

**CHAPTER 35:03
LOCUSTS**

ARRANGEMENT OF SECTIONS

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Proc. 45, 1923,
Proc. 6, 1934
Proc. 12, 1934,
Cap. 108, 1948,
Cap. 134, 1959,
HMC. Order 1, 1963,
L.N. 84, 1966.

An Act to make provision for the destruction of locusts.

[Date of Commencement: 21st September, 1923]

1. Short title

This Act may be cited as the Locusts Act.

2. Application as to areas

The provisions of this Act shall be in operation within such areas or districts of Botswana as the President may by order prescribe, for such periods as may be specified in any such order.

3. Interpretation

In this Act unless the context otherwise requires-

"hoppers" means the immature forms of locusts, that is, locusts which have not developed functional wings;

"locusts" means any gregarious species of grasshopper which has the habit of forming migratory swarms;

"occupier" means, in relation to land, the person having for the time being the legal right of occupation thereof and includes any person in actual occupation of the land or premises:

Provided that in the case of land within a Tribal Territory

"occupier" means the head of the kraal whose inhabitants have the use of such land;

"officer" means any person to whom the President has assigned duties under this Act;

"police officer" means any non-commissioned officer of the Botswana Police Force stationed in the neighbourhood.

4. Occupier's duty to give notice of locusts, etc.

(1) The occupier of any land whereon flying locusts appear or have appeared, or deposit or have deposited eggs or whereon any hoppers appear or have appeared shall, as soon as that fact has come to his knowledge, give notice thereof to the District Commissioner of the district wherein such land is situate or to any justice of the peace or to any police post in that district.

(2) In that notice the said occupier shall define as nearly as may be the locality on his land where flying locusts have appeared or are depositing or have deposited eggs or where hoppers have appeared, and give such other information as may be prescribed.

(3) The occupier of land which is in a tribal territory shall give the notice required by this section verbally or in writing to the nearest headman, who shall report the facts notified to the District Commissioner of the district.

5. Steps to destroy locusts or eggs and damages thus caused

(1) On receipt of any such notice the person to whom the notice is given shall transmit the import thereof to the Ministry.

(2) The Ministry may, by its officers, take such steps for the destruction of any locusts or locust eggs on any land as it may deem advisable or as may be prescribed.

(3) No compensation shall be payable by the Government, the Ministry or any officer in respect of injury to or loss or destruction of any plant, tree, shrub, crops or vegetation, cattle, sheep, camels, goats, horses, mules, asses, pigs, dogs and poultry by the exercise of the powers of this Act.

6. Duty of occupier to destroy hoppers

Every occupier of land on which hoppers appear shall in addition to carrying out the duty imposed upon him by section 4, cause the hoppers to be immediately destroyed in consultation with and on the advice of the Ministry, and the material for such destruction shall be provided free of charge by the Ministry:

Provided that such consultation and advice may take place between the deposit of eggs and the appearance of the hoppers and that the material shall be deemed to have been

provided when delivered by the Ministry at the nearest District Commissioner's office or police post or police station.

7. Offence to drive hoppers on to neighbouring land

Any occupier of land who drives or causes to be driven, or attempts to drive, or knowingly permits the driving of hoppers from his land on to the land of his neighbour, shall be guilty of an offence, unless he proves to the satisfaction of the court that growing crops on his land were being threatened by the hoppers and that in driving them away he took all possible steps to destroy them and did not drive them towards growing crops of his neighbour.

8. Entry of officer onto land

Every occupier of land shall permit an officer, on production of this authority, to enter upon that land and carry out any of the provisions of this Act which may be carried out by an officer.

9. Offence to obstruct officer

Any person who obstructs or hinders any officer in the carrying out of his duties under this Act or fails to disclose to him any information which he may lawfully require thereunder, shall be guilty of an offence.

10. Offences and penalties

(1) Any person who fails to comply with any provision of this Act with which it is his duty to comply shall be guilty of an offence.

(2) Any person who is guilty of an offence for which no penalty is specially provided, shall be liable to a fine not exceeding P40, or, in default of payment, to imprisonment for a term not exceeding three months.

(3) In the case of a third or subsequent conviction for any such offence the court may, in its discretion, sentence the offender to such imprisonment without the option of a fine.

11. Regulations

The President may, by statutory instrument, make regulations prescribing the manner in which the destruction of locusts shall be carried out, the forms of notices, and the powers and duties of officers, and generally for the better carrying out of the objects and purposes of this Act.