

GENERAL NOTICE NO. ... OF 2011

I, **Sylvia Elizabeth Lucas**, Member of the Executive Council responsible for nature conservation in the Northern Cape Province, hereby, in terms of section 63 of the Northern Cape Nature Conservation Act, 2009 (Act No. 9 of 2009), make the Regulations as set out hereunder. These Regulations come into operation on the date on which the beforementioned Act comes into operation.

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SE LUCAS

**MEC for Environment
and Nature Conservation**

Date:

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CHAPTER I INTERPRETATION

Definitions and interpretation

1. (1) In these Regulations, unless the context otherwise indicates -

“agent”, in relation to a professional hunter or a hunting contractor, means any person who is not a hunting contractor and is in any way whatsoever involved in organizing, booking, contracting or any mediation in order to enable a client to hunt a wild animal and includes a hunting agent, safari agent or safari operator;

“aircraft” means any aeroplane, helicopter, microlight aeroplane, airship, hot air balloon, hang glider or paraglider;

“approved course” means a course presented at a training institution of which the curriculum is approved by the Director;

“associate professional hunter” means a professional hunter who is associated to a hunting contractor by written agreement in which the hunting contractor undertakes to fulfil certain specified functions prescribed by these Regulations on behalf of the professional hunter;

“cape” means the raw unprocessed or tanned processed part of the animal skin skinned out so that it can be restored to a life-like replica of the animal, and may include a **“full cape”** or **“head skin”**;

“client”, in relation to –

- (a) a professional hunter;
- (b) a hunting contractor; or
- (c) an agent,

means a person who is not a South African citizen;

“dangerous game” means elephant, rhinoceros, buffalo, lion, leopard and hippopotamus;

“elephant ivory”, in relation to marking and registration, means any piece of elephant tusk which is both 20cm in length and more than 1 kg in weight, whether carved or not;

“full cape” means the raw, unprocessed or tanned full skin extending from the face, ears and mouth, over the whole body of the animal, with the hooves, claws, ears, nose, lips and other bodily parts skinned out so that the entire animal can be restored to a life-like replica of the animal;

“full mount” means a **“full cape”** restored to a life-like replica of the complete animal;

“head-skin” means the raw unprocessed or tanned processed part of the animal skin extending from the face, ears and mouth, down the neck to the brisket and cut behind the front legs around the body ending on top at the withers, skinned out so that the entire front part of the animal can be restored to a life-like replica of the animal;

“hunting camp” means a permanent or semi-permanent camp, approved by the Director, with the hunting facilities, services and conveniences set out in Annexure X;

“large carnivore” means a lion, a leopard, a cheetah, a brown hyena, a spotted hyena or a wild dog;

“ordinary game” means any wild animal, but excludes elephant, rhinoceros, buffalo, lion, leopard and hippopotamus;

“permanent residency permit” means a permit as contemplated by section 28 of the Aliens Control Act, 1991 (Act No. 96 of 1991) and **“permanent resident”** has a corresponding meaning;

“professional hunting school” means a training institution for the training of professional hunters and hunting contractors;

“protected area” means a protected area contemplated in section 9(a) of the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003);

“rhinoceros horn”, in relation to marking, means a rhinoceros horn or part thereof longer than 10cm in length;

“shoulder mount” means a **“head skin”** restored to a life-like replica of the front part of the animal;

“taxidermy” means the preparation of the skin, horns or any other derivative of an animal, bird or fish for the purpose of preservation or reproduction of a lifelike replica and includes the **“dip and ship”** process;

“the Act” means the Northern Cape Nature Conservation Act, 2009 (Act No. 9 of 2009);

“training institution” means an institution approved by the Director, to train, assess, moderate, examine, re-examine, evaluate or re-evaluate the knowledge, ability, skill and experience of any category of persons referred to in section 27 of the Act, and includes a **“professional hunting school”**;

“training provider” means a person who is the holder of a permit to be the head of a training institution and includes a **“director of a professional hunting school”** referred to in section 27 of the Act;

“trophy” means any part of the carcass of a wild animal which a client retains as a memento of his or her hunting success; and

“vehicle” means any self-propelled vehicle and includes any craft or aircraft.

- (2) Whenever any word or expression defined in the Act is used in these Regulations, it has, unless inconsistent with the context, the meaning assigned thereto in the Act.

CHAPTER II FENCING SPECIFICATIONS

Land to be adequately enclosed

2. Land must be adequately enclosed if -
- (a) the land forms part of a game farm contemplated in section 24 of the Act;
 - (b) the land forms part of a protected area;
 - (c) dangerous game occur on the land; or
 - (d) any exotic carnivore or herbivore species occurs on the land.

Minimum specifications of fences for herbivore species

3. (1) Land will be adequately enclosed if the category of fence surrounding or dividing such land, which is required for a herbivore species of wild animal, complies with the requirements of subregulations (2) and (3).
- (2) The minimum requirement applicable to each category of fence is specified in Annexure I.
- (3) The species of wild animal approved for each category of fence is specified in Annexure II.

Minimum specifications of fences for dangerous game species

4. (1) Land will be adequately enclosed if the category of fence surrounding or dividing such land required for a dangerous animal species, complies with the requirements of subregulations (2) and (3).
- (2) The minimum requirement applicable to each category of fence is specified in Annexure III.
- (3) The species of wild animal approved for each category of fence is specified in Annexure IV.

Minimum specifications of fences for large carnivore species

5. (1) Land will be adequately enclosed if the category of fence surrounding or dividing such land required for a large carnivore species, complies with the requirements of subregulations (2), (3) and (4).

- (2) A fence for a large carnivore species must be electrified and consist of between 18 and 21 normal wire strains and at least 5 strands of live wire, and in the case of a leopard, each corner post must be protected with a vertical live wire.
- (3) The minimum requirement applicable to each category of fence is specified in Annexure III.
- (4) The species of wild animal approved for each category of fence is specified in Annexure IV.

Minimum specifications of electrified fences

- 6.** (1) An electrified fence, at each station, must have –
- (a) a power supply that consist of –
 - (i) two 60 amp/hours wet cell batteries connected in series;
 - (ii) two DC voltage regulators;
 - (iii) an energiser with a minimum output of 9000 volts; and
 - (iv) a maximum energy discharge of not more than 8 joules per impulse, measured as resistance of 500 ohms;
 - (b) solar stations -
 - (i) on the inside of the fence;
 - (ii) no more than 10 kilometres apart; and
 - (iii) must be enclosed with 5 electrified strands of wire to prevent damage by animals.
- (2) An electrified fence must have a monitoring system, but if no monitoring system is in place, the fence must be inspected and maintained on a daily basis.
- (3) A monitoring system contemplated in subregulation (4), must monitor –
- (a) sustained contact with all transmitters in the system;
 - (b) any disconnection or cut in the fence-line;
 - (c) any short circuit in the electrical system;
 - (d) the charge level of all batteries;
 - (e) the failure of an energiser,
- and must have an effective battery back-up system.

CHAPTER III MATTERS RELATING TO HUNTING OF WILD ANIMALS

Hunting, capture or destruction of certain wild animals

7. The Director may direct or authorise a person to capture, hunt or destroy a wild animal if –
- (a) such animal may pose a threat to human life or property; or
 - (b) the Director is of the opinion that the capture, hunt or destruction of such animal is in the interest of nature conservation.

Hunting of large predators

8. (1) A permit to hunt a large predator may only be issued by the Director, subject to the conditions that the predator to be hunted -
- (a) originated from and occurred in a self sustaining state within an extensive wildlife system for a minimum period of 6 months prior to the hunt;
 - (b) originated from captivity and occurred in a self sustaining state in an extensive wildlife system for a minimum period of 24 months prior to the hunt;
 - (c) may not be hunted from a hide or any other man made structure concealing or protecting the hunter from the animal to be hunted; and
 - (d) may not be hunted by using an aircraft, a vehicle, a vessel or any other prohibited hunting method or instrument referred to in section 9 (1) of the Act.
- (2) The provisions of subregulation 1(c) are not applicable to the hunting of a leopard.
- (3) A large predator hunt may take place only in the presence of a nature conservator dedicated by the Director.

Requirements when wild animals referred to in section 10(1)(b) of the Act are hunted

9. (1) Any person who hunts a wild animal referred to in section 10(1)(b) of the Act, must be accompanied by at least two professional hunters of whom one must be qualified for the hunting of such animal.
- (2) The provisions of subregulation (1) are not applicable to a nature conservator or a person contemplated in section 5(1)(a) or (b) of the Act.

Requirements when wild animals referred to in section 10(2) of the Act are wounded

10. When any person makes a report in terms of section 10(2) of the Act that he or she has wounded or presumably wounded a wild animal, he or she must state -
- (a) his or her name and residential address;

- (b) the species of wild animal which has been wounded or has presumably been wounded;
- (c) the time when and the place where the wild animal concerned has been wounded or has presumably been wounded and the name of the farm on which the incident occurred;
- (d) the calibre of the firearm used;
- (e) the number of shots fired; and
- (f) whether the wild animal was pursued and, if so, particulars of the pursuit.

Permit for the hunting of wild animals causing damage to agricultural produce

11. (1) A permit issued in terms of this regulation may only be issued for the hunting of a wild animal which is not a damage causing animal, but causes damage to agricultural produce on any land.
- (2) The Director may issue a permit to hunt an animal contemplated in subregulation (1), if he or she is convinced that –
- (a) an individual animal or animals of a certain species cause extensive damage to agricultural produce on the land of the applicant;
 - (b) the applicant has taken all reasonable precautions to prevent the damage allegedly caused by such animal or animals;
 - (c) the hunt of the animal or animals will not be to the detriment of the population of such species occurring in the area;
 - (d) the method used will not have a negative effect on a sensitive population of a non-target species or any other detrimental ecological implication;
 - (e) the number of animals to be hunted will effectively prevent further damage; and
 - (f) the applicant has notified each adjacent landowner in writing of his or her intention to lodge an application in terms of this regulation.
- (3) The hunt contemplated in subregulation (1) may only take place in the presence of a nature conservator.
- (4) The carcass of a wild animal hunted under a permit issued in terms of this regulation is the property of the Province.

Permit to hunt wild animals in certain conditions

12. (1) The Director may only issue a permit to hunt a wild animal on land other than a game farm –
- (a) outside the period determined by a notice issued in terms of section 6(2) of the Act;
 - (b) without a valid hunting licence required by section 7(1) of the Act;

- (c) in excess of the daily bag limit contemplated in section 8 of the Act; or
- (d) by means of a prohibited hunting method or instrument contemplated in section 9(1) of the Act;

if he or she is convinced that –

- (i) the animal or animals to be hunted occur in sufficient numbers on the land of the applicant to ensure a viable population;
 - (ii) the hunt of the animal or animals will not be to the detriment of the population of the species occurring in the area;
 - (iii) the method used will not have a negative effect on a sensitive population of a non-target species or any other detrimental ecological implication;
 - (iv) the applicant has notified each adjacent landowner in writing of his or her intention to lodge an application in terms of this regulation.
- (2) An adjacent landowner who has been notified of an application in terms of this regulation may, within a period of 7 days after receipt of the notice, submit written representations to the Director regarding the application.

Transfer of hunting-rights

13. An owner of land who transfers any of his or her hunting-rights in terms of section 16 of the Act must do so by means of a document containing at least the information set out in section 14(2) of the Act, as well as the extent of the rights being transferred.

