

FREE STATE PROVINCE

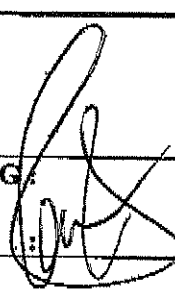


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Attached Free State Ordinances,
 No 8 of 1969.
 Hannes Blom

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NATURE CONSERVATION

No. 8 of 1969

ORDINANCE

To provide for the conservation of fauna and flora and the hunting of animals causing damage and for matters incidental thereto.*(Promulgated 12th December, 1969)**(Date of commencement—1st January, 1970)**(English text signed)*

DIVISION OF ORDINANCE

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BE IT ENACTED by the Provincial Council of the Orange Free State, as follows:—

CHAPTER I.

INTRODUCTION.

Definitions.

1. In this Ordinance, unless the context otherwise indicates—

“Administration” means the Provincial Administration of the Orange Free State;

“Administrator” means the Administrator acting on the advice and with the consent of the Executive Committee of the Province;

“angle” means to catch fish by the use of a line and fish-hook, whether or not a rod is used;

“authorized officer” means an officer or honorary officer appointed under section 39(1), and —

(i) a member of the Force as defined in section 1 of the Police Act, 1958 (Act No. 7 of 1958);

(ii) a traffic officer appointed under section 3 of the Road Traffic Act, 1989 (Act No. 29 of 1989);

“biltong” means meat which has been dried for the purpose of preservation or which is in the process of being dried;

“captivity”, in relation to an animal, means the confinement or mutilation of such animal to such an extent that it cannot maintain its natural way of living;

“catch”, in relation to fish, includes the use of any means or method of taking (whether alive or dead), injuring, immobilizing or killing fish;

“Director General” means the Director General: Provincial Administration of the Orange Free State;

“endangered species”, in relation to an animal or plant, [means] a species

1. Long title substituted by s. 24, O. 2/1983 w.e.f. 6/5/1983.

2. Definition substituted by s. 1, P. 4/1991 w.e.f. 25/1/1991.

3. Definition inserted by s. 1, O. 2/1983 w.e.f. 6/5/1983.

4. Definition inserted by s. 1, P. 4/1991 w.e.f. 25/1/1991.

5. Definition inserted by s. 1, O. 7/1976 w.e.f. 30/7/1976.

6. Word in square brackets inserted by s. 1, O. 2/1983 w.e.f. 6/5/1983.

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specified in Appendix I to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (Washington, 1973) and includes any reasonably identifiable part or derivative of such species;

"exotic animal" means any live vertebrate animal (except a fish) belonging to a non-domestic species and the habitat of which is not in any part of the Republic or the territory of South West Africa and includes the egg of such animal;

"fish" . . .

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"fishing tackle" means any fishing gear, apparatus or other device or any part thereof usually used for catching fish;

"game" means any species of protected or ordinary game (whether alive or dead) as contemplated in sections 2 and 3;

"hunt" means -

- (a) in any manner whatsoever to kill or capture or to attempt to kill or capture;
- (b) to shoot at;
- (c) to search for, follow or lie in wait with intent to kill, shoot at or capture; or
- (d) wilfully to disturb,

and the word "hunting" has a corresponding meaning;

"indigenous plant" means any species of plant which is indigenous to the Republic or the territory of South West Africa (whether it is or has been cultivated and whether it is no longer growing in the wild state or has for some time not been growing in the wild state) and includes the flower, seed, fruit, bulb, tuber, stem, root or any other part of such plant but not a plant declared under any law to be a weed;

"natural bait" means any animal or vegetable matter (whether alive or dead, except live aquatic fauna generally known as fish) used in angling;

"owner", in relation to land, means -

- (a) in the case of land which is let to a person where such lessee is not prohibited by such owner from exercising the rights of an owner in terms of this Ordinance, such lessee;
- (b) in the case where the owner is dead or has disposed of the land, his successor in title before the registration of the transfer of the land;
- (c) in the case of land subject to a usufruct, the usufructuary thereof;
- (d) in the case where it is recorded in the Deeds Registry that the ownership of such land vests in a particular person, such person;
- (e) in all other cases, the registered owner,

and also, in the case of land which is not occupied by the owner thereof, the person who is in actual occupation, and exercises general control over such land, provided he . . . has been authorised in writing by the owner to act on his behalf:

Provided that -

- (i) when two or more persons are joint owners of land only that one of them who has been designated by the majority of such persons in writing for the purpose shall be deemed to be the owner of such land;

²(ii) *when a juristic person or an association of persons is the owner of land, the person designated in writing by such juristic person or association for the purpose shall be deemed to be the owner of such land;*

- (iii) no person shall be deemed to be the owner of land merely by reason of his holding the shooting or angling rights in respect thereof;

"pick" includes gather, cut, chop off, uproot, damage or destroy;

"poison" includes any poison, preparation or chemical substance used to catch, immobilize, sterilize or to harm physically a wild animal;

"prescribed" means prescribed by regulation under this Ordinance;

1. Words "is a white person and" deleted by s. 1. O. 2/1983 w.e.f. 6/5/1983.
2. Par. (ii) substituted by s. 1. O. 2/1983 w.e.f. 6/5/1983.

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"public road" means a road to which the public or a section thereof has a right of access and includes a rest camp as defined in section 1 of the Roads Ordinance, 1968 (Ordinance No. 4 of 1968);

"public sale" . . .

"receiver of revenue" means an officer acting under the control, direction or supervision of the Secretary for Inland Revenue as the collector of revenues for any area;

"relative", in relation to an owner of land, means the spouse or a parent, child, brother, sister or grandchild, whether by consanguinity or affinity or by law, of such owner;

"scarce species", in relation to an animal or plant, "[means] a species specified in Appendix II to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (Washington, 1973) and includes, in the case of an [animal], any reasonably identifiable part or derivative of such species;

"sell" includes to exchange or to dispose of for any consideration whatsoever or to offer or expose for sale;

"set line" means a line and fish-hook which when used for catching fish is not under the direct charge of a person but is attached to something, but does not include a line and fish-hook attached to a reel and rod lying loose on the ground;

"this Ordinance" includes a proclamation, regulation or notice issued in terms thereof;

"waters" includes water in a river, stream, creek, lake, pan, vlei, dam, reservoir, furrow or pond;

"weapon" means a fire-arm . . . or any other weapon or instrument with which a projectile can be propelled in such manner that it can kill, injure or immobilize a wild animal and includes ammunition for use in such fire-arm and any projectile for use in connection with such other weapon or instrument as well as any chemical substance or preparation for use in connection with such projectile;

"wild animal" means any vertebrate (including a bird and reptile but not a fish) belonging to a non-domestic species whose habitat is either temporarily or permanently in any part of the Republic or the territory of South West Africa, and includes the carcass, egg, meat (fresh or cured), biltong and the unprocessed or partly processed hide, skin, thong, tooth, bone, horn, shell, scale, claw, nail, hoof, paw, tail, hair, feather or any other part of any such vertebrate animal.

CHAPTER II.

WILD ANIMALS

Protected game.

2. (1) The species of wild animals specified in Schedule I to this Ordinance are hereby declared protected game.

1. Definition deleted by s. 1, O. 2/1983 w.e.f. 6/5/1983.

2. Definition inserted by s. 1, O. 7/1976 w.e.f. 30/7/1976.

3. Words in square brackets inserted by s. 1, O. 2/1983 w.e.f. 6/5/1983.

4. Word in square brackets substituted for the word "plant" by s. 1, O. 2/1983 w.e.f. 6/5/1983.

5. Words "with a barrel longer than four inches" deleted by s. 1, O. 2/1983 w.e.f. 6/5/1983.

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(2) . . .

