

NATURAL RESOURCES PROTECTION (MODEL) BYE-LAWS

(section 40)

(27th March, 1992)

ARRANGEMENT OF BYE-LAWS

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BYE-LAW

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S.I. 30, 1992.

1. Citation

These Bye-laws may be cited as the Natural Resources Protection (Model) Bye-laws.

2. Interpretation

In these Bye-laws, unless the context otherwise requires-

"Council" means the District Council adopting these model Bye-laws;

"Council area" means the area under the jurisdiction of the Council concerned;

"firewood" includes any tree or any bush, or any part thereof, tree-pole, charcoal, or any solid natural substance commonly used as fuel;

"natural resource" includes any firewood, gravel, sand, soil, stones, thatching grass, veld product and river reeds;

"veld product" means any plant, root, fruit or tuber used either for consumption by humans or domestic animals or for medicinal or veterinary purposes.

3. Application for removal permit

No person shall remove any natural resource from the Council area except under and in accordance with the terms and conditions of a removal permit.

4. Removal permit required

(1) Any person who wishes to obtain a removal permit shall lodge a written application therefor with the Council Secretary in his capacity as Secretary of the Land Board, in such form as the Council Secretary may require.

(2) Every application under this bye-law shall clearly specify-

- (a) the kind of natural resource in respect of which the application is being made, and the quantity thereof that the applicant wishes to remove;
- (b) whether or not the applicant is resident in the Council area, and whether or not the natural resource is for use within the council area; and

(c) the purpose for which the natural resource is required.

(3) An application under this bye-law shall be in respect of one kind of natural resource only:

Provided that other applications for different natural resources may be lodged at the same time.

5. Issue of removal permit

(1) Subject to the provisions of this bye-law, and after due consideration of an application made under bye-law 4, the Council Secretary shall issue a removal permit to the applicant on payment of such fee as shall be determined by the Council, with the approval of the Minister:

Provided that different fees may be determined in respect of different natural resources, and according to whether the natural resource is to be used within or without the Council area, whether the applicant is a contractor, or whether the natural resource is for the applicant's own use or for use by some other person, and whether or not such use by another person is for hire or reward.

(2) The Council Secretary shall not issue a removal permit in respect of any natural resource if the location of the place where it is to be used is not in Botswana.

(3) The Council Secretary shall not issue a removal permit which permits, or has the effect of permitting the removal of a quantity of firewood which exceeds 5 tons, or such other quantity that the Council, with the approval of the Minister, determines, or of any quantity of a natural resource which is in excess of that reasonably required for the purpose stated in the application.

(4) A removal permit may be issued subject to such terms and conditions as the Council Secretary may, in each case, determine, and which shall be clearly stated in the permit.

6. Refused application to be laid before council

(1) Where a Council Secretary has refused to issue a removal permit in accordance with the provisions of bye-law 5, he shall lay such application, together with his reasons for refusing to issue a removal permit, before the next meeting of the Council following the date of such refusal.

(2) Where an application is laid before the Council in accordance with the provisions of this bye-law, the Council may, after due consideration, grant the application and direct the Council Secretary to issue a removal permit subject to such terms and conditions as the Council may determine, and which shall be clearly stated in the permit.

7. Period of validity of permit

A removal permit shall be valid for such period as the Council or the Council Secretary, as the case may be, shall in each case determine, and which shall be clearly stated in the permit.

8. Permit not transferable

A removal permit shall not be hired, ceded, transferred or made over to any other person

in any way whatsoever.

9. Offences and penalties

Any person who contravenes or fails to comply with any provision of these Bye-laws, or with any of the terms and conditions subject to which a removal permit is issued, shall be guilty of an offence and liable to a fine of P50 or in default thereof to imprisonment for three months, and in addition to any such penalty imposed or to which he is liable, may have any removal permit issued to him cancelled.

10. Exceptions

(1) The provisions of these Bye-Laws shall not apply to Departments of the Government, or to contractors employed by the Government on public works projects to whom the Permanent Secretary of the Ministry concerned has issued an authorization in writing which is produced to the Council Secretary:

Provided that such contractor shall not thereby be entitled to remove any natural resource for any purpose other than the fulfilment of his contract with the Government.

(2) Where any contractor to whom such written authorization is issued removes any natural resource for any purpose other than the fulfilment of his contract with the Government, such contractor shall be guilty of an offence and liable to a fine equal to five times the market value of the natural resource so removed.