Statutory Instrument of 2022 CAP. 29:15

Manyame Rural District Council Environment and Natural Resources By-laws, 2022

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*Title*

1. These By- Laws may be cited as the “Manyame Rural District Council Environmental and Natural Resources Conservation By-Laws”

*Application*

1. These By- laws shall apply to all land within the jurisdiction of Manyame Rural District Council

*Interpretation of Terms*

1. In these by-laws—

“agency” means the Environmental Management Agency

“biological diversity” means the variability among living organisms from all sources including, *inter alia*, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems.

“Council” means the Manyame Rural District Council

“Council area” means the area for which the council has been established or under its jurisdiction;

“effluent” means waste water or other fluid originating from domestic, agricultural or industrial activity, whether the water or fluid is treated or untreated and whether it is discharged directly or indirectly into the environment;

“environment” means—

(a) the natural and manmade resources, including water, soil, minerals and living organisms, whether indigenous or exotic and the interaction between them;

(b) Ecosystems, habitats, spatial surroundings or other constituent parts, whether natural or modified or constructed by people and communities;

“environmental action plan” means an environmental action plan prepared by Manyame Rural District Council for the area under its jurisdiction in terms of Section 95 of the

Environmental Management Act (*Chapter 20:27*)

“environment committee” means an environment committee of the council as appointed in

terms section 61 (2) of the Rural District Councils Act [*Chapter 29:13*];

“environment sub-committee” means a sub -committee meant to assist the environment committee in carrying out its functions as appointed in terms of Section 61 (6) of the Rural District Councils Act (*Chapter 29:13*).

“environmental impact assessment” means an evaluation of a project to determine its impact on the environment, human health and community livelihoods whose specific requirements and procedures are set out in terms of Section 97 of the Environmental

Management Act (*Chapter 20:27*) as read with Section 8 – 13 of the Environmental Impact Assessment& Ecosystems Protection Regulations, 2007 ([*SI 7/2007*](dps://2007_7s)).

“environmental impact assessment report” means a report on an environmental impact assessment produced by the developer of a project in terms of section 97 of the Environmental Management Act (Chapter 20:27);

“environmental impact assessment certificate” means a certificate issued by the Director- General of the Environmental Management Agency for a particular project in terms of Section 97 of the Environmental Management Act;

“grazing area” means the area set aside in a plan or other system adopted by Manyame Rural District Council in collaboration with the traditional leaders and the community for the grazing of livestock;

“livestock” means domestic animals including; cattle, donkeys, sheep and goats among others that are ordinarily kept by people at the homestead.

“License” means license issued in terms of Section 20 of the SI 7 OF 2007;

“natural resource” includes—

(a) the air, soil, waters and minerals;

(b) the mammal, bird, fish and other animal life;

(c) the trees, grasses and other vegetation; and

(d) the springs, vleis, sponges, reed-beds, marshes, swamps and public streams;

(e) any other thing that the Minister of Environment and Natural Resources may, by notice in a statutory instrument, declare to be a natural resource, including a landscape or scenery which, in his opinion, should be preserved on account of its aesthetic appeal or scenic value;

“occupier”, in relation to land or premises, means any person lawfully occupying or controlling the land or premises;

“owner” means—

1. in the case of livestock, the person who normally has custody or control thereof;
2. in the case of cultivated land, any person who has the right to the produce of the land, including the spouse of such person and children over the age of eighteen years; and
3. the person registered in the Deeds Registry as the owner of the land or premises;

“plan” means a diagram or illustration depicting or describing any area of land within communal or resettlement land areas set aside for exclusive use by inhabitants for residential, grazing, environmental conservation or cultivation purposes;

‘Permit’ means a legal document issued by Council authorising a person to carry out specified environmental business operations or to use and exploit natural resources.

