

CHAPTER 19:06

LOCUST CONTROL ACT

Acts 45/1971, 57/1972 (s. 27), 11/1981, 20/1982, 22/2001 (s. 4); R.G.N. 376/1972.

ARRANGEMENT OF SECTIONS

Section

1. Short title.
2. Interpretation.
3. Duty of occupier to report appearance of locust swarms or hopper bands.
4. Destruction of hopper bands or locust swarms: provision of material free of charge.
5. Minister may give orders to occupiers or owners.
6. Powers of Minister and officers.
7. Compensation not payable in respect of injury or destruction caused by exercise of powers.
8. General offences.
9. Driving of hopper bands over boundary an offence.
10. [Repealed]
11. Regulations.

AN ACT to provide for the control of locusts.

[Date of commencement: 15th October, 1971.]

1 Short title

This Act may be cited as the Locust Control Act [*Chapter 19:06*].

2 Interpretation

In this Act—

“Director” means the Director of the Department of Research and Specialist Services of the Ministry for which the Minister is responsible;

“hopper” means the immature form of a locust, that is, a locust which has not developed functional wings;

“hopper band” means an aggregation of hoppers of at least eight square metres in extent in which hoppers are present at an average density of not less than sixty per square metre;

“locust” means an insect of any of the following species—

- (a) African migratory locust — *Locusta migratoria migratorioides* R. & F.;
- (b) brown locust — *Locustana pardalina* (Walt.);
- (c) desert locust — *Schistocerca gregaria* (Forsk.);
- (d) red locust — *Nomadacris septemfasciata* (Serv.);

“Minister” means the Minister of Agriculture or any other Minister to whom the President may, from time to time, assign the administration of this Act;

“occupier”, in relation to land which—

- (a) is not Communal Land, means a person resident on the land or, if there is no person resident on the land, the person ordinarily present on the land during the hours of the business for which the land is used who has the charge, control or management of the land or business;
- (b) is Communal Land, means the head of the village in respect of land pertaining to such village;

“officer” means any person to whom the Minister has assigned duties under this Act;

3 Duty of occupier to report appearance of locust swarms or hopper bands

(1) The occupier of any land over or upon which— (a)

a locust swarm appears or has appeared; or

(b) a hopper band appears or has appeared; shall

with reasonable speed give notice thereof to—

- (i) the nearest official of the Ministry for which the Minister is responsible; or
- (ii) the nearest official of the Ministry responsible for lands; or
- (iii) the nearest police station; or
- (iv) the Director;

(2) In giving the notice required by subsection (1) the occupier shall—

(a) define as nearly as possible the locality upon or over his land where the locust swarm appeared or where locusts are depositing or have deposited their eggs or where the hopper band appeared; and (b) give such other information relating to locusts or hopper bands as may be prescribed.

(3) On receipt of any notice under this section the person to whom such notice is given shall transmit the purport thereof to the Director.

(4) Any person who contravenes subsection (1) or (2) shall be guilty of an offence, unless he proves to the satisfaction of the court—

- (a) that he made all reasonable efforts within his power and means to comply with the subsection concerned; or
- (b) in the case of a contravention of subsection (1), that he was ignorant of the presence of the locust swarm or hopper band concerned on his land and that his ignorance was not due to any lack of reasonable supervision of his land.

[Subsection as inserted by section 4 of Act No. 22 of 2001]

(5) Any person who is guilty of an offence in terms of subsection (4) shall be liable to a fine not exceeding level four or to imprisonment for a period not exceeding three months or to both such fine and such imprisonment.

[Subsection as inserted by section 4 of Act No. 22 of 2001]

4 Destruction of hopper bands or locust swarms: provision of material free of charge

(1) The Minister may—

- (a) provide an occupier or owner of land free of charge with such material or apparatus as he may determine for the destruction of any hopper band or locust swarm;
- (b) give such directions as he may determine in regard to the manner in which material or apparatus referred to in paragraph (a) shall be used.

(2) When material or apparatus has been provided in terms of subsection (1) the occupier or owner shall— (a) make timeous and proper use of the material or apparatus;

(b) comply with such directions as the Minister may give in terms of paragraph (b) of subsection (1); (c) on demand by the Minister or any person authorized by him, forthwith return the apparatus or material.

