

THE CONTROL OF LIVESTOCK INDUSTRY PROCLAMATION (CHAPTER 109)

as amended by

**THE CONTROL OF LIVESTOCK INDUSTRY (AMENDMENT)
PROCLAMATION, 1959**

(No. 16 of 1959)

(Promulgated 27th February, 1959)

and

THE GENERAL LAW (TAXATION PROVISIONS) AMENDMENT LAW, 1961

(No. 21 of 1961)

(Promulgated 1st January, 1962)

and

**THE CONSTITUTIONAL AMENDMENT (ADAPTATION OF EXISTING LAWS)
ORDER, 1966**

(Legal Notice No. 84 of 1966)

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THE CONTROL OF LIVESTOCK INDUSTRY PROCLAMATION

ARRANGEMENT OF SECTIONS

Section

Preliminary

1. Short Title
2. Interpretation

PART I

Purchase of Livestock

3. Permits for Sale or Disposal by Africans
4. Purchase or Acquisition of Livestock
5. Sale or Disposal of Livestock
6. Licences and Fees
7. Deposit or Security Required on Issue of Livestock Buyer's Licence
8. Free Licences
9. Licences to be Carried and Produced
10. Touts
11. Returns

12. All Livestock to be Branded after Purchase or Acquisition
13. Offences
14. Onus on Accused Persons
15. Public Sales of Livestock

PART II

Export of Livestock

16. Export by Registered Exporters and Registered Producers only on Export Permit
17. Restriction on Export of Breeding Stock
18. Application for Registration as Exporter or Producer
19. Information to be Furnished on Demand
20. Offences

PART III

Levy on Cattle Exported

21. Levy on Cattle Exported
22. Manner of Payment
23. Cattle Export Levy Fund
24. Offence to Export without having Paid Levy
25. Sufficiency of Proof of Non-payment of Levy
26. Suspension of Levy

PART IV

Export of the Products of the Slaughtering of Livestock and the Licensing etc. of Export Slaughter Houses

27. Export of Meat to be from Export Slaughter House or Under Permit
28. Supplying Livestock to an Export Slaughter House
29. Construction of Slaughter House Capable of Use for Export Trade.

PART V

General

30. Refusal of Removal Permits or the Imposition of Conditions
31. Power to make Regulations
32. Penalties

PART VI

Purchase of Livestock Produce

33. Licence to Purchase or Acquire Produce for the Purpose of Trade
34. Extension of Licence
35. Endorsement of Conditions on Licences
36. Licence Fees
37. Penalties and Onus of Proof.

67 of 1941.
23 of 1943.
21 of 1944.
Cap. 86.
21 of 1950.
65 of 1952.
84 of 1953.
16 of 1959.
21 of 1961.
L.N. 84 of 1966.

CHAPTER 109
CONTROL OF LIVESTOCK INDUSTRY

To make provision for the control of livestock.

(19th December, 1941)

Short Title.

1. This Proclamation may be cited as the Control of Livestock Industry Proclamation.

Interpretation.

2. (1) For the purposes of this Proclamation, the expression —

("Abattoir")¹

"Chief" means any African recognised as a Chief by the President², and includes any African so recognised temporarily as an acting Chief;

"export slaughter house" means a slaughter house licensed as an export slaughter house under section 26;¹

"Livestock" includes cattle, sheep and goats;¹

("Livestock produce")¹

"Non-tribal area" means any area which is not a tribal area, as defined in this section;

"slaughter house" means a place where livestock are slaughtered for human consumption;¹

"Tribal area" means the area known as the Barolong Farms, as described in Schedule B to the Boundaries Proclamation (Cap. 37), and the Bamangwato, Batawana, Bakgatla, Bakwena, Bangwaketse, Bamalete and the Batlokwa Tribal Territories, as defined in the Tribal Territories Proclamation (Cap. 68), or any area which may be added thereto by law.

(2) The President² may from time to time by notice in the Gazette add to or otherwise amend the Schedule to this Proclamation

(1) amended by Proc. 16/1959

(2) amended by L.N. 84/1966

or security shall at any time fall short of the said value and the holder of the Livestock Buyer's Licence shall neglect or refuse to make up the deficiency, it shall be lawful for the President¹ to cancel such licence.

(3) Any deposit or security made or found under this section may be taken in execution in whole or in part for the purpose of satisfying the judgment of any competent Court within Botswana¹, whereby the person who made such deposit or found such security shall be required to pay —

- (a) any sum, whether by way of debt, damages, costs or otherwise, to any person resident within Botswana¹ in respect of a transaction involving the purchase or acquisition of livestock in terms of section 4; or
- (b) any fine, compensation or award in respect of a contravention of any of the provisions of this Proclamation.

