NATURE CONSERVATION Ordinance 15 of 1974

[Natal Ord. 15 of 1974]

[NB. The administration of the whole of this Ordinance has under Proclamation 107 of 1994, published in Government Gazette 15813 of 17 June 1994, been assigned to the Province of KwaZulu-Natal with effect from 17 June 1994.]

ORDINANCE

[Assented to by the State President-in-Council on 21st August, 1974 - English text signed]

[Date of effect 12th September 1974]

To consolidate the laws relating to nature conservation and to provide for matters incidental thereto.

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CHAPTER I (sec 1)

1 Definitions

In this Ordinance, unless inconsistent with the context -

"Administrator" means the Administrator of the Province of Natal acting upon the advice and with the consent of the Executive Committee of the said Province;

"angling" means the capture of any fish by means of a line to which a hook or hooks are attached, whether or not a rod is used, and irrespective of the type of bait or artificial lure which may be used;

"animal" means any member of the animal kingdom other than man;

[Substituted by s. 2 (a), O. 25/1979.]

"approved" means approved by the Administrator;

"aviary" means any structure or enclosure used for the confinement of a wild bird or birds enclosing a space of not less than 8,50 m^3;

[Substituted by s. 2 (a), O. 27/1975 and by s. 1 (a), O. 18/1978.]

"baboon" ...

[Definition of "baboon" deleted by s. 2, O. 17/1982.]

"biltong" means the flesh of game which has been dried for the purpose of preservation;

"Board" means the Natal Parks, Game and Fish Preservation Board constituted under section 4 (1);

"cage" in all matters pertaining to Wild Birds (Chapter VIII) means any structure or enclosure used for the confinement of a wild bird or birds enclosing a space of less than 8,50 m3;
[Substituted by s. 2 (b), O. 27/1975 and by s. 1 (b), O. 18/1978.]

"catch" or "capture" in all matters pertaining to -

(a) Freshwater Fish (Chapter IX), includes to kill by any means whatsoever;

(b) Coastal Fishing (Chapter X), includes to kill or land or remove and the taking of fish by spear gun and skin-diving;

"client" means any person not normally resident in the Republic, the Territory of Namibia or any independent State which, prior to its independence, was part of the Republic and who pays or rewards any other person for or in connection with the hunting of game;

[Inserted by s. 2 (a), O. 26/1984.]

"close season" in all matters pertaining to -

(a) Freshwater Fish (Chapter IX) and Game (Chapter III), means the interval between the end of one open season and the commencement of the next ensuing open season;

(b) Coastal Fishing (Chapter X), means any period during which the catching of fish or of fish of any defined species is prohibited by the Administrator by proclamation in terms of section 159 (1) (a);

"commercial game-reserve" means any area of privately-owned land on which game are propagated, kept or maintained for business purposes, and in respect of which a permit has been issued in terms of this Ordinance;

[Substituted by Procl. 29/1990.]

"cycad" means the genera of Encephalartos and any hybrid and Strangeria;

[Inserted by Procl. 49/1993.]

"cultivated" ...

[Substituted by s. 2 (c), O. 27/1975 and deleted by Procl. 49/1993.]

"Director" means the officer appointed by the Board as Director of the Natal Parks, Game and Fish Preservation Board or other officer lawfully acting in that capacity;

"display cage" means a small cage for the confinement of a wild bird or birds used as a temporary measure for that purpose during or in connection with a show;

"employee" means any person appointed in a non-classified post in a temporary or permanent capacity;

[Inserted by par. 1 (a) of the Schedule to Proclamation 9/1988.]

"endangered mammal" means any indigenous mammal or exotic mammal listed in Schedule 6;

[Substituted by s. 2 (b), O. 25/1979.]

"endangered wild flower" ...

[Definition of "endangered wild flower" deleted by s. 2 (d), O. 27/1975.]

"exotic amphibian, invertebrate or reptile" means any amphibian, invertebrate or reptile which is not indigenous to the Republic or South West Africa or any territory which formed part of the Republic and in terms of an Act of Parliament became an independent state and includes -

(a) any part of or derivative from any such amphibian, invertebrate or reptile, and

(b) the egg or any other immature stage of any such amphibian, invertebrate or reptile;

[Inserted by par. 1 (b) of the Schedule to Proclamation 9/1988.]

"exotic mammal" means any non-domestic mammal, alive or dead, or any part thereof, which is not indigenous to the Republic or South West Africa or any territory which formed part of the Republic and in terms of an Act of Parliament became an independent state;

[Substituted by s. 2 (c), O. 25/1979.]

"exotic wild mammal" ...

[Definition of "exotic wild mammal" deleted by s. 2 (d), O. 25/1979.]

"financial year" means the period of twelve months ending on the 31st day of March in any year;

"fish" in all matters pertaining to -

(a) the Board (Chapter II), includes crustacea and mollusca;

(b) Freshwater Fish (Chapter IX), means any freshwater indigenous or exotic fish or crustacean and includes the spawn or egg of any such fish or crustacean;

[Substituted by par. 1 (c) of the Schedule to Proclamation 9/1988.]

(c) Coastal Fishing (Chapter X), means any species of marine or estuarine fish, mammal, turtle or invertebrate and includes porpoises, molluscs, crustaceans, worms, ascidians, as well as seals, subject to the Sea Birds and Seals Protection Act, 1973 (Act 46 of 1973), and the spawn, eggs, brood or young or any part of fish as herein defined, but does not include whales;

[Par. (c) substituted by s. 1 (a), O. 14/1976.]

"fish hatchery" means any waters in which fish, whether indigenous or non-indigenous are being cultivated, propagated or acclimatised but shall not include a general fish farm or a special fish farm registered in terms of the regulations made under Chapter IX;

"fishing boat" or "boat" in all matters pertaining to Coastal Fishing (Chapter X), means any vessel used for catching fish;

"foreign bird" means any non-domestic bird which is not indigenous to the Republic or South West Africa or any territory which formed part of the Republic and in terms of an Act of Parliament became an independent state, and shall include any egg or skin of any such bird which has not been completely processed;

[Substituted by s. 2 (e), O. 25/1979.]

"game" means any of the mammals or birds, alive or dead, mentioned in Schedule 1, 2, 3 or 4 and shall include any meat, fat or blood thereof, whether fresh, preserved, processed or manufactured in any manner, and also any tooth, tusk, bone, head, horn, shell, claw, hoof, hide, skin, hair, egg, feather, or other durable portion or any such mammal or bird, whether preserved, processed, manufactured or not, but shall not include any trophy;

"game park" means any area or privately-owned land on which game are propagated, kept or maintained in enclosures where they are or are intended to be on display to the general public, whether or not any charge is levied for admission to such place, but shall not include any zoo as defined in this section;

"game reserve" means any place declared to be such under section 2;

"gather" means to pick, pluck, uproot, cut, accumulate, collect, cultivate, amass, chop off, saw off, break or damage or destroy, whether wholly of partially;

[Substituted by Procl. 49/1993.]

"Gazette" means the Official Gazette of the Province of Natal;

"general fish farm" means any waters in which fish, other than trout, are cultivated and from which they may be removed by means other than angling;

"growing in a wild state" in all matters pertaining to Indigenous Plants (Chapter XI) means not having been introduced by man;

[Inserted by s. 2 (e), O. 27/1975.]

"honorary officer" means an honorary officer appointed in that capacity by the Board in terms of section 11 (10) (a) or 27 (1);

[Inserted by s. 2 (e), O. 27/1975.]

"hunt or capture" and "hunt" ...

[Definitions of "hunt or capture" and "hunt" deleted by s. 2 (b), O. 26/1984.]

"hunt", "kill", "catch" or "capture" means to kill or capture by any means whatsoever and includes to search or lie in wait for, or wilfully disturb, drive, pursue, discharge any missile at or injure;

[Amended by s. 2 (c), O. 26/1984.]

"hunting-outfitter" means any person who presents or organises the hunting of game for clients;

[Inserted by s. 2 (d), O. 26/1984.]

"implement" or "implement of fishing" in all matters pertaining to -

(a) Freshwater Fish (Chapter IX), means any rod, fishing tackle, hook or other apparatus or device used or capable of being used in the capture of fish, or any part of any such implement;

(b) Coastal Fishing (Chapter X), means any boat, net, rod, fishing tackle, hook or other apparatus, contrivance or device used or capable of being used in the capture of fish or any part of any implement as herein defined;

"Indigenous amphibian, invertebrate or reptile" means any amphibian, invertebrate or reptile indigenous to the Republic or South West Africa or any territory which formed part of the Republic and in terms of an Act of Parliament became an independent state, or any part of or derivative from such amphibian, invertebrate or reptile, or the eggs or other immature stages thereof, but shall exclude any marine invertebrates;

[Inserted by s. 2 (f), O. 25/1979.]

"indigenous mammal" means any non-domestic mammal, alive or dead, or any part thereof which is indigenous to the Republic or South West Africa or any territory which formed part of the Republic and in terms of an Act of Parliament became an independent state, and includes any such mammal which is born in captivity, but does not include any mammal listed in Schedule 5 or which is defined as game;

[Inserted by s. 2 (f), O. 25/1979.]

"indigenous plant" means any plant or part thereof, including cycad and any cycad hybrid, indigenous to the Republic or Namibia or any territory which formed part of the Republic and in terms of Act of Parliament became an independent state, but does not include any plant which is a noxious weed by virtue of any law;

[Substituted by s. 1 (b), O. 14/1976, s. 2 (g), O. 25/1979 and by Procl. 49/1993.]

"keep in captivity", in relation to any non-domestic animal, means to have the same in possession or custody, to exercise complete control over it, or in any way whatsoever and by whatever means to restrict its movement or flight;

[Substituted by s. 1 (a), O. 31/1976 and by s. 2 (h), O. 25/1979.]

"kill or capture" ...

[Definition of "kill or capture" deleted by s. 2 (e), O. 26/1984.]

"licence" means a licence prescribed in terms of this Ordinance;

"licensing board" means the Natal Fisheries Licensing Board, contemplated in section 162 (1);

"licensing officer" in all matters pertaining to Coastal Fishing (Chapter IX), means the licensing officer contemplated in section 163;

"loaded firearm" means any firearm containing any cartridges, bullets or other ammunition whether in the breech or in the magazine;

"local authority" means a town council, town board or health committee constituted in terms of the Local Authorities Ordinance, 1974 (Ordinance 25 of 1974), and includes the Development and Service Board constituted in terms of the Development and Services Board Ordinance, 1941 (Ordinance 20 of 1941);

[Substituted by s. 1 (c), O. 14/1976.]

"officer" means any person appointed in a permanent or temporary capacity in a classified post in the Board's service and, save in respect of any matter pertaining to private reserves (Chapter IV) or in any matter of internal administration of this Ordinance, includes a police officer;

[Substituted by par. 1 (d) of the Schedule to Proclamation 9/1988.]

"open game" means any of the game animals listed in Schedule 4;

[Inserted by s. 2 (j), O. 25/1979.]

"open season" in all matters pertaining to -

(a) Game (Chapter III) and Private Reserves (Chapter IV), means the period during which ordinary game or protected game or any particular species of ordinary game or protected game may, subject to the provisions of this Ordinance, be hunted;

(b) Freshwater Fish (Chapter IX) means the period during which fish or any defined species may, subject to the provisions of the said Chapter, be caught;

"ordinary game" means any of the mammals and birds included in Schedule 1;

"microchip transponder" means an electronic microchip inserted in the body of a specially protected indigenous plant and used for identification purposes;

[Inserted by Procl. 49/1993.]

"monitor lizard" ...

[Definition of "monitor lizard" deleted by s. 2 (i), O. 25/1979.]

"monkey" ...

[Definition of "monkey" deleted by s. 2, O. 17/1982.]

"national park" means any place declared to be such under section 2;

"nature reserve" means any place declared to be such under section 2;

"non-resident person" ...

[Definition of "non-resident person" deleted by s. 2 (f), O. 26/1984.]

"occupier" includes a person having shooting rights over any land during any open season under agreement with the owner or occupier of such land, but subject in all respects to the provisions of this Ordinance;

"owner" in relation to land means -

(a) the person in whose name the title thereto is registered; or

(b) in the case of land which is let or lawfully occupied by a person other than the owner, the lessee or occupier thereof, who is not precluded by the terms of his tenancy from exercising any rights which an owner of land may exercise in terms of this Ordinance; or

(c) in the case of land subject to a usufruct or a fideicommissum, the usufructuary or fiduciary, as the case may be; or

(d) in the case of land owned by an association of persons, whether corporate or not, a person nominated by such association; or

(e) in the case of a public place or the road reserve of any public road, the authority in whom the control and management thereof vests;

"park" means any place declared to be a national park under section 2;

"permit" means a permit prescribed in terms of this Ordinance;

[Inserted by s. 1 (b), O. 31/1976.]

"poison" means any poison, preparation, drug or chemical which may be used to catch, immobilize, sterilize, kill or physically harm any wild animal;

[Inserted by Procl. 29/1990.]

"police officer" means any police official or peace officer as defined in section 1 of the Criminal Procedure Act, 1977 (Act 51 of 1977);

[Substituted by s. 1 (b), O. 26/1978 and by s. 2 (k), O. 25/1979.]

"prescribed" means prescribed by this Ordinance or any regulation made thereunder;

"private nature reserve" means a privately-owned area of land, enclosed by a fence, wherein rare or interesting indigenous plants or wild birds are protected and conserved, and which has been proclaimed as such in terms of section 59;

[Substituted by s. 2 (h), O. 27/1975.]

"private road" means any road other than a public road;

[Inserted by s. 1 (c), O. 31/1976.]

"private wild-life reserve" means a privately-owned area of land, enclosed by a fence, wherein rare or interesting indigenous plants, wild birds, ordinary game, protected game or specially protected game are protected and conserved, and which has been proclaimed as such in terms of section 59;

[Substituted by s. 2 (i), O. 27/1975.]

"professional fisherman" means a fisherman who has no other occupation than that of fishing, and includes a person who has declared in writing his intention not to have any other occupation than that of fishing if and when a licence for the operation of a seine-net is issued to him;

"professional hunter" means any person who offers or agrees to escort a client for reward to enable such client to hunt game;

[Inserted by s. 1 (b), O. 3/1981 and substituted by s. 2 (g), O. 26/1984.]

"protected game" means any of the mammals and birds included in Schedule 2;

"protected indigenous plant" means any indigenous plant mentioned in Schedule 11;

[Inserted by s. 2 (j), O. 27/1975.]

"protected indigenous amphibian, invertebrate or reptile" means any species of amphibian, invertebrate or reptile included in Schedule 7, whether alive or dead, indigenous to the Republic or South West Africa or any territory which formed part of the Republic and in terms of an Act of Parliament became an independent state;

[Afrikaans definition inserted by s. 2 (k), O. 27/1975. Substituted by s. 2 (l), O. 25/1979.]

"Province" means the Province of Natal;

"public road" means any road or thoroughfare to which the public, or any section thereof, have a right of access, and shall include any land adjacent to such road or thoroughfare set aside as a road reserve;

[Inserted by s. 1 (d), O. 31/1975.]

"purchase" means to buy, procure, acquire, barter or exchange as valuable consideration;

[Inserted by Procl. 49/1993.]

"python" ...
[Definition of "python" deleted by s. 2 (m), O. 25/1979.]

"rare wild flower" ...

[Definition of "rare wild flower" deleted by s. 2 (l), O. 27/1975.]

"regulation" means any regulation made under this Ordinance;

"riparian owner" means the owner of land which actually abuts on any water or on which any waters are situated;

"Schedule" means a schedule to this Ordinance;

"sell" includes hawk, barter, exchange, offer or expose for sale, and "sale" shall have a corresponding meaning;

"shoot" means to kill by means of a firearm only and by no other means;

"show" means any organised display of wild birds conducted by a recognised cage bird club or society or similar institution and which is open to the public;

"skin-diver" means any person who swims or dives below the surface of the water with the use of equipment of any kind designed or generally used for or which facilitates swimming or diving under water, and "skin-diving" has a corresponding meaning;

"snare" means a noose of string or of wire or of any other material which can be used for capturing any animal;

"spear gun" means any implement or contrivance, whether mechanically operated or not, used or which may be used by a skin-diver for the spearing or capture of fish;

"special fish farm" means any waters in which trout are cultivated and from which they may be removed by means other than angling;

"specially protected bird" means any species of wild birds included in Schedule 9;

"specially protected game" means any of the mammals and birds included in Schedule 3;

"specially protected indigenous plant" means any indigenous plant mentioned in Schedule 2;

[Inserted by s. 2 (m), O. 27/1975.]

"species" means any species or subspecies;

"statutory body" means a body which exercises powers or performs duties conferred or imposed upon it by statute;

"this Ordinance" save in respect of matters pertaining to the Board (Chapter II), includes the regulations;

"trap" in all matters pertaining to -

(a) the Board (Chapter II), means any contrivance or device by means of which an animal can be captured;

(b) Game (Chapter III), means any contrivance or device by means of which game can be killed, injured or captured, but excludes a snare;

[Amended by Procl. 10/1990.]

(c) Wild Birds (Chapter VIII), means any contrivance or device by means of which a bird can be killed, injured or captured;

[Amended by Procl. 10/1990.]

"trophy" means any mounted head or mounted skin of any game used or intended for private display or museum purposes or any skin or portion of such skin of any game used in a processed or manufactured article;

"unprotected indigenous plant" means any indigenous plant mentioned in Schedule 10;

[Inserted by s. 2 (n), O. 27/1975.]

"unprotected wild bird" means any of the birds included in Schedule 8;

"vermin" means -

(a) any troublesome or destructive rodent or invertebrate; or red-billed quelea (Quelea quelea).

[Inserted by Procl. 29/1990.]

"unprotected wild flower" ...

[Definition of "unprotected wild flower" deleted by s. 2 (o), O. 27/1975.]

"waters" in all matters pertaining to -

(a) Freshwater Fish (Chapter IX), means any river, stream, estuary or creek which is not subject or liable to tidal influence, or that portion of any river, stream, estuary or creek which, being subject or liable to tidal influence, lies upstream or inland of a point of demarcation fixed in terms of regulations made in that behalf, and any freshwater lake, pan, pond, furrow or other collection of water, whether natural or artificial, in which fish may be found, including the foreshores or banks of any such waters;

(b) Coastal Fishing (Chapter X), means the Indian Ocean and includes any semi-enclosed bay, estuary and that portion of any tidal river which lies downstream or seaward of a point of demarcation fixed in terms of regulations made in that behalf;

"weapon" means any firearm or ammunition therefor, or any other instrument capable of propelling a projectile, or capable of being propelled or used in such a manner that any animal can be killed, injured or captured thereby;

"wild animal" means any non-domestic vertebrate or invertebrate of a species which inhabits, either temporarily or permanently, any part of the Republic or of any territory which formed part of the Republic and in terms of an Act of Parliament became an independent state but does not include fish or vermin;

[Inserted by Procl. 29/1990.]

"wild bird" means any non-domestic bird of a species which inhabits either permanently or temporarily any part of the Republic or South West Africa or any territory which formed part of the Republic and in terms of an Act of Parliament became an independent state, but does not include any such bird which is classified as game by virtue of its inclusion in Schedule 1, 2, 3, or 4 and shall include any skin or egg of any such bird which has not been completely processed;

[Substituted by s. 2 (n), O. 25/1979.]

"wilderness area" means an area where little or no human intrusion is permitted so that the natural processes will take place largely unaffected by human intervention;

[Inserted by Procl. 49/1993.]

"wild flower" ...

[Definition of "wild flower" deleted by s. 2 (p), O. 27/1975.]

"wild mammal" ...

[Definition of "wild mammal" deleted by s. 2 (o), O. 25/1979.]

"zoo" means any zoological garden or like place, where any indigenous mammals or exotic mammals are on display to and can be seen by members of the general public, whether or not any charge is levied for admission to such place.

[Substituted by s. 2 (p), O. 25/1979 and by s. 1 (c), O. 3/1981.]

CHAPTER II
THE NATAL PARKS BOARD (secs 2-29)

[Heading to Chapter II amended by s. 1, O. 12/1986.]

PART I (secs 2-23)

2 . . .

[Sec 2 amended by sec 2 of Ord 6 of 1982 and Proc 49 of 1993 and repealed by sec 42(1) of Act 9 of 1997 (KZN) w e f 1 April 1998.]

3 . . .

[Sec 3 repealed by sec 42(1) of Act 9 of 1997 (KZN) w e f 1 April 1998.]

4 . . .

[Sec 4 amended by sec 1 of Ord 12 of 1986 and by sec 1 of Ord 32 of 1974 and repealed by sec 42(1) of Act 9 of 1997 (KZN) w e f 1 April 1998.]

5 . . .

[Sec 5 amended by sec 2 of Ord 26 of 1978 and by sec 9(a) of Ord 22 of 1985 and repealed by sec 42(1) of Act 9 of 1997 (KZN) w e f 1 April 1998.]

6 to 8 inclusive . . .

[Secs 6 to 8 inclusive repealed by sec 42(1) of Act 9 of 1997 (KZN) w e f 1 April 1998.]

9 . . .

[Sec 9 substituted by sec 2 of Ord 31 of 1976 and repealed by sec 42(1) of Act 9 of 1997 (KZN) w e f 1 April 1998.]

10 . . .

[Sec 10 repealed by sec 42(1) of Act 9 of 1997 (KZN) w e f 1 April 1998.]

11 . . .

[Sec 11 amended by sec 2 of Ord 32 of 1974, by sec 3 of Ord 27 of 1975, by sec 2 of Ord 14 of 1976, by sec 3 of Ord 31 of 1976, by sec 3 of Ord 26 of 1978, by sec 1 of Ord 44 of 1978, by sec 3 of Ord 25 of 1979, by sec 3 of Ord 6 of 1982, by sec 2 of Ord 12 of 1986, Proclamation 5 [the Afrikaans text has "9"] of 1988 and by sec 1of Proclamation 63 of 1992 and repealed by sec 42(1) of Act 9 of 1997 (KZN) w e f 1 April 1998.]

11A Board may construct and let buildings in parks and nature reserves to certain clubs

(1) The Board may within a park or nature reserve with the prior approval of the Administrator, and for the purposes of organised recreation-orientated clubs approved by the Board -

(a) let, with or without reference to actual value, buildings or sites for buildings required by such clubs;

(b) construct buildings for lease to such clubs;

(c) financially assist such clubs to build, renovate, improve or extend such buildings subject to such conditions as the Board may impose.

[Inserted by s. 4, O. 27/1975 and renumbered (1) by s. 1, O. 35/1985.]

(2) Any lease concluded in terms of subsection (1) (a) or (b) may be entered into with effect from a date prior to the conclusion thereof.

[Added by s. 1, O. 35/1985.]

12 Revenue of Board and Trust Funds

(1) Subject to the provisions of section 11 (6), the revenue of the Board shall consist of fees and other moneys raised by it under the provisions of this Part, fines and estreated bail moneys paid or recovered in respect of contraventions of this Ordinance or the regulations made thereunder, and annual subsidies out of moneys appropriated by the Provincial Council for the purpose, which the Administrator may pay out to the Board in such sums, for such purposes and on such conditions as he may determine.

[Substituted by s. 3, O. 12/1986.]

(2) Subject to the provisions of any other law, the Board may -

(a) solicit and receive subscriptions, bequests and donations;

(b) establish a fund or funds into which such subscriptions, bequests and donations shall be paid, and

(c) subject to the terms and conditions relating to such subscriptions, bequests and donations, use the moneys standing from time to time to the credit of any fund contemplated by paragraph (b) in such manner as it may determine.

[Substituted by s. 4, O. 26/1978 and by s. 1, O. 10/1985.]

(3) The Board shall not distribute any of its profits or gains to any person and it shall utilise its funds solely for investment purposes or the objects for which it has been established.

[Inserted by Procl. 49/1993.]

13 Estimates

(1) During the month of August in each year the Board shall forward to the Administrator for his approval, estimates of revenue and expenditure for the immediately ensuing financial year, commencing on the first day of April next following, and such estimates shall be divided into such subheads and items as the Administrator may require.

[Substituted by s. 4, O. 12/1986.]

(2) No expenditure shall be incurred by the Board unless such expenditure has been approved in terms of subsection (1); provided that -

(a) the Board may, prior to the conclusion of any financial year -

(i) use savings on any item of a subhead to defray excess expenditure on any other item of such subhead; and

(ii) use anticipated savings on any subhead to defray anticipated excess expenditure on any other subhead, and

(b) the Administrator may, after the conclusion of any financial year, authorise the use of any savings on any subhead during such financial year to defray excess expenditure incurred, with the prior approval of the Board, on any other subhead during such financial year.

[Sub-s. (2) substituted by s. 4, O. 12/1986.]

(3) Notwithstanding the provisions of subsection (1) and (2), the Board may from time to time purchase consumable stores and trading stocks for future use; provided that the cost of such stores and stocks shall be recorded as a charge against the appropriate account as and when the stores and stocks are issued for use.

[Inserted by s. 5, O. 26/1978.]

14 Accounts

(1) The Board shall keep a full and correct account of all moneys received and shall, as soon as possible after the close of each financial year, submit to the Administrator a report of its operations, accompanied by a statement of its receipts and payments, which report and statement shall be laid before the Provincial Council.

(2) The accounts of the Board shall be subject to audit by the Provincial Auditor or other officer appointed by the Administrator subject to the provisions, mutatis mutandis, of sections 178 to and including 182 of the Local Authorities Ordinance, 1974 (Ordinance 25 of 1974), in so far as they may be applicable.

[Amended by s. 4, O. 6/1982.]

15 Restriction of entry into parks, etc. and prohibition of certain acts therein

(1) Subject to the provisions of section 16 and subsections (2) and (4), it shall not be lawful for any person other than a member of the Board or an officer or employee of the Board acting under its authority -

[Substituted by s. 5, O. 12/1986.]

(a) to enter or reside in a park except with the permission of the Board or any officer of the Board authorised to grant such permission and subject to the provisions of this Ordinance;

(b) to convey into a park or, within the confines thereof to be in possession of any weapon, explosive, trap or poison; provided that the Board may by regulation permit any person lawfully entering a park or lawfully sojourning therein to convey into a park, or within the confines thereof to be in possession of any weapon specified by regulation, on such conditions and within such limitations as may be prescribed by regulations;

(c) within a park to kill, injure, capture or disturb any animal or to take or destroy any egg, larva or nest thereof; provided that any dangerous animal, or noxious insect may be killed in defence of human life or to prevent the infliction of personal injury;

[Substituted by s. 4, O. 25/1979.]

(d) wilfully or negligently to cause any veld fire or any damage to any object of geological, ethnological, historical or other scientific interest within a park;

(e) to introduce any animal or to permit any domestic animal to stray into a park;

(f) to remove from a park any animal, whether alive or dead, other than an animal lawfully introduced into such park, or any part of an animal;

(g) to cut, injure, uproot or destroy any tree or plant in a park or remove any tree or plant or any part thereof from a park;

(h) within a park to be in possession of a snare;

(i) within a park to hunt or capture any animal by means of any trap, snare or poison, or with the aid of artificial light of any kind or by means of veld fires or from any vehicle.

(2) Notwithstanding the provisions of subsection (1), it shall be lawful for any person-

(a) to travel through a park by a railway train or public road motor bus; provided that such person shall not within a park leave the railway line or road or the precincts of any station or authorised stopping place;

(b) to convey through a park by railway train or public road motor bus any animal or any such article as is mentioned in subsection (1) (b); provided that such animal or article shall not be removed from such train or motor bus within such park;

(c) subject to such conditions as may be prescribed to convey through a park over any prescribed route any such article as is mentioned in subsection (1) (b);

(d) to convey into or through a park with the permission of the Board or an officer of the Board authorised to grant such permission, any animal required in connection with lawful travel or transport in or through a park or lawful residence or sojourn in a park; or

(e) to do any matter or thing mentioned in subsection (1) (b), (c), (f) or (g) if he has the permission of the Board or of an officer of the Board thereto authorised, whether specially or by the regulations.

(3) For the purposes of subsections (1) and (2) the word "park" shall include also any game reserve or nature reserve; provided that subsection (1) (a), (b), (e), (f) and (g) shall not apply to any area therein or in any park for which a health committee shall have been constituted as provided in section 18, save in so far as they may be applied or varied by regulations made by the Board, which the Board is hereby authorised to make.

(4) To the extent to which that may be necessary for the purpose, the provisions of subsection (1) (a), (b), (e) and (f), shall not apply to any police, customs or excise officer entering a park, game reserve or nature reserve in the execution of his official duty.

16 Purposes for which a park etc. may be entered 1

The permission for entry or residence in a park, game reserve or nature reserve referred to in section 15, may be granted subject to such conditions as may be deemed necessary, and subject to such fees as may be prescribed (which fees may, however, in its discretion be varied or waived by the Board) and shall be granted only for the purposes of -

(a) health, study or recreation or matters incidental thereto;

(b) travel or transport along such routes as may be defined by regulation;

(c) transacting any lawful business with or concerning any person therein;

(d) enabling any person in the employ of the Government of the Republic of South Africa or of a provincial administration to carry out any official duty therein; or

(e) any other purpose which the Board may decide with the approval of the Administrator and which is not inconsistent with the provisions of this Ordinance.

17 Regulations

(1) The Board may, subject to the approval of the Administrator, make regulations not inconsistent with this Ordinance as to all or any of the following matters -

1(a) the powers and duties of officers, honorary officers and servants appointed by the Board in regard to -

(i) the exclusion of visitors from areas set aside in terms of section 11 (4) (h);

(ii) the killing, capturing or impounding of any animal trespassing within a park and the disposal thereof;

(iii) the burning of grass and the cutting of trees, reeds or grass within a park;

(iv) the disposal of any animal, plant or other product of a park;

2(v) the disposal of lost or abandoned property found within any of the areas controlled by the Board;

(b) the conditions subject to which permission to enter or reside in a park may be granted under section 16, and the period or times during which a park or any portion thereof shall be open to visitors;

(c) the regulation of traffic and carriage of passengers in a park, the points by which persons may enter or leave and the routes by which they may pass through a park;

(d) the conditions under which animals or such articles as are mentioned in section 15 (1) may be conveyed through a park, or permission may be granted to do any matter or thing referred to in section 15 (2) (e);

(e) the conditions under which the services or attendance of officers or servants of the Board may be obtained by any person passing through or sojourning within a park and compelling the acceptance of such services or attendance;

(f) the regulation or restriction of the taking of photographs in a park, the conditions subject to which photographs may be taken and the confiscation or detention of cameras, plates and films where prescribed conditions have not been complied with;

(g) the regulation, restriction or prohibition and control of camping in a park and the fees (if any) to be charged for camping;

(h) the prevention of nuisances and the observance of sanitary precautions in a park;

(i) the protection and preservation of a park and the animals and property therein, and the regulations, restriction or prohibition of the making of fires or of the commission of acts calculated to set fire to trees, plants or other vegetation or property in a park;

(j) the protection from defacement by writing or otherwise of any tree, ridge, rock, fence, seat or other object in a park;

(k) the regulation, restriction or prohibition of boat traffic upon any estuary, lake or other water in a park, the licensing of boats (with power, in respect of commercial vessels, to differentiate between the owners of such vessels, the number of passengers which may be carried, the charges for hire, the routes to be followed and the prohibition of any particular class or classes of boats;

[Substituted by s. 1, O. 18/1983 and deemed to have come into operation on 26 January 1979 b.v.o. s. 2, O. 18/1983.]

(l) the maintenance of any pont and the conditions subject to which it may be used and the charges for such use;

(m) the prohibition, restriction or regulation of the capture of fish in a park and the granting of permits to anglers to capture fish subject in all cases to the provisions of any laws relating thereto;

(n) the supply of bait to anglers where fishing is permitted;

(o) the fees to be charged upon the granting of any permission which the Board is authorised to grant or for the rendering by it of any service or facility;

(p) the exclusion of any animal from the meaning of the word "animal" as defined in section 1;

[Substituted by s. 5, O. 25/1979.]

(q) the conduct of the business of the Board and committees of the Board;

(r) the rates of travelling and subsistence to be paid to members of the Board;

(s) the classification of posts in the Board's service, the categories in which persons may be employed by the Board, the duties of its officers, honorary officers and employees and the remuneration, leave and other conditions of service of such officers and employees, including the conditions under which the Board may make advances to its officers for the purpose of acquiring subsidised motor transport;

[Substituted by s. 5 (b), O. 27/1975 and by s. 6 (1), O. 12/1986. Deemed to have come into operation on 12 September 1974 (vide s. 6 (2), O. 12/1986). Also see s. 6 (3), O. 12/1986.]

