

PROKLAMASIE

No. 10, 2011

PROKLAMASIE

deur die Premier van die Provinsie Noord-Kaap

INWERKINGTREDING VAN DIE NOORD-KAAP NATUURBEWARINGSWET, 2009 (WET NO. 9 van 2009)

Kragtens die bevoegdheid my verleen by artikel 74 van die Noord-Kaap Natuurbewaringswet, 2009 (Wet No. 9 van 2009), bepaal ek, Hazel Jenkins, Premier van die Provinsie Noord-Kaap, 1 Januarie 2012 as die datum waarop bogenoemde Wet in werking tree.

Gegee onder my hand op die 12de dag van Desember

2011.



H. JENKINS

PREMIER VAN DIE PROVINSIE NOORD-KAAP

PROCLAMATION

No. 10, 2011

PROCLAMATION

by the Premier of the Northern Cape Province

COMING INTO OPERATION OF THE NORTHERN CAPE NATURE CONSERVATION ACT, 2009 (ACT NO. 9 of 2009)

In terms of the powers vested in me by section 74 of the Northern Cape Nature Conservation Act, 2009 (Act No. 9 of 2009), I Hazel Jenkins, Premier of the Northern Cape Province hereby fix 1 January 2012 to be the date on which the above Act shall come into operation.

Given under my hand on the 12th day of December 2011.

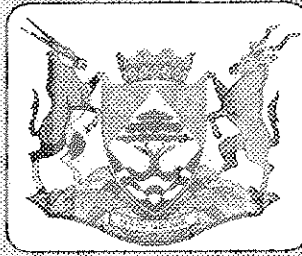


H. JENKINS

PREMIER OF THE NORTHERN CAPE PROVINCE

NORTHERN CAPE PROVINCE

PROFENSI YA KAPA-BOKONE



NOORD-KAAP PROVINSIE

IPHONDO LOMNTLA KOLONI

EXTRAORDINARY • BUITENGEWONE

Provincial Gazette
Kasete ya Profensi

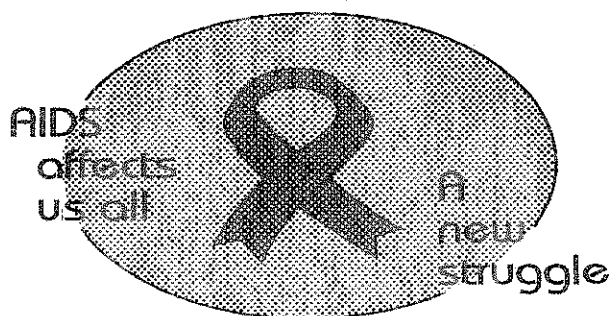
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JANUARIE 2010

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PREMIER'S NOTICE

No. 1

21 January 2010

OFFICE OF THE PREMIER

It is hereby notified that the Premier has assented to the following Act which is hereby published for general information. This Act comes into operation on a date fixed by the Premier by Proclamation in the *Provincial Gazette*.

No. 9 of 2009: Northern Cape Nature Conservation Act, 2009

Certified correct as passed by the
Northern Cape Provincial Legislature

J. B. D. M.
Secretary to the Legislature

NORTHERN CAPE PROVINCE

NORTHERN CAPE
NATURE CONSERVATION ACT, 2009
(ACT NO. 9 OF 2009)

The text of this Act has been assented

to by me on

15-12-2009

W. K. M.
PREMIER: NORTHERN CAPE PROVINCE

ACT

To provide for the sustainable utilisation of wild animals, aquatic biota and plants; to provide for the implementation of the Convention on International Trade in Endangered Species of Wild Fauna and Flora; to provide for offences and penalties for contravention of the Act; to provide for the appointment of nature conservators to implement the provisions of the Act; to provide for the issuing of permits and other authorisations; and to provide for matters connected therewith.

BE IT ENACTED by the Northern Cape Provincial Legislature, as follows:-

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CHAPTER 1 INTERPRETATION AND DEFINITIONS

Interpretation

5

1. (1) In this Act, unless the context otherwise indicates -

“adequately enclosed”, in relation to land, means enclosed by -

- (a) a fence, wall or obstruction of any kind whatsoever forming an enclosure from which any wild animal of a species specified in a permit issued in terms of section 24 is unable to escape without breaking it; 10
- (b) a natural boundary through or over which any wild animal of a species so specified will not pass under normal circumstances; or 15
- (c) a combination of fences, walls, obstructions or boundaries referred to in paragraphs (a) and (b) so that any wild animal of a species so specified cannot escape from such land and “sufficiently enclosed” has a similar meaning; 20

“agricultural land” means land falling outside the boundaries of a township;

25

“angle” means the catching of fish in an aquatic system by means of a line and hook, whether or not any rod, bait or lure is used, or by means of a set line, and includes any such attempt or assistance, but does not include the catching of fish in such waters by jigging or snatching it;

30

“animal” includes the whole animal, as well as the ova or sperm thereof and any other propagule thereof or any part of the animal, whether dead or alive, and “fauna” has a corresponding meaning;

“aquatic growth” means vegetation which grows or is able to grow in an aquatic system;

35

“aquatic system” -

- (a) means an area associated with rivers, streams, vleis, sponges, wetlands, creeks, lakes, pans or any other natural or man-made water impoundment; and 40
- (b) includes such area whether wet or dry; 45
- (c) means all waters which do not permanently or at any time during the year form part of the sea and includes a tidal river;

“artificial lure” means a device which by its simulation of life or by its appearance or colour is designed or likely to delude, entice or attract a fish into seizing such device;

“breed”, in relation to wild animals, means where individuals of a specific species are permanently kept in captivity for the sole purpose of producing offspring;

“buy” includes barter or exchange;

“cage” means a place (including a pool of water), structure or other thing that has been closed or fenced in in any manner for the purpose of keeping an animal in captivity, whether it is -

(a) closed or fenced in over the top or not;

(b) moveable or immovable;

“captivity”, in relation to an animal, means the keeping within an enclosure by means of any fence, wall or obstruction of any kind whatsoever in such a way that such animal is unable -

(a) to maintain itself by natural means; or

(b) to escape;

“capture”, in relation to an animal, means by any means whatsoever to capture, to catch or to take alive without killing the animal and includes an attempt or pursuit with the intent to capture, to catch or to take the animal alive;

“carcass”, in relation to an animal, means the whole or any part of the meat (whether dried, smoked, salted, cured or treated in any manner), the head, ear, tooth, horns, shell, scale, tusks, bones, feathers, tail, claw, paw, nail, hoof, skin, hide, hair, viscera or any part whatsoever of the carcass, and includes the egg;

“cast net” means a net (also known as an umbrella-net or throw-net) with or without weights on the perimeter thereof which is cast on water so that it opens and sinks in the water;

“catch”, in relation to fish, includes any means or method of taking (whether alive or dead), injuring, immobilising or killing or attempting to take, injure, immobilise or kill, or to pursue or wilfully disturb or poison;

“CITES” means the Convention on International Trade in Endangered Species of Wild Fauna and Flora, Washington, 1973;

“common indigenous animal” means a species of indigenous wild animal listed in Schedule 3;

5

“common indigenous fish” means a species of indigenous fish listed in Schedule 3;

“common indigenous plant” means a species of indigenous plant listed in Schedule 3;

10

“Constitution” means the Constitution of the Republic of South Africa, 1996;

15

“crab net” means a net (also known as a ring-net) made of wire or any other material of which the opening is attached to a frame, whether or not any bait or lure is placed in such net, but does not include a landing net;

“cull” –

20

(a) means an operation executed by a nature conservator or other person designated by the landowner to kill a specific number of specimens of a wild animal species within the area in order to manage that species in the area; or

25

(b) in relation to a specimen of a wild animal species which has escaped from a protected area and has become a threat to life or property, means an operation executed by a nature conservator or other person designated by the Director to kill the animal as a matter of last resort;

30

“cultivate” means the artificial reproduction of plants in any manner whatsoever;

35

“daily bag limit” means the number of any species which may be hunted or caught by angling as determined by this Act;

“damage-causing animal” means an animal declared to be a damage-causing animal listed in Schedule 4;

40

“day” means the period commencing half an hour before sunrise and ending half an hour after sunset on the same day;

“Department” means the Department responsible for nature conservation in the Province;

45

“derivative”, in relation to a wild animal, plant or other organism, means any part, tissue or extract of an animal, plant or other organism, whether fresh, preserved or processed;

“dip-and-ship” means the chemical treatment, dipping or packing of any skin, horn or similar derivative of a wild animal for the purpose of exporting;

“Director” means the head of the unit responsible for nature conservation within the Department;

“domestic animal” means a pet or stock, but not a wild animal;

“ecosystem” means a dynamic complex of animal, plant or micro-organism communities and their non-living environment interacting as a functional unit;

“educational facility” means the use of any species for the purpose of creating conservation awareness;

“Executive Council” means the Executive Council of the Province, contemplated in section 132 of the Constitution;

“exotic”, in relation to a species, means a species that has not historically occurred naturally in a free state in nature within the borders of the Republic and includes a species that has been introduced in the Republic as a result of human activity;

“export”, in relation to a wild animal or plant, means any form of shipment, parcel or package consigned from or taken out of the Province or an attempt to consign or take a wild animal or plant, carcass, part or derivative thereof from a position or place inside the borders of the Province to a position or place outside the borders of the Province in any manner whatsoever, including re-export;

“extensive wildlife system” means a system that is large enough, and suitable for the management of self-sustaining wildlife populations in a natural environment which requires minimal human intervention in the form of –

- (a) the provision of water;
- (b) the supplementation of food, except in times of drought;
- (c) the control of parasites; or
- (d) the provision of health care;

“feral animal” means a domestic animal or species of such animal which has gone wild and includes a vagrant animal of such species;

