Statutory Instrument No. 27 of 2016

LOCAL GOVERNMENT ACT
(Cap. 40:01)

KWENENG DISTRICT COUNCIL (CONTROL OF LIVESTOCK AND OTHER ANIMALS) BYE-LAWS, 2016
(*Published on 11th March, 2016*)

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IN EXERCISE of the powers conferred by sections 44 and 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 Kweneng District Council hereby makes the following Bye-laws —

Citation

1. These Bye-Laws may be cited as the Kweneng District Council (Control of Livestock and Other Animals) Bye-laws, 2016.

Interpretation

2. In these Bye-Laws, unless the context otherwise requires —

"Council" means the Kweneng District Council;

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

"law enforcement officer" includes any person or organisation requested to assist to give effect to these Bye-laws by the Council under bye-law 8;

"livestock" means any domestic bovine animal, goat, sheep, swine, horse, donkey or mule;

"other animals" includes any animal, bees or poultry under human control or which is otherwise domesticated;

"owner" means, in relation to any animal, in addition to its ordinary meaning, any person having the charge, custody or control of any animal and the occupier of any premises where an animal is kept or permitted to remain;

"poultry" means any fowl, turkey, goose or duck, chicken peacock or any domestic or captive bird under human control; and

"stable" includes a cowshed, kraal, pen, stall and sty and any site or enclosure which is used for purposes of keeping other animals.

Keeping of livestock

3. (1) The Council may prohibit the use of any stable, for the purpose of keeping livestock or other animals, which, in the opinion of the Council is unfit, undesirable or objectionable by reason of its locality, construction, or the manner of use of such stable.

(2) The use of any stable for the keeping of livestock or other animals is prohibited in the areas within the council area specified in the Schedule.

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(3) This bye-law shall not apply to any animal subject to the provisions of the Matimela Act, or to any stable or project allocated for that purpose by a land board in such areas.

(4) Any person who uses a stable for keeping livestock in the areas specified in the Schedule commits an offence.

Power to detain wandering livestock

4. (1) A law enforcement officer may seize and detain, any livestock untended livestock found or reported wandering in the areas specified in bye-law 3 (2).

(2) The Council shall, within 14 days of detaining livestock, notify the owner of such livestock by public notice in the *Government Gazette*, any newspaper of wider circulation or by posting notices on notice boards within the council area.

(3) Any livestock detained under these Bye-laws shall, if not claimed within a period of 21 days of the publication of the notice, be handed over to a matimela kraal as defined under the Matimela Act.

(4) The Council shall keep a record of the following details regarding livestock detained by the Council —

(*a*) the date when the livestock was detained;

(*b*) the number and description of the livestock and brand imprinted on it;

(*c*) the name and residential address of the person or officer detaining such livestock;

(*d*) the date and particulars of the release to the owner or to a matimela kraal of such livestock, as the case may be, and the name and residential address of the person to whom the livestock was released or the matimela kraal to which the livestock was handed over to; and

(*e*) any other matter as the Council may consider necessary.

(5) The Council or law enforcement officer shall not be liable to any action or proceedings for damages by reason of any act or omission done or omitted to be done in exercise or purported exercise of his or her duties or functions in good faith, under these Bye-laws.

Claiming of livestock

5. (1) Livestock detained under these Bye-laws shall not be claimed after 21 days following publication of a notice made under bye-law 4 (2).

(2) Any person who is entitled to take possession of any livestock detained by the Council may, upon production of certified documents of ownership, and on payment of a fee of P150 per day for every day that the livestock was in the possession of the Council.

(3) Any person who fails to claim livestock detained by the Council within 21 days, shall, in addition to any fee imposed under the Matimela Act, be liable to pay the fee specified under sub bye-law (2).

(4) Any person who removes or attempts to remove any livestock detained under these Bye-laws without being authorised to do so by the Council and without payment of the fee specified in sub bye-law (2) commits an offence.

Troublesome or dangerous animals

6. (1) A person shall not allow any wild, troublesome, ferocious animals or dangerous animal to be at large off the premises on which such animal is normally kept.

(2) Any person who contravenes sub bye-law (1) commits an offence.

7. (1) A person shall not keep bees or poultry so as to disturb the comfort of the inhabitants of the council area. Bees, pigeons and poultry

(2) Any person who contravenes sub bye-law (1) commits an offence.

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

9. Any person who fails to comply with these Bye-laws or hinders any law enforcement officer performing his or her duties under these Bye-laws commits an offence and is liable to a fine not exceeding P5000, or imprisonment for a term not exceeding two years, or to both. Penalties

10. The Livestock Control (Model) Bye-Laws (Adoption by Kweneng District Council) Order is hereby revoked. Revocation of Statutory Instrument No. 33 of 1972

SCHEDULE

(bye-law 3 (2) and (4))

(*a*) Mogoditshane;
(*b*) Metsimotlhabe;
(*c*) Mmopane;
(*d*) Gaphatshwa;
(*e*) Thamaga;
(*f*) Molepolole;
(*g*) Gabane; and
(*h*) Letlhakeng.

MADE this 15th day of February, 2016.

W. TEMA,
Council Secretary,
Kweneng District Council.

APPROVED this 24th day of February, 2016.

SLUMBER TSOGWANE,
Minister of Local Government and Rural Development.