²(3) No person shall hunt protected game, except under authority of a permit which may be issued by the Administrator.³ . . .

Ordinary game.

3. (1) The species of wild animals specified in Schedule 2 to this Ordinance are hereby declared ordinary game.

(2) . . .

Hunting seasons.

⁴4. The Administrator may by proclamation declare that ordinary game, or ordinary game of a specified species, or a specified number of such game or species, may, during a specified period, be hunted in the Province, or in a specified area of such Province, by any person or persons of a specified class.

Prohibition of hunting of ordinary game.

⁵5. (1) No person shall hunt ordinary game unless such hunt is authorized by a proclamation in terms of section 4: Provided that this provision shall not apply to a hunt—

(a) carried out in a private nature reserve, which has been declared as such in terms of section 36 (1), by the owner of such reserve or a person under his direct supervision;

(b) of ordinary game, during the period between half an hour before sunrise and half an hour after sunset, by the owner of land while such game is damaging cultivated trees or crops on such land.

⁷(c) authorized by a permit which may be issued by the Administrator.

(2) No person shall hunt ordinary game, unless—

(a) he is the holder of a licence issued in accordance with section 37 (2) which authorizes him to hunt ordinary game; and

(b) he hunts under the direct supervision of the owner of the land on which the hunt is carried out or he carries with him the written permission of such owner, containing the prescribed particulars, while he hunts:

Provided that this provision shall not apply to the owner of land or a relative of such owner, or a full-time employee of such owner acting on the instructions of such owner, when he hunts on such land.

Hunting at night

⁶6. With the exception of game specified in Schedule 8, no person shall hunt game during the period between half an hour after sunset and half an hour before sunrise, except under the authority of a permit which may be issued by the Administrator.

1. Subs. (2) deleted by s. 2, P. 4/1991 w.e.f. 25/1/1991.
 2. Subs. (3) substituted by s. 2, O. 2/1983 w.e.f. 6/5/1983.
 3. Proviso deleted by s. 2, P. 4/1991 w.e.f. 25/1/1991.
 4. Subs. (2) deleted by s. 3, P. 4/1991 w.e.f. 23/1/1991.
 5. S. 4 substituted by s. 3, O. 2/1983 w.e.f. 6/5/1983.
 6. S. 5 substituted by s. 4, O. 2/1983 w.e.f. 6/5/1983.
 7. Par. (c) inserted by s. 4, P. 4/1991 w.e.f. 25/1/1991.
 8. S. 6 substituted by s. 5, P. 4/1991 w.e.f. 25/1/1991.

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Prohibition of hunting with or laying of poison.

¹7. (1) *No person shall hunt with poison or lay poison or cause poison to be laid at any place where it is likely to be picked up by a wild animal, except under authority of a permit which may be issued by the Administrator: ²Provided that the laying of poison to destroy rodents or insects shall not be prohibited on condition that such poison is a poison that is manufactured exclusively for use against rodents or insects.*

(2) *No person, except a veterinarian as defined in the Veterinary and Paraveterinary Professions Act, No. 19 of 1982, shall hunt a wild animal by means of a weapon or other contrivance which injects an intoxicating agent or poison into an animal, except under authority of a permit which may be issued by the Administrator.*

Hunting with certain weapons prohibited.

8. Except under authority of a permit which may be issued by the Administrator, no person shall hunt game by means of a—

(a) *weapon which is capable of discharging more than two shots consecutively and which, after it has been discharged, automatically reloads and discharges merely by pulling the trigger or by holding it in a discharged position;*

³(b) . . .

⁴(c) . . .

⁵*Provided that the owner of land or a relative of such owner, or a full-time employee of such owner acting on the instructions of such owner, shall not be prohibited from hunting with any such weapon on such land.*

Hunting with certain contrivances prohibited.

9. Except under the authority of a permit which may be issued by the Administrator, no person shall hunt a wild animal with the aid of—

(a) *a snare, trap, gin, net, bird-lime, pitfall, holding pen, trap-cage or any other like medium, contrivance or method;*

⁶(b) *kernie, stick or like weapon;*

(c) *a set gun or like contrivance; or*

(d) *a dog;*

Provided that—

(i) *the owner of land, a relative of such owner or, ⁷a full-time employee of such owner acting on the instructions of such owner shall not be prohibited from hunting a wild animal which is not game on such land with the aid of any such medium, contrivance, methods or weapon or a dog;*

(ii) *it shall not be prohibited to use a dog at a lawful hunt for birds or in pursuit of a wild animal which was wounded at a lawful hunt.*

1. S. 7 substituted by s. 5, O. 2/1983 w.e.f. 6/5/1983.
 2. Proviso substituted by s. 6, P. 4/1991 w.e.f. 25/1/1991.
 3. Par. (b) deleted by s. 7, P. 6/1991 w.e.f. 25/1/1991.
 4. Par. (c) deleted by s. 6, O. 2/1983 w.e.f. 6/5/1983.
 5. Proviso substituted by s. 6, O. 2/1983 w.e.f. 6/5/1983.
 6. Par. (b) substituted by s. 4, O. 7/1976 w.e.f. 30/7/1976.
 7. Words italicized substituted for the word "an" by s. 7, O. 2/1983 w.e.f. 6/5/1983.

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Prohibition of possession of certain contrivances capable of being used for hunting.

10. Except under authority of a permit which may be issued by the Administrator, no person except—

- (a) the owner of land; or
- (b) a relative or full-time employee of such owner who has the written permission of such owner therefor,

shall be in possession of a snare, trap, gin, net, bird-lime, trap-cage or other contrivance intended or suitable for the hunting of wild animals, on such land or construct a pitfall or holding pen thereon.

Prohibition of sale or purchase of wild animal.

11. (1) Except under authority of a permit which may be issued by the Administrator, no person shall sell a wild animal: Provided that—

- (a) the owner of land shall not be prohibited from selling game lawfully hunted on such land;
- (b) the holder of a butcher's licence issued in terms of the Licences Ordinance, No. 8 of 1972, shall not be prohibited from selling the carcass or meat of game lawfully hunted, provided he keeps a record in the prescribed manner of such carcasses or meat acquired by him.

(2) No person shall sell a wild animal unless he, when he delivers the animal, hands to the purchaser a document containing the prescribed particulars.

(3) No person shall—

- (a) purchase a wild animal except from a person who sells it lawfully in terms of subsection (1); or
- (b) be in possession of a wild animal purchased by him unless he is the holder of a document referred to in subsection (2).

Donation of wild animal.

12. (1) No person shall donate a wild animal to any person unless he, when he delivers such wild animal, hands to the recipient a document containing the prescribed particulars.

(2) Except under authority of a permit which may be issued by the Administrator, no person shall donate a wild animal which is kept in captivity under a permit in terms of section 14 (1) to any other person.

(3) No person shall be in possession of a wild animal donated to him unless he is the holder of a document referred to in subsection (1).

Conveyance of wild animal

13. (1) Subject to the provisions of subsection (2), no person shall convey a wild animal unless he has with him at the time of such conveyance—

- (a) in the case where such wild animal was hunted by him under authority of a permit, licence or permission referred to in section 2 (3) or 5, such permit, licence or permission;
- (b) in the case where such wild animal was donated to him, the document or permit referred to in section 12;
- (c) in the case where he has imported the wild animal into the Province, the permit referred to in section 16;

1. S. 10 substituted by S. O. 2/1983 w.e.f. 6/5/1983.
 2. S. 11 substituted by S. O. 2/1983 w.e.f. 6/5/1983.
 3. S. 12 substituted by S. O. 2/1983 w.e.f. 6/5/1983.
 4. S. 13 substituted by S. O. 2/1983 w.e.f. 6/5/1983.

