

# RODRIGUES CATTLE REGULATIONS 1916

**GN 185/1916**

**Lane 1/690 - section 158 - 16 September 1916**

## **RODRIGUES, ST. BRANDON AND AGALEGA**

1. These regulations may be cited as the **Rodrigues Cattle Regulations 1916**.

### **2. Definition of terms**

In these regulations-

"animal" includes cattle as herein before defined, and also dogs and cats;

"cattle" includes bulls, cows, oxen, heifers, calves, goats, sheep and all other ruminating animals, also horses, mares, geldings, mules and asses;

"cattle walk" means any State land defined and reserved by the Island Secretary as pasturage for cattle;

"officer" means a member of the Police Force or a Forest Ranger;

"owner" shall mean every person who is the sole or part owner of any animal; and in the case of dogs, the person who shall be in the actual possession of the house, place or premises where such dog shall be found shall be deemed to be the owner, unless reasonable proof to the contrary is adduced.

**Amended by [\[Act No. 70 of 1950\]](#); [\[Act No. 21 of 1974\]](#); [\[Act no. 31 of 1982\]](#) ;[\[Act No. 3 of 1988\]](#); [\[Act No. 12 of 1990\]](#); [\[Act No. 48of 1991\]](#)**

3. **Repealed by [\[GN No. 139 of 1973\]](#)**

### **4. Cultivation within cattle walk authorized**

The Island Secretary may authorize planters to cultivate within the limits of a cattle walk.

**Amended by [\[Act No. 12 of 1990\]](#)**

### **5. Cattle when not penned to be under the care of a keeper or guardian**

(1) Owners of cattle within a cattle walk shall have their cattle between sunrise and sunset, when such cattle are not penned, under the care of a keeper or guardian approved of by the Island Secretary.

(2) Owners of cattle shall register the names of their guardians or keepers at the Police Office at Port Mathurin and state the locality appointed to them as a cattle walk.

- (3) Owners of cattle who do not comply with the provisions of this regulation shall be liable to a fine not exceeding 20 rupees.

**Amended by [\[GN No. 4 of 1950\]](#); [\[Act No. 3 of 1988\]](#); [\[Act No.12 of 1990\]](#)**

## **6. Cattle within cattle walk to be penned during certain hours**

- (1) Owners of cattle in a cattle walk shall cause their cattle to be penned between sunset and sunrise.
- (2) Owners of cattle who allow their cattle to stray during the period aforesaid shall be liable to a fine not exceeding 100 rupees.

## **7. Cattle outside cattle walk to be penned**

- (1) Subject to the provisions of this regulation, owners of cattle not within a cattle walk shall cause them to be penned at all times except-
- (a) when the cattle are being taken to the seashore for exportation, and
- (b) when the owner thereof has a written permission from the Island Secretary allowing his cattle to cross State lands not within a cattle walk or private lands.
- (2) Owners of cattle that are found at any time contrary to the above provisions or straying on State lands not within a cattle walk or on private lands, shall be liable to a fine not exceeding 100 rupees.
- (3).... (a) The Island Secretary may, by notice affixed in that behalf to any premises or at such places as he shall think fit, prohibit the keeping of goats and sheep anywhere except on such areas of the cattle walk as shall be specified in such notice.
- (b) Any person causing or allowing goats and sheep to be kept in contravention of the provisions of the preceding sub-paragraph shall be liable to a fine not exceeding 100 rupees.

**Amended by [\[GN No.159 of 1945\]](#); [\[Act No. 3 of 1988\]](#); [\[Act No. 12 of 1990\]](#); [\[Act No. 48 of 1991\]](#)**

## **8. Straying animals may be killed**

The Island Secretary may give special authority-

- (a) to any person to kill dogs found amongst growing crops or causing any damage thereto; and
- (b) to any officer to shoot cattle found straying contrary to the provisions of these regulations, and the owner of the animal so killed shall not be entitled to compensation.

**Amended by [\[GN No.226 of 1946\]](#); [\[Act No. 3 of 1988\]](#); [\[Act No. 12 of 1990\]](#)**

## **9. Cattle straying or defiling water courses may be seized**

Cattle found-

- (1) straying or lying upon a public road without a person in charge thereof;
- (2) straying in a cattle walk between the hours of sunset and sunrise;
- (3) straying at any time on State lands not within a cattle walk or on private lands;
- (4) whether straying or not in any region where that type of cattle should not be kept according to any regulation in force or any order made or notice issued by the Island Secretary under such regulation;
- (5) defiling the water of any canal or water-course supplying water for the use of man in any village, hamlet or premises,

may be seized by any person whatsoever and taken to the nearest Police Station or to any other place appointed for the impounding of cattle.

**Amended by [\[GN No. 67 of 1945\]](#); [\[Act No. 3 of 1988\]](#); [\[Act No. 12 of 1990\]](#); [\[Act No. 48 of 1991\]](#)**

#### **10. Sale of cattle not claimed**

- (1) If within eight days of the seizure and after due notice to that effect posted for not less than three days at the Court House and Police Station, the cattle seized be not claimed, they may be sold by public auction.
- (2) The proceeds of the sale shall, after deduction of all fees provided for in Schedules A and B hereto, be paid to the general revenue of Rodrigues.
- (3) Such fees shall after deduction of all charges of prosecution and other expense be paid to the officer of Police or forest officer who effected the seizure.