CHAPTER IV

MATTERS RELATING TO PROHIBITED HUNTING METHODS OR INSTRUMENTS

Requirements for permits to hunt wild animals by means of prohibited hunting methods or instruments

14. (1) Subject to the provisions of section 9 of the Act and this Chapter, the Director may only issue a permit to hunt a wild animal by means of a prohibited hunting method or instrument if he or she is convinced that –
- (a) the applicant is competent to use the applicable method or instrument;
 - (b) the written permission of the landowner is obtained beforehand;
 - (c) the animals species occurs on the property where the hunt is to take place;
 - (d) if it is alleged that the animal or animals to be hunted cause damage, the applicant has taken all reasonable precautions to prevent the damage allegedly caused by such animal or animals; and

- (e) the hunting method or instrument used will not have a negative effect on a sensitive population of a non-target species or any other detrimental ecological implication.
- (2) The Director may determine the specification and method of use of each instrument used during a hunt authorised by a permit issued in terms of section 9(1) of the Act.

Requirements for the use of prohibited hunting methods or instruments

15. (1) A permit in terms of section 9(1)(b), (f), (g), (h), (i), (o) or (u) of the Act may only be issued to a landowner or vermin hunter.
- (2) The holder of a permit issued in terms of section 9(1) of the Act may not hunt a wild animal specified in such permit, unless –
- (a) he or she has obtained the prior written permission of the landowner of land on which the hunt is to take place if he or she is not the landowner;
 - (b) every person living or present on the land on which the hunt is to take place and every adjacent landowner or occupier of land bordering on such land have, at least 24 hours beforehand, been notified of –
 - (i) the place where and the date on which the hunt will take place;
 - (ii) the method or instrument to be use during the hunt; and
 - (iii) any danger associated with the hunt,

and he or she has beforehand prominently posted a warning sign, in the form determined by the Director, at each entrance to the land on which the hunt is to take place and such warning sign is posted for the full duration of the hunt.
- (3) The holder of a permit issued in terms of section 9(1) of the Act must –
- (a) during the hunt, on a daily basis –
 - (i) inspect the site where the prohibited hunting method or instrument is being used; and
 - (ii) take reasonable steps to retrieve the carcass of each animal hunted;
 - (b) after the hunt, forthwith –
 - (i) remove from the land on which he or she hunted –
 - (aa) every instrument used during the hunt; or
 - (bb) if poison is used, the poison and dispose of such poison in an effective manner; and

- (ii) dispose of the carcass of each animal hunted by either -
 - (aa) burying it at least one metre deep and covering it with lime; or
 - (bb) by incinerating it, using adequate diesel fuel to ensure total incineration and destruction.

Provisions relating to the use of gin-traps, set guns, poison collars or poison-firing apparatuses

- 16.** (1) A person authorised by a permit issued in terms of section 9(1) of the Act, to hunt by means of a gin-trap, set gun, poison collar or poison-firing apparatus, may not set such instrument –
- (a) in a -
 - (i) footpath;
 - (ii) track used by wild animals;
 - (iii) vehicle track;
 - (b) at a place where animals cross or burrow underneath a fence;
 - (c) within a distance of –
 - (i) 100 m from a public road;
 - (ii) 50 m from a beehive;
 - (iii) 20 m from any watering point;
 - (iv) 10 m from a boundary fence of any land;
 - (d) contiguous to a dwelling or at a place where it is likely that a person, pet or stock may set off the trap; or
 - (e) contiguous to the habitat of a colony of non-targeted animals.
- (2) When a hunt contemplated in subregulation (1) is conducted, the person who conducts the hunt must –
- (a) before an instrument is placed or poison is laid, record -
 - (i) the species to be hunted;
 - (ii) the method to be used in the hunt;
 - (iii) the number and description of the instruments to be used in the hunt;
 - (iv) the type of poison to be used in the hunt;

- (b) after an instrument was placed or poison was laid, record -
 - (i) exactly where such instrument was placed or poison was laid; and
 - (ii) the date and time when the instrument was placed or poison was laid;
- (c) at the conclusion of the hunt, record –
 - (i) how poison used during the hunt was disposed of;
 - (ii) the date and time when an instrument or poison was removed; and
 - (iii) the species and number of animals killed in the hunt.

Provisions relating to the use of trap cages

17. A landowner or a person authorised by a permit issued in terms of section 9(1) of the Act to hunt by means of a trap cage -
- (a) may not leave an animal caught in the cage for a period longer than is reasonably necessary, but not for a period in excess of 12 hours;
 - (b) may not leave the door of a trap cage which is not in use open; and
 - (c) must forthwith release a non-targeted animal caught in the cage.

Provisions relating to hunting with dogs or a pack of hounds

18. (1) With regard to any application made in terms of section 9(1)(s) of the Act and subject to the provisions of section 2(1)(g) of the Animals Protection Act, 1962 (Act No. 71 of 1962), no hunt with dogs or hounds may take place unless the pack is registered with the Director and the hunt is conducted in a controlled manner as determined by the Director.
- (2) No person may, on his or her land, hunt or allow any person to hunt with a dog or a pack of dogs unless –
- (a) the dog or each member of the pack of dogs is properly trained to hunt the wild animal being targeted;
 - (b) adequate control is exercised over such dog or pack of dogs to ensure that no non-target animal is disturbed, chased, caught or killed.
- (3) Notwithstanding the provisions of subregulation (2)(a), the Director may issue a permit to hunt with dogs in training, subject to the conditions that he or she may determine.

Availability of antidotes

19. A person authorised by a permit issued in terms of section 9(1) of the Act to hunt by means of an intoxicating or narcotic agent or poison must, at all times, have the antidote to neutralise the working of such intoxicating or narcotic agent or poison at hand.

Provisions relating to the use of poison collars

20. A person authorised to hunt by means of a poison collar, must -
- (a) if an animal wearing a poison collar survives an attack of a predator, immediately shave the wool or hair from the neck area of such animal and bury or incinerate the wool or hair;
 - (b) retain used and damaged poison collars in a sealed container until it can be safely disposed of; and
 - (c) keep all poison collars not used in safe custody.

CHAPTER V MATTERS RELATING TO WILDLIFE OPERATORS

Criteria for the establishment of wildlife facilities contemplated in section 27(2)(a) of the Act

21. (1) The Director may issue a permit to establish and maintain a wildlife facility contemplated in section 27(2)(a) of the Act, only as provided for in subregulation (2), (3), (4), (5), (6) or (7).
- (2) A captive breeding facility may be established for the breeding of a specially protected animal species only if the Director is convinced that the breeding facility will contribute to the ultimate survival of the species, and is established with the sole purpose of -
- (a) re-introducing an animal bred at the facility to its natural environment;
 - (b) supplying the animal to a zoological facility or other breeding facilities of a similar nature; or
 - (c) trade in CITES I species,
- but for the purposes of this subregulation “**captive breeding facility**” does not include the captive breeding of any other bird species for which a permit has been issued.
- (3) An educational facility may be established only for the keeping of a wild animal to be exhibited as part of an educational program approved by the Director.
- (4) A zoological facility or aquarium may be established only if such facility is registered at a national or international association for zoological or aquarium facilities, approved by the Director.
- (5) A trading facility may be established only for the temporary keeping of a wild animal of a specific species or category of species, with the sole purpose to auction or trade such animal.
- (6) A rehabilitation facility may be established only for the temporary keeping and rehabilitation of an orphaned, injured or ailing animal of a specific species or a category of species, with the sole purpose of –

- (a) re-introducing the animal so rehabilitated to its natural environment; or
 - (b) supplying the animal so rehabilitated to any other suitable facility approved by the Director.
- (7) A sanctuary facility may be established only for the long term keeping of a wild animal, which was injured or otherwise incapacitated to such an extent that it cannot be rehabilitated to be successfully re-introduced back into its natural environment.
- (8) For the purpose of this regulation “**re-introducing to its natural environment**” means to restore the animal to such condition that it is able to fend for itself entirely independent from human assistance for its survival.
- (9) If not specifically provided for in the Act or these Regulations, the standard of any wildlife facility contemplated in section 27(2) of the Act may be determined by the Director.

Withdrawal of certain permits

22. A permit issued to a wildlife trader, the owner of a game farm or the owner of a nursery in accordance with section 27 of the Act, may be withdrawn by the Director in terms of section 60(b)(i) of the Act, if the permit holder -
- (a) fails a test, examination or re-examination contemplated in regulation 23 (if applicable);
 - (b) advertises incorrect or misleading information concerning his or her activities;
 - (c) fails to resolve, to the satisfaction of the Director, within 90 days from the date of notification by the Director, any complaint against him or her; or
 - (d) is convicted of any provision of the Act or any of these Regulations or any similar act or any regulations in force thereunder.

Testing teams for wildlife operators

23. (1) With regard to any application made in terms of section 27 of the Act, the Director or a person appointed in terms of subregulation (2) may –
- (a) train the applicant or assess, moderate, examine, re-examine, evaluate or re-evaluate his or her knowledge, ability, skill and experience; and
 - (b) evaluate or re-evaluate the applicant’s ability to provide and render the applicable services and facilities.
- (2) The Director may appoint a person or a team of persons, as he or she may deem necessary, who in his or her opinion is competent to train, assess, moderate, examine, re-examine, evaluate or re-evaluate an applicant and to report to him or her thereon.
- (3) The Director may appoint a member of a testing-team as the leader thereof to co-ordinate and regulate the activities of members of the testing-team.

- (4) A person appointed in terms of subregulation (2) or (3) who is not an employee of the State, may be paid such remuneration and such allowances as the responsible Member, with the concurrence of the Member of the Executive Council responsible for finance in the Province, may from time to time determine.
- (5) The Director may, subject to section 60 of the Act, at any time terminate the appointment of any person appointed in terms of subregulation (2) or (3).
- (6) If not otherwise provided for in these Regulations, the Director or a person contemplated in subregulation (2) may issue a certificate of competence or compliance, as the case may be, to any applicant contemplated in subregulation (1), if such applicant complies with the standards determined by the Director.

Wildlife operators' register

- 24. With regard to any permit issued in terms of sections 27 of the Act, if the Director considers it necessary, the permit holder must keep the applicable register as determined by the Director.

Supporting documentation

- 25. A wildlife trader, the owner of a game farm, the owner of a nursery, a researcher or any other person applying for a permit, licence, certificate, written authorisation or exemption must, on application, if requested to do so by the Director, supply the supporting documentation specified by the Director, which may include -
 - (a) a business plan as specified in Annexure V;
 - (b) a threat analysis as specified in Annexure VI;
 - (c) a habitat analysis as specified in Annexure VII;
 - (d) a resource assessment report specified in Annexure VIII; and
 - (e) a project proposal specified in Annexure IX.

CHAPTER VI MATTERS RELATING TO PROFESSIONAL HUNTERS

Qualification criteria for professional hunters

- 26. (1) A permit to act as a professional hunter authorises the holder of such permit to carry on the business of a professional hunter, subject to the conditions stipulated therein.
- (2) A permit to act as a professional hunter may be issued only if the Director is satisfied that the applicant -
 - (a) is at least 18 years of age;
 - (b) is a South African citizen or the holder of a permanent residence permit;

- (c) has successfully completed the approved course at a training institution; and
 - (d) by virtue of his or her knowledge, ability, skill and experience is qualified to be issued with the permit.
- (3) The Director may, to a person who has qualified as a professional hunter, but who cannot read or write or is in any other way impeded, issue a permit to act as an associate professional hunter.