“sleigh” means any vehicle used for transport which;

1. travels on runners instead of wheels; or
2. travels on any other manner on the surface of the ground without the use of wheels or trucks driven by wheels

“vegetation” includes any tree, shrub, fern, flower, grass, creeper, crop or any other plant or organic matter or any part thereof, whether dead or alive.

“waste material” includes any containers, wrappings, cartons, cigarette packets, paper, vegetable matter, garden waste, hedge clippings, dead animals, ash, tins, rubbish, bricks, stone, soil and any other matter or substance which is offensive, unwholesome or untidy;

“wetlands” means an area of marsh, fen, peat land or water, whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish or sal and includes riparian land to the adjacent to the wetlands.

*Preparation and adoption of a Plan*

1. (1) The council shall prepare an environmental action plan for the area under its jurisdiction in terms of Section 95 of the Environmental Management Act.

(2) In developing the environmental action plan, Council shall-

1. place on public exhibition a copy of the proposed environmental action plan for inspection by any of the inhabitants the area;
2. put public notices by means of various communication channels indicating the place or places and period at which the plan shall be open for exhibition and inspection by council inhabitants.
3. call upon any inhabitant who have objections to the proposed plan to lodge their objections with the council within thirty days after the date of notification of the proposal
4. consult all relevant stakeholders in the council area

(3) In preparing any plan, the council shall—

(a) Seek the advice of—

(i) the Provincial Planning Officer; And

(ii) the Provincial AGRITEX officer; and

(iii) the Provincial Environmental Officer; and

(iv) the Provincial Warden; and

(v) the Provincial Mining Commissioner

(vi) any groups or individuals with expertise, skills, knowledge or an interest in

the matter relevant for the development of the Plan

(b) Take into account any objections received in terms of subsection (2) (c).

(4) If in preparing any plan, the council does not act in accordance with the advice given by the officers and interested parties referred to in subsection (3), it shall advise the Provincial Council, in writing, of this fact and the reasons thereof.

(5) Once a plan has been prepared and approved by the council by resolution, a copy thereof shall be forwarded to the Provincial Council together with the substance of any—

(a) objections lodged in terms of subsection (2) (c); and

(b) advice tendered in terms of subsection (3);

(6) The Provincial Council may within thirty days from the date a plan is forwarded to them in terms of subsection (5) —

(a) inform the council in writing of their approval of the plan; or

(b) inform the council in writing of their approval of the plan subject to such amendments as they may propose.

(7) Where the Provincial Council makes proposals for the amendment of a plan, the council may—

(a) proceed in terms of subsections (2), (3) and (4); or

(b) if it is not satisfied with the decision of the provincial administrator, within thirty days of notification of the decision, appeal to the Minister who after calling for representations from all the parties concerned, including, if necessary from the inhabitants of the area for which the plan is intended, shall make a decision on the matter and his decision shall be final.

(8) In describing areas in the plan, reference may be made to any summits of hills, streams, rivers, roads, fences, buildings, communal boundaries, prominent rocks or trees or any other thing which is readily identifiable by or is well known to the inhabitants

(9) Once a plan has been approved, a copy thereof shall—

(a) be made available for inspection, free of charge, during normal working hours at the offices and sub offices of the council or at any place or places considered by council to be convenient; and

(b) be sent to each Ward Assembly in the council area.

*Amendment of Plan*

5Subsection (2) to (9) of Section 4 shall apply mutatis mutandis, to any proposal to amend a plan

*Contents of a Plan*

*Grazing areas*

6 (1) In respect of any area set aside in a plan for grazing of livestock, in the council, the plan may specify—

1. the maximum number of livestock which may be grazed in that grazing area;
2. which owner or owners or community may graze livestock in a specific grazing area
3. the maximum number of livestock or the maximum number of different types of livestock which each owner may graze in a specific grazing area;
4. the period within which any inhabitant is to reduce the number of livestock to the levels he is permitted to graze in any grazing area in terms of paragraph (c);
5. the period within which any inhabitant is to cease grazing livestock within any area where such inhabitant is not permitted to graze his livestock in terms of paragraph (d);
6. measures to be taken to ensure the conservation of grazing lands in the area.

