

**MATIMELA ACT OF 2018**  
(Act No. 23 of 2018)

**MATIMELA REGULATIONS, 2019**  
(Published on 17th May, 2019)

**ARRANGEMENT OF REGULATIONS**

**REGULATION**

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**SCHEDULES**

IN EXERCISE of the powers conferred on the Minister of Local Government and Rural Development by section 26 of the Matimela Act, 2018, the following Regulations are hereby made –

1. These Regulations may be cited as the Matimela Regulations, 2019. Citation
2. In these Regulations, unless the context otherwise requires – Interpretation  
“matimela officer” means an officer appointed under section 5 of the Act; and  
“small stock” means goat, sheep or pig.
3. (1) The Council shall issue an identity card to a person designated as a matimela officer. Identification of matimela officer  
(2) The matimela officer shall produce his or her identity card upon arrival at a facility and upon request by the land owner, occupier, employee or agent of the owner or occupier where the matimela officer exercises his or her duty in terms of section 9 of the Act.
4. (1) Where the Council considers it necessary, it may authorise in writing, a person in possession of matimela to deliver the animals to the nearest matimela facility in terms of section 8 of the Act. Driving or trucking fees  
(2) Notwithstanding subregulation (1), where the Council considers it necessary to outsource the collection of matimela, the provisions of the Local Authorities Procurement and Asset Disposal Act shall apply. Cap. 42:11

	<p>(3) A person delivering matimela to a matimela facility shall receive a driving or trucking fee of P100 per animal and P50 per small stock and mileage at a rate determined by the Council.</p>
Delivery of matimela	<p><b>5.</b> (1) A person who collects or delivers matimela in terms of regulation 4 shall deliver all matimela in his or her possession.</p> <p>(2) A person who contravenes this regulation commits an offence and is liable to a fine not exceeding P1000 or to imprisonment for a term not exceeding one year, or to both.</p>
Matimela facility book	<p><b>6.</b> (1) A matimela officer shall keep and maintain a copy of the matimela facility book in terms of sections 17 and 20 of the Act at his or her matimela facility in Form A as set out in Schedule 1.</p> <p>(2) Subject to regulation (1), the copy of the matimela facility book shall be open for inspection by the public during working hours.</p>
Matimela report book	<p><b>7.</b> (1) A matimela officer shall keep and maintain a matimela report book at his or her matimela facility.</p> <p>(2) The matimela officer shall record details of each matimela at the facility, particulars of the reporter and those in possession of any matimela within the council area in Form B as set out in Schedule 1.</p>
Notice and collection of matimela	<p><b>8.</b> (1) A council prior to implementing a collection campaign of matimela in consultation with the <i>Kgosi</i> in the area, shall notify the residents of the area where the matimela are, at least one week before the collection of matimela.</p> <p>(2) The matimela officer, or any authorised person, while in the exercise of collecting matimela shall —</p> <ul style="list-style-type: none"> <li>(a) ensure that a declaration in terms of regulation 10 is made;</li> <li>(b) ensure that the credentials of the person making the declaration are valid in terms of section 9 of the Act; and</li> <li>(c) take custody of matimela until the animals are delivered to a matimela facility.</li> </ul>
Declaration by person delivering matimela	<p><b>9.</b> (1) Any person, other than a person employed under section 5 of the Act, who reports matimela to a matimela officer shall make and sign a declaration in Form C as set out in Schedule 1 stating —</p> <ul style="list-style-type: none"> <li>(a) that the animals are in truth matimela;</li> <li>(b) the specific area where the animals were found;</li> <li>(c) that the animals handed over are all matimela in his or her possession; and</li> <li>(d) how long the animals have been in his or her possession.</li> </ul> <p>(2) Where the declarant is unable to fill out the declaration form himself or herself, the matimela officer shall complete the form on his or her behalf and the declarant shall then sign it or put a mark.</p>
False declaration	<p><b>10.</b> A person who —</p> <ul style="list-style-type: none"> <li>(a) refuses or wilfully omits to give any written particulars or information;</li> <li>(b) wilfully makes any false statement;</li> <li>(c) negligently makes a false declaration; or</li> <li>(d) wilfully does anything which could reasonably lead to a material distortion of information on matimela;</li> </ul> <p>commits an offence and is liable to a fine not exceeding P1000 or to imprisonment for a term not exceeding one year, or to both.</p>
Notification of presence of matimela	<p><b>11.</b> (1) A matimela officer shall, within five working days of receiving matimela in his or her custody, notify the Council, of the presence of such matimela.</p>

(2) The matimela officer shall forthwith, compile a list of the matimela and disclose any distinguishing mark any such matimela bears and update the matimela facility book.

