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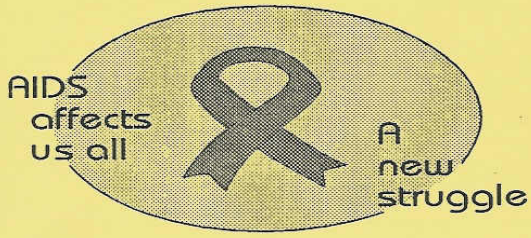
We all have the power to prevent AIDS



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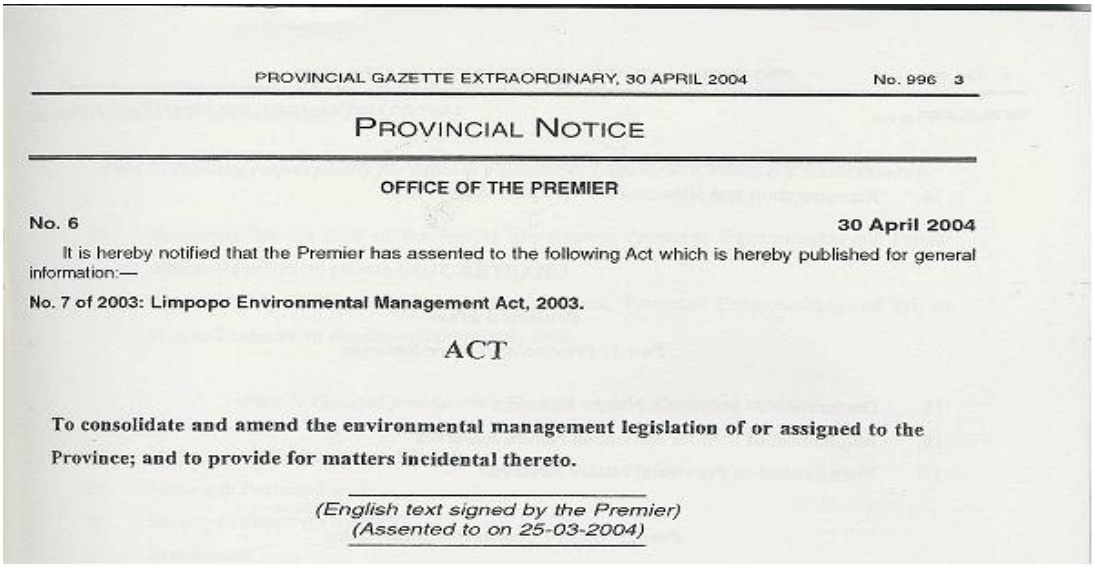

PROVINCIAL GAZETTE EXTRAORDINARY, 30 APRIL 2004 No. 996 3

PROVINCIAL NOTICE

OFFICE OF THE PREMIER

No. 6 30 April 2004

It is hereby notified that the Premier has assented to the following Act which is hereby published for general information:—

No. 7 of 2003: Limpopo Environmental Management Act, 2003.

ACT

To consolidate and amend the environmental management legislation of or assigned to the Province; and to provide for matters incidental thereto.

(English text signed by the Premier)
(Assented to on 25-03-2004)

ARRANGEMENT OF ACT

CHAPTER 1

Interpretation and objectives of this Act

1. Definitions
2. Objectives of this Act
3. Policy to give effect to this Act

CHAPTER 2

Environmental Advisory Bodies

4. Establishment
5. Composition and appointment
6. Qualifications and disqualifications
7. Conduct of members
8. Termination of membership

9. Vacancies
10. Meetings
11. Procedures
12. Quorum and decisions
13. Committees established by Environmental Advisory Bodies
14. Remuneration and allowances

CHAPTER 3

Protected areas

Part 1: Provincial Nature Reserves

15. Declaration of Provincial Nature Reserves
16. Acquisition of land for Provincial Nature Reserves
17. Management of Provincial Nature Reserves

Part 2: Sites of Ecological Importance

18. Declaration of Sites of Ecological Importance
19. Acquisition of land on which Sites of Ecological Importance are situated
20. Management of Sites of Ecological Importance

Part 3: Protected Environments or Private Nature Reserves

21. Declaration of Protected Environments or Private Nature Reserves

Part 4: Resource use areas

22. Recognition of Resource use areas

Part 5: Procedures for declaration or recognition of all Protected areas

23. Notice to be given of all declarations and recognitions
24. Oral representations or objections

Part 6: Primary responsibility for Sites of Ecological Importance, Protected Environments and Private Nature Reserves

25. Responsibility for Sites of Ecological Importance, Protected Environments and Private Nature Reserves on private land
26. Responsibility for Sites of Ecological Importance, Protected Environments and Private Nature Reserves on provincial and private land

Part 7: General provisions affecting certain Protected areas

27. Endorsement by Registrar of Deeds
28. Mining in Protected areas
29. Issuing of directives by MEC
30. Regulations

CHAPTER 4

Wild and alien animals

Part 1: Hunting and catching of wild and alien animals

31. Hunting of wild and alien animals
32. Open season to hunt game
33. Hunting on Provincial Nature Reserves, Sites of Ecological Importance, Protected Environments and Private Nature Reserves
34. Transfer of hunting rights
35. Catching of wild and alien animals
36. Leaving or making of openings in certain fences

37. Picking up or removal of wild animals
38. Prohibited acts relating to ways of hunting or catching wild or alien animals
39. Prohibited acts relating to firearms

Part 2: Other prohibited acts

40. Poisoning of wild and alien animals
41. Prohibited acts regarding wild and alien animals
42. Keeping or conveyance of wild and alien animals in certain conditions
43. Prohibited acts relating to dead wild and alien animals

Part 3: Powers of MEC

44. MEC may direct that wild and alien animals be hunted or caught
45. Exemption of enclosed land from provisions of this Chapter
46. Establishment of Wildlife Councils
47. Powers of MEC
48. Regulations

