

THE AQUATIC WEEDS (CONTROL) ACT, 1971

No. 46



of 1971.

ARRANGEMENT OF SECTIONS

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AN ACT TO PROVIDE FOR THE CONTROL OF AQUATIC WEEDS AND MATTERS INCIDENTAL THERETO.

Date of Assent: 22.12.71.

Date of Commencement: 31.12.71.

ENACTED by the Parliament of Botswana.

1. This Act may be cited as the Aquatic Weeds (Control) Act, Short title 1971.

Inter-
pretation

2. In this Act —

“aquatic apparatus” means any article designed for use in, on, under or around surface waters, which comes into contact with water during use;

“aquatic weed” means any aquatic weed specified in the Schedule, and includes any portion, fragment, trace or seed of any such weed;

“boat” includes any vessel or craft designed, suitable or used for the purpose of floating in, on, or under surface waters;

“infested waters” means waters declared under section 6 to be infested with aquatic weeds;

“surface waters” means all water flowing over the surface of the ground or contained in or flowing from any river, spring, stream or watercourse or any lake, dam, pan, pond or swamp.

Importation
and move-
ment of
aquatic
weeds
prohibited

3. No person shall import into Botswana, or move from any point or place within Botswana to another point or place within Botswana, any aquatic weed.

Minister may
alter
Schedule

4. The Minister may at any time add to or amend the Schedule by Order published in the Gazette.

Offences

5. Any person who knowingly or recklessly contravenes any provision of section 3 shall be guilty of an offence and liable on conviction to a fine of R2,000 or, in default of payment, to imprisonment for a period of two years, or to such fine and such imprisonment.

Declaration
of infested
waters

6. The Minister may by Order in the Gazette —

(a) declare surface waters within any area defined in such Order to be infested with aquatic weeds;

(b) vary or cancel any such declaration.

Regulations

7. (1) For the better enforcement of the prohibition contained in section 3 and with a view to promoting the eradication of aquatic weeds the Minister may make regulations which shall be published in the Gazette.

(2) Without prejudice to the generality of subsection (1), such regulations may provide for any of the following matters —

(a) places at which alone boats may be brought into Botswana or, on importation into Botswana, be unloaded from railway trucks, aircraft, or other conveyances;

- (b) the compulsory inspection and treatment of boats for the purpose of killing, destroying, removing or rendering innocuous, aquatic weeds;
- (c) requiring persons to move, remove and submit boats for inspection;
- (d) the seizure, detention, inspection and treatment by specified officers of articles and things which may have collected or been exposed to aquatic weeds or infested waters;
- (e) the registration of boats and the issue of registration certificates in respect thereof;
- (f) the prohibition of the use or movement of boats save in areas specified in or endorsed upon registration certificates;
- (g) requiring persons to obtain, and empowering specified officers to issue, movement certificates authorising the movement of aquatic apparatus;
- (h) the restriction of the movement of boats, by water or air or overland, by reference to routes, points of arrival or departure or modes of conveyance;
- (i) requiring persons before placing boats, or causing or permitting boats to be placed, in any waters of Botswana to report to specified officers and obtain certificates of authorisation;
- (j) requiring persons before placing, or causing or permitting to be placed, articles or things of the description mentioned in paragraph (d) in any waters of Botswana to submit such articles or things for inspection or treatment by specified officers;
- (k) the regulation, restriction or prohibition of all or any modes of use of, or dealing with, or contact with water within infested waters;
- (l) the issue of certificates of inspection, treatment and authorisation and the form thereof;
- (m) requiring persons to produce for inspection by specified officers registration certificates, movement certificates, and certificates of inspection, treatment and authorisation;
- (n) prescribing fees or charges for any registration, inspection, treatment or certificate provided for in the regulations.
- (3) The application of any regulation made under this section may be limited to any place or area within Botswana.

(4) The regulations may provide for the imposition of a fine of R1,000 or, in default of payment, imprisonment for twelve months, or of such fine and such imprisonment for any contravention thereof.

Protection
from liability
for acts done
in good faith

8. No action shall lie against the Government or any officer thereof or any person duly authorised by any such officer for any acts done in good faith under this Act or any regulations made thereunder, and no compensation shall be paid to any person for any act so done.

SCHEDULE AQUATIC WEEDS

- (1) Kariba Weed (*Salvinia auriculata* Aublet)
- (2) Water Hyacinth (*Eichhornia crassipes* (Mart.) Solms)
- (3) Water Lettuce (*Pistia stratiotes* L.)

Passed by the National Assembly this day, the 16th December, 1971.

G. T. MATENGE,
Clerk of the National Assembly.