

LOCAL GOVERNMENT ACT
(Cap. 40:01)

**NORTH EAST DISTRICT COUNCIL (CONTROL OF LIVESTOCK
AND OTHER ANIMALS) BYE-LAWS, 2018**
(Published on 17th August, 2018)

ARRANGEMENT OF BYE-LAWS

BYE-LAW

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SCHEDULES

IN EXERCISE of the powers conferred by section 44 as read with section 45 of the Local Government Act, and after consultation with the community living within the Council area, and with the approval of the Minister of Local Government and Rural Development, the North East District Council hereby makes the following Bye-Laws —

Citation **1.** These Bye-laws may be cited as the North East District Council (Control of Livestock and Other Animals) Bye-Laws, 2018.

Interpretation **2.** In these Bye-laws, unless the context otherwise requires —

“authorised officer” means a person authorised by the Council, in writing, for the purposes of giving effect to or enforcing these Bye-laws;

“Council” means the North East District Council;

“council stable” means a stable established by the Council for the purposes of these Bye-laws;

“livestock” means cattle, sheep, camel, goat, horse, mule, ass, pig, canine, feline, monkey, other carnivore and all domesticated birds or poultry;

“owner” in relation to any animal, livestock or poultry, means any person having charge, control of any animal or poultry and the occupier of premises where any animal or poultry is kept or permitted to remain;

“poultry” means any fowl, turkey, goose or duck, chicken, peacock, pigeon or any domestic or captive bird under human control;

“veterinary officer” includes a veterinary officer livestock officer or stock inspector employed by the Government, or a veterinary surgeon defined under the Veterinary Surgeons Act; and

“village area” means any area specified in Schedule 1.

3. (1) An authorised officer may seize and detain in a council stable, any unintended animal, livestock or poultry found wandering within a village area. Power to detain wandering animal or livestock
- (2) A person who willfully obstructs an authorised officer in the discharge of his or her functions under this bye-law commits an offence.
4. (1) An authorised officer may subject to a valid certificate by a veterinary officer and in consultation with the *Kgosi* or *Kgosana* of the village area, destroy without compensation any detained animal, livestock, or poultry found wandering within the village area if — Power to destroy certain animal or livestock
- (a) the animal, livestock or poultry is suffering from a contagious disease;
- (b) the animal, livestock or poultry is likely to prove dangerous to human life; or
- (c) the animal, livestock or poultry is destructive to other animals in detention:
- Provided that no destruction of such animal or livestock shall take place prior to a written notice displayed conspicuously at a public place, and such notice shall also be displayed at the Council's offices notice board and shall be open to public inspection.
- (2) A person who willfully obstructs an authorised officer in the discharge of his or her functions under this bye-law commits an offence.
5. (1) Where the Council is of the opinion that any stable is unsuitable for keeping livestock by reason of its situation, construction, condition or the habitual manner of its use, the Council may, by notice in writing served on the owner or occupier of the stable, prohibit such use until such time as the notice is cancelled by the Council in writing. power to prohibit use of certain stables
- (2) The Council may prohibit the keeping of livestock at landfills, health facilities, roads, village areas, schools and water resources such as boreholes, water pipes and stand pipes.
- (3) A person who uses a stable for keeping livestock after a notice under subbye-law (1) has been served to the owner or occupier of the stable and before the notice has been cancelled in accordance with subbye-law (1), commits an offence and is liable to a fine not exceeding P1 000 or to a term of imprisonment not exceeding six months.
6. A person who permits or allows any troublesome or ferocious animal or carnivorous wild animal to be at large or off the premises on which such animal is normally kept commits an offence. Dangerous animals
7. A person who keeps an animal, livestock or poultry in such a manner as to disturb the comfort of the inhabitants of a village area commits an offence. Causing nuisance
8. The Council may by resolution establish a stable for the purposes of these Bye-laws. Establishment of stables
9. (1) A person entitled to take possession of any livestock detained in a council stable, may on production of proof of ownership, take possession of such livestock upon payment of a fee specified in Schedule 2. Claiming of livestock
- (2) A person who removes or attempts to remove any detained livestock from a council stable, without producing proof of ownership and payment of the fee set out in Schedule 2 is guilty of an offence.
10. (1) The Council Secretary shall, within 14 days after the detaining any livestock, notify the matimela officer of the presence of such livestock. Notification and period of detention of livestock
- (2) Any livestock detained by the Council under these Bye-laws shall if not claimed within a period of seven days, be disposed off to a matimela kraal established under the Matimela Act where notification has been given in terms of these Bye-laws by the Council Secretary. Cap. 36:06

Inspection of
council or
village area

11. An authorised officer may at any reasonable time inspect any Council area, village, or stable to enforce the provisions of these Bye-laws.

Enforcement

12. The Council may by resolution request the assistance of any person or organisation for better carrying of the provisions of these Bye-laws.

Offences and
penalties

13. (1) A person who willfully obstructs an authorised officer in the discharge of his or her functions under these Bye-laws commits an offence and is liable to a fine not exceeding P500, or in default of payment to imprisonment for a term not exceeding two months.

(2) A person who contravenes or fails to comply with any provision of these Bye-laws commits an offence and is liable —

- (a) to a fine not exceeding P500, or in default of payment to imprisonment for a term not exceeding two months; and
- (b) for a subsequent offence, to a fine not exceeding P1 000, or in default of payment to imprisonment for a term not exceeding six months.

SCHEDULE 1
(Bye-law 2)

These Bye-laws shall apply in the following areas —

1. All villages declared planning areas in the Council area
2. Masunga
3. Matsiloje
4. Nlapkwane
5. Mapoka
6. Moroka
7. Tshesebe
8. Tsamaya
9. Jackalas No. 1
10. Ramokgwebana
11. Makaleng

SCHEDULE 2
(Bye-law 9)

COUNCIL STABLE AND KRAAL FEES

<i>Animal</i>	<i>Fee</i>
Sheep, goat and pig	P2 per head per day
Cattle, donkey, mule and horse	P5 per head per day
Other animals and domesticated birds	P1 per head per day

MADE this 21st day of May, 2018.

*Council Secretary,
North East District Council.*

APPROVED this 1st day of August, 2018.

PELONOMI VENSON-MOITOI,
*Minister of Local Government and
Rural Development.*