

*Statutory Instrument No. 15 of 1973*

THE PRECIOUS STONES INDUSTRY (PROTECTION) ACT, 1969  
(Act No. 3 of 1969)

**THE PRECIOUS STONE PROTECTION AREAS REGULATIONS, 1973**  
(Published on the 23rd February, 1973)

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Regulations made by the Minister of Commerce, Industry and Water Affairs in exercise of the powers conferred on him by section 25 of the Precious Stones Industry (Protection) Act, 1969, and of all other powers thereunto him enabling.

**1.** These Regulations may be cited as the Precious Stone Protection Areas Regulations, 1973. Citation

**2.** In these Regulations, unless the context otherwise requires — Inter-pretation  
“Ancillary mark” means a mark marking the position of a boundary line of a protected area where such a boundary line is crossed by a railway, road or track;

“line mark” means a mark other than an ancillary mark or beacon marking the position of the boundary line of a protected area;

“plate” means a plate prescribed by regulation 7 (2);

“protected area” means an area declared by the President to be a Precious Stone Protection Area;

“trade” means carry on the business of selling goods.

**3.** Within a protected area no person shall unless he is permitted to do so by a person having lawful authority — Prohibited activities within a protected area

- (a) trade;
- (b) have vehicles plying for hire;
- (c) reside;
- (d) camp; or
- (e) use by vehicle or otherwise the cleared firebreak where the firebreak bounds a mining lease area which is enclosed by a protected area except where for the purpose of maintaining the firebreak.

Movement into and within protected area

**4.** (1) Any person requesting permission to visit a mining lease area which is enclosed by a protected area and being refused such permission shall immediately leave the protected area, and remain outside such area unless and until changed circumstances give reasonable ground to expect that he will then be admitted to the mining lease area.

(2) Any person resident in or visiting the mining lease area and who is leaving temporarily or permanently shall leave the protected area forthwith.

Duty to leave and not return without good cause to a protected area

**5.** Every person shall leave a protected area when ordered to do so by a Police Officer and shall not return to such area without good and sufficient cause within a period of three months of being ordered to leave.

Duty of holder of mining lease to demarcate and survey a protected area

**6.** As soon as possible after any area has been declared to be a protected area the holder of the mining lease whose mining lease area is enclosed by the protected area shall cause such area to be demarcated in accordance with the provisions of these Regulations. The holder of a mining lease shall cause each corner beacon to be surveyed separately in its relationship to the mining lease area and shall submit a plan of the protected area on which shall be shown the co-ordinates of the corner points of the protected area for the approval of the Director of Surveys and Lands and the Mining Commissioner.

Beacons and plates attached thereto S.I. No. 1 of 1971

**7.** (1) Whenever the boundary of a protected area changes its direction a beacon shall be erected. Each beacon shall be of the type prescribed in the Mines and Minerals (demarcation of Mining Lease Areas) Regulations, 1970, save that the plate shall conform with the provisions of subregulation (2).

(2) Each beacon shall bear a plate firmly affixed to one side of it, near the top thereof. Each plate shall be made of metal or other durable material e.g. plastic, and shall measure at least thirty by twenty-three centimetres. Each plate shall have engraved or stamped and kept legible upon it the following particulars in the following order —

- (a) the words "Precious Stone Protection Area" in English and Tswana;
- (b) the name of the holder of the mining lease whose mining lease area is enclosed by the protected area e.g. "Protected area for the mining lease held by A.B.C. Mining Company."
- (c) the number of the mining lease e.g. "S.G. (M.L.) 10/71".

**8.** At intervals of not more than one thousand metres along the sides of each protected area line marks shall be erected. Each line mark shall conform with the requirements for an ancillary mark prescribed in the Mines and Minerals (Demarcation of Mining Lease Areas) Regulations, 1970, except that it shall protrude one and one half (1.50) metres above the ground, and a plate conforming with regulation 7 (2) and bearing the same inscription thereon, shall be affixed to it, so that the bottom of the plate shall be at least one metre and ten centimetres (1.10 m.) above the ground. Where a public road runs along the outer boundary of a Precious Stone Protection Area, the line marks shall be replaced by ancillary marks as defined in regulation 9, and shall be placed on the side of the road which lies within the Precious Stone Protection Area, with the plate facing the road.

**9.** Ancillary marks shall be erected where the boundary line of a protected area is crossed by a road, railway or track and shall be identical to line marks except that the plate shall measure at least one metre by sixty centimetres (1.00 x 0.60m), and shall be placed so that its base is at least eighty centimetres (80 c.m.) above ground level. The plate shall bear engraved or stamped on its left-hand side the following inscription, and on its right-hand side a Tswana translation thereof:

"PRECIOUS STONE PROTECTION AREA  
 Surrounding State Grant (Mining Lease)  
 No. x/xx granted to A.B.C. Mining Co.  
 No trading  
 No residence or camping  
 No loitering; person acting suspiciously may be ordered to remain outside the area by a Police Officer  
 Issued under the Precious Stone Protection Areas Regulations, 1972."

**10.** A belt aligned and centred from the boundary line of a protected area and having a width of at least five metres (5m) (equivalent to two parallel cuts with a bulldozer) shall be cleared and kept completely free of bush, scrub, trees, and overhanging branches of trees.

**11.** All beacons, line marks, ancillary marks and plates shall be kept in good order by the holder of the mining lease whose mining lease area the protected area encloses.

Prohibitions  
in respect of  
boundary  
marks

Duty of  
Mining  
Lessee whose  
area is  
surrounded  
by a  
protected  
area

Offences and  
penalties

**12.** No person shall damage, deface or alter the position of any beacon, line mark, ancillary mark or plate established in accordance with these Regulations.

**13.** The holder of a mining lease whose mining lease area is surrounded by a protected area shall once in every calendar year before the end of the first quarter thereof, send to the Mining Commissioner by registered post a certificate signed by the holder or by a person authorised to sign on his behalf stating, if the requirements of regulations 10 and 11 have been complied with, that they have been complied with.

**14.** (1) Any person who contravenes the provisions of regulation 3, 4, 5 or 12 shall be guilty of an offence and liable to a fine of R50 and to imprisonment for one month.

(2) The holder of the mining lease whose area is surrounded by a protected area who fails —

(i) to demarcate the protected area as required by regulation 6; or

(ii) to comply with the provisions of regulation 10, 11 or 13 shall be guilty of an offence and liable to a fine of R500.

Dated this 23rd day of January, 1973.

S.T. KETLOGETSWE,  
*Permanent Secretary,*  
*Ministry of Commerce, Industry and Water Affairs.*

L2/7/167