CHAPTER 5

Professional hunting

49. Professional hunters, hunting-outfitters and directors of professional hunting schools
50. Hunting of wild and alien animals by clients
51. Hunting-outfitters to be holders of hunting rights
52. Professional hunting schools
53. Regulations

CHAPTER 6

Aquatic biota and aquatic systems

54. Catching of fish
55. Possession of fishnets, fish traps or similar devices
56. Closed season for angling
57. Protection of aquatic systems
58. Pollution of aquatic systems
59. Powers of MEC
60. Regulations

CHAPTER 7

Invertebrates

61. Prohibited acts
62. Powers of MEC
63. Regulations

CHAPTER 8

Indigenous plants

64. Protection of indigenous plants
65. Exemption of nurseries
66. Powers of MEC
67. Regulations

CHAPTER 9

Convention on International Trade in Endangered Species of wild *fauna* and *flora*

68. Application of this Chapter
69. Prohibited acts

CHAPTER 10

Preservation of caves and cave-formations

70. Prohibited acts
71. Entry or admission to caves
72. Powers of MEC
73. Regulations

CHAPTER 11

Limited development areas

74. Declaration
75. Notice to be given
76. Prohibited acts
77. Environmental impact reports
78. Compensation for loss
79. Regulations

CHAPTER 12

Mountain catchment areas

80. Declaration
81. Beacons
82. Fire protection plans
83. Contents of fire protection plans
84. Notice to be given of all fire protection plans

85. Legal status of fire protection plans
86. Rendering of financial aid
87. Powers of MEC
88. Regulations

CHAPTER 13

Environmental pollution

Part 1: Littering

89. Prohibition of littering
90. Duties of persons in charge of public places
91. Regulations

Part 2: Waste management

92. Regulations

Part 3: Noise, vibration and shock

93. Regulations

CHAPTER 14

Environmental Compliance Officers

94. Appointment of Environmental Compliance Officers
95. Appointment of Honorary Environmental Compliance Officers
96. Powers, functions and duties of Environmental Compliance Officers and Honorary Environmental Compliance Officers

CHAPTER 15

Permits, permissions, exemptions and exclusions

Part 1: Permits

97. Permits to be issued by MEC
98. Applications for permits

Part 2: Permissions

99. Permissions to be in writing
100. Written permissions to be issued before act is performed
101. Conditional permissions

Part 3: Exemptions

102. Exemption of specific persons
103. Process to apply for exemption
104. Review of exemptions

Part 4: Exclusions

105. General exclusions
106. Process

Part 5: General provisions

107. Expert evidence before permit or exemption is granted
108. Permits, permissions, licences and other documents to be carried on person

CHAPTER 16

Delegations and internal appeals

109. Delegations by MEC
110. Delegations by HOD
111. Appeals to MEC

CHAPTER 17

Offences, evidence, penalties and forfeitures

112. General offences
113. Offences relating to mountain catchment areas
114. Offences relating to Environmental Advisory Bodies, Environmental Compliance Officers and other persons
115. Offences relating to permits, permissions, exemptions and other documents
116. Evidence
117. Penalties
118. Forfeitures and orders of court

CHAPTER 18

General provisions

119. General powers of MEC
120. Failure by municipalities to perform functions
121. Directives to stop, curb, prevent or repair damage to environment
122. Regulations
123. Amendment of Schedules
124. Provincial Government bound by this Act
125. Limitation of liability

126. Repeal of laws and savings
127. Short title and commencement

Schedules

Schedule I Protected areas
Schedule 2 Specially protected wild animals
Schedule 3 Protected wild animals
Schedule 4 Game
Schedule 5 Wild animals to which section 31(1)(f) applies
Schedule 6 Non-indigenous wild animals
Schedule 7 Invasive alien animals
Schedule 8 Wild animals to which section 41(1)(a),(b) and (3) applies
Schedule 9 Prohibited aquatic growths
Schedule 10 Invertebrates to which section 61(1)(a) and (b) applies
Schedule 11 Specially protected plants
Schedule 12 Protected plants
Schedule 13 Laws repealed

CHAPTER 1
INTERPRETATION AND OBJECTIVES OF THIS ACT

Definitions

1. In this Act, unless the context otherwise indicates –

"alien animal" means **—**

(a) any live vertebrate, including a bird and a reptile, but excluding a fish, belonging to a species or subspecies that is not a recognized domestic species and the natural habitat of which is not in the Republic; or

(b) the egg of such vertebrate;

"angle" –

(a) means to catch fish by using a line and fish-hook, whether or not a rod is used; and

(b) includes the use of a landing-net to land, or a keep-net to keep, fish caught in accordance with the method as described in paragraph (a), but excludes the use of a set-line, and **"angling"** has a corresponding meaning;

"aquaculture" means the managed production, either through an intervention in the breeding process, or through stocking, feeding or predator control programmes, of fish, invertebrates, amphibians, aquarium plants or other aquatic organisms, including the eggs, ova, spawn, seeds, fruits, bulbs, stems, roots or any other part or derivative of such organisms;

"aquatic biota" –

(a) means any organism that depends on an aquatic environment for its survival; and

(b) includes the carcass, egg, ova, spawn, flesh (fresh or cured), hide, tooth, bone, shell, scale, claw, nail, paw, fin, tail, ear, hair, feather, flower, seed, cone, fruit, bulb, tuber, stem, root or any other part or derivative of such organism;

"aquatic growth" –

(a) means any plant that depends on an aquatic environment for its survival; and

(b) includes the flower, seed, cone, fruit, bulb, tuber, stem, root, or any other part or derivative of such plant;

"aquatic system" –

(a) means any area associated with rivers, streams, vleis, sponges, creeks, lakes, pans or any other natural or man-made water impoundment**;** and