Application for a professional hunter's permit to hunt ordinary game

27. (1) The applicant for a professional hunter's permit, to hunt ordinary game must, on application, submit -
- (a) the applicable written application form and any document required by the Director;
 - (b) proof that he or she is -
 - (i) a South African citizen; or
 - (ii) the holder of a valid permanent residency permit;
 - (iii) 18 years of age or older; and
 - (iv) a member of a national or international association for professional hunting;
 - (c) proof that he or she possesses the necessary knowledge, ability, skill and experience required to operate as a professional hunter, having attended and successfully completed the approved course at a training institution, and passed the relevant examination and practical assessment approved by the Director;
 - (d) where the applicant did not initially pass the approved course, proof that he or she has done so within a period of one year after the last day of the course; and
 - (e) payment or proof of payment of the prescribed application fee.
- (2) A permit contemplated in subregulation (1), allows the holder thereof to escort a client in hunting ordinary game only and must be endorsed to exclude the hunting of dangerous game.
- (3) A professional hunter who actively hunts dangerous game in Africa, is a South African citizen, or is the holder of a permanent residency permit, may apply in writing to the Director for exemption of the endorsement that excludes the hunting of dangerous game.

Application for a professional hunter's permit to hunt dangerous game

28. (1) The applicant for a professional hunter's permit to hunt dangerous game must, on application, submit -
- (a) the applicable written application form and any other document required by the Director;

- (b) proof that he or she is -
 - (i) a South African citizen; or
 - (ii) the holder of a permanent residence permit; and
 - (iii) 18 years of age or older; and
 - (iv) a member of a national or international association for professional hunting;
 - (c) proof that he or she possesses the necessary knowledge, ability, skill and experience required to operate as a professional hunter, having attended and successfully completed the approved course at a training institution, and passed the relevant examination and practical assessment approved by the Director;
 - (d) where the applicant did not initially pass the approved course, proof that he or she has done so within a period of one year after attending the course;
 - (e) payment or proof of payment of the prescribed application fee;
 - (f) the applicable summary of information on dangerous game hunted on an extensive wildlife systems, either in South Africa or in other African countries; and
 - (g) written proof that he or she has personally hunted, or hunted as the back-up professional hunter under the supervision of a professional dangerous game hunter, for a minimum period of sixty hunting days, for at least three of the six dangerous game species; or
 - (h) proof that he or she has successfully completed an approved course for the hunting of dangerous game.
- (2) A permit contemplated in subregulation (1), allows the holder thereof to escort clients in hunting ordinary game and dangerous game.
 - (3) The documentary proof contemplated in subregulation (1)(g) must be accompanied by certified copies of the applicable hunting register, sworn affidavits and declarations by the hunting contractor, professional hunter or clients involved, for scrutiny by the Director.

Application for renewal of a professional hunter's permit

- 29.** An applicant who applies for renewal of a professional hunter's permit must, on application, submit -
- (a) the applicable written application form and any other document required by the Director;
 - (b) payment or proof of payment of the prescribed application fee; and
 - (c) proof that he or she has conducted, as a professional hunter, at least three legal hunts totalling a minimum of twenty one hunting days with a client, in any province of South Africa, during a three year period preceding the application.

Responsibilities of professional hunters

- 30.** (1) A professional hunter must -
- (a) not act as such unless he or she is in the employ of a registered hunting contractor, if not registered as a hunting contractor himself or herself;
 - (b) during the hunt of dangerous game be accompanied by another professional hunter qualified to hunt dangerous game;
 - (c) not escort more than two clients during the hunting of a wild animal other than a bird;
 - (d) not escort more than eight clients during the hunting of birds;
 - (e) at all times be present when a wild animal is hunted by his or her client and supervise the hunting of such wild animal;
 - (f) at his or her discretion destroy any wild animal that has been wounded by a client in order to alleviate undue suffering of such wild animal;
 - (g) do everything within reason to ensure that his or her client complies with the provisions of the Act or these Regulations; and
 - (h) carry any applicable document required by law or a certified copy thereof with him or her when he or she escorts a client during a hunt.
- (2) A professional hunter who is aware or suspects that his or her client has contravened any provision of the Act or these Regulations, must, within 24 hours of so becoming aware or so suspecting, report the matter to a member of the South African Police Service or to a nature conservator nearest to the place where the offence has or has presumably been committed and keep record of the reference or case number of such report.

Register to be kept by professional hunters

- 31.** (1) A professional hunter must keep a register, containing -
- (a) the name and business address of the professional hunter;
 - (b) the name and permanent postal address of the client;
 - (c) the name and business address of the hunting contractor who presented or organised the hunt for the client;
 - (d) the province, place where and the date on which his or her escort service to the client commenced and terminated;
 - (e) the name, registration number and magisterial district of every farm on which he or she escorted the client and the name and residential address of the owner of every such farm;

- (f) the species, sex and number of wild animals killed or wounded by the client on every farm referred to in paragraph (e), as well as the date on which every wild animal was killed or wounded; and
 - (g) the client's instructions on trophy preparation (if any) and in the case of a wild animal with a horn or horns, the length or the estimated length of such horn or horns, as the case may be.
- (2) Every alteration made to any entry in the register contemplated by subregulation (1) must be identical on all four copies of the record, as specified in subregulation (4)(a), and each of the four copies on which such alteration appears must be signed and dated by the parties concerned.
- (3) Upon termination of his or her escort service to a client, the professional hunter and the client must sign and date the record of particulars in the register contemplated in subregulation (1) and such professional hunter must detach the first three copies thereof and -
- (a) forthwith deliver the original page to the client;
 - (b) within 14 days after completion of the hunt, supply the first copy to the hunting contractor mentioned in such record;
 - (c) within 14 days after completion of the hunt, supply the second copy by registered post to the Director; and
 - (d) retain the remaining copy in the register for a period of two years for record purposes.
- (4) The register contemplated in subregulation (1),(2) or (3) must -
- (a) be drawn up in quadruplicate to consist of an original page and three copies;
 - (b) be drawn up in such a manner that the pages are consecutively numbered with the same number appearing on each of the four pages;
 - (c) be permanently bound provided that the first three pages of each four pages must be perforated for easy detachment;
 - (d) contain the particulars contemplated in subregulation (1) in such a manner that the particulars in respect of no more than one client appear on any one page; and
 - (e) be utilised in such a manner that the particulars of a hunt with a particular client in the Province are reflected per set of four pages.

General conditions

32. (1) If an applicant has been inactive as a professional hunter or hunting contractor in the Province for a period of one year preceding the application and wants to renew his or her permit, he or she must re-write the legal examination.

- (2) If an applicant has been inactive as a professional hunter or hunting contractor in South Africa for a period of three years preceding the application, but has been active in any other African country during such period and wants to renew his or her permit, he or she must re-write the legal examination.
- (3) If the applicant has been inactive as a professional hunter or hunting contractor in South Africa or any other African country for a period of three years preceding the application, he or she has to be re-assessed on the legal, general and practical assessments.
- (4) If the applicant has been inactive as a professional hunter or hunting contractor in South Africa or any other African country for a period of more than five years preceding the application, he or she must be re-assessed on the legal, general and practical assessments, or must, if the Director so determines, re-do the entire course.
- (5) The Director has the discretion to stipulate the required re-assessment contemplated in subregulations (3) and (4). The training provider (preferably the training provider where the applicant was originally tested) must do the re-assessment and has the discretion to conduct any additional practical test or theoretical examination he or she may deem necessary.
- (6) The permit of any professional hunter, hunting contractor or training provider who is -
 - (a) found guilty more than three times by a court of law; or
 - (b) pays an admission of guilt fine regarding any part of the legislation pertaining to professional hunting,
 must be suspended by the Director and the person must be referred to a training provider for re-assessment on the practical aspects and, if the Director so determine, also the legal and general aspects.
- (7) Any person who applies for the renewal of a permit must, prior to the processing and issuance of the permit and to the satisfaction of the Director, address any or all outstanding professional hunting related complaints received by the Director from clients or any other person.
- (8) Any person whose permit has been withdrawn in terms of the Act may only re-apply for such permit after expiry of a period of one year after the date of such withdrawal and motivate why his or her permit should be re-instated.

CHAPTER VII

MATTERS RELATING TO HUNTING CONTRACTORS AND AGENTS

Criteria to qualify as a hunting contractor

33. (1) A permit to act as a hunting contractor authorises the holder of such permit to carry on the business of a hunting contractor on the land mentioned in such permit, subject to the conditions stipulated therein.
- (2) A permit to act as a hunting contractor may be issued only if the Director is satisfied that the applicant -
 - (a) is at least 18 years of age;

- (b) is a South African citizen or is the holder of a permanent residence permit;
- (c) has successfully completed the approved course at a training institution;
- (d) by virtue of his or her knowledge, ability, skill and experience, is qualified to be issued with the permit;
- (e) has such reasonable securities or insurance policies as the Director may require; and
- (f) have at his or her disposal the required minimum facilities, services and conveniences as set out in Annexure X.

Application for a hunting contractor's permit

34. (1) The applicant must on application submit -

- (a) the written application form and any other document required by the Director;
- (b) proof that he or she is -
 - (i) a South African citizen; or
 - (ii) the holder of a permanent residence permit;
 - (iii) 18 years of age or older; and
 - (iv) a member of a national or international association for professional hunting;
- (c) proof that he or she possesses the necessary knowledge, ability, skill and experience required to operate as a hunting contractor, having attended and successfully completed the approved course at a training institution, and passed the relevant examination and practical assessments approved by the Director;
- (d) in the event where the applicant did not initially pass the approved course, proof that he or she has done so within a period of one year after attending the course;
- (e) payment or proof of payment of the prescribed application fee;
- (f) proof that he or she can provide the services and facilities required, within the boundaries of this Province as set out in Annexure X (If the applicant is not the owner of the land on which the facilities are situated, the applicant must submit a letter of permission from the landowner who provides access to the facilities approved by the Director, for the period of the permit applied for.);
- (g) the landowner's written permission or the hunting rights for the species he or she advertises for hunting;

- (h) promotional material to be used. (Such material must correctly describe the services, facilities, conveniences and animal species that can be hunted. If such promotional material is amended, it must be submitted for update of the records.);
 - (i) a copy of the written permission or contract contemplated in regulation 30, if applicable; and
 - (j) proof that he or she has conducted, as a professional hunter, at least three legal hunts totalling a minimum of twenty-one hunting days with a client, in any province in South Africa, during a three year period preceding the application or has conducted at least 100 hunting days in a period of less than three years, whichever is achieved first.
- (2) A person who, in terms of subregulation (1), applies for a hunting contractor's permit and who -
- (a) is the owner of land for which he or she is the holder of a game farm permit;
 - (b) has made a capital investment in the professional hunting industry by erecting approved facilities on his or her property; and
 - (c) wishes to conduct business as a hunting contractor on such property,
- may submit a motivation and apply for exemption of subregulation (1)(j) to the Director. If such exemption is granted, the landowner is limited to outfitting on his or her own property, for the first three years after the permit was issued to the applicant, or until the landowner has organised 100 hunting days as a hunting contractor on his or her own land, whichever is achieved first.
- (3) A person who, in terms of subregulation (1), applies for a hunting contractor's permit and who is not a landowner, may, one year after the permit was issued, on recommendation and with sufficient motivation by a training provider, apply to the Director for exemption of subregulation (1)(j), if the candidate has successfully conducted three hunts, totalling 21 hunting days during that year.

