



ST HELENA

REVISED EDITION OF THE LAWS, 2017

ENVIRONMENT AND NATURAL RESOURCES

AGRICULTURE AND LIVESTOCK IMPROVEMENT ORDINANCE, 1940¹

*Ordinance 5 of 1940
In force 30 July 1940*

Amended by Ordinance 4 of 1956, 11 of 1961, 3 of 1974, 13 of 2012, L.N. 4 /1967

Subsidiary legislation:

PHORMIUM (CROP PROTECTION AND SOIL CONSERVATION) RULES, 1947

*Legal Notice 3 of 1947
Amended by L.N. 17/1956*

DONKEY REGISTRATION RULES, 1972

*Legal Notice 4 of 1972
Amended by Ordinance 1 of 2001*

LAND USAGE AND PROTECTION RULES, 1974

Legal Notice 5 of 1974

NOXIOUS WEEDS RULES, 1974

*Legal Notice 7 of 1974
Amended by L.N. 26 /2009*

RODENT CONTROL AND DESTRUCTION RULES, 1988

Legal Notice 29 of 1988

LIVESTOCK IMPROVEMENT RULES, 1994

*Legal Notice 24 of 1994
Amended by L.N. 26/2009*

AGRICULTURE AND LIVESTOCK IMPROVEMENT ORDINANCE, 1940

ARRANGEMENT OF SECTIONS

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¹ 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.

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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 of them.

Short title

1. This Ordinance may be cited as the Agriculture and Livestock Improvement Ordinance, 1940.

Interpretation

2. In this Ordinance, unless the context otherwise requires—
- “**agricultural holding**” means a holding of not less than 2 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;
- “**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 by order declares to be included in the definition for the purpose of this Ordinance;
- “**owner**” means every person for the time being in chief charge or control over an agricultural holding or livestock.

Order by the Committee

3. (1) If the Committee consider that—
- (a) measures are necessary for the conservation of natural resources on any land; and
 - (b) having regard to all the circumstances it is just and equitable that such measures should be undertaken by the owner or occupier of the land,
- may in writing order the owner or occupier, as the Committee decides, to undertake or adopt measures they consider necessary for the conservation of natural resources on that land and the prevention of injury to the natural resources on other land.

- (2) An order under subsection (1) 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;
 - (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 of any vegetation which has been planted in contravention of an order under subsection (1);
- (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;
- (f) prohibiting, restricting or controlling the use of land for any agricultural purposes including the grazing of stock.

(2A) An order contemplated by subsection (2)(a) may only be made if the if the prohibiting, regulating or controlling is considered by the Director of Agriculture and Natural Resources, with the concurrence of the 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;

(3) An owner or occupier of land who fails or neglects to carry out an order made under subsection (1) of this section within a reasonable time as fixed by the Committee commits an offence.

Penalty: A fine of £1,000.

(3A) A court in addition to any penalty it may impose under subsection (3) must 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 contemplated by paragraph (d) of subsection (2A) within a reasonable time as fixed by the Committee, the Committee may direct the Director of Agriculture and Natural Resources to carry out or complete any works which are necessary to give effect to the order.

(4A) The amount of the cost of any works carried out by the Director of Agriculture and Natural Resources under subsection (4) is a debt due by the owner or occupier, as the case may be, to the Government and, until discharged, interest is payable on it at a rate not exceeding 7% per annum.

(5) If an advance to an owner or occupier has been made by the Government to enable the owner or occupier to carry out an order under this section or the Director of Agriculture and Natural Resources has carried out or completed works which are necessary to give effect to such order, the advance or the amount of cost incurred by the Director of Agriculture and Natural Resources is a debt due by the owner or occupier to the Government and, until discharged, interest is payable on it at a rate not exceeding 7% per annum.

Appeal

4. Any person who considers any order under section 3 is inequitable, unreasonable or unduly harsh may within one month of the date of the order appeal to the Governor in Council.

Rules

5. (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 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 the owner or owners of it;
- (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 any insect, fungus or other pest destructive to crops, plants or livestock;
- (i) the control and destruction of weeds and other noxious plants;
- (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 made 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 such rules;
- (o) for fixing and collecting fees and charges in connection with the operation of this Ordinance;
- (p) generally for carrying out the provisions of this Ordinance.