(t) any matter which may in terms of this Part of this Chapter be dealt with by regulation; and

(u) generally for the efficient control and management of a park.

(2) The Board may make different regulations in regard to different parks, or in respect of any area in a park for which a health committee shall have been constituted as provided in section 18.

(3) Every regulation made by the Board and approved by the Administrator shall be promulgated in the Gazette and any such regulation may be made with effect from any date, whether prior or subsequent to the date of promulgation thereof.

[Substituted by s. 5 (c), O. 27/1975.]

(4) For the purposes of this section the word "park" shall include also any game reserve or nature reserve.

18 Control of health

(1) In respect of any township situate in a park the Administrator may, notwithstanding anything contained in this or any other Ordinance, constitute a health committee under section 294 of the Local Authorities Ordinance, 1974 (Ordinance 25 of 1974), for such township and for so much of the park contiguous thereto as he may determine, and appoint the members of the Board as the members of such health committee.

[Amended by s. 5, O. 6/1982.]

(2) Separate accounts shall be kept in respect of every health committee area for which the members of the Board have been appointed as members of the health committee.

19 Animal diseases

Notwithstanding anything in this Ordinance or any other law contained, the Administrator may give such directions and orders to the Board as he may deem fit in order to ensure that any work in connection with the eradication of animal diseases carried on by a department of the Government of the Republic of South Africa may be brought to a conclusion, and it shall be the duty of the Board to carry out such directions or orders and to assist and co-operate subject to the directions of the Administrator with any officers engaged upon such work.

20 Application of other Chapters and other laws to parks, etc.

The provisions of this Part of this Chapter and the regulations made thereunder shall be deemed to be in addition to and not in substitution for the provisions of any other Chapter or of any other laws relating to game, fish and other fauna and flora, including any proclamations or regulations issued or made thereunder as amended from time to time; provided that in any case of conflict or inconsistency the provisions of this Part of this Chapter and the regulations made thereunder shall prevail.

21 Application of Road Traffic Ordinance, 21 of 1966

(1) The provisions of sections 4, 56, 76, 99, 100, 107, 109, 110, 111, 114, 115, 116, 118, 119, 121, 122, 130, 131, 135, 138, 139, 140, 141, 142 and 149 and any amendments thereof, of the Road Traffic Ordinance, 1966, (Ordinance 21 of 1966), shall apply mutatis mutandis to all roads within parks, game reserves and nature reserves established under section 2 whether such roads are public roads in terms of the said Ordinance or not.

(2) Any person who contravenes any of the said provisions of the said Ordinance shall, where such contravention is not already declared to be an offence, be guilty of an offence and on conviction be liable to a fine not exceeding two thousand rand or in default of payment to imprisonment for a period not exceeding two years.

22 Powers of arrest within parks and reserves

(1) Any officer or employee of the Board thereto authorised by the Board, shall have power to arrest without a warrant within any park, game reserve or nature reserve, any person suspected upon reasonable grounds of having contravened therein any of the provisions of this Ordinance or of any other law referred to in section 20 or 21.

[Amended by par. 3 (a), of the Schedule to Proclamation 9/1988.]

(2) If any nature reserve which in terms of section 2 (2) is deemed to be private property, any person is found wilfully trespassing thereon he may be arrested without warrant or be forcibly ejected from such nature reserve by any officer or servant of the Board thereto authorised by the Board.

[Amended by par. 3 (b), of the Schedule to Proclamation 9/1988.]

23 Penalties

(1) Any person who contravenes the provisions of section 15 (1) (c) by wilfully or negligently killing, injuring or capturing any specially protected game within a park or game reserve or nature reserve shall be guilty of an offence and be liable on conviction to a fine not exceeding ten thousand rand or imprisonment for a period not exceeding two years or to both such fine and such imprisonment; provided that if such contravention relates to a black rhinoceros, square-lipped rhinoceros or elephant the person so convicted shall be liable to a fine not exceeding one hundred thousand rand or to imprisonment for a period not exceeding ten years or to both such fine and such imprisonment.

[Substituted by Procl. 70/1990.]

(2) Any person who contravenes the provisions of section 15 (1) (c) by wilfully or negligently killing, injuring or capturing any ordinary or protected game within a park or game reserve or nature reserve, or contravenes the provisions of section 15 (1) (d) by wilfully or negligently causing a veld fire in a park or game reserve or nature reserve, shall be guilty of an offence and liable on conviction to a fine not exceeding five thousand rand or imprisonment for a period not exceeding one year or to both such fine and such imprisonment.

[Substituted by Procl. 70/1990.]

(3) . . .

[Deleted by Procl. 70/1990.]

(4) Any person contravening any provision of this Part of this Chapter or the regulations made thereunder in any manner other than those described in subsections (1) and (2), shall be guilty of an offence and liable on conviction to a fine not exceeding five hundred rand or in default of payment of such fine to imprisonment for a period not exceeding six months.

(5) Any person found wilfully trespassing upon any nature reserve which in terms of section 2 (2) is deemed to be private property, shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred rand or in default of payment to imprisonment for a period not exceeding one month.

(6) . . .

[Substituted by s. 2, O. 18/1978 and deleted by s. 6 (a), O. 25/1979.]

(7) . . .

[Substituted by s. 6 (b), O. 25/1979 and deleted by s. 7 (a), O. 12/1986.]

(8) Any dog found within a park, game reserve or nature reserve, except a dog in the lawful possession or custody and under the control of an officer or employee of the Board, may be destroyed by or on the instructions of an officer of the Board.

[Substituted by s. 7 (b), O. 12/1986.]

[S. 23 amended by s. 3, O. 35/1985.]

PART II (secs 24-29)

24 Duties of Board in respect of game, fish and other fauna and flora in general

(1) In addition to the powers, functions and duties conferred or imposed upon it under Part I of this Chapter, the Board shall take all such measures as it may deem necessary or proper for the enforcement of the provisions of this Ordinance and other laws relating to game, fish and other fauna and flora in the Province, as amended from time to time but subject to the provisions thereof including all proclamations and regulations issued or made thereunder, as amended from time to time.

(2) The Board shall also at the request of the Administrator enquire into any matter relating to the preservation of game, fish and other fauna and flora and the destruction of vermin and the laws relating thereto, and tender such advice as it may consider necessary or expedient.

(3) . . .

[Inserted by s. 6, O. 26/1978, substituted by s. 2, O. 3/1981 and deleted by s. 4, O. 35/1985.]

25 Entry on trust land

The Board or any member thereof or any officer or person thereto authorised by the Board may with the consent of the Minister of Co-operation and Development enter any scheduled area or any released area for the purpose of ascertaining whether the provisions of the laws referred to in section 24 (1) are being complied with therein or for any other purpose connected with the administration of these laws.

[Substituted by s. 6, O. 6/1982.]

26 Entry on private land

(1) The Board or any member thereof or any officer or other person generally or specially authorised by the Board may, at any hour reasonable for the performance of the duty, enter any private land or premises for the purpose of carrying out any investigation connected with the administration or enforcement of the laws referred to in section 24 (1).

(2) Any person who fails to give or refuses access to any member of the Board or any officer or other person mentioned in or authorised in terms of subsection (1) if he requests entrance on any land or premises, or obstructs or hinders him in the course of any investigation referred to in subsection (1), shall be guilty of an offence and liable on conviction to a fine not exceeding five hundred rand or imprisonment for a period not exceeding six months or to both such fine and imprisonment.

[Amended by s. 5, O. 35/1985.]

27 Board may appoint officers, honorary officers and employees to enforce laws relating to fauna and flora outside reserves

(1) The Board may appoint such officers, honorary officers and employees as it may deem necessary for the proper and efficient administration of Chapters III to XII and of any of the laws contemplated by section 24 (1), confer upon them the titles or designations by which they shall be known and determine their respective functions, powers and duties.

(2) The officers and employees contemplated by subsection (1) may be appointed on like or on different terms and conditions as those which apply to officers and employees appointed under Part I of this Chapter; provided that nothing contemplated in this section, in any other Chapter or in any other ordinance shall be deemed to prevent the employment of officers and employees appointed under Part I of this Chapter for the purposes of Chapters III to XII of this Ordinance or of any officer or employee in different capacities.

[S. 27 substituted by s. 6, O. 27/1975 and by s. 7, O. 12/1986.]

28 Financial

There shall be paid to the Board such moneys as may from time to time be appropriated by the Provincial Council for the exercise of the authority and the performance of the duties conferred or imposed upon the Board by this Part of this Chapter, which moneys the Administrator may pay out to the Board in such sums and for such purposes and on such conditions as he may determine.

29 Application to Part II of section 22 (1)

In so far as the same may be necessary for the proper exercise of the authority or performance of the duties conferred or imposed upon the Board or its officers or employees under this Part of this Chapter or any other Chapter or any law referred to in section 24 (1), the provisions of section 22 (1) shall apply, mutatis mutandis.

[Amended by par. 4 of the Schedule to Proclamation 9/1988.]

CHAPTER III
GAME (secs 30-58)

30 . . .
[Sec 30 repealed by s. 7, O. 27/1975.]

31 Open and closed seasons for certain game

(1) The Administrator may from time to time by proclamation in the Gazette appoint for the whole of the Province or any defined area or areas thereof, an open season during which, subject to the provisions of this Chapter, ordinary game or protected game may be hunted; provided that the Administrator may, if he deems it expedient so to do, proclaim different open seasons for different species of game, whether mammals or birds, or both, and whether in respect of the whole of the Province or any defined area or areas thereof.

(2) No person shall during the close season hunt game save in terms of and subject to the provisions of section 34, 37, 40 or 41.

32 Revocation and amendment of proclamations

Any proclamation issued in terms of this Chapter may be revoked or amended by the Administrator at any time by proclamation.

33 Licences and permits

(1) Save as in this Chapter specially provided -

(a) no person shall hunt ordinary or protected game except under the authority of and in accordance with the terms of a licence or a permit issued to him;

(b) no person shall hunt open game except with the prior permission of the landowner or occupier concerned or of an officer contemplated in section 42 (1).

[Sub-s. (1) substituted by s. 7 (a), O. 25/1979.]

(2) There shall be the following classes of licences and permits, namely -

(a) ordinary game licences,

(b) ordinary game permits,

(c) protected game licences,

(d) protected game permits,

(e) special game licences,

(f) commercial game-reserve permits,

[Amended by Procl. 29/1990.]

(g) game park licences,

(h) combined hunting and fishing licences, and

(i) professional culling permits,

[Amended by Procl. 10/1990.]

every such licence and permit being personal to the holder and not transferable to any other person.

[Substituted by s. 5, O. 31/1976 and s. 3 (a), O. 18/1978, amended by s. 3 (a), O. 3/1981 and s. 3 (a), O. 26/1984.]

(3) Every licence and permit shall in addition to the provisions of this Chapter be subject to such conditions as may be prescribed by the regulations.

(4) Nothing contained in sections 34, 35, 44 and 48 (1) (b), (d) and (e) shall apply -

(i) to the holder of a commercial game-reserve permit operating on his own commercial game reserve; and

(ii) to the holder of a professional culling licence operating as may be prescribed.

[Substituted by s. 3, (b), O. 18/1978 and by s. 3 (b), O. 3/1981 and amended by Procl. 29/1990.]

(5) Any permission granted in terms of subsection (1) (b) shall be subject to the relevant provisions of this Chapter and to such conditions as may be prescribed.

[Inserted by s. 7 (b), O. 25/1979.]

[Sub-s. (6) inserted by s. 3 (c), O. 3/1981 and deleted by s. 3 (b), O. 26/1984.]

34 Ordinary and special game licenses and ordinary game permits

(1) (a) An ordinary game licence, a special game licence or a combined hunting and fishing licence may be obtained by any person upon written or verbal application therefor to the Secretary of the Board, or other officer of the Board appointed by the Board for the purpose or any Government officer or person appointed by the Administrator for the purpose, subject to the payment of any such fee as may be prescribed.

[Substituted by s. 6 (a), O. 31/1976.]

(b) An ordinary game licence issued in terms of this subsection shall authorise the holder to hunt ordinary game during the open season mentioned therein.

(c) A special game licence issued in terms of this subsection shall authorise the holder to hunt ordinary game for such period during the close season as may be prescribed upon land the owner or occupier of which consents to such hunting and in respect of which the owner or occupier is in possession of either a valid commercial game-reserve permit or a valid ordinary game permit.

[Amended by Procl. 29/1990.]

(d) A combined hunting and fishing licence issued in terms of this section shall authorise the holder to hunt ordinary game during the open season mentioned therein and to do any of the things which the holder of a fishing licence issued in terms of section 145 may lawfully do.

[Inserted by s. 6 (b), O. 31/1977.]

(2) An ordinary game permit may be obtained by any owner or, subject to the production by him of the owner's written consent, any occupier of land, upon written or verbal application to the Secretary of the Board and shall authorise the holder -

(a) and his spouse and children or any one nominated full-time employee resident and actually working on that land to hunt such numbers and sexes of such species of ordinary game as the permit may specify on that land in the close season;

[Substituted by s. 6 (c), O. 31/1976.]

(b) to allow the holder of a special game licence to hunt ordinary game on such land during the close season; provided that the numbers of ordinary game specified in the ordinary game permit are not exceeded.

(3) Notwithstanding anything contained in section 33, the owner or, subject to the production by him of the owner's written consent, the occupier of any land and his spouse and children, or any nominated full-time employee resident and actually working on that land, may hunt ordinary game on such land in the open season without being in possession of an ordinary game licence or a combined hunting and fishing licence.

(4) No person who has shooting rights over any land shall be deemed to be the owner or occupier of such land for the purposes of this section.

35 Protected game licences and permits

(1) (a) A protected game licence which shall authorise the holder thereof to hunt such numbers and sexes of such species of protected game as the licence may specify, may be obtained by any person upon written or verbal application therefor to the Secretary of the Board or other officer of the Board appointed by the Board for the purpose or any Government officer or person appointed by the Administrator for the purpose, subject to the payment of any such fees as may be prescribed.

(b) A protected game licence issued in terms of this subsection shall be valid for hunting only on land the owner or occupier of which consents to such hunting and in respect of which the owner or occupier is in possession of either a valid commercial game-reserve permit or a valid protected game permit.

[Amended by Procl. 29/1990.]

(2) A protected game permit may be obtained by any owner or subject to the production by him of the owner's written consent, any occupier of land upon written or verbal application therefor to the Secretary of the Board and shall authorise the holder -

[Substituted by s. 7 (a), O. 31/1976.]

(a) and his spouse and children to hunt on such land, without a protected game licence, such numbers and sexes of such species of protected game as the permit may specify;

(b) to allow hunting on his land by the holder of a protected game licence; provided that the numbers of protected game specified in the protected game permit are not exceeded.

(3) No person who has shooting rights over any land shall be deemed to be the owner or occupier of such land for the purpose of this section.

36 Duties of holder of game licence

(1) Every game licence, game permit, combined hunting and fishing licence and professional culling licence shall bear upon its face in the space reserved for that purpose the signature of the person to whom it was issued and it shall not be valid or capable of being used until so endorsed. If the holder is unable to sign his name he shall make his mark on the licence in the presence of the issuing officer, a justice of the peace or a commissioner of oaths, who shall attest such mark.

[Substituted by s. 4, O. 3/1981 and amended by s. 4 (a), O. 26/1984.]

(2) (a) The holder of a game licence, game permit, combined hunting and fishing licence or a professional culling licence shall, whenever required by any magistrate or officer to do so -

(i) produce such licence or permit to such magistrate or officer, and

(ii) sign his name for purposes of comparison with the signature on any licence or permit produced by him.

(b) Any person who contravenes or fails to comply with the provisions of paragraph (a), shall be guilty of an offence.

[Sub-s. (2) as substituted by s. 8, O. 31/1976, s. 4, O. 3/1981 and s. 4 (b), O. 26/1984.]

37 Hunting, capture and keeping in captivity of specially protected game

(1) Save as is hereinafter provided, no person shall at any time hunt, capture or keep in captivity any specially protected game.

(2) The Administrator may, at any time in his discretion, grant a written permit to any officer or any other fit and proper person to hunt or capture any number of either sex of any species of specially protected game for such purpose or purposes as may be approved by him, or he may grant a written permit to any fit and proper person to keep in captivity any number of either sex of any species of specially protected game, subject in either case, if the Administrator so requires, to the payment of such charges or fees as may be prescribed, and subject also to such conditions as may be prescribed by the regulations in that behalf or specially imposed by him.

(3) Any permit granted in terms of subsection (2) for the hunting or capture of specially protected game shall specify the time and place for which it is to be available and the number and sexes of each species of such game mentioned therein, and it shall not be available at any other time or place or in respect of any specially protected game or species or sex of such game, other than such as is specified therein.

(4) Every officer or person to whom any permit referred to in subsection (3) shall have been granted, shall within fourteen days of the exercise by him of the authority conferred thereby or of the expiration thereof, whichever is the earlier, make a report to the Administrator, giving full particulars regarding the numbers and descriptions of each species and sex of specially protected game killed or, as the case may be, captured by him.

(5) Any person who hunts, captures or keeps in captivity any specially protected game in disregard of any permit granted to him or of any regulation made in that behalf or of any condition specially imposed by the Administrator, shall be deemed to have contravened the provisions of subsection (1).

(6) A return of all permits granted by the Administrator under the authority of this section and of all specially protected game killed or captured or to be kept in captivity in terms of such permits, shall be included in the annual reports of the Board.

38 Capture and keeping in captivity of protected game and ordinary game

(1) Save as is hereinafter provided, no person shall at any time capture or keep in captivity any protected game or ordinary game.

(2) The Board may, with the prior approval of the Administrator, grant to any fit and proper person a permit to capture or, as the case may be, to keep in captivity any number of either sex of any species of ordinary game or protected game on any land the owner or occupier of which has been granted an ordinary game permit or a protected game permit in terms of this Chapter; provided that -

(a) the numbers and sexes of game animals which may be removed in terms of a permit to capture shall be restricted to the numbers and sexes of game animals in respect of which the authority contained in such ordinary game permit or protected game permit has not already been exercised; and

(b) nothing hereinbefore contained shall apply to the holder of a commercial game-reserve permit operating on his own commercial game reserve.

[Substituted s. 9, O. 31/1976 and amended by Procl. 29/1990.]

(3) Any person who captures or keeps in captivity any protected game or ordinary game in disregard of any permit granted to him or of any regulation prescribed in that behalf or of any condition specially imposed by the Board, with the prior approval of the Administrator, shall be deemed to have contravened the provisions of subsection (1).

[Substituted by s. 9, O. 31/1976.]

39 Possession, dealing or handling of game reasonably suspected to have been unlawfully hunted and presumption

(1) Whenever any person is or has been in possession of or deals or has dealt in or handles or has handled any game and there exists at any time a reasonable suspicion that such game was hunted or acquired unlawfully he shall be guilty of an offence unless he proves the contrary.

[Substituted by Procl. 10/1990.]

(2) Whenever any game is upon any vehicle or at any camping place, every person who is in any way associated with such vehicle or who is at or in any way associated with such camping place shall be deemed to be in possession of such game for the purposes of subsection (1).

40 Destruction of crops by specially protected game

(1) If it is alleged in writing by any owner or occupier of land that damage or destruction is being caused on his land by any species of specially protected game at any time, the Administrator shall cause the matter to be investigated and, upon being satisfied that the complaint is well founded, shall determine what measures, if any, shall be taken in the circumstances.

(2) Any person who wilfully makes any false report or statement in regard to any matter mentioned in subsection (1) shall be guilty of an offence, without prejudice to his prosecution for any other offence which he may have committed against the provisions of this Chapter.

41 Capture or destruction of game for prevention of human or animal diseases, the preservation of fauna or flora or for scientific research

(1) The Administrator may authorise upon such terms and conditions as he may determine, the destruction, capture or removal of game or any species of game, if he deems that to be necessary or desirable for the prevention of human or animal diseases, or the preservation of fauna, or flora, or for educational or scientific purposes, and may also cause scientific and technical research to be undertaken in connection with any such matter.

(2) Any person thereto authorised by the Administrator in writing or any officer may at any time reasonable for the purpose enter upon any land for the purpose of carrying out any measure which the Administrator may direct in the exercise of the powers conferred upon him by subsection (1).

(3) Any person who fails to give or refuses access to any person authorised in terms of subsection (2) or to any officer if he requests entrance on any land, or obstructs or hinders him in the exercise of the powers or the performance of the duties conferred or imposed upon him, shall be guilty of an offence.

(4) The Administrator may delegate all or any of the powers conferred upon him by subsection (1) to the Board and in so doing may impose conditions subject to which the Board shall exercise any power so delegated.

(5) In respect of any power delegated by the Administrator in terms of subsection (4), the provisions of subsections (2) and (3) shall apply, mutatis mutandis, to the Board and to or in respect of any officer or other person authorised by the Board.

42 Trespass on land

(1) No licence or permit granted in terms of section 34, 35, 37 or 38 to hunt or capture game shall authorise the holder thereof to enter upon any land other than such State land as may be described therein; provided that in the case of any State land occupied or reserved for any public purpose the holder of any such licence or permit shall not hunt or capture game thereon unless he has first obtained the permission of any Government officer having authority to grant the same.

1(2) If any person hunts or captures game on land on which he is trespassing, or if any person trespasses upon any land on which game is or is likely to be found with any weapon or trap in his possession or accompanied by any dog, he shall be guilty of an offence; provided that in any prosecution for a contravention of a provision of this subsection a person shall not be deemed to have trespassed if he satisfies the court that such trespass was unintentional and that he was not aware that he was trespassing.

(3) Whenever any person is found trespassing on land in any of the circumstances hereinbefore in this section mentioned, any officer or the owner or occupier or person in charge of such land, or the holder of shooting rights over the same, may demand from such person a statement of his full name and place of residence and may direct him to quit such land forthwith, and if he fails to comply with any such demand or direction or gives a false or incomplete name or address, he shall be guilty of an offence.

(4) If any person hunts or captures game on the town lands or commonage of any municipal or like institution or other land which is open to the general public, or if any person with a weapon or trap in his possession enters upon any such town lands or commonage or other land on which game is or is likely to be found, in circumstances indicating his intention to hunt or capture game thereon, he shall for the purposes of subsections (2) and (3) be deemed to be trespassing thereon unless, in any prosecution, he proves to the satisfaction of the court that permission was given to him to hunt or capture game thereon by an officer of the municipal or like institution or other official having authority to grant the same.

43 Dogs

Any dog not under the immediate control of its owner or other person having the lawful custody thereof, which is found destroying or in pursuit of game, or any dog under the control of any person who is found hunting unlawfully on any land, may be destroyed forthwith by the owner or occupier of such land, or the holder of the shooting rights over the same, or by or upon the order of any officer; provided that nothing hereinbefore contained shall be construed as in any way affecting or derogating from the right of the owner or occupier of any land to destroy any such dog in terms of any other law.

44 Prohibition on use of unlicensed persons to hunt or capture game

No person shall make use of any unlicensed persons to hunt or capture game; provided that any person lawfully hunting or capturing game may, subject to any regulations prescribed in that behalf, use unlicensed persons to assist him, but such unlicensed persons shall not use or be permitted to use any weapon to kill game.

[Substituted by s. 7, O. 6/1982.]

45 Prohibition of hunting or capture of game in or from public roads

(1) No person shall hunt, kill or capture game in any public road or in the road reserve of any public road, nor shall any person in any such road or reserve kill or discharge any weapon at any game which is off such road or reserve.

(2) If upon the prosecution of any person for a contravention of subsection (1) it is proved that such person discharged a weapon in any such road or reserve aforesaid, it shall be presumed, until the contrary is proved, that he did so with the intention of killing game in or off such road or reserve.

46 Conveyance of firearms on roads traversing area in which game is present

If on any road, whether public or private, traversing land in any locality in which game is or is likely to be present, any person has in his possession or conveys in any vehicle upon which he is travelling, any loaded firearm (other than a revolver or pistol), he shall be guilty of an offence; provided that nothing hereinbefore contained shall apply to the owner or occupier of any land or his spouse or children, or to any person having shooting rights over any land, in relation to any private road situate on such land.

47 Possession of snares prohibited

Any person who is in possession of a snare shall thereby be guilty of an offence, unless he is able to prove that such snare is required by him for a lawful purpose.

48 Prohibited methods of and time for hunting of game

(1) No person shall hunt or capture game -

(a) by means of any trap or snare;

(b) with the aid of any artificial light;

(c) by means of veld fires;

(d) by means of, from or within two hundred metres of any motor vehicle, aircraft, horse or other means of transport; provided that any person hunting birds, listed in Schedules 1, 2, 3 or 4, may do so within two hundred metres of any horse;

(e) between half-an-hour after sunset on any day and half-an-hour before sunrise on the following day; or

(f) by means of a bow and arrow or crossbow and bolt,

unless he is the holder of a permit issued to him by the Board and subject to such conditions as the Board may impose in such permit.

[Sub-s. (1) amended by s. 11, O. 31/1976 and substituted by s. 9, O. 12/1986 and again amended by Procl. 29/1990.]

(2) No person shall, without such a permit as is referred to in subsection (1), set any trap or snare on land on which game is present or is likely to be found.

[Amended by Procl. 29/1990.]

(3) Notwithstanding anything contained in subsection (2), the owner or occupier of any land shall be deemed not to have contravened any of the provisions thereof if he satisfies the court that any trap or snare was set or constructed by him on such land for the preservation of his livestock, crops or produce or against the depredations of vermin, and that he took all reasonable precautions against the possibility of game being caught or destroyed thereby.

[Substituted by Procl. 29/1990.]

49 Sale and purchase of game

(1) No person shall sell game save in accordance with a written permit issued to him by the Board; provided that no such permit shall be required by -

[Substituted by Procl. 29/1990.]

(a) any owner or occupier of any land who, subject to any municipal by-laws or veterinary or health regulations, sells game lawfully killed upon such land;

[Amended by s. 8, O. 25/1979.]

(b) any person licensed or exempted under the Licences and Business Hours Ordinance, 1973 (Ordinance 11 of 1973), who, subject to such further conditions as may be prescribed, sells -

(i) game sold to him in terms of paragraph (a) or subsection (3); or

(ii) game sold to him by anybody entitled to sell it in terms of subparagraph (i).

[Par. (b) amended by s. 8, O. 6/1982.]

(2) No person shall purchase game other than such game as may be sold in terms of subsection (1) or (3).

(3) Notwithstanding anything to the contrary contained in this section, the Board may purchase, sell or otherwise dispose of game.

[S. 49 substituted by s. 3, O. 44/1978.]

50 Possession, sale and other disposal of trophies

(1) Any person who is in possession of a trophy derived from specially protected game after the commencement of the Game Preservation Amendment Ordinance, 1957 (Ordinance 31 of 1957), shall be guilty of an offence unless it is proved that he is in lawful possession thereof or that he acquired it from an approved person.

(2) No person shall sell or otherwise dispose of any trophy except under and in accordance with a written permit issued to him by the Board, or contrary to any term or condition which may be specified in such permit.

(3) Subject to such conditions as may be prescribed, an approved person may sell or otherwise dispose of any lawfully acquired trophy.

51 Exportation of game

(1) No person shall export game from the Province to any place outside the Republic of South Africa, without a permit issued to him by the Board with the prior approval of the Administrator, or contrary to any condition imposed by the Administrator and contained in such permit; provided that nothing hereinbefore contained shall be deemed to affect in any way the provisions of Act 33 of 1909 (Natal).

(2) No person shall export game from the Province to any place in any other Province of the Republic of South Africa, without a permit issued to him by the Board in terms of any regulation made in that behalf.

(3) ...

[Deleted by s. 3, O. 17/1982.]

(4) ...

[Repealed by s. 12, O. 31/1976.]

52 . . .

[Repealed by s. 9, O. 6/1982.]

53 . . .

[Repealed by s. 10, O. 6/1982.]

54 Falsity

Any person who -

(a) makes any declaration, statement, or report for the purpose of obtaining any licence, permit or other authority or any privilege in terms of this Chapter, which he knows to be false or does not know to be true; or

(b) falsifies or misuses any licence, permit or other authority granted to him in terms of this Chapter,

shall be guilty of an offence.

55 Offences and penalties

(1) Any person who contravenes any of the provisions of this Chapter or of the regulations made thereunder shall be guilty of an offence and be liable on conviction -

(a) if the contravention is of -

(i) section 37; or

(ii) section 39 in its relation to the possession, dealing or handling of specially protected game; or

(iii) section 48 in its relation to the use of prohibited methods, or the time for hunting of specially protected game; or

(iv) section 49 in its relation to the sale or purchase of specially protected game; or

(v) section 50 in its relation to the possession, sale or other disposal of trophies of specially protected game; or

(vi) section 51 in its relation to the exportation of specially protected game; or

(vii) the regulations made under this Chapter in their relation to the importation of specially protected game,

to a fine not exceeding ten thousand rand or imprisonment for a period not exceeding two years or to both such fine and such imprisonment; provided that if such contravention relates to a black rhinoceros, square-lipped rhinoceros or elephant the person so convicted shall be liable to a fine not exceeding one hundred thousand rand or imprisonment for a period not exceeding ten years or to both such fine and such imprisonment;

[Amended by Procl. 10/1990 and Procl. 70/1990.]

(b) if the contravention is of -

(i) section 31 (2) in its relation to the hunting of protected game during the closed season; or

(ii) section 33 (1) in its relation to the hunting of protected game without a licence or permit; or

(iii) section 38 in its relation to the capture or keeping in captivity of protected game; or

(iv) section 39 in its relation to the possession, dealing or handling of protected game; or

(v) section 42 (2) in its relation to the hunting or capture of ordinary or protected game whilst trespassing on any land; or

(vi) section 48 (1) (a) in its relation to the hunting or capture of specially protected game by means of a snare; or

(vii) section 48 in its relation to protected game; or

(viii) section 48 (1) (a), (b) or (e) in its relation to ordinary game; or

(ix) section 49 in its relation to the sale or purchase of protected game; or

(x) section 50 in its relation to the sale or disposal of the trophies of protected game; or

(xi) section 51 in its relation to the exportation of protected game; or

(xii) the regulations made under this Chapter in their relation to the importation of protected game;

to a fine not exceeding five thousand rand or imprisonment for a period not exceeding one year or to both such fine and such imprisonment;

[Amended by Procl. 10/1990 and Procl. 70/1990.]

(c) if the contravention is of any provision of this Chapter not hereinbefore mentioned or of any of the regulations made thereunder, other than those mentioned in the preceding paragraphs, to a fine not exceeding five hundred rand or imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

[Sub-s. (1) amended by s. 6, O. 35/1985.]

(2) Upon a second or subsequent conviction of any person for a contravention of the same section or regulation the court may impose double the fine or alternatively double the term of imprisonment hereinbefore provided in respect of such offence, or it may impose such term of imprisonment without the option of a fine.

(3) Whenever any person is convicted of hunting or capturing game without the requisite licence, permit or other authority, the court shall in addition to any sentence imposed, order him to pay to the Natal Provincial Administration such fees and other charges as would under such a licence, permit or other authority have been payable to such Administration for the hunting or capture of the game in respect of which he was convicted. In order to give effect to this provision the court shall ascertain and record the amount of such fees and charges which shall thereupon be recoverable in the same manner as a fine imposed in a criminal case.

[NB. Please see section 34 and Part (b) of Schedule 3 of Act 107 of 1998 for provisions in respect of criminal proceedings.]

[S. 55 as amended by s. 13, O. 31/1976, s. 7, O. 26/1978 and substituted by s. 5, O. 3/1981.]

56 . . .

[Deleted by s. 9, O. 25/1979.]

57 Presumptions

(1) Any person who is in possession of any game shall be deemed to have hunted or captured such game in contravention of section 33 (1) or, as the case may be, of section 37 or 38, unless it is proved that he was in lawful possession of the same.

(2) If any person is found removing game from any trap or snare it shall be presumed until the contrary is proved that he hunted or captured such game in contravention of section 48 (1) (a).

(3) Any person who is found conveying game between half-an-hour after sunset on any day and half-an-hour before sunrise on the following day shall be deemed to have contravened section 48 (1) (e) unless in any prosecution the contrary is proved.

