

## LAND USAGE AND PROTECTION RULES – SECTION 5

(Legal Notice 5 of 1974)

**Short title**

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

**Application**

2. These rules shall 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 Chief Agricultural and Natural Resources Officer<sup>10</sup>;  
“**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 two 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. Any person who cultivates, cuts down or destroys any vegetation or grazes any livestock on any land of which the slope exceeds 35 per cent. shall be guilty of an offence:  
Provided that the authorised officer may authorise an owner to cultivate, graze livestock, cut down or destroy vegetation on such land subject to such conditions as he may decide.

**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 *per cent*.

**Slopes exceeding 12%**

6. (1) Any person who cultivates any land of which the slope exceeds 12 *per cent*, and does not exceed 35 *per cent*, when the soil is not protected against erosion by conservation works to the satisfaction of the authorised officer, shall be guilty of an offence.

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

(3) Any person who cultivates by ploughing or other means any land of which the slope exceeds 12 *per cent* except along the contour, or, except with the written permission of

---

<sup>10</sup> Gazette Notice No. 63 of 1 July 2011: Title changed to Director of Agriculture and Natural Resources  
This e-version of the text is not authoritative for use in court.

the authorised officer, digs or ploughs any boundary furrows, trenches or ditches on such land, shall be guilty of an offence.

### **Land near watercourse**

7. Any person who, except with the written permission of the authorised officer, cultivates or destroys the soil, cuts down any vegetation or grazes 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, shall be guilty of an offence.

### **Removal of water and prevention of erosion**

8. (1) Any 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 shall be guilty of an offence, and the owners of the land over which such channel, ditch or drainage way passes, and of the adjoining land, shall 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 shall take such steps as the authorised officer may specify to prevent water from flowing on to any adjoining land in such manner as to cause the erosion thereof, and shall comply with such order as the authorised officer deems necessary to prevent such erosion.

### **Offences**

9. Any person who fails to comply with any order made or any conditions imposed under these rules shall be guilty of an offence.

### **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, whose decision shall be final and not questioned in any Court.

### **Penalties**

11. Any person who is guilty of an offence under these rules shall be liable on conviction to a fine not exceeding £200 or to imprisonment for a term not exceeding six months.