(2) If any livestock is found grazing in an area other than a grazing area, the owner thereof shall be presumed to have allowed the livestock to graze in that area, provided that it shall be a sufficient defence if the owner proves that he took all reasonable precautions to ensure that the livestock did not graze outside the grazing area.

(3) The holder of a livestock card upon which is recorded the number of cattle which he dips shall be deemed to have the custody or control of the number of cattle recorded on his dipping card until the contrary is proved.

(4) No plan or part thereof shall be deemed to be invalid because it is not possible to determine the exact situation on the ground of the boundary of any grazing or cultivation area;

(5) Any person or inhabitant who grazes livestock in an undesignated area for grazing in terms of a Plan shall be guilty of an offence and liable to pay a fine to be prescribed in a Council order as may be determined from time to time, or if it is the first time Council may consider giving the person a written warning and upon commission of a similar offence a fine will be imposed.

*Cultivation areas*

(6) In respect of any area set aside in a plan for cultivation, the council may, in the plan,

specify—

* 1. which inhabitants may cultivate in any cultivation area;
  2. the means or implements which may be used to cultivate in any cultivation area
  3. the type of crops which may be grown and their rotation;
  4. contour ridging schemes and other land and soil protection and conservation measures;
  5. areas to be set aside as wood lots or conservation areas;
  6. areas to be set aside for renewable energy production crops
  7. the date on which cultivation shall cease until certain land protection and conservation measures have been implemented.

(7) Any person or inhabitant who deliberately fails to comply with Council orders or plan with respect to cultivation of land shall be guilty of an offence and liable to pay a fine prescribed in the Council budget, or if it is the first time, Council may consider giving the person a written warning and upon commission of a similar offence a fine will be imposed.

*Conservation of Natural Resources areas*

(8) In respect of any area set aside in a plan for environmental and natural resources conservation, the council may, in the plan, specify—

(a) natural resources to be conserved in the area and measures to protect and conserve the natural resources;

(b) areas to be set aside as wood lots and conservation areas;

(c) areas for growing renewable energy crops;

(d) contour ridging schemes and other land and soil protection and conservation measures;

1. measures that may be taken to protect and conserve the environment and natural resources

(9) Any person who contravenes the requirements and conditions of a plan for conservation of natural resources as prescribed by the Council shall be guilty of an offence and liable to a fine prescribed in the Council budget, or to a written warning if the person is a first time offender and upon commission of a similar offence, a fine will be imposed.

*Environmental impact assessments*

1. (1) The developers of any projects in the council area for which an environmental impact assessment is required in terms of Section 97 and the First Schedule of the Environmental Management Act (Chapter 20:27) shall;
2. consult Council during the consultation process leading to the development of an environmental impact assessment;
3. involve Council in organising public consultations meetings in the area regarding the proposed development project;
4. Pay a fee as agreed per council budget to cover costs incurred by council during production of EIA document;
5. submit to Council the name, contact details and other relevant particulars such as qualifications of any consultant hired or engaged by the project developer to carry out the environmental impact assessment on his behalf and proof of their registration with the Environmental Management Agency;
6. submit to Council a copy of the Environmental Impact Assessment Report for the proposed project;
7. submit to Council a copy of the Environmental Impact Assessment Certificate issued for the project by the Director-General of the Environmental Management Agency;
8. submit to Council a copy of the Environmental Management Plan.

(2) It is an offence for any project developer in a Council area to start operations without submitting to Council a copy of the Environmental Impact Assessment Report, or a copy of the Environmental Impact Assessment certificate issued by the Director-General of the Environmental Management Agency or a copy of the annual Environmental Management Plan produced by the project developer.

(3) Any person who fails to submit the documents required in terms of subsection (2) of this section shall be guilty of an offence and liable to a fine prescribed in the approved Council budget.