(b) includes any such area whether wet or dry;

"artificial lure or spoon" means a device which, by the simulation of life or by the colour or appearance thereof, may delude or lure fish into seizing such device;

"bait" in relation to a wild animal listed in Schedule 5, means any living or dead animal matter**,** or anything else which on account of the edibility, smell or taste thereof may lure such animal, and **"bait"**, as a verb, has a corresponding meaning;

"biltong" means venison which has been or is being dried as a method of preservation**;**

"biodiversity" means the diversity of animals, plants or other organisms, including the diversity of animals, plants or other organisms found within and between-

(a) ecosystems;

(b) habitats;

(c) the ecological complexes of which these systems and habitats are part;

(d) species;

"catch" in relation to a wild or alien animal, fish or invertebrate –

(a) means catch or take, or attempt to catch or take, a wild or alien animal, fish or invertebrate alive, irrespective of the means or method used; and

(b) includes –

(i) the search for, pursue, drive, lie in wait for, lure or poison a wild or alien animal, fish or invertebrate with the intent to catch or take it; or

(ii) injuring or killing of a wild or alien animal, fish or invertebrate when attempting to catch or take it;

"cave" means a natural geologically formed void or cavity beneath the surface of the earth;

cave formation" means**–**

(a) a wall, floor or ceiling of a cave;

(b) a flow-stone, drapery, column, stalactite, stalagmite, anthodite, gypsum flower or needle or any other crystalline mineral formation, tufadam, breccia, clay or mud formation or a concretion thereof formed in a cave; or

(c) any other natural matter formed in a cave;

"CITES" means the Convention on International Trade in Endangered Species of Wild *Fauna and Flora;*

"client" means any person who is not normally resident in the Republic, who pays or rewards any other person for or in connection with the hunting of a wild or alien animal;

"day" means the period from half an hour before sunrise to half an hour after sunset on the same day;

"director of professional hunting school" means a person who is –

(a) responsible for –

(i) the presentation of a prescribed curriculum to educate prospective professional hunters and hunting outfitters; and

(ii) the conducting of examinations to evaluate prospective professional hunters and hunting-outfitters; and

(b) the holder of a permit in terms of section 49(1)(c);

"endangered species" means a species is endangered when it is facing a very high risk of extinction in the wild in the near future and includes –

(a) any living or dead specimen of such a species; or

(b) any egg, skin, bone, feather, seed, flower or any other part or derivative of such a species;

"environment" means the surroundings within which humans exist and that are made up of –

(a) the land, water and atmosphere of the earth;

(b) micro-organisms, plant and animal life;

(c) any part or combination of (a) and (b) and the inter-relationships amongst and between them; and

(d) the physical, chemical, aesthetic and cultural properties and conditions of the foregoing that influence human health and well-being;

"Environmental Management Authority" means the Provincial Department or component responsible for Environmental Management;

"environmental management system" means an environmental management system which includes, but is not limited to:

(a) an environmental management policy;

(b) organisational structure, planning activities, responsibilities, practices, procedures, processes and resources for developing, implementing, achieving, reviewing, maintaining and improving such system;

(c) a systematic and documented verification process to objectively obtain and evaluate evidence to determine whether such management system conforms to the audit criteria set; and

(d) communication of the results of this process.

"Environmental compliance officer" means a person appointed in terms of section 9**4** (1)(a);

"Environmental Impact Report" means a report referred to in section 7**7**;

"family member" in relation to an owner of land, means the parent, spouse, child, step-child, foster-child, grandchild, adopted child, son-in-law or daughter-in-law of the owner of land;

"fire-belt" means any strip of land, whether under trees or not, which has been cleared of inflammable matter to prevent or control veld or forest fires or the spreading thereof;

"fire protection plan" means any fire protection plan established in terms of section 8**2**;

"firewood" means the dead, dry wood of an indigenous plant that is used for domestic purposes, but does not include wood that has been cut, sawn or otherwise processed for the production of ornaments, implements or furniture;

"fishing tackle" means any fishing gear, apparatus or other device or any part thereof normally used to catch fish;

"game" means any living or dead wild animal referred to in Schedule 4;

"head load" means a bundle of firewood, the size of which is ordinarily capable of being carried on the head of a person;

"**HOD**" means the Head of the Department responsible for Environmental Management in the Province;

"Honorary Environmental Compliance Officer" means a person appointed in terms of section 9**5**;

"hunt" means hunt with the intent to kill, and includes **–**

(a) to search for, lie in wait for, bait, pursue, shoot at, set a snare or trap or disturb with the

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intent to kill wild or alien animal; or

(b) to dart or immobilise a wild or alien animal by any means or method for trophy purposes; or

(c) to collect or destroy the egg of a bird or reptile;

"hunting-outfitter" means a person who –

(a) presents or organises the hunt of a wild or alien animal for a client ; and

(b) is the holder of a permit in terms of section 49(1)(b);

"hunting-rights" means the right of an owner of land to hunt a wild or alien animal on that land**;**

"indigenous plant" –

(a) means any living or dead plant which is indigenous to the Republic, whether artificially propagated or in its wild state**;** and

(b) includes the flower, pollen, seed, cone, fruit, bulb, tuber, stem or root or any other part or derivative of such plant, but does not include a plant declared a weed in terms of any legislation;

"invasive animal" means an alien wild animal whose establishment and spread-

(a) threaten ecosystems, habitats or other species or has demonstrable potential to threaten ecosystems, habitats or other species; and

(b) may result in economic or environmental harm;

"invertebrate" means any living or dead invertebrate in any stage of its life cycle**,** including any part or derivative of an invertebrate;

"keep" in relation to a live wild or alien animal, means –

(a) possess or keep in captivity or custody a live wild or alien animal;