(2) Rules made under subsection (1) may—

- (a) provide that any contravention of them constitutes an offence;
- (b) prescribe maximum penalties, not exceeding a fine of £1000, on conviction for any such offence; and
- (c) provide for forfeiture to the Crown (by order of the court) of any crop or livestock in respect of which the offence was committed.

Prohibition of free-ranging goats or sheep

6. (1) An owner of any goat or sheep who allows the goat or sheep to run on any Crown land commits an offence.

Penalty: A fine of £250 for every goat or sheep with respect to which the offence is committed.

(2) Any person appointed or authorised by the Committee for the purpose may kill or take any goat or sheep running on Crown land and must dispose of it by sale or otherwise as the Committee directs, and the owner of any goat or sheep so killed or taken is not entitled to any compensation in respect of it.

(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.

Returns or estimates of acreage or livestock

7. The Committee may by notice in the *Gazette* at any time require owners to provide within a specified time any returns or estimates of acreage under cultivation or of particular crops or of livestock specified in the notice.

Penalty for failure to make return or estimate

8. It is an offence for any owner or other person required to make a return or estimate under this Ordinance to fail to—

- (a) make the return or estimate within the time specified in the requirement; or
- (b) give any information or explanation respecting the return or estimate which it is in the power of the owner or person to give.

Penalty: A fine of £100 for every day during which the default continues.

AGRICULTURE AND LIVESTOCK IMPROVEMENT ORDINANCE, 1940

PHORMIUM (CROP PROTECTION AND SOIL CONSERVATION) RULES, 1947 (Section 5)

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Citation

1. These rules may be cited as the Phormium (Crop Protection and Soil Conservation) Rules, 1947.

Interpretation

- 2.** In these Rules, unless the context otherwise requires—

“**phormium**” means the plant *Phormium tenax*;

“**sucker**” means 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 Director of Agriculture and Natural Resources.

(2) The Director of Agriculture and Natural Resources may in his or her discretion grant or refuse consent, or grant consent under such restrictions or conditions as he or she considers necessary.

Penalties

4. It is an offence for a person to—
- (a) dig up or otherwise remove any growing sucker, for any purpose whatsoever, without the consent of the Director of Agriculture and Natural Resources previously obtained; or
 - (b) for the purpose of obtaining that consent, make any false or misleading statement to the Director of Agriculture and Natural Resources or to any other person engaged or employed under his or her directions.

Penalty: A fine of £1.

AGRICULTURE AND LIVESTOCK IMPROVEMENT ORDINANCE, 1940

DONKEY REGISTRATION RULES, 1972

(Section 5)

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Citation

1. These rules may be cited as the Donkey Registration Rules, 1972.

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 Director of Agriculture and Natural Resources;

“Department” means the department of the Government responsible for the administration of the Ordinance;

“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 6 months, means the person who keeps the donkey.

Duties of Department

3. (1) The Department is the registration authority for the purposes of these Rules.

(2) The Department must keep a register in which are to 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 must be supplied to the Director of Police, to the police station in Jamestown, to every sub-police station and to the St Helena branch of the Royal Society for the Prevention of Cruelty to Animals.

Registration

4. (1) Subject to sub-rules (5) and (7), no person may keep any donkey unless it has been registered.

(2) The owner of the donkey concerned must apply to the Department for its registration and cause the donkey to be produced to the Department for numbering.

(3) The application may be made either in person or by letter to the Department and must give particulars of the full name and address of the owner.

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

(5) The time limit for completion of registration is one month after the donkey has attained the age of 6 months.

(6) Any person who acquires a donkey by purchase or otherwise must -

- (a) within the time limit specified in sub-rule (5) in relation to that donkey, cause it to be registered in accordance with these Rules; or
- (b) if the donkey is already registered, within one month of the acquisition cause the person’s name to be entered in the register as the new owner.

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

Destruction of unregistered and unnumbered donkeys

5. After the expiration of 6 months from the operative date, any authorised officer may shoot or otherwise destroy in a humane way any donkey that has not been registered in accordance with these Rules and is unnumbered, wherever that donkey may be.

Immunity from proceedings and from liability for compensation

6. No action lies against the Department or any officer of it or any authorised officer for any act done in good faith pursuant to rule 5, and no compensation is payable to any person in respect of any such act.