#### **11. Delivery of seized cattle on payment of charges**

- (1) Where cattle seized under these regulations are claimed by the owner within the period prescribed by the last preceding regulation they shall be delivered to him upon payment of (a) the fee mentioned in Schedule A to the person who seized and impounded them (b) the poundage expenses mentioned in Schedule B.
- (2) In default of payment within forty-eight hours of the time of application the cattle seized may be sold by public auction and the proceeds of the same applied to the payment of the charges aforesaid and of the fine, if any, inflicted. Any surplus remaining shall be handed over to the owner of the animals.

**11A. Cattle found straying liable to confiscation in certain cases**

Notwithstanding anything in the last preceding regulation, cattle found straying in contravention of these regulations whose owner shall, within twelve months of such contravention, have been convicted for unlawfully allowing cattle to stray, shall, irrespective of any fine which may be imposed on such owner, be liable, in the discretion of the Island Secretary to be confiscated.

**Amended by [\[GN No. 4 of 1950\]](#); [\[Act No. 3 of 1988\]](#); [\[Act No. 12 of 1990\]](#)**

**12. Penalty for killing or wounding cattle within the cattle walk**

Any planter cultivating land within a cattle walk who wilfully kills or wounds any cattle authorized to be depastured in the cattle walk shall be liable to be at once ejected from such land without prejudice to the rights of the owner of the cattle to sue him in damages, provided such owner shall have complied with the provisions of these regulations.

**13. Articles of the Criminal Code not interfered with**

Articles 358,359,360 and 361 of the Criminal Code are in no way affected by these regulations.

**14. Power of entry**

Any officer, for the purpose of enforcing the provisions of these regulations, may enter without warrant on any State land whether such State land is leased or not.

**Amended by [\[Act No. 48 of 1991\]](#)**

**15. Remuneration to custodian of animals impounded**

Whoever shall either by order of a Judge or Magistrate or Police officer, or under the operation of any law or regulations in force in Rodrigues, impound or have the custody of animals not belonging to himself, shall be entitled to receive either from the Consolidated Fund or owner of the animal impounded or had in custody, as the case may be, the poundage expenses mentioned in Schedule B.

**16. Obstructing officer**

Any person letting loose, or attempting to let loose any animal from the place where they shall have been impounded, and every person who for such purpose shall pull down, destroy, or cause any damage or injury to any part of the pound, or who wilfully obstructs an officer in the execution of his duties under these regulations or rescues or attempts to rescue from the custody of such officer or from that of a private individual any animal seized in compliance with the provisions of these regulations shall be liable to imprisonment not exceeding three months and to a fine not exceeding 100 rupees.

**17. Definition of terms**

"Cattle owners" shall mean owners of cattle using the cattle walk to depasture their cattle.

**18. Declaration of places where cattle are penned**

Cattle owners when making the declaration of the taxes due by them for their cattle under regulation 4 of the Rodrigues Recovery of Taxes Regulations 1943, shall declare the place where their cattle are penned; any person failing to make such declaration or making a false declaration shall be guilty of an offence.

**19. Cattle within cattle walk to be kept in pen on certain days**

The Island Secretary by notices posted up at the Court House and such other places as he will think proper, may order the cattle owners to keep their cattle penned on such days as he will consider necessary, between the 1 st February and 15th April of every year, for census purposes, and any person not complying with this order shall be guilty of an offence.

**Amended by [\[Act No. 3 of 1988\]](#); [\[Act No. 12 of 1990\]](#)**

**20. Cattle owners concealing or attempting to conceal part of their cattle**

Any cattle owner who shall conceal or attempt to conceal the number of his cattle for which pasturage fees are due, and any person aiding such cattle owner in so doing, shall be guilty of an offence.

**21. Penalty**

Any person guilty of an offence under regulations 18 to 20 shall be liable to a fine not exceeding 100 rupees.

-----

**SCHEDULE A**

(regulation 11]

Fees for seizure and impounding

Mares	Calves	Geldings	) 25 cents for the first
Horses	Mules	Bulls	) animal and 10 cents for
Asses	Oxen	Heifers	) each one above that number
Cows	Sheep	Goats	) with a maximum of one rupee
Swine			) for the same owner

-----

**SCHEDULE B**

(regulation 11)

Poundage Fees

Mares	Horses )	Swine	) 25 cents each
Horses	Mules ) 50 cents	Dogs	) per dilem.
Asses	Bulls ) each, per	Sheep	) 10 cents
Heifers	Oxen ) dilem.	Goats	) each, per
Calves	Cows )	Cats	) dilem

No poundage fees shall be allowed for any period exceeding 10 days unless so ordered by the Island Secretary.

Amended by [\[Act No. 12 of 1990\]](#)