“firearm” means a firearm as defined in section 1 of the Firearms Control Act, 2000 (Act No. 60 of 2000) and includes an airgun and a muzzle-loader;

“fish” means any aquatic fauna, whether indigenous or exotic and whether alive or dead, as well as the ova or sperm thereof, excluding amphibians, reptiles, insects, molluscs, crustaceans, mammals and birds;

“full-time employee” means an employee who is employed full-time on a monthly basis and receives a salary or wage which is in accordance with the kind of work done by him or her;

“fyke net” means a device made of rings or hoops over which a net, wire or any other material has been spread or which is made of wire only and which has one or more funnel-shaped openings and includes anything which, whether attached to such device or not, is used to guide fish to a funnel-shaped opening in such device;

“game farm” means land in relation to which a game farm permit has been issued;

“game farm permit” means a permit issued in terms of section 24;

“gin-trap” means a leg-hold or foot-hold trap made up of two tightly closing jaws, a spring-and-trigger mechanism, without an off-set jaw or padded jaw that reduces the chance of injury to an animal and complies with any further specification issued by the Director;

“hunt”, in relation to a wild animal, means by any means, method or device whatsoever to cull, to hunt, to kill, to capture, to collect, to disturb, to follow, to pursue, to search for, to drive, to stampede, to shoot at, to discharge a missile at, to injure, to poison, to lay poison, to set a trap, to lie in wait for, to lure and to wilfully disturb and include any such attempt to assist, guide or escort another person to do any of the aforementioned;

“hunting contractor” means a person who assists with, offers or presents to or organises the hunting of a wild animal;

“**hunting rights**” means the right of a landowner to hunt or to allow the hunting of a wild animal in terms of the provisions of this Act, on land of which he or she is the owner;

“**import**”, in relation to a wild animal or plant, means any form of shipment, parcel or package consigned to or brought into the Province or any attempt to consign or bring a wild animal or plant, carcass, part or derivative thereof from any position or place outside the borders of the Province to any position or place inside the borders of the Province in any manner whatsoever, including re-import; 5
10

“**indigenous**” means a species that occurs, or has historically occurred, naturally in a free state in nature within the borders of the Republic, but excludes a species that has been introduced in the Republic as a result of human activity; 15

“**indigenous fish**” means a fish of which the natural distribution range is the aquatic systems within the boundaries of the Province;

“**introduce**”, in relation to a species, means the introduction by humans, whether deliberately or accidentally, of a species to a place outside the natural range or natural dispersal potential of that species; 20

“**invasive species**” means a species listed as such in Schedule 6; 25

“**jig**” means the catching of fish by the jerking of a hook in water with the intention of impaling fish;

“**keep**”, in relation to a wild animal, means to keep alive, to keep in captivity, to exercise control over or to supervise; 30

“**landing net**” means a hand held net attached to a frame which is used for lifting a fish caught by angling out of the water;

“**landowner**” means - 35

(a) in relation to land -

(i) the person registered as the owner thereof in a deeds registry; 40

(ii) where the legal title thereto is vested in an association of persons, whether corporate or non-corporate, the person designated in writing as the owner thereof by such association; 45

- (iii) the bona fide purchaser thereof prior to the registration of the deed of transfer in his or her name, but after the contract of sale has been concluded, to the exclusion of the person contemplated in paragraph (i); 5
 - (iv) in the case of land under the control or management of a municipality, the municipality concerned;
 - (v) in the case of State land not under the control or management of a municipality, the National Minister or Member of the Executive Council of the Province, having control or management thereof or any officer designated for the purpose by such Minister or Member of the Executive Council; 10
 - (vi) in the case of land not occupied by the owner as contemplated in subparagraph (i), the person who is in actual occupation of the land, who exercises general control over such land and who has been authorised in writing by the owner as contemplated in the said subparagraph to exercise the rights conferred on a landowner by this Act; 15
 - (vii) where the owner as contemplated in subparagraph (i), (ii), (iii) or (vi) is dead or insolvent or has assigned his or her estate for the benefit of his or her creditors or has been placed under curatorship by order of court or is a company being wound up or under judicial management, the person in whom the administration of such land is vested as executor, responsible Member, trustee, assignee, curator, lawful heir, liquidator or judicial manager, as the case may be; 20
 - (viii) that is tribal land, the tribal chief; and 25
 - (b) in relation to waters on privately owned land, the owner as contemplated by paragraph (a) of the land on which the waters concerned are situated or which abuts on such waters; 30
- “licence” means a licence issued under this Act; 40
- “lure” means to entice a wild animal by offering something tempting by using any device, sound or smell that attracts its attention;

“municipality” means a municipality established in terms of section 155(6) of the Constitution;

“nature conservator” means a nature conservator appointed in terms of section 65;

5

“net” means a drop-net, fyke net, cast net, crab net, landing net, staked net or trek net;

“night” means the period commencing half an hour after sunset on any day and ending half an hour before sunrise on the following day;

10

“noxious aquatic growth” means a species of aquatic growth listed as such in Schedule 6 and includes species as defined in the applicable Schedules of the Conservation of Agricultural Resources Act, 1983 (Act No. 43 of 1983);

15

“permit” means a permit issued under this Act;

“pet” means a pet listed as such in Schedule 5;

20

“pick” includes to collect, to cut, to chop off, to take, to gather, to pluck, to uproot, to break, to damage or to destroy;

“plant” includes the whole plant, flower, seed cone, fruit, bulb, tuber, stem, root or any other propagule thereof or any part of the plant, whether dead or dried, and **“flora”** has a corresponding meaning;

25

“poison” means any poison, preparation or chemical substance used to catch, immobilise, sterilise, anaesthetize, kill or physically harm a wild animal or plant;

30

“poison collar” means a collar with one or more sealed compartments filled with fluoroacetic acid (mono), the salts and derivatives of which in an aqueous solution contains no more than one per cent of the substance in question, for the control of damage-causing animals;

35

“poison-firing apparatus” means a device that propels a projectile or chemical when triggered and is able to kill, injure or immobilise a wild animal;

40

“possess”, in relation to an animal or the carcass thereof or a plant, means to know of the presence of and to have physical control over any such animal or carcass thereof or any such plant, or to have the power and intention to exercise physical control over any such animal or carcass thereof or any such plant;

45

“premises” includes land, any building, structure or dwelling, whether movable, temporary or otherwise, or any vehicle, conveyance, vessel or aircraft;

“prescribed” means prescribed by regulation; 5

“private use” means use other than trade;

“professional hunter” means a person who assists, conducts a hunt, acts as a guide to, or offers or agrees to escort or accompany any person in order to enable such person to hunt a wild animal; 10

“protected animal” means a species of wild animal listed as such in Schedule 2; 15

“protected fish” means a fish listed in Schedule 2;

“protected plant” means a species of plant listed as such in Schedule 2; 20

“Province” means the Northern Cape Province as referred to in section 103 of the Constitution;

“public road” means a public road as defined in section 1 of the National Road Traffic Act, 1996 (Act No. 93 of 1996); 25

“rehabilitate”, in relation to a wild animal, means an individual of a specific species temporarily being kept in captivity for the sole purpose of rehabilitating (prepare, condition, train and restore) an orphaned, injured or ailing animal back to its original condition for release in its natural habitat; 30

“relative”, in relation to the owner of land, means the spouse, parent, step-parent, adoptive parent, son-in-law, daughter-in-law, child, stepchild, adopted child, brother, sister or grandchild of such owner; 35

“responsible Member” means the Member of the Executive Council responsible for nature conservation in the Province;

“sell” includes to hawk, to peddle, to barter or to exchange or to offer, to advertise, to expose, to exhibit, to display, or to have in possession for the purpose of sale, hawking, peddling, bartering or exchanging; 40

“set gun” means a man-made device that automatically fires off any form of firearm by setting off a trigger mechanism not manipulated directly or indirectly by any person; 45

“set line” means a line and hook with or without any bait or lure which, when used for catching fish, is fastened to anything or is not manipulated directly or indirectly by any person, but does not include a line and hook attached to a reel and rod lying loose on or fixed into the ground;

5

“snare” means a noose of rope, string or wire or any other material which can be used for capturing any animal;

“specially protected animal” means any animal listed as such in Schedule 1;

10

“specially protected fish” means a fish listed in Schedule 1;

“specially protected plant” means any plant listed as such in Schedule 1;

15

“species” means a kind of animal, plant or other organism and includes any sub-species, cultivar, variety, strain or hybrid thereof;

“specimen” means -

20

- (a) any living or dead animal, plant or other organism;
- (b) a seed, sperm, ovum, egg, gamete or propagule or part of an animal, plant or other organism capable of propagation or reproduction of or transferring genetic traits in any way;
- (c) any derivative of any animal, plant or other organism; or
- (d) any goods which -
 - (i) contain a derivative of an animal, plant or other organism; or
 - (ii) from an accompanying document, from the packaging or mark or label, or from any other indications, appear to be or to contain a derivative of an animal, plant or other organism;

25

30

35

“staked net” means a net (also known as a set net, gill-net or drift-net), with or without weights or floats, which is set upright in water with the intention of causing fish to become caught or entangled therein, whether or not such net drifts or is attached to anything;

40

“stock” means a horse, mule, ass, bull, cow, ox, heifer, calf, sheep, goat, pig, domesticated ostrich or poultry;

45

“sustainable”, in relation to the use of a biological resource, means the use of such resource in a way and at a rate that -

- (a) would not lead to its long-term decline; 5
- (b) would not disrupt the ecological integrity of the ecosystem in which it occurs; and
- (c) would ensure its continued use to meet the needs and aspirations of present and future generations of people; 10

“taxidermist” means a person that prepares or mounts a skin, horn or other derivative of a wild animal;

“this Act” includes a regulation or notice made or issued thereunder; 15

“township” means a township as defined in section 1 of the Subdivision of Agricultural Land Act, 1981 (Act No. 68 of 1981);

