

1. This Ordinance may be cited as the Pasturage (Government Lands) Ordinance, 1938.

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<sup>1</sup> Under section 10 of the Revised Edition of the Laws Ordinance, 1999 this text is authoritative and is the sole authentic edition in respect of the law contained in it as at 1 November 2017.

## **Interpretation**

2. In this Ordinance, and in any regulations made under it, unless the context otherwise requires—

“**Agricultural Officer**” means the Director of Agriculture and Natural Resources and any other officer whom the Governor is hereby empowered to appoint as an Agricultural Officer under this Ordinance;

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

“**Committee**” means the Council Committee;

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

## **Powers of Governor in Council**

3. The Governor in Council may make regulations—

- (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 times for the impounding, shearing and branding or marking of sheep by the owners of them;
- (e) requiring the castration or removal of animals within a prescribed age, except for any animals 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 of it;
- (i) providing for the exclusion of animals, or a specified number of them, 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. The Committee -

- (a) is responsible for the carrying out of this Ordinance and regulations made under it; and
- (b) subject to the approval of the Governor, must employ such stockmen and labourers as are considered necessary for the purpose.

## **Owners to send representatives on impounding days**

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

(2) An owner who neglects to comply with any such regulation commits an offence.

Penalty: A fine of £5.

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

6. (1) Subject to subsection (2), all animals which may be found on any land declared to be a lay or common under this Ordinance, except as permitted by regulations made under this Ordinance, and also pigs and goats and animals in excess of the number which any individual owner is authorised to pasture, must be impounded and dealt with as in cases of trespass.

(2) If any person pastures on any land declared to be a lay or common under this Ordinance any animals in excess of the number the person is authorised to pasture on such land, the Committee may order the person to remove from such land any animals in excess of the number the person is authorised to pasture.

(3) A person who fails to comply with an order under subsection (2) commits an offence.

Penalty: A fine of 10p in respect of each animal so ordered to be removed for each day the order remains uncomplied with.

### **The Animal Husbandry Fund**

7. (1) All sums of money raised by virtue of this Ordinance, including the proceeds from sales of unclaimed animals and also goats and swine, must be paid to the Financial Secretary for the purpose of forming a fund, to be styled the "Animal Husbandry Fund".

(2) The Animal Husbandry Fund, after defraying rent, wages and other expenses, must be applied in improving the land and the breed of animals in any manner the Governor in Council decides.

### **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 must be defrayed by and out of the Animal Husbandry Fund.

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

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

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

10. All stock removed from any land before the dues on them are paid, wherever found, are liable to be distrained and impounded and sold for the amount of the dues and

expenses occasioned by the distress.

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

**11. (1)** Except as provided by subsection (2), this Ordinance does not affect, and must not 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:

**(2)** If action as contemplated by subsection (1) is to be taken in relation to any land, 6 months' notice must be given by a public notice suitably displayed on the land.

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## **PASTURAGE (GOVERNMENT LANDS) ORDINANCE, 1938**

### **PASTURAGE (GOVERNMENT LANDS) REGULATIONS, 1966**

(Section 3)

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#### **Citation**

**1.** These Regulations may be cited as the Pasturage (Government Lands) Regulations, 1966.

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

**2.** Each of the areas of Government land specified in the First Schedule to these Regulations (“**the lands**”) is reserved as a lay or common for the pasturage of animals.

#### **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 are to be determined by the Committee; but no sheep or goats are to be pastured on the lands.

#### **Fees**

**4.** The fees payable in respect of animals pastured on any of the lands are those

set out in the Second Schedule to these Regulations.

### **Removal of aged or unsuitable animals**

5. The Director of Agriculture and Natural Resources may at his or her 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 Director of Agriculture and Natural Resources considers it necessary to treat any animal pastured on any of the lands for any disease or parasitic infection, he or she may require the owner of the animal to carry out such treatment or may carry out such treatment himself or herself and require the owner to pay the cost of it.

### **Management of pastures**

7. The 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 of the area.

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

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

## **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.

## **SECOND SCHEDULE**

(Regulation 4)

### **FEEES FOR ANIMALS OVER 3 MONTHS OLD**

The fees for horses, donkeys, cattle and other permitted animals are £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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