

Statutory Instrument No. 105 of 1973

CUSTOMS, EXCISE AND SALES DUTY ACT, 1970
(22 OF 1970)

AMENDMENT OF SCHEDULES (NO. 37) NOTICE, 1973

(Published on the 7th December, 1973)

IN EXERCISE of the powers conferred by section 50 of the Customs, Excise and Sales Duty Act, 1970, the Minister of Finance and Development Planning has amended the Schedules to the Act to the extent set out in the Schedule hereto.

SCHEDULE

SCHEDULE NO. 1 TO THE ACT

| I Tariff Heading | II Statistical Unit | III Rate of Duty | | | V Preferential |
|---------------------|--|---------------------|--------|-----|-------------------|
| | | General | M.F.N. | | |
| 73.38 | By the substitution for subheading No. 73.38.30 of the following: | | | | |
| | 73.38.30 Hollowware for kitchen or table use, of stainless steel (including pressings and stampings) | kg | 50% | 30% | 25% (U.K.) |

SCHEDULE NO. 3 TO THE ACT.

| I Item | II Tariff Heading and Description | III Extent of Rebate |
|-----------|--|----------------------------|
| 303.01 | By the substitution for paragraph (4) of tariff heading No. 15.07 of the following: “(4) Vegetable oil (excluding sunflower seed oil), for the manufacture of fatty acids | Full duty” |
| 313.06 | By the insertion after tariff heading No. 49.08 of the following: “69.07 Unglazed ceramic tiles, in such quantities and at such times as the Director may allow by specific permit, for the manufacture of glazed ceramic tiles | Full duty” |
| 315.01 | By the insertion after tariff heading No. 28.03 of the following: “28.08 Sulphuric acid, for the manufacture of electrolytic manganese | Full duty” |

MADE this 28th day of November, 1973.

H.C.L. HERMANS,
Permanent Secretary,
Ministry of Finance and Development Planning.

“licence fee” means the fee in respect of licence prescribed in the Third Schedule hereto;

“member” means a member of the tribe;

“tribally conserved animals” means the animals listed in Part I of the First Schedule hereto;

“tribally protected game” means the animals listed in the first column of Part II of the First Schedule hereto;

“tribal game” means the animals listed in the first column of the Second Schedule hereto;

“tribal territory” means the territory of the tribe; and

“tribe” means the Bakgatla Tribe.

Restriction
on hunting
tribally
conserved
animals

3. (1) No member shall capture or hunt a tribally conserved animal.

(2) Any person who contravenes subregulation (1) shall be guilty of an offence.

Restriction
on hunting
tribally
protected
game

4. (1) Subject to regulations 7, 10 and 11, no member shall hunt tribally protected game without being in possession of a licence.

(2) The total number of animals, being tribally protected game, which may be killed in any calendar year by all licence holders shall not exceed the number prescribed in respect of that type of animal in the second column of Part II of the First Schedule hereto; and no licence shall be issued to any licence holder which authorizes the killing of any tribally protected game under such licence in excess of the number prescribed in the third column of Part II of the First Schedule hereto.

(3) Any person who contravenes subregulations (1) and (2) shall be guilty of an offence.

Tribal game

5. (1) Subject to regulation 7, no member shall hunt tribal game without being in possession of a licence permitting him to do so and no licence shall be issued to any licence holder which authorizes the killing under that licence of any tribal game in excess of the number prescribed in the second column of the Second Schedule hereto.

(2) Any person who contravenes subregulation (1) shall be guilty of an offence.

Licence or
required for
hunting
certain
animals

6. A licence shall not be required by a member to hunt animals other than those specified in the First and Second Schedules hereto:

Provided that nothing in this regulation shall be deemed to authorize the hunting of any animal which is a conserved animal under the principal Proclamation.

Closed
season

7. (1) Notwithstanding regulations 4 and 5 no member shall hunt protected game or tribal game between the first day of November in any year and the 30th day of April next following.

(2) Any person who contravenes subregulation (1) shall be guilty of an offence.

8. (1) The Council, after consultation with the Chief as ex-officio member of the Kgatleng District Council, shall appoint licensing officers for the purpose of issuing licences under these Regulations. Appointment
of licensing
officers

(2) A licensing officer shall, subject to these Regulations and to any directions which may be given to him by the Kgatleng District Council for the better conservation of game and for the equitable apportionment of hunting rights between members, issue a licence to a member on receipt by him of the appropriate licence fee :

Provided that no licence for the hunting of tribally protected game shall be issued under these Regulations unless by or with the authority of the Finance and General Purposes Committee in consultation with the Chief Game Warden.

9. (1) A licence shall specify the period of validity of the licence, the name of the person to whom it is issued and the number and species of animals which may be killed by the holder thereof: Licences

Provided that no licence authorizing the hunting of tribally protected game shall be valid for a period in excess of 90 days.

(2) A licence shall not authorize the hunting of tribally protected game unless such authority is expressly conferred by the licence and, if so conferred, it shall authorize the hunting of the number and species of animals specified in the licence only.