58 Regulations

The Administrator may make regulations not inconsistent with this Chapter in respect of any or all of the following matters -

(a) the forms of licences, permits, applications and other documents required in connection with the administration of this Chapter or the regulations made thereunder;

(b) the conditions subject to which licences and permits may be granted, the fees payable therefor whether according to the numbers or species or the numbers and species of game mentioned in any licence or permit, the duties and obligations of persons to whom licences and permits are granted and the cancellation of licences or permits for non-compliance with the conditions subject to which they were granted;

(c) the surrender of licences and permits upon their expiration or when their purposes have been served;

(d) the duties and powers of officers and honorary officers under this Chapter and the regulations made thereunder;

[Substituted by s. 8, O. 27/1975.]

(e) the conditions subject to which any species of game may be hunted or captured under licences or permits granted in terms of this Chapter;

(f) the destruction or disposal of any game or trophy which has been seized, taken possession of, confiscated or declared forfeited in terms of any provision of this Ordinance;

[Substituted by s. 4, O. 44/1978 and by s. 10, O. 25/1979.]

(g) the prohibition of the release from captivity by any person of any game of any species in his possession, save under permit and the conditions subject to which such permit may be issued;

(h) the regulation, restriction or prohibition of -

(i) the use of any kind or calibre of firearm and ammunition for the purpose of hunting game or any species of game;

(ii) the transportation, introduction, importation or exportation of trophies or game or any species of game or exotic game and the keeping in captivity of any species of game or exotic game;

[Substituted by par. 5 of the Schedule to Proclamation 9/1988.]

(iii) the capture, disturbance, destruction, taking, sale, purchase or keeping of the eggs and nests of game birds and the young of game;

(iv) organised game drives or hunting parties, the coursing of game with dogs and the driving of game by beaters, whether in respect of any particular species of game or of game in general;

(i) the conditions subject to which a commercial game-reserve may be operated;

(j) the conditions subject to which a game park may be operated; and

(k) any other matter which by this Chapter is required to be or may be prescribed or which the Administrator may deem it necessary or expedient to prescribe in order that this Chapter may be effectively and conveniently administered.

CHAPTER IV
PRIVATE RESERVES (secs 59-77)

59 Establishment of a private nature reserve or a private wild-life reserve

The Administrator, upon the recommendation of the Board, after application in terms of section 65, may by proclamation in the Gazette and in accordance with the provisions of this Chapter proclaim any area of privately-owned land to be either a private nature reserve or a private wild-life reserve.

60 Gathering of indigenous plants and the hunting of wild birds within private nature reserve or private wild-life reserve prohibited without permit

Within a private nature reserve or private wild-life reserve no person shall gather any indigenous plant or hunt any wild bird save in accordance with a permit issued by the Board, which permit shall specify the numbers and species of the indigenous plants or wild birds to which it shall apply.

[Substituted by s. 9, O. 27/1975.]

61 Hunting of ordinary and protected game within private wild-life reserve prohibited without permit

(1) Within a private wild-life reserve, no person shall hunt ordinary game or protected game; provided that -

(a) the owner of such private wild-life reserve may hunt ordinary game during an open season and protected game under the authority of a permit granted by the Board;

(b) the owner of such private wild-life reserve or his specially authorised agent may, outside the open season or without the permit referred to in paragraph (a), as the case may be, kill any sick or injured ordinary or protected game animal where it is reasonably necessary to do so to prevent suffering, in which event the owner shall within 7 days report to the Board the fact of such killing and his reasons therefor.

[Substituted by s. 11, O. 25/1979.]

(2) The permit referred to in subsection (1) may be granted to an officer, the owner or his nominee, who shall be named in the permit, and shall be issued by the Board in its sole discretion only in respect of game considered by it to be surplus to the requirements or the carrying capacity of the said

reserve and shall specify the period during which and the types, numbers and sexes of the animals in respect of which it shall be operative.

(3) The issue of a permit under this section shall not exempt the holder thereof from the provisions of Chapter III of this Ordinance which may apply in respect of the hunting of the animals referred to in such permit.

62 Hunting of specially protected game in private wild-life reserve prohibited

Within a private wild-life reserve no person other than an officer shall hunt specially protected game and then only with the approval of the Administrator in terms of Chapter III of this Ordinance.

63 Area of proposed private nature reserve to be enclosed

No area shall be declared a private nature reserve unless or until it is, in the opinion of the Board, effectively enclosed within a fence kept in sound order and good repair or otherwise suitably demarcated. Such fence shall conform to minimum standards laid down by regulations made in terms of section 77.

64 Area of proposed private wild-life reserve to be enclosed

No area shall be declared a private wild-life reserve unless or until it is, in the opinion of the Board, effectively enclosed within a fence kept in sound order and good repair. Such fence shall conform to minimum standards laid down by regulations in terms of section 77.

65 Application to have area proclaimed a private nature reserve or private wild-life reserve

Any owner of land wishing to have any area thereof proclaimed a private nature reserve or a private wild-life reserve in terms of section 59 shall make written application accordingly to the Board, which application shall include -

1(a) particulars of the indigenous plants, wild birds, ordinary game, protected game or specially protected game which he intends to protect and conserve in such area,

(b) his plans and specifications for the proposed fencing by him of such area in accordance with section 63 or 64, as the case may be.

66 Board to transmit applications to Administrator with report and recommendations

The Board shall, after consideration of an application made in terms of section 65 transmit it to the Administrator together with its report and recommendations as to whether or not the application should be granted, including, if it recommends the granting of the application, a statement of any conditions, additional to those imposed by this Chapter which it considers should apply to such grant.

67 Conditions which shall apply to the grant of applications

It shall be a condition of any grant in terms of section 68 -

(a) that the proclamation in terms of section 59 will not be promulgated -

(i) until the successful applicant has lodged with the Board a written undertaking, signed by him, that, if such area is so proclaimed, he subject to the provisions of paragraph (d) -

(aa) will during an initial period of five years from the date on which his reserve is so proclaimed and thereafter for so long as such reserve remains so proclaimed, observe all the conditions applicable thereto and will properly and adequately maintain such reserve; and

(bb) will during the entire period aforesaid properly maintain the fencing enclosing such area;

(ii) until the Board has advised the Administrator that the area forming the subject of the grant has been fenced in accordance with the regulations and to the satisfaction of the Board, and that the notice boards referred to in section 69 have been duly erected;

(b) that in the event of the property containing the private nature reserve or private wild-life reserve being sold or leased, a condition of the sale or lease shall be that the conditions subject to which such reserve was proclaimed shall continue to be observed and that the reserve will continue to be properly and adequately maintained for the full or remaining portion of the aforesaid initial period of five years; provided that the provisions of section 72 shall apply mutatis mutandis in the case of such sale or lease.

68 Powers of the Administrator

The Administrator may grant any such application subject to the conditions imposed by this Chapter and such additional conditions as he may deem fit, or he may refuse the application, and shall in either case advise the Board and the applicant of his decision.

69 Provision of notice boards by the Board

When the Administrator has granted an application in terms of section 68, the Board shall, if the applicant accepts the conditions subject to which the application has been granted, provide the applicant with notice boards in such form and numbers as the Board considers necessary and adequate for erection on the property as indicated by the Board.

70 Promulgation of proclamation

If and when an applicant has advised the Board of his acceptance of the conditions subject to which his application has been granted, and the Board has been satisfied as to the fulfilment of the conditions imposed by this Ordinance, the Administrator on being notified accordingly shall promulgate an appropriate proclamation in terms of section 59.

71 Extension of period of proclamation

(1) If not more than twelve months and not less than nine months prior to the termination of the initial and each subsequent period of five years from the date of proclamation of the private nature reserve or private wild-life reserve, as the case may be, the owner notifies the Board that he intends conducting such reserve for a further period of five years, the proclamation shall, subject to the provisions of section 72 remain effective for such further period.

(2) The Board may in its discretion condone any failure to give any notice within the period specified in subsection (1).

72 Circumstances under which Board may recommend that proclamation be revoked, and right of appeal against such recommendations

(1) If at any time any owner of a private nature reserve or private wild-life reserve fails to observe the conditions subject to which such reserve was proclaimed or to maintain such reserve properly and adequately, the Board may recommend to the Administrator that such proclamation be revoked and shall forthwith advise such owner that such recommendation has been made, inform him of the grounds upon which such recommendation is based and advise him that he may within sixty days of the date of such recommendation lodge an appeal to the Administrator against such proposed revocation.

(2) The Administrator shall consider any appeal so lodged and his decision thereon shall be final.

73 Right of Board to remove wild life from private reserve in certain circumstances

The Board shall have the right without compensation to the owner to remove indigenous plants or to capture and remove ordinary game, protected game or specially protected game from any private nature reserve or private wild-life reserve for translocation to another private reserve or to one of its own game or nature reserves -

(a) during a period of six months from the end of the relevant period of five years or from some other stated date, if in terms of section 71 (1) or at any other time the owner of such reserve notifies the Board that from the end of such relevant period or from such other stated date he intends to cease maintaining such reserve; or

(b) (i) during a period of six months from the date on which the Administrator rejects any appeal lodged in terms of section 72; or

(ii) during a period of six months from the latest date on which an appeal could have been lodged in terms of section 72 if no such appeal has been lodged.

[S. 73 amended by s. 11, O. 27/1975.]

74 Revocation of proclamation

The Administrator shall by proclamation revoke any proclamation in terms of section 59 -

(a) with effect from or after the termination of any period of six months contemplated in section 73 (a) or (b); or

(b) if and when the Board and the owner of the reserve concerned have agreed to such revocation.

75 Power of officer to enter reserve

Any officer may at any time enter a private nature reserve or private wild-life reserve for inspection of the fences or of the conduct or condition of the wild life maintained therein.

76 Offences and penalties

(1) Any person who contravenes the provisions of section 61 (1) shall be guilty of an offence and liable on conviction to a fine not exceeding five thousand rand or imprisonment for a period not exceeding one year or to both such fine and such imprisonment.

(1A) Any person who contravenes the provisions of section 62 shall be guilty of an offence and liable on conviction to a fine not exceeding ten thousand rand or imprisonment for a period not exceeding two years or to both such fine and such imprisonment; provided that if such contravention relates to a black rhinoceros, square-lipped rhinoceros or elephant the person so convicted shall be liable to a fine not exceeding one hundred thousand rand or to imprisonment for a period not exceeding ten years or to both such fine and such imprisonment.

(2) Any person who contravenes the provisions of section 60 shall be guilty of an offence and liable on conviction to a fine not exceeding five hundred rand, or, in default of payment of such fine, to imprisonment for a period not exceeding six months.

(3) Any person who trespasses upon any private nature reserve or private wild-life reserve shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred rand, or, in default of payment of such fine, to imprisonment for a period not exceeding one month.

[S. 76 amended by s. 7, O. 35/1985 and by Procl. 70/1990.]

77 Regulations

The Administrator may make regulations not inconsistent with the provisions of this Chapter in respect of any or all of the following matters -

(a) the forms of applications, permits, returns and other documents required in connection with the administration of this Chapter and the regulations;

(b) the conditions subject to which permits may be granted, the fees payable therefor, the duties and obligations of persons to whom permits are granted and the cancellation thereof for non-compliance with conditions subject to which they were granted;

(c) the surrender of permits upon their expiration or when their purposes have been served;

(d) the powers and duties of officers under this Ordinance;

(e) the conditions subject to which private nature reserves and private wild-life reserves shall be maintained;

(f) the minimum standards to which any fence contemplated in this Chapter shall conform;

(g) the numbers and species of game or wild birds or indigenous plants which may be propagated, kept or maintained in a private nature reserve or private wild-life reserve;

[Substituted by s. 12, O. 27/1975.]

(h) the inspection of private wild-life reserves or private nature reserves by officers;

(i) any other matter which by this Chapter is required to or may be prescribed or which the Administrator may deem it necessary or expedient to prescribe in order that this Chapter may be effectively and conveniently administered.

CHAPTER V
MAMMALS (secs 78-92)

[Heading to Chapter V substituted by s. 12, O. 25/1979.]

78 Application of Chapter

This Chapter shall apply throughout the Province, but not in respect of any of the species listed in Schedule 5.

[Sec 78 substituted by s. 12, O. 25/1979.]

79 Possession and disposal of endangered mammals

(1) Save as provided in sections 80 and 81, no person shall at any time purchase, acquire by any means, possess, sell, exchange or otherwise dispose of, or keep in captivity any endangered mammal.

(2) The provisions of subsection (1) shall not apply to the Board.

[Sec 79 substituted by s. 12, O. 25/1979.]

80 Permit to keep indigenous or exotic mammals in captivity

(1) No person shall keep in captivity any indigenous mammal or exotic mammal, except in terms of a permit granted under subsection (2) of section 84 and in accordance with the conditions, if any, imposed under subsection (3) of that section; provided that -

(a) no such permit shall be granted in respect of any baboon or monkey which is an indigenous mammal, except in the case of -

(i) any research institution, museum or circus recognised as such by the Board; or

(ii) the renewal of any existing licence or permit heretofore issued or granted by the Board for the keeping in captivity of any such baboon or monkey; and

(b) no such permit shall be required in respect of -

(i) any stray baboon or monkey which is an indigenous mammal, has been acquired by any person and is handed to any officer within thirty days of the acquisition thereof by such person, and

(ii) any indigenous mammals or exotic mammals, other than endangered mammals, which are kept in a zoo registered in terms of section 83 by the holder of the relevant zoo licence issued under section 85.

(2) Any person who keeps in captivity any indigenous mammal or exotic mammal in disregard of a permit issued to him, any regulation made in that behalf or any conditions specially imposed by the Director or other duly authorised officer, shall be deemed to have contravened the provisions of subsection (1).

[Sec80 substituted by s. 12, O. 25/1979 and by s. 11, O. 6/1982.]

81 Sale, purchase or exchange of indigenous mammals and exotic mammals

No person shall sell, purchase or exchange in any manner whatsoever any indigenous mammal or exotic mammal, save in accordance with a permit granted in terms of section 84.

[Sec 81 substituted by s. 12, O. 25/1979.]

82 Establishment, conduct and maintenance of zoos

(1) No person shall establish, conduct or maintain any zoo without the prior approval of the Administrator, or contrary to any conditions imposed by the Administrator in granting such approval and without being in possession of a valid certificate of registration and a licence issued in terms of sections 83 and 85, respectively.

(2) Any person who establishes, conducts or maintains a zoo in disregard of any certificate of registration or licence issued or any regulations made in that behalf or of any conditions specially imposed by the Administrator, shall be deemed to have contravened the provisions of subsection (1).

(3) Notwithstanding the provisions of subsection (1), the Board may establish, conduct and maintain a zoo without first having to obtain the requisite certificate of registration or licence.

[Sec 82 substituted by s. 12, O. 25/1979.]

83 Registration of zoos

(1) Application for the registration of a zoo shall be made to the Director.

(2) The Director shall cause the application to be fully investigated and report to the Administrator whether or not he is satisfied that the applicant is a fit and proper person to conduct a zoo and that his proposed zoo complies in all respects with the relevant provisions of this Chapter and the regulations.

(3) Upon being satisfied that it is proper so to do, the Administrator shall authorise the Director or any other officer appointed by the Board for the purpose, to issue to the applicant a certificate of registration in respect of such zoo which certificate, in addition to other particulars as may be prescribed, shall contain such conditions as the Administrator may wish to impose; provided that no such certificate shall be issued in respect of any place the combined area of the cages or enclosures of which amounts to less than 20 000 square metres.

(4) If the owner of any registered zoo desires to reconstruct or enlarge the same he shall, before doing so, apply for and obtain the written approval of the Board.

(5) Any certificate of registration may be cancelled by the Administrator if he is satisfied that the zoo to which it applies is being maintained wholly or partly in a state of disrepair, or if any of the conditions of such certificate, or of any licence issued under section 85, are not being complied with.

[Sec 83 substituted by s. 12, O. 25/1979.]

84 Applications for and granting of permits

(1) Application for any permit referred to in section 80 or 81 shall be made to the Director.

(2) The Director, or any other officer appointed by the Board for the purpose, shall, subject to the provisions of section 89, have a discretion to grant any such permit applied for, or to refuse the same if he is satisfied that valid grounds exist therefor.

(3) Every permit granted in terms of subsection (2) shall be subject to such conditions as the Director, or other officer appointed, may impose.

[Sec 84 substituted by s. 12, O. 25/1979.]

85 Application for and issue of zoo licences

(1) The owner of every registered zoo, shall, in respect of every year, apply to the Director for a zoo licence, and such application shall be accompanied by the prescribed licence fee.

(2) The Director, or any other officer appointed by the Board for the purpose, shall issue such licence and it shall expire on 31 December of the year in respect of which it was issued; provided that if liability for a zoo licence arises after 30 June in any year the licence fee shall be one-half of the prescribed fee.

(3) Application for the renewal of a zoo licence shall be made not later than 30 January of the year in respect of which such a licence is required.

(4) A licence issued in terms of this section shall be subject to such conditions as the Director, or other officer appointed, may impose.

[Sec 85 substituted by s. 12, O. 25/1979.]

86 Cruelty to indigenous mammals or exotic mammals prohibited

No person shall keep any indigenous mammal or exotic mammal secured by means of a rope, cord, chain or anything serving a similar purpose.

[Sec 86 substituted by s. 12, O. 25/1979.]

87 Officers may demand permits

Any officer or police officer may demand from any person found keeping in captivity any indigenous mammal or exotic mammal, or establishing, conducting or maintaining any zoo, the production of a permit or licence authorising such person's acts.

[Sec 87 substituted by s. 12, O. 25/1979.]

88 Seizure and confiscation of indigenous mammals or exotic mammals

Upon the failure of any person to comply with any of the provisions of this Chapter or the regulations or, if required in terms of section 87 so to do, to produce the permit referred to in section 80 or the certificate of registration or licence referred to in section 82, or if upon production of any such permit, certificate or licence any officer or police officer finds that the keeping in captivity of any indigenous mammal or exotic mammal or the establishing, conduct or maintenance of any zoo is contrary to the terms and conditions of the permit, certificate or licence, any such officer may seize and confiscate the indigenous mammals or exotic mammals so kept or maintained which shall thereafter, subject to the provisions of section 89, be dealt with in such manner as the Board may determine, without prejudice to the right of prosecution of such person for any offence which he may have committed.

[Sec 88 substituted by s. 12, O. 25/1979.]

89 Appeal to Administrator

Any person aggrieved -

(a) by the refusal to grant to him any permit referred to in sections 80 or 81; or

(b) by any condition attaching to any permit as aforesaid; or

(c) by the seizure or confiscation of any indigenous mammal or exotic mammal in terms of section 88,

may appeal to the Administrator within twenty-one days reckoned from the date of the communication advising him of such refusal or condition, in the case of paragraph (a) or (b), or from the date of such seizure or confiscation, in the case of paragraph (c), or within such further period as the Administrator may determine, and the decision of the Administrator on such appeal shall be final.

[Sec 89 substituted by s. 12, O. 25/1979.]

90 Offences and penalties

(1) Any person who contravenes or fails to comply with any provision of this Chapter or of any licence or permit issued in terms thereof or of the regulations in force thereunder shall be guilty of an offence and liable on conviction -

(a) in the case of a contravention of or failure to comply with the provisions of section 79, 82 or any licence or permit contemplated by any such section, to a fine not exceeding five hundred rand or imprisonment for a period not exceeding six months or to both such fine and imprisonment;

(b) in the case of a contravention of or failure to comply with the provisions of section 80, 81 or any licence or permit contemplated by any such section, to a fine not exceeding two hundred and fifty rand or imprisonment for a period not exceeding three months or to both such fine and imprisonment, and

(c) in the case of a contravention of or failure to comply with the provisions of any other section of this Chapter or of such regulations or of any licence or permit contemplated by any such section or regulation, to a fine not exceeding one hundred rand or imprisonment for a period not exceeding one month or to both such fine and imprisonment.

(2) Upon a second or subsequent conviction of any person for a contravention of the same provision of this Chapter or of the same regulation, the maximum fine or imprisonment contemplated by subsection (1) shall be doubled.

[Sec 90 substituted by s. 12, O. 25/1979 and by s. 8, O. 35/1985.]

91 Cancellation of licences and permits

Any licence or permit or other authority granted to any person found guilty of an offence under this Chapter, or the regulations made thereunder shall be cancelled by the court, subject to the provisions of section 215B (1) (c) and (2).

[Sec 91 substituted by s. 12, O. 25/1979. and amended by s. 12, O. 6/1982.]

92 Regulations

The Administrator may make regulations not inconsistent with this Chapter in respect of any or all of the following matters -

(a) the forms of applications, permits, licences, returns and other documents required in connection with the administration of this Chapter and the regulations;

(b) the conditions subject to which permits, certificates and licences may be granted, the fees payable therefor, the duties and obligations of persons to whom permits, certificates of registration and licences are granted and the cancellation thereof for non-compliance with the conditions subject to which they were granted;

(c) the surrender of permits upon their expiration or when their purposes have been served;

(d) the powers and duties of officers under this Chapter and the regulations;

(e) the materials of which zoo cages and enclosures shall be constructed, their dimensions and appointments;

(f) the conditions subject to which zoos shall be maintained and conducted;

(g) the numbers and species of indigenous mammals and exotic mammals which may be confined to zoos and in authorised cages or enclosures in proportion to the dimensions of the same, and in relation to the numbers of other mammals of any description also confined therein;

(h) the inspection of zoos by officers;

(i) the confiscation by officers of indigenous mammals or exotic mammals found in unregistered or unlicensed zoos or unauthorised cages or enclosures of any kind, or in excess of the numbers permitted in terms of any certificate of registration or permit or under any regulation, including unauthorised cages or enclosures, and the destruction or disposal by the Board of any such indigenous mammal, exotic mammal, cages or enclosures;

(j) the records to be kept by the owners of licensed zoos and their inspection from time to time by officers;

(k) the regulation, restriction or prohibition of -

(i) the importation of indigenous mammals or exotic mammals into the Province;

(ii) the exportation of indigenous mammals or exotic mammals to places inside or outside the Republic; and

(iii) the release or transportation within the Province of indigenous mammals or exotic mammals, and

[Subpara (iii) substituted by s. 10, O. 12/1986.]

(l) any other matter which by this Chapter is required to or may be prescribed or which the Administrator may deem it necessary or expedient to prescribe in order that this Chapter may be effectively and conveniently administered.

[Sec 92 substituted by s. 12, O. 25/1979.]

CHAPTER VI
PROFESSIONAL HUNTERS AND HUNTING-OUTFITTERS (secs 93-99)

[Chapter VI deleted by s. 4, O. 17/1982 and inserted by s. 5, O. 26/1984.]

93 Licensing of professional hunters and hunting-outfitters

(1) Subject to the provisions of this Ordinance no person shall act as -

(a) a professional hunter, or

(b) a hunting-outfitter,

unless he is the holder of a licence which authorises him to do so.

(2) In order to advise the Board as contemplated by subsection (1), a testing team shall, upon payment by the applicant of the prescribed fee to the board, examine an applicant and inspect his premises or facilities.

[Subsec (2) substituted by Proclamation 9 of 1988.]

(3) The requirements to be complied with by a professional hunter or hunting-outfitter to obtain a licence contemplated by subsection (1) shall be as the Board from time to time either generally or specially may determine.

[Sec 93 inserted by s. 5, O. 26/1984.]

94 Testing-team

(1) The Board may appoint such number of persons as it may deem expedient as a testing team to advise it whether an applicant for a licence contemplated by section 93(1) complies with the requirements determined or prescribed in terms of or under section 93(3).

(2) In order to advise the Board as contemplated by subsection (1), a testing team shall examine an applicant and inspect his premises or facilities.

[Sec 94 inserted by s. 5, O. 26/1984.]

95 Hunting of game by clients

(1) A client shall not hunt game unless -

(a) the hunt has been organised by a hunting-outfitter, and

(b) he is escorted by a professional hunter.

(2) A professional hunter shall take all steps necessary to ensure that his client does not hunt contrary to the provisions of this ordinance and may for this purpose issue any lawful instruction to such client.

(3) A client shall obey every instruction issued by a professional hunter in terms of subsection (2).

(4) Notwithstanding anything to the contrary in the preceding subsections, the holder of a professional hunting licence may kill ordinary, protected or specially protected game while accompanying a client if such killing is necessary in defence of life or property or to terminate the suffering of any such game.

[Subsec (4) added by Proclamation 9 of 1988 and amended by Proclamation 49 of 1993.]

[Sec 95 inserted by s. 5, O. 26/1984.]

96 Presentation or organisation of hunt

(1) The owner of any land may in writing grant permission to a hunting-outfitter for the presentation or organisation of a hunt by such hunting-outfitter on such land.

(2) Subject to the provisions of this Ordinance -

(a) a hunting-outfitter shall not present or organise the hunting of game for a client, and

(b) a professional hunter shall not escort a client,

on any land unless -

(i) such hunting-outfitter is -

(aa) the owner of, or

(bb) the holder of the written permission contemplated by subsection (1) in respect of,

the land on which he will present or organise such hunting, and

(ii) such client is the holder of such licences or permits or licences and permits as may be necessary to ensure that such hunting is carried out in accordance with the provisions of this Ordinance.

(3) The Board may in writing grant to a hunting-outfitter or professional hunter, permission to organise and present a hunt on State land under the control of the Board which the Board has expressly set aside for the purpose of hunting.

[Subsec (3) added by Proclamation 49 of 1993.]

[Sec 96 inserted by s. 5, O. 26/1984.]

97 Production of licences

The holder of a professional hunter's licence or a hunting-outfitter's licence shall, whenever required by any magistrate or officer to do so -

(i) produce such licence to such magistrate or officer, and

(ii) sign his name for purposes of comparison with the signature on any licence produced by him.

[Sec 97 inserted by s. 5, O. 26/1984.]

98 Regulations

(1) The Administrator may make regulations, not inconsistent with the provisions of this Ordinance, in respect of professional hunters and hunting-outfitters and, without prejudice to the generality of the foregoing -

(a) testing teams, and

(b) the registers, records, books and documents required to be kept by a professional hunter or hunting-outfitter and the inspection thereof.

(2) Regulations made in terms of subsection (1) may provide for penalties for a contravention thereof or failure to comply therewith but no such penalty shall exceed a fine of one thousand rands or imprisonment for a period of one year or both such fine and such imprisonment.

[Sec 98 inserted by s. 5, O. 26/1984.]

99 Penalties

Any person who contravenes or fails to comply with the provisions of section 93(1), 95, 96(2) or 97 shall be guilty of an offence and on conviction liable to a fine not exceeding two thousand rands or imprisonment for a period not exceeding two years or to both such fine and such imprisonment or to such imprisonment without the option of a fine.

[Sec 99 inserted by s. 5, O. 26/1984.]

CHAPTER VII
AMPHIBIANS, INVERTEBRATES AND REPTILES (secs 100-111A)

[Heading to Chapter VII substituted by s. 13, O. 25/1979.]

100 Powers of Administrator

(1) The Administrator shall have authority to suspend by notice in the Gazette for any stated period the issue of permits issuable in terms of this Chapter, in respect of any family, genus or species of protected indigenous amphibian, invertebrate or reptile, whether generally or in any defined area or areas in the Province.

(2) The Administrator may from time to time by proclamation in the Gazette declare that the provisions of this Chapter -

(a) shall not apply to any family, genus or species of any indigenous amphibian, invertebrate or reptile generally or when found in any defined area or areas in the Province;

(b) shall only apply when such family, genus or species of any indigenous amphibian, invertebrate or reptile is found within any such area or areas.

(3) Any notice or proclamation issued by the Administrator in terms of subsection (1) and (2) may at any time be amended, varied or revoked by a like notice or proclamation.

[Sec 100 substituted by s. 13, O. 25/1979.]

101 Kill or capture

(1) No person shall kill or capture any protected indigenous amphibian, invertebrate or reptile, save in accordance with a permit issued in terms of section 106.

(2) Nothing in subsection (1) contained shall preclude the killing or capture, without the requisite permit, of any protected indigenous reptile in defence of human life or property; provided that any officer or honorary officer may require that any protected indigenous reptile so killed or captured be surrendered to the Board for disposal in such manner as the Board may deem fit.

[Sec 101 substituted by s. 13, O. 25/1979.]

102 Keeping in captivity

(1) No person shall keep in captivity or otherwise retain any protected indigenous amphibian, invertebrate or reptile, save in accordance with a permit issued in terms of section 106.

(2) Any indigenous amphibian, invertebrate or reptile, other than a protected indigenous amphibian, invertebrate or reptile, may be kept in captivity or otherwise retained without the requisite permit; provided that if, on inspection by an officer or honorary officer, any such indigenous amphibian, invertebrate or reptile is, in the opinion of such officer or honorary officer being kept in unsatisfactory conditions, the owner shall be required to improve the conditions to the satisfaction of such officer or honorary officer within thirty (30) days of his attention first having been drawn thereto by the said officer or honorary officer.

[Sec 102 substituted by s. 13, O. 25/1979.]

103 Lawful possession

Any person who -

(a) on the date of promulgation hereof, is in lawful possession of any live protected indigenous amphibian, invertebrate or reptile;

(b) after the date of promulgation hereof, acquires any live protected indigenous amphibian, invertebrate or reptile in terms of sections 101 or 104 (3);

(c) lawfully possesses any live indigenous amphibian, invertebrate or reptile which, by virtue of its inclusion in Schedule 7 to this Ordinance, becomes a protected amphibian, invertebrate or reptile,

shall, within three (3) months of the date of such promulgation or such acquisition or the date of inclusion of such indigenous amphibian, invertebrate or reptile in the said Schedule, as the case may be, obtain the permit referred to in section 102.

[Sec 103 substituted by s. 13, O. 25/1979.]

104 Export and import

(1) Save as provided in subsection (2) -

(a) no person shall export from the Province any indigenous amphibian, invertebrate or reptile, except in accordance with a permit granted in terms of section 106;

(b) any person or his authorised agent who delivers any indigenous amphibian, invertebrate or reptile at a post office, airport or railway station or to any ship owner or his agent for export from the Province, shall at the same time exhibit the permit authorising such export, issued in terms of section 106, to the appropriate person appointed at such post office, airport or railway station or to such ship owner or his agent, and until such permit is so exhibited such indigenous amphibian, invertebrate or reptile shall not be accepted for such export.

(2) Nothing contained in subsection (1) shall apply to the export from the Province of any indigenous amphibian, invertebrate or reptile by any scientific or educational institution registered with the Board for the purpose.

(3) No person shall import into the Province any indigenous amphibian, invertebrate or reptile unless he is in possession of a valid licence or permit, granted to him by a competent authority, authorising the export of such indigenous amphibian, invertebrate or reptile from any area or place outside the Province where such licence or permit may be necessary in terms of any law operative in such area or place, and the person effecting such importation shall produce such licence or permit on demand by any officer or honorary officer.

[Sec 104 substituted by s. 13, O. 25/1979.]

104A Importation of exotic amphibians, invertebrates and reptiles

No person shall import into the Province any exotic amphibian, invertebrate or reptile except in accordance with a permit granted in terms of section 106.

[Sec 104A inserted by Proclamation 9 of 1988.]

105 Receipt and possession by certain institutions

Any scientific or educational institution, registered with the Board for the purpose, may receive and be in possession of any dead protected indigenous amphibian, invertebrate or reptile without being subject to the provisions of section 110A.

[Sec 105 substituted by s. 13, O. 25/1979.]

106 Permit and registration application

(1) Application for a permit or registration under this Chapter shall be made to the Director in writing and the Director, or other officer appointed by the Board for the purpose, shall, subject to the provisions of section 107, have a discretion to grant any such application, whether in whole or in part, or to refuse the same.

(2) Every permit or registration granted in terms of subsection (1) shall be personal to the holder and subject to such conditions as the Board may impose.

(3) In the case of any institution, organisation, club or like body, every registration granted in terms of subsection (1) shall be issued in the name of an individual to be nominated by such institution, organisation, club or like body, and any such nominee shall, for the purposes of this Chapter, be deemed to be the owner of any indigenous amphibian, invertebrate or reptile referred to in any such application and acquired by the said institution, organisation, club or like body.

[Sec 106 substituted by s. 13, O. 25/1979.]

107 Appeal to Board

Any person who is aggrieved by reason of the refusal of the Director, or other officer appointed by the Board for the purpose, to grant any permit or registration in terms of section 106, may appeal to the Board for a review of such decision within sixty (60) days reckoned from the date of the communication advising him of such refusal, and the decision of the Board upon such appeal shall be final.

[Sec 107 substituted by s. 13, O. 25/1979.]