(4) In case of cancellation of a Livestock Buyer's Licence, or in case such a licence shall not be renewed upon the expiration thereof, the deposit or other security made or found in connection therewith, in so far as the same has not been appropriated under the last preceding sub-section, shall, within three months after such cancellation or expiration, be delivered back by the President¹ or other authorised officer upon due application being made therefor.

Free Licences.

8. (1) Licences under this Part may be issued free of charge to —

- (a) the holder of a fresh produce licence to purchase or otherwise acquire a specified number of livestock required for slaughter for the purpose of his business during the year;
- (b) a farmer, on first acquiring and wishing to stock a farm, provided that the licence shall not authorise the purchase or acquisition of livestock which would exceed the maximum carrying capacity of the farm, as assessed by the Director of Veterinary Services;
- (c) a farmer, for the purchase of fifty head of livestock per annum;
- (d) the holder of a general trading licence to purchase or otherwise acquire livestock at his licensed store provided that he may buy livestock at public sales, as defined in section 15, within the District in which his licensed store is situated;
- (e) such other person or class of persons, for such purposes and under such conditions as the Director of Veterinary Services may decide.

(2) Applications for free licences shall be submitted on the forms set out in the Schedule to this Proclamation.

(3) Any person to whom a free licence is issued shall be exempted from the provisions of section 7.

(1) amended by L.N. 84 of 1966

Licences to be Carried and Produced.

9. Every person licensed under this Part to purchase or otherwise acquire livestock shall be required to carry his licence with him, and to produce it on request.

Touts.

10. Any person who employs a tout and any person acting as a tout shall be guilty of an offence. For the purpose of this section a "tout" means any employee, other than an approved agent, who uses his influence to persuade prospective sellers to dispose of their cattle to his employer.

Returns.

11. (1) Every holder of a licence under this Part shall within fifteen days after the end of each month render to the Director of Veterinary Services a return, in the form set out in the Schedule to this Proclamation, showing all purchases, acquisitions, sales, exchange or other disposals of livestock. Where no transactions are effected during the month a *nil* return shall be rendered. Any such holder who neglects or refuses to render such return or who renders a return which is false in any particular shall be guilty of an offence: Provided that the President may if he thinks fit, by notice in the *Gazette*, suspend or vary from time to time the operation of this sub-section, and may, in his discretion, exempt certain licence holders from its requirements.

(2) A certificate under the hand of the Director of Veterinary Services or other officer authorised by him shall in any proceedings under this section be *prima facie* evidence of the facts stated therein, and it shall not be necessary to bring oral evidence of such facts unless the Court before which such proceedings are had specially direct, in which case a postponement may be allowed to enable the officer whose presence is required to attend.

All Livestock to be Branded after Purchase or Acquisition.

12. (1) It shall be the duty of every person licensed under this Part within seventy-two hours after purchasing or otherwise acquiring any livestock and before removal of such livestock from the place of purchase or acquisition, to affix to each animal purchased or otherwise acquired the brand of which he is the registered proprietor, and for the purposes of this section the expression "brand" shall have the meaning assigned to it in section 2 of the Branding of Cattle Law, 1961 (Law 19/1961).

Provided that the President may exempt persons licensed under section 8 (1) (e) from the requirements of this section, and from the requirements of section 6 (4).

(2) Any person who fails to comply with any of the requirements of this section shall be guilty of an offence.

Offences.

13. Any person who shall, whether on his own behalf or on behalf of any other person, directly or indirectly purchase or otherwise acquire or sell or dispose of any livestock within Botswana¹ in contravention of any of the provisions of this Part or in violation of the conditions of his licence shall be guilty of an offence.

Onus on Accused Persons.

14. In any prosecution for an offence under this Part —

- (a) any livestock proved to have been purchased or otherwise acquired by any person within Botswana¹ shall be deemed to have been purchased or acquired by such person in contravention of the provisions of this Part unless and until the contrary is proved by such accused person; and where any livestock proved to have been in the possession of an accused person or persons cannot be accounted for by such accused person or persons to the satisfaction of the Court, such livestock may be deemed to have been disposed of illegally by such person or persons in contravention of section 5 (2).
- (b) any person required by this Part to have a licence shall be deemed to be without such licence, unless he shall produce the same on demand to any administrative officer, veterinary officer, stock inspector or police officer or to the Court or give other satisfactory proof of possessing the same.