(b) supervise and control in any way whatsoever and by whatever means, a live wild or alien

animal in order to discourage its natural behaviour; or

(c) restrict the movement or flight of a live wild or alien animal;

"limited development area" means an area declared a limited development area in terms of section 7**4**(a);

'litter' means any object or matter discarded or left behind by the person in whose possession or control it was;

"Management Agency" means an agency appointed by the MEC to control, manage, maintain and develop a protected area;

"MEC" means the Member of the Executive Council of the Province who is responsible for environmental affairs in the Province;

"mountain catchment area" means an area declared a mountain catchment area in terms of section 8**0**(a);

"municipality" means a municipality established in terms of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

"natural bait" in relation to angling, means any living or dead animal or vegetable substance (excluding live fish) which on account of the edibility, smell or taste thereof is used in angling to lure fish**;**

"night" means the period from half an hour after sunset on any day to half an hour before sunrise on the following day;

"non-indigenous wild animal" means a living or dead wild animal referred to in Schedule 6;

"open season" means a period declared an open season in terms of section 32;

"owner" in relation to land, means the person in whose name the land is registered in terms of the Deeds Registries Act, 1937 (Act No. 47 of 1937), or the Mining Titles Registration Act, 1967 (Act No.16 of 1967), provided that the persons mentioned below must be regarded as the owner in the following cases:

(a) the trustee, in the case of land held in trust;

(b) the executor or administrator, in the case of land in a deceased estate;

(c) the trustee or liquidator, in the case of land in an insolvent estate or in liquidation;

(d) the judicial manager, in the case of land under judicial management;

(e) the curator, in the case of land under curatorship;

(f) the usufructuary or *fiduciary*, in the case of a land that is subject to a usufruct or a *fidei-commissum,*;

(g) the lessee, in the case of land that is subject to –

  (i) a lease registered in terms of applicable legislation;

  (ii) a lease for a period of not less than ten years or for the natural life of either the lessee or another person mentioned in the lease; or

  (iii) a lease that is renewable from time to time by the lessee indefinitely or for periods which together with the first period amount to not less than ten years;

(h) the nominee of an association, in the case of land owned by an association of persons, whether corporate or not, or if no such nomination was made, the chairperson or the last known chairperson of such association or the person to whom the control of the land has been entrusted; or

(i) the relevant authority, in the case of a public area or the road reserve of any public road;

"permit" includes any licence, document or certificate issued in terms of, or referred to in this Act;

"pick" includes to gather, cut off, chop off, uproot, damage or to destroy wholly or partially, or any similar action;

"poison" includes any poison, preparation or chemical used to catch, immobilize, sterilize, kill or physically harm a wild or alien animal, invertebrate or aquatic biota**;**

"prescribe" means prescribe by regulation in terms of section 12**2**;

"Private Nature Reserve" means an area declared in terms of section 21(3)(a);

"professional hunter" means a person who –

(a) supervises, offers to or agrees to supervise a client for reward in connection with the hunting of a wild or alien animal; and

(b) is the holder of a permit in terms of section 49(1)(a);

"protected area" means**–**

(a) a provincial nature reserve;

(b) a site of ecological importance;

(c) a protected environment;

(d) a private nature reserve; or

(e) a resource use area;

"protected environment" means an area declared a Protected Environment or Private Nature Reserve in terms of section 21(1)(a);

"protected plant" means a plant referred to in Schedule 12;

"protected wild animal" means a living or dead wild animal referred to in Schedule 3;

"Provincial Nature Reserve" means an area declared a Provincial Nature Reserve in terms of section 15(1)(a);

"public road" means a road, road reserve, outspan, resting place or watering place to which the public has a right of access;

"rare species" means a species of *fauna* and *flora* referred to in section 6**8**(a)(ii), and includes –

(a) any living or dead specimen of such a species; or

(e) any egg, skin, bone, feather, seed, flower or any other part or derivative of such a species;

"reserved area" means –

(a) land reserved by the MEC in terms of section 1**19**(1)(b) for the purposes of –

(i) the Environmental Management Authority; or

(ii) the conservation of any particular –

(aa) species of wild animal;

(bb) aquatic system;

(cc) species of aqua biota;

(dd) species of invertebrate;

(ee) species of specially protected plant or protected plant;

(ff) cave;

(iii) the establishment, extension or improvement of any aquaculture; or

(b) an area referred to in paragraph (b) of Schedule 10;

"Resource use area" means -

(a) conservancy; or

(b) similar ecologically sensitive area that require collaborative management practises to sustain natural processes;

"seedling" in relation to the genus *Encephalartos,* means a plant of which the diameter of the

trunk or bulb, either above or below the ground, does not exceed 150 mm, and 70 mm in the case of *E. caffer, E. cerinus, E. cupidus, E. humilis, E. ngoyanus* and *E. numbimontanus;*

"sell" means give or offer at a price, barter, or offer or display for sale, and **"buy"** must be construed accordingly;

"species" means any species, sub-species, or geographically separate population thereof;

"set-line" means a line and fish-hook which, when used for catching fish, is not under the direct charge of any person but is fastened to anything, but excludes a line and fish-hook fixed to a reel or rod lying loose on the ground or resting on a fork or a stand;

"Site of Ecological Importance" means an area declared a Site of Ecological Importance in terms of section 18(1)(a);

"specially protected wild animal" means a living or dead wild animal, referred to in Schedule 2;

"specially protected plant" means a plant referred to in Schedule 11;

"taxidermist"-

(a) means a person that, as a profession, prepares and mounts a skin, horn or any other derivative of a wild or alien animal with lifelike effect; and

(b) includes the dipping and packing of any skin, horn or any similar derivative of a wild or alien animal for the purpose of exporting either directly or indirectly to a client; and "**taxidermy**" has a corresponding meaning;