(4) Council shall be furnished by the project proponent quarterly environmental monitoring reports produced by project developers, in terms of Section 106 of the Environmental Management Act (Chapter 20:27), operating in the Council area.

(5)Council shall take measures to make environmental impact assessment reports submitted by project developers available and open for public inspection at all reasonable

times at the Council offices and sub offices on payment of the prescribed fee, if any: Provided that no person shall use any information contained therein for personal benefit and this has to be done in compliance with Section 108 of the Environmental Management Act (Chapter 20:27)

*Environmental rehabilitation works on abandonment of project*

1. (1) Any person who undertakes any mining projects, resource extraction projects or any other projects for commercial exploitation of natural resources with the effect of causing environmental damage or environmental degradation or harm in the council area shall;
2. submit to Council a rehabilitation plan containing rehabilitation works that will be undertaken before abandonment or closure of the project.
3. rehabilitate the environment before abandonment or closure of the project

(2) Council shall monitor the implementation of rehabilitation plans of projects with assistance from the Environmental Management Agency

(3) Any person who fails to rehabilitate the environment after abandonment or closure of the project shall be guilt of an offence and liable to a fine prescribed in the approved Council budget.

*Burning of vegetation and prevention of fires*

1. (1) The council shall make orders to regulate and control the burning of vegetation in the council area;

(2) No person in the council area shall burn growing or standing vegetation on any land without lodging a notice of intention to burn to Council, Forestry Commission, EMA, occupiers of adjoining land and to a police officer at the nearest convenient police station;

(3) The notice of intention to burn standing vegetation shall be made in line with the requirements of Section 67 of the Forestry Act (Chapter 19:05);

(5) It shall be the duty of every land owner or occupier to put out any fire on his/her land;

(6) All persons within the vicinity of a fire have a duty to take appropriate measures to put out fires irrespective of who started the fire or whose land or property it is.

(7) Every land owner shall be required to put in place adequate fire protection measures particularly erecting a fire guard before the 31st of July each year;

(8) Every land owner, user or occupier in the Council area is required to fully comply with all the fire prevention, pre-suppression, suppression and post suppression measures provided for in Section 16, 17 and 18 of the Environmental Management (Environmental Impact Assessment & Ecosystems Protection) Regulations, 2007, [Statutory Instrument 7 of 2007](dps://2007_7s).

(9) Any person who contravenes [subsections (2)](#16.1), [(4)](#16.2), (5) or (7) shall be guilty of an offence and liable to a fine prescribed in the approved Council budget .

*Protection of wetlands*

1. (1) Any person who intends in a Council area to reclaim or drain, drill or make a tunnel, introduce any exotic animal or plant species, cultivate, or licence the cultivation of, or destroy any natural vegetation on, or dig up, break up, remove or alter in any way the soil or surface of —

(a)  wetland; or

(b)  land within 30 metres of the naturally defined banks of a public stream; or

(c)  land within 30 metres of the high flood-level of any body of water conserved in artificially constructed water storage work on a public stream; or

(d)  bed, banks or course of any river or stream;

shall, furnish the Council with a license issued by the Environmental Management Agency in terms of Section 20 (1) of the Environmental Management (Environmental Impact Assessment & Ecosystems Protection) Regulations, 2007, [Statutory Instrument 7 of 2007](dps://2007_7s), to perform any of the aforesaid activities;

1. In order to promote the protection of wetlands, council may take additional measures and make orders for the protection of wetlands in the council area in line with the requirements of Section 113 of the Environmental Management Act (*Chapter 20:27*)

and Section 20 of the Environmental Management (Environmental Impact Assessment & Ecosystems Protection) Regulations, 2007, [Statutory Instrument 7 of 2007](dps://2007_7s);

(3) Any person who fails to produce or furnish Council with a valid licence issued by the Environmental Management Agency in terms of subsection (1) of this section or fails to comply with a council order made in terms of subsection (2) shall be guilty of an offense and liable to a fine prescribed in the approved Council budget

*Environment committee and sub-committee*

1. (1) Council shall establish an Environment Committee and Environment Sub-Committees whose functions and duties are as prescribed in Section 61 of the Rural District Act (Chapter 29:13), in pursuance of the need to promote environmental conservation, the development of the council area using natural resources and environmental protection.