Public Sales of Livestock

15. It shall be lawful for the President¹ to appoint places in Botswana¹ where public sales of livestock may take place subject to such conditions as he may impose. Public sales of livestock may not be held within Botswana¹ without the written approval of the President¹.

PART II

EXPORT OF LIVESTOCK

Export by Registered Exporters and Registered Producers only on Export Permit.

16. No person shall export or cause or permit to be exported from Botswana¹ any livestock unless he is the holder of a current certificate that he is a registered exporter or a registered producer, and is in possession of an export permit issued by the Director of Veterinary Services or an officer authorised by him, subject to such conditions as the President¹ may deem necessary.

Restriction on Export of Breeding Stock.

17. No person shall export from Botswana¹ any male or female horned cattle.

(1) amended by L.N. 84/1966

sheep, goats, horses, donkeys or pigs suitable for breeding except under authority of a permit issued by the Director of Veterinary Services or an officer authorised by him.

Application for Registration as Exporter or Producer.

18. (1) Any person, corporation or association shown on the Government Stock Registers to be in possession of a minimum of ten head of cattle suitable for export or of twenty head of female breeding cattle or who is the holder of a licence issued under Part I may make application to be registered as an exporter. He shall give such information concerning his livestock as may be deemed necessary by the Director of Veterinary Services, and the Director of Veterinary Services or any officer authorised by him may issue to such applicant a certificate that he is a registered exporter.

(2) Any person who combines the business of breeding, rearing and maturing cattle for export may make application to be registered as a producer. He shall give such information concerning his livestock as may be deemed necessary by the Director of Veterinary Services, and the Director of Veterinary Services or any officer authorised by him may issue to such applicant a certificate that he is a registered producer.

(3) Certificates issued under this section shall expire on the thirty-first day of December next following the date of issue.

Information to be Furnished on Demand.

10. Every person shall, on demand by the Director of Veterinary Services or any officer authorised by him, give such information concerning the livestock in his possession or which has been in his possession as may be deemed necessary by the Director of Veterinary Services.

Offences.

20. (1) Any person who exports any livestock in contravention of any of the provisions of this Part shall be guilty of an offence.

(2) Any person who gives false information to the Director of Veterinary Services or his authorised officer shall be guilty of an offence.

PART III

LEVY ON CATTLE EXPORTED

Levy on Cattle Exported.

21. (1) Upon every head of cattle exported from Botswana¹ to the Johannesburg quarantine market or for realisation on the Johannesburg quarantine market

(1) amended by L.N. 84/1966

or any such other market as may, by Notice in the *Gazette*, be specified by the President¹ there shall be imposed a levy of 50 cents or such other sum as the President¹ may from time to time by Notice in the *Gazette* determine.

(2) Notwithstanding the provisions of the preceding sub-section any person who holds a current certificate issued under Part II that he is a registered producer shall be entitled to a refund of the levy paid by him on any number of cattle bred, reared and matured by him, not exceeding fifty in each calendar year, equivalent to half the number of his female breeding cattle at the commencement of such calendar year.

Manner of Payment.

22. The levy imposed by section 21 shall be payable to any administrative officer, veterinary officer, stock inspector, police officer or any other person authorised in writing by the President¹ to receive such levy, and such officer or other person shall give his receipt for the same; the production of which receipt at the port of exit shall be full and sufficient proof of payment of the levy on the said cattle.

Cattle Export Levy Fund.

23. (1) The moneys derived from the levy on cattle exported, and paid into the Cattle Export Levy Fund established under the Cattle Export Tax Proclamation (Cap. 95), shall be used for the general benefit of the livestock industry in Botswana¹.

(2) Any surplus moneys in such fund may be invested on such terms and conditions as the President¹ may decide.

(3) The President¹ shall appoint an Advisory Committee to advise him on all matters affecting the fund, its investment and disbursement.

Offence to Export without having Paid Levy.

24. Any person not being a registered producer exporting under the provisions of section 21 (2) who shall export or attempt to export any cattle from Botswana¹ for realisation on the Johannesburg quarantine market or other specified market without having first paid thereon the levy imposed by section 21 (1) shall be guilty of an offence.

Sufficiency of Proof of Non-payment of Levy.

25. In any prosecuting for exporting or attempting to export any cattle without having first paid the levy imposed by section 21 (1), proof that the accused person or any agent of the accused person who had charge of the cattle at the time of exportation or attempted exportation failed, on demand made by any member of the police force or by any of the officers or persons mentioned in section 22 to produce the receipt for such levy, shall be sufficient evidence that such levy has not been paid, unless and until the contrary is proved.

(1) amended by L.N. 84/1966

Suspension of Levy.