"this Act" includes –

(a) a Schedule to the Act;

(b) a regulation made in terms of section 12**2**; and

(c) a notice published in terms of section 3, 15, 18, 21, 22, 29, 32, 46, 56, 57(1)(c) or (2), 7**1,** 7**4,** 8**0,** 8**2,** 10**5** and 12**3;**

"vessel" means any means of transportation, whether on land, in or on water or through the air;

"weapon" means –

(a) a fire-arm;

(b) the ammunition for a fire-arm;

(c) any other weapon or implement with which a projectile can be so propelled that it can kill, injure or immobilize a wild or alien animal;

(d) any projectile for use in connection with such other weapon or implement; or

(e) any chemical or preparation for use in connection with such projectile;

"wild animal" means –

(a) a specially protected wild animal;

(b) a protected wild animal;

(c) game;

(d) a Non-indigenous wild animal referred to in schedule 6;

(e) any other vertebrate, including a bird and a reptile, but excluding a fish, belonging to a species which is not a recognised domestic species and the natural habitat of which is either temporarily or permanently in the Republic; or

(f) the carcass, egg, flesh, (fresh or cured), biltong, hide, thong, tooth, tusk, bone, horn, shell, scale, claw, nail, hoof, paw, tail, ear, hair, feather or any other part or derivative of any of the animals mentioned in paragraphs (a) to (e); and

"wildlife translocator" means a person who catches or moves a wild or alien animal from one place to another as a profession.

Objectives of this Act

2. (1) The objectives of this Act are –

(a) to manage and protect the environment in the Province;

(b) to secure ecologically sustainable development and responsible use of natural resources in the Province**;**

(c) generally to contribute to the progressive realisation of the fundamental rights contained in section 24 of the Constitution of the Republic of South Africa , 1996 (Act No. 108 of 1996); and

(d) to give effect to international agreements effecting environmental management which are binding on the Province.

(2) This Act must be interpreted and applied in accordance with the national environmental management principles set out in Section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998).

Policy to give effect to this Act

3. (1) The MEC may by notice in the *Provincial Gazette* –

(a) determine a policy relating to any matter necessary or expedient to give effect to the provisions of this Act;

(b) amend the policy determined in terms of paragraph (a); and

(c) ensure that policy made by National Government in relation to environmental management, is complied with.

(2) A policy determined in terms of subsection (1) binds provincial and local government and other provincial organs of state specified in the notice.

CHAPTER 2

ENVIRONMENTAL ADVISORY BODIES

Establishment

4. (1) The MEC may by notice in the *Provincial Gazette* establish one or more Environmental Advisory Bodies for the Province.

(2) The functions and powers of an Environmental Advisory Body are as prescribed.

Composition and appointment

5. (1) The MEC must –

(a) determine the composition of an Environmental Advisory Body;

(b) appoint the members of the Environmental Advisory Body in accordance with subsection (2) for a prescribed term; and

(c) appoint one of the members as the chairperson of the Environmental Advisory Body.

(2) When necessary the MEC must –

(a) by notice in the *Provincial Gazette,* in at least one newspaper circulated in the Province and by means of radio broadcasts covering the area, invite interested parties to nominate within a period specified in the notice, persons for appointment to an Environmental Advisory Body;

(b) draw up a list of persons nominated; and

(c) appoint from the list, persons who comply with section **6**.

(3) When making appointments, the MEC must –

(a) ensure that the body collectively possesses sufficient knowledge and experience concerning issues relevant to the functions of the Environmental Advisory Body;

(b) take into account the need for representivity in the Environmental Advisory Body; and

(c) ensure that the Environmental Management Authority is represented on the Environmental Advisory Body.

Qualifications and disqualifications

6. (1) A member of an Environmental Advisory Body must be a fit and proper person to hold office as a member of the Environmental Advisory Body.

(2) The following persons are ineligible for appointment as members of an Environmental Advisory Body-

(a) unrehabilitated insolvents;

(b) persons who have been found guilty of a crime involving dishonesty;

(c) persons who have been removed from an office of trust by a competent court or after a proper disciplinary procedure;

(d) persons who have been sentenced to a term of imprisonment without the option of a fine; or

(e) persons who have been declared unable to conduct their own affairs by a competent court.

Conduct of members

7. (1) A member of an Environmental Advisory Body –

(a) must perform the functions of office in good faith and without favour or prejudice;

(b) must disclose to the Environmental Advisory Body any personal or private business interest that that member or any spouse, partner or close family member may have in any matter before the Environmental Advisory Body, and must withdraw from the proceedings of the Environmental Advisory Body when that matter is considered, unless the Environmental Advisory Body decides that the member's interest in the matter is trivial or irrelevant;

(c) may not use the position or privileges of a member for private gain or to improperly benefit another person; and

(d) may not act in any other way that compromises the credibility or integrity of the Environmental Advisory Body.

(2) A member who contravenes or fails to comply with subsection (1) is guilty of misconduct.

Termination of membership

8. (1) A person ceases to be a member of an Environmental Advisory Body when that person –

(a) is no longer eligible in terms of section **6** to be a member;

(b) resigns; or

(c) is removed from office in terms of subsection (3).

(2) A member may resign by giving at least three month's written notice to the MEC, but the MEC may accept a shorter notice period in a specific case.

(3) The MEC may remove a member from office on the grounds of misconduct, incompetence or incapacity, or on any other reasonable ground.

Vacancies

9. (1) When the office of a member of an Environmental Advisory Body becomes vacant, the MEC may, subject to section **6**, appoint any person to fill the vacancy.

(2) A person appointed to fill a vacancy holds office for the unexpired portion of the vacating member's term.

Meetings

10. (1) The Environmental Advisory Body must meet at least twice a year. The chairperson of an Environmental Advisory Body decides when and where the Environmental Advisory Body meets, but the majority of the members or the Environmental Management Authority may request the chairperson in writing, to convene a meeting at a time and place set out in the request.

