

Kgatleng District Council (Natural Resources Protection) Bye-laws.

S.I. 84, 2010.

1. Citation

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

2. Interpretation

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

"Council" means the Kgatleng District Council;

"Council area" means the area under the jurisdiction of the Kgatleng District Council;

"firewood" includes any tree or bush, or a part of a tree or bush, or a treepole, 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; and

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

3. Removal permit required

A person shall not remove firewood, any natural resource or veld product from the Council area for any purpose, except in accordance with the terms and conditions set out in a removal permit.

4. Application for removal permit

(1) A person who wishes to remove firewood, any natural resource or veld product from the Council area shall make an application, in writing, to the Council Secretary in Form 1 set out in the Schedule.

(2) An application for a removal permit shall specify-

(a) the type of firewood, natural resource or veld product and the quantity of firewood, natural resource or veld product that the applicant wishes to remove;

(b) whether or not the applicant is resident in the Council area, and whether or not the firewood, natural resource or veld product is for use within the Council area; and

(c) the purpose for which the firewood, natural resource or veld product is required.

(3) An application made under this bye-law shall be in respect of one type of firewood, natural resource or veld product, but other applications for different types of firewood, natural resources or veld products may be lodged at the same time.

5. Issue 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 to be determined by the Council, with the approval of the Minister, issue a removal permit in Form 2 set out in the Schedule.

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

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

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

- (a) in respect of any firewood, natural resource or veld product where the firewood, natural resource or veld product is to be used outside Botswana; or
- (b) where the applicant intends to remove firewood of a quantity in excess of 5 tonnes, or any quantity of natural resource or veld product which is in excess of that reasonably required for the purpose stated in the application.

6. Denied application to be laid before Council

(1) Where the Council Secretary has denied 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 as stated in the permit.

7. Period of validity of removal permit

A removal permit issued under bye-law 5 shall expire at the end of a period 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, with the approval of the Minister.

(3) The Council Secretary may grant the renewal of the removal permit subject to such conditions as may be set out in the removal permit.

(4) Notwithstanding the provisions of subbye-law (3), the Council Secretary may refuse to renew a removal permit to any person, where the Council Secretary is satisfied that the renewal of the permit would not be in the public interest.

(5) Where the Council Secretary has denied to renew the removal permit of an applicant, 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.

(6) Where an application is laid before the Council in accordance with subbye-law (5), the Council may, after due consideration, confirm the decision of the Council Secretary to deny renewing the removal permit of the applicant, or granting the application and directing that the Council Secretary renew the removal permit subject to the terms and conditions as stated in the removal permit.

9. Permit not transferable

(1) A permit issued under these Bye-laws shall not be transferable without the consent of the Council.

(2) A person issued with a removal permit who attempts to transfer his or her permit to another person, without the consent of the Council, commits an offence and is liable to a fine not exceeding P2 000, or to imprisonment for a term not exceeding two months, or to both.

10. 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 nine months, and in addition to any penalty imposed, the person may have the removal permit issued to him or her cancelled.

11. 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, which has to be produced to the Council Secretary.

(2) Subject to subbye-law (1), a contractor employed by the Government on public works projects, shall not be entitled to remove any firewood, natural resource or veld product for any purpose other than for the fulfillment 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, removes any firewood, natural resource or veld product for any purpose other than for the fulfillment 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 firewood, natural resource or veld product so removed.

SCHEDULE

FORM 1
APPLICATION FOR REMOVAL PERMIT

(bye-law 4)

KGATLENG 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 permits and expiry date of the permit

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

(B) Proposed firewood, natural resource, or veld product to be removed

7. Type or name of proposed firewood, natural resource or veld product:

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8. Location of the proposed firewood, natural resource or veld product:

(a) Village

(b) Ward

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

9. Quantity of the proposed firewood, natural resource or veld product:

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10. The purpose for which the firewood, natural resource or veld product is required:

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11. The location to which the firewood, natural resource or veld product is intended to be used:

(a) Village

(b) Ward

Documents to be attached to the application:

(c) Valid Resident and Work Permits

(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:

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Council Secretary.

FORM 2
REMOVAL PERMIT

(bye-law 5)

KGATLENG DISTRICT COUNCIL (NATURAL RESOURCES PROTECTION) BYE-LAWS

NOT TRANSFERABLE

Name of permit-holder:

Name of company, (where different from above):

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Type of company:

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Fee paid

Date of expiry of the permit

Location of the firewood, natural resource or veld product to be removed:

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Type of firewood, natural resource or veld product:

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This is to certify that the permit-holder named above has paid a fee in terms of the Kgatleng 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 firewood, natural resources or veld products described above for his or her personal use, subject to the conditions below:

Terms and conditions applicable:

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Date

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Council Secretary.

OFFICIAL STAMP:

FORM 3
RENEWAL OF REMOVAL PERMIT

(bye-law 8)

KGATLENG DISTRICT COUNCIL (NATURAL RESOURCES PROTECTION) BYE-LAWS

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(1) Applicant for renewal of removal permit to complete the following:

(a) Name of applicant:

(b) Address of applicant:

(c) Where the applicant is a company, the registration number of the company:

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(2) Terms and conditions applicable:

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Date