108 Falsity

Any person who -

(a) makes any statement or report for the purpose of obtaining any permit or registration in terms of this Chapter which he knows to be false or which he does not know to be true; or

(b) falsifies or misuses any such permit;

shall be guilty of an offence.

[Sec 108 substituted by s. 13, O. 25/1979.]

109 Penalties

(1) Any person who contravenes any provision of this Chapter or the regulations made thereunder shall be guilty of an offence and liable on conviction -

(a) if the contravention is of the provisions of sections 101 or 104 (1), to a fine not exceeding five hundred rand (R500) or, in default of payment, to imprisonment for a term not exceeding six months or to both such fine and imprisonment;

(b) if the contravention is of the provisions of section 102(1) or 103, or of section 104(3) in relation to any protected indigenous amphibian, invertebrate or reptile, to a fine not exceeding two hundred and fifty rand or, in default of payment, to imprisonment for a term not exceeding three months or to both such fine and imprisonment;

[Para (b) amended by s. 9, O. 35/1985.]

(c) if the contravention is of the provisions of section 104(3) in relation to any indigenous amphibian, invertebrate or reptile, other than a protected indigenous amphibian, invertebrate or reptile, or of any provision of this Chapter not hereinbefore mentioned or of any of the regulations made thereunder, to a fine not exceeding one hundred rand (R100) or, in default of payment, to imprisonment for a term not exceeding one month or to both such fine and imprisonment.

(2) Upon a second or subsequent conviction of any person for the same offence, the court may impose double the fine or alternatively double the term of imprisonment hereinbefore provided in respect of such offences, or both such fine and imprisonment, or it may impose such term of imprisonment without the option of a fine.

[Sec 109 substituted by s. 13, O. 25/1979.]

109A Cancellation of permits

Any permit or other authority granted to any person found guilty of an offence under this Chapter or the regulations made thereunder shall be cancelled by the court subject to the provisions of section 215B (1) (c) and (2).

110 Seizure and confiscation

Upon the failure of any person to comply with any of the provisions of this Chapter or the regulations made thereunder or, if required in terms of section 104 (3) so to do, to produce the authority referred to in that section, or to effect the necessary improvements which may be required of him in terms of section 102 (2), any indigenous amphibian, invertebrate or reptile concerned may be seized and confiscated by an officer or honorary officer, to be dealt with in such manner as the Board may determine, without prejudice to the right of prosecution of such person for any offence which he may have committed.

[Sec 110 substituted by s. 13, O. 25/1979.]

110A Presumptions

(1) Save as provided in section 105, any person found in possession of, or who disposes of any protected indigenous amphibian, invertebrate or reptile, whether dead or alive, shall be deemed to have killed or captured or otherwise acquired the same in contravention of the provisions of this Chapter, unless the contrary is proved, or unless it is proved that he lawfully acquired the same before the commencement of this Chapter and has obtained the permit referred to in section 102.

(2) If any person is found removing any protected indigenous amphibian, invertebrate or reptile from any trap or snare or any similar device which may be used in the killing or capture of any indigenous amphibian, invertebrate or reptile, he shall be deemed to have killed or captured such protected indigenous amphibian, invertebrate or reptile in contravention of the provisions of this Chapter, unless the contrary is proved.

111 Regulations

The Administrator may make regulations not inconsistent with the provisions of this Chapter in respect of any or all of the following matters -

(a) the forms of applications, permits, registers and other documents required in connection with the administration of this Chapter and the regulations made thereunder;

(b) the conditions subject to which permits and registration may be granted, the duties and obligations of persons to whom permits and registration are granted and the cancellation thereof for non-compliance with conditions subject to which they were granted;

(c) the surrender of permits upon their expiration or when their purposes have been served;

(d) the powers and duties of officers and honorary officers under this Chapter and the regulations made thereunder;

(e) the materials of which enclosures and cages shall be constructed, their dimensions and appointments;

(f) the conditions subject to which enclosures and cages shall be maintained;

(g) the numbers and species of indigenous amphibians, invertebrates or reptiles which may be confined in enclosures and cages in proportion to the dimensions of the same, and in relation to the numbers of other indigenous amphibians, invertebrates or reptiles of any description also confined therein;

(h) the inspection of enclosures and cages of whatever description by officers or honorary officers;

(i) the confiscation by officers and honorary officers of indigenous amphibians, invertebrates or reptiles found in unauthorised cages or enclosures of any kind, or in excess of the numbers permitted in terms of any permit or under any regulation, including such unauthorised cages, and the destruction or disposal by the Board of any such cage or indigenous amphibian, invertebrate or reptile;

(j) the regulation, restriction or prohibition of the use of any kind of weapon, trap, snare, poison, drug, explosive or other article or thing for the purpose of killing or capturing indigenous amphibians, invertebrates or reptiles;

(k) any other matter which by this Chapter is required to or may be prescribed or which the Board may, subject to the approval of the Administrator, deem it necessary or expedient to prescribe in order that this Chapter may be effectively and conveniently administered.

[Sec 111 substituted by s. 13, O. 25/1979.]

111A Savings

Nothing in this Chapter contained shall be deemed to affect the operation of any other Ordinance relating to the siting, construction, use and maintenance of enclosures or cages of whatever description, and the housing of indigenous amphibians, invertebrates or reptiles which is not in conflict with this Chapter. If the provisions of any such other Ordinance are in conflict or inconsistent with this Chapter, the provisions of this Chapter shall prevail.

CHAPTER VIII
WILD BIRDS (secs 112-134)

112 Power of Administrator to declare provisions of Chapter only applicable to wild birds in defined areas

The Administrator may by notice in the Gazette declare that the relevant provisions of this Chapter referring to the species of wild birds included in Schedule 8, or as the case may be, Schedule 9, shall apply to any species of wild birds only when found in any area or areas of the Province as defined in the said notice.

[Substituted by s. 16, O. 27/1975.]

113 Wild birds in respect of which this Chapter shall not apply

Nothing contained in this Chapter shall apply to any of the species of wild birds included in Schedule 8; provided that whenever the Administrator in the exercise of the powers conferred upon him by section 112 (2) shall have declared that the provisions of this section shall apply to any species of wild birds only when found in any defined area or areas of the Province, the provisions of this section shall be construed accordingly.

114 Killing or capture of wild birds

(1) No person shall at any time kill or capture any wild bird without a permit granted to him in terms of section 117; provided that no permit to kill or capture any specially protected bird shall be granted except with the prior approval of the Administrator, which approval the Administrator shall have a discretion to grant upon such terms and conditions as he may determine, or to refuse.

(2) No person shall remove the nest or eggs of any wild bird, except in accordance with a permit granted to him in terms of section 117, and no person shall at any time destroy, injure or disturb the nest or

eggs of any wild bird save in so far as that may be necessary in exercise of any authority conferred upon him by any such permit aforesaid.

115 Sale and purchase of wild birds

(1) No person shall -

(a) sell any wild bird or dispose of the possession of any wild bird to any other person in any manner whatsoever;

(b) purchase any wild bird or acquire the possession of any wild bird from any other person in any manner whatsoever,

save in accordance with a permit granted to him in terms of section 117; provided that nothing hereinbefore contained shall be deemed to prevent the owner of a registered and licensed aviary from purchasing or otherwise acquiring the possession of any wild bird from any other person who, being the owner of a registered and licensed aviary, has obtained a permit in terms of this subsection to sell or otherwise dispose of such wild bird, but in any such case the person so selling or otherwise disposing of any wild bird as aforesaid, shall within seven days of such sale or disposal furnish the Secretary of the Board with particulars of such sale or disposal and the name and address of the person to whom such wild bird was so sold or otherwise disposed of.

(2) The provisions of subsection (1) shall also apply, mutatis mutandis, to the nest or eggs, or both, of any wild bird.

(3) Any reference in subsection (1) to a wild bird shall include any wild bird, whether alive or dead.

116 Applications for permits

(1) Application for any permit referred to in section 114 or 115 shall be made in the prescribed form to the Secretary of the Board and shall be accompanied by payment of such fee as may be prescribed in that behalf.

(2) Any officer of the Board appointed by the Board for the purpose shall, subject to the proviso to section 114 (1) and the provisions of sections 117 and 122, have a discretion to grant any application aforesaid whether in whole or in part, or to refuse the same.

(3) Every permit granted by such officer aforesaid shall be personal to the holder and shall not be transferable to any other person.

117 Granting of permits

(1) Upon application for a permit to kill or capture wild birds, the officer appointed by the Board may grant to any fit and proper person a permit to kill or, as the case may be, to capture a limited number of any species of wild bird or birds required -

(a) as museum specimens or for any zoological gardens or for scientific research, or any other purpose of a public nature; or

(b) for any other such purpose as may be approved by the Board.

(2) Upon application for any permit mentioned in section 115, the officer aforesaid may, if he is satisfied that the owner of any wild bird referred to is entitled in terms of this Chapter to have the same in his possession and that the other party to the proposed transaction is, in the case of a live wild bird, the

owner of a registered and licensed aviary, grant the same subject to any special conditions which he may deem it necessary to stipulate.

(3) Any permit granted in terms of subsection (1) or (2) shall specify -

(a) in the case of a permit for the killing or capture of wild birds -

(i) the name of the particular individual to whom it is granted and his usual place of residence;

(ii) the purpose for which it is required;

(iii) the name and address of any person to whom the birds are to be supplied;

(iv) the particular locality where the birds may be killed or captured; and

(v) the method to be employed in the killing or capture of the birds,

(b) in the case of a permit referred to in subsection (2), the name and address of the party to whom the permit is issued and the purpose or purposes for which the birds are to be disposed of or acquired.

(4) Every such permit aforesaid shall also specify the species of the wild birds and the number of each species and the period during which it shall be valid and such other particulars as may be prescribed.

(5) Any permit referred to in section 114 (2) shall specify such of the particulars as are mentioned in subsections (3) and (4) of this section as may be relevant to the purpose which the permit is intended to serve.

118 Aviaries

1(1) No person shall keep any wild bird in captivity except in an aviary of a capacity of at least 8,50 m3 which has been registered in his name and in respect of which there is in operation a certificate of registration and an aviary licence granted to him in terms of sections 119 and 120; provided that nothing hereinbefore contained shall be deemed to prevent the owner of a registered and licensed aviary from keeping wild birds in any cage, breeding cage or display cage subject to the provisions of this Chapter.

(2) The owner of a registered and licensed aviary shall not keep in captivity any wild bird in excess of the number of wild birds which he is authorised to keep in terms of the certificate of registration.

119 Registration of aviaries

(1) Application for the registration of an aviary shall be made in the prescribed form to the Secretary of the Board and shall be accompanied by payment of such registration fee as may be prescribed.

(2) Any officer of the Board appointed by the Board for the purpose shall, subject to the provisions of section 122 have a discretion to grant or refuse any application for the registration of an aviary; provided that no aviary shall be registered unless such officer is satisfied that the applicant is a fit and proper person to keep an aviary or unless or until the aviary or proposed aviary complies in all respects with the relevant provisions of this Chapter.

(3) Upon being satisfied that it is proper so to do, such officer shall issue to the applicant a certificate of registration and such certificate shall in addition to such other particulars as may be prescribed, state the maximum numbers and species of wild birds or wild birds and foreign birds which may be kept in the aviary at any one time, subject to the possession by the owner of the necessary aviary licence.

(4) If the owner of any registered aviary desires to reconstruct or enlarge the same he shall before doing so apply for and obtain a new certificate of registration.

(5) A certificate of registration may, subject to the provisions of section 122, be cancelled by the Board in terms of any regulation made in that behalf.

120 Aviary licences

(1) The owner of every registered aviary shall in every year apply in the prescribed form to the Secretary of the Board for an aviary licence, such application being accompanied by the prescribed fee, every such licence expiring on the 31st December of the year in respect of which it is issued; provided that if liability for an aviary licence arises after the 30th June in any year the licence fee shall be one half of the prescribed amount.

(2) Application for the renewal of an aviary licence shall be made not later than the 30th January of the year in respect of which such licence is required.

121 Exhibition or display of wild birds

No person shall publicly exhibit or display any wild bird; provided that such exhibition or display shall be permitted -

(a) at a show or exhibition conducted by a recognised cage bird club, society or similar institution;

(b) in an aviary maintained by a town council or town board in terms of the Local Authorities Ordinance, 1974 (Ordinance 25 of 1974), or

(c) by any organisation approved by the Administrator for educational purposes.

[S. 121 substituted by s. 13, O. 6/1982.]

122 Appeal to Administrator

Any person who is aggrieved by reason of -

(a) the refusal of an officer of the Board -

(i) to grant any permit referred to in section 117 (other than a permit relating to any specially protected wild bird issued with the approval of the Administrator in terms of the proviso to section 114 (1)); or

(ii) to register any aviary in terms of section 119; or

(b) any condition attaching to any permit aforesaid or to any certificate of registration of an aviary; or

(c) the cancellation by the Board of any certificate of registration in terms of section 119 (5),

may appeal to the Administrator within a period of sixty days reckoned from the date of the communication advising him of such refusal, condition or cancellation, and the decision of the Administrator upon such appeal shall be final.

123 Importation of foreign birds

No person shall import into the Province any foreign bird without a written permit granted to him by the Board with the prior approval of the Administrator and then only subject to the production by the applicant to the Board of a permit granted to him by an officer of the Division of Veterinary Services or other officer of the Government having authority to grant the same; provided that the Administrator may by proclamation in the Gazette exclude from the operation of this section, in its reference to the granting of permits by the Board, any species of foreign bird or foreign birds mentioned in such proclamation.

124 Release from captivity of foreign birds

No person shall release from captivity any foreign bird, except under the authority of a permit issued by the Board, subject to such conditions as the Board may impose.

125 Exportation of wild birds

(1) No person shall export any wild bird from the Province to any place outside the Republic of South Africa, without a permit issued to him by the Board with the prior approval of the Administrator, or contrary to any condition imposed by the Administrator and contained in such permit.

(2) No person shall export any wild bird from the Province to any place in any other Province of the Republic of South Africa, without a permit issued to him by the Board in terms of any regulations made in that behalf.

(3) ...

[Subsection (3) deleted by s. 5, O. 17/1982.]

(4) In this section wild bird means any wild bird whether alive or dead.

126 Falsity

Any person who -

(a) makes any statement or report for the purpose of obtaining any permit, certificate of registration or licence in terms of this Ordinance, which he knows to be false or which he does not know to be true; or

(b) falsifies or misuses any such permit, certificate of registration or licence aforesaid,

shall be guilty of an offence.

127 Prohibited methods of killing or capturing wild birds

No person shall kill or capture any wild bird -

(a) by means of poison, drugs or birdlime; or

(b) with the aid of artificial light of any kind; or

(c) between half-an-hour after sunset on any one day and half-an-hour before sunrise on the following day,

except under and in accordance with a permit granted to him in special circumstances by the Board on the authority of the Administrator and then only subject to such conditions as the Administrator may think fit to impose.

128 Trespass on land

(1) No permit granted to any person in terms of section 117 to kill or capture any wild bird or to remove the nest or eggs of any wild bird, shall entitle the holder to enter upon any land other than such State land as may be described thereon; provided that in the case of any State land occupied or reserved for any public purpose the holder of any such permit shall not kill or capture any wild bird thereon unless he has first obtained the permission of any Government officer having authority to grant the same.

(2) If any person kills or captures any wild bird on land on which he is trespassing or if any person trespasses on land on which wild birds are or are likely to be found with any weapon or trap in his possession, he shall be guilty of an offence; provided that in any prosecution for a contravention of a provision of this subsection, a person shall not be deemed to have trespassed if he satisfied the court that such trespass was unintentional and that he was not aware that he was trespassing.

(3) Whenever any person is found trespassing on land in any of the circumstances hereinbefore in this section mentioned, any officer or the owner or occupier or person in charge of such land may demand from such person a statement of his full name and place of residence and may direct him to quit such land forthwith, and if he fails to comply with any such demand or direction or gives a false or incomplete name or adress, he shall be guilty of an offence.

(4) If any person kills or captures any wild bird on the town lands or commonage of any municipal or like institution or other land which is open to the general public or if any person with any weapon or trap in his possession enters upon any such town lands or commonage or other land on which wild birds are or are likely to be found, in circumstances indicating an intention to kill or capture wild birds thereon, he shall for the purposes of subsections (2) and (3) be deemed to be trespassing thereon, unless, in any prosecution, he proves to the satisfaction of the court that permission was given to him to kill or capture wild birds thereon by an officer of the municipal or like institution or other official having authority to grant the same.

129 Prohibition of killing or capture of wild birds in public roads

No person shall kill or capture any wild bird in any public road or in the road reserve of any public road, nor shall any person in any such road or reserve aforesaid kill or discharge any weapon at any wild bird which is off such road or reserve.

130 Offences and penalties

(1) Any person who contravenes any provisions of this Chapter or the regulations made thereunder shall be guilty of an offence and liable on conviction -

(a) if the contravention is of a provision of section 114, 115, 118 or 125 in relation to any specially protected bird, to a fine not exceeding one thousand rand or, in default of payment, to imprisonment for any term not exceeding twelve months or to both such fine and imprisonment; or

(b) if the contravention is of a provision of section 114, 115, 118 or 125 in relation to any wild bird other than a specially protected bird, to a fine not exceeding five hundred rand or, in default of payment, to imprisonment for any term not exceeding six months or to both such fine and imprisonment, or

(c) if the contravention is of any provision of this Chapter not hereinbefore mentioned, or of any of the regulations made thereunder to a fine not exceeding two hundred and fifty rand or, in default of payment, to imprisonment for any term not exceeding three months or to both such fine and imprisonment.

[Sub-s. (1) amended by s. 10, O. 35/1985.]

(2) Upon a second or subsequent conviction of any person for the same offence, the court may impose double the fine or alternately double the term of imprisonment hereinbefore provided in respect of such offence, or both such fine and imprisonment, or it may impose such term of imprisonment without the option of a fine.

131 . . .

[Repealed by s. 14, O. 25/1979.]

132 Presumptions of evidence

(1) Any person who is in possession of any wild bird, whether alive or dead, shall be deemed to have captured or, as the case may be, killed such bird in contravention of section 114, unless the contrary is proved, or unless it is proved that he captured or killed such bird in accordance with a permit referred to in the said section or that he acquired possession thereof by virtue of a permit referred to in section 115, or that he lawfully acquired the possession of the same before the commencement of this ordinance.

(2) If any person is found removing any wild bird from any trap, he shall be deemed to have killed or captured such bird in contravention of the provisions of this Chapter, unless the contrary is proved.

(3) Any person found conveying any wild bird, whether dead or alive, between half-an-hour after sunset on any day and half-an-hour before sunrise on the following day, shall be deemed to have contravened the provisions of section 127 (c), unless the contrary is proved.

133 Regulations

The Administrator may make regulations not inconsistent with the provisions of this Chapter in respect of any or all of the following matters -

(a) the forms of applications, permits, licences, returns and other documents required in connection with the administration of this Chapter and the regulations made thereunder;

(b) the conditions subject to which permits, certificates and licences may be granted, the fees payable therefor, the duties and obligations of persons to whom permits, certificates of registration and licences are granted and the cancellation thereof for non-compliance with conditions subject to which they were granted;

(c) the surrender of permits upon their expiration or when their purposes have been served;

(d) the powers and duties of officers under this Chapter and the regulations made thereunder;

(e) the materials of which aviaries, cages, breeding cages and display cages shall be constructed, their dimensions and appointments;

(f) the conditions subject to which aviaries, cages, breeding cages and display cages shall be maintained;

(g) the numbers and species of wild birds which may be confined in licensed aviaries and in authorised cages, breeding cages and display cages in proportion to the dimensions of the same, and in relation to the numbers of other birds of any description also confined therein;

(h) the inspection of aviaries, cages, breeding cages and display cages by officers of the Board;

(i) the confiscation by authorised officers of the Board of wild birds found in unregistered or unlicensed aviaries or unauthorised cages or enclosures of any kind, or in excess of the numbers permitted in terms of any certificates of registration or under any regulation, including unauthorised cages, and the destruction or disposal by the Board of any such bird or cage;

(j) the records to be kept by the owners of licensed aviaries and their inspection from time to time by authorised officers of the Board;

(k) the regulation, restriction or prohibition of -

(i) the use of any kind of weapon or trap for the purpose of killing or capturing wild birds under permits; and

(ii) the importation of wild birds or foreign birds into the Province, and the exportation from the Province of wild birds to places within the Republic of South Africa or outside the Republic of South Africa; and

(l) any other matter which by this Chapter is required to or may be prescribed or which the Administrator may deem it necessary or expedient to prescribe in order that this Chapter may be effectively and conveniently administered.

134 Savings

Nothing in this Chapter contained shall be deemed to affect the operation of any other law relating to the siting, construction, use and maintenance of aviaries and the housing of wild birds which is not in conflict or inconsistent with this Chapter. If the provisions of any such law are in conflict or inconsistent with this Chapter, the provisions of this Chapter shall prevail.

CHAPTER IX
FRESHWATER FISH (secs 135-157)

135 Application of Chapter

This Chapter shall apply to all waters of the Province and all fish therein; provided that the Administrator may from time to time by proclamation in the Gazette exclude from the operation of this Chapter any specified species of fish.

136 Creation of river conservancy districts

(1) The Administrator may by proclamation in the Gazette create river conservancy districts, define the local limits of the same and declare the name by which any such district shall be known. He may also by any like proclamation abolish or increase or decrease the local limits of any such district or annex any district or any portion thereof to any other district.

(2) Not less than ten riparian owners in any river conservancy district may, for the purpose of advising the Board in regard to matters appertaining to waters in such district, form themselves into an association to be known as a river conservancy, but no such river conservancy shall be deemed to be constituted until its constitution and rules shall have been approved by the Administrator.

(3) The Board shall keep a register of river conservancies and shall record therein the name and other necessary particulars of any river conservancy which has been duly constituted.

137 Official recognition of angling clubs or associations

Any club or other association of persons being not less than ten in number or any association of officially recognised clubs being not less than three in number formed for the protection, regulation and improvement of fishing may, if it desires to receive official recognition as such, apply to the Administrator therefore at the same time submitting a certified copy of its constitution and rules, and upon being informed that its constitution and rules have been approved by the Administrator such club or association shall be deemed to have been constituted under this Chapter.

138 Fish hatcheries

(1) The Board may, with the approval of the Administrator, establish and maintain fish hatcheries for the propagation, cultivation and acclimatisation of fish and for that purpose acquire by purchase or otherwise such fish or fish ova as it may deem necessary, and in its discretion sell or otherwise dispose of any fish or fish ova propagated therein, for the public benefit.

(2) The Board may also cultivate or propagate food for fish in fish hatcheries or in waters under its control.

(3) No person shall establish or maintain any fish hatchery without the prior approval of the Administrator, or contrary to any conditions imposed by the Administrator in granting any such approval.

139 Stocking of waters

(1) The Board may introduce fish from any fish hatchery maintained by it, or acquired by it from any other source, into any waters.

(2) Save as is provided in subsection (1), no person shall introduce fish into any waters without the prior approval of the Board nor contrary to any condition imposed by the Board in granting any such approval.

140 Dams and weirs

(1) Subject to the provisions of any other law, the Administrator may, in the public interest, construct weirs or dams for the propagation or preservation of fish or fish food, and for such purpose may purchase any land which may be required or enter into a lease or agreement with the registered owner of any land upon such terms and conditions as may be agreed upon; provided that if the owner of any other land is liable to be prejudiced in his rights of property by reason of any proposed construction of any such weir or dam, the same shall not be constructed without his consent and then only in accordance with an agreement entered into with him.

(2) The Administrator may make grants to the owners of land for any purpose aforesaid subject to such terms and conditions as he may deem to be in the public interest.

141 Fishing rights

The Board may in the public interest enter into agreements or leases for the acquisition of fishing rights in any water including rights of access to such waters by persons holding licences in terms of this Chapter entitling them to catch fish in such waters.

142 Angling competitions

(1) Save as is hereinafter provided, no person shall promote, organise, conduct or take part in any angling competition in any waters of the Province.

(2) The Administrator may, on application made to him by any river conservancy registered in terms of section 136 or any club or other association of persons or any association of officially recognised clubs constituted in terms of section 137, give his written consent to the promotion and conduct of angling competitions by such conservancy, club or association, subject to such conditions as he may determine; provided that if he deems it expedient at any time so to do, the Administrator may vary or amend any such condition or withdraw any consent given by him as aforesaid.

(3) Any person who contravenes the provisions of subsection (1) or who, in promoting, organising, conducting or taking part in any angling competition under the consent of the Administrator,

acts in breach of or fails to comply with any condition contained in such consent, shall be guilty of an offence.

143 Open and close seasons for fish and protective measures

(1) The Administrator may from time to time by proclamation in the Gazette -

(a) appoint for all waters or any defined waters an open season during which fish of any defined species may, subject to the provisions of this Chapter, be caught in such waters or defined waters; or

(b) prohibit for an indefinite period or for any stated period, the catching or wilful disturbing of fish or any defined species of fish, whether in all waters or in any defined waters; or

(c) authorise the catching at anytime of fish of any defined species, whether in all waters or in any defined waters, subject to the provisions of this Chapter.

(2) Any person who -

(a) in an open season catches fish of any species in respect of which such open season was proclaimed in terms of subsection (1) (a), without a licence authorising him to do so; or

(b) in a close season catches fish of any species in respect of which an open season was proclaimed in terms of subsection (1) (a); or

(c) at any time catches or wilfully disturbs any fish in contravention of any proclamation issued in terms of subsection (1) (b); or

(d) catches fish of any species the catching of which is authorised by proclamation issued in terms of subsection (1) (c), without a licence if any licence is prescribed therefor,

shall be guilty of an offence.

(3) No person shall at any time wilfully injure or disturb the spawn of fish or any spawning bed, bank or shallow whereon or wherein such spawn is deposited.

144 Amendment of proclamations

Any proclamation issued by the Administrator in terms of section 135, 136 or 143 may at any time be amended or revoked by him by proclamation.

145 Licences to catch fish

(1) No person shall catch any fish for the catching of which a licence is required in terms of this Chapter or the regulations made thereunder unless he is in possession of a licence as prescribed authorising him to do so.

(2) Applications for licences to catch fish may be made to the Secretary of the Board or other officers of the Board appointed by the Board for the purpose, or any Government officers or persons appointed by the Administrator, each such application being accompanied by payment of such fees as may be prescribed for the class of licence required.

[Substituted by O. 27/1975 and again by Procl. 70/1990.]

(3) Every licence to catch fish shall be personal to the holder and shall not be transferable to any other person.

(4) Notwithstanding anything contained in subsection (1), the riparian owner of any land and his spouse and children may catch fish in any waters abutting or situate on such land without licences but subject in all other respects to the provisions of this Chapter.

146 Loss of licence

In the event of the loss of a licence to catch fish by the holder thereof, application for a duplicate may be made subject to such conditions as may be prescribed in that behalf.

147 Falsity

Any person who falsifies or misuses any licence to catch fish shall be guilty of an offence.

148 Consent of owner of land

No licence to catch fish shall be deemed to authorise the holder thereof to enter upon or be upon any privately-owned land without the consent of the owner, and any person who enters upon any privately-owned land without the consent of the owner for the purpose of catching fish shall be guilty of an offence.

149 Production of licences

Any person catching fish for the catching of which a licence is required in terms of this Chapter shall, upon being called upon by any officer to do so, produce such licence, and if he fails to do so within a period of forty-eight hours of such request or within such further period as such officer may approve, he shall be deemed to have been catching fish without such licence.

150 Use of nets for certain purposes

1(1) Any person catching fish in terms of any licence issued to him may use a hand net for the purpose of landing fish, and he may also use a scoopnet with a bag not exceeding 300 mm in diameter and 300 mm in depth, for the purpose of capturing bait.

(2) If any person uses or has in his possession when catching fish any net other than such a net as is described in subsection (1), or as may be permitted in terms of the regulations, he shall be guilty of an offence.

151 Offences

(1) Any person who -

(a) contravenes or fails to comply with the conditions of any licence or permit issued to him under this Chapter with which it is his duty to comply; or

(b) exports or imports any live fish except under a permit issued by the Board with the approval of the Administrator; or

(c) sells any trout except under the authority of a licence or permit issued to him in terms of the regulations; or

(d) places any unauthorised trap or obstruction in any waters for the purpose of capturing fish or preventing the free passage of fish in such waters; or

(e) catches, injures or destroys fish in any waters by means of any unauthorised trap, firearm, explosive, poisonous or stupefying substance, electrical device, gaff, spear or any unauthorised implement of fishing; or

(f) without the consent of the Board cuts through, breaks down, destroys or damages any wall, bank, dam or barrier of any pond, reservoir, lake, stream or other waters with intent to drain water therefrom for the purpose of capturing fish or causing the loss or destruction of fish shall be guilty of an offence.

(2) Notwithstanding anything contained in subsection (1) (d) or (e), the Board may, subject to such terms and conditions as it may stipulate, authorise the capture by any person, in any waters of any species of fish by means of traps of approved types for the purpose of removing such fish to other waters or any other such purpose as may be approved by the Board.

152 Pollution of waters 2

No person shall deposit or discharge or allow to enter or percolate into any waters, any substance, matter or thing, whether solid, liquid or gaseous, which is injurious or is liable to become injurious to fish or fish food; provided that nothing hereinbefore contained shall apply to any such substance, matter or thing, to the extent to which it may be permitted in terms of any regulation made in that behalf or of section 21 of the Water Act, 1956 (Act 54 of l956).

153 . . . 3

154 Offences and penalties

(1) Any person who contravenes any provision of this Chapter or the regulations made thereunder shall be guilty of an offence and liable on conviction -

(a) if the contravention is of the provisions of section 152 to a fine not exceeding one thousand rand (R1 000) or, in default of payment, to imprisonment for any term not exceeding twelve months or to both such fine and imprisonment; or

(b) if the contravention is of a provision of section 142, 143, 147 or 151 (1) (d), (e) or (f), to a fine not exceeding five hundred rand or in default of payment, to imprisonment for any term not exceeding six months, or to both such fine and imprisonment; or

(c) if the contravention is of any other provision of this Chapter or of any provision of the regulations made thereunder to a fine not exceeding two hundred and fifty rand or, in default of payment, to imprisonment for any term not exceeding three months, or to both such fine and imprisonment.

[Sub-s. (1) amended by s. 11, O. 35/1985.]

(2) Upon a second or subsequent conviction for the same offence the court may impose double the fine or alternatively double the term of imprisonment hereinbefore provided in respect of such offence, or it may impose such term of imprisonment without the option of a fine.

155 . . .

[Repealed by s. 15, O. 25/1979.]

156 Presumptions

(1) Any person who in a close season is in possession of any species of fish to which such close season applies, shall be deemed to have caught such fish in contravention of section 143 (2) (b) unless the contrary is proved.

(2) Any person who at any time is in possession of any species of fish the capture of which is prohibited by proclamation of the Administrator, shall be deemed to have caught the same in contravention

of section 143 (2) (c) unless the contrary is proved.

(3) Any person who is in possession of any species of fish for the capture of which a licence in terms of this Chapter is required, shall be deemed to have caught such fish without a licence, unless the contrary is proved.

(4) Any person who is in possession of any unauthorised trap, firearm, explosive, poisonous or stupefying substance, electrical device, gaff, spear, or unauthorised implement of fishing upon or adjacent to any waters, in circumstances indicating his intention to capture fish by means thereof, shall be deemed to have employed the same in contravention of section 151 (1) (e), unless it is proved that the same was being employed or was intended to be employed for a lawful purpose.

157 Regulations

(1) The Administrator may make regulations not inconsistent with this Chapter in respect of any or all of the following matters -

(a) the forms of applications, licences and other documents required in connection with the administration of this Chapter and the regulations;

(b) the conditions subject to which river conservancies may be formed and their constitutions and rules receive approval;

(c) the functions of river conservancies;

(d) the conditions subject to which angling clubs or associations may be formed and their constitutions and rules receive approval;

(e) the powers and duties of officers and employees of the Board and of honorary officers appointed by the Board generally, and in particular with reference to the inspection and examination of licences or permits and of nets, implements of fishing and other articles, contrivances and things used in the capture of fish and the seizure and detention of such implements, articles, contrivances and things as have been or are reasonably suspected of having been illegally used, and of any fish which may have been captured illegally;

[Amended by par. 9 of the Schedule to Proclamation 9/1988.]