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- (d) in the case where the wild animal is being conveyed through the Province, authoritative documents indicating that the exportation thereof from the area of origin and the importation thereof into the area of destination are lawful; or
- (e) in all other cases, an authoritative document indicating that the wild animal was hunted or acquired lawfully.
- (2) The provisions of subsection (1) shall not apply to the owner of land on which the wild animal was lawfully hunted.
- (3) No person shall convey a wild animal or cause a wild animal to be conveyed, unless such conveyance takes place in such manner and in such containers or crates as may be prescribed.

Prohibited acts in respect of wild and exotic animals.

14. (1) No person shall keep any live wild animal in captivity, except under authority of a permit which may be issued by the Administrator: Provided that this provision shall not apply in the case where [game] which has been lawfully hunted and is intended for sale or donation, in accordance with the provisions of section 11 or 12, is kept in captivity for a period not exceeding thirty days and is, while it is thus in captivity, properly accommodated and cared for.

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

- (a) possess, convey, buy, sell, grant, exchange, process or manufacture any product from any part of the body of a wild or exotic animal of a species specified in Schedule 3;
- (b) sell any such processed part or product; or
- (c) possess any processed part or product of a rhino horn.

(3) Except under authority of a permit which may be issued by the Administrator, no person shall stuff any bird of prey that is a wild animal or possess it in a stuffed form.

(4) No person shall hunt wild animals that is not game, as defined, unless he is under the direct supervision of the owner of the land on which the hunt is carried out or carries with him the written permission of such owner, containing the prescribed particulars, while he hunts: Provided that this provision shall not apply to the owner of land when he hunts on such land.

Export of animals.

15. No person shall export from the Province —

- (a) an animal of an endangered or scarce species; or
- (b) a wild animal of any other species,

except under authority of a permit which may be issued by the Administrator: Provided that the export to another province or the territory of South-West-Africa of the carcass, fresh meat or biltong of any such wild animal of another species which was hunted or acquired lawfully is not prohibited.

1. S. 14 substituted by S. O. 2. 1983 w.e.f. 5/1/1983

2. Word in square brackets substituted for the words "a wild animal" — S. R. P. 4/1991 w.e.f. 25/1/1991

3. Subs. (2) substituted by S. R. P. 4/1991 w.e.f. 25/1/1991

4. Subs. (3) inserted by S. R. P. 4/1991 w.e.f. 25/1/1991

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Administrator may cause wild or exotic animal to be hunted.

17. (1) Whenever, in the opinion of the Administrator, a wild or exotic animal found on land—

- (a) is detrimental to the preservation of any animal or plant,
- (b) is likely to be dangerous to human life;
- (c) is wounded, diseased or injured; or
- (d) should be hunted in the interest of nature conservation,

the Administrator may authorize any person to enter upon such land to hunt such animal thereon: Provided that, except in the case when an animal in the process of being hunted escapes and is immediately pursued on any land, such person shall inform the owner of such land, if he is present on such land at the commencement of such hunt, of his intention to hunt on such land and shall consult him in regard to the manner in which such hunt is to be conducted.

(2) The carcass of an animal killed during a hunt in terms of subsection (1), shall become the property of the Administrator

Hunting of exotic animal.

18. Except in the circumstances referred to in section 17, no person shall hunt an exotic animal on any land unless he is the owner of such land or, hunts under the direct supervision of such owner or, while he hunts, has with him the written permission, containing the prescribed particulars, of such owner to hunt such animal.

Prohibited acts in respect of exotic animals.

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

- (a) release in the Province any exotic animal; or
- (b) keep in captivity or under his control or supervision, sell, donate or otherwise dispose of, purchase or acquire in any other manner or convey any exotic animal referred to in Schedule 4 to this Ordinance.

(2)

Prohibition of organization of hunt for reward.

20. (1) Except under authority of a permit which may be issued by the Administrator, no person shall organize or arrange, for reward, a hunt in which a person who is not an inhabitant of the Republic participates.

(2) For the purposes of subsection (1) "inhabitant" means a person who has been resident in the Republic for a period of not less than one year immediately preceding the date of the hunt in question.

Entry upon land with weapon and hunting on public road.

21. No person shall —

- (a) while he is in possession of a weapon, without lawful reason, enter upon or be on land, except a public road, upon which game is likely to be found, unless he has with him the written permission of the owner of such land to do so;

1. Par. (a) substituted by s. 13, O. 2/1983 w.e.f. 6/5/1983.

2. S. 18 substituted by s. 14, O. 2/1983 w.e.f. 6/5/1983.

3. Words "import into or" which appeared before the word "release" deleted by s. 10, O. 7/1976 w.e.f. 30/7/1976.

4. Subs. (2) deleted by s. 9, P. 4/1991 w.e.f. 25/1/1991.

5. S. 20 substituted by s. 15, O. 2/1983 w.e.f. 6/5/1983.

6. S. 21 substituted by s. 16, O. 2/1983 w.e.f. 6/5/1983.

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- (b) hunt a wild animal on or from a public road—
- (i) except under authority of a permit which may be issued by the Administrator; or
 - (ii) unless he is the owner of the land over which the road runs.

CHAPTER III.

FISH.

Provisions in connection with the catching of fish not applicable to certain persons.

22. The provisions of this Chapter or a provision of this Ordinance which relates to the catching of fish shall not apply—

- (a) to the owner of land or a relative of such owner; or
- (b) to an employee of such owner acting on the instructions of such owner, in so far as such provision applies to waters in a constructed dam which is not constructed in a public stream as defined in section 1 of the Water Act, 1956 (Act. No. 54 of 1956) and which is entirely surrounded by such land.

Angling licences.

23. (1) Subject to the provisions of subsection (2), no person shall angle in any water unless he—

- (a) is the holder of a licence issued in terms of section 37 (2) which empowers him to angle; and
- (b) has such licence with him while he angles.

¹(2) Subsection (1) shall not apply to the owner of land or a relative of such owner when such owner or relative angles in waters on or, from such land, in waters immediately adjacent to such land.

Permission to catch fish.

24. No person shall—

- (a) catch or attempt to catch fish in waters on any land; or
 - (b) while he is in possession of fishing tackle, enter upon any land on which there are waters in which fish is likely to be found,
- except with the previously obtained permission of the owner of such land.

Prohibition of the catching of fish during closed season.

25. (1) The Administrator may, by proclamation, prohibit any person from catching fish, or fish of a specified species or fish other than of a specified species, during a specified period in the waters of the Province or a specified area of the Province.

(2) No person shall wilfully injure or disturb—

- (a) the ova, brood or spawn of any fish; or
 - (b) any spawning bed, bank or shallow whereon or wherein the spawn of any fish is deposited,
- during the period when and in the waters in which the catching of such fish is prohibited by proclamation in terms of subsection (1).

1. Subs. (2) substituted by s. 11, O. 7/1976 w.e.f. 30/7/1976.

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Fishing methods.

26. (1) Except under authority of a permit which may be issued by the Administrator, no person shall catch fish in any waters otherwise than by angling.

(2) No person shall—

(a) angle otherwise than by using not more than two lines to each of which is attached—

(i) not more than two single hooks with natural bait; or

(ii) one or more non-spinning artificial flies; or

(iii) not more than one artificial lure or spoon;

(b) while angling employ any method calculated to hook a fish in any part of its body other than in the mouth;

(c) catch or attempt to catch fish by means of a set line.

(d) place a marker, buoy or float on or in any waters to indicate an angling place or a feeding place for fish.

Prohibition of the possession of a fish-net or trap.

27. (1) Subject to the provisions of subsection (2), no person shall be in possession of a fish-net or trap, except a landing-net or keep-net designed for the purpose of bringing to land or keeping fish caught with a line and fish-hook.