“trade” means to buy or to sell, to receive, to give, to accept as a gift or to donate, or to acquire or dispose of in any way by any means or method whatsoever; 20

“transport” means to convey, to move or otherwise to translocate by any means or method whatsoever; 25

“trap” means a trap, spring trap, gin-trap, cage, net, pitfall, capture boma, holding pen or birdlime and any other device, means or method whatsoever which can be used or adapted for the capture of wild animals; 30

“trap cage” means a cage with a trap door or doors and mechanism –

- (a) which is used to catch or capture animals; and
- (b) which complies with the provisions of any specification issued by the Director; 35

“trek net” means a net (also known as a seine, bait seine, drag-net or bait trek net), with or without weights or floats, which is moved through water in an upright position with the intention of catching fish; 40

“uproot”, in relation to a plant, means to remove an entire plant from its natural substrate or natural growth medium, but does not include a cultivated plant;

“vagrant dog” means a dog which trespasses on land and, while thus trespassing, is not under the supervision of its owner or a person authorised by such owner; 45

“vermin hunter” is a person who offers his or her services to hunt damage-causing animals, whether or not for commercial gain;

“vessel” includes a canoe, lighter, floating platform, decked boat, carrier vessel, vessel equipped with an inboard or outboard motor or any other water-borne craft or boat, whether self-propelled or not;

“waters” includes a river, stream, creek, lake, vlei, pan, lagoon, dam, reservoir, furrow or pond, whether the water therein is fresh or saline, and includes the foreshore and bank thereof and any part of such waters;

“waters on privately owned land” means a dam, reservoir, vlei or other inland waters completely surrounded by land owned by one owner;

“weapon” includes an instrument which is capable of killing, injuring or immobilising a wild animal and includes a firearm, ammunition, snare, trap, trap cage, gin-trap, net, birdlime, spear, assegai, bow-and-arrow, axe, bush knife, knife, catapult or similar object and any poison or narcotic whatsoever;

“wild animal” means a live vertebrate or invertebrate animal, whether indigenous or exotic, and the egg or spawn of such animal and includes any such animal which is kept or has been born and hatched in captivity, with the exclusion of a domestic animal;

“wildlife capturer or translocator” means a person that captures or conveys a wild animal or a specimen of a terrestrial vertebrate species for commercial purposes on behalf of another person and includes trading, buying, selling or temporary possession of such specimen;

“wildlife operator” means any of the persons referred to in section 27(1); and

“zoological facility” means a facility where individuals not limited to any group of species is kept in captivity for either the survival of a rare or endangered species, breeding, rehabilitation or for structured professional educational programmes and registered research projects with the primary role of increasing public conservation awareness, affection and knowledge about wild animals.

- (2) In this Act, words or expressions derived from words or expressions defined in subsection (1), have corresponding meanings, unless the context indicates that another meaning is intended.

Interpretation of certain words for the purposes of Chapter 2

2. For the purposes of Chapter 2, the term “animal” or “wild animal” does not include “fish”.

CHAPTER 2
SUSTAINABLE UTILISATION OF WILD ANIMALS

Part 1
Restricted Activities

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Restricted activities involving specially protected animals

3. No person may, without a permit –

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- (a) hunt;
- (b) import;
- (c) export;
- (d) transport;
- (e) keep;
- (f) possess;
- (g) breed; or
- (h) trade in,

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a specimen of a specially protected animal.

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Restricted activities involving protected animals

4. Subject to the provisions of sections 5, 6, 7 and 8, no person may, without a permit –

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- (a) hunt;
- (b) import;
- (c) export;
- (d) transport;
- (e) keep;
- (f) breed; or
- (g) trade in,

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a specimen of a protected animal.

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Part 2
Hunting

Hunting of protected animals

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5. (1) No person may, without a permit, hunt a protected animal, but –

- (a) a landowner may hunt a protected animal without a hunting licence during a hunting season on the land of which he or she is the owner;

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- (b) a relative or full-time employee of a landowner contemplated in paragraph (a) may –
 - (i) with the written permission contemplated in section 14; and 5
 - (ii) during a hunting season,
 - hunt a protected animal on land of the landowner without a hunting licence; 10
- (c) with the written permission contemplated in section 14, any other person who is the holder of a valid hunting licence for the Province may hunt a protected animal on the land of the landowner during a hunting season. 15
- (2) During a hunting season or a period other than a hunting season and upon the written application of the landowner, a permit may be issued –
 - (a) to the landowner; 20
 - (b) to any other person indicated by the landowner in the application,
 - which authorises the holder of the permit to hunt the number, sex and species of a protected animal referred to in the permit on the land of the landowner. 25

Hunting seasons

- 6. (1) No person may hunt a protected animal, except during a hunting season declared in terms of subsection (2) and subject to the provisions of the notice declaring the hunting season. 30
- (2) The responsible Member may, for the Province, by notice in the *Provincial Gazette*, declare hunting seasons for the hunting of wild animals. 35
- (3) The notice contemplated in subsection (2) must provide for –
 - (a) the period in any year during which wild animals may be hunted; 40
 - (b) the categories of person that may hunt wild animals;
 - (c) the number, species and sex of wild animals that may be hunted; and 45
 - (d) the areas in which those wild animals may be hunted.

- (4) The prohibition set out in subsection (1) does not apply to –
- (a) a person hunting on land in respect of which a game farm permit has been issued; 5
 - (b) the holder of a permit to hunt the protected animal.

Hunting licences

7. (1) Except where otherwise provided in this Act, no person may hunt a protected animal if he or she does not hold a valid hunting licence for the Province. 10
- (2) The prohibition set out in subsection (1) does not apply to – 15
- (a) a person hunting on land in respect of which a game farm permit has been issued; or
 - (b) the holder of a permit to hunt the protected animal. 20

Hunting of wild animals in excess of daily bag limit

8. No person may, unless he or she is the holder of a permit, at any time hunt a greater number of any species of wild animal than the daily bag limit determined by the notice contemplated in section 6(2). 25

Prohibited hunting methods or instruments

9. (1) Without limiting the meaning of the word “hunt”, no person may, unless he or she is the holder of a permit and subject to the conditions set out in the permit, hunt a wild animal – 30
- (a) by means of fire;
 - (b) by means of poison; 35
 - (c) by means of a vehicle or aircraft;
 - (d) during the night; 40
 - (e) with the aid of an artificial light, floodlight or spotlight;
 - (f) by means of a trap or pitfall;
 - (g) by means of a trap cage; 45
 - (h) by means of a gin-trap;

- (i) by means of a wire or rope snare or similar device;
- (j) by means of an airgun;
- (k) by means of a firearm which discharges a rim-fire cartridge of a 5.56 mm (.22 inch) caliber or smaller caliber; 5
- (l) by means of a firearm which discharges more than two shots without being manually reloaded; 10
- (m) by means of a hand-gun or muzzleloader;
- (n) by means of a firearm fitted with a silencer or similar noise-reduction device; 15
- (o) by means of a set gun, poison-firing apparatus or any similar device;
- (p) by means of darting or a device which injects an intoxicating or a narcotic agent or poison into such animal; 20
- (q) which is kept in captivity, confined to a cage, in an enclosure or trapped against a fence where it does not have a fair chance of evading the hunter; 25
- (r) which is under the influence of a tranquilising or narcotic immobilising or similar agent;
- (s) by the use of a dog, except for the hunting, flushing, pointing or retrieving of birds, or for the purpose of searching or following the animal which has been wounded; 30
- (t) in the case of a bird, in or upon any aquatic systems, by the use of a boat for the purpose of chasing or killing the bird; 35
- (u) by means of setting a set trap, set gun, poison firing apparatus or snare within 10 meters from a common boundary;
- (v) by luring or by means of a simulation or recording of the natural sound made by an animal or by means of bait or scent or any other induced luring method; 40
- (w) in an area smaller than the set standard of 400 hectares;
- (x) by any other device of which the use could result in injuring or killing an animal in a way which is not an acceptable humane hunting method; 45

- (y) by means of any terrestrial animal or bird of prey;
- (z) by means of a bow-and-arrow, crossbow, speargun or similar device discharging an arrow or dart; 5
- (aa) by means of a blowpipe, catapult or similar device; or
- (bb) by means of a spear, kierrie, stick or any similar device, but –
 - (i) in respect of a rodent, excluding a porcupine and springhare, the provisions of paragraphs (b), (d), (e), (f), (g), (m), (q) and (w) do not apply; 10
 - (ii) in respect of any wild animal hunted by a registered veterinary surgeon in the practice of his or her profession, the provisions of paragraph (p), (q) (r) and (w) do not apply; 15
 - (iii) in respect of a common indigenous animal that is a bird not listed in Schedule 1 or 2, the provisions of paragraphs (j) and (k) do not apply; 20
 - (iv) in respect of a damage-causing animal contemplated in section 28, the provisions of paragraphs (d), (e), (g), (p), (q), (r), and (v) do not apply; or 25
 - (v) in respect of a wild animal hunted by a person hunting with the written permission contemplated in section 14, the provisions of paragraphs (m) and (n) do not apply. 30
- (2) The provisions of subsection (1)(s) do not exempt the owner of the dog or the person in control of a dog, from liability for damage caused by such dog in respect of non-targeted animals on someone else's land. 30
- (3) The provisions of subsection (1)(c) do not preclude, in accordance with the provisions of this Act, the use of a motor vehicle for the hunting of a wild animal by the owner of the land or any other person who is a holder of the written permission contemplated in section 14. 35
- (4) The responsible Member may, if he or she is convinced that it is in the public interest, set aside, by notice in the *Provincial Gazette*, any of the prohibitions referred to in subsection (1) – 40

- (a) for a species of wild animal;
 - (b) for a period; or
 - (c) in the area,
- mentioned in the notice.