(f) the method to be employed for the purpose of demarcating (whether by means of beacons or notice boards or with reference to bridges, drifts or physical features) at what point any river, stream, estuary or creek liable or subject to tidal influence, shall constitute waters as defined in section 1;

(g) licences or permits for the capture, sale or culture of fish, the conditions subject to which such licences or permits shall be issued and the fees payable therefor;

(h) the fees payable for the right to enter upon any specified land for the purpose of catching fish in any specified waters;

(i) the capture of fish without licences, subject to the observance of prescribed conditions;

(j) the number and size of fish which may be retained after capture, the disposal of undersized fish, the method of measurement to be applied and the disposal of fish caught without authority;

[As substituted by s. 6 (1), O. 26/1984 w.e.f. 21 March 1974 b.v.o. s. 6 (2), O. 26/1984.]

(k) the number of fishing rods which may be employed by any one person at any one time, and the types of implements of fishing which may be used in the capture of fish;

(l) the cultivation of fish and the protection of fish, fish spawn and fish food;

(m) the volume, characteristics or composition of substances, matters and things, whether solid, liquid or gaseous, which may be deposited or discharged or allowed to enter or percolate into any specified waters;

(n) the conditions to be observed by persons who with the consent of riparian owners of privately-owned land enter upon such land for the purpose of catching fish;

(o) the regulation, restriction or prohibition of -

(i) the methods, nets, implements of fishing and other articles or contrivances employed in the capture of fish;

(ii) the removal or release of fish for the purpose of stocking waters or for other purposes;

(iii) the purchase or sale of fish;

(iv) the importation or exportation of live fish;

(v) the introduction into and keeping of fish in tanks, aquaria, ponds, reservoirs or other waters; and

(p) any other matter which by this Chapter is required to be or may be prescribed or which the Administrator may deem it necessary or expedient to prescribe in order that this Chapter may be effectively and conveniently administered.

(2) The power to make regulations in regard to the matters mentioned in subsection (1) (g) to (k), inclusive, and (o) may be exercised generally or in respect of any particular species of fish, or with reference to any district, waters or portions of waters which may be specified.

(3) The fees for such licences as may be prescribed under subsection (1) may be varied according to the purposes for which they are respectively issued and may be of a lesser amount for such age groups as may be prescribed.

[Sub (s). (3) substituted by Procl. 70/1990.]

CHAPTER X
COASTAL FISHING (secs 158-189)

158 Application of Chapter

(1) Nothing in this Chapter contained shall apply in respect of the catching of fish in the Indian Ocean except from the coast of the Province or in respect of the landing of fish caught in the Indian Ocean otherwise than from such coast.

(2) Subject to the provisions of subsection (1), the provisions of this Chapter shall apply to the waters along the coast of the Province and all fish therein, but shall not apply to such species of fish as the Administrator may by proclamation in the Gazette exclude from the operation of this Chapter.

159 Close season and protective measures

(1) The Administrator may from time to time by proclamation in the Gazette -

(a) declare for all waters or any defined waters a close season, or different close seasons for different waters, during which it shall not be lawful for any person to catch fish of any species specified in such proclamation;

(b) prohibit for any stated period or indefinitely, whether in respect of all waters or any defined waters, the catching of fish or any defined species of fish;

(c) prohibit or restrict any method of capture of fish or of fish of any defined species;

(d) notwithstanding anything contained in section 168, restrict, whether generally or in respect of any particular area or areas, the number of licences which may be issued in respect of seine nets or other drag nets (other than drag nets for the capture of shrimps and prawns) intended for the use in catching fish in the sea and operated from the coast.

(2) Any proclamation issued in terms of subsection (1) may be amended, varied or revoked by the Administrator by a like proclamation.

(3) Any person who catches any fish in contravention of any proclamation issued by the Administrator in terms of subsection (1), or is found in possession of or sells fish of any species the catching of which is prohibited in terms of any such proclamation, shall be guilty of an offence.

160 Protection of certain marine life

No person shall capture any dugong (Dugong dugon) or turtle or take or destroy the eggs of any turtle.

[Substituted by s. 3, O. 14/1976.]

161 Poisonous or explosive substances prohibited

No person shall catch, take, kill or destroy any fish, other than sharks, by means of poison, poisonous roots or stupefying substances or by means of any firearm or explosive substances whatsoever.

162 Constitution of Natal Fisheries Licensing Board

(1) The Administrator may appoint a Natal Fisheries Licensing Board consisting of such members of the Board and of any other persons as he may determine, appoint the chairman and fix the quorum thereof and make such regulations as he may deem necessary for the conduct of its proceedings.

(2) (a) The chairman and members of the licensing board shall hold office for a period of three years and shall be eligible for reappointment at the expiration of any such period.

(b) In the event of any vacancy occurring in the licensing board otherwise than in consequence of the expiration of a member's period of office the Administrator shall appoint a person to fill such vacancy for the unexpired portion of the period of office of the member in whose place such person is appointed.

[Sub-s. (2) substituted by s. 9 (b), O. 22/1985.]

163 Designation of licensing officer by Administrator

The Administrator shall designate a licensing officer who shall exercise such powers and perform such duties as are conferred or imposed upon him by this Chapter.

164 Licences

(1) No person shall catch or land fish by means of any implement unless he is the holder of a prescribed licence so to do.

[Amended by s. 4, O. 14/1976 and substituted by s. 6, O. 17/1982.]

(2) The provisions of subsection (1) shall not apply to any person who catches fish by means of a rod and line otherwise than for purposes of trade and who uses a gaff or hand or landing net as an auxiliary to such catching.

165 Spear guns

(1) No person shall use or be in possession of a spear gun unless he is in possession of a licence as prescribed.

(2) No person shall load a spear gun except when such person is in the water and while actually engaged in fishing.

(3) No person shall use a spear gun in any area prescribed by regulation to be an area in which the taking of fish by spear gun is prohibited.

(4) No person shall carry a loaded spear gun except when such person is actually engaged in fishing.

166 Duration of licences

Save in the case of any licence issued for a period of thirty days, every licence issued in terms of this Chapter shall expire on the 31st day of December of the year in respect of which it was issued, and any person who wishes to renew such licence shall make application for such renewal in the prescribed form and in the prescribed manner not later than the 15th day of November of the year for which the expiring licence was issued.

167 Application for and issue of licences

(1) All licences, other than those licences referred to in subsection (7), shall be issued by the licensing officer subject to the payment of such fees as may be prescribed .

[Substituted by O. 27/1975 and again by Procl. 70/1990.]

(2) Applications for licences, other than those licences referred to in subsection (7), shall be made in the prescribed form to the secretary of the licensing board.

(3) Upon receipt of any applications referred to in subsection (2), the secretary of the licensing board shall advise the licensing officer thereof.

(4) Subject to the provisions of subsection (6), an application for a licence for commercial purposes shall be heard and determined by the licensing board, which shall have a discretion to grant or refuse any such application; provided that whenever any such application is made by any person for a licence similar to one held by him at any time during the twelve months immediately prior to the date of such application and that application is refused, such person shall have a right of appeal to the Administrator, who may in his discretion dismiss the appeal or order that the licence applied for be issued or, notwithstanding the provisions of subsection (5) (b), authorise the renewal of the application after a specified period, subject to a right of appeal in the event of a further refusal.

(5) If the licensing board -

(a) grants an application for a licence referred to in subsection (4), the licensing officer shall be advised thereof, whereupon he shall issue the licence applied for;

(b) refuses such an application, no further application by the same applicant for such a licence shall be made before the expiration of twelve months from date of such refusal.

(6) An application for a licence for non-commercial purposes, other than an application referred to in subsection (7), and an application for the renewal of a licence for commercial purposes in respect of the granting of which there is no objection shall be referred to and considered by the licensing officer, who shall have a discretion to grant or refuse any such application; provided that in the event of any refusal by him of any such application, the applicant shall have a right of appeal to the licensing board, whose decision shall be final.

(7) The licensing board may in its discretion permit certain non-commercial licences to be obtainable by any person upon written or verbal application thereof to the licensing officer or person appointed by the Administrator for the purpose, subject to the payment of any such fee as may be prescribed.

168 Prohibition or restriction of the issue of licences 1

Notwithstanding anything contained in section 167, the Administrator may from time to time, in making regulations in terms of section 189, prohibit, whether generally or in respect of any particular area or areas, the issue of any licence or all licences or restrict the number of any licence which may be issued or otherwise regulate the issue of licences, whereupon the authority of the licensing board and the licensing officer and person appointed by the Administrator in terms of the said section 167 shall be exercised in accordance with the regulations so made; provided that the issue of licences for the operation of seine nets shall be restricted to persons who are bona fide professional fishermen and who require such licences for commercial purposes.

169 Meetings of licensing board for hearing of applications for licences

Meetings of the licensing board for the hearing of applications for the issue of licences in terms of section 167 (4) and the hearing of appeals made to it in terms of section 167 (6) shall be held at such times and its proceedings shall be conducted in such a manner as may be prescribed by regulation in terms of section 162 (1).

170 Attendance of witnesses

(1) The chairman of the licensing board may by written notice under his hand require the attendance before such board of any person who, in his opinion, is able to testify as to any matter or thing which that board may have to determine.

(2) Any person who refuses or fails without sufficient cause to attend and give evidence before the licensing board at the time and place specified in any notice given to him in terms of subsection (1), or to produce any book, paper or document which he shall have been required to produce, shall be guilty of an offence.

171 Record of proceedings

A record of the proceedings of the licensing board at every meeting shall be kept and filed in the office of the secretary of the said board and such record may be inspected and copies thereof obtained upon like conditions and upon payment of the same fee as though they were civil records of a magistrate's court.

172 Deposit of amount of money by applicant and objector

(1) The applicant for a licence for commercial purposes and each objector (if any) to the granting of such a licence shall deposit with the secretary of the licensing board such amount of money as may be prescribed, which amount shall -

(a) in the case of the applicant -

(i) be refunded to him if his application is granted; or

(ii) be forfeited to the Natal Provincial Administration if his application is refused; and

(b) in the case of an objector -

(i) be refunded to him after the application has been granted or refused, as the case may be; or

(ii) be forfeited as aforesaid if, in the opinion of the licensing board, his objection is frivolous or vexatious.

(2) Any moneys forfeited in terms of this section shall be paid into the Provincial Revenue Fund.

(3) The provisions of subsection (1) shall not apply where the objector is a statutory body.

173 Licences not transferable

(1) Every licence issued in terms of this Chapter shall be personal to the holder to whom it was issued and shall not be transferable to any other person, and all operations thereunder shall be conducted by or under the direct personal supervision of such holder.

(2) (a) Where a company or a partnership is the holder of a commercial licence such company shall nominate one of its directors or servants and such partnership shall nominate one of its partners or servants to supervise personally fishing operations in terms of such licence.

(b) The licensing board shall be advised of any such nomination, and if the person so nominated is approved by the said board there shall be issued to that person an authority in writing under the hand of the secretary of that board to supervise personally such operations on behalf of the company or partnership concerned; provided that if a substitute for a person so nominated and approved is nominated in terms of paragraph (a), the licensing officer may authorise the issue to such substitute of a temporary authority in writing in terms of this paragraph which shall be valid until the licensing board has decided whether or not such substitute is approved by it.

(c) No company or partnership shall operate under any licence until such authority has been issued.

174 Photographs on licences

1(1) The applicant (other than a company or a partnership) for a commercial licence other than a commercial angler's licence shall submit together with the application form, a recent full-face photograph of prescribed size (in duplicate) of himself in which the head and shoulders shall not be less than 40 mm in length.

(2) If the application is granted, one copy of the photograph shall be permanently fixed to the licence issued in respect of such application and the other copy of the photograph shall be permanently fixed to the application form.

(3) The provisions of this section shall not apply to applications for special bait net licences made by bona fide angling clubs.

175 Unlawful alteration of nets

Any person who alters any licensed net or other implement of fishing by changing its dimensions by the addition of traps, pockets or bags, by the diminution of the size of mesh in any part thereof, or by any other material alteration, shall be guilty of an offence and, upon conviction, the licence issued in respect of such net or implement of fishing shall be deemed to have expired and the court convicting such person shall, in addition to any penalty that may be imposed, declare such net or implement of fishing forfeited to the Natal Provincial Administration; provided that subject to any law relating to merchant shipping the licensing officer may authorise any alteration of a licensed net or other implement of fishing not inconsistent with any condition of the licence issued in respect thereof.

176 Restrictions in respect of licences

(1) The licensing board or the licensing officer, as the case may be, may, in granting any application for a licence, impose such conditions regulating its use as it or he may deem proper, including the restriction of the area of operation; provided that the grant by the licensing officer of any application for the renewal of any licence for commercial purposes shall be subject solely to the conditions, if any, imposed by the licensing board when granting such licence.

(2) No application for a licence, including an application for the renewal of a licence, in respect of any implement of fishing -

(a) which is a seine or other drag net (other than a drag net for the capture of shrimps and prawns) intended for use in the catching of fish in the sea and operated from the coast; or

(b) which may not be used in any waters without the consent of any officer of the State, shall be considered unless it is accompanied by the written consent of, in the case of an application under paragraph (a) the Administrator, and in the case of an application under paragraph (b), such officer of the State, to the issue of the licence applied for.

177 Effect of licence issued under this Chapter

No licence issued under this Chapter shall be deemed to affect any obligation, restriction or liability imposed upon the holder of such licence by any other law.

178 Duties of holder of licence

(1) Every licence issued in terms of this Chapter shall bear upon its face in the space reserved for that purpose the signature in ink of the person to whom it was issued, and it shall not be valid or capable of being used until so endorsed.

(2) The holder of a licence shall produce the same to any magistrate or any officer whenever called upon to do so, and if he fails to produce it within a period of forty-eight hours of such request, or if, upon being called upon to sign his name for the purpose of comparison with the signature on any licence produced by him, he fails or refuses to do so, he shall be guilty of an offence.

179 Loss of licence

In the event of the loss of a licence, application for a duplicate may be made subject to such conditions as may be prescribed in that behalf.

180 Falsity

Any person who falsifies or misuses any licence shall be guilty of an offence.

181 Production of licences

Any person catching fish or using any implement of fishing for the catching or use of which a licence is required in terms of this Chapter shall, upon being called upon by any officer to do so, produce such licence, and if he fails to do so within a period of forty-eight hours of such request or within such further period as such officer may approve, he shall be deemed to have been catching fish or using such implement without a licence.

182 Offences

Any person who -

(a) in any recognised netting area wilfully places any obstacle or impediment for the purpose of obstructing or damaging any fishing net or other implement of fishing lawfully used in such area; or

(b) without the authority of the Board or other lawful authority explodes or causes any substance to be exploded in any waters for any purpose other than for the killing of sharks; or

(c) captures fish other than sharks by means of poisonous or any stupefying substance; or

(d) captures fish by means of any prohibited or unlicensed implement of fishing; or

[Substituted by s. 5, O. 27/1975.]

(e) fails to comply with the conditions of any licence or permit issued to him under this Chapter or the regulations; or

[Substituted by s. 16, O. 25/1979.]

(f) sells fish except under the authority of a licence as prescribed; or

(g) is found in possession of or sells any fish the catching of which is prohibited by regulation; or

(h) uses any unauthorised trap or obstruction in any waters for the purpose of capturing fish or of preventing the free passage of fish in such waters; or

(i) contravenes any provision of this Chapter or the regulations made thereunder not elsewhere in this Chapter declared to be an offence,

shall be guilty of an offence.

183 Pollution of waters

No person shall deposit or discharge or allow to enter or percolate into any waters any substance, matter or thing, whether solid, liquid or gaseous, which is injurious or is liable to become injurious to fish or fish food; provided that nothing hereinbefore contained shall apply to any such substance, matter or thing to the extent to which it may be permitted in terms of any regulation made in that behalf, or of section 21 of the Water Act, 1956 (Act 54 of 1956).

184 . . .

[Repealed by s. 23, O. 27/1975.]

185 Penalties

(1) Any person who contravenes or fails to comply with the provisions of this Chapter or of any licence issued in terms thereof or of the regulations in force thereunder shall be guilty of an offence and be liable on conviction -

(a) in the case of a contravention of or failure to comply with the provisions of section 159 (3), 160, 161, 164, 165, 175, 180, 182, 183 or of any licence contemplated by any such section, to a fine not exceeding one thousand rand or imprisonment for a period not exceeding one year or to both such fine and imprisonment, and

(b) in the case of a contravention of or failure to comply with the provisions of any other section of this Chapter or of such regulations, to a fine not exceeding five hundred rand or imprisonment for a period not exceeding six months or to both such fine and imprisonment.

[Sub-s. (1) amended by s. 17, O. 25/1979 and substituted by s. 12, O. 35/1985.]

(2) Upon a second or subsequent conviction for the same offence, the court may impose double the fine or alternatively double the term of imprisonment hereinbefore provided in respect of such offence or both such fine and imprisonment, or it may impose such term of imprisonment without the option of a fine.

(3) Whenever any person is convicted of -

(a) catching fish by means of any implement;

[Par. (a) substituted by s. 7, O. 17/1982.]

(b) using any implement for the purpose of catching or landing of fish; or

(c) using or being in possession of a spear gun,

without a licence prescribed for any such act or matter, the court shall, in addition to any sentence imposed, adjudge him to pay to the Natal Provincial Administration such fees as would in respect of any such prescribed licence have been payable to such Administration, and in order to give effect to this provision the court shall, after passing sentence, ascertain and record the amount of such fees which shall thereupon be recoverable in the same manner as a fine imposed in a criminal case.

186 . . .

[Repealed by s. 18, O. 25/1979.]

187 Presumptions

(1) Any person who in a close season is found in possession of any species of fish to which such close season applies, shall be presumed to have caught such fish in contravention of section 159 (3), unless the contrary is proved.

(2) Any person who at any time is in possession of any species of fish the capture of which is prohibited by proclamation of the Administrator, shall be presumed to have caught the same in contravention of section 159 (3), unless the contrary is proved.

(3) Any person who is the occupant of a boat found in waters in respect of which the catching of fish has been prohibited by proclamation in terms of section 159 (1) and upon which is found or proved to have been any fish or implement of fishing, shall be presumed to have been or be catching fish in contravention of such proclamation, unless the contrary is proved.

(4) Any person who is in possession of any species of fish for the capture of which a licence in terms of this Chapter is required, shall be presumed to have caught such fish without a licence, unless the contrary is proved.

(5) Any person who is in possession of any explosive, poisonous or stupefying substance, unauthorised or unlicensed implement of fishing or trap in circumstances indicating that he had used the same to capture fish or that he intends to capture fish by means thereof, shall be presumed to have used the same in contravention of section 182 (c), (d) or (g), unless it is proved that the same was being used, or was intended to be used for lawful purposes.

188 Liability

(1) Every person to whom a licence has been issued in terms of this Chapter shall be liable for any offence under this Chapter committed by any person in his employ and may be prosecuted as though he himself had committed that offence; provided that nothing hereinbefore contained shall be deemed to relieve from prosecution the person who actually committed offence.

(2) Whenever any boat has been used in connection with any offence under this Chapter, or any fish, or any net or other implement of fishing in respect of or by means of which an offence under this Chapter has been committed, is found or proved to have been upon any boat, any person who was a member of the crew of such boat at the time when the offence was committed shall be deemed to be guilty of such offence, unless he proves that he did not commit such offence and that he took no part in it and could not prevent the commission thereof.

189 Regulations

(1) The Administrator may make regulations not inconsistent with this Chapter in respect of any or all of the following matters -

(a) the forms of applications, licences and other documents required for the purposes of this Chapter;

(b) the amount of money to be deposited by an applicant or objector in terms of section 172 (1);

(c) the issue of licences for the capture of fish and for the use or possession of implements of fishing and the conditions under which licences may be obtained;

(d) the conditions subject to which licences shall be granted (including the number of fish or any species of fish which may be captured under any licence) and the cancellation thereof for non-compliance with any condition subject to which they were issued;

(e) the fixing of the fees to be paid for any licence under this Chapter and the prescribing of different fees for different licences;

(f) the prescribing of different licences for different species of fish and for different implements of fishing;

(g) the character, meshes, dimensions and forms of construction of nets and the character, dimensions and forms of construction of other implements of fishing generally or in relation to the catching of different species of fish and the manner, place and circumstances of use of any such implements;

(h) the conditions subject to which fish or any defined species may be captured or taken, or kept for aquarium purposes, whether under licence, permit, or otherwise;

[Substituted by s. 17, O. 31/1976.]

(i) the badge or other distinctive mark or number to be affixed to any boat, net or other implement of fishing;

(j) the number and size of fish which may be retained after capture, the disposal of undersized fish, the method of measurement to be used and the disposal of fish captured without authority;

[Substituted by s. 13 (1), O. 35/1985.]

(k) the volume and composition of substances, matters and things, whether solid, liquid or gaseous which may be deposited or discharged or allowed to enter or percolate into any specified waters;

(l) the preservation and protection of oyster beds and oyster bearing areas, including areas set aside for the culture of oysters;

(m) the protection of fish and fish food or any species of fish or fish food, either generally or in defined areas;

(n) the powers and duties of officers, honorary officers and employees of the board generally, and in particular with reference to the inspection and examination of licences and of nets, implements of fishing and other articles, contrivances and things used in the capture of fish and the seizure and detention and disposal of such implements, articles, contrivances and things as have been or are reasonably suspected of having been illegally used, and of any fish which may have been captured illegally;

[Substituted by s. 24, O. 27/1975. Amended by par. 10 of the Schedule to Proclamation 9/1988.]

(o) the method to be employed for the purpose of demarcating (whether by means of beacons or notice boards or with reference to bridges, drifts or physical features) at what point any river, stream, estaury or creek liable or subject to tidal influence shall constitute waters as defined in section 1;

(p) the protection of boundary beacons, buoys, notices and notice boards and other marks used or required in matters appertaining to fisheries;

(q) the disposal of forfeited nets, boats and other implements of fishing and of nets, boats and other implements found in any waters without an owner or unclaimed;

(r) the regulation, restriction or prohibition of -

(i) the methods, nets, implements of fishing and other articles or contrivances used in the capture of fish;

(ii) the sale of fish or any species of fish;

(iii) the use of fishing boats;

(iv) the importation and exportation of fish;

[Inserted by s. 7, O. 14/1976 and substituted by s. 19, O. 25/1979.]

(s) the returns to be rendered by the holders of licences or any specified licences;

(t) generally any other matter which by this Chapter is required to be or may be prescribed or which the Administrator may deem it necessary or expedient to prescribe in order that this Chapter may be effectively and conveniently administered.

(2) Different regulations may be made under subsection (1) in respect of different areas or waters or in respect of different species of fish, licences or implements of fishing.

(3) Any power to make regulations under subsection (1) may be exercised generally or in respect of any particular licence, implement of fishing or species of fish or with reference to any area, waters or portions of waters which may be specified.

(4) The fees for licences as may be prescribed under section (1) may be varied according to the purpose for which they are respectively issued and may be of a lesser amount for such age groups as may be prescribed.

[Substituted by Procl. 70/1990.]

CHAPTER XI
INDIGENOUS PLANTS (secs 190-211)

[Heading to Chapter XI substituted by s. 25, O. 27/1975.]

190 Application of Chapter

This Chapter shall, subject to the provisions of the Forest Act, 1984 (Act 122 of 1984) and any other Act of Parliament, apply throughout the Province.

[Sec 190 substituted by s. 25, O. 27/1975 and amended by Procl. 49/1993.]

191 Suspension of issue of permits for the gathering of specially protected indigenous plants

The Administrator shall have authority to suspend by notice in the Gazette for any stated period the issue of permits for the gathering of any family, genus or species of specially protected indigenous plant, whether generally or in any defined area or areas in the Province.

[Sec 191substituted by s. 25, O. 27/1975.]

192 Declaration of applicability of Chapter by the Administrator

(1) The Administrator may from time to time by proclamation in the Gazette declare that the provisions of this Chapter -

(a) shall not apply to any family, genus or species of any indigenous plant, generally or when found in any defined area or areas;

(b) shall only apply when such family, genus or species of any indigenous plant is found in any such area or areas.

[Para (b) substituted by s. 8, O. 14/1976.]

(2) Any proclamation issued by the Administrator in terms of subsection (1) may at any time be amended, varied or revoked by a like proclamation.

[Sec 192substituted by s. 25, O. 27/1975.]

193 Unprotected indigenous plants not affected

Subject to the provisions of section 192, nothing contained in this Chapter shall apply to unprotected indigenous plants.

[Sec 193substituted by s. 25, O. 27/1975.]

194 Purchase of specially protected indigenous plants 1

(1) No person shall purchase any specially protected indigenous plant except from a person lawfully entitled to sell it under the provisions of this Chapter.

(2) Any purchaser of a specially protected indigenous plant shall obtain from the seller a document wherein the following particulars are contained:

(a) the name and residential address of the seller and purchaser;

(b) the date of sale;

(c) the species of such plant and the diameter or length (whichever is the greater) of its stem;

(d) the number of the current licence or permit which authorises the seller to conduct such sale; and

(e) the signature of the seller or his agent.

[Sec 194 substituted by s. 25, O. 27/1975.]

195 Licence to sell specially protected indigenous plants

2(1) A protected indigenous plant may be sold only under the authority of a permit issued by the Board subject to such conditions as the Board may impose.

(2) ...

[Sec 195 substituted by s. 25, O. 27/1975.]

196 Licence to sell specially protected indigenous plants

2(1) A specially protected indigenous plant may only be sold under the authority of and in accordance with a licence issued in terms of this section.

3(2) On payment of the prescribed licence fee, such a licence may be issued by the Board only to -

(a) a person who cultivates, develops or maintains such specially protected indigenous plant on privately-owned land for the specific purpose of sale; or

(b) the holder of a licence to sell plants, or any person exempted from holding such a licence in terms of the Licences and Business Hours Ordinance, 1973 (Ordinance 11 of 1973), who has purchased such specially protected indigenous plant from a licence-holder referred to in paragraph (a); or

(c) any person on the special authority of the Administrator.

(3) No licence referred to in subsection (2) shall be issued or renewed save with the prior approval of the Administrator, which approval he may refuse or grant subject to such conditions as he may determine.

(4) The Board may endorse on a licence such conditions, not being in conflict with those determined by the Administrator, as it may deem fit and shall endorse thereon the place where the specially protected indigenous plant may be sold.

(5) A licence issued under this section shall expire on the 31st December of the year in respect of which it is issued; provided that if liability for a licence arises after the 30th June in any year the licence fee shall be one half of the prescribed amount.

(6) Application for the renewal of a licence issued in terms of this section shall be made not later than the 30th January following the date of expiry of such licence and failing timeous application the right of renewal shall lapse.

[Sec 196 substituted by s. 25, O. 27/1975.]

197 Donation or exchange of indigenous plants

(1) A protected indigenous plant may be freely donated or exchanged.

1(2) No person shall donate or exchange any specially protected indigenous plant without a permit first having been obtained from the Board, which permit shall be retained by the donor or person who exchanges such plant.

1(3) Any person who donates to or exchanges with any other person any specially protected indigenous plant shall, at the time of delivery of such plant to such other person, hand to him a document containing the following particulars:

(a) The names and residential addresses of the persons participating in the donation or exchange;

(b) the date and place of delivery;

(c) the number and species of such plant and its size, either in diameter or in stem heights, whichever measurement may be the greater;

(d) the manner in which the donor or those participating in the exchange came into possession of the plant so donated or exchanged; and

(e) the signatures of the persons concerned.

2(4) The document referred to in subsection (3), shall be retained by the owner of such specially protected indigenous plant for the natural life span of such plant or while such plant is in the possession of the owner.

2(5) A person required to hold a permit referred to in subsection (2) or a document referred to in subsection (3) shall produce it to an officer, honorary officer or employee of the Board within 24 hours of being requested to do so by such officer, honorary officer or employee and upon failure to do so shall be guilty of an offence.

[Sec 197 substituted by s. 25, O. 27/1975.]

198 Exportation of indigenous plants 3

(1) No person shall export from the Province any indigenous plant save under the authority of and in accordance with a permit issued to him in terms of this Chapter.

(2) No cycad with a diameter in excess of 15 cm may be exported from the Province unless it has been fitted with a microchip transponder by an officer or employee of the Board.

[Sec 198 substituted by s. 25, O. 27/1975.]

199 Importation of specially protected indigenous plants 4

No person shall import into the Province any specially protected indigenous plant save under the authority of and in accordance with a permit issued to him in terms of this Chapter.

[Sec 199 substituted by s. 25, O. 27/1975.]

200 Gathering of specially protected indigenous plants

5(1) Subject to the provisions of section 196, 198 and 201 no person shall gather any specially protected indigenous plant save under the authority of and in accordance with a permit issued by the Board with the prior approval of the Administrator, and such gathering shall only take place on land, by the owner of such land, or by any person with the prior written permission of such owner, which permission shall at all times during such gathering be in the possession of such person and available for inspection immediately on request by an officer, honorary officer or employee of the Board; provided that the approval of the Administrator may be refused or granted subject to such conditions as the Administrator may determine.

(2) . . .

[Subsec (2) amended by Proclamation 9 of 1988.]

(3) No written permission mentioned in subsection (1) shall be valid unless it reflects -

(a) the name of the person to whom, or any club or like organisation to which, the permission is granted;

(b) the species and numbers of indigenous plants in respect of which the permission is granted; and

(c) the land in respect of which permission is granted.

(4) Any permit to gather specially protected indigenous plants shall indicate in precise terms the area within which such plants may be gathered by the holder.

(5) In the case of gathering operations arranged by a club or like organisation on land scheduled for development, a permit to gather such plants may be issued to the chairman or to on office-bearer of the said club or organisation under whose direct control such gathering shall take place and who shall be vicariously liable for the criminal offences under this Chapter committed by the members of the said gathering operations, as well as any offences as a result of trespassing, but no gathering or collecting shall commence unless and until an officer is present.

[Sec 200 substituted by s. 25, O. 27/1975.]

201 Issue of special permits to gather specially protected indigenous plants

Any officer appointed by the Board for the purpose may, notwithstanding the provisions of section 200(1), issue to any fit and proper person a special permit to gather specially protected indigenous plants required as herbarium specimens or for scientific research or any other purpose of a public nature.

[Sec 201 substituted by s. 25, O. 27/1975.]

201A Permit for the relocation of specially protected indigenous plants 1

The Board may, on application by a landowner wishing to develop his land in such a manner that such development may cause damage or destruction to specially protected indigenous plants, grant a permit for the relocation of such plants.

202 Prohibition of gathering on public roads

(1) Save as is provided by subsection (2), no person who is not in possession of a permit issued in terms of section 200 or 201, shall gather any indigenous plant on any public road or in the road reserve of any public road without the prior permission of the Administrator.

(2) Subsection (1) shall not apply in respect of indigenous plants unavoidably destroyed in the course of lawful road development or maintenance.

[Sec 202 substituted by s. 25, O. 27/1975.]

203 Possession of specially protected indigenous plants

Any person who is in possession of any specially protected indigenous plant and is unable to give a satisfactory account of such possession shall be guilty of an offence; provided that a specially protected indigenous plant growing in a wild state on private land shall not be deemed for the purposes of this section to be in the possession of the owner or occupier of such land.

[Sec 203 substituted by s. 25, O. 27/1975.]

204 Applications for and issue of permits and licences

(1) Any permit or licence referred to in this Chapter shall be issuable by an officer or other person authorised by the Board for that purpose.

(2) Application for any such permit or licence shall be made in the prescribed form and the officer or other person authorised by the Board to issue such permit or licence shall, subject to the provisions of sections 196(3) and 200(1), have a discretion to grant any such application, whether in whole or in part, or to refuse the same; provided that in the event of any refusal by such officer or person of an application for a permit or licence, the applicant shall have a right of appeal to the Board whose decision shall be final.

(3) Every permit or licence issued in terms of this Chapter shall be personal to the holder to whom it was issued and shall not be transferable to any other person.

(4) (a) Where a company or a partnership or other association is the holder of such permit or licence such company or partnership or other association shall nominate one of its directors, partners, office bearers or servants, as the case may be, to supervise personally operations in terms of such permit or licence.

(b) The Board shall be advised of any such nomination and if the person so nominated is approved by the Board there shall be issued to that person an authority in writing under the hand of the Secretary of the Board to supervise personally such operation on behalf of the company, partnership or other association concerned.

(c) No company, partnership or other association shall operate under a permit or licence issued in terms of this Chapter until such authority has been issued.

(5) Application for licences referred to in section 196 to sell specially protected indigenous plants shall be accompanied by payment of such fee as may be prescribed.

[Sec 204 substituted by s. 25, O. 27/1975.]