(2) Subsection (1) shall not apply to—

(a) an owner of land on which there is a constructed dam as contemplated in section 22;

(b) the holder of a licence, issued in terms of the Licences Ordinance, 1972 (Ordinance No. 8 of 1972), which authorizes him to carry on a business with fish-nets and traps, provided he keeps a record in the prescribed manner of fish-nets and traps sold by him;

(c) a person who is the holder of a permit issued in terms of section 26 (1) which authorizes him to catch fish with a fish-net or trap.

Prohibition of the importation of live fish, the sale of live freshwater fish, and the releasing of fish in waters.

28. Except under the authority of a permit which may be issued by the Administrator, no person shall—

(a) import any live fish into the Province;

(b) sell any live freshwater fish;

(c) place or release any live fish in any waters: Provided that a fish may be replaced immediately after it has been caught, in the waters in which it was caught.

Prohibited acts in respect of certain aquatic growths.

29. (1) Except under authority of a permit which may be issued by the Administrator no person shall cultivate, possess, convey, import, sell or otherwise dispose of, purchase or otherwise acquire any species of aquatic growth referred to in Schedule 5 to this Ordinance.

(2) . . .

CHAPTER IV.

INDIGENOUS PLANTS.

Protected plants.

30. (1) The species of indigenous plants specified in Schedule 6 to this Ordinance are hereby declared protected plants.

(2) . . .

1. Par. (d) inserted by s. 17, O. 2/1983 w.e.f. 6/5/1983.
2. Par. (b) substituted by s. 12, O. 7/1976 w.e.f. 30/7/1976.
3. Subs. (2) deleted by s. 10, P. 4/1991 w.e.f. 25/1/1991.
4. Subs. (2) deleted by s. 11, P. 4/1991 w.e.f. 25/1/1991.

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(3) Except under authority of a permit which may be issued by the Administrator, no person shall pick any protected plant: Provided that—

- (a) the unavoidable damaging or destruction of a protected plant in the course of any agricultural or development activity which is being lawfully carried out on land shall not be prohibited; and
- (b) an owner of land or a relative of such owner or a full time employee of such owner acting on the instructions of such owner shall not be prohibited from picking—
 - (i) the flower of a protected plant on such land;
 - (ii) a protected plant specially cultivated on such land; or
 - (iii) a protected plant on any portion of such land which is on the point of being taken into use for an activity referred to in paragraph (a).

Written permission of owner of land to pick indigenous plant.

31. (1) Subject to the provisions of subsection (2), no person shall pick any indigenous plant on land of which he is not the owner—

- (a) except with the written permission of such owner; and
- (b) unless he has such permission with him while picking such plant.

(2) Subsection (1) shall not apply to a relative of the owner of the land on which the plant is picked or a full-time employee of such owner while he is acting on the instructions of such owner of such land.

Picking of indigenous plant on or near public road.

32. Except under authority of a permit which may be issued by the Administrator, no person shall pick any indigenous plant on land within 100 metres on either side of the roadway of a public road: Provided that a person referred to in the proviso to section 30 (3) shall not be prohibited from picking any indigenous plant on such land in the circumstances contemplated in the said proviso.

Prohibited acts in respect of certain plants.

33. (1) No person shall sell, donate, import into or export from the Province any protected plant or a plant of an endangered or scarce species, except under authority of a permit which may be issued by the Administrator: Provided that a person shall not be prohibited from—

- (a) donating any such plant picked by him in the circumstances contemplated in paragraph (b) of the proviso to section 30 (3) to any person; or
- (b) importing into or exporting from the Province any such plant which was lawfully donated to him in the Republic or the territory of South West Africa or which he has purchased from a business which is registered or exempt from registration in terms of the Plant Improvement Act, No. 53 of 1976.

(2) No person shall—

- (a) purchase or take in receipt as a gift any protected plant or a plant of an endangered or scarce species except from a person who sells or donates it lawfully in accordance with the provisions of this Ordinance;

¹ Subs. 3 substituted by s. 18, O. 2/1985 w.e.f. 6/2/1987.

² Word "full-time" substituted for the word "white" by s. 12, P. 4/1991 w.e.f. 25/1/1991.

³ Expression "100 metres" substituted for the words "three hundred feet" by s. 14, O. 7/1976 w.e.f. 30/7/1976.

⁴ S. 33 substituted by s. 19, O. 2/1983 w.e.f. 6/5/1983.

- (b) *sell or donate any such plant unless he, when he delivers such plant, hands to the recipient thereof a document containing the prescribed particulars; or*
- (c) *be in possession of any such plant purchased by or donated to him unless he is the holder of a document containing the particulars referred to in paragraph (b).*

Conveyance of plants.

34. *No person shall convey any protected plant or a plant of an endangered or scarce species unless he has with him at the time of such conveyance—*

- (a) *in the case where the plant was purchased by him or donated to him, a document containing the particulars referred to in section 33 (2) (b);*
- (b) *in the case where the plant is imported into or exported from the Province under a permit issued in terms of section 33 (1), such permit;*
- (c) *in the case where the plant is being conveyed through the Province, authoritative documents indicating that the exportation thereof from the area of origin and the importation thereof into the area of destination are lawful; or*
- (d) *in any other case, a permit which may be issued by the Administrator and which authorizes the conveyance of the plant.*

CHAPTER V.

NATURE RESERVES.**Provincial nature reserves.**

35. (1) The Administrator may establish, maintain and manage a nature reserve and may for this purpose also establish a transport service and provide accommodation and camping and other facilities for visitors to such reserve.

(2) The Administrator may, by notice in the *Gazette*, declare a nature reserve established by him in terms of subsection (1), to be a provincial nature reserve.

(3) No person shall hunt a wild animal or pick an indigenous plant in a provincial nature reserve except with the permission of the Administrator.

Private nature reserve.

36. (1) The Administrator may, on the application of the owner of land and on such conditions as may be prescribed or as the Administrator may determine, declare such land or any portion thereof, by notice in the *Gazette*, to be a private nature reserve.

(2) The Administrator may, by notice in the *Gazette*, amend or withdraw a declaration in terms of subsection (1).

(3) No person shall hunt a wild animal or pick an indigenous plant in a private nature reserve except with the written permission of the owner of such reserve or of a person authorized in writing by such owner to give such permission.

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CHAPTER VA

ANIMALS CAUSING DAMAGE

Definitions.

36A. For the purpose of this Chapter –

“animal” means a mammal, but excluding an animal classed as game or livestock;

“livestock” means an animal kept for the production of food, wool or skins or as a draught animal or for riding;

“occupier” means, in relation to land –

(a) which is leased, the lessee thereof;

(b) which is subject to a usufruct but is not leased, the usufructuary thereof; and

(c) in other cases, the registered owner of the land or, if he has sold the land or is deceased, his successor in title.

²“Oranjejag” . . .

³“problem animal hunter” means a person to whom a permit has been issued under section 36B (a);

“rural area” the area situated outside the area of jurisdiction of a municipal council, a village management board and local board established in terms of the Local Government Ordinance, No. 8 of 1962, and outside a Black residential area as defined in the Blacks (Urban Areas) Consolidated Act, No. 25 of 1945.

Problem-animal hunters.

36B. The Administrator may –

(a) issue a permit to a person which authorises him, subject to the provisions of this Ordinance, to hunt animals causing damage; and

(b) on the basis and conditions as he determines, grant a problem-animal hunter assistance out of funds voted for this purpose.

Entry of land for purpose of hunt.