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Hunting with certain minimum-caliber firearms

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10. (1) No person may, unless he or she is the holder of a permit –

- (a) use a firearm having a barrel with a caliber of less than 6.85 mm (.270 of an inch) to hunt eland, kudu, blue wildebeest, black wildebeest, gemsbok, red hartebeest, roan antelope, sable antelope, Burchell's zebra, Cape mountain zebra, Hartmann's mountain zebra, nyala, or water buck; or
- (b) use a firearm having a barrel with a caliber of less than 9.52 mm (.375 of an inch) to hunt buffalo, elephant, lion, leopard, rhinoceros, giraffe or hippopotamus.

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- (2) When any person has wounded or has presumably wounded an animal mentioned in subsection 1(b), without successfully killing or retrieving the animal, he or she shall report it within 24 hours at the police station or the office of the nature conservator nearest to the place where such animal was wounded or was presumably wounded.

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- (3) No person may hunt –

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- (a) an elephant;
- (b) a rhinoceros;
- (c) a hippopotamus;
- (d) a crocodile;
- (e) a lion;
- (f) a leopard; or
- (g) a hyena,

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by means of a bow-and-arrow or similar device.

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Hunting from a public road

11. No person may, without a permit, hunt any wild animal on or from a public road.

Hunting, receipt, possession, acquisition or handling of a wild animal

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12. (1) No person may, on land of which he or she is not the owner, hunt a wild animal or pick up or remove the animal or the carcass of the animal from the land without the written permission contemplated in section 14.

- (2) No person may pick up or remove a wild animal not hunted, captured or caught lawfully, unless he or she has obtained prior written permission of the owner of the land on which such animal was found.
- (3) No person may – 5
- (a) receive a dead wild animal knowing that it was not hunted or acquired lawfully;
- (b) possess a dead wild animal in respect of which there is a reasonable suspicion that it was not hunted or acquired lawfully and be unable to give a satisfactory account of such possession; or 10
- (c) acquire or receive into his or her possession or handle a dead wild animal without having reasonable cause to believe, at the time of such acquisition, receipt or handling, that the wild animal was hunted or acquired lawfully. 15

Presence of landowners, observers and assistants

13. (1) A person hunting in the presence of the landowner on whose land the hunt takes place, may hunt without the written permission contemplated in section 14. 20
- (2) The provisions of section 12 do not apply to a person not in possession of a weapon and who does not actively assist or participate with the hunting and – 25
- (a) in the presence of the landowner, is an observer where a wild animal is legally being hunted by the landowner or any other person; 30
- (b) in the absence of the landowner, is an observer, assistant or beater where a wild animal is legally being hunted by any other person with the written permission contemplated in section 14; or 35
- (c) a nature conservator in the performance of his or her functions in terms of this Act or any other law.

Written permission by the landowner 40

14. (1) A landowner may hunt or give permission to any other person to hunt, in accordance with the provisions of this Act, any wild animal or feral animal on the land of the landowner and to remove the hunted animal or the carcass of the animal from the land. 45

- (2) No permission granted in terms of subsection (1) is valid unless it is given beforehand, reduced to writing and reflects -
- (a) the full name and residential address of the landowner; 5
 - (b) the full name and residential address of the person to whom it is granted; 10
 - (c) the number, sex and species of the wild animal; 15
 - (d) the date or period in respect of which it is granted; 20
 - (e) the farm name, farm number and magisterial district in respect of which it is granted; 25
 - (f) the signature and date on which the document was signed by the landowner; 30
 - (g) the signature and date on which the document was signed by the person to whom the written permission was granted; and 35
 - (h) the permit number, if applicable.
- (3) The holder of a written permission contemplated in subsection (1), must carry the document on his or her person at all times, while hunting, removing or being in possession of such animal. 40
- (4) A landowner may not allow the hunting of an animal on his or her land without the written permission contemplated in subsection (1). 45
- (5) The written permission referred to in subsection (1) may be combined with the document referred to in section 15.

Document pertaining to donation, sale and removal

15. (1) No person may donate, sell, remove or allow to be removed a wild animal or the carcass of such animal to any other person unless, when he or she delivers the animal or carcass of the animal to the other person, he or she furnishes that person with a written document signed by him or her, reflecting -- 35
- (a) the full name and residential address of the owner; 40
 - (b) the full name and residential address of the person to whom it is granted; 45

- (c) the number, sex and species of the wild animal;
 - (d) the date or period in respect of which it is granted;
 - (e) the farm name, farm number and magisterial district in respect of which it is granted; 5
 - (f) a statement by the owner that he or she has donated or sold the animal or carcass to such other person; 10
 - (g) the signature and date on which the document was signed by the owner;
 - (h) the signature and date on which the document was signed by the person to whom the document is granted; and 15
 - (i) the permit number, if applicable.
- (2) In so far as this section relates to the selling or donation of a wild animal or the carcass of a wild animal originating from a hunt, the number of the hunting licence or permit, if applicable, the date of the hunt and the full particulars of the hunter as contemplated in section 14(2)(b), must also be reflected on the document. 20
- (3) The document referred to in subsection (1) may be combined with the document referred to in section 14, only if it reflects the contents as set out in subsections (1) and (2). 25
- Transfer of hunting and other rights** 30
16. (1) The Director may authorise –
- (a) a landowner who holds a game farm permit issued in terms of section 24; or 35
 - (b) any other landowner,
- in writing and subject to the conditions that he or she may determine, to transfer, temporarily or permanently, in part or in total – 40
- (i) in the case of a landowner contemplated in paragraph (a), the rights set out in section 25; and
 - (ii) in the case of a landowner contemplated in paragraph (b), the rights vested in a landowner in accordance with the provisions of this Act. 45

- (2) In the application of the provisions of this Act, any person to whom a right contemplated in subsection (1) has been transferred is deemed to be the landowner in question as from the date of such transfer and, in the case of a temporary transfer, for the duration of the period concerned, for the purpose of this Act.

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Part 3 General

Keeping of wild animals in captivity

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17. (1) No person may, unless he or she is the holder of a permit –
- (a) keep any wild animal in captivity; or
- (b) restrain any wild animal by means of a rope, cord, chain or any similar device.
- (2) The provisions of subsection (1) do not apply to a pet species.

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Release of certain wild animals

18. (1) No person may, without a permit, import, transport or release from captivity any exotic wild animal in the Province.
- (2) No person may release a damage-causing animal without the written permission of the landowner on whose property the animal is to be released.
- (3) No person may, without a permit, release an indigenous wild animal that has been kept in captivity.
- (4) For the purpose of interpretation of the words “written permission” in subsection (2), the provisions of section 14 apply, read with the changes required by the context.

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Manipulation of boundary fences

19. No person may –
- (a) erect, alter, remove or partly remove or cause to be erected, altered, removed or partly removed, a fence, whether on a common boundary or on such person’s own property, in such a manner that a wild animal which as a result thereof gains access or may gain access to the property or a camp on the property, cannot escape or is likely not to be able to escape therefrom;

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- (b) heap up or cause to be heaped up soil or any other material on one side of a fence, whether on a common boundary or on such person's own property, or remove or cause to be removed soil or any other material on one side of a fence in a manner that such heaping up or such removal has the effect of reducing or increasing the height, as the case may be, of the fence on one side, to the effect that any wild animal which as a result thereof gains access or may gain access to the property or a camp on such property, can not escape or is likely not to be able to escape therefrom; or 5
- (c) entice a wild animal to enter premises or facilitate easy access to such premises and then discourage or prevent the animal by means of any device or method to leave the premises. 10

Placing of poison

20. (1) Subject to the provisions of subsection (2), read with section 29, no person may place or cause or allow poison to be placed in a manner or in a place where it is likely to be assimilated or ingested by an animal. 15
- (2) The provisions of subsection (1) do not preclude any person from placing poison for the purpose of exterminating insects or rodents, with due observance of the provisions of any law governing the use of the applicable poison. 20
- (3) No person may use poison for a purpose or in a manner other than as specified on the original container thereof or on the original label on the original container thereof. 25

Entering land with weapons and conveyance of firearms

21. (1) No person may enter land or be on land where wild animals are found or are likely to be found, while he or she is in the possession of a weapon, unless such person has a lawful reason to do so or has beforehand obtained the written permission from the landowner of the land concerned. 30
- (2) No person may convey a firearm on a public road traversing land on which wild animals are found or are likely to be found, but – 35
- (a) the landowner or any person who is authorised in terms of this Act to hunt or capture a wild animal may convey a firearm on the land of the landowner; 40
- (b) any person may on such road convey – 45
- (i) a handgun with a barrel, excluding the chamber, not longer than 100 mm; or

- (ii) any other firearm whereof the barrel, bolt, chamber, tube or magazine is not loaded and which is contained in a thoroughly closed gun bag, gun case or gun holster specifically designed and made to legally carry the firearm.

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- (3) For the purpose of subsection (2), "hand-gun" means a revolver or pistol intended for self-defence and designed or suited for carrying in a holster on the body of a person.

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Prohibitions regarding carcasses of wild animals

22. (1) No person may, without a permit, be in possession of the carcass of a wild animal, unless –

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- (a) in the event of the animal having been hunted by such person on the land of any other person, he or she is in possession of the written permission contemplated in section 14;

- (b) in the event of such person having acquired the carcass from any other person, he or she is in possession of a written document contemplated in section 14 or 15, as the case may be;

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- (c) such person can provide a valid receipt to such legal procurement; or

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- (d) in the event of such person having acquired the carcass by any other means, he or she is in possession of a written authorisation by the Director to be in possession of the animal or carcass.

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- (2) No carcass of a wild animal may be sold by any person other than –

- (a) the owner of the land on which the wild animal concerned was hunted in accordance with the provisions of this Act;

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- (b) a person who has legally obtained such wild animal and has documentary proof as contemplated in section 14 or 15; or

- (c) a person authorised by a permit issued under this Act, to sell such carcass.