(2) In appointing the Environment Committee and Environment Sub Committees, Council shall follow the prescribed procedures and composition of the Committees as set out in Section 61 of the Rural District Councils Act (Chapter 29:13)

*Sleighs*

1. (1) No person shall own, possess, use or have in his custody or control a sleigh.

(2) No person is allowed to drag an ox-drawn plough in such a manner as to cause gullies along field routes or other paths in the council area;

(3) Council may on its own take measures or make an order on any owner or occupier of land to rehabilitate or reclaim land affected by gullies in the council area.

(4) Any person who contravenes subsection (1), (2) and orders made in terms of subsection (3) shall be guilty of an offence and liable to a fine prescribed in the approved Council budget

*Cutting of trees*

1. (1) No person shall cut down trees in the council area except—
2. the collection and removal of dead wood for firewood;
3. cutting of tree branches for building houses, keeping livestock and other domestic uses;
4. land clearing for agricultural purposes; and
5. for other domestic purposes
6. in accordance with a permit issued by Council for a maximum of 20 trees for a fee in an area designated as a plantation

(2) Cutting of trees in the Council area for commercial and large scale agricultural purposes shall be controlled and done in consultation with the Forestry Commission and AGRITEX

(3) No person shall cut down reserved trees in the Council area outlined in the Schedule of Reserved Trees in the Communal Lands Forest Produce Act (Chapter 19:04)

(4) Council may develop its own list of reserved trees found in their area other than the ones listed in the Schedule of Reserved Trees in the Communal Lands Forest Produce Act and which inhabitants will not be allowed to cut down.

(5) Any person growing tobacco in the council area shall be required to plant a woodlot or use alternative source fuel other than trees.

(6) Any person who is found cutting down trees in contravention of subsection (1) shall be guilty of an offence and liable to pay a fine prescribed in the approved Council budget.

(7) Any tobacco farmer who shall be found using indigenous trees for fuel and fails to produce sufficient proof of authority to do so shall be guilty of an offence and liable to pay a fine prescribed in the approved Council budget.

(8) Any tobacco farmer who shall be found without a woodlot shall be guilty of an offence and liable to pay a fine u prescribed in the approved Council budget.

*Forest Produce*

1. (1) No person shall be allowed to harvest, collect or pick fruits or other forest produce for sale in the Council area, except in terms of a permit issued in terms of the Communal Forest Produce Act (*Chapter 19:04*) and under the following conditions;
2. any person who is involved in commercial exploitation or collection for sale of forest produce is required to notify council in writing; provided council shall always seek ways of ensuring that the local inhabitants shall be given preference in accessing forest produce than people from other areas outside the council area and council may regulate or impose a fee for access;
3. council shall maintain a record of people or entities involved in the picking, collection or harvesting of fruits or other plant produce for sale in the council area ;
4. council may impose restrictions or make orders on the picking, harvesting or picking of fruits or plant produce for commercial purposes if council finds it desirable to do so to conserve the environment or the forest produce

(2) Any person who collects, harvest or pick fruits or other forest produce for sale in the Council area without seeking the permission of Council in writing shall be guilty of and liable to a fine prescribed in the approved Council budget.

*Protection of water sources*

1. (1) All residents in the council area have a duty to protect and conserve water resources and other water sources such as boreholes, dams, rivers, weirs and in particular;
2. against pollution
3. to promote sustainable use of water resources

(2) Council may make orders controlling the protection, provision and conservation of water resources in the council area.