(3) A licence authorizing the hunting of the number and species of animals specified in the licence only.

(4) The fees prescribed in the Third Schedule hereto shall be paid for a licence.

(5) All licence fees shall be paid into the revenue of the Kgatleng District Council.

(6) (a) Subject to subregulation (6) (b), every licence issued under these Regulations shall be personal to the licence holder and any purported transfer or assignment or the use thereof by any person other than the said holder shall be deemed to be a surrender by such holder of the licence.

(b) At any time during the validity of the licence the member to whom the licence was issued may make application to the issuing licensing officer for it to be used by another person in the member's family on the member's behalf.

(c) The licensing officer may, at his absolute discretion, grant or refuse such application, and shall, if he grants it, endorse upon the licence in respect of which the application is made the name and address of the person entitled to use the licence on behalf of the member.

(7) In any open season no member shall be issued with more than one licence of any particular type:

Provided that a member may be issued with more than one licence in respect of tribally protected game but may, in any open season, kill no more

| | |
|---|---|
| | <p>(c) the holder of the licence has entered upon it details of the animal hunted sufficient to satisfy the intended purchaser that such animal has been validly hunted under the licence.</p> <p>(3) Any seller or purchaser who fails to comply with subregulations (1) and (2) shall be guilty of an offence.</p> |
| Sale of meat prohibited | <p>13. (1) No person shall buy or sell the meat of any animal which has been hunted under a licence issued under these Regulations.</p> <p>(2) Any person who contravenes subregulation (1) shall be guilty of an offence.</p> |
| Use and possession of poisoned bait etc. prohibited | <p>14. (1) No person shall, except under and in accordance with the prior written permission of the Chief or Game Warden, use any poisoned bait, metal trap, set gun or wire snare for the purpose of hunting or capturing an animal:</p> <p>Provided, however, that nothing shall render unlawful the setting of a metal trap or wire snare in the immediate vicinity of any enclosure with livestock therein.</p> <p>(2) Any person who contravenes subregulation (1) shall be guilty of an offence.</p> |
| Sale of live animals prohibited | <p>15. (1) No person shall buy or sell a live animal which has been captured in the tribal territory.</p> <p>(2) Any person who contravenes subregulation (1) shall be guilty of an offence.</p> |
| Certain methods of hunting prohibited | <p>16. (1) No person shall hunt any animal —</p> <p>(a) by means of a dazzling lamp used at night;</p> <p>(b) from a mechanically propelled vehicle; or</p> <p>(c) while mounted on a horse, mule or donkey.</p> <p>(2) Any person who contravenes subregulation (1) shall be guilty of an offence.</p> |
| Wounding of animals to be reported | <p>17. (1) Any person who wounds, without killing, any animal specified in the Seventh Schedule to the Act shall report such wounding without unnecessary delay to a member of the Botswana Police Force at the Police Station nearest to the place where such wounding occurred, to a District Councillor or to the nearest member of the Department of Wildlife and National Parks.</p> <p>(2) Any person who contravenes subregulation (1) shall be guilty of an offence.</p> |
| Penalties | <p>18. (1) Any person who is convicted of an offence under these Regulations shall be liable —</p> <p>(a) in the case of a first conviction to a fine of R50 and to imprisonment for one month; and</p> <p>(b) in the case of a second or subsequent conviction to a fine of R200 and to imprisonment for six months.</p> |

(2) In addition to any penalty which may be imposed under subregulation (1), a conviction shall automatically cancel all licences held by the person so convicted and such person shall not be issued with any other licence under these Regulations until the lapse of a period of 24 months from the date of such conviction.

FIRST SCHEDULE

PART I

(regulation 3)

Tribally Conserved Animals

| | |
|-------------------|---------------------------|
| Bushbuck | (Serolobothoko) |
| Eland | (Phofu) |
| Python | (Tlhware) |
| Duck and Geese | (Dihudi) |
| Reedbuck | (Motsweima) |
| Eggs of all birds | (Mae a dinonyane tsotlhe) |

PART II

(regulation 4)

Tribally Protected Game

| <i>First Column</i> | | <i>Second Column</i> | <i>Third Column</i> |
|---------------------|-----------|----------------------|---------------------|
| Gemsbok | (Kukama) | Nil | Nil |
| Kudu | (Tholo) | 50 | 1 |
| Leopard | (Nkwe) | Nil | Nil |
| Lion | (Tau) | Nil | Nil |
| Ostrich | (Ntshe) | 100 | 1 |
| Hartebeest | (Kgama) | 100 | 1 |
| Wildebeest | (Kgokong) | 50 | 1 |

SECOND SCHEDULE

(regulation 5)

Tribal Game

| <i>First Column</i> | | <i>Second Column</i> |
|---------------------|-------------|----------------------|
| Duiker | (Phuti) | 2 |
| Steenbok | (Phuduhudu) | 2 |
| Warthog | (Kolobe) | 2 |
| Impala | (Phala) | 2 |