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Auctioning of certain wild animals

23. (1) No person may, without a permit, advertise, trade, buy, sell, keep or dispose of any wild animal by means of an auction.

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- (2) An auctioneer who conducts an auction contemplated in subsection (1), must, subject to the conditions set out in the permit –
- (a) keep a register in the format determined by the Director, on all wild animals which – 5
- (i) have been traded, advertised, bought, sold, kept, exchanged, bartered or disposed of by the auctioneer; and
- (ii) have died at the auction; 10
- (b) when he or she delivers to any other person a wild animal which has been auctioned, furnish such other person with a written document contemplated in section 15; and 15
- (c) make such register available to the Director on request.
- (3) No person may receive a wild animal in terms of this section, unless the auctioneer has provided him or her with the document contemplated in subsection 2(b). 20
- (4) Any person who receives a wild animal in terms of this section, must carry the document contemplated in subsection (1), (2)(b) or (5), as the case may be, with him or her when he or she transports such wild animal and must retain such document in his or her possession for the period during which such wild animal is being transported or is in his or her possession. 25
- (5) Any person who receives a wild animal in terms of this section, must obtain the necessary permit contemplated in section 26 from the appropriate provincial issuing authority before such person may transport, import or export such wild animal. 30
- Game farm permit 35**
24. (1) Any landowner on whose property wild animals are found, may apply in writing to the Director for a game farm permit in respect of the whole or any portion of such land.
- (2) An application made in terms of subsection (1) must – 40
- (a) include a full description of the land in respect of which application is made, including but not limited to proof of ownership, the farm name, farm number, magisterial district, the farm's boundaries and size and habitat certification by the applicant reflecting the current state of the vegetation thereon; 45

- (b) state the species of wild animal to which the application relates, the estimated number of such species that are in an extensive wildlife system and the number of such species that are in captivity on the land referred to in paragraph (a); 5
 - (c) set out the grounds on which the land in question is considered to be adequately enclosed; and
 - (d) set out the activities applied for. 10
- (3) For the purpose of deciding on the application, the Director may require the applicant to furnish him or her with any additional information he or she may consider necessary or relevant.
- (4) If the Director - 15
 - (a) having regard to the size of the land in respect of which application has been made under subsection (1), the number of the species of wild animal normally found on the land to which such application relates and such other circumstances as he or she may consider relevant, is of the opinion that the animals in question are in effect being kept in captivity, or is kept within an area that does not constitute an extensive wildlife system, he or she must refuse the application; 20
 - (b) is satisfied that such land is adequately enclosed in relation to such species, he or she may grant the application and, subject to the conditions he or she may consider necessary or relevant, issue the permit. 25
- (5) A game farm permit - 30
 - (a) is valid for the period specified therein; and
 - (b) may be withdrawn by the Director if the landowner fails to comply with or contravenes any of the conditions subject to which the permit was issued. 35
- (6) Subject to section 16, a game farm permit issued in terms of this section lapses upon the transfer or lease of the land or any portion of such land in respect of which it was issued. 40
- (7) Any valid certificate of adequate enclosure issued in terms of section 35 of the Nature and Environmental Conservation Ordinance, 1974 (Ordinance No. 19 of 1974), prior to the repeal of that Ordinance by section 73 of this Act, is deemed to be a game farm permit issued in terms of this section and any such certificate remains valid for the period stated therein. 45

Rights of holder of game farm permit and certain other persons

25. (1) Any landowner to whom a game farm permit has been issued, a relative of the landowner, a full-time employee of the landowner acting under the authority of the landowner and any other person acting with the written permission contemplated in section 14, may, subject to any condition specified in the game farm permit and on the land in respect of which the game farm permit was issued, hunt – 5
- (a) any number of the species of wild animal authorised in such permit; 10
 - (b) during any time of the year;
 - (c) at any time during the day or night; 15
 - (d) by the use of an artificial light;
 - (e) by the use of any hunting method or instrument authorised by the permit. 20
- (2) The holder of a game farm permit may, subject to the conditions set out in the permit –
- (a) capture; 25
 - (b) keep in captivity for no more than 30 days; and
 - (c) trade in, 30
- any wild animal or the carcass of the animal of the species authorised in the permit.

Prohibitions regarding wild animals

26. (1) No person may, without a permit, import into, export from or transport in the Province any wild animal, but a consignment in transit through the Province does not require a permit, on the condition that – 35
- (a) no wild animal is off-loaded in the Province; and 40
 - (b) the consignment is accompanied by the relevant permits from the province of origin and the province of destinations.

- (2) A person to whom a permit has been issued in terms of this Act to keep or transport a live wild animal or to capture a wild animal, must comply with the standards of the South African Bureau of Standards in terms of the Standards Act, 1993 (Act No. 29 of 1993), relating to capture, keeping and transport of wild animals, while carrying out such a transport or capture. 5
- (3) No person may keep or transport a wild animal in conditions –
- (a) which are unhygienic; or 10
 - (b) in which the animal –
 - (i) may be injured or otherwise impaired; or 15
 - (ii) suffer unnecessarily.
- (4) A nature conservator may -
- (a) issue a written instruction to a person who captures, keeps or transports a wild animal in contravention of subsection (2) or (3), or a person who has physical control of the animal, to follow the steps to rectify the matter within the indicated time; 20
 - (b) issue instructions to a person contemplated in paragraph (a) concerning the manner in which the animal must be captured, kept, transported or otherwise treated; 25
 - (c) remove the animal from the custody of a person contemplated in paragraph (a) without compensation if it is considered necessary to prevent injury, impairment, suffering or death of the animal; or 30
 - (d) keep, treat or release in a suitable environment an animal removed from the custody of a person in terms of paragraph (c). 35

CHAPTER 3 WILDLIFE OPERATORS

Wildlife operators and facilities

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27. (1) No person may, without a permit, act as –
- (a) a professional hunter;

- (b) a hunting contractor;
 - (c) a director of a professional hunting school;
 - (d) a taxidermist; 5
 - (e) a dip-and-ship agent;
 - (f) a wildlife capturer or translocator; 10
 - (g) a falconer;
 - (h) a vermin hunter;
 - (i) a culling operator; 15
 - (j) a training provider or instructor with regard to any of the above occupations.
- (2) No person may, without a permit, establish or operate – 20
- (a) a wildlife facility, including a breeding facility, educational facility, zoological facility, nursery, trading facility, rehabilitation facility, sanctuary, or similar institution or enterprise involving any wild plant or animal; 25
 - (b) a curio shop which sells products making use of any derivative of an indigenous species listed in Schedule 1 or 2;
 - (c) a business trading in traditional medicine making use of any derivative of an indigenous species listed in Schedule 1 or 2; or 30
 - (d) a pet shop which sells any living animal other than an animal listed in Schedule 5. 35
- (3) The requirements to be complied with in a theoretical or practical examinations to be taken, if any, by a person contemplated in subsection (1) or (2), may –
- (a) be prescribed; or 40
 - (b) from time to time, be determined by the Director.
- (4) The Director may exempt a person from any of the provisions of subsection (1) or (2). 45

- (5) The Director may appoint a person to act as examiner, moderator or assessor in any theoretical or practical examination contemplated in subsection (3).

CHAPTER 4 DAMAGE-CAUSING ANIMALS

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Damage-causing animals

28. The responsible Member may, by notice in the *Provincial Gazette*, amend Schedule 4 from time to time after consultation with the Director if, in his or her opinion, such an animal or individual of a species is a damage-causing animal if it is detrimental to any other species of wild animal or any other animal or any property by reason of its prevalence in an area, its mode of living or other characteristic, or is likely to be dangerous to human life or is present in such numbers that agricultural yield is materially depleted. 10
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Poisoning of damage-causing animals

29. (1) A damage-causing animal may be hunted by making use of a poison collar. 20
- (2) A person who uses a poison collar must –
- (a) inspect the site where the poison collar is used every day; and 25
- (b) take reasonable steps to retrieve the carcass of a poisoned animal and bury or otherwise effectively destroy it.

Prohibited acts relating to damage-causing animals

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30. (1) No person may, without a permit –
- (a) breed, keep or possess a damage-causing animal; 35
- (b) import, export or transport a live damage-causing animal;
- (c) trade, buy, sell or acquire a damage-causing animal;
- (d) use a poison-firing apparatus or similar apparatus to hunt; 40
- (e) own a poison-firing apparatus or similar apparatus or any part thereof.
- (2) No person may, without a permit, manufacture, sell or offer for sale any poison-firing apparatus or similar apparatus or any component or cartridge thereof. 45

- (3) A person who sets a trap or trap cage to catch a damage-causing animal must inspect the site where the trap or trap cage was set every day after setting such trap.
- (4) No person may hang or cause to hang a dead damage-causing animal over a boundary fence and leave it there or exhibit it in public. 5
- (5) Subsection (1)(a), in so far as it prohibits the breeding, keeping or possession of a damage-causing animal, does not apply to a landowner if such animal occurs in its natural habitat without human interference. 10

Destruction of vagrant dogs and feral cats

- 31. A nature conservator, landowner or a person authorised by the landowner may destroy a vagrant dog (*Canis familiaris*) or feral cat (*Felis domesticus*) found on the land, if such animal is without direct supervision, is hunting, is suspected to be hunting a wild animal or is causing damage to livestock. 15

**CHAPTER 5
AQUATIC BIOTA**

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Restricted activities involving specially protected fish

- 32. No person may, without a permit – 25
 - (a) angle and not immediately release;
 - (b) catch;
 - (c) import;
 - (d) export;
 - (e) transport; 30
 - (f) keep;
 - (g) possess;
 - (h) breed; or
 - (i) trade in, 35
- a specimen of a specially protected fish.