(3) In the event that Council has been appointed as one of the stakeholder representatives to serve in water Catchment and Sub-catchment Councils in terms of the Water Act (Chapter 20:24), the Water (Catchment Councils) Regulations, SI 33 of 2000 and the Water (Sub-catchment Councils) Regulations, SI 47 of 2000, or when council has been delegated by the Minister of Water Resources in terms of Section 66 of the Water Act to exercise the powers conferred on a catchment council, the Council shall ensure that the interests of its inhabitants are served by discharging its duties in the catchment or sub catchment with the objective of;

(a)  promoting the right of access to water for primary purposes for all inhabitants as contemplated by the Water Act

b) ensuring the protection, conservation and sustenance of water resources and the environment; and

*General provisions on protection of the environment and natural resources*

1. (1) Council may make orders controlling all or any of the following matters—
2. the picking or removal of indigenous plants;
3. the cutting of trees and collection or removal of firewood
4. the hunting or removal of wildlife;
5. the catching or removal of fish;
6. the movement of livestock;
7. the buying and selling of livestock;
8. dipping of livestock
9. animals carrying capacity
10. the protection of road networks
11. extraction of sand and other minerals
12. the destruction of crops and their residue
13. the rehabilitation of the environment by mining activities
14. the construction of conservation works in arable lands
15. the levying or charging for the above resources or activity under this section

(2) An order made in terms of subsection (1) may be addressed to a particular person orally or in writing or may be of general application throughout the communal or resettlement areas within the council area.

(3) An order which is intended to be of general application throughout the communal and resettlement areas shall—

(a) be recorded in a book kept for the purpose; and

(b) specify the date upon which it is to come into operation; and

(c) specify and describe the area affected; and

(d) be read out at a public meeting of the council called for that purpose; and

(e) be signed, dated and certified by the person who reads it as having been read out in terms of paragraph (d).

(4) For the purposes of paragraph (c) of subsection (3), subsection (9) of section 4 shall apply, *mutatis mutandis,* to the description of the area referred to in that paragraph.

(5) An order—

(a) addressed to an individual shall come into operation immediately;

(b) having general effect shall come into operation one week after the order read out in terms of paragraph (d) of subsection (3).

(6) The book in which orders are recorded in terms of paragraph (a) of subsection (3) shall be available for inspection by any inhabitant of the affected area during normal working hours.

(7) An order made in terms of this section may be amended or revoked by the council.

(8) Any person who fails to comply with a Council order made in terms of subsection (1) shall be guilty of an offence and liable to a fine to be prescribed by Council and Council may issue a written warning to a first offender without imposing a fine depending on the gravity of the offence.

*Bio-diversity Protection*

1. (1) All persons in the Council area have a duty to protect and conserve biological diversity in the Council area in accordance with the provisions of Section 116 of the Environmental Management Act (*Chapter 20:27*);

(2) Council may, if necessary prepare an inventory of the biological diversity of the council area, which can also be submitted to the Environmental Management Agency;

(3) All developers of projects required in terms of the Environmental Management Act to carry out Environmental Impact Assessments shall be required to submit to Council a plan of how the project will integrate the conservation and sustainable utilisation of biological diversity in the council area.

*Protection of Wildlife and Indigenous Plants*

1. (1) Council shall take all necessary measures where it has been appointed as the appropriate authority in Communal Lands in terms of Section 108 (1) of the Parks and Wildlife Act (Chapter 20:14), to ensure compliance with the provisions of the Parks and Wildlife Act, and in particular shall;
2. ensure that all persons who are involved in safari hunting or photographic safari on Council land or communal land or other alienated land in the Council area as prescribed in Section 65 of the Parks and Wildlife Act have permits;
3. control hunting, removal and sale of live animals and animal products outside national parks, sanctuaries and safari areas by any person with a permit as prescribed in Section 59 (4) of the Parks and Wildlife Act;
4. as the appropriate authority for any land, in terms of Section 56 of the Parks and Wildlife Act and subject to Part VI of the Forest Act (Chapter 19:05), give permits to any person to pick any indigenous plant of the land or to sell indigenous plant picked in terms of a permit,