205 Trespass on land

(1) Whenever any person is found trespassing on land for the purpose of gathering any indigenous plant he shall be guilty of an offence and any officer or honorary officer or the owner or occupier or person in charge of such land may demand from such person his full name and address and may direct him to leave such land forthwith, and if he fails to comply with any such demand or direction or gives a false or incomplete name and address, he shall be guilty of a further offence.

(2) If any person gathers any specially protected indigenous plant on the town lands or commonage of any municipal or like institution or other land which is open to the general public, or if any person enters upon any such town lands or commonage in circumstances indicating his intention to gather such indigenous plants thereon, he shall for the purposes of subsection (1) be deemed to be trespassing thereon unless in any prosecution, he proves to the satisfaction of the court that permission was given to him to gather such indigenous plants thereon by an officer of the municipal or like institution or other official having authority to grant the same.

[Sec 205 substituted by s. 25, O. 27/1975.]

206 . . .

[Sec 206 substituted by s. 25, O. 27/1975, amended by s. 14, O. 6/1982 and repealed by s. 8, O. 17/1982.]

207 Falsity

Any person who falsifies or misuses any permit or licence to gather, sell, export or import indigenous plants shall be guilty of an offence.

[Sec 204 substituted by s. 25, O. 27/1975 and by s. 9, O. 14/1976.]

208 Offences and penalties 1

Any person who contravenes or fails to comply with the provisions of this Chapter or of any licence or permit issued in terms thereof or of the regulations in force thereunder, shall be guilty of an offence and liable on conviction to a fine or imprisonment for a maximum period of ten (10) years or to both such fine and imprisonment.

[Sec 208 substituted by s. 25, O. 27/1975.]

209 Loss of documents procedure 2

(1) Any person who loses any document or permit referred to in section 194, 197, 199 and 200 shall report such loss immediately to the Board by means of an affidavit.

(2) Upon receipt of the affidavit referred to in subsection (1) the Board may have the matter investigated and may issue a duplicate document or permit to such person.

[Sec 209 substituted by s. 25, O. 27/1975.]

210 Presumptions

(1) Any person who at any time is in possession of any specially protected indigenous plant for the gathering of which a permit or licence is required in terms of this Chapter shall, failing a satisfactory account of such possession, be deemed to have gathered the same in contravention of section 200 (1).

(2) Whenever in any proceedings under this Chapter the question arises as to whether or not any indigenous plant is specially protected, it shall be deemed to be such unless the contrary is proved.

[Sec 210 substituted by s. 25, O. 27/1975.]

211 Regulations

The Administrator may make regulations not inconsistent with this Chapter in respect of any or all of the following matters:-

(a) the form of applications, permits, licences and other documents required in connection with the administration of this Chapter;

(b) the powers and duties of officers, honorary officers and employees of the Board, including the seizure and disposal of indigenous plants in respect of which an offence under this Chapter has or is reasonably suspected of having been committed;

[Para (b) amended by Proclamation 9 of 1988.]

(c) permits for the gathering of and licences as contemplated by this Chapter, the terms or conditions subject to which such permits and licences shall be issued, the fees (if any) payable therefor and the cancellation of such permits and licences for non-compliance with any term or condition subject to which they were issued;

(d) subject to the provisions of the Criminal Procedure Act, 1977 (Act 51 of 1977), the confiscation of indigenous plants which have been unlawfully gathered or sold and the destruction or disposal of the same by the Board, and

[Para (d) amended by s. 15, O. 6/1982.]

(e) any other matter which by this Chapter is required to be or may be prescribed or which it may be necessary or expedient to prescribe in order that this Chapter may be effectively and conveniently administered.

[Sec 211 substituted by s. 25, O. 27/1975.]

CHAPTER XII
GENERAL (secs 212-218)

212 Powers of arrest

Any officer or honorary officer of the Board thereto authorised by the Administrator shall have power to arrest without a warrant any person suspected upon reasonable grounds of having contravened any provision of this Ordinance; provided that no officer so authorised as aforesaid shall arrest any person without a warrant unless he has reason to believe that the ends of justice will be defeated by the delay in obtaining a warrant.

[Sec 212 substituted by s. 20, O. 31/1976.]

213 General powers of officers

(1) Any officer or honorary officer may -

(a) demand of any person found performing or reasonably suspected of having performed any act for which any licence or permit or permission or other authority is required in terms of this Ordinance the production of the same or proof of its existence;

(b) demand the name and place of residence of any person committing or reasonably suspected of having committed an offence against the provisions of this Ordinance;

(c) inspect and examine any weapon, trap, snare, vehicle, implement, boat, device, instrument or other article or thing reasonably suspected of being used or having been used for any purpose in contravention of any provision of this Ordinance, and seize and take possession of the same;

(d) seize and take possession of any game, trophy, indigenous amphibian, invertebrate or reptile, whether dead or alive, or any part or egg of or derivative from any indigenous amphibian, invertebrate or reptile, in respect of which an offence against the provisions of this Ordinance has or is reasonably suspected of having been committed;

[Para (d) substituted by s. 21, O. 25/1979.]

(e) seize and take possession of any fish in respect of which an offence against the provisions of this Ordinance has or is reasonably suspected of having been committed;

(f) seize and take possession of any wild bird or foreign bird, whether dead or alive, in respect of which an offence against the provisions of this Ordinance has or is reasonably suspected of having been committed;

(g) demand of any person found gathering any specially protected indigenous plant or reasonably suspected of having gathered any such indigenous plant, the production of a licence authorising such gathering or proof of his authority to gather the same in terms of any provision of section 200(1);

[Para (g) substituted by s. 26(b), O. 27/1975.]

(h) demand of any person found guilty selling any indigenous plant the production of a permit or licence authorising such sale;

[Para (h) substituted by s. 26(b), O. 27/1975.]

(i) subject to any other law, seize and take possession of any indigenous plant in respect of which an offence under this Ordinance has or is reasonably suspected of having been committed.

[Para (i) substituted by s. 26(b), O. 27/1975.]

[Subsec (1) amended by s. 26(b), O. 27/1975.]

(2) Any officer may, if he has reasonable grounds for believing that evidence of the commission of an offence against any provision of this Ordinance is to be found thereon and that the ends of justice will be defeated by the delay in obtaining a search warrant, enter upon any land or premises without permission and without a search warrant, and search the same or any building, tent, camping place, vehicle or receptacle or other thing and take possession of any article or thing which he believes will afford evidence of the commission of such offence; provided that such power of entry upon any land or into any premises, building or tent shall be exercised only at reasonable times and that the officer concerned, not being a police officer, shall, within forty-eight hours of such entry, report to the Secretary of the Board the circumstances connected with such entry.

[Subsec (2) amended by Proclamation 9 of 1988.]

(3) Any officer who wrongfully or maliciously or without reasonable cause applies for or obtains or acts upon any search warrant, or wrongfully and maliciously or without reasonable cause exercises any of the powers conferred upon him by subsection (2), shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred and fifty rand, or in default of payment, to imprisonment for a term not exceeding three months.

[Subsec (3) amended by s. 15 (a), O. 35/1985.]

(4) Any person who -

(a) assaults, resists, hinders or obstructs any officer or honorary officer in the exercise of his powers or in the performance of his duties under this Ordinance; or

(b) fails to comply with any lawful demand made by any officer or honorary officer under this Ordinance, or wilfully gives any false or misleading information in pursuance of such demand,

shall be guilty of an offence and be liable on conviction to a fine not exceeding five hundred rand or, in default of payment, to imprisonment for any term not exceeding six months, or to both such fine and imprisonment.

[Subsec (4) substituted by s. 26 (c), O. 27/1975 and amended by s. 15 (b), O. 35/1985.]

213A Production of export permit

Any railways officer, airways officer, customs officer, police officer or traffic officer may demand from any person who consigns any game, indigenous or exotic mammal, indigenous bird or indigenous plant, other than a processed indigenous plant contemplated by section 195 (2), for transportation to any place outside the Province, whether by rail, sea, air, road or any other means of transportation, the production of a permit authorising the exportation from the Province of such game, mammal, bird or plant and upon the failure of such person to produce such permit or if, upon the production of such permit, it is found that the exportation of such game, mammal, bird or plant would be contrary to the terms or conditions of the permit, such officer may seize such game, mammal, bird or plant which shall thereafter be dealt with in such manner as may be prescribed without prejudice to the prosecution of such person for any offence which he may have committed.

[Inserted by s. 9, O. 17 /1982.]

213B Laying of poison

(1) No person shall lay any poison on any land unless -

(a) such person is the holder of a permit issued to him by the Board which may impose such conditions as it may deem necessary or desirable in regard to the laying of such poison; and

(b) such person -

(i) takes all reasonable precautions against the poisoning of wild animals and wild birds, and

[Amended by Procl. 49/1993.]

(ii) keeps in a safe place known to -

(aa) one or more members of his household; or

(bb) one or more of his employees,

who are over the age of sixteen years, a written record giving comprehensive details of the position where such poison was laid on such land.

(2) Whenever any poison is or has been found on any land the owner or occupier of such land shall, until the contrary is proved, be presumed to have laid such poison in contravention of subsection (1).

(3) Any person who contravenes or fails to comply with the provisions of this section shall be guilty of an offence and on conviction be liable -

(a) in the case of a first conviction, to a fine not exceeding five thousand rand or to imprisonment for a period not exceeding twelve months or to both such fine and such imprisonment; and

(b) in the case of a second or subsequent conviction, to a fine not exceeding seven thousand five hundred rand or to imprisonment for a period not exceeding eighteen months or to both such fine and such imprisonment.

(4) The provisions of this section shall not apply in any case where poison is laid in accordance with the provisions of section 20 of the Problem Animals Control Ordinance, 1978 (Ordinance 14 of 1978).

[Inserted by Procl. 29/1990.]

213C Exportation and importation of fauna and flora prohibited, save under permit

(1) No person shall export from or import into the Province any species of fauna or flora referred to in Schedule 12A except in accordance with a permit granted in terms of this section.

(2) Application for a permit referred to in subsection (1) shall be made to the Director in writing and the Director, or other officer appointed by the Board for the purpose, shall have a discretion to grant any such application, whether in whole or in part, or to refuse the same.

(3) Every permit granted shall be personal to the holder and subject to such conditions as stipulated by the Board.

[Inserted by Procl. 49/1993.]

214 Identification when officer not in uniform

If any officer or honorary officer of the Board is not in uniform or is not wearing conspicuously a badge or other token of his office as prescribed when effecting the arrest of any person under authority conferred upon him in terms of section 212 or when exercising any authority conferred upon him by section 213, he shall, if so required by any person whom he proposes to arrest or in respect of whom or in respect of whose property such authority is being exercised, produce and exhibit to such person a letter or certificate of his appointment as an officer or honorary officer.

[Substituted by s. 27, O. 27/1975.]

214A Impersonation of a member, officer, or employee of the Board

Any person who by word, conduct or demeanour falsely represents himself to be a member of the Board or an officer or employee thereof or a person holding a particular rank or appointment therein, shall be guilty of an offence and be liable upon conviction to a fine not exceeding five hundred rands or to imprisonment not exceeding six months or to both such fine and such imprisonment.

[S. 214A inserted by s. 3, P. 63/1992.]

215 Officers of board may be provided with firearms and ammunition

Any officers or employees of the Board may be provided by the Board, subject to the provisions of any law regulating the same, with such firearms and ammunition or other weapons as may be deemed necessary for the proper exercise or performance by them of their respective powers and duties.

[Amended by par. 14 of the Schedule to Proclamation 9/1988.]

215A Exemption of officers and certain other persons from any of the provisions of the Ordinance

The Administrator may exempt any officer or person from any of the provisions of this Ordinance or of any proclamation or regulation issued or made thereunder subject to such conditions as he may impose.

[Inserted by s. 28, O. 27/1975.]

215B Forfeitures

(1) Whenever any person is convicted of an offence under this Ordinance the court -

(a) shall declare forfeited to the Natal Provincial Administration -

(i) any animal or part of an animal in respect of which section 15 (1) (f) has been contravened;

(ii) any game or trophy, or any indigenous amphibian, invertebrate or reptile, or any wild bird or foreign bird, including any such bird found in any unregistered or unlicensed aviary or in excess of the number of such birds authorised to be kept in any such aviary, or any fish, or any indigenous plant in respect of which the offence was committed;

(iii) any weapon, explosive trap, snare, poison, receptacle, instrument, implement of fishing, animal or any other article or object used by such person in, for the purpose of, or in connection with the commission of the offence;

(b) may, and in the case of a second or subsequent conviction of an offence under the same chapter of this Ordinance, shall declare forfeited to the Natal Provincial Administration any vehicle, vessel, boat, craft, float or aircraft and any right, title and interest of such person in or to such vehicle, vessel, boat, craft, float or aircraft used in, for the purpose of, or in connection with the commission of the offence;

(c) shall cancel any licence or permit or other authority issued to such person in terms of this Ordinance and declare him to be ineligible for obtaining any such licence or permit or other authority under this Ordinance for a period not exceeding three years.

(2) If the court has failed to invoke the provisions of subsection (1) (c), the Administrator shall cancel such licence or permit or other authority and make such declaration and shall, in writing, inform the person concerned accordingly.

(3) Any forfeiture in terms of subsection (1) shall be made in addition to any other penalty imposed, and any fees adjudged, by the court under the provisions of this Ordinance.

(4) Subject to the provisions of subsection (5), anything forfeited in terms of subsection (1) shall be delivered to the Board and may be dealt with in such manner as the Administrator may direct.

[Substituted by s. 11, O. 12/1986.]

(5) Notwithstanding anything contained in subsections (1) and (2), the Administrator may, if an appeal is lodged with him within twenty-one days of the date of such forfeiture or, as the case may be, cancellation -

(a) authorise, upon such terms and conditions as he may determine, the return to the owner thereof of any vehicle, boat, aircraft or weapon or implement of fishing forfeited in terms of subsection (1) (a) (iii) or (b); and

(b) on good cause shown, grant written permission to any person to apply for any licence or permit or other authority cancelled in terms of subsection (1) (c) or (2) before the expiration of the period during which he was declared to be ineligible for obtaining the same.

[Inserted by s. 22, O. 25/1979.]

216 Mines and fees

(1) All fines or estreated bail moneys paid or recovered in respect of any contravention of this ordinance or the regulations shall be paid to the Board.

(2) All licence, permit and registration fees (other than fees referred to in section 12 (1)) and any other moneys paid, collected or recovered under this ordinance or the regulations shall be paid to the Provincial Revenue Fund.

[Substituted by s. 12, O. 12/1986.]

216A State not bound

This Ordinance shall not bind the State.

[Inserted by s. 29, O. 27/1975.]

217 Repeal of laws

The laws mentioned in Schedule 13 are hereby repealed to the extent shown: Provided that any proclamation, regulation, by-law, notice, order, prohibition, authority, permission, permit, licence or document issued, made, promulgated, given or granted and any other action taken including appointments made under any provision of such laws shall, if not inconsistent with the provisions of this Ordinance, be deemed to have been issued, made, promulgated, given, granted or taken under the corresponding provisions of this Ordinance.

217A Regulations may be made to take effect from a specified date

Any regulation made by the Administrator in terms of any provision of this Ordinance may be made with effect from any date, whether prior to or subsequent to the date of promulgation thereof in the Gazette.

[Inserted by s. 30, O. 27/1975.]

217B Amendment of Schedules and notices by Administrator

The Administrator may at any time by means of a notice published in the Gazette and with effect from a date to be specified in such notice, substitute any of the Schedules to this Ordinance or any notice published in terms of this Ordinance, or amend any such Schedule or notice in any manner whatsoever.

[Inserted by s. 31, O. 27/1975.]

217C Delegation of powers by Board and Director

(1) The Board may, on such conditions as it may determine, delegate any power conferred on it by this ordinance or the regulations in force thereunder to any member of the Board, the Director or any officer of the Board.

(2) The Director may, on such conditions as he may determine, delegate any power conferred on him by this ordinance or the regulations in force thereunder, other than a power delegated to him in terms of subsection (1) by the Board, to any officer of the Board.

(3) Any delegation in terms of subsection (1) or (2) may be withdrawn at any time.

[S. 217C inserted by s. 16, O. 35/1985.]

218 Short title and commencement

This Ordinance shall be known as the Nature Conservation Ordinance, 1974 and shall come into operation on a date to be fixed by the Administrator by proclamation in the Gazette; provided that section 11 (13) (b) and (c) shall be deemed to have come into operation on the 1st day of July, 1973, and the 1st day of January, 1970, respectively.

[Substituted by s. 32, O. 27/1975 and s. 11, O. 18/1978.]

SCHEDULE 1
ORDINARY GAME
[Schedule 1 amended by s. 33 of Ord. 27 of 1975, by P.N. 66 of 1977, by P.N. 222 of 1980, by P.N. 535 of 1981 and by P.N. 460 of 1984.]

Scientific	English	Afrikaans	Zulu	Area
Aepyceros melampus	Impala	Rooibok	iMpala	Whole province
Sylvicapra grimmia	Grey Duiker	Gewone duiker	iMpunzi	do
Tragelaphus scriptus, male	Bushbuck male	Bosbokram	iNkonka	do
Alopochen aegyptiacus	Egyptian Goose	Kolgans	iLongwe	do
Anas erythrorhyncha	5 Redbilled Teal	Rooibek-eendjie	iDada	do
Anas undulata	6 Yellowbilled Duck	Geelbekeend	iDada	do
Coturnix coturnix	12 Common Quail	11Gewone kwartel	isiGwaca/ isiKwece	do
Dendrocygna viduata	7 Whitefaced Duck	Nonnetjie-eend	iDada	do
3 Francolinus afer	13 Rednecked Francolin	Rooikeel-fisant	iNkwali	do
Francolinus africanus	8 Greywing Francolin	Bergpatrys	iTendele	do
Francolinus coqui	Coqui Francolin	Swempie	iSwempi	do
Francolinus levaillantii	Redwing Francolin	Rooivlerk-patrys	iTendele	do
Francolinus natalensis	Natal Francolin	Natalse fisant	isiKwehle	do
Francolinus sephaena	Crested Francolin	Bospatrys	isiKehle	do
Francolinus shelleyi	Shelley's Francolin	Laeveldpatrys	iTendele	do
4 Francolinus swainsonii	Swainson's Francolin	Bosveldfisant		do
Numida meleagris	9 Helmeted Guineafowl	Tarentaal	iMpangela	do
Plectropterus gambensis	10 Spurwinged Goose	Wildemakou	iHoye	do
2 Columba arquatrix	Remeron Pigeon	Geelbek-bosduif	Ivukuthu	do

SCHEDULE 2
PROTECTED GAME 1

Scientific	English	Afrikaans	Zulu	Area
Cephalophus monticola	Blue Duiker	Blouduiker of Bloubokkie	iPiti	Whole Province
Cephalophus natalensis	Red Bush uiker	Rooiduiker	umKumbi	do

Cercopithecus albogularis	Samango Monkey	Samango-aap	iNsimango	do
Connochaetes gnu	Black Wilde-beest	Swartwilde-bees	iNkonkoni	do
Connochaetes taurinus	Blue Wilde-beest	Blouwilde-bees	iNkonkoni	do
Equus burchelli	Zebra	Sebra	iDube	do
Galago crassicaudatus	Bush-baby	Bosnagaap	iSinkwe	do
Hippopotamus amphibius	Hippopotamus	Seekoei	iMvubu	do
2 Hippotragus niger	Sable antelope	Swart-witpens		do
Kobus ellipsiprymnus	Waterbuck	Waterbok	iPhiva	do
Neotragus moschatus	Suni	Soenie	iNhlengane	do
Ourebia ourebi	Oribi	Oribi of Oorbietjie	iWula	do
Pelea capreolus	Grey Rhebuck	Vaalribbok	iLiza	do
Phacochoerus aethiopicus	Warthog	Vlakvark	iNdlovudalana	do
Raphicerus campestris	Steenbok	Steenbok	iQhina	do
Redunca arundinum	Reedbuck	Rietbok	uMziki	do
Redunca fulvorufula	Mountain Reedbuck	Rooiribbok	iNxala	do
Syncerus caffer	Buffalo	Buffel	iNyathi	do
Taurotragus cryx	Eland	Eland	iMpofu	do
Tragelaphus angasi	Nyala	Njala	iNyala	do
Tragelaphus scriptus, female		Bushbuck female	Bosbokooi	iMbabala do

Scientific	English	Afrikaans	Zulu	Area
Tragelaphus strepsiceros	Kudu	Koedoe	UmGhankla	Whole Province
Inserted by R. (a), P.N. 358/1982.				Inserted by R. (a), P.N. 358/1982.
11 Alcelaphus buselaphus	Red Harte-beest	Rooihartebees	iNkongolwana	do
Amended by R. 2 (a) (i), P.N. 535/1981.				
2 Anas hottentota	Hottentot Teal	Gevlekte eend		do
Anas sparsa	Amended by R. 2 (b) (i), P.N. 460/1984.			
13 African Black Duck	Swarteend			do
Dendrocygna bicolor	Amended by R. 2 (b) (i), P.N. 535/1981.			
6 Fulvous Whistling Duck	Fluiteend			do
Amended by R. 2 (a) (i), P.N. 460/1984.				
12 Guttera pucherani	Crested Guineafowl	Kuifkop-tarentaal	iKangela	do
Netatery-throphihalma	Amended by R. 2 (b) (ii), P.N. 535/1981.			
7 Southern Pochard	Bruineend			
Nettapus aurinus	Pygmygoose	Dwerggans		do
Amended by R. 2 (a) (ii), P.N. 535/1981 and R. 2 (a) (ii), P.N. 460/1984.				
3 Oxyura maccoa	Moccoa Duck	Makou-eend		do
Amended by R. 2 (a) (iii), P.N. 535/1981.				
4 Sardidiornis melanotos	Amended by R. 2 (b) (iii), P.N. 535/1981.			
8 Knob-billed Duck	Knobbeleend			do
Amended by R. 2 (a) (iv), P.N. 535/1981.				
5 Anas smithii	Amended by R. 2 (b) (ii), P.N. 460/1984.			
14 Cape Shoveler	Kaapse skopeend			do
Tadorna cana	Amended by R. 2 (b) (iii), P.N. 535/1981.			
9 South African Shelduck	Bergeend			do
Thalassornis leucononus	Amended by R. 2 (b) (iii), P.N. 460/1984.			
15 Whitebacked Duck	Witrugeend			do

SCHEDULE 3
SPECIALLY PROTECTED GAME 1

Scientific	English	Afrikaans	Zulu	Area
Acinonyx jubatus	Cheetah	Jagluiperd	iNgulule	Whole Province
Alcelaphus lichensteini	Lichtenstein's Hartebeest	Mofhartbees		do
Cerotherrium Simun	Square-lipped Rhinoceros	Witrenoster	Umkhombe	do
Damaliscus lunatus	Tsessebe	Basterhartbees		do

Diceros bicornis	Black Rhinoceros	Swartrenoster	uBhejane	do
Giraffa camelo-pardalis	Giraffe	Kameelperd	iNdlulumithi	do
Hippotragus equinus	Roan Antelope	Bastergemsbok	do
Loxodanta Africana	Elephant	Olifant	iNdlovu	do

Scientific	English	Afrikaans	Zulu	Area
Manis temminckii	Pangolin	Ietermagog	iNkake	Whole Province
Oreotragus oreotragus	Klipspringer	Klipspringer	iNgogo	do
Orycteropus afer	Antbear	Aardvark	iSambane	do
Panthera pardus	Leopard	Luiperd	iNgwe	do
Raphicerus melanotis	Grysbok	Grysbok	iQina	do
Lycanon pictus	Wild Dog	Wildehond	Ngantshane	do
[Species added by PN 390 of 1985.]				
Panthero leo	Lion	Leeu	Ibhubesi/ Ingonyama	do
[Species added by PN 221 of 1992.]				

SCHEDULE 4
OPEN GAME

[Schedule 4 substituted by PN 66 of 1977 and by PN 535 of 1981.]

Scientific	English	Afrikaans	Zulu
Antidorcas marsupialis	Springbok	Springbok	iNsephe
Damaliscus dorcas phillipsi	Blesbok	Blesbok	iNoni

SCHEDULE 5
MAMMALS EXCLUDED FROM THE DEFINITION OF "INDIGENOUS MAMMAL"

[Heading substituted by PN 66 of 1977 and by PN 460 of 1984.]

Scientific	English	Afrikaans
Chinchilla spp.	Chinchilla	Wolmuis
Mustela vison	Mink	Wesel
Cricetus cricetus	Common hamster	Gewone hamster

SCHEDULE 6
ENDANGERED MAMMALS

Scientific	English	Afrikaans
1. ORDER MARSUPIALIA		
(a) Family MACROPODIDAE		
(i) Onychogalea fraenata	Bridled nail-tailed wallaby	Gebreidelde spykerstertkangaroe
(ii) Onychogalea funata	Crescent nail-tailed wallaby	Halfmaanspykerstertkangaroe
(b) Family PETAURIDAE		
(i) Gymnobelideus leadbeateri	Leadbeater's possum	Leadbeater se buidelrot
(c) Family PERAMELIDAE		
(i) Chaeropus ecaudatus	Pig-footed bandicoot	Varkpoot-buideldas
(ii) Macrotis lagotis	Rabbit-eared bandicoot	Konynoor-buideldas
(d) Family DASYURIDAE		
(i) Antechinomys laniger	Eastern jerboa marsupial	Oosterse jerboa-buideldier
(e) Family THYLACINIDAE		

(i) Thylacinus cynocephalus Thylacine Tilasien

2. ORDER INSECTIVORA

(a) Family SOLENODONTIDAE

(i) Solenodon paradoxus Haitian solenodon Haïtiese solenodoon

3. ORDER CHIROPTERA

(a) Family PTEROPIDAE

(i) Pteropus rodricensis Rodrigues flying fox Rodrigues se kalong

(ii) Pteropus tokudae Guam flying fox Guamse kalong

(b) Family MEGADERMATIDAE

(i) Macroderma gigas Ghost bat Spookvlermuis

(c) Family HIPPOSIDERIDAE

(i) Hipposideros ridleyi Singapore roundleaf horseshoe bat Singapoerse rondeblaarneusvlermuis

(ii) Cloeotis percivali Short-eared trident bat Drietand-bladneusvlermuis

[Species inserted by PN 140 of 1997 wef 24 April 1997.]

(d) Family VERSPERTILIONIDAE

(i) Myotis grisescens Gray bat Grysvlermuis

(e) Family MOLOSSIDAE Large-eared, free-tailed bat Bakoor-losstertvlermuis

(i) Otomops martiensseni

[Species inserted by PN 140 of 1997 wef 24 April 1997.]

4. ORDER PRIMATES

(a) Family LEMURIDAE

(i) Lemur macaco macaco Black lemur Swartlemur

(ii) Lemur macaco rufus Red-fronted lemur Rooiborslemur

(iii) Lemur macaco flavifrons Sclater's lemur Sclater-lemur

(iv) Lemur macaco sanfordi Sandford's lemur Sandford-lemur

(v) Lepilemur mustelinus ruficaudatus Red-tailed sportive lemur Rooistertwessellemur

(vi) Lepilemur mustilinus leucopus White-footed sportive lemur Witpootwessellemur

(b) Family INDRIIDAE

(i) Indri indri Indris Indris

(ii) Propithecus verreauxi Verreaux's sifaka Verreaux-sifaka

(c) Family DAUBENTONIDAE

(i) Daubentonia madagascariensis Aye-Aye Aye-Aye

(d) Family TARSIIDAE

(i) Tarsius syrichta Phillipine tarsier Fillipynse spookdier

(e) Family CALLITRICHITDAE

(i) Callithrix flaviceps Buff-headed marmoset Vaalkop-syapie

(ii) Saguinus oedipusoedipus Cotton-top tarmarin Katoenkop-tamaryn

(iii) Leontopithecus rosalia Golden tamarin Gouesyapie

(f) Family CEBIDAE

(i) Saimiri oerstedi Central American squirrel Sentraal-Amerikaanse saimiri-aap

(ii) Lagothrix flavicauda Yellow-tailed woolly monkey Geelstert-wolaap

(iii) Brachyteles arachnoides Woolly spider monkey Wolhaarspinnekopaap

(g) Family CERCOPITHECIDAE

(i) Cercoebus galentus galeritus Tana River managbey Tanarivier-mangabeyaap

(ii) Papio leucophaeus Drill Dril

(iii) Macaca silenus Lion-tailed macaque Leeustertmakaak

(iv) Colobus badius rufomuratus Tana River red colobus Rooi Tanariviercolobusaap

(v) Colobus badius preussi Preuss' red colobus Preuss se rooi mantel-aap

(vi) Simias concolor Pig-tailed langur Varkstert-languraap

(vii) Pygathrix nemaeus Douc langur Douc-languraap

(h) Family HYLOBATIDAE

(i) Hylobates pileatus Pileated gibbon Gekuifde langaarmaap

(ii) Hylobates moloch Javaanse Langarmaap Javan gibbon

(i) Family PONGIDAE
(i) Pongo pygmaeus Orangutang Orangoetang
(ii) Gorilla gorilla beringei Mountain gorilla Berggorilla
5. ORDER LAGOMORPHA
(a) Family LEPORIDAE
(i) Pentalagus furnessi Ryukyu rabbit Ryukyu-konyn
(ii) Romerolagus diazi Volcano rabbit Vulkaankonyn
(iii) Caprolagus hispidus Assam rabbit Assamse konyn
6. ORDER RODENTIA
(a) Family SCIURIDAE
(i) Sciurus niger cinereus Delmarva Peninsula fox squirrel Delmarva-skiereilandeek-horinkie
(b) Family HETEROMYIDAE
(i) Dipodomys heermann Morro Bay kangaroo rat Morrobaaise kangaroerot
(c) Family CRICETIDAE
(i) Reithrodontomys raviventis Salt-marsh harvest mouse Brakvlei-langstertmuis
7. ORDER CETACEA
(a) Family PLATANISIIDAE
(i) Platanista indi Indus dolphin Indus-dolfyn
(b) Family BALAENOPTERIDAE
(i) Balaenoptera musculus Blue whale Blouwalvis
(ii) Megaptera novaeangiliae Humpback whale Boggelwalvis
(c) Family BALEANDAE
(i) Balaena mysticetus Greenland right whale Groenlandse noordkapper
(ii) Eubalaena glacialis Black right whale Noord-Atlantiese noordkapper
8. ORDER CARNIVORA
(a) Family CANIDAE
(i) Canis lupus irremotus Northern Rocky Mountain Wolf Noordelike bergwolf
(ii) Canis rufus Red wolf Rooiwolf
(iii) Canis simensis Simien fox Simiënse vos
(iv) Vulpes velox hebes Northern kit fox Noordelike vos
(b) Family URSIDAE
(i) Selenarctos thibetanus Baluchistan bear Himalaya-swartbeer
(ii) Ursus arctos nelsoni Mexican grizzly bear Meksikaanse grysbeer
(c) Family MUSTELIDAE
(i) Mustela nigripes Black-footed ferret Swartpootfret
(ii) Lutra felina Marine otter See-otter
(iii) Lutra platensis La Plata otter La Plata-otter
(iv) Lutra provocax Southern river otter Suidelike rivierotter
(v) Pteronura brasilleinsis Giant otter Reuse otter
(vi) Aonyx microdon Cameroon clawless otter Kloulose Kameroenotter
(d) Family VIVERRIDAE
(i) Viverra megaspilla civettina Malabar large-spotted civet Malabaarse muskeljaatkat
(e) Family HYAENIDAE
(i) Hyaena hyaena barbara Barbary hyaena Barbaryse hiëna
(f) Family FELIDAE
(i) Felis pardina Spanish lynx Spaanse los
(ii) Felis margarita scheffeli Pakistan sand cat Pakistanse sandkat
(iii) Felis concolor cougar Eastern cougar Oosterse panter
(iv) Felis concolor coryi Florida cougar Florida-bergleeu
(v) Prionallurus iriomotensis Iriomote cat Iriomote-kat
(vi) Panthera leo persica Asiatic lion Asiatiese leeu
(vii) Panthera tigris Tiger Tier
(viii) Panthera pardus Barbary leopard Barbaryse luiperd
(ix) Panthera pardus nimr South Arabian leopard Suid-Arabiese luiperd