36C. When it is suspected that an animal has caused damage to property in a rural area, a problem-animal hunter or an authorized officer may, notwithstanding anything to the contrary contained in this Ordinance, enter upon any land, other than State land, in such area with or without vehicles, horses, dogs or other aids to hunt the animal which is suspected of having caused such damage and to carry out any other act, including the making of an opening in a fence which he deems necessary for the purpose of such hunt: Provided that a private nature reserve, referred to in section 36, shall not be entered except with the approval of the owner thereof.

1. Chapter VA inserted by s. 21, O. 21/1983 w.e.f. 6/5/1983.
2. Definition deleted by s. 2, P. 134 of 1993.
3. Definition inserted by s. 2, P. 134 of 1993.
4. S. 36B substituted by s. 3, P. 134 of 1993.
5. S. 36C substituted by s. 4, P. 134 of 1993.

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36D. . . .

Offences and penalties.

36E. Any person who —

- (a) obstructs or hinders an problem-animal hunter or an authorized officer in the exercise of a power or the discharge of a duty in terms of section 36C;
- (b) knowingly kills, injures, damages or destroys a horse, dog, equipment or other property used in connection with a hunt in terms of section 36C; or
- (c) being an occupier of land refuses or fails to render such reasonable assistance as an problem-animal hunter or, an authorised officer may require of him during any such hunt,

shall be guilty of an offence and liable on conviction to a fine not exceeding R400 or to imprisonment for a period not exceeding 6 months or to both such fine and imprisonment.

CHAPTER VB

NATURE CONSERVATION FUND

Definitions.

36F. For the purpose of this Chapter —

“fund” means the Nature Conservation Fund established by section 36G.

“Provincial nature reserve” means a nature reserve as contemplated in section 35.

Establishment of Nature Conservation Fund.

36G. A fund is hereby established to be known as the Nature Conservation Fund into which shall be paid —

- (a) the moneys donated to the Administration for purposes referred to in section 36H (b) and such other moneys as may be appropriated by the Provincial Council; and
- (b) the interest on investments made by the fund.

Appropriation of moneys in the fund.

36H. The Administrator may —

- (a) invest moneys in the fund with the Corporation for Public Deposits; or
- (b) appropriate any such moneys to meet any expenditure authorized by the Provincial Council for the establishment and development of Provincial nature reserves in the Orange Free State.

1. S. 36D repealed by s. 5, P. 134 of 1993.
2. S. 36E substituted by s. 6, P. 134 of 1993.
3. Chapter VB inserted by s. 1, O. 11/1984 w.e.f. 9/11/1984.

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CHAPTER VI.

GENERAL.

Permits, licences and exemptions.

37. (1) A permit or exemption in terms of this Ordinance may be issued by the Administrator on such conditions as may be prescribed or determined by the Administrator . . . and may at any time be cancelled by the Administrator.

²(2) A licence in terms of this Ordinance shall be issued by a registering authority or such other person as may be designated by the Administrator and shall be subject to such conditions as may be prescribed, and may at any time be cancelled by the Administrator.

(3) When the Administrator has cancelled a permit, licence or exemption he shall cause the holder of such permit, licence or exemption to be notified thereof and such holder shall return such permit, licence or exemption immediately to the Administrator.

(4) When a permit, licence or permission issued to a person has been cancelled in terms of this section or section 41 (1) (a) (ii), no permit or permission shall, within such period after such cancellation as the Administrator may determine, and no licence shall, without the previously obtained permission of the Administrator, be issued to such person in terms of this Ordinance, and such person shall not, within such period or without such permission, obtain such permit, licence or exemption.

(5) A permit, licence or exemption issued contrary to the provisions of this Ordinance shall be null and void and the holder thereof shall at the request of the Administrator, immediately return such permit, licence or exemption to him.

Fees.

³37A. Fees, as determined by the Administrator from time to time, may be levied in respect of —

- (a) entrance to a provincial nature reserve;
- (b) the use of the amenities and facilities provided at a provincial nature reserve; and
- (c) the issuance of a permit, licence or exemption in terms of this Ordinance.

Regulations.

38. (1) The Administrator may make regulations as to —

- (a) ⁴ . . . the conditions subject to which a permit, licence or exemption shall be issued;
- (b) the particulars which a permission or document issued in terms of this Ordinance shall contain;

1. Words "and on payment of the prescribed fees" deleted by s. 14, P. 4/1991 w.e.f. 25/1/1991.

2. Subs. (2) substituted by s. 7, P. 134 of 1993.

3. S. 37A inserted by s. 15, P. 4/1991 w.e.f. 25/1/1991.

4. Words "the fees which shall be paid on the issue of a permit, licence or exemption in terms of this Ordinance, and" deleted by s. 15, P. 4/1991 w.e.f. 25/1/1991.

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- (c) the control and management of a provincial nature reserve, the conditions subject to which persons may be allowed into such reserve,¹ and the conditions subject to which a nature reserve may be declared a private nature reserve in terms of section 36 (1);
- (d) the hunting, possession, breeding, conveyance, importation, export, handling, release or disposal of wild and exotic animals;
- (e) the catching, possession, breeding, conveyance, importation, export, handling, release or disposal of fish;
- (f) the picking, possession, cultivation, conveyance, importation, export, planting, disposal or destruction of any plant;
- (g) the measurements, number, weight, size or sex of any animal which may be hunted or caught;
- (h) the protection of any animal, plant or natural surroundings against any activity or condition which, in his opinion, may be harmful to such animal, plant or surroundings;
- (i) the measurements, number, weight or size of fish which may be caught and retained;
- (j) the nature, measurements, form and construction of fishing tackle;
- (k) the control and regulation of fisheries in specified waters;
- (l) the promoting or holding of, or the participating in, angling competitions;
- (m) the sale of indigenous plants;
- (n) the possession of protected plants;
- (o) the control, importation, cultivation or eradication of any plant which, in his opinion, could be harmful to or create less favourable conditions for any wild animal, fish or indigenous plant;

¹ Words "the fees to be paid for entrance to such reserve and the use of the facilities provided there" deleted by s. 16, P. 4/1991 w.e.f. 25/1/1991.

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(p) generally, without such generality being limited by any of the preceding provisions, any matter which he considers it necessary or expedient to regulate in order that the purposes of this Ordinance may be achieved.

(2) The power to make any regulation in terms of subsection (1) shall include the power to restrict or prohibit any matter, thing or act in connection with the matter in question.

(3) Different regulations may be made in terms of subsection (1) in regard to different species of wild or exotic animals, fish or plants or different areas of the Province or different classes of persons, or regulations may be made to apply only to specified species of animals, fish or plants or specified areas of the Province or specified classes of persons.

Appointment of officers and their powers.

39. (1) The Administrator may appoint any person in the service of the Administration in its Nature Conservation Branch as an officer and any other person as an honorary officer.

(2) Every officer or honorary officer shall be issued with a certificate of appointment which he shall, when exercising a power under this Ordinance, produce for inspection on request.

(3) An authorized officer may—

(a) at any time, for the purpose of ascertaining whether the provisions of this Ordinance are being complied with, enter any land, premises, place, building, tent, vehicle, vessel, float or aircraft and inspect it and also any container or other thing found thereon or therein;

(b) if he suspects that there is on any vehicle, vessel, float or aircraft anything which may afford evidence of a contravention of a provision of this Ordinance, order the driver or pilot thereof to stop such vehicle, vessel, float or aircraft and to keep it stationary until he has searched it;

(c) seize anything which may, in his opinion, afford evidence of a contravention of a provision of this Ordinance;

(d) remove any snare, trap, gin, net, bird-lime, fish-trap, set line, pitfall, holding pen, trap-cage, set gun, poison or any other like means or contrivance which he suspects of being used to hunt or catch any wild animal or fish unlawfully, from the place where it was found or, if such removal is impossible, destroy or render it harmless;

(e) destroy any dog not used in a lawful hunt which is pursuing or in search of any game on any land;

(f) demand the name and address and any other information necessary for his identification from any person whom he suspects—

- (i) of having contravened a provision of this Ordinance; or
- (ii) of being able to furnish information in connection with a contravention of a provision of this Ordinance;

(g) at any time question any person whom he suspects of having information in connection with a contravention of a provision of this Ordinance in regard thereto;

(h) demand from any person performing or whom he suspects to have performed any act in respect of which such person is required to be the holder, or in possession of a permit, licence, exemption, permission or other document in terms of this Ordinance, to produce such permit, licence, exemption, permission or other document.

