

Lesotho

Land Husbandry Act, 1969

Act 22 of 1969

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Lesotho

Land Husbandry Act, 1969

Act 22 of 1969

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ACT

To control and improve, in respect of agricultural land, the use of land, soil conservation, water resources, irrigation and certain agricultural practices, and to provide for incidental or connected matters.

Enacted by the Parliament of Lesotho.

1. Citation

This Act may be cited as the Land Husbandry Act 1969.

2. Interpretation

In this Act and in the regulations, unless the context otherwise requires—

"**agriculture**" means all activities relating to crop production, to the keeping, breeding or raising of livestock, and to the forestry; and the word "agricultural" shall be construed accordingly;

"**chief**" has the same meaning as is ascribed thereto in subsection (1) of section 2 of the Chieftainship Act 1968;

"**livestock**" means cattle, horses, donkeys, mules, sheep, goats, pigs, poultry, rodents and such other species of animals as the Minister may prescribe by Notice in the *Gazette*; and

"**Minister**" means the Minister responsible for Agriculture.

3. Application of Act

- (1) The provisions of this Act and of the regulations shall not apply to an area of land whenever and for so long as that land is not agricultural land in terms of subsection (2).
- (2) An area of land is not agricultural land whenever and for so long as that land is not in fact being utilised for the purpose of the growing of crops or the grazing of livestock and
 - (a) is being held in accordance with a mineral title granted in terms of the law governing mining rights; or
 - (b) is being held in accordance with an allocation made in terms of section 93 of the Constitution for one or more of the following purposes:—
 - (i) residential use (including stables, kraals and similar structures);
 - (ii) Government use (including roads, stock-paths and footpaths), institutional use or commercial use (all exclusive of the growing of crops or the grazing of livestock);
 - (iii) burial of the dead.

4. Power to make regulations in respect of agricultural land

- (1) Subject to subsection (3), the Minister, in respect of agricultural land, may by Notice in the *Gazette* make regulations which in his judgement ensure that land is employed in the most beneficial uses, promote soil conservation, proper management of water resources and proper irrigation, and promote certain good and prevent certain bad agricultural practices.
- (2) In particular, but without prejudice to the generality of the foregoing, such regulations may in respect of agricultural land—
 - (a) prescribe the use to which land may be put; that is, allow, prohibit, limit or control on designated land or upon the occurrence of designated circumstances the growing of crops or species thereof, the grazing of livestock or species or breeds thereof, or the carrying out of other uses;
 - (b) prescribe the precautions to be taken to prevent erosion that may be caused by the cultivation of land or by roads, stockpaths or footpaths by the controlling drainage and by requiring the provision or construction and maintainance of contour furrows, storm drains or grass strips of such specification and nature as may be prescribed.
 - (c) prohibit or restrict the cultivation and grazing of designated land and the banks of streams and the draining and cultivation or grazing of public streams including vleis, sponges, marshes, swamps and reed beds;
 - (d) provide for the preservation and protection of water resources, incouding springs, vleis, sponges and marshes and the source, course and banks of streams, and in particular control the placing, design and use of dams;
 - (e) prescribe the type of lay-out, levelling and draining to be adopted on land to be cultivated under irrigation, and prescribe the circumstances in which such irrigated land shall be drained and the proper methods to be employed in applying water to irrigated land;
 - (f) prescribe the principles to be adopted in the reduction of the number of livestock on designated land;
 - (g) regulate, control and restrict—
 - (i) the number of persons who may be permitted to graze livestock on designated land; and
 - (ii) the number and species or breeds of livestock that a person may graze on designated land;
 - (h) provide for control of grazing and the introduction of veld or pasture management;
 - (i) regulate and control the manner of watering and the movement of livestock;
 - (j) prohibit, restrict or control the drawing of sledges, ploughs or logs along any constructed road, stock-path or footpath; and
 - (k) provide for proper management of trees and other natural flora.
- (3) The Minister shall, prior to making any regulations under this section, consult with the Principal Chief or the Ward Chief having jurisdiction over any agricultural land in respect of which the proposed regulations are to be made.
- (4) For the avoidance of doubt it is declared that provisons of the Declaration of Basotho Law and Custom Numbers 7(1) and 7(3) of the Declarations commonly known as Part I of the Laws of Lerotholi (Revised Edition, 1959) are subject to the provisions of any regulations made under this Act.

5. Consultation

The Minister may consult, in respect of any matter regarding which he has the power to make regulations, with such Government officials or other persons, and at such times and places as the Minister deems appropriate.

6. Powers and duties of chiefs and inspectors

- (1) The regulations may confer a power or impose a duty upon a Chief, or subject to the law relating to the public service upon an Inspector appointed in terms of [section 9](#), in order to carry out the provisions of this Act and the regulations.
- (2) The regulations may empower a Chief or an Inspector, generally or in particular cases, to enter without warrant upon land at any time for the purpose of—
 - (a) exercising a power conferred, or performing a duty imposed, in accordance with the provisions of subsections (1) or (3) of this section; or
 - (b) ascertaining whether there is or has been a contravention of the provisions of the regulations.
- (3) The regulations may confer a power upon any society, co-operative or other association of persons and, subject to the agreement of that society, co-operative or other association, impose a duty upon such organisation in order to carry out the provisions of this Act and the regulations.

7. Offences and penalties

- (1) The regulations may constitute offences with regard to the contravention of, or failure to comply with, provisions of the regulations or with regard to obstructing or otherwise impeding the carrying out of those provisions.
- (2) The regulations may prescribe a penalty to be imposed on a person who is found guilty by a court of law of an offence constituted under subsection (1), which penalty, in relation to a first conviction for an offence, may be a fine not exceeding fifty rands or, in default of payment thereof, imprisonment for a period not exceeding three months, and, in relation to a subsequent conviction for a similar offence, may be a fine not exceeding one hundred and fifty rands or, in default of payment thereof, imprisonment for a period not exceeding nine months.

8. Application of and exemption from regulations

- (1) Different regulations may be made under this Act for different areas of land, for different types of soil, for different types of cultivation, for different species of crops or for different species or breeds of livestock.
- (2) The Minister may provide by Notice in the *Gazette* that a person or class of persons is exempt, subject to such conditions as the Minister may prescribe, from the operation of a provision of a regulation made under this Act.

9. Appointment of inspectors

Subject to the law relating to the public service, the Minister may appoint any person in writing and by name or office as an Inspector for the purpose of this Act and the regulations.

10. Repeals

To the extent not previously repealed the laws set forth below are hereby repealed with effect from a date to be fixed by the Minister by Notice in the *Gazette*. Different dates may be so fixed for the repeal of different provisions of these laws.

By-Laws	Numbers 4, 5 and 6 of the Rural Areas (Grazing Control, Pounds and Trespasses) By-Laws, 1963 (Government Notice No. 24 of 1963).
Paramount Chief's Rules	Numbers 11, 28, 31 and 32 of the Rules commonly known as Part II of the Laws of Lerotholi (Revised Edition, 1959).
Paramount Chief's Orders	Numbers 4, 5, 5(<i>bis</i>) 5(<i>ter</i>) and 13 of the Orders commonly known as Part III of the Laws of Lerotholi (Revised Edition, 1959)