(x) Panthera pardus tulliana Anatolian leopard Transkaukasiese luiperd
(xi) Panthera pardus orientalis Amur leopard Koreaanse luiperd
(xii) Panthera Pardus jarvisi Sinai leopard Sinai-luiperd
(xiii) Panthera uncia Snow leopard Sneeuluiperd
(xiv) Acinonyx jubatus venaticus Asiatic cheetah Asiatiese jagluiperd

9. ORDER PINNEPEDIA

(a) Family OTARIIDAE
(i) Zalophus californianus japonicus Japanese sea lion Japanse seeleeu

(b) Family PHOCIDAE
(i) Monachus monachus Mediterranean monk seal Mediterreense monnikrob
(ii) Monachus topicalis Carribean monk seal Karibiese monnikrob
(iii) Monachus schauinslandi Hawaiian monk seal Hawaiïese monnikrob

10. ORDER SIRENIA

(a) Family TRICHECHIDAE
(i) Trichechus inunguis Amazonia manatee Amasoniese lamantyn

11. ORDER PERISSODACTYLA

(a) Family EQUIDAE
(i) Equus przewalskii Przewalski's horse Przewalski-perd
(ii) Equus heminus khur Indian wild ass Indiese wilde-esel
(iii) Equus hemionus Syrian wild ass Siriese wilde-esel
(iv) Equus asinus African wild ass Nubiaanse wilde-esel

12. ORDER ARTIODACTYLA

(a) Family SUIDAE
(i) Sus salvanius Pygmy hog Dwergvark

(b) Family CERVIDAE
(i) Muntiacus feae Fea's muntjac Fea-munijactakbok
(ii) Dama mesopotamica Persian fallow deer Persiese damhert
(iii) Cervus duvauceli Swamp deer Moerastakbok
(iv) Cervus eldi eldi Manipur brow-antlered deer Manipur-kringeweitakbok
(v) Cervus eldi siamensis Thailand brow-antlered deer Thailand-kringeweitakbok
(vi) Cervus nippon taiouanis Formosan sika Formosaanse sikatakbok
(vii) Cervus nippon keramae Ryukyu sika Ryukyu-sikatakbok
(viii) Cervus nippon mandarinensis North China sika Noord-Sjinese sikatakbok
(ix) Cervus nippon grassianus Shansi sika Shansi-sikatakbok
(x) Cervus nippon kopschi South China sika Suid-Sjinese sikatakbok
(xi) Cervus elaphus corsicanus Corsican red deer Korsikaanse edelhert
(xii) Cervus elaphus walichi Shou Shou-takbok
(xiii) Cervus elaphus barbarus Barbary deer Barbaryse edelhert
(xiv) Cervus elaphus hanglu Hangul Kasjmir-edelhert
(xv) Cervus elaphus yarkandensis Yarkand deer Yarkand-edelhert
(xiv) Cervus elaphus bactrianus Bactrian deer Baktriaanse wapitihert
(xvii) Odocoileus virginianus leucurus Columbia white-tailed deer Columbia-witsterttakbok
(xviii) Odocoileus hemionus cerrosensis Argentine pampas deer Argentynse pampashert

(c) Family ANTILOCAPRIDAE
(i) Antilocapra americana peninsularis Lower California pronghorn Onder-Kaliforniese gaffelbok
(ii) Antilocapra americana sonoriensis Sonoran pronghorn Sonora-gaffelbok

(d) Family BOVIDAE
(i) Taurotragus derbianus derbianus Western giant eland Westerse reuse-eland
(ii) Bubalus mindorensis Tamaraw Tamarau-buffel
(iii) Bubalus depressicornis Lowland anoa Laagland-anoabuffel
(iv) Bubalus quarlesi Mountain anoa Quarle-anoabuffel
(v) Bos sauveli Kouprey Kouprey-buffel
(vi) Bos grunniens Wild yak Wilde jak
(vii) Cephalophus jentinki Jentink's duiker Jentink-duiker

(viii)	Hippotragus niger variant	Giant sable antelope	Reuse-swartwitpens
(ix)	Oryx leucoryx	Arabian oryx	Arabiese gemsbok
(x)	Alcelaphus buslaphus	Tora hartebeest	Tora-hartebeest
(xi)	Alcelaphus buslaphus swayne	Swayne's hartebeest	Swayne-hartebeest
(xii)	Nesotragus moschatus moschatus	Zanzibar suni	Zanzibar-soenie
(xiii)	Aepyceros melampus petersi	Black-faced impala	Swartgesig-rooibok
(xiv)	Gazella subgutturosa marica	Sand gazelle	Sandgasel
(xv)	Gazelle dorcas massa-eyla	Moroccan dorcas gazelle	Morokaanse dorkasgasel
(xvi)	Gazelle dorcas saudiya	Saudi Arabian gazelle	Saudi-Arabiese dorkasgasel
(xvii)	Gazella dorcas pelzelni	Pelzeln's gazelle	Pelzeln-gasel
(xviii)	Gazella gazella arabica	Arabian gazelle	Arabiese gasel
(xix)	Gazella cuvieri	Cuvier's gazelle	Cuvier-gasel
(xx)	Gazella leptoceros	Slender-horned gazelle	Dunhoring-gasel
(xxi)	Gazella dama mhorr	Mhorr gazelle	Mhorr-gasel
(xxii)	Gazella dama lozanoi	Rio de Oro dama gazelle	Rio de Oro-damagasel
(xxiii)	Capricornis sumatra-ensis sumatraensis	Sumatran sierow	Sumatraanse sierow
(xxiv)	Hermitragus jayakari	Arabian tahr	Arabiese tahrbok
(xxv)	Capra walie	Walia ibex	Waliaanse steenbok
(xxvi)	Capra pyrenaica pyrenaica	Pyrenean ibex	Pirenese steenbok
(xxvii)	Capri falconeri magaceros	Straight-horned markhor	Regophoring-markhorsteenbok
(xxviii)	Ovis ammon musimon	Mediterranean mouflon	Meditterane klipskaap

[Schedule 6 substituted by Proclamation 17/1975 and by PN 263/1981 and amended by PN 719/1981 and by PN 140 of 1997 w e f 24 April 1997.]

SCHEDULE 7
PROTECTED AMPHIBIANS, INVERTEBRATES AND REPTILES

[Schedule 7 amended by sec 37 of O. 27 of 1975 and substituted by PN 89 of 1981.]

English	Afrikaans	Scientific	Area
All indigenous tortoises	Alle inheemse skilpaaie	Family Testudinidae	Whole Province
Gaboon adder	Gaboenadder	Bitis gabonica	Whole Province
Nile crocodile	Nyl-krokodil	Crocodylus niloticus	Whole Province
Nile monitor lizard (water leguan)	Waterlikkewaan	Varanus niloticus	Whole Province
Tree monitor lizard (rock leguan)	Veldlikkewaan (witkeellikkewaan)	Varanus exanthematicus	Whole Province
Python	Luislang	Python sebae	Whole Province

SCHEDULE 8
UNPROTECTED WILD BIRDS

[Schedule 8 amended by sec 37 of O. 27 of 1975, substituted by PN 89 of 1981 and by PN 535 of 1981 and amended by PN 460 of 1984.]

Scientific	English	Afrikaans
Columba guinea	Speckled Pigeon	Kransduif
Streptopelia capicola	Cape Turtle Dove	Gewone tortelduif
Colius striatus	Speckled Mousebird	Gevlekte muisvoël
Pycnonotus barbatus	Blackeyed Bulbul	Swartoogtiptol
Corvus capensis	Black Crow	Swartkraai
Corvus albus	Pied Crow	Bontkraai
Sturnus vulgaris	Starling	Europese spreeu
Acridotheres tristis	Indian Myna	Indiese spreeu

Passer domesticus	House Sparrow	Dakmossie
Fulica cristata	Redknobbed Coot	Bleshoender
Streptopelia semi-torquata	Redeyed Dove	Groot-rooioog-tortelduif
Quelea quelea	Redbilled Quelea	Gewone-rooibekvink
Psittacula krameri	Roseringed Parakeet	Ringnekparkiet
Agapornis roseicollis	Rosyfaced Lovebird	Rooiwangparkiet

SCHEDULE 9
SPECIALLY PROTECTED BIRDS

[Schedule 9 substituted by PN 535 of 1981 and amended by PN 563 of 1982 and by PN 460 of 1984.]

Scientific	English	Afrikaans	Area
Pelecanus rufescens	Pinkbacked Pelican	Kleinpelikaan	Whole Province
Mycteria ibis	Yellowbilled Stork	Geelbekooievaar	Whole Province
Ciconia ciconia	White Stork	Witooievaar	Whole Province
Geronticus calvus	Bald Ibis	Rooikopibis	Whole Province
Phoenicopterus ruber	Greater Flamingo	Grootflamink	Whole Province
Phoenicopterus minor	Lesser Flamingo	Kleinflamink	Whole Province
Sagittarius serpentarius	Secretary Bird	Sekretarisvoël	Whole Province
Pandion haliaetus	Osprey	Visvalk	Whole Province
Ardeotis kori	Kori Bustard	Gompou	Whole Province
Neotis ludwigii	Lugwig's Bustard	Ludwigpou	Whole Province
Otis denhami	Stanley Bustard	Veldpou	Whole Province
Gypaetus barbatus	Bearded Vulture	Lammergeier	Whole Province
Grus carunculatus	Wattled Crane	Lelkraan	Whole Province
Balearica regulorum	Crowned Crane	Mahem	Whole Province
Poicephalus robustus	Brown-necked Parrot	Knysnapapegaai	Whole Province
Tauraco corythaix	Knysna Loerie	Knysnaloerie	Whole Province
Bucorvus leadbeateri	Ground Hornbill	Bromvoël	Whole Province
Mandingoa nitidula	Green Twinspot	Groenrobbin	Whole Province
Hypargos margaritatus	Pinkthroated Twinspot	Pienkkeelrobbin	Whole Province
Terathopius ecaudatus	Bateleur	Berghaan	Whole Province
Hirundo atrocaerulea	Blue swallow	Bouswawel	Whole Province
Gyps coprotheres	Cape Vulture	Kransaasvoël	Whole Province
Neophron percnopterus	Egyptian Vulture	Egiptiese aasvoël	Whole Province
Gypohierax angolensis	Palmnut Vulture	Witaasvoël	Whole Province
Falco peregrinus	Peregrine	Slegvalk	Whole Province
Cryptolybia woodwardi	Woodward's barbet	Woodward-houtkapper	Whole Province

SCHEDULE 10
UNPROTECTED INDIGENOUS PLANTS

[Schedule 10 substituted by sec 38 of O. 27 of 1973 w.e.f. 29 January 1976.]

All grasses (GRAMINEAE), except Arundinaria tesselata (Berg Bamboo):

Pteridium aquilinum	(Bracken)
ALL BRYOPHYTA	(Mosses and Liverworts)
ALL CHAROPHYTA	(Stoneworts)
ALL THALLOPHYTA	(Algae, Fungi, Bacteria, Lichens)

SCHEDULE 11
PROTECTED INDIGENOUS PLANTS 2

[Schedule 11 substituted by sec 38 of O. 27 of 1973 w.e.f. 29 January 1976 and by sec 11 of O. 14 of 1976 w.e.f. 19 August 1976.]

All plants indigenous to the Republic of South Africa or South West Africa, except those listed in Schedules 10 and 12.

SCHEDULE 12
SPECIALLY PROTECTED INDIGENOUS PLANTS

[Schedule 12 substituted by sec 38 of O. 27 of 1973 w.e.f. 29 January 1976.]

ALL ZAMIACEAE (Cycads)
Stangeria eriopus (Stangeria)
ALL LILIACEAE (including lilies, irises, watsonias, aloes, blood flowers,
ALL AMARYLLIDACEAE clivias (bush lilies), Christmas bells, climbing bells,
ALL IRIDACEAE crinums, haworthias, gladioli, brunsvigias (candelabra flowers), dieramas (fairy bells), fire lilies, catherine wheels, wind balls, spider lilies, butter lilies, pineapple flowers, red hot pokers, chinkerinchees, squills, ifafa lilies, tulips, harebells, grassbells, Chinese lanterns)
ALL ORCHIDACEAE (Orchids)
ALL CYATHEA (Tree ferns)
ALL CEROPEGIA (Ceropegias)
Gerbera aurantiaca (Hilton daisy)
ALL DIOSCOREACEAE (Elephant's foot)
Protea dracomontana
P. gaguedi
P. roupelliae (Proteas)
P. simplex
P. subvestita
P. welwitschii subsp. hirta
ALL ADENIUM (Impala lilies)
Pachypodium saundersii (Spiny impala lily)
ALL STAPELIA
ALL HUERNIA
ALL CARALLUMA
ALL DUVALIA (Succulent Asclepiads)
ALL BRACHYSTELMA
ALL STULTITIA
ALL NYMPHAEACEAE (Water lilies)
ALL ZANTEDESCHIA (Arum lilies)
ALL VELLOZIACEAE (Black-stick, lilies monkeys' tails)
Ocotea bullata (Black stinkwood)
Millettia grandis (Kaffir ironwood).

SCHEDULE 12A
FAUNA AND FLORA

FAUNA/ANIMALS

PHYLUM CHORDATA

SUB-PHYLUM VERTEBRATA

CLASS MAMMALIA/MAMMALS

SCIENTIFIC		ENGLISH
1. ORDER MONOTREMATA		monotremes
(a)	Family TACHYGLOSSIDAE	echidnas or spiny ant-eaters
	(i) Zaglossus spp	All long-nosed echidnas
2. ORDER MARSUPIALIA		marsupials
(a)	Family MACROPODIDAE	All wallabies and kangaroos
	(i) Bettongia spp	All rat kangaroos or bettongs
	(ii) Caloprymnus campestris	desert, plains or bluff-nosed rat kangaroo
	(iii) Dendrolagus bennettianus	Bennett's kangeroo or dusty tree kangaroo or tcharibbena
	(iv) Dendrolagus lumholtzi	Lumholtz's tree kangaroo or boongary
	(v) Dendrolagus inustus	grizzled grey tree kangaroo
	(vi) Dendrolagus ursinus	black tree kangaroo
	(vii) Langorchestes hirsutus	Western hare-wallaby or wurrup or ormala
	(viii) Lagostrophus fasciatus	banded hare-wallaby or munning
	(ix) Onychogalea frenata	bridle nail-tailed wallaby or merrin or bridled wallaby
	(x) Onychogalea lunata	crescent nail-tailed wallaby or wurrung
(b)	Family PHALANGERIDAE	phalangers and cuscuses
	(i) Phalanger maculatus	spotted cuscus or spotted phalanger
	(ii) Phalanger orientalis	grey cuscus
(c)	Family BURRAMYIDAE	pygmy possums
	(i) Burramys parvus	mountan possum or Broom's pygmy possum or burramys
(d)	Family VOMBATIDAE	wombats
	(i) Losiorhinus kreffti	Queensland hairy-nosed wombat
(e)	Family PERAMELIDAE	bandicoots
	(i) Chaeropus ecaudatus	pig-footed bandicoot
	(ii) Perameles bougainville	(Western) barred bandicoot or little marl
(f)	Family THYLACOMYIDAE	rabbit bandicoots
	(i) Macrotis lagotis	rabbit bandicoot or rabbit-eared bandicoot or bilby or dalgite
	(ii) Macrotis leucura	white-tailed rabbit bandicoot or lesser rabbit (-eared) bandicoot or yallera or lesser bilby
	(iii) Perameles bougainville	(Western) barred bandicoot or little marl
(g)	Family DASYURIDAE	marsupial mice
	(i) Sminthopsis longicauda	long-tailed dunnart or long-tailed marsupial-mouse or long-tailed sminthopsis
	(ii) Sminthopsis psammophila	sandhill dunnart or sandhill sminthopsis or large desert marsupial-mouse
(h)	Family THYLACINIDAE	thylacines
	(i) Thylacinus cynocephalus	Tamanian wolf or thylacine or Tasmanian tiger
3. ORDER CHIROPTERA		bats
(a)	Family PTEROPODIDAE	flying foxes
	(i) Acerodon spp	flying foxes
	(ii) Pteropus spp	flying foxes
4. ORDER PRIMATES		primates
All non-South African primates		All non-South African primates
5. ORDER EDENTATA		edentates
(a)	Family MYRMECOPHAGIDAE	ant-eaters
	(i) Myrmecophaga tridactyla	giant ant-eater
	(ii) Tamandua tetradactyla chapadensis	Mato Grosso tamandua or Mato Grosso collared ant-eater
(b)	Family BRADYPODIDAE	sloths
	(i) Bradypus boliviensis	Bolivian three-toed sloth
(c)	Family DASYPODIDAE	armadillos
	(i) Priodontes maximus	giant armadillo
6. ORDER PHOLIDOTA		pangolins or scaly ant-eaters
(a)	Family MANIDAE	pangolins

(i) Manis crassicaudata Indian pangolin
(ii) Manis javanica Malayan pangolin
(iii) Manis pentadactyla Chinese pangolin

7.ORDER LAGOMORPHA double-toothed rodents

(a) Family LEPORIDAE rabbits and hares
(i) Caprolagus hispidus Assam rabbit or hispid hare
(ii) Romerolagus diazi volcano rabbit

8. ORDER RODENTIA rodents

(a) Family SCIURIDAE squirrels and marmots
(i) Cynomys mexicanus Mexican prairie dog or Mexican prairie marmot
(ii) Ratufa spp All giant squirrels

(b) Family MURIDAE rats and mice
(i) Leporillus conditor stick-nest rat or house-building rat
(ii) Pseudomys praeconis Shark Bay mouse or false mouse
(iii) Xeromys myoides false water-rat
(iv) Zyzomys pedunculatus Central thick-tailed rat or Macdonell Range-rock-rat

(c) Family CHINCHILLIDAE chinchillas
(i) Chinchilla spp All chinchillas

9. ORDER CETACEA cetaceans (whales, dolphins and porpoises)

All non-South African cetaceans All non-South African cetaceans

10. ORDER CARNIVORA carnivores

(a) Family CANIDAE dogs, wolves, foxes and jackals
(i) Canis lupus grey wolf or wolf or timber wolf or common wolf
(ii) Chrysocyon brachyurus named wolf
(iii) Cuon alpinus Asiatic wild dog or dohle or Indian wild dog
(iv) Dusicyon culpaeus Colpeo fox or colpeo or red fox
(v) Dusicyon gymnocercus Azara's zorro
(vi) Dusicyon griseus Chico grey fox or chilla or Argentine grey fox or little fox
(vii) Speothos venaticus bush dog or savannah dog
(viii) Vulpes cana dog fox, corsac or steppe fox or Afghan fox or Blandford's fox
(ix) Vulpes zerda northern kit or northern swift fox

(b) Family URSIDAE bears
(i) Helarctos malayanus Malayan bear or sun bear
(ii) Selenarctos thibetanus Asiatic black bear or Himalayan black bear
(iii) Tremarctos ornatus Andean bear or spectacled bear
(iv) Ursus arctos arctos brown bear or grizzly bear
(v) Ursus arctos isabellinus Himalayan brown bear or red bear
(vi) Ursus arctos pruinosus Tibet(an) brown bear
(vii) Ursus maritimus polar bear
(viii) Ailuropoda melanoleuca giant panda
(ix) Melursus ursinus sloth bear

(c) Family PROCYONIDAE raccoons
(i) Ailurus fulgens lesser panda or red panda or red cat-bear

(d) Family MUSTELIDAE weasels, badgers, skunks and otters
(i) All non-South African Lutrinae spp All non-South-African lutrine otters
(ii) Mustela nigripes black-footed ferret
(iii) Pteronura brasiliensis giant otter or Brazilian otter

(e) Family VIVERRIDAE genets, civets and mongooses
(i) Cryptoprocta ferox fossa (cat)
(ii) Cynogale bennetti otter-civet
(iii) Eupleres goudotii fanalouc or fanalouc mongoose or Malagasy mongoose or small-toothed mongoose or slender fanalouc
(iv) Fossa fossa Malagasy civet or fanaloka civet
(v) Hemigalus derbyanus banded palm civet or Hardwick's civet or banded musang
(vi) Prionodon linsang banded linsang
(vii) Prionodon pardicolor spotted linsang or tiger-civet

(f) Family FELIDAE cats or felines
(i) All non-South African Felidae spp except domestic cats All non-South African cats or felines except domestic cats
11. ORDER PINNIPEDIA seals and walruses
(a) Family OTARIIDAE eared seals
(i) All non-South African Arctocephalus spp All non-South African southern fur seals
(b) Family PHOCIDEA true seals
(i) Mirounga spp Southern elephant seals
(ii) Monachus spp All monk seals
12. ORDER PROBOSCIDEA proboscideans
(a) Family ELEPHANTIDAE elephants
(i) Elephas maximus Asian elephant or Indian elephant
13.ORDER SIRENIA dugongs
(a) Family DUGONGIDAE dugongs
(i) Dugong dugon dugongs
(b) Family TRICHECHIDAE manatees
(i) Trichechus inunguis Amazonian or South American manatee
(ii) Trichechus manatus West Indian or North American or Caribbean manatee
(iii) Trichechus senegalensis West African manatee
14. ORDER PERISSODACTYLA odd-toed ungulates
(a) Family EQUIDAE horses
(i) Equus grevyi Grevy's zebra
(ii) Equus hemionus hemionus Mongolian wild ass or oziggetai or kulan
(iii) Equus hemionus khur Indian wild ass or khar or ghor-khar
(iv) Equus przewalskii Przewalski's horse or Mongolian wild horse
(b) Family TAPIRIDAE tapirs
(i) Tapirus spp tapirs
(c) Family RHINOCEROTIDAE rhinoceroses
(i) All non-South African Rhinocerotidae spp All non-South African rhinoceroses
15. ORDER ARTIODACTYLA even-toed ugulates
(a) Family SUIDAE Old World pigs or swine
(i) Babyrousa babyrussa babirusa or deer hog or babiroussa
(ii) Sus salvanius Pygmy hog
(b) Family TAYASSUIDAE peccaries
(i) Tayassu pecari peccary
(c) Family HIPPOTAMIDAE hippopotamuses
(i) Choeropsis liberiensis pygmy hippopotamus
(d) Family CAMELIDAE camels and llamas
(i) Lama guanicoe guanaco
(ii) Vicugna vicugna vicugna or vicuna
(e) Family CERVIDAE true deer
(i) Blastocerus dichotomus march deer or guascu pucu
(ii) Cervus dama mesopotamicus Persian or Mesopotamian fallow deer
(iii) Cervus duvauceli swamp deer or barasingha
(iv) Cervus elaphus hanglu Kashmir stag or hanglu or Kashmir deer
(v) Cervuc eldi brow-antlered deer or Eld's deer or thamin
(vi) Cervus porcinus annamiticus hog deer
(vii) Cervus porcinus calamiaenensis Calamian or Philippine hog deer
(viii) Cervus porcinus kuhli Kuhl's hog deer or Bavia hog deer
(ix) Hippocamelus spp heumal or quemal
(x) Moschus spp musk deers
(xi) Muntiacus crinifrons muntjac
(xii) Ozotoceros bezoarticus pampas deer
(xiii) Pudu mephistophiles northern pudu
(xiv) Pudu pudu Chilean pudu
(f) Family BOVIDAE cattle, sheep, goats, antelopes, etc.

(i) Ammotragus Lervia Barbary sheep
(ii) Addax nasomaculatus addax
(iii) Antilocapra americans mexicana Mexican pronghorn
(iv) Antilocapra americana peninsularis Lower California pronghorn or peninsular pronghorn
(v) Antilocapra americana sonoriensis Sonoran pronghorn
(vi) Bison bison athabascae wood bison
(vii) Bos gaurus gaur or saladang or seladang or Indian wild ox
(viii) Bos mutus wild yak
(ix) Bos sauveli kouprey
(x) Bubalus depressicornis lowland anoa
(xi) Bubalus mindorensis tamaraw or tamarou
(xii) Bubalus quarlesi mountain anoa
(xiii) Budorcas taxicolor takin
(xiv) Capra falconeri falconeri markhor
(xv) Capra falconeri chiltanensis Chiltan markhor
(xvi) Capra falconeri jerdoni straight-horned markhor or Suleman markor
(xvii) Capra falconeri megaceros Kabul markhor
(xviii) Capricornis sumatraensis serow
(xix) Cephalophus dorsalis bay duiker
(xx) Cephalophus jentinki Jentink's duiker
(xxi) Cephalophus monticola blue duiker
(xxii) Cephalophus ogilbyi Ogilby's duiker
(xxiii) Cephalophus sylvicultor yellow-backed duiker
(xxiv) Cephalophus zebra banded duiker
(xxv) Gazella dama dama gazelle
(xxvi) Hippotragus niger variani giant sable antelope
(xxvii) Kobus leche lechwe (antelope)
(xxviii) Nemorhaedus goral goral
(xxix) Oryx dammah scimitar-horned oryx or white oryx
(xxx) Oryx Leucoryx Arabian oryx
(xxxi) Ovis ammon ammon argali or Marco Polo sheep
(xxxii) Ovis ammon hodgsoni great Tibetan sheep or nyan
(xxxiii) Ovis canadensis mountain or bighorn sheep
(xxxiv) Ovis orientalis ophion Cyprian mouflon
(xxxv) Ovis vignei urial or shapu or shapo
(xxxvi) Pantholops hodgsoni chiru or orong or Tibetan antelope
(xxxvii) Rupicapra rupicapra ornata Abruzzi chamois

CLASS AVES/BIRDS

1.ORDER RHEIFORMES rheas
(a) Family RHEIDAE rheas
(i) Pterocnemia pennata lesser or Darwin's rhea or Puna rhea
(ii) Rhea americana albescens Argentine (greater) rhea or Argentine common rhea
2. ORDER TINAMIFORMES tinamous
(a) Family TINAMIDAE tinamous
(i) Rhynchotus rufescens rufescens Brazilian rufous tinamou or Brazilian red-winged tinamou
(ii) Rhynchotus rufescens maculicollis Bolivian red-winged tinamou or Bolivian rufous tinamou
(iii) Rhynchotus rufescens pallescens Argentine rufous tinamou or Argentine red-winged tinamou
(iv) Tinamous solitarius solitary tinamou
3. ORDER PODICIPEDIFORMES grebes
(a) Family PODICIPEDIDAE grebes

(i) Podilymbus gigastitlan (pied-billed) grebe or giant pied-billed grebe
4. ORDER PROCELLARIIFORMES tube-nosed swimmers
(a) Family DIOMEDEIDAE albatrosses
(i) Diomedea albatrus short-tailed albatross or Steller's albatross
5. ORDER PELECANIFORMES pelicans and kin
(a) Family PELICANIDAE pelicans
(i) Pelcanus crispus Dalmatian pelican
(b) Family SULIDAE boobies and gannets
(i) Sula abbotti Abbott's booby
(c) Family FREGATIDAE frigate birds
(i) Fregata andrewsi Christmas Island frigate bird
6. ORDER CICONIIFORMES wading birds (herons and kin)
(a) Family BALAENICIPITIDAE whale-headed storks
(i) Balaeniceps rex whale-headed stork
(b) Family CICONIIDAE storks
(i) Ciconia ciconia boyciana Japanese white stork or white oriental stork
(ii) Jabiru mycteria jabiru
(iii) Mycteria cinerea milky stork
(c) Family THRESKIORNITHIDAE ibises and spoonbills
(i) Eudocimus ruber scarlet ibis
(ii) Geronticus calvusbald ibis
(iii) Geronticus eremita hermit ibis (Waldrapp)
(iv) Nipponia nippon Japanese crested ibis
(v) Platelea leucorodia white or Eurasian spoonbill
(d) Family PHOENICOPTERIDAE flamingos
(i) Phoenicoparrus andinus Andean flamingo
(ii) Phoenicoparrus jamesi James' flamingo
(iii) Phoenicopterus ruber chilensis Chilean flamingo
(iv) Phoenicopterus ruber ruber Caribbean flamingo or American flamingo or Cuban flamingo or rosy flamingo or West Indian flamingo
7. ORDER ANSERIFORMES waterfowl
(a) Family ANATIDAE ducks, geese and swans
(i) Anas aucklandica aucklandica Auckland Island flightless teal
(ii) Anas aucklandica chlorotis New Zealand brown teal
(iii) Anas aucklandica nesiotis Campbell Island brown or Campbell Island flightless teal
(iv) Anas bernieri Madagascar teal
(v) Anas laysanensis Laysan duck or Laysan teal
(vi) Anas oustaleti Marianas Island duck or Oustalet's grey duck or Marianas mallard (duck)
(vii) Anser albifrons gambelli Tule white-fronted goose
(viii) Branta canadensis leucopareia Aleutian Canada goose
(ix) Branta ruficollis red-breasted goose
(x) Branta sandvicensis Hawaiian goose or nene
(xi) Cairina scutulata white-winged wood duck
(xii) Coscoroba coscoroba Coscoroba swan
(xiii) Cygnus bewickii jankowskii Eastern Bewick's swan or Jankowski's swan
(xiv) Cygnus melancoryphus black-necked swan
(xv) Dendrocygna arborea black-billed whistling duck or Cuban tree duck
(xvi) Rhodonessa caryophyllacea pink-headed duck
8. ORDER FALCONIFORMES birds of prey
All non-South African Falconiformes all Non-South African birds of prey
9. ORDER GALLIFORMES game birds or fowl-like birds
(a) Family MEGAPODIIDAEmoundbuilders
(i) Macrocephalon maleo maleo birds or male megapodiidae
(ii) Megapodius freycinet abbotti Abbott's scrub fowl or Abbott's megapodiidae
(iii) Megapodius freycinet nicobariensis Nicobar scrub fowl or Nicobar megapodiidae

(b) Family CRACIDAE curassows and guans
(i) Crax blumenbachii red-billed curassow or mitu
(ii) Mitu Mitu mitu razor-billed curassow or mitu
(iii) Oreophasis darbianus horned guan
(iv) Penelope albipennis white-winged guan
(v) Pipile jacutinga black-fronted piping guan or blackfaced piping guan or black-faced curassow or jacutinga
(vi) Pipile pipile pipile Trinidad white-headed piping guan
(c) Family PHASIANIDAE pheasants, patridges, quails and peacocks
(i) Argusianus argus great Argus pheasant
(ii) Catraeus wallichii cheer pheasant
(iii) Colinus virginianus ridgwayi masked bobwhite
(iv) Crossoptilon crossoptilon white-eared pheasant or Tibetan-eared pheasant
(v) Crossoptilon mantchuricun brown-eared pheasant
(vi) Cyrtonix montezumae mearnsi Mearn's Montezuma quail or Mearn's harlequin quail
(vii) Cyrtonix montezumae montezumae Montezuma quail or Massena harlequin quail
(viii) Gallus sonneratii grey jungle fowl or Sonnerat's jungle fowl
(ix) Ithanginus cruentus blood pheasant
(x) Lophophorus spp Himalayan monal or (Himalayan) monal pheasant or Impeyan Pheasant
(xi) Lophura edwardsi Edward's pheasant
(xii) Lophura imperialis imperial pheasant
(xiii) Lophura swinhoii Swinhoe's pheasant
(xiv) Pavo muticus green pea fowl
(xv) Polyplectron bicalcaratum grey or common peacock pheasant
(xvi) Polyplectron emphanum Palawna or peacock pheasant
(xvii) Polyplectron germaini Germain's peacock pheasant
(xviii) Polyplectron malacense Malaysian) peacock pheasant
(xix) Rheinartia ocellata crested Argus
(xx) Syrmaticus ellioti Elliot's pheasant
(xxi) Syrmaticus humiae Hume's pheasant or (Hume's) bartailed pheasant
(xxii) Syrmaticus mikado Mikado pheasant
(xxiii) Tetraogallus caspius Caspian snowcock
(xxiv) Tetraogallus tibetanus Tibetan snowcock
(xxv) Tragopan blythii Blyth's tragopan
(xxvi) Tragopan caboti Cabot's tragopan
(xxvii) Tragopan melanocephalus Western horned tragopan
(xxviii) Tympanuchus cupido attwateri Attwater's greater prairie chicken
10. ORDER GRUIFORMES cranes, rails and kin
(a) Family TURNICIDAE quails
(i) Turnix melanogaster black-breasted button quail
(b) Family PEDIONOMIDAE plainswanderer
(i) Pedionomus torquatus plainswanderer
(c) Family GRUIDAE cranes
(i) Grus americana whooping crane
(ii) Grus canadensis nesiotes Cuban sandhill crane
(iii) Grus canadensis pulla Mississippi sandhill crane
(iv) Grus japonensis Manchurian or red-crowned crane or Japanese crane
(v) Grus leucogeranus Siberian white crane or snow crane
(vi) Grus monacha hooded crane
(vii) Grus nigricollis black-necked crane or Tibetan crane
(viii) Grus vipio white naped crane or white-necked crane
(d) Family RALLIDAE rails
(i) Gallirallus australis hectori New Zealand wood rail or Eastern Wekarail
(ii) Tricholimnas sylvestris Lord Howe wood rail or Lord Howe Island wood hen
(e) Familie RHYNOCHETIDAE kagu
(i) Rhynochetos jubatus kagu