Application for renewal of a hunting contractor's permit

- 35.** (1) A person who applies for renewal of a hunting contractor's permit must, on application, submit -
- (a) the applicable written application form and any document required by the Director;
 - (b) payment or proof of payment of the prescribed application fee;
 - (c) proof that he or she can provide the services and facilities required, within the boundaries of this Province as set out in Annexure X. (If the applicant is not the owner of the land on which the facilities are situated, the applicant must submit a letter of permission from the landowner who provides access to the facilities approved by the Director, for the period of the permit applied for.);
 - (d) the landowner's written permission or the hunting rights for the species he or she advertises for hunting;

- (e) promotional material to be used. (Such material must correctly describe the services, facilities, conveniences and animal species that may be hunted. If such promotional material is amended, it must be submitted for update of the records.);
 - (f) a copy of the written permission or contract contemplated in regulation 30, if applicable;
 - (g) proof that he or she has a valid permit to act as a professional hunter;
 - (h) proof that he or she has organised as a hunting contractor, at least three legal hunts totalling a minimum of twenty one hunting days with a client, in any province in South Africa, during a three year period preceding the application, but a person who meets the requirements of regulation 29(c), does not have to organise three hunts as a hunting contractor in order to renew his or her hunting contractor's permit.
- (2) An active hunting contractor who can submit proof of at least ten year's consecutive experience in the professional hunting industry, may be exempted by the Director from subregulation (1)(g). (In the case where such a person later wants to re-instate his or her professional hunter's permit, he or she may apply for such permit without having to be re-assessed.)

Responsibilities of hunting contractors

36. (1) A hunting contractor must -
- (a) be able and equipped to provide and render, in compliance with the requirements set out in Annexure X, to his or her client -
 - (i) the escorting services of a professional hunter;
 - (ii) accommodation, storage, washing and sanitary conveniences for each client;
 - (iii) sufficient ablution facilities for each client;
 - (iv) hunting, handling, skinning, treating and dispatch services;
 - (v) a shooting range compatible to practical testing requirements;
 - (vi) a safe sufficient to hold all the client's documents and firearms;
 - (vii) a terrain where free roaming wild animals are present for hunting;
 - (viii) adequate catering;
 - (ix) appropriate transport;
 - (x) cleaning and refuse removal services;
 - (xi) first-aid and fire-fighting equipment; and

- (xii) staff services;
- (b) obtain the necessary licence, permit, document or permission for the client to -
 - (i) hunt the wild animal concerned;
 - (ii) pack and dispatch the trophy of a wild animal hunted, if so required by the client, to the address specified by the client; and
 - (iii) convey or export any trophy if so required by the client.
- (2) The hunting contractor must, upon completion of the hunt, obtain the appropriate copy of the professional hunter's register as contemplated in regulation 31(3)(b) and must -
 - (a) sign such copy;
 - (b) forward the appropriate copy to the Director, within 14 days of completion of the hunt as a pre-requisite for the processing of any export-permit application; and
 - (c) retain, in accordance with section 70 of the Act, certified copies of all documentation for a period of two years for record purposes.
- (3) The hunting contractor is responsible for the packing and dispatching of a trophy (if applicable) to the place of destination specified by the client, within 30 days after it was packed for dispatching and made available to the hunting contractor.

Register or agreement to be kept by hunting contractor

- 37.** (1) A hunting contractor must, before the commencement of the provision of any facility or the rendering of any service to a client, conclude a written remuneration agreement with the client containing -
- (a) the name and business address of the contractor;
 - (b) the name and permanent postal address of the client;
 - (c) the name and business address of the professional hunter who will escort the client;
 - (d) the address to which he or she must dispatch trophies, if this is required by the client;
 - (e) the place and date of commencement and termination of the provision of facilities and the rendering of services to the client;
 - (f) the facilities, services and conveniences which will be provided for or services which will be rendered to the client and the tariff for each facility or service or an all inclusive daily tariff;
 - (g) the species, sex and number of wild animals offered for hunting and the tariff for each wild animal killed or wounded beyond any reasonable doubt, whether or not such animal or the carcass of such animal can be located; and

- (h) a description of the liabilities of the hunting contractor.
- (2) An agreement contemplated in subregulation (1), or any subsequent or amended agreement, must be drawn up in duplicate and -
 - (a) the hunting contractor and his or her client must sign and date the original document and the copy thereof; and
 - (b) the hunting contractor must -
 - (i) forthwith hand the original document to the client; and
 - (ii) retain the copy for a period of two years for record purposes.
- (3) The provisions of an agreement contemplated in subregulation (1) may be amended or substituted by a subsequent written agreement between the parties and must contain the same particulars and must be concluded in the same manner as the original contract.
- (4) A hunting contractor is not entitled to claim remuneration from a client in respect of anything which is not specified in a remuneration agreement as contemplated in subregulation (1) or claim at a tariff other than a tariff specified in the agreement or, unless otherwise provided in the agreement, in respect of anything specified in the agreement which was not actually provided, rendered or delivered to the client.

Advertising material and marketing

38. No persons may advertise his or her preparedness to act as a hunting contractor or allow such preparedness to be advertised, unless -
- (a) he or she is the holder of a hunting contractor's permit in terms of the Act;
 - (b) he or she is the owner of the land on which he or she will act as a hunting contractor or, if he or she is not the owner of such land, he or she has obtained the hunting rights in respect of the land or the written permission from the owner of such land on which he or she intends to present or organise the hunt;
 - (c) the species, sex and number of wild animals presented or offered for hunting is readily available for hunting and occur in a free and natural state on the land contemplated in paragraph (b) and such wild animals are not tamed, partly tamed or kept in captivity; and
 - (d) the contents of promotional material such as the advertisement, brochure or pamphlet or other document by which he or she advertises has been verified and received the prior written approval of the Director.

Agents

39. (1) No person may act as an agent for a client to assist, organise or present the hunting of a wild animal, unless he or she is appointed in writing by the hunting contractor who will provide the facilities and services to the client.

- (2) An agent must, in any advertisement or presentation, use the promotional material of the hunting contractor contemplated in subregulation (1), but if such material is not used by the agent, the advertisement or presentation must contain at least the name and permit particulars of the hunting contractor.

Clients

40. No client may hunt a wild animal unless -
- (a) the hunt is organised by a hunting contractor; and
 - (b) he or she is escorted by a professional hunter during the hunt.

South African citizens

41. If a person, other than a client, makes use of the services of a hunting contractor, an agent or a professional hunter, the provisions of regulations 30, 31, 36 and 37 apply, read with the changes required by the context.

General conditions

42. The provisions of regulation 32, read with the changes required by the context, apply to a hunting contractor.

CHAPTER VIII MATTERS RELATING TO TRAINING PROVIDERS AT PROFESSIONAL HUNTING SCHOOLS

Criteria to qualify as a training provider for a professional hunting school

43. (1) A permit to act as a training provider for a professional hunting school authorises the holder of such permit to carry on the business of training provider on the premises mentioned in such permit, subject to the conditions stipulated therein.
- (2) A permit to act as a training provider for a professional hunting school may be issued only if the Director is satisfied that the applicant -
- (a) is at least 18 years of age;
 - (b) is a South African citizen or is the holder of a permanent residence permit;
 - (c) is a professional hunter or hunting contractor;
 - (d) has successfully completed an approved course as an assessor or moderator;
 - (e) by virtue of his or her knowledge, ability, skill and experience, is qualified to be issued with the permit;
 - (f) is in possession of the reasonable securities or insurance policies as the Director may require; and

- (g) can provide the required minimum facilities, services and conveniences as set out in Annexure X.
- (3) A person who applies for a permit to act as a training provider for a professional hunting school must -
 - (a) provide the training and conveniences as set out in Annexure XI;
 - (b) possess adequate communication and presentation skills;
 - (c) possess adequate experience in marketing hunting abroad;
 - (d) have extensive practical experience as a professional hunter and hunting contractor; and
 - (e) be competent to train, assess, moderate, examine, re-examine, evaluate or re-evaluate the knowledge, ability, skill and experience of a prospective professional hunter or hunting contractor.

Responsibilities of training providers of a professional hunting school

44. A training provider must -

- (a) present the approved course for professional hunters and hunting contractors as determined by the Director;
- (b) personally attend, present or supervise an approved course for professional hunters or hunting contractors, the duration of which must not be less than ten consecutive days;
- (c) ensure that no more than 12 candidates attend the course;
- (d) provide 30 day's written notice to the Director of the date on which the course is to commence;
- (e) provide a venue and adequate facilities for the course;
- (f) co-ordinate and regulate the activities of every person presenting lectures at the course;
- (g) make arrangements for the assessment, moderation and taking of examinations required by the Director;
- (h) record the results achieved by every person assessed or tested, in the format determined by the Director and report thereon to the Director in writing within 14 days of completion of the course;
- (i) ensure that the approved course is presented;

- (j) provide each candidate who has successfully completed the course and passed the examination with a complete copy of the practical assessment and report determined by the Director, as well as an original certificate of competency signed by the training provider.

Application for a permit to act as a training provider of a professional hunting school

45. (1) The applicant must, on application, submit -
- (a) the applicable written application form and any supporting documents required by the Director;
 - (b) proof that he or she has a valid professional hunter's or hunting contractor's permit;
 - (c) payment or proof of payment of the prescribed application fee;
 - (d) proof that he or she can provide the training, conveniences, services and facilities required, within the boundaries of this Province as set out in Annexures X and XI (If the applicant is not the owner of the land on which the facilities are situated, the applicant must submit a letter of permission from the landowner who provides access to the facilities approved by the Director, for the period of the permit applied for.); and
 - (e) the landowner's written permission or proof of the hunting rights for the species he or she will utilise during the course.
- (2) To establish a professional hunting school the applicant must submit a full *curriculum vitae* and -
- (a) all relevant personal particulars;
 - (b) proof of at least ten year's experience in the professional hunting industry, which must include the management of safaris, the conducting of hunts, the approximate number of safaris contracted and the total number of clients accompanied (A separation must be made between hunts conducted by the applicant personally and those conducted by other professional hunters.);
 - (c) references from clients;
 - (d) references from an internationally recognised professional hunters' association;
 - (e) proof of experience in marketing hunting abroad, including marketing at least one major convention, in the United States of America and Europe;
 - (f) proof that he or she is in possession of a valid hunting contractor's permit for this Province;
 - (g) proof of registration as a professional hunter and hunting in other provinces or countries (if applicable);
 - (h) a résumé of lecturers who will be appointed to lecture at the training institution on specific topics contained in the approved course;

- (i) details of the training facilities, including -
 - (i) a lecture room with the necessary equipment;
 - (ii) audio-visual equipment, computer and slide shows for species identification of all indigenous small and large mammals and birds;
 - (iii) 80 sets of horns involving 18 different species, that must include horns of other South African animals not occurring in this Province, namely -
 - (aa) 5 sets of spiral horns, 5 sets each of 3 different species (total of 15 sets of spiral horns);
 - (bb) 10 sets of outside spreads (buffalo and blue wildebeest species);
 - (cc) 5 sets of black wildebeest horns; and
 - (dd) 5 sets each of 8 different species (total of 40) of straight horns;
 - (iv) 3 sets of horns for each of the following, for final testing, namely -
 - (aa) 2 sets of spiral horns of different species;
 - (bb) 1 set of outside spread;
 - (cc) 1 set of black wildebeest horns;
 - (dd) 6 sets of straight horns of different species;
- (j) proof of communication and presentation skills; and
- (k) proof of qualification as an official measurer for either the Safari Club International or the Rowland Ward organisation.

Application for renewal of a permit to act as a training provider for a professional hunting school

- 46.** A person who applies for the renewal of a permit to act as a training provider for a professional hunting school must, on application, submit -
- (a) the applicable written application form and any documents required by the Director;
 - (b) payment or proof of payment of the prescribed application fee;
 - (c) proof that he or she is the holder of a valid professional hunter's permit for this Province;
 - (d) proof that he or she is the holder of a valid hunting contractor's permit for this Province;
 - (e) details of all courses conducted, but a minimum of three courses conducted in the three year period preceding the application is required for renewal;

- (f) proof of the necessary training facility as required by regulation 43(2)(g);
- (g) proof that he or she did present the approved course at his or her training institution; and
- (h) proof that all the applicable documentation for approved courses conducted during the three year period preceding the application has been submitted to the Director.

