

TOWNSHIPS ACT
(Cap. 40:02)

**LOBATSE TOWN COUNCIL (PUBLIC LAND EXCAVATION)
(CONTROL) BYE-LAWS, 2010**
(Published on 10th December, 2010)

ARRANGEMENT OF BYE-LAWS

BYE-LAWS

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IN EXERCISE of the powers conferred on the Lobatse Town Council by section 6 as read with section 6A of the Townships Act, and with the approval of the Minister of Local Government, the Lobatse Town Council hereby makes the following Bye-Laws —

1. These Bye-Laws may be cited as the Lobatse Town Council (Public Land Excavation) (Control) Bye-Laws, 2010. Citation

2. In these Bye-Laws, unless the context otherwise requires — Interpretation
“adequate precautions” means the refilling, fencing or putting warning signs along the edges of the hollow cavity of an excavated land;

“Council” means the Lobatse Town Council;

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

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

3. (1) A person shall not, without written permission of the Council construct, dig, cause to be constructed or dug, on any public land, any hole, trench or other excavation for the purpose of cutting or removing vegetation, soil, sand or gravel for the purpose of any private construction or drainage or for any other purpose. Excavation on public land

(2) A person who with permission of the Council issued under subbye-law (1) constructs, digs, causes to be constructed or dug any hole, trench or other excavation on public land shall take adequate precautions to ensure the safety of the public, and shall be required to refill the hole, trench or other excavation done immediately on completion of the works.

(3) Without prejudice to any prosecution for a 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 measure as it considers necessary to ensure safety to the public.

(4) Where, in the opinion of the Council, measures required under subbye-law (2) are inadequate, and where any expenses have been incurred by the Council to refill the hole, trench or other excavation done by that person, the expenses 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.

Penalty

4. A person who contravenes the provisions of bye-law 3, commits an offence and shall be liable on conviction to a fine not exceeding P500 for a first offence, or to a fine of P1 000 or to imprisonment for a term not exceeding 12 months or both on a subsequent offence.

MADE this 24th day of September, 2010.

**O.D. GONTSE,
*Acting Town Clerk,
Lobatse Town Council.***

APPROVED this 17th day of November, 2010.

**L. MOKALAKE,
*Minister for Local Government.***

AGC/5/2/3/6 I (35)