(2) The chairperson presides at meetings of the Environmental Advisory Body but if the chairperson is absent from a meeting, the members present must elect another member to preside at the meeting.

Procedures

11. An Environmental Advisory Body may determine its own procedures, subject to section 12.

Quorum and decisions

12. (1) A majority of all the members of an Environmental Advisory Body constitutes a quorum for a meeting of the Environmental Advisory Body.

(2) A matter before the Environmental Advisory Body is decided by the votes of a majority of the members present at the meeting.

(3) If on any matter before the Environmental Advisory Body there is an equality of votes, the member presiding at the meeting must exercise a casting vote in addition to that member's vote as a member.

Committees established by Environmental Advisory Bodies

13. (1) An Environmental Advisory Body may establish one or more committees to advise it on any matter within the functions of the Environmental Advisory Body.

(2) The Environmental Advisory Body establishing a Committee must determine –

(a) the mandate of the committee;

(b) the composition of the committee, which may include persons who are not members of the Environmental Advisory Body;

(c) the operating procedure of the committee, including –

(i) the quorum for a meeting of the committee; and

(ii) the manner in which decisions must be taken;

(d) the term of office of the members of the committee;

(e) who presides at meetings of the committee;

(f) the manner in which vacancies may be filled; and

(g) any other matter in connection with the committee that the Environmental Advisory Body may regard necessary.

(3) When appointing members of a Committee, the Environmental Advisory Body must –

(a) ensure that the members appointed are fit and proper persons or persons whose appointment will further the purpose of the Committee; and

(b) take into account the need for representivity in the Committee.

(4) Sections **7** and **8**(3) also apply to members of a Committee, and in such application a reference in those sections to an Environmental Advisory Body must be read as a reference to a Committee.

Remuneration and allowances

14. (1) The MEC may from time to time determine the remuneration, travelling and subsistence allowances and other allowances payable to a member of an Environmental Advisory Body or a Committee, if that member is not an officer or employee in the Public Service**.**

(2) The remuneration and allowances determined in terms of subsection (1) must –

(a) be in accordance with any applicable treasury norms and standards in terms of the Public Finance Management Act, 1999 (Act No.1 of 1999); and

(b) be paid from moneys appropriated by the Provincial Legislature for that purpose.

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CHAPTER 3
PROTECTED AREAS

Part 1
Provincial Nature Reserves

Declaration of Provincial Nature Reserves

15. (1) The MEC may by notice in the *Provincial Gazette* –

(a) declare an area specified in the notice as a Provincial Nature Reserve, taking into account the criteria set out in item 1 of Schedule 1;

(b) assign a name to the Provincial Nature Reserve so declared;

(c) amend the size or composition of a Provincial Nature Reserve; or

(d) withdraw the declaration of a Provincial Nature Reserve.

(2) The MEC –

(a) may publish a notice in terms of subsection (1) only with the approval of the Executive Council; and

(b) must table as soon as practicable every notice published in terms of subsection (1) in the Provincial Legislature.

(3) Part 5 of this Chapter must be complied with before a notice is published in terms of subsection (1).

Acquisition of land for Provincial Nature Reserves

16. (1) The MEC may, with the approval of the Executive Council, acquire land or any right in or to land for the purposes of a Provincial Nature Reserve by –

(a) purchasing the land;

(b) exchanging the land for provincial land situated outside a Provincial Nature Reserve; or

(c) expropriating the land if no agreement can be reached with the owner.

(2) The Expropriation Act, 1975 (Act No. 63 of 1975), applies with respect to any acquisition of land or right in or to land in terms of subsection (1)(c).

Management of Provincial Nature Reserves

17. (1) The MEC may by notice in the *Provincial Gazette* –

(a) where the Environmental Management Authority is not the executing agent, appoint a competent natural or juristic person to be the Management Agency to control, manage, maintain and develop environmental issues within a Provincial Nature Reserve;

(b) disclose the powers and duties of the Management Agency of a Provincial Nature Reserve;

(c) provide a management framework, norms and standards for-

(i) biodiversity management and conservation in a Provincial Nature Reserve;

(ii) sustainable use of biological resources in a Provincial Nature Reserve;

(iii) environmental education and community development in and adjacent to a Provincial Nature Reserve;

(iv) ecotourism in a Provincial Nature Reserve;

(v) commercial activities in a Provincial Nature Reserve, including any activities resulting in the consumptive use of species or aimed at raising revenue.

(2) The Management Agency shall be obliged-

(a) to control, manage, maintain and develop environmental issues within a Provincial Nature Reserve in accordance with this Act, any regulations made under this Act and any other environmental legislation;

(b) to employ an appropriate environmental management system agreed to by

the MEC to-

(i) set measurable targets for fulfilling their obligation as referred to in paragraph (a), including dates for the achievement of such targets; and

(ii) provide for-

(aa) periodic monitoring and reporting of performance against targets;

(bb) independent verification of reports;

(cc) regular independent monitoring and inspections;

(dd) verifiable indicators of compliance with any targets, norms and standards laid down in subsection(1)(b) as well as any obligations required by law; and

(ee) measures to be taken in the event of non-compliance and improvement on the standards laid down for the protection of the environment.

(3) The MEC –

(a) may publish a notice in terms of subsection (1) only with the approval of the Executive Council; and

(b) must table as soon as practicable every notice published in terms of subsection (1) in the Provincial Legislature.

