



ST. CHRISTOPHER AND NEVIS

CHAPTER 14.03

CATTLE TRESPASS (TRESPASS TO SMALL HOLDINGS BY CATTLE) ACT

Revised Edition

showing the law as at 31 December 2002

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, No. 9 of 1986.

This edition contains a consolidation of the following laws—

CATTLE TRESPASS (TRESPASS TO SMALL HOLDINGS BY CATTLE) ACT

Act 29 of 1967 ... in force 30th December 1967

Amended by: Act 6 of 1976

Page

3

CHAPTER 14.03

**CATTLE TRESPASS (TRESPASS TO
SMALL HOLDINGS BY CATTLE) ACT**

ARRANGEMENT OF SECTIONS

1. Short title
2. Interpretation
3. Liability of owners of cattle for trespass to small holdings
4. Power to destroy cattle
5. Application of Section 4

CHAPTER 14.03

**CATTLE TRESPASS (TRESPASS TO
SMALL HOLDINGS BY CATTLE) ACT**

AN ACT TO MAKE PROVISION RESPECTING CATTLE TRESPASS TO SMALL HOLDINGS; AND TO MAKE PROVISION FOR RELATED OR INCIDENTAL MATTERS.

Short title.

1. This Act may be cited as the Cattle Trespass (Trespass to Small Holdings by Cattle) Act.

Interpretation.

2. In this Act—

“cattle” includes bulls, cows, oxen, steers, heifers and calves;

“contract of tenancy” means a contract creating a yearly tenancy or a tenancy for a term longer than a year or a tenancy at will in respect of a small holding;

“small holding” means a parcel of land intended for cultivation or pasturage, with or without buildings thereon, consisting of not less than a quarter of an acre and not more than twenty-five acres held under a contract of tenancy or freehold.

Liability of owners of cattle for trespass to small holdings.

3. (1) The owner of cattle shall be liable in damages for trespass to any small holding by such cattle, and it shall not be necessary for the person seeking such damages to show that the trespass was attributable to neglect on the part of the owner.

(2) Where any such trespass has been committed by cattle, the owner of the cattle or the person in whose control the cattle lies or on whose land the cattle was kept or permitted to remain, at the time immediately before the acts of trespass were committed, shall be liable for the damage so caused by trespass.

Power to destroy cattle.

4. It shall be lawful for the owner or occupier of any small holding or at his or her request any member of the Police Force of the State or any local or special

constable appointed under the laws of the State to destroy, by shooting with a firearm—

- (a) any cattle found trespassing and doing actual damage on a small holding:

Provided that the destruction of such cattle is carried out on the direction of the owner or occupier of the small holding:

And provided further that such member of the Police Force of the State or such local or special constable shall be indemnified by the owner or occupier of such small holding for any liability incurred arising out of any misdirection given by the owner or occupier of the small holding with reference to the cattle to be destroyed;

- (b) any cattle found trespassing by grazing on a small holding:

Provided that previous notice has been given in writing to the owner of the cattle, or the person in control of the said cattle, or the person on whose land the cattle was kept immediately before the acts of trespass by grazing.

Application of Section 4.

5. Section 4 shall apply only to the Island of Nevis:

Provided that the Minister, acting on the advice of the Cabinet, may at any time by Notice published in the *Gazette*, declare that it shall apply to the Island of Saint Christopher as from such date as may be mentioned in such Notice and, thereupon it shall so apply.

(Amended by Act 6 of 1976)