Restricted activities involving protected fish

- 33. Subject to the provisions of sections 34, 35, 36 and 37, no person may, without a permit – 40
 - (a) angle and not immediately release;
 - (b) catch;
 - (c) import; 45
 - (d) export;
 - (e) transport;

- (f) keep;
- (g) breed; or
- (h) trade in,

a specimen of a protected fish.

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Catching of protected fish

34. (1) No person may, without a permit, catch a protected fish, but –

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(a) a landowner may catch a protected fish without a licence during an angling season in waters on the land of which he or she is the owner;

(b) a relative or full-time employee of a landowner contemplated in paragraph (a) may –

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(i) with written permission; and

(ii) during an angling season.

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catch a protected fish without an angling licence in waters on land of the landowner;

(c) any other person who is the holder of a valid angling licence for the Province may catch a protected fish during an angling season in waters on the land of the landowner, with written permission.

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(2) During an angling season or a period other than an angling season and upon the written application of the landowner, a permit may be issued –

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(a) to the landowner;

(b) to any other person indicated by the landowner in the application,

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which authorises the holder of the permit to catch the number and species of a protected fish referred to in the permit in waters on the land of the landowner.

Angling seasons

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35. (1) No person may angle for a protected fish, except during an angling season declared in terms of subsection (2) and subject to the provisions of the notice declaring the angling season.

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(2) The responsible Member may declare angling seasons for the angling of protected fish for the Province, by notice in the *Provincial Gazette*.

- (3) The notice contemplated in subsection (2) must provide for –
- (a) the period in any year during which protected fish may be caught;
 - (b) the categories of person that may angle for protected fish; 5
 - (c) the number and species of protected fish that may be caught; and
 - (d) the areas in which the protected fish may be caught. 10
- (4) The prohibition set out in subsection (1) does not apply to a person angling in waters surrounded by land of a single landowner.

Angling licences

36. (1) Except where otherwise provided in this Act, no person may angle in an aquatic system if he or she does not hold a valid angling licence for the Province. 15
- (2) The prohibition set out in subsection (1) does not apply to – 20
- (a) a person angling in waters surrounded by land of a single landowner; or
 - (b) the holder of a permit. 25

Retaining of fish in excess of daily bag limit

37. No person may, without a permit – 30
- (a) retain a greater number of any species of fish taken from an aquatic system than the daily bag limit determined in respect of such species by the notice contemplated in section 35; or
 - (b) retain any fish of a length less than the length determined by that notice in respect of the species of fish. 35

Prohibited ways of catching fish

38. No person may catch fish without a permit in an aquatic system – 40
- (a) by jigging, snatching or spearing;
 - (b) by means of a cast net, crab net, staked net, trek net or fyke net; 45
 - (c) by means of any device used to guide fish to an opening in such a way that it is difficult for the fish to escape;

- (d) by angling by means of –
 - (i) more than two lines;
 - (ii) more than two single hooks attached to any line; 5
 - (iii) a set line or a long line with more than two single hooks attached thereto; or
 - (iv) with more than two artificial lures attached to any line, in which case a double or treble hook counts as one hook; 10
- (e) by means of a landing net, except landing a fish which was caught by angling as provided for in this Act; 15
- (f) by means of explosives;
- (g) by means of any device producing an electric shock; or
- (h) by means of any prohibited hunting method relating to wild animals as provided in section 9. 20

Application of certain provisions

39. For the purpose of this Chapter, the provisions of sections 11, 12, 13, 14 and 15 apply, read with the changes required by the context. 25

Written permission by the landowner

40. (1) No person may perform any activity as described in section 32, 33, 34, 35, 37 or 42 in an aquatic system on privately owned land without the written permission of such landowner. 30
- (2) In respect of any waters on privately owned land, the provisions referred to in subsection (1) do not apply to the owner of such land. 35
- (3) For the purpose of interpretation of the words “written permission” in subsection (1), the provisions of section 14 apply, read with the changes required by the context. 40

Releasing of fish or other animals in aquatic systems

41. No person may, without a permit, place in or in any manner introduce into or cause or allow to be placed or introduced into an aquatic system a live fish or other animal, but the provisions of this section do not apply to a live indigenous fish which is released into an aquatic system immediately after it has been caught in such system. 45

Entering land with fishing tackle

42. (1) No person may enter or be on land on which an aquatic system occurs, while in possession of fishing tackle, unless he or she – 5
- (a) has a lawful reason;
- (b) has made prior arrangements with the landowner; or
- (c) has obtained written permission, 10
- to enter or be on the land.
- (2) For the purpose of subsection (1), “land” does not include a public road. 15
- (3) The prohibition set out in subsection (1) does not apply to land to which the public usually has access and where the owner of the land has set aside an area where angling is permitted.

Prohibited acts pertaining to live fish 20

43. (1) No person may, without a permit import into, export from, transport in the Province or possess any live fish or spawn of any such fish.
- (2) Subject to section 55(1), the provisions of subsection (1) do not apply to fish listed in Schedule 6. 25

Trade in certain species of fish

44. No person may, without a permit – 30
- (a) sell or buy a fish which is a specially protected animal or the carcass or spawn of such fish;
- (b) sell or buy any live carp, bluegill sunfish, trout, black bass, banded tilapia or any exotic invertebrate freshwater fauna; 35
- (c) sell or buy any fish which has been caught in contravention of this Act or any other law. 40

Removal of bait caught in inland waters

45. No aquatic invertebrate animal, whether alive or not, which has been caught in an aquatic system and is intended to be used as fish bait, may, except under the authority of a permit – 45
- (a) be sold to any other person; or
- (b) be bought by any other person, except from a person authorised by an

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provision of this Act to sell it.

Obstruction of free passage of fish in aquatic systems

46. No person may place or cause or allow to be placed in an aquatic system an article or thing, other than a net of which the use in an aquatic system is authorised by any provision of this Act, which will or is likely to prevent the free passage of fish in such system. 5

Pollution of aquatic systems

47. (1) No person may deposit or cause or allow to be deposited - 10
- (a) in an aquatic system; or
 - (b) in any place from where it is likely to percolate into or in any other manner enter an aquatic system, 15
- anything, whether solid, liquid or gaseous, which is or is likely to be injurious to fish or fish food or which, if it was so deposited in large quantities or numbers, would be injurious to fish. 20
- (2) No person may destroy or cause or allow to be destroyed aquatic habitat in an aquatic system, riparian vegetation or instream spawning habitat. 20

Noxious aquatic growths

48. No person may import into, export from, transport in the Province, possess, place in an aquatic system, cultivate, propagate, trade in or acquire any noxious aquatic growth. 25

CHAPTER 6 30
SUSTAINABLE UTILISATION OF PLANTS

Restricted activities involving specially protected plants

49. (1) No person may, without a permit - 35
- (a) pick;
 - (b) import;
 - (c) export;
 - (d) transport; 40
 - (e) possess;
 - (f) cultivate; or
 - (g) trade in,
- a specimen of a specially protected plant. 45

- (2) The provisions of subsection (1)(e), in so far as they prohibit the possession of a specially protected plant, do not apply to a landowner who is in possession of a specially protected plant which grows in its natural habitat and which was not planted by human interference.

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Restricted activities involving protected plants

50. (1) Subject to the provisions of section 52, no person may, without a permit –

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- (a) pick;
- (b) import;
- (c) export;
- (d) transport;
- (e) cultivate; or
- (f) trade in,

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a specimen of a protected plant.

- (2) The provisions of –

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- (a) subsection (1), in so far as they prohibit the picking, donation, receiving as a gift or conveyance of a protected plant, do not apply to the flower of a protected plant that, for the private use of the landowner, is –

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- (i) picked by the owner of the land on which the plant grows;
- (ii) picked on that land by a family member of the owner; or
- (iii) picked on that land by a person acting with the written permission of the owner;

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- (b) subsection (1), in so far as they prohibit the import into or export from the Province, purchase or conveyance of a protected plant by any person, do not apply to a protected plant if that person can produce written permission or other documentary proof indicating that such plant was lawfully –

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- (i) bought or received as a gift from a person in another province;
- (ii) bought or received as a gift from a person within the Province; or
- (iii) obtained from a registered nursery.

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Picking, receipt, possession, acquisition or handling of indigenous plants

51. (1) No person may, without a permit, pick an indigenous plant –
- (a) on a public road; 5
 - (b) on land next to a public road within a distance of 100 meters measured from the centre of the road; or
 - (c) within an area bordering a natural water course, whether wet or dry, up to and within a distance of 100 metres from the middle of a river on either side of the natural water course. 10
- (2) No person may, without a permit, pick an indigenous plant in such manner that it constitutes large-scale harvesting or for commercial purposes. 15
- (3) No person may collect firewood or pick, transport or remove an indigenous plant on land of which such person is not the owner without the owner's written permission. 20
- (4) Subsection (1)(a) and (b) do not apply to the land owner or his or her relative picking an indigenous plant which is not a specially protected or protected plant. 25
- (5) No person may -
- (a) receive an indigenous plant knowing that it was not picked lawfully; 30
 - (b) possess an indigenous plant in respect of which there is a reasonable suspicion that it was not picked lawfully and be unable to give a satisfactory account of such possession; or
 - (c) acquire or receive into his or her possession or handle an indigenous plant without having reasonable cause for believing, at the time of such acquisition, receipt or handling of such plant, that it was picked lawfully. 35

Nursery permit 40

52. (1) A landowner may apply in writing to the Director for a nursery permit in respect of the whole or any portion of his or her land.