(4) The Environmental Management Authority or Management Agency appointed in terms of this Chapter may, subject to the provisions of environmental legislation, within a Provincial Nature Reserve–

(a) undertake any development necessary for the control, management or maintenance of environmental issues within the Provincial Nature Reserve;

(b) take steps to ensure the security, protection and conservation of animal and plant life in their natural state;

(c) manage breeding programmes;

(d) provide accommodation for visitors and facilities in connection therewith;

(e) provide meals and refreshments for visitors and staff;

(f) carry on any business or trade or provide other services for the convenience of visitors or staff;

(g) establish, erect, equip and maintain any building, structure, depot or premises that may be required for the purposes of this section and let any such building or premises to a member of the public or the staff;

(h) determine and collect fees for any service referred to in paragraph (d), (e) or (f);

(i) authorise any person to provide, subject to such conditions and the payment of such fees as it may deem fit, any service in terms of paragraph (d),(e) and (f); and

(j) perform any other functions which are necessary to control, manage and maintain environmental issues within a Provincial Nature Reserve.

(5) Only the Environmental Management Authority may-

(a) sell, exchange or donate animals, plants or aquatic biota found in any Provincial Nature Reserve; or

(b) acquire any animal, plant or aquatic biota which the Environment Management Authority may consider desirable to introduce into any Provincial Nature Reserve.

Part 2

Sites of Ecological Importance

Declaration of Sites of Ecological Importance

18. (1) The MEC may by notice in the *Provincial Gazette* –

(a) declare an area specified in the notice as a Site of Ecological Importance,

taking into account the criteria set out in item 2 of Schedule 1;

(b) assign a name to the Site of Ecological Importance so declared;

(c) amend the size or composition of the Site of Ecological Importance; or

(d) withdraw the declaration of a Site of Ecological Importance.

(2) If a site referred to in subsection (1) –

(a) is situated on land which is owned by the Provincial Government –

(i) the site may only be declared with the approval of the Executive Council; and

(ii) the notice containing the declaration must be tabled in the Provincial Legislature as soon as is practicable; or

(b) is situated wholly or partially on privately owned land the site may only be declared with the concurrence of the private owner .

(3) Part 5 of this Chapter must be complied with before a notice is published in terms of subsection (1).

Acquisition of land on which Sites of Ecological Importance are situated

19. (1) The MEC may, with the approval of the Executive Council, acquire private land or any right in or to private land on which a Site of Ecological Importance has been or is proposed to be declared by –

(a) purchasing the land;

(b) exchanging the land for provincial land; or

(c) expropriating the land, if no agreement can be reached with the owner.

(2) The Expropriation Act, 1975 (Act No. 63 of 1975), applies with respect to any acquisition of land or right in or to land in terms of subsection (1)(c).

Management of Sites of Ecological Importance

20. (1) The MEC may by notice in the *Provincial Gazette* –

(a) where the Environmental Management Authority is not the executing agent, appoint a competent natural or juristic person to be the Management Agency to control, manage, maintain and develop a Site of Ecological Importance;

(b) disclose the powers and duties of the Management Agency of a Site of Ecological Importance;

(c) provide a management framework, norms and standards for-

(i) biodiversity management and conservation in a Site of Ecological Importance;

(ii) sustainable use of biological resources in a Site of Ecological Importance;

(iii) environmental education and community development in and adjacent to a Site of Ecological Importance;

(iv) ecotourism in a Site of Ecological Importance; and

(v) commercial activities in a Site of Ecological Importance, including any activities resulting in the consumptive use of species or aimed at raising revenue.

(2) The Environmental Management Authority may subject to the provisions of environmental legislation, within a Site of Ecological Importance —

(a) undertake any development necessary for the control, management or maintenance of the site;

(b) take steps to ensure the security, protection and conservation of animal and plant life in their natural state;

(c) perform any other functions which are necessary to control, manage and maintain a Site of Ecological Importance;

(d) sell, exchange or donate animals and plants found in any Site of Ecological Importance; or

(e) acquireany animal or plant which the Environmental Management Authority may consider desirable to introduce into any Site of Ecological

Importance.

(3) The Environmental Management Authority or the Management Agency may, subject to the provisions of the environmental legislation, within a Site of Ecological Importance-

(a) provide accommodation for visitors and staff and facilities in connection therewith;

(b) provide meals and refreshments for visitors and staff;

(c) carry on any business or trade or provide other services for the convenience of visitors and staff;

(d) establish, erect, equip and maintain any building, structure, depot or premises that may be required for the purposes of this section and let any such building or premises to a member of the public or staff;

(e) determine and collect fees for any service referred to in paragraphs (a), (b) or (c);

(f) authorise any person to provide, subject to such conditions and the payment of such fees as it may deem fit, any service in terms of paragraphs (a),(b) or (c).

(4) The provisions of Section 17(2) shall apply to a Site of Ecological Importance managed by a Management Agency.

Part 3

Protected Environments and Private Nature Reserves

Declaration of Protected Environments and Private Nature Reserves

21. (1) The MEC may by notice in the *Provincial Gazette* on land owned by the state and on the written application by the authority managing the land –

(a) declare an area specified in the notice as a Protected Environment, taking into account the criteria set out in item 3 of Schedule 1;

(b) assign a name to the Protected Environment so declared; or

(c) amend the size or composition of the Protected Environment.

(2) The MEC may withdraw the declaration referred to in subsection (1)(a) —

(a) on the written application by the authority managing the land owned by the state; or

(b) when the MEC deems it necessary.

(3) The MEC may by notice in the *Provincial Gazette* on privately owned land and on the written application by the owner —

(a) declare an area specified in the notice as a Protected Environment or Private Nature Reserve, taking into account the criteria set out in item 3 of Schedule 1;

(b) assign a name to the Protected Environment or Private Nature Reserve so declared; or

(c) amend the size or composition of the Protected Environment or Private Nature Reserve.

(4) The MEC may withdraw the declaration referred to in subsection (3)(a)—

(a) on the written application by the owner of the privately owned land; or

(b) when the MEC deems it necessary.