Offences

7. It is an offence for a person to—

- (a) keep an unregistered donkey in contravention of rule 4;
- (b) obstruct an officer authorised under rule 5 in the execution of his or her duties.

Penalty: A fine of £50 for the first offence and £100 for a second or subsequent offence.

AGRICULTURE AND LIVESTOCK IMPROVEMENT ORDINANCE, 1940

LAND USAGE AND PROTECTION RULES, 1974

(Section 5)

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Citation

- 1. These rules may be cited as the Land Usage and Protection Rules, 1974.

Application

2. These Rules do 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 Director of Agriculture and Natural Resources;
 “**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 2 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. (1) Subject to sub-rule (2), any person who cultivates, cuts down or destroys any vegetation or grazes any livestock on any land of which the slope exceeds 35% commits an offence.

Penalty: As provided in rule 11.

(2) The authorised officer may authorise an owner to cultivate, graze livestock, cut down or destroy vegetation on land mentioned in sub-rule (1) subject to such conditions the officer decides.

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%.

Slopes exceeding 12%

6. (1) A person who cultivates any land of which the slope exceeds 12%, and does not exceed 35%, when the soil is not protected against erosion by conservation works to the satisfaction of the authorised officer, commits an offence.

Penalty: As provided in rule 11.

(2) Where the soil on any slope exceeding 12% is not in the opinion of the authorised officer adequately protected against erosion, the officer may, by written order, require the owner to construct any works or to carry out any repairs the officer considers necessary within a reasonable period of time as specified in the order.

(3) It is an offence for a person—

(a) to cultivate by ploughing or other means any land of which the slope exceeds 12% except along the contour; or

(b) except with the written permission of the authorised officer, to dig or plough any boundary furrows, trenches or ditches on such land.

Penalty: As provided in rule 11.

Land near watercourse

7. It is an offence for a person, except with the written permission of the

authorised officer, to—

- (a) cultivate or destroy the soil;
- (b) cut down any vegetation; or
- (c) graze 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.

Penalty: As provided in rule 11.

Removal of water and prevention of erosion

8. (1) A 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 commits an offence.

Penalty: As provided in rule 11.

(1A) The owners of the land over which a channel, ditch or drainage way as mentioned in sub-rule (1) passes, and of the adjoining land, must 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 must—
 - (a) take any steps the authorised officer specifies to prevent water from flowing on to any adjoining land in such a manner as to cause the erosion of the land; and
 - (b) comply with any order the authorised officer considers necessary to prevent such erosion.

Offences

9. Any person who fails to comply with an order made or any conditions imposed under these Rules commits an offence.

Penalty: As provided in rule 11.

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.

Penalties

11. A person who commits an offence under these Rules is liable on conviction to a fine of £200 or imprisonment for 6 months.

AGRICULTURE AND LIVESTOCK IMPROVEMENT ORDINANCE, 1940

NOXIOUS WEEDS RULES, 1974

(Section 5)

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Citation

1. These rules may be cited as the Noxious Weeds Rules, 1974.

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;
 - “**declared area**” means the Island of St. Helena or any area of it 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 declares by public notice to be a noxious weed either throughout the Island of St. Helena or in any area of it;
 - “**person responsible**” in relation to land, means the occupier of land, or, in the case of unoccupied land, the registered owner of it, or the owner’s agent in St. Helena.

Declaration that plant a noxious weed

3. The Governor in Council may by public notice declare any plant to be a noxious weed in the Island of St. Helena or any area of it specified in the notice.

Report and clearance of noxious weeds

4. (1) Every person responsible for any land within a declared area must—
 - (a) report to an inspector, to the Director of Agriculture and Natural Resources or to the Committee the presence of any noxious weed in the land; and
 - (b) clear such noxious weed, or cause it to be cleared from the land.
- (2) A person who fails to comply with sub-rule (1) commits an offence.
Penalty: As provided in rule 10.

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 or she is authorised to be an inspector for the purpose of ascertaining whether any noxious weed or other weed exists on that land.

(2) A person who obstructs or attempts to obstruct or hinder an inspector in the performance of his or her duties under this rule commits an offence.

Penalty: As provided in rule 10.