26. The President¹ may from time to time, by Notice in the *Gazette*, suspend the operation of this Part, and may by similar Notice revoke any such suspending Notice and declare that this Part shall again have force and take effect:

Provided that any such suspension shall not affect the validity of any act done or any proceedings pending at the date of such Notice or the recovery of any levy or penalty payable at such date.

PART IV²

EXPORT OF THE PRODUCTS OF THE SLAUGHTERING OF LIVESTOCK AND THE LICENSING, ETC., OF EXPORT SLAUGHTER HOUSES

Export of Meat to be from Export Slaughter House or under Permit.

27. (1) No person shall export or cause or permit to be exported from Botswana¹ any meat or other product (excluding any hide or skin) of the slaughtering of livestock unless —

(a) the meat or product is derived from livestock slaughtered at an export slaughter house and the exportation takes place directly from that export slaughter house; or

(b) the Director of Veterinary Services has given permission in writing therefor.

(2) No person shall carry on the business of slaughtering livestock for export otherwise than at an export slaughter house.

(3) The President¹ on application and at his discretion may licence any slaughter house as an export slaughter house and at his discretion at any time may revoke a licence so granted, and shall not be obliged to assign any reason for refusing to grant or for the revoking any such licence.

(4) In considering any application for the grant of a licence in terms of the preceding sub-section, the President¹ shall have regard *inter alia* to whether the slaughter house, together with any place used in connection therewith for keeping or subjecting products of the slaughtering of livestock to any treatment or process, has been constructed or adapted in conformity with the provisions of any relevant law for the time being in force in Botswana¹ or with any conditions attached to the President's¹ consent to construct or adapt the slaughter house given under section 28 (2) and may cause the slaughter house together with any place as aforesaid to be inspected by an officer of the public service of Botswana¹ for the purpose of ascertaining its suitability as an export slaughter house.

(5) Any person who wilfully contravenes any of the provisions of sub-sections (1) and (2) of this section shall be guilty of an offence and liable on

(1) amended by L.N. 84/1966 (2)

(2) Added by Proc. 16/1959 (1)

conviction to a fine not exceeding R1000, or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment.

Supplying Livestock to an Export Slaughter House.

28. (1) No person shall supply any livestock to an export slaughter house unless —

- (a) he is registered as an export slaughter house supplier in terms of sub-section (3);
- (b) he has received a quota allocation from the Director of Veterinary Services authorising him to supply livestock to the particular export slaughter house in question.

(2) No person registered under sub-section (3) shall supply any livestock to an export slaughter house otherwise than in accordance with the terms of his quota.

(3) Any person qualified, in terms of sub-sections (1) or (2) of section 17, to be registered as an exporter or producer, may make application to the Director of Veterinary Services to be registered as an export slaughter house supplier, and the Director of Veterinary Services if satisfied as to that qualification shall register the applicant accordingly and shall issue him with a certificate to that effect.

(4) The Director of Veterinary Services may at any time cancel the registration of an export slaughter house supplier who in his opinion is no longer qualified to be registered, and the President¹, by notice in the *Gazette*, may at any time order the cancellation of all registrations for the purpose of requiring fresh applications for registration to be made.

(5) Any person who wilfully contravenes any of the provisions of this section shall be guilty of an offence and liable on conviction to a fine not exceeding R100, or to imprisonment for a term not exceeding three months, or to both such fine and imprisonment.

(6) Any person who wilfully gives or causes to be supplied to the Director of Veterinary Services any false information in connection with an application for registration as an export slaughter house supplier in terms of this section shall be guilty of an offence and liable on conviction to a fine not exceeding R200, or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment.

Construction of Slaughter House Capable of Use for the Export Trade.

29. (1) For the purposes of this section a slaughter house which, together with any place used in connection therewith for keeping or subjecting products of the slaughtering of livestock to any treatment or process, has a total floor space exceeding one thousand square feet, shall be deemed to be a slaughter house capable of use for the export trade.

(2) No person shall construct or adapt any building or premises as a slaughter house capable of use for the export trade except in accordance with the prior written consent of the President¹ and in accordance with such terms and conditions as the President¹ may deem fit to impose.

