

DARTMOOR COMMONERS' COUNCIL

THE REGULATIONS AS PREPARED UNDER SECTION 5 OF THE DARTMOOR COMMONS ACT 1985

REGULATIONS

for the maintenance of the lands falling within the definition of the commons contained in Section 2 of the Dartmoor Commons Act 1985 ("the Act") and for the promotion of proper standards of livestock husbandry thereon made by the Dartmoor Commoners' Council ("the Council") pursuant to Section 5 of the Act.

LIVESTOCK HUSBANDRY

1. No person shall depasture on the commons any animal in respect of which he does not have an entitlement and for which he has not registered the intention to graze with the Council.
2. No person having the right to license another person or arrange for any other person to depasture animals on the commons shall enter into any such licence or arrangement without giving to the Secretary of the Council notice of the numbers of such animals involved in any such licence or arrangement.
3. No Commoner shall allow the use of his right or part of his right by any other person, unless he leases to that person on a full agricultural tenancy the proportion of his holding bearing the same relation to his entire holding as the part of his right does to his whole right.
4. No person shall allow any animal to be depastured on the commons without taking all reasonable steps to make sure that from the date of that animal's introduction it is hefted or leared or flocked in accordance with the custom and practice of Dartmoor as approved from time to time by the Council.
5. No person shall allow to be depastured on the commons any cattle or ponies exceeding the age of 12 months or sheep exceeding the age of 6 months which are not permanently marked in a form that is readily visible for the purpose of identifying their ownership. Sheep should have a permanent incised earmark readily discernible together with a paint mark. The Council may waive the requirement of such permanent marking on application of the person depasturing prior to the commencement of such depasturing where the duration of the depasturing is to be a single period of less than 3 months.

For the purpose of this Regulation the application either of paint or of an ear-tag to a sheep shall not be regarded as forms of permanent marking.

Every person so depasturing an animal shall one month prior to first depasturing any such animal send to the Secretary of the Council a diagram and a description of the mark adopted for this purpose.

The Council may require a person to alter or vary any mark which it considers cannot adequately be distinguished from that employed by another person grazing animals on the commons, and thereafter such person shall ensure that all animals depastured by him are marked in accordance with such requirement.

6. No person shall depasture on the commons any animal which he knows or has reasonable cause to believe is suffering from any disease which is a notifiable disease for the purpose of the Animal Health Act 1981 or any re-enactment or amendment thereof and a person who depastures on the commons an animal which is or which appears to be in a healthy condition and who subsequently discovers or is informed that the animal is suffering from such a disease shall so soon as is reasonably practicable and in any case within 48 hours arrange for the removal of that animal from the commons and for that animal to be tested. If the results of such a test confirm that that animal is suffering from such a disease that person shall undertake an inspection to ensure that other stock belonging to him and similarly depastured is not affected by such a disease.

Further, if any animal is discovered to be suffering from a notifiable disease the person by whom it was depastured shall within 48 hours of such discovery notify the Secretary of the Council thereof.

7. No person shall depasture on the commons any animal which has ceased to be thrifty and the Council may by written notice require such person to remove from the commons a depastured animal which the Council considers to have ceased to be thrifty or which would suffer unduly if allowed to remain depastured. That person shall remove such an animal within forty-eight hours of receipt of such a notice in default of which the Council may take steps to remove it.
8. No person shall depasture a prohibited animal on the commons or a designated unit thereof during a prohibited period. A prohibited period shall be a period designated by the Council in accordance with advice concerning animal health or other matter or because of any outbreak of infection or of notifiable disease or in response to such locally prevailing circumstances as cause the Council to consider that the commons should not be stocked during that period and may apply either to all the commons or to such unit or units thereof as the Council decides. A prohibited animal may be an animal of any description as the Council may decide.

When the Council has determined that a prohibited period is necessary and the appropriate extent thereof the Secretary of the Council shall send to the Secretary of all those Commoners' Associations whose commons are affected by the prohibition notice of the prohibited period and the prohibited animal or animals together with the reason for the prohibition and shall advertise notice of such prohibition in a newspaper circulating in the area of such commons.

9. No person shall depasture on any unit of the commons animals in excess of the number contained in a limitation Notice under Section 5(2)(a) of the Act. Whenever the Council shall consider it expedient to prescribe the maximum number of any description of animal that any person may from time to time depasture on any unit of the commons (whether by reason of the quality of the pasturage or otherwise) the Secretary of the Council shall send a Limitation Notice in accordance with Section 5(2)(a) of the Act to the owner or tenant of that land and to each person registered in accordance with Section 7 of the Act as having rights to depasture on that unit of the commons specifying the common land so restricted, the period of the limitation and the maximum number and description of animals that an owner, tenant or other person may depasture on that unit of the commons for that duration and shall send a copy of each such notice to the Secretary of the Commoners' Association to whose area the restriction applies.
10. No person shall depasture on the commons:
 - a) A bull over the age of six months or a shod horse or a shod pony.
 - b) A stallion or other animal which the Council considers to be a danger to any person or animal.
 - c) A ram or ram lamb between the 31st day of July and the 10th day of November in any year or in respect of any common land units which are not contiguous with any other unit such other dates as the Council may from time to time determine (such dates to be made pursuant to an application made to the Council by the Commoners' Association in the area of which the common land unit lies).
11. Any person shall arrange without delay for the removal from the surface of the commons of the carcass of any commonable animal belonging to him or for which he is responsible provided that it is possible to obtain access to that carcass. If he is informed of such a death by the Secretary of the local Commoners' Association or by a reeve appointed by the Council or by a member or the Secretary of the Council and is instructed to remove that carcass he shall arrange for its removal as soon as is reasonably practicable following his receipt of such an instruction.
12. (i) Any reeve appointed or other person duly authorised by the Council may remove from the commons and detain any animal depastured there in contravention of any of the foregoing regulations.