General conditions

47. The provisions of regulation 32 apply, read with the changes required by the context.

CHAPTER IX MATTERS RELATING TO TAXIDERMISTS

Operational requirements for a taxidermy facility

48. (1) A permit to act as a taxidermist authorises the holder of such permit to carry on the business of a taxidermist on the premises mentioned in such permit, subject to the conditions stipulated therein.
- (2) The permit to operate as a taxidermist must be prominently displayed at the premises.
- (3) A taxidermist facility must be approved and maintained in accordance with the standard required by the Provincial Department of Agriculture or any other law.
- (4) A taxidermist must be a member of a taxidermy association constituted on a national scale.

Taxidermist register

49. (1) A taxidermist must keep a register, containing-
- (a) the name, identity number, business address and contact details of the taxidermist;
 - (b) the name, identity number, business address and contact details of the hunting contractor or supplier of a carcass;
 - (c) the name, identity number, business address and contact details of the person who is the owner of the carcass, and the place of delivery or destination of the carcass;
 - (d) the date on which the carcass is received and the date on which the finished product is despatched;
 - (e) the species, sex and number of carcasses received;
 - (f) the identification markings (if any) per individual carcass or part thereof;

- (g) the delivery status of the carcass and remarks by the supplier (if any); and
 - (h) a detailed list of the articles to be manufactured and other instructions from the client, including the export, import and conveyance of trophies or animal products.
- (2) In addition to the taxidermy register specified in subregulation (1), a taxidermist must keep -
- (a) a copy of the relevant professional hunter's register for all trophies exported from South Africa to another country (if any);
 - (b) copies of CITES documentation when applicable; and
 - (c) copies of certificates, licences, permits, written authorisations, written permissions or exemptions provided by the client or hunting contractor, indicating, where applicable -
 - (i) the animal species;
 - (ii) the number of each animal species;
 - (iii) the sex of each animal;
 - (iv) the location where each animal was hunted;
 - (v) the date when each animal was hunted;
 - (vi) the name of the farm where each animal was hunted; and
 - (vii) the permit number.

Receiving and dispatching of animal carcasses, products or derivatives

- 50.** (1) On receipt of any animal carcass, cape, product, derivative or trophy, the taxidermist or dip-and-ship agent must request all supporting documents to prove the legality of such item.
- (2) In the event of receiving any item contemplated in subregulation (1) which does not have sufficient supporting documentation, the taxidermist may give the supplier a 30 day grace period to provide the taxidermist with correct documentation, after which the taxidermist must notify the Director forthwith in writing of the failure to provide such documentation.
- (3) When a taxidermist applies for an export permit to dispatch any consignment, the final packing list must accompany the application.

Application of certain provisions of this Chapter to dip-and-ship agents

51. The provisions of this Chapter, read with the changes required by the context, apply to a dip-and-ship agent who is not a taxidermist.

CHAPTER X MATTERS RELATING TO WILDLIFE TRANSLOCATION

Permit to capture wild animals in certain conditions

52. (1) The Director may only issue a permit to capture a wild animal on land other than a game farm –
- (a) outside the period determined by a notice issued in terms of section 6(2) of the Act;
 - (b) to a person without a valid capturing licence required by section 7(1) of the Act;
 - (c) in excess of the daily bag limit contemplated in section 8 of the Act; or
 - (d) by means of a prohibited capturing method or instrument contemplated in section 9(1) of the Act;
- if he or she is convinced that –
- (i) the animal or animals to be captured occur in sufficient numbers on the land of the applicant to maintain a viable population;
 - (ii) the capture of the animal or animals will not be to the detriment of the population of the species occurring in the area;
 - (iii) the method used will not have a negative effect on a sensitive population of a non-target species or any other detrimental ecological implication;
 - (iv) the applicant has notified each adjacent landowner in writing of his or her intention to lodge an application in terms of this regulation.
- (2) An adjacent landowner who has been notified of an application in terms of this regulation may, within a period of 7 days after receipt of the notice, submit written representations to the Director regarding the application.
- (3) No person may capture a wild animal if the temperature exceeds 25 degrees Celsius.

Translocation of certain wild animals

53. (1) The Director may issue an import or transport permit to translocate a living wild animal to an extensive wildlife system only –
- (a) if the analysis for the species as stipulated in Annexure XIII is submitted for approval by the Director; and

- (b) if the fence enclosing the wildlife system complies with the requirements of Chapter II.
- (2) No person may import into the Province, translocate within the Province or release on land within the Province any live specimen of a wild animal unless –
 - (a) the land on which the wild animal is to be released provides suitable habitat to maintain the animal with a sufficient quantity of naturally occurring grazing or prey; and
 - (b) the reasonable steps determined by the Director are taken to prevent possible hybridisation or genetic contamination of any wild animal species.
- (3) No person may import into the Province, translocate within the Province or release on land in the Province any live specimen of a wild animal that is a hybrid.
- (4) Subject to the provisions of subregulations (5) and (6), no person may import into the Province or translocate within the Province any live specimen of an exotic wild animal.
- (5) The Director may, subject to subregulation (6), grant written authorisation to a landowner who is the holder of a game farm permit and who for any reason ceases to be the owner of such game farm, to translocate the total population of exotic species from the existing game farm to another game farm of which he or she is the owner if proof can be submitted that he or she will no longer be the owner of the first mentioned game farm.
- (6) The Director may list an exotic species on a game farm permit only if the applicant can submit proof of a transport permit for such species.
- (7) The holder of a game farm permit on which an exotic species is listed, who intends to improve the genetic quality of the exotic animals on the game farm must, when applying for an import or transport permit, submit proof to the Director that –
 - (a) a viable population of the species occurs on the game farm;
 - (b) the population is under threat because of inbreeding; and
 - (c) the specimen he or she intends to introduce to the game farm is from a different gene pool than the existing stock.
- (8) The Director may grant a permit contemplated in subregulation (7) only if he or she is convinced that the intended translocation will indeed improve the genetic quality of the viable population of the exotic species concerned.

Wildlife translocation registers

- 54.** (1) A wildlife translocator must keep a register, issued by the Director containing-
- (a) the name, identity number, business address and contact details of the wildlife translocator;

- (b) the name, identity number, business address and contact details of the seller or supplier at the place of capture or origin;
 - (c) the name, identity number, business address and contact details of the buyer or recipient at the place of delivery or destination;
 - (d) the date on which his or her service commenced and terminated;
 - (e) the name of every farm or property involved, including a reference to the farm registration number, the magisterial district in which it is situated, the game farm permit number, if applicable, and the date of expiry of such permit, as well as the residential address of the owner of every such piece of land;
 - (f) the species, sex and number of wild animals captured or translocated and the date on which every wild animal was loaded and unloaded;
 - (g) the identification markings (if any) of each individual animal, the date and the signature of the seller or supplier of each animal at the place of capture or origin of such animal;
 - (h) the number of animals, delivery status, remarks made by the buyer on delivery, the date and the signature of the buyer or recipient of each animal at the place of delivery or destination of such animal; and
 - (i) the name, identity number, date and signature of the driver of the vehicle and the vehicle's registration number.
- (2) The register contemplated in subregulation (1), must -
- (a) be drawn up in quadruplicate (a set of four pages) each to consist of an original page and three copies, namely -
 - (i) the original page of the set, printed on white paper (hereinafter referred to as the “**white copy**”) being the first page on which all information must be recorded in its original form, that must be removed and provided to the Director;
 - (ii) the first copy printed on green paper (hereinafter referred to as the “**green copy**”) being the second page of the set, that must be removed and handed to the seller or supplier before the consignment leaves the applicable property;
 - (iii) the second copy printed on pink paper (hereinafter referred to as the “**pink copy**”) being the third page of the set, that must be removed and handed to the buyer or recipient after the consignment has been delivered; and
 - (iv) the fourth copy printed on yellow paper (hereinafter referred to as the “**yellow copy**”) being the fourth page which must remain in the register;
 - (b) be drawn up in such a manner that each set of four pages are consecutively numbered with the same number appearing on each of the four pages;

- (c) be drawn up in such manner that each page in a set, except the yellow copy, is self carbonated to clearly reflect entries from the original page to the second, third and fourth pages of the set;
 - (d) be permanently bound, but the first three pages of each four pages must be perforated for easy detachment; and
 - (e) contain the particulars contemplated in subregulation (1), to be utilised for each individual transaction in such a manner that the particulars in respect of no more than one buyer or recipient appear on any set of pages.
- (3) Every alteration made to any entry in the register contemplated in subregulation (1), must be identical on all four copies of the record contemplated in subregulation (2), and each of the four copies on which such alteration appears must be signed and dated by the parties concerned.
- (4) Upon conclusion of the loading of the wild animals to be translocated, the wildlife translocator must –
 - (a) record the species, sex and number of wild animals loaded;
 - (b) record all the relevant particulars in the register contemplated in subregulation (1);
 - (c) certify the entry contemplated in paragraphs (a) and (b) as correct, whereafter the entry must be signed and dated by the wildlife translocator;
 - (d) ensure that the seller or supplier verify and certify the entry contemplated in paragraph (a) as correct, whereafter the entry must be signed and dated by the buyer or recipient; and
 - (e) hand the green copy to the seller or supplier mentioned in such record.
- (5) Upon conclusion of the off-loading of the wild animals translocated, the wildlife translocator must –
 - (a) record the species, sex, number and condition of wild animals off-loaded;
 - (b) record all the relevant particulars in the register contemplated in subregulation (1);
 - (c) ensure that the buyer or recipient verify and certify the entry contemplated in paragraph (a) as correct, whereafter the entry must be signed and dated by the buyer or recipient; and
 - (d) hand the pink copy to the buyer or recipient mentioned in such record.
- (6) Upon conclusion of the translocation of the wild animals, the wildlife translocator must -
 - (a) within 14 days after the end of each month in which a translocation took place, send the specified copy by registered post to the Director; and

- (b) retain the remaining yellow copy in the register for a period of at least two years for record purposes.
- (7) The register contemplated in subregulation (1) is issued by the Director to the wildlife capturer or translocator on payment of the prescribed fee and on signature of the wildlife capturer or translocator, who then becomes responsible for the safekeeping and correct utilisation thereof.
- (8) When utilising a register contemplated in subregulation (1), the wildlife translocator must be in possession of his or her wildlife capturer or translocator permit.

Permitted utilisation of wildlife translocation register

55. A wildlife capturer that is permitted to utilise a register as contemplated in regulation 54, may only -
- (a) capture wild animals on strength of a valid permit to capture wild animals or a valid game farm permit;
 - (b) transport legally captured animals between one or more properties with valid game farm permits;
 - (c) import a legally captured animal to a property with a valid game farm permit, but the wildlife capturer must beforehand obtain a valid export permit from the issuing authority in the province from where the animal is captured; or
 - (d) export legally captured animals from a property with a valid game farm permit, but the wildlife capturer must beforehand obtain a valid import permit from the issuing authority in the province where the animals are to be delivered.