(2) Environment committees and sub-committees established in the Council area shall have and exercise all the powers granted to them in terms of Section 77 and 78 of the Parks and Wildlife Act (Chapter 20:14) and in particular;

(a) investigating and reporting upon animals and indigenous plants on alienated land within the Council area

(b) order the cessation of hunting where an environment committee is of the opinion that the hunting of animals is taking place on a scale which is, in its opinion, likely to be injurious to animal populations in the Council area.

(3) Any person who contravenes any Council order related to the protection of wildlife and indigenous plants in the Council area shall be guilty of an offence and liable to a fine prescribed in the approved Council budget.

*Fencing and conservation works*

1. (1) Council may cause the fencing, maintenance, or construction of conservation works within the council area for any of the following purposes:—

( a ) the preservation or protection of the bed, banks or course of a public stream or any source of water; and

( b ) the disposal or control of storm-water; and

( c) the mitigation or prevention of soil erosion; and

( d ) the conservation of water; and

( e) waste disposal and management; and

the control of water tables and the disposal of irrigation drainage water.

(2) where one fails to erect a fence or construct or maintain conservation works, council shall undertake the works and recover the costs there of from the owner or occupier of the said land

(3) Any person who—

1. damages, destroys or removes any fence within Council land or on the boundary of Council land;
2. damages or destroys any conservation works on Council land;
3. fails to construct and or maintain pegged land;
4. undertakes a project that degrades the environment; shall take responsibility to restore or rehabilitate the land worked upon at the conclusion of the project or otherwise shall be guilty of an offence and liable to pay a fine prescribed in the approved Council budget.

*Air pollution*

1. (1) No person shall emit any substances which cause air pollution in the Council area and as prescribed in the air quality standards set in terms of Section 63 of the Environmental Management Act (*Chapter 20:27*) and the Environmental Management

(Atmospheric Pollution Control) Regulations S. I. 72/2009, which shall apply *mutatis mutandis* in the Council area;

(2) No person who engages in any of the following activities-

1. the burning of waste at a landfill; or
2. the burning of vehicle tyres; or
3. the burning of bitumen; or
4. the burning of metallic wire coated with any material; or
5. the burning of oil in the open air; or
6. the operation of an incinerator; or
7. any activity that causes the emission of a pollutant into the atmosphere;

shall in the course of that activity emit any substance into the atmosphere in excess of the amount prescribed in the Third Schedule of the Environment Management (Atmospheric Pollution Control) Regulations S.I. 72/2009;

(3) All air polluters in the Council area shall register with the Local Authority in order to assist Council in the development of its environmental action plan and Council shall maintain a database of all polluters in the area.

(4) All air polluters in the Council area shall submit copies of their emission licences and any other reports related to their emissions that are required to be submitted to the Environmental Management Agency or that are issued by the Environmental Management Agency to Council.

(5) In addition to notifying all relevant authorities and all persons who may be affected by any accidental emission of hazardous emissions as prescribed in Section 17 of the Environment Management (Atmospheric Pollution Control) Regulations S.I. 72/2009, the person who is licenced by the Environmental Management Agency, shall also notify Council about the accidental emission within the timeframe prescribed by the law.

(6) Anyone who shall be found contravening this part shall be guilty of an offence and shall be liable in case of first time offenders to a fine prescribed in the approved Council budget.

*Provision of waste receptacles*

31. (1) The owner or occupier of premises shall provide an adequate number of approved types of waste receptacles, in which all wastes shall be stored.

