

Statutory Instrument No. 148 of 1976

TOWNSHIPS ACT
(Cap. 40:02)
TOWN COUNCIL REGULATIONS
(Cap. 40:02 Sub. Leg.)

GABORONE PUBLIC LAND EXCAVATION (CONTROL) BYE-LAWS, 1976

(Published on 22nd October, 1976)

ARRANGEMENT OF BYE-LAWS

BYE-LAW

1. Citation
2. Interpretation
3. Excavation on public land
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IN EXERCISE of the powers conferred by regulation 30 as read with regulation 31 of the Town Council Regulations, the Gaborone Town Council, with the approval of the Minister of Local Government and Lands, hereby makes the following Bye-Laws —

1. These Bye-Laws may be cited as the Gaborone Public Land Excavation (Control) Bye-Laws, 1976. Citation

2. In these Bye-Laws, unless the context otherwise requires, — Inter-pretation
“Council” means the Gaborone Town Council;

“excavation” means the hollow cavity formed on land by cutting or removal of soil or gravel;

“public land” means land within the Council area which is not private land.

3. (1) No person shall, without the written permission of the Council, construct or dig or cause to be constructed or dug on any public land within the Council area any hole, trench or other excavation for the purpose of removing soil, sand, gravel or any vegetation or for the purpose of any private construction or drainage or for any other purpose. Excavation on public land

(2) Any person who constructs or digs or causes to be constructed or dug any hole, trench or other excavation within public land in the Council area shall take adequate precautions to ensure the safety of the public.

(3) Without prejudice to any prosecution for contravention of this bye-law and notwithstanding any penalty which may be imposed under these Bye-Laws for such contravention, the Council may take such measures as it deems necessary to ensure safety to the public, if, in the opinion of the Council, measures required under sub-bye-law (2) are inadequate, and any expense incurred by the Council shall be borne by the person responsible for the excavation and shall be a civil debt to the Council recoverable in any court of competent jurisdiction.

4. Any person who contravenes the provisions of bye-law 3 (1) and (2) shall be guilty of an offence and liable on conviction to a fine of P200 and, in default of payment, to imprisonment for six months. Penalty

MADE this 11th day of October, 1976.

C.M. LETEANE,
Town Clerk,
Gaborone Town Council.

APPROVED this 11th day of October, 1976.

B.G. MAKOBLE,
Permanent Secretary,
Ministry of Local Government and Lands.

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