- (2) An application made in terms of subsection (1) must -
- (a) in the case of agricultural land, include a full description of the land in respect of which application is made, including but not limited to proof of ownership, the farm name, farm number, magisterial district, the farm's boundaries and size and habitat assessment reflecting the current state of the vegetation thereon; 5
 - (b) in the case of land situated within a township, include a full description of the property in respect of which the application is made, including but not limited to proof of ownership, the erf number, the size of the erf, the street name and number, the city or town, the suburb and magisterial district where the erf is situated; 10
 - (c) state the species of plant to which the application relates, the estimated number of such species that are to be found in its natural state on the land and the number of such species that are otherwise to be found on the land referred to in paragraph (a) or (b); 15
 - (d) set out the grounds on which the application is made; and
 - (e) set out the activities applied for. 20
- (3) For the purpose of deciding on the application, the Director may require the applicant to furnish him or her with any additional information he or she may consider necessary or desirable. 25
- (4) If the Director is satisfied that the application meets the required criteria, he or she may grant the application and, subject to the conditions he or she may consider necessary or desirable, issue the permit. 30
- (5) A nursery permit - 35
- (a) is valid for the period specified therein; and
 - (b) may be withdrawn by the Director if the landowner fails to comply with or contravenes any of the conditions subject to which the permit was issued. 40
- (6) Subject to subsection (7), any nursery permit issued in terms of this section lapses upon the transfer or lease of the land or any portion of such land in respect of which it was issued. 45
- (7) The provisions of section 16, read with the changes required by the context, apply with regard to a nursery permit.

Application of certain provisions

53. For the purpose of this Chapter, the provisions of sections 11, 12, 13, 14, 15 and 25(2) apply, read with the changes required by the context.

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Written permission by the landowner

54. (1) No person may perform any activity as described in section 49 or 50 on land without the written permission of the landowner concerned.
- (2) The provisions in respect of land referred to in subsection (1) do not apply to the owner of such land.
- (3) For the purpose of interpretation of the words "written permission" in subsection (1), the provisions of section 14 apply, read with the changes required by the context.

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**CHAPTER 7
INVASIVE SPECIES**

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Invasive species

55. (1) No person may –
- (a) import, export, transport, possess or trade in an invasive species, including any specimen, carcass or derivative of such species;
- (b) cultivate a plant specimen of an invasive species; or
- (c) breed or keep an animal specimen of an invasive species.
- (2) The owner of land upon which an invasive species is found, must take the necessary steps to eradicate or destroy such species.

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**CHAPTER 8
CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES
OF WILD FAUNA AND FLORA (CITES)**

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Prohibited acts regarding CITES species

56. No person may, without a permit –

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- (a) import into the Province from another country; or
- (b) export from the Province to another country,

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any species of fauna or flora listed in Appendix I, II or III of CITES, including any specimen, carcass or derivative of such species.

CHAPTER 9 NATURE CONSERVATORS

Appointment of nature conservators

57. (1) The responsible Member may, subject to subsection (3), appoint any person on the establishment of the Department as a nature conservator. 5
- (2) A nature conservator may exercise the powers and perform the functions assigned to his or her office by or under this Act. 10
- (3) The Director may determine the qualifications and training programmes subject to which a nature conservator must be appointed.
- (4) Each nature conservator appointed under subsection (1), must be furnished with a certificate signed on behalf of the Department and stating that he or she is appointed as a nature conservator. 15
- (5) Whenever a nature conservator appointed in terms of subsection (1) performs a function under this Act in the presence of any person affected thereby, the nature conservator must, on demand by such person, produce to him or her the certificate referred to in subsection (4). 20

General powers and functions of nature conservators

58. (1) To comply with his or her mandate in terms of this Act, and in addition to the powers set out elsewhere in this Act, a nature conservator may exercise all the powers assigned to a police official who is not a commissioned officer, in terms of Chapters 2, 5, 7 and 8 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977). 25
- (2) The Director must, as soon as practicable after the coming into operation of this Act, apply to the Minister of Justice for all nature conservators or any other category of persons on the establishment of the Department to be declared peace officers in terms of section 334(1) of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), for the purpose of exercising their powers in terms of subsection (1) or any other provision of this Act. 30
- (3) A nature conservator may – 35
- (a) demand the full name, identity number and address of any person who – 40
- (i) has committed an offence in terms of this Act or whom he or she reasonably suspects of having committed such offence; 45

- (ii) is reasonably deemed to be able to give evidence relating to an offence committed or reasonably suspected of having been committed in terms of this Act,
 - and if such person furnishes to the nature conservator a name and address which such officer reasonably suspects to be false, he or she may arrest such person without warrant and detain such person for a period not exceeding twelve hours or until such time as such name or address has been verified; 5
 - (b) instruct any person who, on land which is used for purposes of this Act, contravenes or fails to comply with a – 10
 - (i) provision of this Act; or 15
 - (ii) requirement or condition prescribed or determined in terms of this Act,
 - to leave such land; 20
 - (c) destroy a dog not used in lawful hunting and which is pursuing or searching for a wild animal; 25
 - (d) in exercising a power or performing a function in terms of this Act, make use of an interpreter and, if necessary, of one or more other persons, and such an interpreter or other person is deemed to be a nature conservator while acting under control of the nature conservator; 30
 - (e) copy, or make extracts from any document, book or record, or any written or electronic information or other thing relevant for the purposes of an investigation or remove any such document, book, record, or written or electronic information or other thing in order to make copies or extracts; 35
 - (f) take photographs or make audio-visual recordings of anything or any person that is relevant for the purposes of an investigation; and
 - (g) take a sample from any animal or plant that is relevant for the purposes of an investigation. 40
- (4) A nature conservator must –
- (a) provide a receipt for any document, book, record or written or electronic information, or any specimen, article, substance or other thing, seized or removed in terms of this Act; and 45

- (b) exercise his or her powers in a way that minimises damage to, loss or deterioration of any premises or thing.

Powers of nature conservators regarding inspections and compliance with this Act

59. (1) A nature conservator may – 5
- (a) conduct inspections and monitor compliance with this Act; 10
 - (b) investigate an alleged contravention of this Act; 10
 - (c) question any person in respect of any matter connected with this Act, which may be relevant to an inspection; or 15
 - (d) question any person whom the nature conservator reasonably believes may have information relevant to an inspection. 15
- (2) A nature conservator may be accompanied during an inspection by a member of the South African Police Service or any other person reasonably required to assist in conducting the inspection. 20
- (3) A nature conservator may, if he or she has reason to believe that any provision of this Act or a condition subject to which a permit, licence or other document issued in terms of this Act has not been complied with, issue a non-compliance notice, in the form determined by the Director, to the holder of a permit, licence or other document issued in terms of this Act and must forward a copy of the notice to the Director. 25
- (4) A non-compliance notice must set out the alleged non-compliance contemplated in subsection (3) and the steps to be taken and must provide for a reasonable period within which steps must be taken in order to comply with such provisions. 30
- (5) A compliance certificate may be issued if the Director or nature conservator acting on behalf of the Director is satisfied that the steps have been taken to rectify the non-compliance contemplated in subsection (3) and set out in the non-compliance notice. 35
- (6) If a person to whom a non-compliance notice has been issued in terms of subsection (3) fails to comply with the notice, a nature conservator, with the concurrence of the Director, may, at the expense of such person, take any reasonable step to rectify the non-compliance and may – 40
- (a) pick, catch, capture or transport; 45

(b) eradicate, destroy or hunt,

a specimen of a species, if the specimen is the subject of the alleged non-compliance.

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(7) The provisions of subsections (3), (4) and (5) must not be interpreted so as to prevent a nature conservator from instituting a criminal charge.

CHAPTER 10

PERMITS AND OTHER AUTHORISATIONS

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Issuing of permits, licences, certificates, written authorisations or exemptions

60. The Director may –

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(a) issue any permit, licence, certificate or any other written authorisation or exemption required by a provision of this Act and determine the form and contents thereof; and

(b) after due process –

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(i) withdraw any such permit, licence, certificate or other written authorisation or exemption if the holder of the permit, licence, certificate or other written authorisation or exemption contravenes or fails to comply with a condition subject to which such document was issued;

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(ii) amend such permit, licence, certificate or other written authorisation or exemption if changed circumstances so necessitate.

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Application for permits and other documents

61. (1) Any person may, in writing, apply to the Director for a permit, licence, certificate or any other written authorisation or exemption required by this Act by lodging an application on the form determined by the Director after payment of the prescribed fee.

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(2) After receiving an application in terms of subsection (1), the Director may request further information from the applicant before considering the application.

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(3) The Director may, after considering an application –

(a) refuse the application in writing, stating the reasons for the refusal;

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(b) issue the permit, licence, certificate or other written authorisation or exemption unconditionally; or

- (c) issue the permit, licence, certificate or other written authorisation, subject to the conditions the Director may consider necessary or relevant.
- (4) A document issued in terms of subsection (3)(c) applies only to the extent that any condition subject to which it was issued, is complied with. 5
- (5) Where an activity is required by this Act to be authorised by a permit, licence, certificate, written authorisation, exemption or other document, the person carrying out the activity must - 10
 - (a) obtain the consent of the landowner (if required by this Act); and
 - (b) carry the original document or a certified copy thereof and, where applicable, the consent referred to in paragraph (a) on his or her person when carrying out the activity for which the document was issued. 15
- Cancellation of permits, certificates and forfeiture of certain articles** 20
- 62. (1) The court convicting a person of an offence under this Act –
 - (a) may issue an order that a certificate, licence, permit, written authority or exemption issued to such person under this Act be cancelled if in its opinion the rights conferred by such certificate, licence, permit, written authority or exemption were abused by such person in the commission of such offence; 25
 - (b) may issue an order disqualifying such person from obtaining any specified certificate, licence, permit, written authority or exemption under this Act for a specified period not exceeding five years; and 30
 - (c) (i) may declare any animal, vehicle, vessel, boat, craft, float, aircraft or other means of conveyance (hereafter referred to as “means of conveyance”) and any weapon, instrument, receptacle or other thing (hereafter referred to as “article”) which was used for the purpose of or in connection with the commission of the offence and was produced to the court, to be forfeited to the Province, but that no declaration may be made in terms of this subparagraph in respect of any means of conveyance or article referred to in this subparagraph if the court is satisfied that the convicted person at the time of the commission of the offence was not the owner thereof and that the owner thereof was unable to prevent the use thereof by the convicted person; and 35 40 45