(f) Family OTIDIDAE bustards
all non-South African bustards all non-South African bustards
Otis tarda great bustard
11. ORDER CHARADRIIFORMES waders, gulls and auks
(a) Family SCOLOPACIDAE sandpipers
(i) Numenius borealis Eskimo curlew
(ii) Numenius tenuirostris slender-billed or long-billed curlew
(iii) Tinga guttifer ann's or spotted greenshank
(b) Family LARIDAE gulls and terns
(i) Larus relictus relict gull or khar turunt tsakhiai
12. ORDER COLLUMBIFORMES pigeons, sand grouse and dodos
(a) Family COLUMBIDAE pigeons and doves
(i) Caloenas nicobarica Nicobar dove or pigeon
(ii) Ducula mindorensis Mindoro imperial pigeon or Mindoro zone-tailed pigeon
(iii) Gallicolumba luzonica bleeding heart pigeon or bleeding heart dove
(iv) Goura spp crowned pigeons
13. ORDER PSITTACIFORMES parrots and kin
All non-South African Psittaciformes, except budgerigars, cockatiels and rose-ringed parakeets All non-South African parrots and related birds except budgerigars, cockatiels and rose-ringed parakeets
14. ORDER CUCULIFORMES cuckoos and kin
(a) Family MUSOPHADIDAE turacos or plantain eaters
(i) Tauraco porphyreolophus purple- or violet-crested turaco
15. ORDER STRIGIFORMES owls
All non-South African strigiformes All non-South African noctural birds of prey or owls
16. ORDER APODIFORMES swifts and humming birds
(a) Family TROUCHILIDAE humming birds
All trochilidae All humming birds
17. ORDER TROGONIFORMES trogons
(a) Family TROGONIDAE trogons
(i) Pharomachrus mocinno quetzal
18. ORDER CORACIIFORMES kingfishers and kin
(a) Family BUCEROTIDAE hornbills
(i) Aceros narcondami Narcondam hornbill
(ii) Buceros bicornis bicornis great pied hornbill or great Indian hornbill
(iii) Buceros bicornis homrai Homrai pied hornbill or Homrai great Indian hornbill or Northern great pied hornbill
(iv) Buceros hydrocorax hydrocorax Luzon rufous hornbill or Phillipine hornbill
(v) Buceros rhinoceros Malayan rhinoceros hornbill
(vi) Rhinoplax vigil helmeted hornbill
19. ORDER PICIFORMES woodpeckers, toucans and kin
(a) Family PICIDAE woodpeckers
(i) Camperphilus imperialis imperial woodpecker
(ii) Dryocopus javensis richardsi Tristam's woodpecker or white-bellied black woodpecker
20. ORDER PASSERIFORMES songbirds or preching birds
(a) Family PITTIDAE pittas
(i) Pitta brachyura nympha Japanese fairy pitta
(ii) Pitta guajana Blue-tailes pitta
(iii) Pitta gurney Gurney's pitta
(iv) Piua kochi Koch's pitta
(b) Family COTINGIDAE cotingas
(i) Cotinga maculata banded or spotted cotinga
(ii) Rupicola spp cock-of-the-rock
(iii) Xipholena atropurpurea white-winged continga
(c) Family ATRICHORNITHIDAE scrub-birds
(i) Atrichornis clamosa noisy scrub-bird or Western scrub-bird

(ii) Atrichornis rufescens rufous scub-bird
(d) Family HIRUNDINIDAE swallows and martins
(i) Pseudochelidon sirintarae white-eyed river martin
(e) Family MUSCIPADIDAE Old World flycatchers
(i) Dasyornis longirostris Western bristlebird or long-billed bristlebird
(ii) Dasyornis broadbenti littoralis Western rufous bristlebird or lesser rufous bristlebird or rufous-headed bristlebird
(iii) Niltava reucki Reuck's blue flycatcher
(iv) Picathartes spp rock-fowl
(f) Family ZOSTEROPIDAE white-eyes
(i) Zosterops albogularis white-breasted silver-eye
(g) Family MELIPHAGIDAE honeyeaters
(i) Meliphaga cassidiz helmeted honeyeater or subcrested honeyeater
(h) Family EMBERIZIDAE buntings
(i) Gubernatrix cristata yellow cardinal
(ii) Paroaria capitata yellow-billed cardinal
(iii) Paroaria coronata red-crested cardinal
(i) Family FRINGILLIDAE finches or New World seedeaters
(i) Carduelis spinus cucullata red siskin
(ii) Carduefis yarrellii yellow-faced siskin
(j) Family ESTRILDIDAE waxbills
(i) Poephila cincta cincta black-throated finch
(k) Family STURNIDAE starlings
(i) Leucopsar rothschildi Rothschild's mynah or Rothschild's starling or Bali mynah or white starling
(l) Family PARADISAEIDAE birds of paradise
The family Paradisaeidae All birds of paradise

CLASS REPTILIA/REPTILES

1.ORDER CHELONII (= TESTUDINATA) Chelonians (tortoises, terrapins and turtles)
(a) Family DERMATEMYDAE river turtles
(i) Dermatemys mawii Central American river turtle
(b) Family EMYDIDAE freshwater turtles
(i) Batagur baska common bagatur or river terrapin or tuntong
(ii) Clemmys muhlenbergi bog turtle or Muhlenberg's turtle
(iii) Geoclemys hamiltonii Black pond turtle or Hamilton's terrapin or spotted pond turtle
(iv) Kachuga tecta tecta Indian tent turtle or Indian roof(ed) turtle or Indian sawback turtle or dura turtle
(v) Melancholeys tricarinata Burmese black-shelled turtle
(vi) Morenia ocellata Burmese swamp turtle or Bengal terrapin or Burmese peacock turtle
(vii) Terrapene Coahuila Aquatic box turtle or water box turtle or coahuila turtle
(c) Family TESTUDINIDAE land tortoises
All non-South African Testudinidae All non-South African land tortoises
(d) Family CHELONIIDAE sea turtles
All Cheloniidae All sea turtles
(e) Family DERMOCHELYIDAE leather-back turtles
(i) Dermochelys coriacea leather-back turtle or luth turtle or leathery turtle
(f) Family TRIONYCHIDAE soft-shelled turtles
(i) Lissemys punctata punctata Indian flap-shell(ed) turtle or flap-shell(ed) spotted turtle
(ii) Trionyx ater black soft-shell(ed) turtle or Indian soft-shell(ed) turtle
(iii) Trionyx gangeticus Ganges soft-shell(ed) turtle
(iv) Trionyx hurum peacock-marked soft-shell(ed) turtle or brown soft-shell(ed) turtle or peacock soft-shell(ed) turtle

(v) Trionyx nigricans dark-coloured soft-shell(ed) turtle or sacred black mud turtle
(vi) Trionyx spinifera spiny soft-shell(ed) turtle
(vii) Podocnemis spp All side-necked turtles
(g) Family CHELIDAE snake-necked turtles
(i) Pseudemydura umbrina short-necked swamp turtle or Western swamp turtle
(h) Family PELOMEDUSIDAE terrapins
(i) Erymnochelys madagascariensis Madagascar big-headed turtle
(ii) Peltocephalus dumeriliana Amazon big-headed turtle
2. ORDER CROCODYLIA crocodilians
(a) Family ALLIGATORIDAE alligators and caimans
All Alligatoridae All alligators and caimans
(b) Family CROCODYLIDAE true crocodiles and false gavials
All Crocodylidae All true crocodiles and false gavials
(c) Family GAVIALIDAE gavials
(i) Gavialis gangeticus Indian gavial or gharial
3. ORDER RHYNCHOCEPHALIA rhynchocephalians (primitive reptiles)
(a) Family SPHENODONTIDAE tuatara
(i) Sphenodon punctatus tuatara
4. ORDER SQUAMATA squamite reptiles
Sub-order SAURIA lizards
(a) Family GEKKONIDAE geckos
(i) Cyrtodactylus serpensinsula Serpend Island gecko
(ii) Phelsuma spp day geckos
(b) Family AGAMIDAE agamas
(i) Uromastys spp spiny-tailed lizards or mastigures or spiny-tailed agamas or dabb lizards or palm lizards
(c) Family CHAMAELEONIDAE chameleons
(i) All non-South African Chamaeleonidae chameleons
(d) Family IGUANIDAE iguanids
(i) Ambyrhynchus cristatus Galapagos marine iguana
(ii) Conolphus spp Galapagos land iguanas or land lizards
(iii) Brachylophus spp banded and Fiji crested iguanas
(iv) Cyclura spp ground iguanas or West Indian rock iguanas
(v) Iguana spp common iguanas
(vi) Phrynosoma coronatum blainvillei San Diego or Blainville horned lizard
(vii) Sauromalus varius chuckwalla
(e) Family LACERTIDAE true lizards or lacertids
(i) Gallotia simonyi Hierro giant lizard
(ii) Podarcis lilfordi Lilford's wall lizard
(iii) Podarcis pityusensis Ibiza wall lizard
(f) Family TEIIDAE teiid lizards
(i) Cnemidophorus hyperythrus orange-throated whiptail (lizard) or orange-throated race runner
(ii) Crocodiluris lacertinus dragon lizard or dragon lizardet
(iii) Dracaena spp Caiman lizard or armoured teyou
(iv) Tupinambis spp tegus or tegu lizards
(g) Family XENOSAURIDAE crocodile lizards
(i) Shinisaurus crocodilurus crocodile lizard
(h) Family HELODERMATIDAE
(i) Heloderma spp Gila monster or beaded lizard
(i) Family VARANIDAE monitors or monitor lizards
(i) All non-South African Varanus spp All non-South African monitors or monitor lizards or goanas
Sub-order SERPENTES snakes
(a) Family BOIDAE boas and pythons
All non-South African boidae All non-South African boas and pythons

(b) Family COLUBRIDAE colubrid snakes (typical snakes)
(i) Cyclagras gigas South American false cobra or South American water cobra or beach cobra or surucucu
(ii) Elachistodon westermanni Indian egg-eating snake or Indian egg-eater or Westermann's snake
(iii) Clelia clelia Mussarana (snake) or musurana
(iv) Ptyas mucosus Indian rat snake
(c) Family ELAPIDAE elapids (garter-snakes)
(i) Hoplocephalus bungaroides broadheaded snake
(ii) Naja naja Indian cobra
(iii) Ophiophagus hannah king cobra
(d) Family VIPERIDAE adders and vipers
(i) Vipera ursinii Orsini's viper

CLASS AMPHIBIA/AMPHIBIANS

1. ORDER URODELA (= CAUDATA) tailed amphibians
(a) Family CRYPTOBRANCHIDAE, giant salamanders
(i) Andrias davidianus Chinese giant salamander
(ii) Andrias japonicus Japanese giant salamander
(b) Family AMBYSTOMIDAE mole salamanders
(i) Ambystoma dumerilii Lake Patzchuro salamander or achoque
(ii) Ambystoma mexicanum Axolotl salamander
2. ORDER ANURA (= SALIENTIA) tailless amphibians (frogs and toads)
(a) Family BUFONIDAE true toads
(i) Bufo retiformis Sonoran green toad
(ii) Bufo superciliaris Cameroon toad
(iii) Nectophrynoides spp viviparous African toads
(b) Family MYOBATRACHIDAE myobatrachids
(i) Rheobatrachus spp gastic brooding frogs
(c) Family DENDROBATIDAE poison arrow frogs
(i) Dendrobates spp poison arrow frogs
(ii) Phyllobates spp poison arrow frogs
(d) Family RANIDAE true frogs
(i) Rana hexadactyla six-fingered frog
(ii) Rand tigerina Indian bullfrog
(e) Family MICROHYLIDAE microhylids
(i) Dyscophus antongilii tomato frog

CLASS PISCES/FISH

1. ORDER CERATODIFORMES lungfish
(a) Family CERATODIDAE lungfish
(i) Neoceratodus forsteri Australian lungfish or ceratodus or Queensland lungfish
2. ORDER COELACANTHIFORMES coelancanths
(a) Family COELACANTHIDAE coelancanths
(i) Latimeria chalumnae coelancanths
3. ORDER ACIPENSERIFORMES sturgeons and paddle fishes
(a) Family ACIPENSERIDAE sturgeons
(i) Acipenser brevirostrum shortnose sturgeons
(ii) Acipenser oxyrhynchus Atlantic sturgeons
(iii) Acipenser sturio common sturgeon or Baltic sturgeon
4. ORDER OSTEOGLOSSIFORMES bony-tongues and kin
(a) Family OSTEOGLOSSIDAE bony-tongues

(i) Arapaima gigas arapaima or pirarucu
(ii) Scleropages formosus Asiatic bony-tongue or Asian bony-tongue or kelesa or golden dragon fish or golden arowana
5. ORDER CYPRINIFORMES carp and carp-like fish
(a) Family CYPRINIDAE carp
(i) Caecobarbus gertsi African blind barb fish or Congo blind barb fish
(ii) Probarbus jullieni Ikan temoleh or pla eesok (Thai) or ikaa temelian (Malay)
(b) Family CATOSTOMIDAE catastomidae
(i) Chamistes cujus cui-ui
(ii) Ptyocheilus lucius Colorado river squawfish or Colorado squawfish
6. ORDER SILURIFORMES catfish
(a) Family SCHILBEIDAE Schilbeid catfish
(i) Pangasianodon gigas giant catfish
7. ORDER ATHERINIFORMES killifish
(a) Family CYPRINODONTIDAE toothed carp
(i) Cynolebias constanciae killifish or pearlfish
(ii) Cynolebias marmoratus ginger killifish
(iii) Cynolebias minimus minute killifish
(iv) Cynolebias opalescent opalescent killifish
(v) Cynolebias splendens splendid killifish
8. ORDER PERCIFORMES perch and perch-like fish
(a) Family SCIAENIDAE drumfish or croakers
(i) Cynoscion macdonaldi totoaba or MacDonald weakfish

PHYLUM MOLLUSCA/MOLLUSCS

CLASS BIVALVIA/BIVALVES

1. ORDER VENEROIDA molluscs
All non-South African tridanonidae All non-South African tridanonidae
2. ORDER UNIONOIDA naiads or freshwater bivalves
(a) Family UNIONIDAE freshwater mussels
(i) Conradilla caelata birdwing pearly mussel or rimosa naiad
(ii) Cyprogenia abertiedible pearly mussel or edible naiad
(iii) Dromus dromas Dromedary pearly mussel or Dromedary naiad
(iv) Epioblasma curtisi Curtis' pearly mussel or Curtis' naiad
(v) Epioblasmas florentina Yellow-blossom pearly mussel or yellow-blossom naiad
(vi) Epioblasma sampsoni Sampson's pearly mussel or Sampson's naiad
(vii) Epioblasma sulcata perobliqua White cat's paw pearly mussel or white cat's paw naiad
(viii) Epioblasma torulosa qubernaculum Green-blossomed pearly mussel or green-blossomed pearly naiad
(ix) Epioblasma torulosa rangiana Tan blossomed naiad or tan-blossomed pearly mussel
(x) Epioblasma torulosa torulosa Tubercle-blossomed pearly mussel or tubercle-blossom naiad
(xi) Epioblasma turgidula Turgid blossomed pearly mussel or turgid blossomed naiad
(xii) Epioblasma walkeri Brown blossomed pearly mussel or brown blossomed naiad or tan riffle shell
(xiii) Fusconaia cuneolous Fine-rayed pigtoe pearly mussel or fine-rayed pigtoe naiad
(xiv) Fusconaia edgariana shiny pigtoe pearly mussel
(xv) Fusconaia subrotunda long solid pearly mussel or long solid naiad
(xvi) Lampsilis brevicula Ozark lamp pearly mussel or Ozark lamp naiad
(xvii) Lampsilis higginsi Higgin's eye pearly mussel
(xviii) Lampsilis orbiculata orbiculata pink Mucket pearly mussel
(xix) Lampsilis satura pocketbook pearly mussel

(xx) Lampsilis virescens Alabama lamp pearly mussel or Alabama lamp naiad
(xxi) Lexingtonia dolabelloides slab-sided naiad
(xxii) Plethobasis cicatrosus white wartyback pearly mussel
(xxiii) Plethobasis cooperianus orange-footed pimpleback pearly mussel
(xxiv) Pleurobema clava pigtoe pearly mussel
(xxv) Pleuroema plenum rough pigtoe pearly mussel
(xxvi) Potamilus capax fat pocketbook pearly mussel
(xxvii) Quadrula intermedia Cumberland monkey face or Cumberland monkeyface pearly mussel
(xxviii) Quadrula sparsa Appalachian monkey face or Appalachian monkey face pearly mussel
(xxix) Toxolasma cylindrella pale liliput pearly mussel or pale liliput naiad
(xxx) Unio nickliniana Nicklin's pearly mussel
(xxxi) Unio tampicoensis ecomatensis Tampico pearly mussel (sub-species)
(xxxii) Villosa trabalis Cumberland bean pearly mussel

CLASS GASTROPODA/GASTROPOD SNAILS

1. ORDER STYLOMMATOPHORA land snails
(a) Family ACHATINELLIDAE giant land snails
(i) All non-South African Achatinella spp American land snails
(b) Family CAMEANIDAE tree snails
(i) Papustyla pulcherrima Manus Island tree snail or green tree snail or emerald green snail
(c) Family PARYPHANTIDAE amber snails
(i) Paryphanta spp New Zealand amber snails

PHYLUM ARTHROPODA/ARTHROPODS

CLASS INSECTA/INSECTS

1. ORDER LIPIDOPTERA butterflies and moths
(a) Family PARPILIONIDAE swallowtails and parnassians
(i) Bhutanitis spp Bhutanitis swallowtails
(ii) Ornithoptera spp birdwing butterflies
(iii) Papilio chikae yellow-banded swallowtail
(iv) Papilio homerus Homerus swallowtail
(v) Papilio hospiton Corsican swallowtail
(vi) Trogonoptera spp birdwing butterflies
(vii) Troides spp birdwing butterflies
(viii) Parnassius apollo Apollo butterfly or mountain apollo
(ix) Teinopalpus spp Kaiser 1 Hind butterfly

PHYLUM ARACHNIDA/ARACHNIDS

1. ORDER ARANEA spiders
(a) Family THERAPHOSIDAE tarantulas
(i) Brachypelma smithi red-kneed tarantula

PHYLUM ANNELIDA/SEGMENTED WORMS

1. ORDER ARHYNCHOBDELLAE segmented worms
(a) Family HIRUDINIDAE leeches

(i) Hirudo medicinalis medicinal leech

PHYLUM COELENTERATA/COELENTERATES

CLASS ANTHOZOA/CORALS

1. ORDER ANTIPATHARIA black corals
All non-South African antipatharian All non-South African black corals antipatharian black corals
2. ORDER SCLERACTINIA scleractinians
All non-South African antipatharian black corals All non-South African antipatharian black corals

CLASS HYDROZOA/HYDROZOANS

1. ORDER ATHECATA hydrozoans
(a) Family MILLEPORIDAE milleporidae
All non-South African antipatharian black corals All non-South African antipatharian black corals
(b) Family STYLASTERIDAE
All non-South African antipatharian black corals All non-South African antipatharian black corals

CLASS ALCYONARIA

1. ORDER COENOTHECALIA coenothecalia
All non-South African coenothecalia spp All non-South African coenothecalia spp
2. ORDER STOLONIFERA stolonifera
(a) Family TUBIPORIDAE tubiporidae
All non-South African tubiporidae All non-South African tubiporidae

FLORA/PLANTS

1. Family AGAVACEAE agavaceae
(i) Agave arizonica Arizona agave
(ii) Agave paviflora Agave parviflora
(iii) Agave victoriae-reginae Queen Victoria agave
(iv) Nolina interrata tuber tree ("knollenbaum")
2. Family AMARYLLIDACAE amaryllis family
(i) All non-South African Galanthus spp All non-South African snowdrops
(ii) All non-South African Sternbergia spp All non-South African lilies of the field
3. Family APOCYNACEAE oleander family
(i) All non-South African Pachypodium spp all non-South African bottle trees
4. Family ARACEAE arum lilies
(i) Alocasia sanderiana alocasia sanderiana
5. Family ARALIACEAE Hedera family
(i) Panax quinquefolius American ginseng or celery-leaved panax
6. Family ARAUCARIACEAE monkey-puzzle tree family
(i) Araucaria araucana monkey-puzzle tree
7. Family ASCLEPIADACEAE milkweed family
(i) All non-South African Ceropegia spp All non-South African rosery vines (string-of-hearts)
(ii) Freria indica milkweed
8. Family BERBERIDACEAE baberry family

(i) Podophyllum hexandrum duck's foot
9. Family BYELIDACEAE byblis family
(i) Byblis spp byblis or rainbow plants
10. Family CACTACEAE cacti
All Cactaceae all cacti
11. Family CARYOCARACEAE butternut-family
(i) Caryocar costaricense butternut
12. Family CEPHALOTACEAE pitcher plants
(i) Cephalotus follicularis Albany pitcher plant
13. Family COMPOSITAE (= ASTERACEAE) daisy family
(i) Saussurea costumcosas
14. Family CRASSULACEAE crassulas
(i) Dudleys stolonifera Dudleya stolonifera
(ii) Dudleya traskiae Dudleya traskiae
15. Family CUPRESSACEAE cypress family
(i) Fitzroya cupressiodes alerce or Chilean false larch
(ii) Pilgerodendron uviferum incense cedar
16.Family CYATHEACEAE tree fern family
All non-South African Cyatheaceae spp All non-South African tree ferns
17. Family CYCADACEAE true cycad family
All non-South African Cycadaceae spp All non-South African true cycads (cycadaceae spp)
18. Family DIAPENSIACEAE diapensia family
(i) Shortia galacifolia oconce-bells
19. Family DICKSONIACEAE dicksonia family
All Dicksoniaceae spp All dicksoniaceae species
20. Family DIDIEREACEAE didieraeceae family
All Didereaceae spp Tasmanian tree fern woolly tree fern
21. Family ERICACEAE heath family
(i) Kalmia cuneata kalmia or American laurel
22. Family EUPHORBIACEAE euphorbia family
All non-South African Euphorbia All non-South African euphorbias
23. Family FAGACEAE beech family
(i) Quercus copeyensis quercus beech
24. Family FOUQUIERIACEAE candlewood family
(i) Fouquieria columnaris boojum
(ii) Fouquieria fasciculata ocotillo
(iii) Fouquieria purpusii ocotillo
25. Family HUMIRIACEAE chiricana family
(i) Vantanea barbouri Ira chiricana
26. Family JUGLANDACEAE walnut, hickory and pecan family
(i) Oreomunnea pterocarpa Oreomunnea ptereocarpa
27. Family LEGUMINOSAE (= FABACEAE) legume or laburnum family
(i) Cynometra hemitomophylla cynometra
(ii) Platymiscium pleiostachyum Quira macawood
(iii) tachigali versicolor tagigali
28. Family LILIACEAE lily family
All non-South African Aloe spp All non-South African aloes
29. Family MELIACEAE mahogany family
(i) Swietenia humilisHonduras mahogany or baywood
30. Family MORACEAE mulberry family
(i) Batocarpus costaricensis mulberry
31. Family NEPENTHACEAE pitcher plants
All Nepenthes spp All pitcher plants
32. Family ORCHIDACEAE orchid family
All non-South African Orchidaceae spp All non-South African orchids
33. Family PALMAE (= ARECACEAE) palm family

(i) Areca ipot areca palm
(ii) Chrysalidocarpus decipiens butterfly palm
(iii) Neodypsis decaryi brown bamboo palm
34. Family PINACEAE pine family
(i) Abies quatemalensis Guatemalan fir or pinabete
35. Family PODOCARPACEAE yellowwood family
(i) Podocarpus parlatorei Parlatore's podocarp
36. Family PORTULACACEAE purselane family
(i) All non-South African Anacampseros spp All non-South African purselanes
(ii) Lewisia cotyledon bitter-root
(iii) Lewisia maguirei bitter-root
(iv) Lewisia serrata bitter-root
(v) Lewisia tweedyi bitter-root
37. Family PRIMULACEAE primrose family
All Cyclamen spp cyclamens
38. Family RUBIACEAE madder family
(i) Balmea stormiae ayugue
39. Family SARRACENIACEAE pitcher plants
(i) Darlingtonia californica pitcher plants
(ii) All Sarracenia spp pitcher plants
40. Family THEACEAE tea family
(i) Camellia chrysantha camellia or Japan rose
41. Family WELWITSCHIACEAE welwitschias
(i) Welwitschia mirabilis welwitschia mirabilis
42. Family ZAMIACEAE cycad (tumboa) family
All non-South African Zamiaceae spp All non-South African cycads
43. Family ZINGIBERACEAE ginger family
(i) Hedychium philippense Philippine garland-flower
44. Family ZYGOPHYLLACEAE devil's thorn family
(i) Guaiacum sanctum guajac tree or holy wood or tree of life

SCHEDULE 13
LAWS REPEALED

Section 1 of Act 33 of 1909 (Natal) and the whole of each of the Ordinances mentioned hereunder:

The Game Laws (Export) Amendment Ordinance, 1918 5 of 1918
Ordinance to Increase the Limit of Weight for Export of Elephant Tusks 5 of 1924
The Game Laws (Export) Amendment Ordinance, 1931 4 of 1931
The Natal Parks, Game and Fish Preservation Ordinance, 194735 of 1947
The Natal Parks, Game and Fish Preservation Amendment Ordinance, 1949 26 of 1949
The Freshwater Fish Protection Ordinance, 1955 9 of 1955
The Wild Birds Protection Consolidation and Amendment Ordinance, 1955 10 of 1955
The Game Preservation Consolidation and Amendment Ordinance, 1955 11 of 1955
The Game Preservation Amendment Ordinance, 19565 of 1956
The Wild Birds Protection Amendment Ordinance, 1956 6 of 1956
The Freshwater Fish Protection Amendment Ordinance, 1956 7 of 1956
The Baboon and Monkey Exportation Prohibition Ordinance, 1956 13 of 1956
The Game Preservation Amendment Ordinance, 195731 of 1957
The Coastal Fishing Conservation Ordinance, 1958 19 of 1958
The Coastal Fishing Conservation Amendment Ordinance, 1959 4 of 1959
The Freshwater Fish Protection Amendment Ordinance, 1959 8 of 1959
The Wild Birds Protection Amendment Ordinance, 1960 32 of 1960
The Game Preservation Amendment Ordinance, 196036 of 1960
The Natal Parks, Game and Fish Preservation Amendment Ordinance, 1961 6 of 1961

The Natal Parks, Game and Fish Preservation Amendment Ordinance, 1962 6 of 1962
The Wild Birds Protection Amendment Ordinance, 1962 9 of 1962
The Game Preservation Amendment Ordinance, 196215 of 1962
The Game Preservation Amendment Ordinance, 19636 of 1963
The Natal Parks, Game and Fish Preservation Amendment Ordinance, 1963 21 of 1963
The Game Preservation Amendment Ordinance, 196324 of 1963
The Natal Parks, Game and Fish Preservation Amendment Ordinance, 1964 8 of 1964
The Game Preservation Amendment Ordinance, 196433 of 1964
The Coastal Fishing Conservation Amendment Ordinance, 1964 35 of 1964
The Game Preservation Amendment Ordinance, 196522 of 1965
The Wild Birds Protection Amendment Ordinance, 1965 26 of 1965
The Coastal Fishing Conservation Amendment Ordinance, 1965 31 of 1965
The Natal Parks, Game and Fish Preservation Amendment Ordinance, 1966 30 of 1966
The Coastal Fishing Conservation Amendment Ordinance, 1966 32 of 1966
The Game Preservation Amendment Ordinance, 19679 of 1967
The Natal Parks, Game and Fish Preservation Amendment Ordinance, 1967 26 of 1967
The Game Preservation Ordinance, 1967 33 of 1967
The Natal Parks, Game and Fish Preservation Amendment Ordinance, 1968 14 of 1968
The Reptiles Protection Ordinance, 1968 32 of 1968
The Natal Parks, Game and Fish Preservation Further Amendment Ordinance, 1968 35 of 1968
The Zoos Control Ordinance, 1969 6 of 1969
The Wild Birds Protection Amendment Ordinance, 1969 10 of 1969
The Game Preservation Amendment Ordinance, 196940 of 1969
The Natal Parks, Game and Fish Preservation Amendment Ordinance, 1970 3 of 1970
The Reptiles Protection Amendment Ordinance, 197026 of 1970
The Game Preservation Amendment Ordinance, 197032 of 1970
The Zoos Control Amendment Ordinance, 1971 8 of 1971
The Coastal Fishing Conservation Amendment Ordinance, 1971 37 of 1971
The Wild Birds Protection Amendment Ordinance, 1971 40 of 1971
The Freshwater Fish Protection Amendment Ordinance, 1971 45 of 1971
The Wild Birds Protection Further Amendment Ordinance, 1971 50 of 1971
The Private Nature Reserves and Private Wild-Life Reserves Ordinance, 1971 52 of 1971
The Game Preservation Amendment Ordinance, 19727 of 1972
The Wild Flower Conservation Ordinance, 1972 20 of 1972
The Natal Parks, Game and Fish Preservation Amendment Ordinance, 1972 27 of 1972
The Game Preservation Second Amendment Ordinance, 1972 29 of 1972
The Natal Parks, Game and Fish Preservation Amendment Ordinance, 1973 9 of 1973
The Natal Parks, Game and Fish Preservation Second Amendment Ordinance, 1973 23 of 1973
The Zoos Control Amendment Ordinance, 1973 32 of 1973
The Natal Parks, Game and Fish Preservation Amendment Ordinance, 1974 5 of 1974

[Ordinance 12 of 1978]NATURE CONSERVATION EXPENDITURE VALIDATION Ordinance 12 of 1978

[Natal Ord. 12/1978]

[NB. The administration of the whole of this Ordinance has under Proclamation 107 of 1994, published in Government Gazette 15813 of 17 June 1994, been assigned to the Province of KwaZulu-Natal with effect from 17 June 1994.]

ORDINANCE

[Assented to by the State President-in-Council on 16 March, 1978 - Afrikaans text signed]

[Date of commencement, 3 April 1978]

To validate certain unauthorised expenditure incurred by the Natal Parks, Game and Fish Preservation Board in respect of certain areas prior to their being placed under the Board's control in terms of the provisions of the Nature Conservation Ordinance, 1974 (Ordinance 15 of 1974).

1 Validation of unauthorised expenditure

The expenditure incurred by the Natal Parks, Game and Fish Preservation Board without authorisation in terms of the Nature Conservation Ordinance, 1974 (Ordinance 15 of 1974), consisting of the amounts set out in the Schedule to this Ordinance and totalling five hundred and fourteen thousand six hundred and forty-eight rand and forty three cents, is hereby validated.

2 Short title

This Ordinance shall be called the Nature Conservation Expenditure Validation Ordinance, 1978.

SCHEDULE

1. R263 770,68 expended in respect of the Chelmsford Public Resort Nature Reserve, made up as follows:
   1972-04-01 to 1973-03-31 R104 381,03
   1973-04-01 to 1974-03-31 R88 446,61
   1974-04-01 to 1975-03-31 R58 738,72
   1975-04-01 to 1975-07-30 R12 204,32
2. R175 530,71 expended in respect of the Spioenkop Public Resort Nature Reserve, made up as follows:
   1974-04-01 to 1975-03-31 R137 289,06
   1975-04-01 to 1975-07-30 R38 241,65
3. R26 387,43 expended in respect of the Cape Vidal Public Resort Nature Reserve, made up as follows:
   1976-04-01 to 1977-03-31 R24 275,82
   1977-04-01 to 1977-06-23 R2 111,61
4. R13 612,39 expended in respect of the Eastern Shores Nature Reserve, made up as follows:
   1976-04-01 to 1977-03-31 R1 3 486,69
   1977-04-01 to 1977-06-23 R125,70
5. R35 347,22 expended in respect of the Hazelmere Public Resort Nature Reserve, made up as follows:
   1976-04-01 to 1977-03-31 R29 106,07
   1977-04-01 to 1977-09-12 R6 241,15