

KWENENG DISTRICT COUNCIL (NATURAL RESOURCES PROTECTION) BYE-LAWS

(sections 44 and 45)

(21st July, 2017)

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BYE-LAW

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S.I. 80, 2017.

1. Citation

These Bye-Laws may be cited as the Kweneng District Council (Natural Resources Protection) Bye-laws.

2. Interpretation

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

"council" means the Kweneng District Council;

"council area" means the area under the jurisdiction of the Kweneng District Council;

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

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

"removal permit" means a permit issued in accordance with bye-law 5(1); and

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

3. Removal permit required

A person shall not remove any natural resource from the council area for any purpose, except in accordance with the terms and conditions of a removal permit.

4. Application for removal permit

(1) A person who wishes to remove any natural resource from the council area shall make an application to the Council Secretary in accordance with Form 1 set out in the Schedule.

(2) The application referred to in subbye-law (1) shall specify-

(a) the type and quantity of the natural resource 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 type of natural resource and a person may apply for different types of natural resources at the same time.

5. Issuance of removal permit

(1) The Council Secretary may, where satisfied that the requirements for these Bye-laws are met, and on payment of a fee determined by the council, with the approval of the Minister, issue a removal permit in Form 2 set out in the Schedule.

(2) The fee to be paid for a removal permit under subbye-law (1) shall be determined in respect of-

- (a) different types of natural resources;
- (b) whether the natural resource is to be used within or outside the council area;
- (c) whether the natural resource is for the applicant's personal use or whether the applicant has been instructed by another person to apply for the removal permit;
- (d) whether the natural resource is for domestic or commercial purposes; and
- (e) the quantity of the natural resource.

(3) The Council Secretary shall not issue a removal permit-

(a) in respect of any natural resource where the natural resource is to be used outside Botswana; or

(b) where the applicant intends to remove firewood of a quantity in excess of five tons, or any quantity of natural resource which is in excess of what is reasonably required for the purpose stated in the application.

6. Denied application to be laid before council

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

(2) Where an application is laid before the council in accordance with subbye-law (1), the council may, after due consideration, confirm the decision of the Council Secretary to refuse the application, or grant the application and direct that the Council Secretary issue a removal permit subject to the terms and conditions stated in the removal permit.

7. Period of validity of removal permit

A removal permit issued under bye-law 5 shall expire at the end of 12 months from the date of issue.

8. Renewal of removal permit

(1) A person who has been issued a removal permit under bye-law 5, may within six months before the expiration of the removal permit, make an application to the Council Secretary for the renewal of the permit.

(2) An application under subbye-law (1) shall be in Form 3 set out in the Schedule and shall be accompanied by a fee to be determined by the council.

(3) The Council Secretary may-

(a) grant the renewal of the removal permit subject to such conditions as may be set out in the removal permit; or

(b) where he or she is satisfied that the renewal of the removal permit would not be in the public interest, refuse to renew the removal permit.

(4) Where the Council Secretary has refused to renew the removal permit of an applicant, the provisions of bye-law 6 shall apply with necessary modifications.

9. Removal permit not transferable

A removal permit issued under these Bye-laws shall not be transferable or in any other way whatsoever made over to any other person.

10. Exceptions

(1) The provisions of these Bye-laws shall not apply to Departments of Government, or to contractors employed by the Government on public works projects to whom the Permanent Secretary of the ministry concerned has issued an authorisation, in writing, and which authorisation shall be produced to the Council Secretary by the Permanent Secretary of the ministry concerned.

(2) Subject to subbye-law (1), a contractor employed by the Government on any public works project, shall not be entitled to remove any natural resource for any purpose other than for the fulfilment of his or her contract with the Government.

(3) Where a contractor to whom written authorisation is issued by the Permanent Secretary of the ministry concerned under subbye-law (1), removes any natural resource for any purpose other than for the fulfilment of his or her contract with the Government, the contractor commits an offence and is liable to a fine equal to five times the market value of the natural resource so removed.

