

NATURE CONSERVATION REGULATIONS

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The Administrator has, in terms of section 38 of the Nature Conservation Ordinance 8 of 1969 (hereinafter referred to as the Ordinance), made the following regulations in substitution for the regulations promulgated under Administrator's Notice 276 of 12 December 1969:

PART 1 (regs 1-8)

1 Wild Animals¹¹

A permit referred to in section 2 (3) of the Ordinance shall be subject to the following conditions and requirements:

- (a) The permit shall not be transferable and shall be invalid until the holder thereof has appended his signature thereto;
- (b) the holder of the permit shall carry the permit with him when hunting;
- (c) the permit shall be valid only in respect of the land described in the permit;
- (d) no alteration shall be made on the permit;
- (e) the permit shall lapse with the loss or destruction of the document and no copy thereof shall be issued;
- (f) the holder of the permit shall, immediately after the hunting of any game in terms thereof, before leaving the hunting area, record the required information in connection with the hunt in the space provided therefor on the permit;
- (g) the holder of the permit shall, while he hunts, be under the direct supervision of the owner of the land on which he hunts or carry with him the written permission of such owner containing the prescribed particulars;
- (h) the holder of the permit shall keep the permit during the currency thereof and shall return it within 14 days after the expiry date to the Director of Nature Conservation, P.O.Box 517, Bloemfontein.

2

A licence referred to in section 5 (2) (a) of the Ordinance shall only be issued after payment of²² the amount as determined by the Administrator and shall be subject to the following conditions and requirements:

- (a) The licence shall not be transferable and shall be invalid until the signature of the holder has been appended thereto;
- (b) no alteration shall be made on the licence;
- (c) the licence shall lapse with the loss or destruction of the document and no copy thereof shall be issued;

- (d) the holder of the licence shall, immediately after the hunt of any game in terms thereof, before leaving the hunting area, record the required information in connection with the hunt in the space provided therefor on the licence;
- (e) the fee paid for the licence shall not be refundable;
- (f) the holder of the licence shall keep the licence during the currency thereof and shall return it within 14 days after the expiry date to the Director of Nature Conservation, P.O. Box 517, Bloemfontein;
- (g) the licence shall be valid for a period not exceeding 12 months ending on 31 December.

3

(1) The written permission referred to in regulation ³1 (g) and sections 5 (2) (b), ⁴2 14 (4) and 18 of the Ordinance shall contain the following particulars:

- (a) The name and residential address of the owner of the land;
- (b) the name and residential address of the person to whom permission is granted to hunt;
- (c) a description of the land on which the hunt may be carried out;
- (d) the number, kind and sex of ⁵3 the wild animals or exotic animals which may be hunted;
- (e) the date on or period during which the hunt may be carried out: Provided that the period may not extend beyond the end of the year during which the permission is granted;
- (f) the signature of the owner;
- (g) the signature of the person to whom permission was granted to hunt.

(2) A written permission referred to in sub-regulation (1) shall be issued to each hunter separately.

4

(1) The record to be kept by the holder of a butcher's licence referred to in section 11 (1) (b) of the Ordinance shall contain the following particulars:

- (a) The kind of game and the number or mass of the carcasses or meat received;
- (b) the name and residential address of the supplier and also the name of the farm and the district from which the game originated;
- (c) the date on which the carcasses or meat were received.

(2) The document referred to in section 11 (2) of the Ordinance shall contain the following particulars:

- (a) The name and residential address of the person selling the wild animal;
- (b) the name and residential address of the person buying the wild animal;
- (c) the number, kind and sex of the wild animals sold;

- (d) the date on which the sale took place;
- (e) the signature of the seller;
- (f) the signature of the buyer;
- (g) the permit number in the case of an animal kept in captivity in terms of section 14 (1) of the Ordinance for more than thirty days.