Notice to clear noxious weeds

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

(2) A notice under sub-rule (1) must state the particular noxious weed which has been found upon the land on which the noxious weed has been found.

(3) A person who fails to comply with any such notice within the time specified in it commits an offence.

Penalty: As provided in rule 10.

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, 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 on it.

(2) Any expenses incurred in eradication pursuant to sub-rule (1) are a civil debt recoverable summarily from the person responsible at the suit of the Committee.

(3) Action taken pursuant to sub-rule (1) does not relieve the person responsible of any penalty incurred under these rules in consequence of the person's failure to comply with a notice under rule 6.

Notices

8. Any notice under rule 6 must be in writing and may be served—

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

Importation, propagation, sale, etc

9. It is an offence for a person, without the written consent of the Committee, to -

- (a) import into St. Helena any noxious weed or any part or seed of a noxious weed; or
- (b) in a declared area, propagate, sow, sell or distribute or cause to be propagated, sown, sold or distributed any such weed or any part or seed of it.

Penalty: As provided in rule 10.

Penalties

- 10.** A person who commits an offence under these Rules is liable -
- (a) to a fine of £100 or to imprisonment for a 6 months, or both; and
 - (b) in the case of a continuing offence, to a fine of £5 for each day during which the offence continues.

AGRICULTURE AND LIVESTOCK IMPROVEMENT ORDINANCE, 1940

RODENT CONTROL AND DESTRUCTION RULES, 1988

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Citation

- 1. These Rules may be cited as the Rodent Control and Destruction Rules, 1988.

Interpretation

- 2. In these rules—
 - “**authorised officer**” means the Senior Environmental Health Officer and any other person the Governor from time to time appoints as an authorised officer for the purpose of these Rules;
 - “**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 person who is an occupier of land must take any steps that are necessary and reasonably practicable for the destruction of rodents on or in any land of which the person is the occupier, or for preventing such land from becoming infested with rodents.

Occupier to report presence of rodents

- 4. Every person who is an occupier of land in St Helena who has reason to believe that rodents are present on the land must report the fact to the authorised officer.

Authorised officer may serve notice

5. (1) If an authorised officer is of the opinion that the occupier of any land has failed to take the steps required by rule 3 the officer may, with the prior approval of the Committee, serve a notice on the occupier requiring the occupier to take the steps specified in the notice, within a time specified in it.

(2) If an occupier fails to comply with the terms of a notice under sub-rule (1), the authorised officer may -

- (a)* after not less than 24 hours previous notice to the occupier, enter upon the land and take any steps that are necessary and reasonably practicable for destroying the rodents on the land or of preventing the land from becoming infested with rodents; and
- (b)* 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 or her representative may enter any land where the officer has reasonable cause for believing that rodents are present, for the purpose of inspecting the land or of enforcing these Rules in any respect.

Offences

7. A person who obstructs an authorised officer or his or her representative in the execution of his or her duties commits an offence.

AGRICULTURE AND LIVESTOCK IMPROVEMENT ORDINANCE, 1940

LIVESTOCK IMPROVEMENT RULES, 1994

(Section 5)

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Citation

- 1.** These Rules may be cited as the Livestock Improvement Rules, 1994.

Interpretation

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

Appointment of Board

3. The Committee must appoint a Board consisting of the Director of Agriculture and Natural Resources or his or her nominee as Chair 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;
- (b) a bull that has attained the age of 6 months;
- (c) a ram that has attained the age of 3 months;
- (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 sub-rule (1) must be made to the Director of Agriculture and Natural Resources.

- (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 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. (1) If—

- (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 it must cause the animal—

- (i) to be castrated in a manner approved by the Director of Agriculture and Natural Resources; or
- (ii) to be killed, within 4 weeks of the refusal or revocation.

(2) In the circumstances mentioned in sub-rule (1) the owner or person having control or possession of an animal must until the animal is castrated or killed keep it isolated from any female animal of its kind capable of producing progeny.

Offences

- 7.** It is an offence for a person to—
- (a) own or have possession or control of an animal contrary to rule 4(1); or
 - (b) fail to have an animal castrated or killed, or to keep it isolated in accordance with rule 6.

Penalty: A fine of £200.

Transitional

- 8.** *Omitted*
-