11. Offences and penalties

A person who contravenes or fails to comply with any provision of these Bye-laws, commits an offence and is liable to a fine not exceeding P2 000, or to imprisonment for a term not exceeding three months, and in addition to any penalty imposed, the person may have the removal permit issued to him or her cancelled.

SCHEDULE

Form 1

APPLICATION FOR REMOVAL PERMIT

(Bye-law 4)

KWENENG DISTRICT COUNCIL (NATURAL RESOURCES PROTECTION) BYE-LAWS

(A) Particulars of the applicant:
1. Name of the applicant
2. Postal address of the applicant
3. Nationality of the applicant
4. Residential address of the applicant
5. Where the applicant is a non-citizen, the number of the valid resident or work permit and expiry date of the permit
6. Where the applicant is a company, the registration number of the company

(B) Proposed natural resource to be removed:

7. Type or name of proposed natural resource

.....

8. Location of the proposed natural resource:

(a) Village

.....

(b) Ward

(Please attach a copy of a sketch map showing the location of resource in relation to distinguishing landmarks)

9. Quantity of the proposed natural resource

10. The purpose for which the natural resource is required

.....

.....

11. The location to which the natural resource is intended to be used:

(a) Village

(b) Ward

Documents to be attached to the application:

(c) Valid residence or work permit

(d) Certificate of Incorporation (where applicant is a company)

I the undersigned hereby state that the information supplied in this Form is to the best of my knowledge true and accurate.

Applicant's signature: Date:
FOR OFFICIAL USE ONLY
Date on which application was received
Date of approval/rejection of application
Reasons for rejection
..... Council Secretary

Form 2

REMOVAL PERMIT

(Bye-law 5)

KWENENG DISTRICT COUNCIL (NATURAL RESOURCES PROTECTION) BYE-LAWS

NOT TRANSFERABLE

Name of permit-holder

Name of company, (where different from above)

Type of company

Fee paid

Date of expiry of the permit

Location of the natural resource to be removed

.....

Type of natural resource

This is to certify that the permit-holder named above has paid a fee in terms of the Kweneng

District Council (Natural Resources Protection) Bye-laws, and that person(s) employed in or by

the company named above is/are permitted to remove the natural resource described above for his or her personal use, subject to the conditions below:

Terms and conditions applicable:

.....

.....

.....

.....

Date Council Secretary

OFFICIAL STAMP:

Form 3

RENEWAL OF REMOVAL PERMIT

(Bye-law 8)

KWENENG DISTRICT COUNCIL (NATURAL RESOURCES PROTECTION) BYE-LAWS

(A) Particulars of the applicant:

1. Name of the applicant

.....

2. Postal address of the applicant

.....

3. Nationality of the applicant

.....

4. Residential address of the applicant

.....

5. Where the applicant is a non-citizen, the number of the valid residence or work permit and expiry date of the permit

.....

.....

..

6. Where the applicant is a company, the registration number of the company

.....

.....

(B) I wish to apply for a removal permit as follows:

1. Type or name of proposed natural resource

.....

2. Location of the proposed natural resource:

(c) Village.....

...

(d) Ward

.....

(Please attach a copy of a sketch map showing the location of resource in relation to distinguishing landmarks)

3. Quantity of the proposed natural resource

.....

..... .
4. The purpose for which the natural resource is required
5. The location to which the natural resource is intended to be used:
(e) Village
(f) Ward
Documents to be attached to the application:
(g) Valid residence or work permit
(h) Certificate of Incorporation (where applicant is a company)
I the undersigned hereby state that the information supplied in this Form is to the best of my knowledge true and accurate.
Applicant's signature: Date:
FOR OFFICIAL USE ONLY
Date on which application was received

Date of approval/rejection of application

Reasons for rejection

.....

.....

Council Secretary