- (ii) During the detention of any animal so removed from the commons the Council shall arrange for it to be properly fed, watered and, if appropriate, sheltered and to receive any treatment, veterinary or otherwise, as seems to the Council reasonably necessary for its well-being.
 - (iii) As soon as is reasonably practicable after removal from the commons of an animal in accordance with this Regulation the Council shall arrange for notice of its detention to be given to the owner of that animal. Such notice shall inform the owner where the animal may be collected.
 - (iv) Before an animal is returned to its owner the Council shall be entitled to charge and receive from the owner of the animal the cost of its detention, including the cost of its maintenance and of any treatment the animal has been given during its detention.
 - (v) If within ten days of giving notice of its detention to the owner of an animal that animal is not collected by the owner the Council shall be at liberty to sell the animal and deduct from the proceeds of sale all its costs and expenses incidental thereto before remitting the balance to the owner.
 - (vi) Where an animal is detained the owner of which the Council is unable to ascertain it shall advertise that detention in a notice appearing in two consecutive weeks' editions of a newspaper circulating in the area where the animal was impounded. The Council shall continue to keep the animal safely and if at the end of seven days from the date on which the notice was published for a second time no enquiry from the owner in respect of that animal has been received by the Council it shall sell that animal and deduct from the proceeds of sale all its costs and expenses incidental thereto. The Council shall then retain the balance of the sale money for six months and if in this time it is not reclaimed by a person who satisfies the Council that he was the owner of the animal so sold the Council may include that balance within its income for that financial year.
13. The Arbitrator to be appointed in accordance with Section 5 (5) of the Act to determine an appeal by an owner or his tenant or other person against the number of animals he may depasture as prescribed in a Limitation Notice issued by the Council under Regulation 9 above shall be appointed annually by the President of the Royal Institution of Chartered Surveyors. Unless both parties agree to submit written representations to him the Arbitrator shall arrange a hearing at which the appellant and a representative of the Council may address him orally and shall before he makes an award make an inspection of that part of the commons to which the dispute relates. The costs of, and incidental to, the arbitration and award shall be in the discretion of the Arbitrator who may direct by whom the costs or any part thereof are to be paid.
14. No person having a right registered under the Commons Registrations Act 1965 or right or privilege having a similar subject matter as rights of common (including rights of grazing deriving otherwise than from rights of common) shall do anything or cause or allow any act to be done which in the opinion of the Council shall cause the natural beauty of the commons to be damaged.
15. The Council may require the removal of stock from the commons or from a particular part of the commons where stock are being grazed or fed in contravention of any Code of Guidance approved by the Council or in order to prevent or limit damage to the commons.
16. No person or local Commoners' Association shall burn moorland where heather is present on the commons exceeding an area of 9000 square metres at intervals of less than 12 years nor where the distance between burns in anyone year is less than 150 metres.
17. No person or local Commoners' Association shall burn moorland where dead grass is present on any common land unit over an area exceeding 50 acres or 25 per cent of the area of that common land unit whichever shall be the less and such burning shall take place at intervals of no less than 3 years.
18. No person or local Commoners' Association shall burn moorland where bracken or gorse is present on any common land unit over an area exceeding 50 acres or 25 per cent of the area of that common land unit' whichever shall be the less and such burning shall take place at intervals of no less than 3 years.

19. The Council may from time to time prohibit the burning of heather bracken gorse or grass in any common land unit such prohibition to be notified by an advertisement in a newspaper circulating in the area of the common land unit or units covered by the Prohibition.
20. In accordance with Section 4(6)(a) of the Act the Council may from time to time authorise any local Commoners' Association, Association of Commoners' Associations or any Local Authority within the meaning of the Act of 1972 whose area includes any part of the commons subject to and with the prior consent of that Association, Associations or Local Authority to exercise on its behalf all or any of its powers under the foregoing Regulations and to enforce any of such Regulations on behalf of and as the agent of and in the name of the Council.
21. Any person who contravenes any of the foregoing Regulations shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale and in the case of a continuing offence to a further fine not exceeding £40 for each day during which the offence continues after conviction thereof.
22. The Interpretation Acts 1889 to 1978 shall apply to these Regulations as they apply to any Act of Parliament and where the context so admits Section 2 of the Act (the Interpretation Section) shall apply to these Regulations and in the event of conflict the latter shall prevail.

The Common Seal of the Dartmoor Commoners' Council is hereunto affixed pursuant to a Resolution of the Council on the Tenth day of January 1990 in the presence of the Chairman and Secretary to the said Council duly authorised by the said Resolution.

J .A. T. Hodge

J.A. T. Hodge
CHAIRMAN

R.G. Woolcock

R. G. Woolcock
SECRETARY

These are the Regulations confirmed by the Secretary of State for the Environment on 3 August 1990 - Letter DRA1/1007/518 dated 3 August 1990 refers.

C.F. Hart

Authorised by the Secretary of State to sign in that behalf.