Responsibilities of wildlife capturers or translocators

56. (1) A wildlife capturer or translocator must-
- (a) obtain a copy of the valid game farm permit from the owner of the property where the wild animals are to be captured;
 - (b) obtain a copy of the valid game farm permit from the owner of the property where the wild animals are to be delivered;
 - (c) ensure that both the above mentioned game farm permits are still valid when the translocation takes place;
 - (d) ensure that the species to be translocated occur on both the above mentioned game farm permits;
 - (e) ensure that his or her own particulars are correctly recorded in the wildlife translocation register, before his or her signature and the applicable date is added;
 - (f) record the number and species of wild animals involved, in the applicable columns in numerical format;

- (g) record in the “**Total**” column, the number of animals in numerical format followed by the equivalent words in brackets, for example “**10 (Ten)**”;
 - (h) ensure that the completed register accompanies the approved transport vehicle and the correct copies are removed from the register and handled according to the procedure stipulated in regulation 54;
 - (i) within 14 days after the end of each month in which a translocation took place, send the specified copy by registered post to the Director; and
 - (j) submit any report stipulated in the permit.
- (2) The wildlife capturer or translocator must be present when the wild animals are loaded on the translocation vehicle.
 - (3) If the wildlife capturer or translocator is not the driver of the translocation vehicle and is not present during the translocation or delivery of the wild animals, the wildlife capturer or translocator is responsible to ensure that such driver fulfils the legal obligation and permit requirements.

Responsibilities of sellers or suppliers of wild animals to be translocated at the place of capture

57. The seller or supplier of wild animals to be translocated must -

- (a) verify that the species, sex, number and markings of the wild animals involved are correctly recorded in the wildlife translocation register, before his or her signature and the date of inscription is added;
- (b) initial each entry recorded in the applicable column of the wildlife translocation register;
- (c) obtain the green copy of the wildlife translocation register from the wildlife translocator before the driver departs from his or her property with the consignment of wild animals; and
- (d) retain the green copy of the wildlife translocation register for a period of at least two years for record purposes.

Responsibilities of buyers or recipients of translocated wild animals at the place of delivery

58. The buyer or recipient of the wild animals translocated must -

- (a) verify that the species, sex, number and markings of the wild animals involved are correctly recorded in the wildlife translocation register, before his or her signature and the date of inscription is added;
- (b) initial each entry recorded in the applicable column of the wildlife translocation register;
- (c) obtain the pink copy of the wildlife translocation register from the wildlife translocator before the driver departs from his or her property, after delivery of the wild animals translocated; and

- (d) retain the pink copy of the wildlife translocation register for a period of at least two years for record purposes.

Responsibilities of drivers of the translocation vehicles

59. (1) Upon conclusion of the loading of the wild animals to be translocated, the driver of the translocation vehicle must, before leaving the land on which the wild animals were loaded, record in the register contemplated in regulation 54 -
- (a) his or her name and identity number; and
 - (b) the registration number of the translocation vehicle,
- before the driver adds his or her signature and the date of the inscription.
- (2) After translocation of the wild animals is concluded, the driver must return the completed register to the wildlife capturer.

Standby transport vehicles

60. No person may transport any wild animal by means of a vehicle (hereinafter called the “**first vehicle**”) unless he or she—
- (a) before such transportation is undertaken, makes arrangements for the use of an alternative vehicle to undertake or complete such transportation if any contingency should occur which would make the undertaking or completion of such transportation by means of the first vehicle impossible or impracticable or would delay it unreasonably;
 - (b) transports such animal in a cage which has no projecting part on the inside or, if it has, such projecting part is covered in such a manner that it will not be able to injure such animal;
 - (c) transports such wild animal along the shortest practicable route and with as little interruption of the journey as possible; and
 - (d) protects such animal during the transportation thereof against extremes in temperature and makes provision for sufficient ventilation in the cage.

CHAPTER XI MATTERS RELATING TO VERMIN HUNTERS

Qualification criteria for vermin hunters

61. (1) A permit to act as a vermin hunter authorises the holder of such permit to carry on the business of a vermin hunter, subject to the conditions stipulated therein.
- (2) A permit to act as a vermin hunter may only be issued if the Director is satisfied that the applicant -
- (a) is at least 18 years of age;
 - (b) is a South African citizen or is the holder of a permanent residence permit;

- (c) has successfully completed the approved course;
- (d) by virtue of his or her knowledge, ability, skill and experience, is qualified to be issued with the applicable permit; and
- (e) is in possession of the minimum equipment necessary to operate as a vermin hunter.

Application for a vermin hunter's permit

62. The applicant must, on application for a vermin hunter's permit, submit -

- (a) the applicable written application form and any documents required by the Director;
- (b) proof that he or she is -
 - (i) a South African citizen;
 - (ii) the holder of a valid permanent residency permit; and
 - (iii) 18 years of age or older;
- (c) proof that he or she possesses the necessary knowledge, ability, skill and experience required to operate as a vermin hunter, having attended and successfully completed the approved course and passed the relevant examination and practical assessments determined by the Director;
- (d) where the applicant did not initially pass the approved course, proof that he or she has done so within a period of one year after attending the course; and
- (e) payment or proof of payment of the prescribed application fee.

Application for renewal of a vermin hunter's permit

63. The applicant must, on application for the renewal of a vermin hunter's permit, submit -

- (a) the applicable written application form and any other documents required by the Director;
- (b) payment or proof of payment of the prescribed application fee; and
- (c) proof that he or she has conducted, as a vermin hunter, at least three legal hunts totalling a minimum of twenty one hunting days, in any province in South Africa, during a three year period preceding the application.

Responsibilities of vermin hunters

64. A vermin hunter must personally conduct the hunt of a damage causing animal.

Register to be kept by vermin hunters

- 65.** (1) A vermin hunter must keep a register, containing-
- (a) the name and business address of the vermin hunter;
 - (b) the name and residential address of the landowner;
 - (c) the province, place where and the date on which his or her service to the landowner commenced and terminated;
 - (d) the name, registration number and magisterial district of every farm on which he or she hunts;
 - (e) the species, sex and number of damage causing animals killed or wounded and the date on which every damage causing animal was killed or wounded; and
 - (f) the species, sex and number of any other animal accidentally killed or wounded and the date on which the animal was killed or wounded.
- (2) Every alteration made to any entry in the register contemplated by subregulation (1) must be identical on all three copies of the record as specified in subregulation (4), and each of the three copies on which such alteration appears must be signed and dated by the parties concerned.
- (3) Upon the termination of his or her service to a landowner, the vermin hunter and the landowner must sign and date the record of particulars in the register contemplated in subregulation (1) and such vermin hunter must detach the first two copies thereof and -
- (a) forthwith deliver the original page to the landowner concerned;
 - (b) within 14 days after the end of each month in which a hunt took place, send the specified copy by registered post to the Director; and
 - (c) retain the remaining copy in the register for a period of at least two years for record purposes.
- (4) The register contemplated in subregulation (1),(2) or (3) must -
- (a) be drawn up in triplicate to consist of an original page and two copies;
 - (b) be drawn up in such a manner that the pages are consecutively numbered with the same number appearing on each of the three pages;
 - (c) be permanently bound provided that the first two pages of each three pages must be perforated for easy detachment;
 - (d) contain particulars contemplated in subregulation (1) in such a manner that the particulars in respect of no more than one landowner appear on any one page.

General conditions

- 66.** (1) If an applicant has been inactive in South Africa as a vermin hunter for a period of three years preceding the application, but has been active in any other African country as a vermin hunter, and wants to renew his or her permit, he or she must –
- (a) re-write the legal examination; and
 - (b) be re-assessed on the general and practical assessments.
- (2) The permit of a vermin hunter found guilty more than three times by a court of law or who pays an admission of guilt fine regarding any part of the legislation pertaining to vermin hunting, must be withdrawn and the person must be referred for re-assessment on the practical aspects and, if the Director so determine, also the legal and general aspects.
- (3) The Director has the discretion to stipulate the required re-assessment contemplated is subregulation (2).
- (4) Any person who applies for the renewal of a permit must, prior to the processing and issuance of the permit and to the satisfaction of the Director, address any or all outstanding vermin hunting related complaints received by the Director from landowners or any other person.
- (5) Any person whose permit has been withdrawn in terms of the Act, may only re-apply for such permit after expiry of a period of one year after such withdrawal and motivate why his or her permit should be re-instated.

CHAPTER XII MATTERS RELATING TO CARCASSES OR DERIVATIVES

Matters relating to elephant ivory or rhinoceros horns

- 67.** (1) If the Director is satisfied that the person who applies to possess elephant ivory or a rhinoceros horn, lawfully came into possession of the elephant ivory or rhinoceros horn in respect of which the application is made, or that he or she reasonably believes that the applicant's acquisition or possession of such elephant ivory or rhinoceros horn is lawful, the applicant must –
- (a) have the ivory or horn marked with the symbols, letters, figures or numbers as allocated by the Director or in any other way determined by the Director, if it is not already marked as contemplated in subregulation (3);
 - (b) have the ivory or horn registered with the Director; and
 - (c) be provided with a permit for the possession of the ivory or horn containing proof of such marking and registration.
- (2) The applicant must, on application for a permit, submit the applicable written application form and any other documents required by the Director, indicating –
- (a) the quantity of elephant ivory or rhinoceros horns in the applicant's possession;

- (b) the mass in grams of the piece of elephant ivory or rhinoceros horn in the applicant's possession;
 - (c) particulars of when and how the applicant came into possession of each such piece of elephant ivory or rhinoceros horn; and
 - (d) payment or proof of payment of the prescribed application fee.
- (3) If the elephant ivory or rhinoceros horn in respect of which the application contemplated in subregulation (2) is made, has already been marked and registered in terms of subregulation (1) or any other relevant legislation applicable in any part of the Republic, whether repealed or current, the application must be accompanied by proof of such marking and registration.
 - (4) If the holder of a permit issued as contemplated in subregulation (1)(c) wishes or intends to cut up, engrave, or in any manner process or modify a piece of an elephant ivory or rhinoceros horn, he or she must apply to the Director in writing for written authorisation prior to such cutting, engraving, processing or modification.
 - (5) No person may, without the written authorisation of the Director, tamper with, eradicate, alter, remove or delete the mark on any elephant ivory or rhinoceros horn marked in accordance with subregulation (1)(a).
 - (6) The Director may not issue an export permit to a client contemplated in regulation 40 for the export of a rhinoceros horn unless the horn is mounted as part of a full mount or shoulder mount.
 - (7) When the Director considers an application for a permit to possess or export an rhinoceros horn, he or she must, in addition to the provisions of this regulation, take the provisions of Government Notice 756 “National Environmental Management: Biodiversity Act, (10/2004): Marking of rhinoceros horn and hunting of white rhinoceros for trophy hunting purposes”, published in *Government Gazette* No. 32426 of 20 July 2009 into account.

Carcasses of wild animals on public roads

68. The carcass of a wild animal killed or found on a public road or in the reserve of a public road, is the property of the Province.

CHAPTER XIII MATTERS RELATING TO THE KEEPING OF ANIMALS

Keeping of large predators, indigenous primates or damage causing animals

69. A permit to keep a large predator, indigenous primate or damage causing animal may be issued by the Director only if such permit is required to keep the animal for -
 - (a) circus or zoological purposes;
 - (b) research or rehabilitation purposes; or

- (c) film or promotional work.

Keeping animals in captivity

- 70.** (1) Subject to the provisions of section 17 of the Act, no person may keep any wild animal in captivity unless the facility is approved by the Director and such animal is -
- (a) regularly supplied with adequate food;
 - (b) at all times supplied with fresh drinking water;
 - (c) supplied with sufficient water in which to wash or bathe (if applicable);
 - (d) supplied with sleeping facilities;
 - (e) kept in an enclosure or cage which -
 - (i) is ventilated;
 - (ii) provides species specific shelter with protection against heat, cold and rain;
 - (iii) permits light to enter;
 - (iv) which is cleaned at least once per day;
 - (v) is not exposed to excessive noise; and
 - (f) not taunted or intentionally injured.
- (2) The food and water contemplated in subregulation (1) must be supplied in such holder, manner and form that it can be ingested by the wild animal concerned and cannot easily be contaminated.
- (3) The facilities provided to give effect to the provisions of subregulation (1) must, as far as possible, be provided in the manner in which the wild animal concerned lives in a free state of nature.