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(4) An authorized officer may, in the exercise of a power under this Ordinance, be accompanied by a person to assist him as an interpreter or in any other manner and such person shall, while acting under the direction of such authorized officer, be deemed to be an authorized officer.

(5) An owner of land shall, while he is on such land, have the same powers as an authorized officer in terms of subsection (3) (a), (c), (d), (e), (f) and (h).

Offences and penalties.

40. (1) Any person who -

- (a) contravenes or fails to comply with a provision of section 2(3), 7, 14(2), 15(a), 16(a) or 33;
- (b) contravenes or fails to comply with any other provision of this Ordinance, a prohibition in terms of section 25(1), a request in terms of section 37(5) or a condition subject to which a permit, licence or exemption was issued in terms of this Ordinance;
- (c) is in possession of a wild animal, fish or plant, or derivative or part thereof, in respect of which there is a reasonable suspicion that it has not been hunted, caught, picked or obtained in accordance with the provisions of this Ordinance and is unable to give a satisfactory account of such possession;
- (d) hinders or obstructs a person in the exercise of any power in terms of section 17 or an authorized officer or an owner of land in the exercise of any power in terms of section 39 or refuses or fails to answer to the best of his ability any question lawfully put to him by such officer or owner;
- (e) falsely pretends that he is an authorized officer;
- (f) falsely pretends that a certain act may be performed on land; or
- (g) knowingly makes a false statement in an application for a permit, licence or exemption in terms of this Ordinance,

shall be guilty of an offence and liable upon conviction -

- (i) in the case of an offence referred to in paragraph (a), to a fine not exceeding R100 000 or to imprisonment for a period not exceeding 10 years or to both such fine and such imprisonment; and
- (ii) in the case of any other such offence, to a fine not exceeding R20 000 or to imprisonment for a period not exceeding 5 years or to both such fine and such imprisonment.

(2) (a) When a court has convicted a person of a contravention of section 7 (1) and such court is satisfied that an animal has been poisoned as a result of the picking up of the poison to which such contravention relates and that a person has thereby suffered damage, the court may in addition to any other punishment which it may impose, sentence the convicted person to a fine not exceeding the damage suffered by the aggrieved person or to imprisonment for a period not exceeding six months.

(b) Such fine shall, when it has been paid or recovered from the convicted person, be paid to the aggrieved person.

1 Subs. (1) substituted by s. 22, O. 2/1983 w.e.f. 6/3/1983 and by s. 17, P. 4/1991 w.e.f. 25/1/1991.

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(c) Paragraphs (a) and (b) shall not apply in the case where the aggrieved person has applied for compensation under the provisions of the Criminal Procedure Act, 1955 (Act No. 56 of 1955).

Forfeitures.

41. (1) (a) Whenever any person is convicted of an offence under this Ordinance, the court shall —

- (i) declare any wild or exotic animal, fish, indigenous or exotic plant or aquatic growth in respect of which the offence was committed forfeit to the Administration;
- (ii) if such person is the holder of a permit, licence or exemption issued in terms of this Ordinance, cancel such permit, licence or exemption.

(b) The holder of a permit, licence or exemption cancelled in terms of paragraph (a) (ii), shall return it immediately after it has been cancelled to the Administrator.

(2) Whenever any person has been convicted of any offence under this Ordinance —

(a) the court may declare any weapon, lamp, battery, fishing tackle, contrivance, article referred to in sections 9 and 27, animal or other article or object used for the purpose or in connection with the commission of the offence forfeit to the Administration;

(b) the court may declare any vehicle, vessel, float or aircraft used in connection with the commission of such offence or for the conveyance of anything in respect of which such offence was committed, or the right of such person to such vehicle, vessel, float or aircraft, forfeit to the Administration: Provided that such a declaration of forfeiture shall not be made if the court is satisfied that the vehicle, vessel, float or aircraft does not belong to the person convicted of such offence and that the owner thereof was unable to prevent it from being so used by such person.

(3) The provisions of subsection (2), shall not apply —

(a) in the case of an offence which was committed by the owner of land or a relative of such owner on such land;

(b) in the case of a contravention of section 21 or 24 (b), or of section 23 (1) where the convicted person was the holder of a licence but did not have it with him while he was angling.

³(4) The provisions of section 35(4) of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), shall apply mutatis mutandis to a forfeiture under subsection (2).

Payment of compensation to informant.

41A. The Director General may pay a cash amount that is in his opinion under the circumstances reasonable and fair, to any person that supply any information or exhibit with regard to an offence referred to in section 14(2), regardless of whether such information or exhibit leads to a prosecution and conviction in a competent court.

1. Word italicised substituted for the word "shall" by s. 17, O. 7/1976 w.e.f. 30/7/1976.
2. Subs. (4) inserted by s. 18, P. 4/1991 w.e.f. 25/1/1991.
3. S. 41A inserted by s. 18, P. 4/1991 w.e.f. 25/1/1991.

Presumptions.

42. (1) In any prosecution in terms of this Ordinance it shall be presumed, until the contrary is proved —

(a) in the case where it is alleged that a person is not the holder of a permit, licence, exemption or document issued in terms of this Ordinance, that such person is not the holder of such permit, licence, exemption or document;

(b) in the case where it is alleged that an animal, fish or plant is of a specified species or sex, that such animal, fish or plant is of that species or sex;

(c) in the case where an animal, fish or plant is found on a vehicle, vessel, float or aircraft or at a camping place, that every person, who at the time such animal, fish or plant was so found, was upon such vehicle, vessel, float or aircraft or at such camping place or was in any way associated therewith, was in possession of such animal, fish or plant;

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(d) that any person caught in the act while removing an animal or fish from a snare, trap, gin, net, bird-lime, fish-trap, set line, pitfall, holding pen, trap-cage or any other like means or contrivance, was busy hunting or catching such animal or fish;

(e) in the case where an animal, fish or plant is found in any shop or other place of sale, that the person in whose possession it is found or who has control over such shop or place, has attempted to sell such animal, fish or plant;

(f) in the case of a contravention of section 7 (1), that the owner of the land on which poison or an animal which died of poison was found laid or caused such poison to be laid on such land.

Exemption from and suspension of provisions of Ordinance.

43. (1) The Administrator may exempt any person from any or all of the provisions of this Ordinance.

(2) The Administrator may, by notice in the *Gazette*, suspend any or all of the provisions of this Ordinance for a definite or indefinite period in so far as it relates to a specified species of animal, fish or plant in the Province or a specified area of the Province.

Fines and fees.

44. Fines and fees collected in terms of this Ordinance shall be paid into the Provincial Revenue Fund.

Repeal of ordinances.

45. The ordinances specified in Schedule 7 to this Ordinance are hereby repealed to the extent set out in the third column thereof.

46. . . .

Short title and commencement.

47. This Ordinance shall be called the Nature Conservation Ordinance, 1969, and shall come into operation on a date to be fixed by the Administrator by proclamation.