(3) For so long as there is no law in force in Botswana¹ relating to the construction of slaughter houses —

(a) the President¹, in considering any application for the grant of his consent in terms of the preceding sub-section, may require the applicant to produce to the President¹ such site plans, construction plans, and specifications relating to the proposed slaughter house as he may prescribe ;

(b) a person engaged in the construction or adaptation of a slaughter house capable of use for the export trade shall furnish the District Commissioner with not less than twenty-four hours' notice, in writing —

(i) of the date and time at which operations will be commenced ; and

(ii) before the covering up of any drain private sewer, concrete or other material laid over a site, foundation, or damp-proof course ;

and if such person neglects or refuses to give any such notice, he shall comply with any notice, in writing, of the President¹ requiring him within a reasonable time to cut into, lay open or pull down so much of the slaughter house, its works or fittings as prevents the President¹ from ascertaining whether any of the conditions attached to his consent given under sub-section (2) of this section have been observed ; and

(c) a person engaged in the construction or adaptation of a slaughter house capable of use for the export trade shall permit any officer of the public service authorised, in writing, for such purpose by the President¹ to enter upon and inspect operations at all reasonable times and to take such samples of the materials to be used in the construction or adaptation or in the installation of fittings as may be necessary in order to ascertain whether the conditions attached to the President's¹ consent given under sub-section (2) are being observed.

(4) Any person who contravenes the provisions of sub-section (2) shall be guilty of an offence and liable on conviction to a fine not exceeding R1000 or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment.

(5) In any prosecution under this section the onus of proving that a building or premises in course of construction or adaptation is not being constructed or adapted as a slaughter house capable of use for the export trade shall be upon the accused.

(1) amended by L.N. 84/1966

Licence Fees.

36. There shall be paid for such licence, by a person domiciled in Botswana¹, the sum of R6 in respect of each calendar year or R3 in respect of a licence taken out after the thirtieth day of June in any one year, and by a person not domiciled in Botswana¹, the sum of R6 for three months or any lesser period.

Penalties and Onus of Proof.

37. (1) Any person who contravenes any provision of section 23 or who fails to comply with any provision of section 34 or who contravenes or fails to comply with any condition endorsed on his licence under section 35 shall be guilty of an offence and liable on conviction to a fine not exceeding R100 or to imprisonment for a period not exceeding six months, and if he is the holder of a licence under this Part the Court may, in addition to or in lieu of any other penalty, order the cancellation of such licence.

(2) In any prosecution under this section the onus of proving that any purchase or other acquisition of livestock produce was effected not for the purpose of trade but for private use shall be upon the accused.

SCHEDULE

APPLICATION FOR FREE LICENCE BY A BUTCHER

I certify that I am the holder of Fresh Produce Licence No. _____ issued
in the _____ District. I hereby apply for a free licence
to purchase or acquire the following livestock for slaughter and sale as meat,
etc., within Botswana¹ :

APPLICATION FOR FREE LICENCE BY A HAWKER

I certify that I am the holder of Hawker's Licence No. _____ issued
in the _____ District. I hereby apply for a free licence
to purchase or acquire the following livestock for the period permitted by my
licence within the area or areas specified below :

⁽¹⁾ amended by L.N. 84/1966

APPLICATION FOR A FREE LICENCE BY A FARMER

I certify that I am farming at _____ in the _____ District. I hereby apply for a free licence to purchase or acquire within the District or Districts set out below the following livestock for the purposes stated :

<i>Cattle</i>	<i>No.</i>	<i>Purpose</i>	<i>District or Districts in which livestock to be acquired</i>
Breedingstock			
Tollies and Weaners			
Treks			
Stores			
Feeders			
Slaughter cattle			

APPLICATION FOR A FREE LICENCE BY A GENERAL TRADER

I certify that I am the holder of General Trading Licence No. _____ issued in the _____ District. I hereby apply for a free licence to purchase or acquire livestock for the currency of the above licence within the _____ District in which my business premises are situated and in the following District or Districts for the reasons stated below :

RETURN OF STOCK PURCHASES, SALES, ETC., UNDER SECTION 10

I hereby notify that during the month of _____ the following purchases, acquisitions, sales, exchanges or other disposals of stock were effected by me or on my behalf :

<i>Date</i>	<i>Place</i>	<i>Species No.</i>	<i>Sold to or exchanged with</i>	<i>Purchased or acquired from</i>	<i>Permit No.</i>

When transactions with Africans are recorded the Chief's or District Officer's permit number must be recorded.

186 of 1945.
126 of 1953.
19 of 1958.

CONTROL OF LIVESTOCK INDUSTRY

Notice No. 186 of 1945

The Pretoria Abattoirs shall be a market in terms of section 21 (1) of the Proclamation with effect from the 1st October, 1945.

Notice No. 126 of 1953

The operation of section 11 (1) of the Proclamation was suspended from operation from 13th August, 1953, until further notice.

Notice No. 19 of 1958

All certificates of registration as supplier to the Lobatsi Abattoir in force on 18th July, 1958, were withdrawn, in terms of section 28 (2) of the Proclamation.