

# **NORTH WEST DISTRICT COUNCIL (CONTROL OF LIVESTOCK AND OTHER ANIMALS) BYE-LAWS**

*(under sections 44 and 45)  
(19th June, 2015)*  
ARRANGEMENT OF BYE-LAWS

## BYE-LAW

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S.I. 67, 2015.

### **1. Citation**

These Bye-laws may be cited as the North West District Council (Control of Livestock and Other Animals) Bye-Laws.

### **2. Interpretation**

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

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

"Council" means North West District Council or any committee appointed by the Council for the purposes of controlling livestock and other animals;

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

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

"livestock" means cattle, sheep, camels, goats, horses, mules, asses, pigs, canines, felines, monkeys, other carnivora and all domesticated birds or poultry;

"stable" includes a cowshed, stall, pen, kraal or sty and shall include any site or enclosure which is used for purposes of keeping domestic animals or poultry;

"Police officer" means any member of the Botswana Police Service;

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

"poultry" means any fowl, turkey, goose, 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 in the Government service or a veteran surgeon under the Veterinary Surgeons Act (Cap, 61:04); and

"village area" shall include a settlement within the Council area recognised as such.

### **3. Power to detain, seize wandering livestock**

(1) Any person authorised by the council in writing in that behalf may seize and detain in a Council stable any unattended livestock found wandering at large within a village area.

(2) Any person who willfully obstructs another in the exercise of powers conferred under sub-by-law (1) commits an offence.

### **4. Power to destroy certain animals**

(1) Any person authorised by the Council in writing in that behalf may destroy any animal, other than livestock, found wandering within a village area if-

(a) the animal in his or her presence causes injury or damage to any person or property; or

(b) he or she has reasonable grounds to believe that the animal has recently caused or is about to cause such injury or damage to any person or property.

(2) The Council shall destroy without offering compensation any detained livestock suffering from a contagious disease or which is likely to prove dangerous to human life or destructive to other animals on detention on satisfactory receipt of a report from the veterinary officer to that effect.

(3) Any person who willfully obstructs another in the exercise of the powers conferred under this bye-law commits an offence.

#### **5. Power to prohibit the use of certain stables**

(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.

(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) Any person who uses a stable for keeping livestock after a notice under sub-bye-law (1) has been served to the owner or occupier of the stable and before the notice is cancelled in accordance with sub-bye-law (1) commits an offence and shall be liable upon to a fine not exceeding P1 000 or to imprisonment for a term not exceeding six months.

#### **6. Dangerous Animals**

Any person who permits or allows any troublesome or ferocious animal or any carnivorous wild animal to be at large or off the premises on which such animal is normally kept commits an offence.

#### **7. Causing Nuisance**

Any person who keeps any livestock or bees so as to disturb the comfort of the inhabitants of a village area commits an offence.

#### **8. Establishment of stables**

The Council may by resolution establish any stable for the purposes of these Bye-laws.

#### **9. Claiming of livestock**

(1) Any person entitled to take possession of livestock detained under these Bye-laws in a Council stable may remove the livestock on payment of the appropriate fee specified in Schedule 2:

Provided that the fine paid shall include the cost of maintenance of the animal for the duration of its stay in the stable established by the Council.

(2) Any person who removes or attempts to remove from a Council stable livestock therein detained under these Bye-laws without payment of the appropriate fee commits an offence.

#### **10. Notification and period of detention of livestock**

(1) The Council Secretary shall, within 14 days after detaining any livestock, notify the matimela officer of the presence of such 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 where notification has been given in terms of these Bye-laws by the Council Secretary to a matimela kraal established under the Matimela Act.

#### **11. Inspection of council or village area**

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

## **12. Enforcement**

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

## **13. Penalties**

Any person guilty of an offence under these Bye-laws for which no penalty is provided shall be liable on the first conviction to a fine not exceeding P1000.00 or in default of payment to imprisonment for a term not exceeding six months or in the event of a second or subsequent conviction to a fine not exceeding P2500.00 or in default of payment to imprisonment for a term not exceeding one year.

### **SCHEDULE 1 VILLAGE AREA (Bye-law 2)**

These Bye-laws shall apply in the following areas-

1. All villages declared planning areas (buildable area).
2. In respect of all villages that are not planning areas a decision has to be made by the community on the application of the Bye-laws to their respective villages.

### **SCHEDULE 2 COUNCIL STABLE AND KRAAL FEES (Bye-law 9)**

<i>Animals</i>	Fee
Sheep, goats, pigs	P10 per head per day
Cattle, donkeys, mules, horse	P 25 per head per day
All other animals and domesticated birds	P 5 per head per day