Minimum specifications for cages

- 71.** (1) Subject to the provisions of this Chapter, no person may keep a wild animal in captivity contrary to the provisions of subregulation (2).
- (2) The category of wild animal, the minimum cage size and maximum number of animals that may be kept in a cage, are as indicated in Annexure XII.
- (3) Subject to the provisions of the Chapter, no person may, without a permit, keep different species of wild animals together in one cage.

- (4) If animals of different sizes or species are to be kept in a single cage, the cage volume required by the schedule in subregulation (2), for each individual so kept, must be calculated and added up, to determine the eventual minimum cage size required.

Determining minimum requirements and cage sizes

- 72. (1) The Director may, in respect of a cage in which a wild animal is kept to which the provisions of regulation 71(2) do not apply, determine the minimum requirements for keeping such animal and the minimum size of the cage in which such animal may be kept.
- (2) The Director may, by written notice to any person, prohibit the keeping in captivity of any wild animal in a cage if he or she is of opinion that -
 - (a) the keeping of such wild animal in such cage is undesirable;
 - (b) such cage is, by reason of the situation or construction thereof or the manner in which it is used, not suitable for the keeping of such wild animal; or
 - (c) the keeping of such wild animal constitutes cruelty, abuse or a compromise of the animal's welfare.

Cage requirements for certain species

- 73. (1) No person may, without a permit, keep in captivity or display a primate with a mass exceeding 5 kg, any elephant, giraffe, rhinoceros, hippopotamus, buffalo, lion, leopard, cheetah, hyena, wild dog, bear, tiger, wolf or any other wild animal that may pose a threat to human life.
- (2) The permit contemplated in subregulation (1) must, include –
 - (a) specifications for the cage in which such animal is to be kept;
 - (b) the number of animals to be kept in any specific cage.
- (3) The Director may, on submission of the specifications for a cage intended for the keeping of a wild animal referred to in subregulation (1), in his or her discretion and subject to such alterations as he or she may deem necessary or desirable, in writing authorise such specifications.

Cage exemption for certain species

- 74. (1) The Director may, on application by any person who keeps a wild animal indoors, exempt such person, subject to the terms and conditions which the Director may determine, from the provisions of regulation 71(2), but such exemption is not required in respect of a bird pet species.
- (2) The application contemplated in subregulation (1) must be made within thirty days of the date on which the wild animal concerned was acquired or obtained and must contain full details relating to -

- (a) the species and, if it is possible to distinguish the sex, the sex of each wild animal in respect of which application is made;
 - (b) the number of wild animals in respect of which application is made;
 - (c) the dimensions of the cage in which the wild animal will be kept indoors;
 - (d) the facilities for exercise which the wild animal will utilise; and
 - (e) the reason why the wild animal cannot be kept in a cage of the minimum size required by regulation 71(2).
- (3) An exemption in terms of this regulation is valid for no more than twelve months from the date of issue thereof.

Special provisions for keeping or confinement of wild animals by certain persons

75. The Director may, notwithstanding any provision of these Regulations, make special provision for any person, including the owner of a circus, a pet shop, wildlife facility or to a falconer, for the keeping or confinement of any wild animal, if such person can convince the Director –
- (a) that the requirements of these Regulations unduly restricts his or her activities regarding any specific animal; or
 - (b) that his or her special circumstances so necessitate departure from the provisions of these Regulations; and
 - (c) that such special provisions will not unduly negatively affect the wild animal concerned.

Directives regarding alterations to cages for the keeping of wild animals

76. The Director may -
- (a) direct any person to alter, within a reasonable period determined by the Director, any cage in which such person is keeping a wild animal to an area and volume which the Director considers necessary or desirable for the wellbeing of such wild animal; or
 - (b) direct any person to strengthen, within a reasonable period determined by the Director and in accordance with the specifications which the Director considers necessary or desirable, any cage in which such person is keeping a wild animal referred to in regulation 71(2) in order to ensure that such wild animal cannot escape.

Minimum safety requirements for cages and confinement of certain species

77. Any cage or means of transport and any tunnel, passage or thoroughfare between an arena, a cage or a means of transport which is used for the purpose of transporting, keeping, displaying to the public or allowing to appear before the public any primate with a mass exceeding 5 kg, an elephant, a giraffe, a rhinoceros, a hippopotamus, a buffalo, a lion, a leopard, a cheetah, a hyena, a wild dog, a bear, a tiger, wolf or any other wild animal that may pose a threat to human life must be built with suitable material and closed on the outside with diamond mesh wire of which the mesh size is such that no such animal is able to extrude its mouth or paw through the wire and no person is able to insert his or her hand through the wire and which is sufficiently strong to prevent any one of the said animals from escaping or forcing its mouth or paw through the wire, but the foregoing provisions do not apply to any cage, means of transport, tunnel, passage or thoroughfare -
- (a) which, in consequence of the erection of a buffer provided for in regulation 78 or for any other reason, is inaccessible to any person; or
 - (b) which is used in an arena while any of the abovementioned animals is appearing therein under supervision.

Minimum buffer zone for certain species

78. (1) No person may keep in captivity or display any primate with a mass exceeding 5 kg, an elephant, a giraffe, a rhinoceros, a hippopotamus, a buffalo, a lion, a leopard, a cheetah, a hyena, a wild dog, a bear, a tiger, wolf or any other wild animal that may pose a threat to human life unless the cage in which such wild animal is kept is fitted with a buffer which complies with the provisions of subregulation (2).
- (2) The buffer referred to in subregulation (1) must -
- (a) completely enclose the cage;
 - (b) be at least 1,5 m from the cage;
 - (c) be at least 1,5 m high,
- and must be constructed in such a way that no person can pass through or under it.

Exemptions from cage sizes when keeping wild animals in captivity

79. (1) Subject to the provisions of subregulation (2) and the provisions of regulations 77 and 78, the provisions of regulation 71(2) do not apply to a cage in which any wild animal -
- (a) is transported;
 - (b) is displayed at a show;
 - (c) is temporarily kept in captivity after it, due to circumstances beyond the control of the person by whom it is so kept, came into possession of such person; and

- (d) is kept in captivity during -
 - (i) acclimatisation to new surroundings;
 - (ii) quarantine; or
 - (iii) the erection of or repair to the cage in which such wild animal is or must be kept in terms of any other regulation.
- (2) The exemption contemplated in -
 - (a) subregulations (1)(a) and (b) is applicable immediately prior to, during and immediately after the relevant transportation or show;
 - (b) subregulations (1)(c) and (d)(iii) is applicable for not more than fourteen days;
 - (c) subregulation (d)(i) is applicable for not more than two months; and
 - (d) subregulation (d)(ii) is applicable for the duration of the quarantine.

Feeding wild animals on or from a public road

- 80.** No person may feed any wild animal on a public road or on the land on either side of such road within a distance of 100 m from the centre of such road, but the provisions of this regulation do not apply to -
- (a) the feeding of any wild animal on or from a vehicle within a distance of 100 m from the centre of a public road by the person in charge of such animal while such animal is legally transported; or
 - (b) the feeding of any wild animal by the owner of land on such land.

Prohibitions regarding venomous wild animals

- 81.** (1) Subject to the provisions of subregulation (2), no person may acquire, breed, keep, possess or trade in any wild animal that is venomous or potentially venomous.
- (2) No person may keep in captivity at any facility other than a zoological facility, a wild animal that is venomous or potentially venomous.

CHAPTER XIV MATTERS RELATING TO AMPHIBIANS AND REPTILES

Prohibition regarding the capture, keeping or trade in amphibians or reptiles

- 82.** Subject to provisions of this Chapter, no person may acquire, capture from the wild, keep or trade in any amphibian or reptile species.

Provisions regarding the capture, keeping or trade in amphibians or reptiles

- 83.** (1) The Director may only issue a permit to capture an indigenous amphibian or reptile if –
- (a) the Director is convinced that the applicant is competent to capture the amphibian or reptile;
 - (b) the applicant is a member of a national association for the practice of herpetology;
 - (c) the indigenous amphibian or reptile is –
 - (i) captured according to a method determined by the Director; and
 - (ii) if so determined in the permit conditions, immediately released at the site of capture.
- (2) The Director may only issue a permit to keep an indigenous amphibian or reptile –
- (a) for the purpose of practicing herpetology if -
 - (i) the amphibian or reptile is captive bred; and
 - (ii) sufficient proof thereof is submitted to the Director;
 - (b) for the production of serum;
 - (c) for scientific research; or
 - (d) if such amphibian or reptile is kept at a specialised facility contemplated in regulation 21.
- (3) The Director may only issue a permit to a trading facility contemplated in regulation 21 to trade in Nile crocodile (*Crocodylus niloticus*) and no other indigenous amphibian or reptile species.
- (4) Subject to the provisions of regulation 84, the Director may not issue a permit to a pet shop or other trading facility to trade in any live exotic or indigenous amphibian or reptile species.

Provisions regarding the trade in amphibian or reptile species

- 84.** The Director may only issue a permit to trade in an amphibian or reptile species if -
- (a) the animal is captive bred and sufficient proof thereof is submitted to the Director;
 - (b) transfer of the amphibian or reptile is done according to the procedure determined by the Director.

Permits for the keeping of exotic amphibians or reptiles

85. No exotic amphibian or reptile may be kept in captivity without a permit.

Provisions regarding herpetology

86. The Director may only issue a permit to a person to use an amphibian or reptile for the purpose of herpetology, if the person who applies for the permit can submit proof of his or her -

- (a) competence to practice herpetology;
- (b) membership of a national association for the practice of herpetology,

and subject to any condition that the Director may deem necessary for the practice of herpetology.

CHAPTER XV MATTERS RELATING TO BIRDS

Prohibitions regarding the capture, keeping or trade in indigenous birds

87. Subject to provisions of this Chapter, no person may obtain or capture from the wild, keep or trade in any indigenous bird.

Provisions regarding the capture, ringing and release of birds

88. The Director may only issue a permit to capture, ring and release a bird if -

- (a) the Director is convinced that the applicant is competent to capture and ring the bird;
- (b) the applicant is a member of a national association for the practice of bird ringing;
- (c) the bird is -
 - (i) captured and ringed for scientific research;
 - (ii) captured, ringed or otherwise marked according to a method determined by the Director; and
 - (iii) immediately released at the site of capture.

Provisions regarding the trade in indigenous cage bird species

89. The Director may only issue a permit to trade in an indigenous cage bird species if -

- (a) the bird is captive bred and sufficient proof thereof is submitted to the Director;
- (b) transfer of the bird is done according to the procedure determined by the Director.

Provisions regarding the trade in exotic bird species listed on CITES

90. The Director may only issue a permit to trade in an exotic bird species listed on CITES I if -
- (a) the bird is captive bred and sufficient proof thereof is submitted to the Director;
 - (b) transfer of the bird is done according to the procedure determined by the Director; and
 - (c) the bird is ringed or otherwise marked in a way determined by the Director.

Provisions relating to crane species

91. (1) For the purpose of this regulation “**crane species**” include all birds of the species Blue Crane (*Anthropoides paradiseus*), Crowned Crane (*Balearica regulorum*) and Wattled Crane (*Bugeranus carunculatus*).
- (2) No person may, without a permit, trim or cut the wing-tip of any crane species or clip the wing or the wing feathers thereof.
- (3) The Director may only issue a permit to keep a crane species if –
- (a) the bird is injured and cannot be successfully rehabilitated as contemplated in regulation 21(6);
 - (b) the bird is kept at a facility established in accordance with regulation 21, but not a trading facility;
 - (c) the bird is captive bred and sufficient proof thereof is submitted to the Director; and
 - (d) the bird is ringed or otherwise marked in a way determined by the Director.

