

CHAPTER 35:04 NOXIOUS WEEDS

ARRANGEMENT OF SECTIONS

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Proc. 3, 1916,
Cap. 107, 1948,
Cap. 133, 1959,
HMC Order 1, 1963,
L.N. 84, 1966.

An Act to provide for the eradication and destruction of noxious weeds.

[Date of Commencement: 4th February, 1916]

1. Short title

This Act may be cited as the Noxious Weeds Act.

2. Application

This Act shall apply to such areas in Botswana as the President may by statutory instrument declare.

3. Destruction of burweed by owner or occupier

Every owner or occupier of land within any area to which this Act applies shall eradicate and destroy any burweed (*Xanthium spinosum*) growing or being upon the land owned or occupied by him.

4. Penalties

Any person failing to comply with the provisions of section 3 in respect of land owned or occupied by him, shall be guilty of an offence and shall be liable on conviction for the first offence to a fine not exceeding P4 or, in default of payment, to imprisonment for a term not exceeding seven days, and for a second or subsequent offence to a fine not exceeding P10 or, in default of payment, to imprisonment for a term not exceeding 14 days.

5. Publication of duties under Act

(1) Upon the application of this Act to any area the District Commissioner of any district included in whole or in part in such area shall issue a public notice warning all owners or occupiers of land within such portion of the area as is included in his district that it is their duty to comply with the provisions of section 3 and that if they fail to comply with such provisions they will incur the penalties mentioned in section 4.

(2) Such notice shall be published in one or more newspapers circulating in such district and shall be posted up at or near every courthouse of the District Commissioner and at or near every police station situate within that portion of the area which is included in such district.

6. Suspension of prosecution

(1) No prosecution shall be instituted against any person under this Act for neglect to comply with the provisions of section 3 in respect of land owned or occupied by him until the notice required by section 5 has been duly given in the manner prescribed by that section and a period of not less than three months has elapsed since the first publication of such notice in respect of the district in which such land is situated.

(2) The giving of the said notice and the date on which such notice was first published shall be sufficiently proved by the production of a certificate under the hand of the District Commissioner.

7. Extension of application to other noxious weeds

The President may by statutory instrument declare that the provisions of this Act shall apply to any noxious weed other than burweed (*Xanthium spinosum*) as if such other weed were also mentioned in section 3 and thereupon the provisions of this Act shall apply in respect of such other noxious weed in such areas as the President may declare:

Provided, however, that a separate notice of the application of this Act to such other noxious weed in any area shall be required under section 5.