(2) The occupier of any premises referred to in subsection (1) shall deposit or cause to be deposited any waste generated on such premises in an approved waste receptacle. The occupier of the premises shall cause the refuse receptacles to be accessible for removal on stipulated collection dates by Council

(3)The occupier of any premises shall be responsible for keeping the waste receptacles area clean and orderly at all times.

* 1. (4) Any person who contravenes or fails to comply with the provision of these by-laws shall be guilty of any offence and liable to a fine as per council budget

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*Protection of Genetic Resources*

37. (1) The Local Authority shall establish a genetic resources and indigenous Genetic Resource base knowledge protection committee.

(2) The Committee shall have the following functions;

1. evolving a long term policy and guidelines for-

(i) the conservation and sustainable use of genetic resources and their components; and

(ii) the equitable sharing of benefits arising out of the utilisation of genetic resources

(iii) assisting indigenous communities to document their indigenous genetic resource-based knowledge and to register any intellectual property rights in relation thereto; and

1. making a complete inventory of the genetic resources of the council area to input into the national database
2. developing an archive of records in any medium embodying the indigenous genetic resource –based knowledge of indigenous communities, with a view to providing a basis for the recognition of community ownership rights in that knowledge
3. Raising funds for the purpose of assisting local communities to manage access to genetic resources without affecting the environment.
4. The Council shall make reference and be guided by the Environmental Management (Access to Genetic Resources and Indigenous Genetic Resource-based Knowledge) Regulations, 2009 in administering the above provisions.
5. (2) Any person who contravenes or fails to comply with the provision of these by-laws shall be guilty of any offence and liable to a fine as per council budget

Repeal

Harava District Council Communal land (Land use and conservation adoption by laws 1987, SI 221 of 1987

*Offences and Penalties*

19 (1 ) Any person who is proven guilty of these or more offences in terms of these By-Laws shall be liable to a fine As per council budget

19 (2) All fines and Penalties arising from a breach of these By-Laws accrue to Manyame Rural District Council.

*Appeal against decisions or orders made by Council*

20. (1) Any person who is aggrieved by a decision or an order made by Council shall make an appeal to the Minister of Local Government;

(2) Any person who is aggrieved by an order of the Minister of Local Government shall appeal to the Administrative Court.

*FIRST SCHEDULE: FEES*

|  |  |  |  |
| --- | --- | --- | --- |
| Item | Section of by-law | Description | Fee |
| 1 | 7(1) | Application for EIA | As per Council budget |
| 2 | 13 (1) | Permit for tree cutting | As per Council budget |
| 3 | 14(1) | Permit to harvest forest produce | As per Council budget |
|  |  |  |  |

*SECOND SCHEDULE: ADVERTISING OFFENCES AND PENALTIES*

|  |  |  |  |
| --- | --- | --- | --- |
| Item | Section of by-law | Description of an offence | Penalty fee |
| 1 | 13(1) | Cutting down and/ or debarking trees | As per Council budget |
|  | 13 (1) | Cutting down or damaging reserved trees | As per Council budget |
|  | 13 (1) | Truckload of indigenous wood and unauthorized collection of / fire wood timber | As per Council budget |
|  | 12 | Use of sledges, including pulling of logs | As per Council budget |
|  | 6 | Stream Bank Cultivation | As per Council budget |
|  | 6 | Unauthorized cultivation | As per Council budget |
|  | 9 | Burning trees/ wood/timber for charcoal or found in possession of charcoal | As per Council budget |
|  | 9 | Unprotected fires | As per Council budget |
|  | 24 | Failure to construct and / or maintain pegged land, contours, fencing and Conservation Works’ | As per Council budget |
|  | 23 | The picking and removal of indigenous plants | As per Council budget |
|  | 23 | Failure to remove or destroy noxious weeds | As per Council budget |
|  | 23 | The illegal hunting and removal of wildlife | As per Council budget |
|  | 6 | The cultivation of undersigned or unconserved land | As per Council budget |
|  | 6 | Cultivation of Wetlands without authority | As per Council budget |