(3) Any person who, without reasonable excuse, the proof whereof lies on him, contravenes subsection (2) shall be guilty of an offence and liable to a fine not exceeding level four or to imprisonment for a period not exceeding three months or to both such fine and such imprisonment.

[Subsection as inserted by section 4 of Act No. 22 of 2001]

5 Minister may give orders to occupiers or owners

(1) The Minister may order the occupier or owner of land to take such steps or measures in relation to his land as the Minister may consider necessary or desirable for the destruction or control of any hopper band or locust swarm on the land.

(2) Any person who, without reasonable excuse, the proof whereof lies on him, contravenes subsection (1) shall be guilty of an offence and liable to a fine not exceeding level four or to imprisonment for a period not exceeding three months or to both such fine and such imprisonment.

[Subsection as inserted by section 4 of Act No. 22 of 2001]

6 Powers of Minister and officers

(1) The Minister may take such steps, including the use of poisons, for the destruction of a hopper band or locust swarm over or upon any land as he may consider advisable.

(2) For the purpose of observing or destroying a hopper band, locust swarm or locust eggs an officer may enter upon any land with such assistants, material and apparatus as he may require.

7 Compensation not payable in respect of injury or destruction caused by exercise of powers

(1) No compensation shall be payable by the State, the Minister or any other person in respect of loss or injury caused by or in the exercise or performance of any function conferred or imposed by or in terms of this Act:

Provided that this subsection shall not prevent any person from recovering by action in any competent court compensation for any loss or injury suffered by him which was caused by any wrongful act or omission.

(2) Notwithstanding subsection (1), if any person has suffered any loss or injury as a result of the exercise or performance of powers or duties conferred or imposed by or in terms of this Act and the Minister has reasonable cause to believe that such loss or injury was caused by any wrongful act or omission otherwise than by or on behalf of any person to whom an order in terms of section *five* has been given, although conclusive proof thereof is not forthcoming, he may, with the consent of the Minister responsible for finance, pay such compensation for such loss or injury as he may determine from moneys appropriated for the purpose by Act of Parliament.

8 General offences

(1)

[Subsection repealed by section 4 of Act No. 22 of 2001]

(2)

(3) If any person—

- (a) obstructs or hinders any officer in the exercise of his powers under this Act; or
- (b) fails to disclose any information required by an officer as to the presence or movements of any hopper band, locust swarm or locust eggs; he shall be guilty of an offence and liable to a fine not exceeding level five or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

[Subsection as amended by section 4 of Act No. 22 of 2001]

(4)

[Subsection repealed by section 4 of Act No. 22 of 2001]

9 Driving of hopper bands over boundary an offence

(1) If any occupier drives or causes to be driven or attempts to drive or knowingly permits the driving of any hopper band from his land on to the land of his neighbour, he shall be guilty of an offence, unless he proves to the satisfaction of the court that—

- (a) growing crops on his land were being threatened by the hopper band; and
- (b) in driving the hopper band away he took all possible steps to destroy the hoppers and did not drive them towards growing crops of his neighbour.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and liable to a fine not exceeding level four or to imprisonment for a period not exceeding three months or to both such fine and such imprisonment.

[Subsection as inserted by section 4 of Act No. 22 of 2001]

10

[Section repealed by section 4 of Act No. 22 of 2001]

11 Regulations

(1) Subject to subsection (3), the Minister may by regulation provide for all matters which by this Act are required or are permitted to be prescribed or which, in his opinion, are necessary or expedient to be provided for in order to carry out or give effect to this Act.

(2) The Minister may, in the exercise of the powers conferred upon him by subsection (1), make regulations providing for—

- (a) the duties of officers;
- (b) the provision and safe use of poisons used for the purposes of this Act; (c) the methods of hopper band or locust swarm destruction.

(3) Regulations in terms of subsection (1) may provide for penalties for any contravention thereof:

Provided that such penalties shall not exceed a fine of level four or imprisonment for a period of three months or both such fine and such imprisonment.

[Proviso as amended by section 4 of Act No. 22 of 2001]