5

The document referred to in section 12 (1) of the Ordinance shall contain the following particulars:

- (a) The name and residential address of the person donating the wild animal;
- (b) the name and residential address of the recipient of the wild animal;
- (c) the number, kind and sex of the wild animals donated;
- (d) the date on which the donation took place;
- (e) the signature of the donor;
- (f) the signature of the recipient;
- (g) the permit number in the case of an animal kept in captivity in terms of section 14 (1) of the Ordinance.

6

(1) The document referred to in section 13 (1)(e) of the Ordinance shall contain the following particulars:

- (a) The name and residential address of the owner of the land on which the wild animal was hunted;
- (b) the name of the farm and the district within which the wild animal was hunted;
- (c) the number, kind and sex of the wild animals which are being conveyed;
- (d) the destination of such wild animal;
- (e) the signature of the owner of the land on which the wild animal was hunted;
- (f) the signature of the person conveying the wild animal.

(2) No person shall convey a wild animal, unless-

- (a) in the case of a live animal-
 - (i) arrangements have been made, prior to commencing with the conveyance, to have another vehicle immediately available to complete the conveyance in case of a breakdown of the vehicle with which the conveyance was commenced;
 - (ii) it is conveyed along the shortest route possible and with as little delay as possible;

- (iii) it is, during conveyance, protected against extremities of temperature and the cage or crate with which it is conveyed is properly ventilated;
- (iv) the cage or crate in which it is conveyed-
 - (aa) has no projection on the inside or, if it has, such projection is so covered that it cannot cause any injury;
 - (bb) has a firm bottom which is so covered that the animals cannot slip thereon and which shall prevent the animals from being injured should they fall or lie down;
- (b) in the case of slaughtered carcasses or fresh meat it is conveyed under hygienic conditions and is properly covered while being conveyed.

7

(1) No person shall keep a wild animal in captivity unless the animal is kept in a camp or a sturdy cage with the following minimum area or capacity:

- (a) 0,5 hectare for every elephant, hippopotamus, giraffe, rhinoceros, zebra or wild buck larger than an impala, provided that no camp or cage shall be smaller than 1 hectare;
- (b) 0,25 hectare for every impala or wild buck smaller than an impala, provided that no camp or cage shall be smaller than 0,5 hectare;
- (c) 0,5 hectare for every predator of the following kinds: lion, leopard, cheetah, brown hyaena or spotted hyaena, provided that no camp or cage shall be smaller than 1 hectare;
- (d) 10 square metres for every other predator of the order Carnivora, provided that no camp or cage shall be smaller than 100 square metres;
- (e) 30 cubic metres for apes or baboons if there are not more than two and 3 cubic metres additional for every ape or baboon in excess of two;
- (f) 1 square metre for every other small mammal, provided that no camp or cage shall be smaller than 20 square metres;
- (g) 0,25 cubic metre for every bird smaller than a duck not being a bird of a predatory kind, provided that the cage shall not be smaller than 8 cubic metres;
- (h) 30 cubic metres for every bird of a predatory kind, provided that-
 - (i) the cage shall not be smaller than 60 cubic metres;
 - (ii) each side of the cage shall be of a size covering at least twice the wingspan of the bird with the largest wingspan in the cage;
- (i) 10 square metres for every bird of the size of a duck or larger, provided that no camp or cage shall be smaller than 50 square metres and that in the case where such bird can fly, the height of the cage shall be such as to cover at least three times the wingspan of the bird with the largest wingspan in the cage;
- (j) 1 square metre for every snake, excluding pythons, provided that such cage shall not be smaller than 2 square metres;

- (k) 10 square metres for every python or crocodile, provided that no camp or cage shall be smaller than 20 square metres;
- (l) 1 square metre for any other reptile or amphibian, provided that no camp or cage shall be smaller than 2 square metres.

(2) The Administrator may, when he issues a permit in terms of section 14 (1) of the Ordinance, determine that the requirements laid down by sub-regulation (1) may be departed from to the extent he deems fit or that such further requirements as he may deem necessary be complied with.

8

A permit referred to in sections 11, 15 and 16 of the Ordinance shall not be issued in respect of processed or partly processed ivory of a mass of 0,5 kg or more, unless such ivory is registered with a nature conservation authority and is embossed with an identification number.