SCHEDULE I.**PROTECTED GAME (SECTION 2).**

<i>Common Name</i>	<i>Scientific Name</i>
¹ All species of land tortoises	Family Testudinidae.
² Girdled lizards	Family Cordylidae.
Hedgehog	<i>Erinaceus frontalis</i> .
Pangolin	<i>Manis temminckii</i> .
Ambear	<i>Orycteropus afer</i> .
Aardwolf	<i>Proteles cristatus</i> .
Bar-eared fox	<i>Otocyon megalotis</i> .
All species of chameleons	Family Chamaeleonidae.
Python	<i>Python sebae</i> .
Elephant	<i>Loxodonta africana</i> .

1. S. 46 is an amending provision relating to s. 13, O. 11/1975.

2. 1 January 1970—Proclamation 203 of 12/12/1969.

3. List of names substituted by A.N. 345 dd, 14/12/1985.

4. Expression substituted for "Giant girdled lizard . . . Cordylus gigantius"—A.N. 269 dd, 18/10/1965.

SCHEDULE 1 (continued)

Common Name	Scientific Name
Hippopotamus	<i>Hippopotamus amphibius</i> .
Sable antelope	<i>Hippotragus niger</i> .
¹ Black rhinoceros	<i>Diceros bicornis</i> .
¹ White rhinoceros	<i>Ceratotherium simum</i> .
¹ Roan antelope	<i>Hippotragus equinus</i> .
¹ Oribi	<i>Ourebia ourebi</i> .
All birds which are wild animals except those which are ordinary game and except the following:	
All species of mousebirds	Family Coliidae.
All species of bulbuls	Family Pycnonotidae.
Red-winged Starling	<i>Onychognathus morio</i> .
Pied Starling	<i>Spreo bicolor</i> .
Indian Myna	<i>Acridotheres tristis</i> .
House Sparrow	<i>Passer domesticus</i> .
Cape Sparrow	<i>Passer melanimus</i> .
All species of crows and ravens	Family Corvidae.
All species of weavers, queleas, widow-birds and bishop-birds	Subfamily Ploceinae.
Rock Pigeon	<i>Columba guinea</i> .
Cape Turtle Dove	<i>Streptopelia capicola</i> .
Ostrich	<i>Struthio camelus</i> .
Laughing Dove	<i>Stigmatopelia senegalensis</i> .
Reed Cormorant	<i>Phalacrocorax africanus africanus</i> .
White-breasted Cormorant	<i>Phalacrocorax carbo lucidus</i> .

SCHEDULE 2.
ORDINARY GAME (SECTION 3).

Common Name	Scientific Name
² Zebra	Family Equidae.
Giraffe	<i>Giraffa camelopardalis</i> .
Bushbuck	<i>Tragelaphus scriptus</i> .
Kudu	<i>Tragelaphus strepsiceros</i> .
Eland	<i>Taurotragus oryx</i> .
Gemsbok	<i>Oryx gazella</i> .
Waterbuck	<i>Kobus ellipsiprymnus</i> .
Reedbuck	<i>Redunca arundinum</i> .
African buffalo	<i>Syncerus caffer</i> .
Blue wildebeest	<i>Connochaetes taurinus</i> .
Black wildebeest	<i>Connochaetes gnou</i> .
Red hartebeest	<i>Alcelaphus buselaphus</i> .
Impala	<i>Aepyceros melampus</i> .
Klipspringer	<i>Oreotragus oreotragus</i> .
Steenbok	<i>Raphicerus campestris</i> .
Grey duiker	<i>Sylvicapra grimmia</i> .

1. Expression inserted by s.20, P. 4/1991 w.e.f. 25/1/1991.

2. List of names substituted by A.N. 345 dd. 14/12/1984 and amended by A.N. 269 dd. 18/10/1985 and by s.21, P. 4/1991 w.e.f. 25/1/1991.

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SCHEDULE 2 (continued)

<i>Common Name</i>	<i>Scientific Name</i>
Blesbok.....	<i>Damaliscus dorcas phillipsi.</i>
Springbok.....	<i>Antidorcas marsupialis.</i>
Grey rhebuck.....	<i>Pelea capreolus.</i>
Mountain reedbuck.....	<i>Redunca fulvorufula.</i>
Bontebok.....	<i>Damaliscus dorcas dorcas.</i>
All species of hare except springhare.....	Family <i>Leporidae.</i>
Spurwing Goose.....	<i>Plectropterus gambensis.</i>
Guinea Fowl.....	<i>Numida melagris.</i>
Egyptian Goose.....	<i>Alopochen aegyptiacus.</i>
Blue Crane.....	<i>Tetrapteryx paradisea.</i>
African Shelduck.....	<i>Tadorna cana.</i>
Yellow-billed Duck.....	<i>Anas undulata.</i>
Red-knobbed Coot.....	<i>Fulica cristata.</i>
Francolins and quails.....	Family <i>Phasianidae.</i>
Red-billed Teal.....	<i>Anas erythrorhyncha.</i>

SCHEDULE 3.

SPECIFIED WILD ANIMALS

[Section 14 (2) (a) (i)]

<i>Common Name</i>	<i>Scientific Name</i>
All elephants	Family Elephantidae.
All rhinoceroses	Family Rhinocerotidae.

SCHEDULE 4.

EXOTIC ANIMALS TO WHICH THE PROVISIONS OF SECTION 19 (1)
(b) APPLY.

<i>Common Name</i>	<i>Scientific Name</i>
All species of exotic tortoises, turtles and terrapins	Order Chelonia.
Nutria	<i>Myocastor coypus</i> .
Bobwhite quail	<i>Colinus virginianus</i> .
Chukar partridge	<i>Alectoris graeca</i> .
¹ Mallard Duck	<i>Anas platyrhynchos</i> .
² All species of exotic monkeys, baboons and apes	Order primate.
² All species of exotic carnivorous animals	Order carnivora.
² All species of deer	Family cervidae.
² Barbary sheep	<i>Ammotragus lervia</i> .
³ Himalayatahr	<i>Hemitragus jemlahicus</i> .

SCHEDULE 5.

AQUATIC PLANTS (SECTION 29).

<i>Common Name</i>	<i>Scientific name</i>
Azolla	Genus Azolla.
Pondweed	<i>Egeria (elodea) densa</i> .
Parrots' feather	<i>Myriophyllum spicatum</i> .
Kariba weed	<i>Salvinia auriculata</i> .
Water lettuce	<i>Pistia stratiotes</i> .
Water hyacinth	<i>Eichhornia crassipes</i> .

1. Schedule 3 inserted by s. 23, O. 2/1983 w.e.f. 6/5/1983.
 2. Name added by A.N. 18 dd. 23/1/1987.
 3. Name added by s. 22, P. 4/1991 w.e.f. 25/1/1991.

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NATURE CONSERVATIONO. 8 of 1969
(Schedule 6)

SCHEDULE 6.

PROTECTED PLANTS (SECTION 30).