- (ii) must declare any wild animal or the carcass thereof or any plant in respect of which the offence was committed to be forfeited to the Province.
- (2) The registrar or clerk of the court which has – 5
 - (a) issued an order under subsection (1)(a) or (b), must advise the Director of such order and of the sentence imposed on the convicted person; or 10
 - (b) made a declaration under subsection (1)(c), must advise the Director of such order and of the sentence imposed on the convicted person and must also forward the article or thing to which the declaration relates to the Director for disposal in terms of section 68. 15
- (3) The provisions of section 35 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), read with the changes required by the context, apply in respect of any forfeiture in terms of this section. 20

CHAPTER 11 IMPLEMENTATION OF THE ACT

Regulations and Schedules

- 63. (1) The responsible Member may make regulations regarding – 25
 - (a) any matter that may or must be prescribed in terms of this Act;
 - (b) wildlife operators, game farms and nurseries; 30
 - (c) any fee payable in terms of this Act;
 - (d) damage-causing animals, invasive species or pet species; 35
 - (e) in general, any matter in respect of which it is necessary or expedient to make regulations in order to achieve the objects of this Act.
- (2) Before making regulations in terms of subsection (1), the responsible Member must publish the draft regulations for public comment in the *Provincial Gazette*. 40
- (3) A regulation made in terms of subsection (1)(c) may only be made with the concurrence of the Member of the Executive Council responsible for financial matters in the Province. 45

- (4) Regulations made in terms of subsection (1) –
- (a) may restrict or prohibit any act either absolutely or conditionally;
 - (b) apply – 5
 - (i) generally throughout the Province or only in a specified area or category of areas;
 - (ii) to all persons or only a specified category of persons; or 10
 - (iii) with respect to all wild animals or plants or only a specified species of wild animal or plant or category of wild animal or plant; or 15
 - (c) may differentiate between –
 - (i) different areas or categories of areas;
 - (ii) categories of persons; or 20
 - (iii) species of wild animal or plant or category of species of wild animal or plant.
- (5) The responsible Member may, after consultation with the Director, amend any of the Schedules by notice in the *Provincial Gazette*. 25
- Delegation**
64. (1) Subject to subsection (3), the responsible Member may delegate in writing any of his or her powers, functions or duties in terms of this Act to an officer on the establishment of the Department. 30
- (2) The Director may delegate in writing any of his or her powers, functions or duties in terms of this Act to any officer on the establishment of the Department. 35
- (3) The responsible Member may not delegate the power to make regulations or to declare hunting or angling seasons. 40
- Destruction of evidence**
65. No person may remove from premises or destroy or dispose of a wild animal or plant or derivative thereof, or any book, register, document, vehicle, container, firearm, weapon, snare, trap, explosive, poison, noxious substance or any other thing to prevent the seizure thereof or the detection of any offence under this Act. 45

Offences

66. (1) Any person who –
- (a) contravenes or fails to comply with a provision of this Act or a regulation made or instruction given or demand made thereunder; 5
 - (b) alters, fabricates or forges any document issued or required for the lawful performance of any act in terms of this Act; 10
 - (c) passes, uses, utters or has in his or her possession any altered, fabricated or forged document contemplated in paragraph (b); 10
 - (d) under a false name obtains any document contemplated in paragraph (b); 15
 - (e) while prohibited by an order of court from obtaining a document in terms of this Act, obtains or applies for such document;
 - (f) being the holder of a document issued under this Act authorising or directing him or her to perform any act or to perform any act in a specified manner, performs such act without having such document in his or her possession or not in the specified manner; 20
 - (g) fails to comply with a term or condition subject to which a document was issued to him or her under this Act; 25
 - (h) falsely holds himself or herself out to be a nature conservator or landowner; 30
 - (i) hinders, obstructs or interferes with a nature conservator in the exercise of his or her powers or the performance of his or her functions under this Act or without good cause refuses or fails to furnish on demand any such officer with his or her name and address or with any information or document required by such officer for the purposes of this Act or furnishes any such officer with a false name and address; 35
 - (j) while in possession of a firearm having a barrel exceeding 100 mm in length or any other device as contemplated in section 9 intended to be used or which could be used for the hunting of wild animals, trespasses on land on which there is or is likely to be any wild animal; 40

- (k) is found in possession of a specially protected species or carcass or derivative thereof by a nature conservator or a police officer and is unable to give a satisfactory account of such possession;
 - (l) knowingly makes a false statement in an application made or in any other document furnished by him or her in terms of any provision of this Act; or 5
 - (m) permits or allows any other person to do anything which is an offence in terms of this Act, 10
- is guilty of an offence.
- (2) It is an offence to disclose information about any other person if that information was acquired while exercising or performing any power or duty in terms of this Act, except – 15
 - (a) if the information is disclosed in compliance with the provisions of any law; 20
 - (b) if the person is ordered to disclose the information by a court;
 - (c) if the information is disclosed to enable a person to perform a function in terms of this Act or a corresponding law or for the purposes of the administration of justice; or 25
 - (d) if the permission of the person concerned is obtained.
- Penalties** 30
- 67. (1) A person convicted of an offence in terms of this Act is liable to a fine, or to imprisonment for a period not exceeding 10 years, or to both a fine and such imprisonment.
 - (2) A fine in terms of subsection (1) may not exceed - 35
 - (a) an amount prescribed in terms of the Adjustment of Fines Act, 1991 (Act No. 101 of 1991); or
 - (b) if a person is convicted of an offence involving a specimen of a specially protected or protected species or CITES species, an amount determined in terms of paragraph (a) or which is equal to three times the commercial value of the specimen in respect of which the offence was committed, whichever is the greater. 40

- (3) Where reference is made in subsection (2) to the commercial value of a species for the purposes of determining an appropriate penalty for an offence under this Act and different commercial values for the specific item exist in the market at that specific point in time, whether nationally or internationally, the commercial value of such species must be determined by the calculation of the average of the various commercial values existing in the market at that specific point in time. 5

Disposal of licence fees, fines and proceeds of sale of articles declared forfeited

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68. All fees paid in respect of permits, licences, certificates, written authorisations or exemptions issued, all fines imposed in respect of offences and the proceeds of the sale of anything declared to be forfeited to the Province under this Act must be paid into the Provincial Revenue Fund.

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Liability for loss, damage or deterioration of items in custody

69. (1) Subject to subsection (2), anything seized or removed by a nature conservator in terms of this Act, must be kept in such a manner that it is secured against loss or damage or deterioration and must, if no prosecution for an offence under this Act is instituted in connection therewith, be returned to the person from whose possession it was taken, if such person may lawfully possess such thing. 20
- (2) Pending the institution of criminal proceedings in terms of this Act or the resolution of such proceedings, any live specimen that has been seized in terms of this Act must be deposited with a suitable institution, rescue centre or facility which is able and willing to house and properly care for it, but in the event that a suitable facility cannot be found, the Director may provide as the circumstances may require. 25
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- (3) Neither the Department nor any other person is liable for damage or loss caused by –
- (a) the exercise of a power or the performance of a function or duty under this Act; or 35
- (b) the failure to exercise a power or perform a function or duty under this Act, 40

unless the exercise of or failure to exercise the power, or performance or failure to perform the function or duty was unlawful, negligent or in bad faith.

CHAPTER 12 GENERAL PROVISIONS

Retention of documents

70. The document or a certified copy of every document required by this Act must be retained by the person to whom it was furnished for a period of at least two years from the date on which it was so furnished or while he or she is in possession of the species or specimen to which it relates, whichever is the longer period.

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Time of importation of animals and plants

71. Whenever a wild animal or plant is consigned to or brought into the Province, such wild animal or plant is deemed to have been imported into the Province –

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- (a) in the case of a wild animal or plant consigned to a place in the Province and brought thereto in an aircraft, at the time when such aircraft on the flight in question first came within the control area of the airport authority in the Province or at the time of landing of such aircraft at the place of actual discharge of the wild animal or plant in the Province;

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- (b) in the case of a wild animal or plant not consigned to a place in the Province, but brought thereto by an aircraft, at the time when such wild animal or plant were so landed;

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- (c) in the case of a wild animal or plant brought into the Province overland or over inland waters or over seawaters, at the time when such wild animal or plant entered the Province;

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- (d) in the case of a wild animal or plant brought into the Province by post or in any other manner, including introduction from the sea, at the time of importation in terms of paragraph (a), (b) or (c), according to the means of carriage of such wild animal or plant.

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General powers of the Director

72. (1) Subject to the provisions of this Act, the Director may, if the circumstances so require, take any step or prohibit, control or restrict the activity of any person in relation to a specimen of any species.

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- (2) The Director may, at his or her discretion and subject to the conditions he or she may deem necessary or relevant, grant exemption in writing from any provision of this Act to –

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- (a) any person doing research on any animal, plant, fish or any other matter related to this Act; or

- (b) a nature conservator for purposes of performing his or her functions in terms of this Act.

Repeal of laws and savings

73. (1) Subject to subsection (2) –

- (a) the Problem Animal Control Ordinance, 1957 (Ordinance No. 26 of 1957); and

- (b) the Nature and Environmental Conservation Ordinance, 1974 (Ordinance No. 19 of 1974),

are hereby repealed.

- (2) Anything done or any document issued in terms of a law repealed by subsection (1), and which may be done or issued in terms of a provision of this Act, must be considered as having been done or issued in terms of the latter provision.

Short title and commencement

74. This Act is called the Northern Cape Nature Conservation Act, 2009, and comes into operation on a date fixed by the Premier by proclamation in the *Provincial Gazette*.