PART 2 (reg 9)

9 Professional Hunters

(1) A permit referred to in section 20 (1) of the Ordinance shall not be issued unless -

- (a) the applicant for such permit has passed the theoretical ⁶¹ .. tests set for the purpose with a total of not less than 70 %;

^{71a} (b) the permit fee as determined by the Administrator, has been paid; and

⁸² (c) written proof is submitted that the applicant has been found fit to be a professional hunter by an institution appointed by the Administrator.

⁹³

(2) A permit referred to in sub-regulation (1) shall be subject to the following conditions:

- (a) The permit shall not be transferable and shall be invalid until the holder thereof has appended his signature thereto;
- (b) no amendment shall be made on the permit;
- (c) the permit shall be subject to the provisions of any law in force in any area in which any act is carried out in terms of such permit;
- (d) the permit shall lapse with the loss or destruction of the document and no copy thereof shall be issued;
- (e) the permit shall be valid for a period not exceeding 12 months;
- (f) the fee paid for the permit shall not be refundable;
- (g) the holder of the permit shall while operating in terms thereof carry the permit with him;
- ¹⁰⁴ (h) the holder of the permit may not offer a lion, leopard or cheetah that has not been free-living for at least 3 months in an area at least 100 hectares in size, for hunting to a person that is not an inhabitant of the Republic.

¹¹5 (3) (a) The holder of a permit referred to in subregulation (1) must provide the following minimum facilities and services:

- (i) Provision must be made for the hygienic slaughtering and handling of animals and the safekeeping of carcasses, meat and trophies;
- (ii) weapons and other hunting equipment must be in good working order;
- (iii) there must be proper provision for the safe-keeping of the client's possessions, especially fire-arms;
- (iv) the necessary licences, exemptions, approvals, permits and other documents must be obtained for the client;
- (v) where accommodation is provided it must be comfortable, clean and spacious enough for the purpose;
- (vi) provision must be made for proper sanitary conveniences;
- (vii) food supplied to clients must be properly prepared under hygienic conditions and enough cutlery must be available; and
- (viii) provision must be made for the safe conveyance of clients and their property and for the proper processing, handling and forwarding of trophies.

(b) If after inspection the facilities and services provided by the holder of a permit referred to in sub-regulation (1) are found not to conform to the required standard laid down in paragraph (a), such permit may be withdrawn.

(c) The holder of a permit referred to in sub-regulation (1) shall not offer any facility or service which he does not have available or which cannot readily be made available by him.

(4) The holder of a permit referred to in sub-regulation (1)-

- (a) ¹²1 ...
- (b) shall before the commencement of a hunt enter into a written agreement with the client providing for the following:
 - (i) The name and permanent residential address of the permit holder and the client;
 - (ii) the address to which trophies are to be forwarded;
 - (iii) the place where and the time when the permit holder's responsibility commences and terminates;
 - (iv) the kind and sex of the wild animal offered to the client for hunting purposes and the tariff for every wild animal killed or wounded;
 - (v) any other facilities and services to be provided or supplied and the tariff for every such facility or service;
 - (vi) the number of days necessary for the hunt and the tariff per day; and
- (c) shall keep a register in which shall be recorded the following particulars of every hunt on which

he escorted a client:

- (i) The name and permanent residential address of the permit holder and every client;
- (ii) the name of every farm on and district within which the hunt took place and the name of the owner of every such farm;
- (iii) the kind, sex and number of wild animals killed or wounded by the client on every farm and the date on which every wild animal was killed or wounded;
- (iv) the date on which the hunt commenced and was concluded.

PART 3 (regs 10-14)

10 Fish and Other Aquatic Animals

A licence referred to in section 23 (1) of the Ordinance shall only be issued after payment of ¹³² the amount as determined by the Administrator and shall be subject to the following conditions and requirements:

- (a) The license shall not be transferable and shall be invalid until the holder thereof has appended his signature thereto;
- (b) the licence shall only be valid in its original form and no amendment shall be made thereon;
- (c) the fee paid for the licence shall not be refundable;
- (d) the licence shall lapse with the loss or destruction of the document and no copy thereof shall be issued;
- (e) the licence shall be valid for a period not exceeding 12 months ending on 31 December.

