



ST HELENA

REVISED EDITION OF THE LAWS, 2017

LAND OWNERSHIP & USE

ANIMAL TRESPASS ORDINANCE, 1982¹

*Ordinance 13 of 1982
In force 22 December 1982*

Amended by Ordinances 6 of 1993, 8 of 1994, 9 of 1995 and L.N. 13/1992

No subsidiary legislation to 1 November 2017

ANIMAL TRESPASS ORDINANCE, 1982

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AN ORDINANCE to provide for the prevention of trespass by animals.

Short title

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.

1. This Ordinance may be cited as the Animal Trespass Ordinance, 1982.

Interpretation

2. In this Ordinance, unless the context otherwise requires—
“**Director**” means the Director of Agriculture and Natural Resources;
“**domestic animal**” means all beasts and birds that by habit or training live in association with man: for example, cattle, horses, sheep, goats, pigs, poultry, cats and dogs;
“**lawful occupier**” includes owner, tenant, or caretaker, or any one acting by order of the Governor in or upon any Crown land.

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

3. (1) All cattle, sheep, donkeys, goats and swine above the age of 6 months must be earmarked.

(2) The owner of any animal required by subsection (1) to be earmarked must first register with the Director the mark the owner intends to use for the purposes of this section.

(3) The owner of any animal not marked in accordance with this section, or marked with a mark not registered as required by subsection (2), commits an offence.
Penalty: A fine of £25.

(4) A person who without the written authority of the Director alters or removes the earmark of any animal to which this section applies commits an offence.
Penalty: A fine of £25.

Penalty for trespass

4. (1) If any cattle, horse, mule, ass, sheep, goat or swine trespass upon any land the lawful occupier of the land may demand from the owner of the animal the sum of £10 for every animal so trespassing.

(2) Payment of the sum demanded under subsection (1) to the occupier within 48 hours from the time of demand is a bar to all further or other proceedings for the same cause; but the occupier may bring an action for trespass instead of making the demand.

Fowl, etc. trespassing may be shot

5. The lawful occupier of any land, or any person acting with the owner’s authority, may –
(a) shoot or destroy any fowl, goat or sheep found trespassing on the land; and
(b) remove the carcass to the boundary of the said land,
without being responsible to the owner of the animal, or liable to an action at law or any other process.

Certain animals may be shot

6. (1) The Director or any person authorised by the Director 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 must be disposed of in accordance with instructions given by the Director.

(3) In the exercise of their powers or the performance of their duties under this section neither the Director nor any person authorised by the Director under subsection (1) is responsible to the owner of the animal destroyed, or liable to an action at law or any other process.

(4) A person who without the authority of the Director 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 commits an offence.

Penalty: A fine of £25 or imprisonment for 2 months, or both.

Animals may be impounded in private pound

7. (1) Any cattle, horse, mule, ass, sheep, goat, swine or dog found trespassing upon any land may be impounded in any private pound or enclosure.

- (2) A person who impounds an animal pursuant to subsection (1) –
- (a) must within 48 hours give notice to the owner or to the Director of Police or to any public pound-keeper, of the animal so impounded with a description of the marking, if any;
 - (b) may demand from the owner the sum of £10 for each day that the animal is lawfully detained; and
 - (c) if the sum demanded is not paid, may send the animal to any public pound.

Animals may be impounded in public pound

8. (1) If any cattle, horse, mule, ass, sheep, goat, swine or dog is found trespassing on the sides of Rupert's or Jamestown Valley –

- (a) the animal may be impounded in a public pound; and
- (b) the owner of the animal must, before it can be released, pay to the pound-keeper £10 for every animal so impounded for the first 24 hours or part thereof and £10 for every subsequent 24 hours or part thereof that the animal remains in the pound.

(2) *Omitted (identical to (1))*

- (3) Of the pound fees for every animal payable under this section—
- (a) if the land on which the animal was trespassing was not a public place, - £1 is to be paid to the owner of the land and the remainder, if the pound-keeper is a public officer, is to be paid into the public revenue or, if the pound-keeper is not a public officer, be retained by the pound-keeper;
 - (b) if the land on which the animal was trespassing was a public place - the whole is to be paid into public revenue or, if the pound-keeper is not a public officer, be retained by the pound-keeper.

(4) Every pound-keeper must maintain a register in which must be recorded

particulars of all animals impounded, the date and time they were impounded and released and the fees paid in respect of them.

Food and water for impounded animals

9. (1) Every public pound-keeper or other person lawfully detaining any animal under this Ordinance must provide it with sufficient food and water.

(2) A person who neglects or fails to comply with subsection (1) commits an offence.

Penalty: A fine of £25.

Power to destroy, etc. impounded animals

10. (1) The Director may destroy or otherwise dispose of in such manner as the Director considers most appropriate any animal that has remained in a public pound for 5 days or more.

(2) If—

(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;

(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 and may be sued for in a court of competent jurisdiction by the Director or by a person acting on the Director's behalf.

Dogs worrying and trespassing

11. (1) If a dog kills, wounds or worries any domestic animal or poultry, the keeper of the dog commits an offence.

Penalty: A fine of £150 for every animal so killed, wounded or worried.

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

(3) The Magistrates' Court must –

(a) take cognisance of a complaint that a dog has trespassed on land as mentioned in subsection (2) and has killed, wounded or worried any domestic animal or poultry on the land; and

(b) if it appears to the court that the dog has trespassed on the land and has killed, wounded or worried any domestic animal or poultry on the land, must make an order requiring the keeper of the dog to have it humanely destroyed.

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

Penalty: A fine of £10 for every day during which the person fails to comply with the order.

(4) For the purposes of this section the keeper of a dog is the person who is the keeper of the dog for the purposes of the Dogs and Cats Ordinance, 2011.

Stallions, dogs and bulls loose on highways, etc

12. (1) If a horse or donkey stallion or dog above the age of 12 months, or any bull above the age of 6 months, is found loose in a public place as defined by section 2 of the Summary Offences Ordinance, 1975, the owner of the animal commits an offence.

Penalty: A fine of £25.

(2) For the purposes of this section the owner of a dog is the person who is the keeper of the dog for the purposes of the Dogs and Cats Ordinance, 2011.

Animals found loose in public place

13. (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, 1975, the owner of the animal commits an offence.

Penalty: A fine of £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. A person who releases or attempts to release any animal which has been lawfully seized and detained commits an offence.

Penalty: A fine of £50 in respect of each animal released or 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. A Council Committee may by notice in the *Gazette* constitute any public pounds that are necessary, and from time to time to appoint any person to be the pound-keeper of a pound so constituted.

Penalties do not bar actions

17. A penalty imposed under section 11, 12 or 13 is not a bar to or affect 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.
