

**CHAPTER 33:03 - FENCING: SUBSIDIARY LEGISLATION  
INDEX TO SUBSIDIARY LEGISLATION**

Fencing (Application of Act) Order  
Fencing Regulations

**FENCING REGULATIONS**

*(under section 18)  
(22nd February, 1962)*

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation
2. Forms

Schedule - Forms

G.N. 42, 1962.

**1. Citation**

These Regulations may be cited as the Fencing Regulations.

**2. Forms**

The forms set out in the Schedule to these Regulations shall be used for the purposes of the Act to which they apply.

**SCHEDULE**

**FORMS**

**Form 1**

**NOTICE TO JOIN IN OR CONTRIBUTE TO THE CONSTRUCTION OF A DIVIDING FENCE**

FENCING ACT (Cap. 33:03)  
*(Section 4)*

To: .....

Address: .....

Kindly take note that I, .....

(in block capitals)

of .....

(in block capitals)

desire to have a dividing fence constructed along the boundary line of my farm .....

(full description)

and your farm .....

(full description)

**2.** My intention is to construct a dividing fence in accordance with the specification set out in this notice and I request that you inform me whether it is your intention to contribute or to provide materials or implements or labour or transport or any or all of such supplies or services towards this fencing.

**3.** If no agreement is reached between us within a period of one month after the service of this notice as to the matters contained in section 5(1) of the Fencing Act, I shall proceed as provided in that subsection.

Signature .....

Date .....

**SPECIFICATION**

- (1) Type of fence (i.e. Post and wire; ditch and bank)
- (2) Height of fence: ..... metres
- (3) No. of wires
- (4) Type of wire and gauge
- (5)(a) Nature of poles or standards (iron or wood): (if wood, state whether it is to be

- termite-proof and if the bark is to be removed before planting).
- (b) Dimensions of poles or standards
- (c) Distance apart of poles or standards
- (d) Intended depth in soil of posts or standards
- (6) Distance apart of droppers
- (7) Distance apart of straining posts: ..... metres
- (8) Distance apart of iron frames
- (9) No. of gates and description
- (10) No. of grids and description
- (11) Length of proposed fence in metres
- (12) Estimated cost of fence including materials, implements, labour and transport
- (13) Explanatory remarks, if necessary

**Form 2**  
**NOTICE OF INTENTION TO FENCE**  
 FENCING ACT (Cap. 33:03)  
 (Section 6(1))

To: .....

Owner of Farm: .....

situate in the District of .....  
 (whose whereabouts is unknown).

Kindly take notice that I desire to have a dividing fence constructed along the boundary line of my farm:

..... and your  
 (full description)

farm ..... and I  
 (full description)

require you to join in or contribute to the construction of the dividing fence, in accordance with the provisions of the Fencing Act.

Owner or authorized agent (Full name) .....

Address .....

.....

**Form 3**  
**NOTICE OF INTENTION TO REPAIR A DIVIDING FENCE**  
 FENCING ACT (Cap. 33:03)  
 (Section 11(1))

To: .....

Address: .....

Owner of Farm: .....

situate in the District of .....

Kindly take notice that I .....  
 (full name in block capitals)

of .....  
 (address in block capitals)

desire to repair the dividing fence constructed along the boundary of my farm .....  
 (full description)

and your farm .....  
 (full description)

2. My intention is to repair the dividing fence in accordance with the specification set out in this notice and I request that you inform me whether it is your intention to contribute or to join in by providing materials or implements or labour or transport or any or all of such supplies or services towards this repairing.

3. Your attention is drawn to section 11(1) of the Fencing Act. If no agreement is reached

between us within a period of one month after the service of this notice as to the manner in which the dividing fence shall be repaired, I shall proceed as provided in section 11(2) of that Act.

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

**SPECIFICATION**

- (1) Length of dividing fence requiring repair:
- (2) Extent of repair intended:
- (3) Materials required for repair:
- (4) Estimated cost of repair, including materials, implements, labour and transport:
- (5) Explanatory remarks, if necessary:

**Form 4  
NOTICE OF INTENTION TO REPAIR FENCE**

FENCING ACT (Cap. 33:03)  
(Section 11(2))

To: .....

Owner of Farm .....

situate in the District of .....

(whose whereabouts is unknown).

Kindly take notice that I desire to repair the dividing fence constructed along the boundary of my farm .....

.....

(full description)

and your farm .....

(full description)

and I require you to join in or contribute to the repair of the dividing fence in accordance with the provisions of the Fencing Act.

Owner or authorized agent (Full name) .....

.....

Address .....

.....

**FENCING (APPLICATION OF ACT) ORDER**

(under section 1(2))

(22nd February, 1962)

**ARRANGEMENT OF PARAGRAPHS**

**PARAGRAPH**

- 1. Citation
- 2. Application

First Schedule  
Second Schedule  
Third Schedule

G.N. 62, 1962,  
G.N. 15, 1963,  
S.I. 85, 1985.

**1. Citation**

This Order may be cited as the Fencing (Application of Act) Order.

## **2. Application**

The provisions of the Fencing Act shall apply-

- (a) with effect from 22nd August, 1962, within the areas set out in the First Schedule;
- (b) with effect from 17th February, 1963, within the area set out in the Second Schedule;  
and
- (c) with effect from 1st June, 1985, within the areas specified in the second and third columns of the Third Schedule in relation to the tribal territories and tribal areas specified in the first column of the said Schedule, other than any land board or any area designated for communal use in any tribal territory or tribal area specified in the first column of the said Schedule.

### **FIRST SCHEDULE**

Francistown District  
Gaborone District  
Ghanzi District  
Lobatse District

### **SECOND SCHEDULE**

Kgalagadi District

### **THIRD SCHEDULE**

Bakwena Tribal Territory	areas demarcated for Tribal Land Grazing Policy	areas demarcated for Commercial Arable Farming
Bangwaketse Tribal Territory	areas demarcated for Tribal Land Grazing Policy	areas demarcated for Commercial Arable Farming
Batawana Tribal Territory	areas demarcated for Tribal Land Grazing Policy	areas demarcated for Commercial Arable Farming
Bakgatla Tribal Territory	areas demarcated for Tribal Land Grazing Policy	areas demarcated for Commercial Arable Farming
Kgalagadi Tribal Area	areas demarcated for Tribal Land Grazing Policy	areas demarcated for Commercial Arable Farming
Chobe Tribal Area	areas demarcated for Tribal Land Grazing Policy	areas demarcated for Commercial Arable Farming
Ghanzi Tribal Area	areas demarcated for Tribal Land Grazing Policy	areas demarcated for Commercial Arable Farming
Barolong Farms	areas demarcated for Tribal Land Grazing Policy	areas demarcated for Commercial Arable Farming
Batlokwa Tribal Territory	areas demarcated for Tribal Land Grazing Policy	areas demarcated for Commercial Arable Farming
Balete Tribal Territory	areas demarcated for Tribal Land Grazing Policy	areas demarcated for Commercial Arable Farming