11

(1) Except under authority of a permit which may be issued by the Administrator, no person shall-

- (a) On any day catch and keep more fish of a species specified hereunder than the number indicated in respect of such species:

Yellowfish (*Barbus* species) -10

¹⁴¹ ...

Trout (*Salmo* species) -6;

- ¹⁵² (b) keep any fish of a species specified hereunder which is shorter than the length indicated in respect of such species, but shall return such fish immediately to the water from which it was caught:

Smallmouth yellowfish (*Barbus holubi*) - 45 centimetres
Largemouth yellowfish (*Barbus kimberleyensis*) - 45 centimetres
Trout (*Salmo* species) - 30 centimetres.

(2) No person shall use live fish as bait.

12

Except under authority of a permit which may be issued by the responsible Member, no person shall import into the Province, keep in captivity, sell alive or place or release in any waters any prohibited species of fish as listed in the Consolidated List for Freshwater Fish of the Department of Agriculture; Directorate of Plant and Quality Control.

[Reg 12 repealed by PN 71 of 1995 and inserted by PN 61 of 4 April 1996.]

13

(1) No person shall organize or hold an angling contest or competition, except under authority of a permit which may be issued by the Administrator.

(2) No person shall take part in an angling contest or competition unless it has been authorized in terms of sub-regulation (1).

14

Without derogating from the provisions of section 28 of the Ordinance, no person shall import into the Province, sell alive or place or release in any waters any aquatic animal, other than a fish, except under authority of a permit which may be issued by the Administrator.

PART 4 (reg 15)**15 Indigenous Plants**

A document referred to in the proviso to section 33 (2) (b) of the Ordinance shall contain the following particulars:

- (a) The name and residential address of the seller or donor;
- (b) the name and residential address of the purchaser or recipient;
- (c) the species of plants sold or donated and the number of each species;
- (d) the date of the sale or donation;

PART 5 (regs 16-19)**16 Nature Reserves**

In this Part-

"nature reserve" means a provincial nature reserve referred to in section 35 of the Ordinance;

"water surface" the water surface in a nature reserve.

17

(1) Except under authority of a permit which may be issued by the Administrator, no person, except an authorized officer acting in an official capacity, shall

- (a) enter a nature reserve except at a designated entrance and in the manner indicated on a notice board at the entrance;

- (b) drive a motor vehicle in a nature reserve at a speed in excess of 50 kilometres per hour;
- (c) discard or leave a burning or smouldering object at any place in a nature reserve;
- (d) introduce or use a fire-arm, bow and arrow, catapult, air gun or any other weapon into or in a nature reserve;
- (e) introduce or allow an animal or plant to be introduced into a nature reserve;
- (f) feed, injure or disturb an animal in a nature reserve;
- (g) damage or remove any plant or object in or from a nature reserve;
- (h) light a fire in a nature reserve other than at a designated place;
- (i) drive or park a motor vehicle in a nature reserve other than on a designated road or parking area or alight from such a vehicle in a nature reserve other than at a designated place;
- (j) remain or be in a nature reserve other than during the designated times;
- (k) discard or leave any refuse, litter or harmful objects or liquid in a nature reserve, other than at a place or in a container set aside or designated for that purpose;
- (l) ignore or disregard any reasonable instruction of an officer on duty or any instruction contained in a public notice in a nature reserve;
- (m) angle in a nature reserve other than at the designated places;
- (n) do anything in a nature reserve which is likely to be a nuisance or hindrance to, or to interfere with, the public;
- (o) drive a motor vehicle in a nature reserve while he is under the influence of intoxicating liquor or a drug having a narcotic effect;
- (p) damage or tamper with any fence of a nature reserve;
- (q) remove an animal from a nature reserve;
- (r) enter a nature reserve unless he is in possession of a valid admission ticket.