(3) The Council shall, upon receiving the matimela officer's notification of matimela in his or her custody in terms of subregulation (1), display notices in terms of section 11 of the Act, notifying the public of the presence of matimela and any such notice shall specify any distinguishing mark as recorded by the matimela officer in terms of subregulation (2), including —

- (a) the type and breed of the animal;
- (b) colour, sex, apparent age or size;
- (c) any brand, ear mark or deformity; and
- (d) any other feature likely to aid in the identification of any animal in Form D as set out in Schedule 1.

(4) Notwithstanding subregulation (1), the notice by the Council shall include the particulars recorded in the matimela facility book in terms of regulation 6 and section 20 of the Act.

(5) The notice in terms of subregulation (1) shall be posted at and published in —

- (a) council offices including other stations within the council area;
- (b) all main *Kgotla* in the council's area of jurisdiction;
- (c) the council website;
- (d) notice boards; and
- (e) other platforms.

(6) The matimela officer shall ensure the details of the notice are published in the *Gazette* within 21 days of having notified the council of the presence of matimela.

(7) The notice shall also indicate the expiry date and time of the right to claim matimela in terms of section 12 of the Act.

**12.** (1) A matimela officer shall ensure the brand used on matimela complies with the form of brand specified in terms of section 10 of the Act and as set out for that area in Schedule 2.

Matimela brand

(2) When an animal which has been branded in terms of subregulation (1) is claimed or sold, such brand shall be cancelled by the matimela officer by reversing the branding iron and branding over such brand.

**13.** (1) The owner of an animal placed in a matimela facility or his or her representative may claim such animal on the production of his or her identity card, proof of payment of the fees as set out in Schedule 3 and a brand certificate and for small stock an affidavit, obtained from the Police as proof of ownership of the small stock.

Manner of claiming animals from matimela kraal

(2) In the event the owner appoints a representative, in addition to the requirements as set out in subregulation (1), the representative shall produce written proof of the authority given to him or her by the animal owner.

(3) If upon proof of ownership by the person who claims to be the owner of matimela or his or her representative, a matimela officer is satisfied that all the requirements of the regulation have been duly complied with, the matimela officer shall release the matimela to that person.

(4) Notwithstanding subregulation (1), an animal placed in a matimela facility may not be claimed after 16:30 hours on the day before the sale of matimela.

Fees to be paid by owner on claiming matimela	<b>14.</b> A person who claims matimela placed in a matimela facility shall pay handling and feeding fees as set out in Schedule 3.
Abandonment of matimela	<p><b>15.</b> An animal shall be deemed abandoned and sold where —</p> <p>(a) the owner or his or her agent fails to pay the fees charged, within 14 days of claiming such animal; or</p> <p>(b) the animal remains unclaimed within three months of being placed in a matimela facility.</p>
Sale of matimela	<p><b>16.</b> A matimela officer shall sell matimela immediately after verifying abandonment where —</p> <p>(a) he or she has notified the council of the date of sale of the matimela in Form E as set out in Schedule 1; and</p> <p>(b) at least seven days before the date of sale, notice of sale has been posted at and published in —</p> <p style="margin-left: 40px;">(i) council offices including other stations within the council area;</p> <p style="margin-left: 40px;">(ii) all main <i>Kgotlas</i> in the Council's area of jurisdiction;</p> <p style="margin-left: 40px;">(iii) the council website;</p> <p style="margin-left: 40px;">(iv) notice boards; and</p> <p style="margin-left: 40px;">(v) other platforms.</p>
Management and care of matimela	<p><b>17.</b> (1) A matimela officer shall allow animals under his or her custody to graze on a daily basis.</p> <p>(2) The matimela officer shall ensure that any animal under his or her custody receives, on a regular basis, such veterinary services as he or she may consider necessary.</p>
Revocation of S.I. No. 22 of 2010 Savings	<p><b>18.</b> The Matimela Regulations are hereby revoked.</p> <p><b>19.</b> Notwithstanding the repeal effected under regulation 18 —</p> <p>(a) anything made, given, issued or done under the repealed Regulations shall have the same effect as if it was made, given, issued or done under these Regulations;</p> <p>(b) any application made to a court under the repealed Regulations shall continue to be dealt with and determined as if it was made under these Regulations; and</p> <p>(c) any legal proceedings which, before the coming into operation of these Regulations, were pending shall be continued or enforced in the same manner as they would have continued or were enforced before the coming into operation of these Regulations.</p>

