

Statutory Instrument No. 36 of 1968

THE LOCAL GOVERNMENT (DISTRICT COUNCILS) LAW, 1965

THE CONTROL OF BOREHOLES (MODEL) BYE-LAWS, 1968

(Published on 26th April, 1968)

In exercise of the powers vested in him by section 36(1) of the Local Government (District Councils) Law, 1965, the Minister of Local Government and Lands hereby makes the following bye-laws —

Citation, Application and Commencement

1. (1) These bye-laws may be cited as the Control of Boreholes (Model) Bye-laws and shall come into operation within an area if and when adopted by a District Council in terms of section 36(2) and (3) of the Local Government (District Councils) Law, 1965.

(2) These bye-laws shall apply in relation to boreholes from which the District Council provides public water supplies in accordance with the provisions of item 4 of the Schedule to the law.

(3) In adopting these bye-laws under the provisions of sub bye-law (1), the Council shall specify to which boreholes the bye-laws shall apply.

Interpretation

2. In these bye-laws, unless the context otherwise requires —

“area” means the area of a District Council as defined by the order establishing the council under section 4 of the Local Government (District Councils) Law, 1965;

“borehole” means borehole to which these bye-laws apply by reason of the provisions of subbye-laws (2) and (3) of bye-law 1;

“District Council” means any council which has adopted these bye-laws;

“domestic purposes” excludes the watering of stock;

“officer” means the officer of the council appointed by the council to be in charge of a borehole;

“stock” means any domestic or domesticated animals.

Taking of Water for Domestic Purposes

3. (1) A person may, with the permission of the officer, and on payment of the fee prescribed in the Schedule, take water from a borehole for domestic purposes.

(2) The fee prescribed under subbye-law (1) shall be payable annually in advance.

(3) Permission given under subbye-law (1) shall authorize the taking of water for domestic purposes by the person to whom permission has been granted and by such of his immediate family as are resident with him.

(4) Nothing in this bye-law shall apply to the casual taking of water for drinking purposes or to the supply of water from a borehole to a consumer by means of pipes.

Registration of Stock

4. (1) Subject to the provisions of bye-law 7, no person shall water any stock at any borehole unless the owner thereof has registered such stock with the officer who may refuse such registration if —

- (a) there is insufficient water and grazing available for such stock ;
- (b) any fee payable by the owner under these bye-laws in respect of any borehole is outstanding ;
- (c) the owner of the stock has previously watered his stock at some other place and insufficient reason exists for changing the place at which such stock is watered ;
- (d) the owner of the stock has registered such stock at another borehole ;

and who shall refuse registration if the effect of registration would be to authorize the watering of stock in excess of the number determined by the council under bye-law 6 :

Provided that no such registration shall be refused if application for registration is made within six months of the commencement of these bye-laws and relates to stock which is watered at the borehole upon the commencement hereof.

(2) There shall be an appeal to the council against any refusal by an officer to register any stock under the provisions of subbye-law (1) and, in the event of such appeal, the council may give such direction in the matter as it may think fit.

(3) Any person watering any stock at a borehole in contravention of the provisions of subbye-law (1) shall be guilty of an offence and shall be liable on conviction to the penalties prescribed in bye-law 14.

Fees

5. (1) Upon registration of any stock under the provisions of subbye-law 4, the fees prescribed in the Schedule shall be payable by the owner thereof.

(2) Such fees shall be payable monthly in advance.

Number of Stock which may be Registered at any Borehole

6. The council may by resolution determine the maximum number of stock which may be registered at any borehole under the provisions of bye-law 4(1) and, subject to the provisions of the proviso to that bye-law, the officer shall comply with any such resolution.

Watering of Stock in an Emergency

7. (1) Notwithstanding the provisions of bye-law 4, in an emergency the officer may permit any stock to be watered at a borehole without registration.

(2) The presence of such stock at the borehole shall be reported by the officer as soon as practicable to the council.

(3) Any person watering stock under the provisions of subbye-law (1) shall be liable for the payment of the fees prescribed in the Schedule.

Cancellation of Registration

8. (1) The officer may cancel the registration of any stock --

- (a) if any fee owing under the provisions of bye-law 5 is not paid within thirty days of due date ;

(b) if there is insufficient water to supply all the stock registered at the borehole.

(2) There shall be an appeal to the council against any such cancellation and, in the event of such appeal, the council may give such direction in the matter as it may think fit.

Duties of Officer

9. (1) In registering or cancelling the registration of stock under the provisions of these bye-laws the officer shall act in accordance with such instructions as may be given him by the council.

(2) In exercising his powers under these bye-laws to refuse to register any stock or to cancel the registration of any stock because of an insufficiency of water, the officer shall endeavour to ensure that the available water is apportioned as fairly as possible among persons requiring such water for their stock.

Area Surrounding Pumping Station

10. (1) Where the council has surrounded the pumping station at any borehole by a fence, no person shall permit any stock to enter the area demarcated by that fence.

(2) Any person who contravenes the provisions of subbye-law (1) shall be guilty of an offence and liable on conviction to the penalties prescribed in bye-law 14.

Control of Stock

11. (1) No stock may be watered at any borehole unless they are in the charge of their owner or some responsible person appointed by their owner.

(2) The person in charge of such stock as aforesaid shall comply with any instructions which may be given by the officer as to the manner in which such stock is to be watered.

(3) Any person who fails to comply with any instruction given under the provisions of subbye-law (2) shall be guilty of an offence and liable on conviction to the penalties prescribed in bye-law 14.

False or Misleading Statements

12. Any person who knowingly makes to any officer any statement for the purpose of obtaining the registration of his stock at any borehole which is false or misleading in any material particular shall be guilty of an offence and liable on conviction to the penalties prescribed in bye-law 14.

Registers

13. The register kept for the purposes of bye-law 4 shall be in such form as the council may determine.

Penalties

14. Any person contravening the provisions of bye-laws 4(3), 10(2), 11(3) or 12 shall be liable to a fine of R10 or, in default of payment, to imprisonment for a period not exceeding one month, and, in the case of a second or subsequent offence, to a fine of R50 or, in default of payment, to imprisonment for a period not exceeding six months.

SCHEDULE

	Fee
(a) Water for domestic purposes under bye-law 3	
(b) Stock registered under bye-law 4 —	
(i) cattle, per head, per month	
(ii) other stock, per head, per month	
(c) Stock watering under the provisions of bye-law 7 per head, per day . . .	

M.T.M. KGOPO,
Permanent Secretary.

Ministry of Local Government and Lands,
GABERONES.
17th April, 1968.