(2) Visitors to a nature reserve shall enter such reserve at their own risk and the Administration shall not be liable for any loss, injury or damage suffered by a visitor while in such reserve.

18

No person shall-

- (a) launch or use a vessel on any water surface-
 - (i) except under authority of a permit which may be issued by the Administrator; and
 - (ii) unless it is equipped with adequate life-saving equipment for the persons being conveyed thereon;
- (b) control or drive a motor-driven vessel on any water surface unless he is sixteen years of age or

- older;
- (c) use a vessel negligently or recklessly on any water surface;
 - (d) ski on any water surface unless he is wearing a life belt;
 - (e) use a motor boat on any water surface within 50 metres of swimmers, skiers, sailing or rowing boats or anglers;
 - (f) discard any refuse, litter or harmful object or liquid on any water surface;
 - (g) land from a vessel on any water surface except at designated places;
 - (h) use a vessel on any water surface except in a designated area;
 - (i) launch a vessel on any water surface unless there are at least two suitable and efficient oars and an efficient water pump or bailer on the vessel;
 - (j) use a vessel on any water surface between sunset and sunrise without a light which is visible from all sides;
 - (k) use a vessel which is fitted with a watercloset on any water surface.

19

(1) For the purpose of this regulation-

"bovine animal" means a bull, cow, ox, heifer, tolly or calf;

"livestock" means a bovine animal, horse or sheep,

"horse" means a stallion, mare, gelding, colt, filly, donkey or mule;

"sheep" means a ram, ewe, wether, lamb, he-goat, she-goat, castrated-goat or kid.

¹⁶¹ (2) An authorized officer may take any livestock trespassing on a nature reserve into custody and such livestock shall not be released from such custody except on payment by the person requesting such release of the amount as determined by the Administrator.

(3) When livestock has, in terms of sub-regulation (2), been kept in custody for a period of not less than 14 days, such livestock may be sold by public auction or tender after at least 14 days' notice, with a description of the livestock, has been given of the sale in a newspaper circulating in the area in which the livestock is in custody: Provided that if such livestock is released before the time fixed for the sale the person obtaining the release shall, in addition to the amount payable for such release, pay the costs incurred in connection with the sale.

(4) The proceeds of a sale in terms of sub-regulation (3), less the costs incurred in connection with such sale and the amount which would have been payable for the release of the livestock involved had such livestock been released at the time of such sale, may on application be paid to the owner of such livestock.

(5) No person may remove livestock which is kept in custody in terms of sub-regulation (2) from the place where it is in custody unless the amount payable for the release of such livestock in terms of the said sub-regulation has been paid.

¹R. 1 substituted by A.N. 345 dd. 14/12/1984.

²S. 2 amended by A.N. 5 dd. 25/1/1991.

³"1 (g)" substituted for "1 (2) (h)" - A.N 245 dd. 14/12/1984.

⁴"14 (4)" inserted by A.N. 5 dd. 25/1/1991.

⁵S. 3 amended by A.N. 5 dd. 25/1/1991.

⁶Words "and practical" deleted by A.N. 129 dd. 10/8/1990.

⁷Par. (b) substituted by A.N. 5 dd. 25/1/1991.

⁸Par. (c) substituted by A.N. 129 dd. 10/8/1990.

⁹Proviso deleted by A.N. 129 dd. 10/8/1990.

¹⁰Par. (h) added by A.N. 256 dd. 15/8/1986.

¹¹Subr. (3) substituted by A.N. 129 dd. 10/8/1990.

¹²Par. (a) deleted by A.N. 129 dd. 10/8/1990.

¹³S. 10 amended by A.N. 5 dd. 25/1/1991.

¹⁴Expression "Bass (*Micropterus* species) - 6" deleted by A.N. 5 dd.25/1/1991.

¹⁵Par. (b) substituted by P.N. 71/1995.

¹⁶Subr. (2) substituted by A.N. 5 dd. 25/1/1991.