**SCHEDULE 1**  
**Form A**

**MATIMELA FACILITY BOOK**  
*(regulation 6)*

The following matimela are under my custody in the ..... matimela facility  
in the ..... council area –

Animal	Date of arrival	Distinguishing mark or other	Colour	Brand if any	Ear mark	Name and address of person who delivered	Date of release or sale of matimela	Name of person matimela released to

Record is updated and maintained by ..... of identity card  
(full names of matimela officer)  
number .....

**OFFICIAL STAMP**

Form B

**MATIMELA REPORT BOOK**  
*(regulation 7)*

Date	Name, address and contacts of the person reporting	Period animals have been with the reporter	Number of animals	Name of receiving officer	Date animals were collected from the reporter	Action taken	Other

Record is updated and maintained by ..... of identity card  
(full names of matimela officer)

number .....

OFFICIAL STAMP

Form C

DECLARATION BY PERSON DELIVERING MATIMELA  
(regulation 9)

I,.....  
of..... in the .....  
council area, do hereby declare that —

(a) the following animals delivered by me this ..... day of .....,  
..... at the ..... Matimela facility, namely —  
(Please specify)

- (i) .....
- (ii) .....
- (iii) .....

are in my knowledge and belief matimela.

(a) the animals were from (please specify place or places)

.....  
.....

and have been in my possession for ..... days.  
(please specify number of days)

(b) the animals mentioned above are all the matimela that I have in my custody.

(c) I have taken ..... days to drive the above matimela to the matimela facility.

Signature ..... Date .....

Identity number: .....  
(For non-citizens Passport number)

Mobile telephone number .....

Signed before me this ..... day of ....., 20.....

**Matimela officer's full names** .....

**Identity card number** .....

**Matimela facility** .....

**OFFICIAL STAMP**

Form D

NOTICE OF PRESENCE OF MATIMELA  
(regulation 11)

1. Date the Council was notified of presence of matimela .....
2. Date matimela were branded .....
3. Date residents were notified of the presence of matimela in their area .....
4. Date declaration in terms of regulation 10 was made .....
5. Date of collection of matimela .....

List of matimela:

Animal	Colour	Ear mark	Brand if any	Distinguishing mark	Other detail

Note: The public is advised to inspect the matimela facility book for more details.

Name of matimela officer ..... Identity card number .....  
(Full name)

Signature ..... Date .....

*Kgosi* .....

Signature ..... Date .....

OFFICIAL STAMP

Form E

NOTICE OF SALE OF MATIMELA  
(regulation 16)

1. Notice is hereby given that at .....(specify time)  
on.....(specify date)  
at.....(specify place) at the  
direction of ..... district council, I shall  
sell .....(specify number of head) matimela by —

public auction     to Botswana Meat Commission or     in any other manner

as determined by the Council.

.....

2. A notice giving particulars of the individual animals included in the sale is displayed at the council offices at..... and copies of such notice have been sent to all district councils for public display.

Name of matimela officer ..... Identity card number .....  
(Full name)

Signature ..... Date .....

Name of matimela facility.....

OFFICIAL STAMP

SCHEDULE 2

**MATIMELA BRANDS TO BE USED IN DISTRICT COUNCIL AREA**  
*(regulation 12)*

Council area	Matimela brand
Chobe	
Kgatleng	2CD
Southern	3CD
Ghanzi	4CD
North West	5CD
North East	6CD
Kgalagadi	7CD
South East	8CD
Kweneng	9CD
Central	CD3

**SCHEDULE 3**

**MATIMELA FEES**  
*(regulations 13 and 14)*

<b>Animal</b>	<b>Handling per head per day</b>	<b>Sustenance per head per day</b>
<b>Cattle, horse, mule, donkey</b>	<b>P10.00</b>	<b>P5.00</b>
<b>Other animals</b>	<b>P3.00</b>	<b>P5.00</b>

**MADE** this 29th day of April, 2019.

**FRANS VAN DER WESTHUIZEN,**  
*Minister of Local Government and  
Rural Development.*