

CHAPTER 35:06 - AGRICULTURAL RESOURCES CONSERVATION: SUBSIDIARY LEGISLATION

INDEX TO SUBSIDIARY LEGISLATION

Agricultural Resources Conservation (Utilization of Veld Products) Regulations

AGRICULTURAL RESOURCES CONSERVATION (UTILIZATION OF VELD PRODUCTS) REGULATIONS

(under section 16)

(1st December, 2006)

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation
2. Interpretation
3. Harvesting of veld products
4. Dealing and exporting of veld products
5. Applications for permits
6. Conditions for issue of permit
7. Commercial register
8. Validity of permits
9. Offences and penalties
10. Confiscation of veld products
11. Cancellation, suspension of permit
12. Revocation of S. I. No. 69 of 1977 and S. I. No. 28 of 2004

S.I. 89, 2006.

1. Citation

These Regulations may be cited as the Agricultural Resources Conservation (Utilization of Veld Products) Regulations.

2. Interpretation

In these Regulations, unless the context otherwise requires-

"Commercial register" means the complete record keeping by the registered dealers and exporters of all transactions including buying, selling, making of donation, receiving of donation,

"Dealer" means a person permitted under these Regulations to carry on a business of dealing in veld products;

"Harvesting" means gathering of veld products, including picking, cutting, burning, uprooting, transplanting, digging up and collecting;

"Veld products" means a non-domesticated, vegetative biological resources that may be used for construction, medical, food, cultural activities and firewood.

"Veld products categories" means categories as set out in the schedule.

3. Harvesting of veld products

(1) No person shall, without a permit from the Board or from any person authorised by the Board, harvest any veld product listed in the Schedule exceeding the amount specified in subregulation (2) in relation to such veld product, except in accordance with the conditions specified in the said subregulation (2).

(2) The permissible amounts and conditions for harvesting in respect of the veld products set out in the Schedule are as follows-

- (a) veld products of category 'A' shall not be harvested without a harvesting permit, except for domestic use;
- (b) veld products of category 'B' require a harvesting permit if the amount to be harvested exceeds 2 kg per person per month;
- (c) veld products of category 'C' require a harvesting permit if the amount to be harvested exceeds 10 kg per person per month;
- (d) veld products of category 'D' may be harvested without a permit from the Board;
- (e) veld products of category 'E' require a harvesting permit if the amount to be harvested exceeds 10 bundles (maximum diameter 20 cm) per household per month;
- (f) veld products of category 'F' shall not be harvested from the 20th October each year to the 15th July of the coming year, if harvesting is carried out not within the stipulated period a harvesting permit shall be required if the harvest exceeds the quantity of 800 bundles (maximum diameter 20cm) per household; and
- (g) veld products of category 'G' require a harvesting permit if the amount to be harvested exceeds 1.0 tonnes per household per month. A permit for fencing or building using untreated poles (indigenous) must be obtained if the collection exceeds more than 500 poles per household per year;

4. Dealing and exporting of veld products

A person shall not deal in or export any veld product listed in the Schedule without a permit from the Board or any person authorized by the Board.

5. Applications for permits

(1) A person who wishes to obtain a harvesting, dealer or export permit shall submit a written application to the Secretary of the Board.

(2) An application under subregulation (1) shall clearly specify-

- (a) the kind of veld product and the quantity which the applicant wishes to harvest, deal in or export;
- (b) the origin and the destination of the veld product; and

(c) whether the applicant is a citizen, resident or non-resident of Botswana.

(3) The Board may require the applicant to give additional information reasonably required to enable a permit to be issued.

6. Conditions for issue of permit

(1) The Board shall issue a permit where it is satisfied that-

- (a) the area proposed to be harvested is permitted for harvesting activities; and
- (b) the proposed harvesting methods are effective and sustainable harvesting methods.

(2) The Board may, where it consider, it necessary, attach to a permit any reasonable conditions under which the permit may be used.

(3) A permit holder must, during the period of the validity of the permit, ensure that any conditions attached to a permit under subregulations (1) and (2) are complied with.

7. Commercial register

(1) Dealers and exporters are required to keep a commercial register of all transactions, and shall be registered with the Board.

(2) The Register shall always be available for inspection.

8. Validity of permits

A harvesting, dealer or export permit issued to any person or entity shall be valid for a period stipulated in the permit and shall not be transferable.

9. Offences and penalties

A person who contravenes these Regulations, or who makes a false statement in order to obtain a harvesting, dealer or export permits, commits an offence and is liable to a fine not exceeding P1,000 or to imprisonment for a term not exceeding one year, or to both.

10. Confiscation of veld products

In addition to any penalty that may be imposed, the court may order that any veld product in respect of which the offence was committed shall be forfeited to the State.

11. Cancellation, suspension of permit

Without prejudice to any criminal liability of a permit holder, the Board may cancel or suspend a permit if it considers that the provision of these Regulations, or a condition in a permit, is not being complied with.

12. Revocation of S. I. No. 69 of 1977 and S. I. No. 28 of 2004

The Agricultural Resources (Grapple Plant) Regulations and the Agricultural Resources Conservation (Harvesting of Veld Products) Regulations, are hereby revoked.

SCHEDULE

(regulation 3 (1))

| | | |
|---|------------------------------------|---------------------------------------|
| A | Hoodia Species | Thokabotshwaro/Sekopane/Seboka/Hoodia |
| A | Harpagophytum species | Sengaparile/Grapple Plant/Devils Claw |
| B | Lippia scaberrima | Mosukudu/FeverTea |
| B | Lippia javanica a | Mosukujane/Mosukubyane/FeverTea |
| B | Artemisia afra | Lengana/Wild wormwood |
| B | Terfezia pfeilii | Mahupa/Truffles |
| B | Myrothamnus flabellifolius | Gala la tshwene/Resurrection Plant |
| B | Strophanthus kombe | Kombi/Poison Rope |
| B | Indigofera tinctoria | Mhetola/Africa Indigo (basket dyes) |
| B | Cassia abbreviata | Monepenepe/Long tailed cassia |
| C | Imbrasia belina | Phane/Caterpillar |
| D | Sclerocarya birrea subsp caffra | Morula |
| D | Adansonia digitata | Mowana/Baobab |
| D | Orthanthera jasminiflora | Mosata>Nama ya setlhare |
| D | Mimusops zeyheri | Mmupudu/RedMilkwood |
| D | Vangueria infausta | Mmilo/Wild medlar |
| D | Betchemia discolor | Motsintsila/Brown Ivory |
| D | Grewia species | Mogwana/Moretlwa |
| D | Azanza garckeana | Morojwa/Snot Apple |
| D | Strycnos cocculoides | Mogorogorwane/Corky monkey apple |
| D | Strycnos spinosa | Morutlwa/Green monkey apple |
| D | Phragmites australis | Letlhaka/Common reed |
| E | Hyphane pertesiana | Mokolwane/Mokola/Fan palm |
| F | Eragrostis pallens | Motshikiri/Thatching grass |

| | | |
|---|-------------------------|---|
| F | Cymbopogon plurinoides | Mokamakama/Thatching grass |
| F | Cymbopogon excavatus | Mosagasolo/Thatching grass |
| F | Hyparrhenia hirta | Thatching grass |
| F | Hyparrhenia filipendula | Thatching grass |
| F | Hyparrhenia dissoluta | Thatching grass |
| F | Stipagrostis uniplumis | Tshikhitshane/Thatching grass |
| G | | Dikgong/Firewood/Fuelwood |
| G | | Untreated poles/plant materials for building purposes |