

GABORONE CITY COUNCIL (PUBLIC LAND EXCAVATION) (CONTROL) BYE-LAWS

(under regulations 34 and 35)

(22nd October, 1976)

ARRANGEMENT OF BYE-LAWS

BYE-LAWS

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S.I. 148, 1976.

1. Citation

These Bye-laws may be cited as the Gaborone City Council (Public Land Excavation) (Control) Bye-laws.

2. Interpretation

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

"**council**" means the Gaborone City Council;

"**excavation**" means the hollow cavity formed on land by cutting or removal of soil or gravel;

"**public land**" means land within the council area which is not private land.

3. Excavation on public land

(1) No person shall, without the written permission of the council, construct or dig or cause to be constructed or dug on any public land within the council area any hole, trench or other excavation for the purpose of removing soil, sand, gravel or any vegetation or for the purpose of any private construction or drainage or for any other purpose.

(2) Any person who constructs or digs or causes to be constructed or dug any hole, trench or other excavation within public land in the council area shall take adequate precautions to ensure the safety of the public.

(3) Without prejudice to any prosecution for contravention of this bye-law and notwithstanding any penalty which may be imposed under these Bye-laws for such contravention, the council may take such measures as it deems necessary to ensure safety to the public, if, in the opinion of the council, measures required under sub-bye-law (2) are inadequate, and any expense incurred by the council shall be borne by the person responsible for the excavation and shall be a civil debt to the council recoverable in any court of competent jurisdiction.

4. Penalty

Any person who contravenes the provisions of bye-law 3(1) and (2) shall be guilty of an

offence and liable on conviction to a fine not exceeding P200 and, in default of payment, to imprisonment for a term not exceeding six months.