<i>Common Name</i>	<i>Scientific Name</i>
Tree-fern	<i>Alsophila dregei</i> (= <i>Cyathea dregei</i>)
all species of cycads	genus <i>Encephalartos</i>
all species of yellowwoods	genus <i>Podocarpus</i>
all species of arum lilies	genus <i>Zantedeschia</i>
all species of red-hot poker	genus <i>Kniphofia</i>
all species of aloes	genus <i>Aloe</i>
"kleinkantiedood"	<i>Haworthia nervosa</i> subsp. <i>recurva</i> (= <i>Haworthia tessellata</i>)
all species of agapanthus	genus <i>Agapanthus</i>
all species of berg lilies	genus <i>Galtonia</i>
all species of wild squill	genus <i>Scilla</i>
all species of pineapple flower	genus <i>Eucomis</i>
all species of paint brushes and blood flowers	genus <i>Haemanthus</i>
all species of poison bulbs or century plants	genus <i>Boophane</i>
all species of nerines	genus <i>Nerine</i>
all species of brunsvigia	genus <i>Brunsvigia</i>
all species of kukumakrankas	genus <i>Gethyllis</i>
all species of crinums	genus <i>Crinum</i>
ground lily	<i>Ammocharis coranica</i>
all species of fire lilies	genus <i>Cyrtanthus</i>
all species of elephant's foot or wild yam	genus <i>Dioscorea</i>
river lily, vlei lily	<i>Schizostylis coccinea</i>
all species of fairy-bells, hair-bells or flowering grass	genus <i>Dieruma</i>
all species of tritonia	genus <i>Tritonia</i>
all species of gladioli	genus <i>Gladiolus</i>
all species of watsonias	genus <i>Watsonia</i>
all species of freesias	genus <i>Freesia</i>
all species of orchids	family <i>Orchidaceae</i>
the protea species of the O.F.S.	<i>Protea caffra</i> , <i>P. roupelliae</i> and <i>P. subvestita</i>
all species of stone faces or stone plants	genus <i>Lithops</i>
<i>Neohenricia vygie</i>	<i>Neohenricia sibbettii</i>
all species of pleiospilos	genus <i>Pleiospilos</i>
sheep's tongue	<i>Titanopsis calcarea</i>
all species of anacampseros	genus <i>Anacampseros</i>
all species of sundew	genus <i>Drosera</i>
"ploegbreker" or "tamboekwiewortel"	<i>Erythrina zeyheri</i>
all species of "vingerpol, voertangel, noorsdoring, melkbol" or "melkpol"	genus <i>Euphorbia</i>
wild begonia	<i>Begonia sunderlandii</i>
all species of cabbage trees	genus <i>Cussonia</i>
all species of heaths	genus <i>Erica</i>
wild olive tree	<i>Olea europaea</i> subsp. <i>africana</i>
all species of pachypodiums	genus <i>Pachypodium</i>
all species of the stapeliae, ceropegias and trichocaulons	family <i>Asclepiadaceae</i>
all species of everlasting	genus <i>Helichrysum</i> .

1. List of names substituted by A.N. 269 of 18-10-1965.

SCHEDULE 7.

Ordinances Repealed
(Section 45)

No. and year of Ordinance	Short Title of Ordinance	Extent of Repeal
6 of 1937	<i>Game Protection Ordinance, 1937.</i>	<i>The whole.</i>
13 of 1937	<i>Game Protection Amendment Ordinance, 1937.</i>	<i>The whole.</i>
4 of 1939	<i>Game Protection Amendment Ordinance, 1939.</i>	<i>The whole.</i>
14 of 1943	<i>Game Protection Amendment Ordinance, 1943.</i>	<i>The whole.</i>
9 of 1952	<i>Game Protection Amendment Ordinance, 1952.</i>	<i>The whole.</i>
7 of 1953	<i>Native Flora Ordinance, 1953.</i>	<i>The whole.</i>
5 of 1964	<i>Fish Preservation Ordinance, 1964.</i>	<i>The whole.</i>
11 of 1967	<i>Vermin Extermination Ordinance, 1967.</i>	<i>The whole.</i>
12 of 1968	<i>Game Protection Amendment Ordinance, 1968.</i>	<i>The whole.</i>
6 of 1971	<i>Vermin Extermination Amendment Ordinance, 1971.</i>	<i>The whole.</i>
7 of 1974	<i>Vermin Extermination Amendment Ordinance, 1974.</i>	<i>The whole.</i>
9 of 1976	<i>Vermin Extermination Amendment Ordinance, 1976.</i>	<i>The whole.</i>
6 of 1977	<i>Vermin Extermination Amendment Ordinance, 1977.</i>	<i>The whole.</i>
2 of 1980	<i>Vermin Extermination Amendment Ordinance, 1980.</i>	<i>The whole.</i>
10 of 1981	<i>Vermin Extermination Amendment Ordinance, 1981.</i>	<i>The whole.</i>

1. Schedule 7 substituted by s. 2, O. 5/1986 w. e.f. 23/5/1986.

SCHEDULE 8

HUNTING AT NIGHT

(SECTION 6)

<i>Common Name</i>	<i>Scientific Name</i>
Springbok	<i>Antidorcas marsupialis.</i>
Blesbok	<i>Damaliscus dorcas phillipsi.</i>
Black wildebeest	<i>Connochaetes gnou.</i>
Blue wildebeest	<i>Connochaetes taurinus.</i>
Gemsbok	<i>Oryx gazella.</i>
Eland	<i>Taurotragus oryx.</i>
Red hartebeest	<i>Alcelaphus buselaphus.</i>
Impala	<i>Aepyceros melampus.</i>
Kudu	<i>Tragelaphus strepsiceros.</i>
Zebra	<i>Family Equidae.</i>

NATURE CONSERVATION REGULATIONS

Administrator's Notice No. 184]

[12 August 1983

NATURE CONSERVATION REGULATIONS

The Administrator has, in terms of section 38 of the Nature Conservation Ordinance, No. 8 of 1969 (hereinafter referred to as the Ordinance), made the following regulations in substitution for the regulations promulgated under Administrator's Notice No. 276 of 12 December 1969:

PART 1

Wild Animals

1. 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 of *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;

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

2. Words italicized substituted for the words "an amount of R25" by A.N. 3 dd. 25/1/1991.

NATURE CONSERVATION REGULATIONS

- (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 11 (g) and sections 5 (2) (b)¹, 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 *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 subregulation (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.

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

2. "14 (4)" inserted by A.N. 5 dd. 25/1/1991.

3. Words italicized substituted for the words "protected or ordinary name" by A.N. 5 dd. 25/1/1991.

NATURE CONSERVATION REGULATIONS

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;

NATURE CONSERVATION REGULATIONS

- (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 subregulation (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.

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PART 2

Professional Hunters

9. (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 tests set for the purpose with a total of not less than 70 %;
- (b) the permit fee as determined by the Administrator, has been paid; and
- (c) written proof is submitted that the applicant has been found fit to be a professional hunter by an institution appointed by the Administrator.

(2) A permit referred to in subregulation (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;
- (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.

(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;

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

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

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

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

4. Par. (h) added by A.N. 256 dd. 15/6/1986.

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

NATURE CONSERVATION REGULATIONS

- (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 subregulation (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 subregulation (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 subregulation (1)—
 - (a) . . .
 - (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

Fish and Other Aquatic Animals

10. A licence referred to in section 23 (1) of the Ordinance shall only be issued after payment of *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;

1. Par. (a) deleted by A.N. 129 dd, 10/2/1990.

2. Words italicized substituted for the words "an amount of R7" by A.N. 5 dd, 25/1/1991.

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- (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 (<i>Barbus</i> species) - | 10 |
| 1 . . . | |
| Trout (<i>Salmo</i> species) | 6; |
- ²(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 (<i>Barbus holubi</i>) - | 45 centimetres |
| Largemouth yellowfish (<i>Barbus kimberleyensis</i>) - | 45 centimetres |
| Trout (<i>Salmo</i> species) - | 30 centimetres. |
- (2) No person shall use live fish as bait.
- ³12. . . .
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 subregulation (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

Indigenous Plants

15. 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.

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

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

3. R. 12 repealed by P.N. 71/1995.

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PART 5

Nature Reserves

16. 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, airgun 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.

NATURE CONSERVATION REGULATIONS

(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.

(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.*

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NATURE CONSERVATION REGULATIONS

(3) When livestock has, in terms of subregulation (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 subregulation (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 subregulation (2) from the place where it is in custody unless the amount payable for the release of such livestock in terms of the said subregulation has been paid.