Provisions regarding birds of prey

92. (1) For the purpose of this regulation “**bird of prey**” include all birds in the families *Accipitridae* (osprey, vultures, eagles, hawks, kites, buzzards and allied species), *Falconidae* (falcons and kestrels), *Sagittariidae* (secretary birds) and all species of owls from the families *Tytonidae* and *Strigidae*.
- (2) No person may, without a permit, trim or cut the wing-tip of a bird of prey or clip the wing or the wing feathers thereof.
- (3) The Director may only issue a permit to keep a bird of prey if –
- (a) the bird is injured and cannot be successfully rehabilitated as contemplated in regulation 21(6);
 - (b) the bird is kept at a facility established in accordance with regulation 21, but not a trading facility;

- (c) the bird is kept for the purpose of falconry;
- (d) the bird is captive bred and sufficient proof thereof is submitted to the Director; and
- (e) the bird is ringed in a way determined by the Director.

Provisions regarding falconry

- 93.** (1) The Director may only issue a permit to a person to use a bird of prey for the purpose of falconry, if the person who applies for the permit can submit proof of his or her –
- (a) competence to practice falconry;
 - (b) membership of a national association for the practice of falconry,
- and subject to any condition that the Director may deem necessary for the practice of falconry.
- (2) The Director may only issue a permit to a person to use an exotic or hybrid bird of prey for the purpose of falconry if the bird is –
- (a) sterilised and sufficient proof thereof is submitted to the Director; and
 - (b) equipped with a telemetry or other tracking device.

CHAPTER XVI MATTERS RELATING TO FISH

Number and size of fish which may be caught and retained

- 94.** (1) Measurements regarding a length referred to in section 37(b) of the Act must be measured in a straight line along the side of the fish, meaning the horizontal plane from the tip of the snout to the fork of the tail.
- (2) Any person who catches more fish or fish which are shorter than he or she is authorised to catch in terms of the Act, must forthwith return such fish to the waters in which it was caught without inflicting injuries to the fish in addition to the injuries inflicted during the catching thereof.

Requirements for permits to use nets for fishing

- 95.** (1) A permit application in terms of section 38(b) of the Act, to use a net to catch fish in an aquatic system, may only be issued if the Director is satisfied that the applicant –
- (a) is at least 18 years of age;
 - (b) is a South African citizen or is the holder of a permanent residence permit;
 - (c) by virtue of his or her knowledge, ability, skill and experience, is qualified to be issued with the applicable permit;

- (d) have at his or her disposal the required minimum facilities, services and conveniences to abide by the conditions of such permit; and
 - (e) complies with the requirements of national policies, norms and standards (if applicable).
- (2) The Director may only issue a permit to utilise a net for the harvesting of fish if -
- (a) the fish species to be harvested is not a specially protected or a protected species;
 - (b) the harvesting is to take place in the Vanderkloof Dam, the Vaalharts Dam or the Spitskop Dam and if he or she is convinced that the waters in which the harvesting is to be conducted are not situated within an ecological sensitive area in any of those dams;
 - (c) he or she determines specific conditions for the harvesting of fish regarding –
 - (i) the area or zone in which harvesting may take place;
 - (ii) the equipment to be utilised when harvesting;
 - (iii) the quota and species of fish to be harvested; and
 - (iv) research and reporting on fish to be harvested.
- (3) The prohibition set out in subregulations (2)(b) and (c) does not apply to the holder of a permit issued to a person for the harvesting of fish if the harvesting is to be done in waters surrounded by land of which he or she is the single landowner.

CHAPTER XVII

MATTERS RELATING TO VESSELS

Prohibited acts relating to vessels

96. No person may, in an aquatic system, use a vessel in such a manner that it constitutes or may constitute a danger to any other person, animal or plant, or causes or may cause disturbance to any person angling from the bank of the water, or any other user of the aquatic system.

CHAPTER XVIII

MATTERS RELATING TO AIRCRAFT

Height restricted flight zones

97. (1) No aircraft may fly lower than 500 meter to the highest point on a game farm, unless the pilot or person responsible for the aircraft has beforehand obtained the written permission of the landowner.
- (2) For the purpose of interpretation of the words “**written permission**” in subregulation (1), the provisions of section 14 of the Act apply, read with the changes required by the context.

Prohibited acts relating to aircraft

98. (1) No person may use an aircraft in such a manner that it constitutes or may constitute a danger to any person, animal or bird or causes a disturbance to any person, animal or bird.
- (2) The provisions of subregulation (1) do not prohibit the control of animals or birds at airports that may pose a danger to aviation.

CHAPTER XIX MATTERS RELATING TO PLANTS

Nursery register or invoice book

99. (1) The holder of a nursery permit authorising the trade in specially protected or protected flora, must keep a register or invoice book in which he or she must, immediately after every such sale, record or cause to be recorded in duplicate -
- (a) the nursery permit number;
 - (b) the date on which such sale took place;
 - (c) the full name and physical address of the registered nursery;
 - (d) the name and address of the purchaser;
 - (e) the species sold; and
 - (f) the number or mass of every species so sold, but –
 - (i) on the sale of bunches of specially protected or protected flora which have been made up ready for sale to the public as ordered by a purchaser, the number of the bunches of specially protected or protected flora must be recorded on the invoice; and
 - (ii) on the sale of a specimen of -
 - (aa) *Aloe pillansii*;
 - (bb) *Stangeria eriopus*;
 - (cc) any *Pachypodium* species;
 - (dd) any *Hoodia* species;
 - (ee) any *Encephalartos* species;
 - (ff) any *Dioscorea* species,
- the length and circumference of the trunk of the plant measured at the widest point must also be recorded on the invoice.

- (2) The holder of a permit referred to in subregulation (1) must -
 - (a) deliver the original invoice contemplated in subregulation (1) to the purchaser immediately after such invoice has been made; and
 - (b) retain the copy of such invoice for a period of two years from the date contemplated by subregulation (1) (b).
- (3) The purchaser must retain the original invoice referred to in subregulation (2) (a) for so long as he or she is in possession of the plant to which such invoice relates or for a period of two years from the date contemplated by subregulation (1)(b), whichever is the longer period.
- (4) A registered nursery may not sell any specially protected or protected flora to any person, unless he or she, when he or she delivers such flora to such person, ties to such flora a label on which the name and address of the nursery have been recorded in clearly legible letters and figures or, where such flora grows or is in a container or any other holder, affixes such label to the container or holder.
- (5) No person may, for a period of six months from the date of acquisition of any flora in terms of subregulation (4), remove the label contemplated in that subregulation from the flora, container or other holder contemplated in the said subregulation or destroy the label while he or she is in possession of the flora or while the flora grows or is in the container or holder.
- (6) A registered nursery may sell a specially protected plant only to a purchaser who is the holder of a permit to purchase, transport and possess such specially protected plant in the possession of the nursery.

Requirements for permits to harvest flora

100. (1) Any person who intends to harvest more than two percent of the plant population of any indigenous plant species on his or her land must submit a resource assessment report contemplated in Annexure VIII to the Director.
- (2) The Director may only issue a permit to harvest an indigenous plant species if he or she is convinced that -
 - (a) the plant species occur in sufficient quantities on the property where harvesting is to take place;
 - (b) harvesting of the plant or plants will not be to the detriment of the population of the species occurring in the area;
 - (c) no more than two percent of the population of the plant species will be harvested;
 - (d) the method to be used will not have a negative effect on a sensitive population of a non-target species or any other detrimental ecological implication; and
 - (e) the applicant has notified each adjacent landowner in writing of his or her intention to lodge an application in terms of this regulation.

- (3) An adjacent landowner who has been notified of an application in terms of this regulation may, within a period of 7 days after receipt of the notice, submit written representations to the Director regarding the application.

CHAPTER XX GENERAL MATTERS

Criteria to be taken into account by the Director when considering applications

- 101.** (1) The Director may only issue a permit to a person to keep or possess an animal or a plant if that person has come into possession of that animal or plant in a way that, in the opinion of the Director, is not in contravention of any law.
- (2) The Director must, when considering an application for the possession, introduction or translocation of any species, have regard to the criteria set out in Annexure XIV.
- (3) The Director must, when considering any application in terms of the Act or these Regulations –
- (a) have regard to the requirements of any national policy, norm or standard that may have a bearing on the application; and
 - (b) when he or she deems it necessary, consult with any person regarding the application.
- (4) When the Director has to decide on the keeping or disposal of a wild animal, he or she must have regard to the criteria set out in Annexures XV and XVI.

Powers of nature conservators relating to certain vessels, aircraft and vehicles

- 102.** (1) If a nature conservator, on reasonable grounds, is of the opinion that any person is using a vessel, an aircraft or a vehicle in a manner that such usage contravenes any provision of the Act or these Regulations, the nature conservator may –
- (a) direct the person to terminate the use of and remove the vessel, aircraft or vehicle; and
 - (b) if the person persists with the contravention, seize the vessel, aircraft or vehicle used.
- (2) Any person who has been ordered in terms of subregulation (1)(a) to remove a vessel, must do so forthwith and may not use the vessel again in the waters from which it has been removed, unless he or she has obtained the prior written authorisation of the Director or the nature conservator concerned.
- (3) Any person who has been ordered in terms of subregulation (1)(a) to remove an aircraft or vehicle, must do so forthwith and may not use the aircraft in the airspace or the vehicle again on the land from which it has been removed, unless he or she has obtained the prior written authorisation of the Director or the nature conservator concerned or the Director.

Procedure after seizure of items

- 103.** (1) The Director may recover from the owner thereof, the reasonable expenditure incurred in connection with the seizure, removal, storage or keeping of any item, animal or plant in terms of the Act.
- (2) If the name and address of the owner contemplated in subregulation (1) is known to the Director, he or she must notify the owner of such seizure.
- (3) If the owner contemplated in subregulation (1) fails to take receipt of the item, animal or plant within 90 days from the date of the notice contemplated in subregulation (2) or, if his or her name and address is not known to the Director, the Director may declare the item, animal or plant to be forfeited to the Province.

Lapsing or renewal of documents referred to in section 60(a) of the Act

- 104.** (1) A document referred to in section 60(a) of the Act lapses if the holder of such document fails to apply for the renewal thereof in accordance with subregulation (2) before the document expires.
- (2) An application for the renewal of a document contemplated in subregulation (1) must be –
- (a) submitted on the application form determined by the Director;
 - (b) accompanied by -
 - (i) all supporting documents relevant to the application; and
 - (ii) payment or proof of payment of the prescribed application fee.
- (3) If the holder of a document contemplated in subregulation (1) brings the application for renewal thereof before the document expires and complies with the provisions of subregulation (2), the document remains valid until a new document is issued or refused by the Director.

Transitional arrangements regarding fences for game farms

- 105.** The holder of a game farm permit is not obliged to conform to the fencing specification contemplated in Chapter II if such specification is more stringent than the specification that was applicable when the permit was issued for a period of one year after the coming into operation of these Regulations.

Failure to comply with conditions

- 106.** If the holder of a document issued in terms of the Act or these Regulations fails to or cannot comply with any condition subject to which the document was issued, he or she must forthwith notify the Director in writing of such failure or inability.

Changes in personal particulars

- 107.** In the event of a change in the personal particulars, address or contact details of the holder of a document issued in terms of the Act or these Regulations, such holder must, within a period of 21 days after such change, notify the Director in writing of the change.

Short title

- 108.** These Regulations are called the Northern Cape Nature Conservation Regulations.