(5) The MEC may by notice in the *Provincial Gazette* on adjoining land owned by the state and on privately owned land, on the written application by the owner and the authority managing the land -

(a) declare an area specified in the notice as a Protected Environment or Private Nature Reserve, taking into account the criteria set out in item 3 of Schedule 1;

(b) assign a name to the Protected Environment or Private Nature Reserve so declared; or

(c) amend the size or composition of the Protected Environment or Private Nature Reserve.

(6) The MEC may withdraw the declaration referred to in subsection (5)(a)-

(a) on the written application by the owner of the privately owned land and the authority managing the state land; or

(b) when the MEC deems it necessary.

(7) A person who uses the words "Protected Environment" or "Private Nature Reserve" in assigning a name to land without that land having been declared as such in terms of subsections (1)(a), (3)(a) or (5)(a) is guilty of an offence.

(8) Part 5 of this Chapter must be complied with before a notice is published in terms of subsection (1).

Part 4

Resource use areas

Recognition of Resource use areas

22. (1) The MEC may, by notice in the *Provincial Gazette* –

(a) recognise an area specified in the notice as a Resource use area, taking into account the criteria set out in item 4 of Schedule 1**;**

(b) amend the size or composition of a Resource use area; or

(c) withdraw the recognition of a Resource use area.

(2) Part 5 of this Chapter must be complied with before a notice is published in terms of subsection (1).

Part 5

Procedures for declaration or recognition of all protected areas

Notice to be given of all declarations and recognition

23. (1) Before an area is declared or recognised as a Provincial Nature Reserve, a Site of Ecological Importance, a Protected Environment, a Private Nature Reserve or a Resource use area, the MEC must –

(a) give notice of the intention to declare or recognise the area-

(i) in the *Provincial Gazette,;*

(ii) in at least one newspaper circulating in the Province; and

(iii) by airing such notice on radio stations broadcasting to the area; and

(b) send a copy of the notice by registered post to the last known postal address of every owner whose land will directly be affected by the declaration or recognition.

(2) The notice must –

(a) invite members of the public to submit to the MEC written representations on or objections to the proposed declaration or recognition within 30 days from the date of publication of the notice; and

(b) contain sufficient information to enable members of the public to submit meaningful representations or objections, and must include a clear indication of the area that will be affected.

(3) The MEC must give due consideration to all representations or objections received before declaring or recognising an area as a Provincial Nature Reserve, a Site of Ecological Importance, a Protected Environment, a Private Nature Reserve or a Resource use area.

Oral representations or objections

24. The MEC may in appropriate circumstances allow any interested person to present oral representations or objections to the MEC or to a person designated by the MEC.

Part 6

Primary responsibility for Sites of Ecological Importance and Protected Environments

Responsibility for Sites of Ecological Importance, Protected Environments and Private Nature Reserves on private land

25. (1) If a Site of Ecological Importance, a Protected Environment or a Private Nature Reserve is declared on private land, the owner of the land is responsible for the management, control and maintenance of that land**.**

(2) Such management shall be guided by integrated environmental management practices which may include-

(a) a management plan for biodiversity management in the Protected Environment or Private Nature Reserve;

(b) an undertaking by the owner concerned, to improve on the standards stipulated by the law for the protection of the environment which are applicable to the declaration of an area as a Protected Environment or Private Nature Reserve;

(c) a set of measurable targets for fulfilling the undertaking in paragraph (b);

(d) provision for-

(i) periodic monitoring and reporting of performance against targets;

(ii) independent verification of reports;

(iii) regular independent monitoring and inspections; and

(iv) verifiable indicators of compliance with any targets, norms and standards adopted;

(e) measures to be taken in the event of non-compliance and improvement on

the standards stipulated for the protection of the environment.

(3) The MEC may consider the granting of incentives to an owner to promote responsible integrated environmental management on land declared a Protected Environment or Private Nature Reserve.

(4) The MEC must, annually, by notice in the *Provincial Gazette* publish the prescribed information regarding incentives granted in terms of subsection (3).

Responsibility for Sites of Ecological Importance, Protected Environments and Private Nature Reserves on provincial and private land

26. (1) If a Site of Ecological Importance, a Protected Environment or a Private Nature Reserve extends on land owned or administered by the Province and on private land, the Province and the private owner are jointly responsible for, and the financing of, the management, control and maintenance of the land in accordance with an agreement to be concluded between the MEC and the private land owner**.**

(2) Such agreement must be in writing and may include conditions for the establishment of a body corporate, a management committee, a company or a trust, to be controlled and administered as the parties may agree.

(3) The MEC must publish the agreement in the *Provincial Gazette.*

(4) An agreement published in terms of subsection (3) is binding on the successors in title of the private landowner unless the contrary is expressly agreed upon and provided for in the agreement.

(5) If the private landowner cannot readily be located, the MEC is responsible for the management, control and maintenance of the land.

(6) The MEC, acting with the concurrence of the Member of the Executive Council

responsible for finance in the Province, may from funds appropriated by the Provincial Legislature render financial assistance in connection with the management, control and maintenance of the land.

Part 7

General provisions affecting certain Protected Areas

Endorsement by Registrar of Deeds

27. (1) The MEC must in writing notify the Registrar of Deeds whenever an area has been declared a Provincial Nature Reserve, a Site of Ecological Importance, a Protected Environment, a Private Nature Reserve or a Resource use area, or in respect of which a declaration has been amended or withdrawn.

(2) On receipt of the notification, the Registrar of Deeds must make an endorsement against the title deed of each affected piece of land reflecting the declaration or the amendment or withdrawal of the declaration.

Mining in Protected Areas

28. (1) No person may conduct prospecting, mining or related operations –

(a) within a Provincial Nature Reserve, a Protected Environment, a Private Nature Reserve or a Resource use area, except with the approval of the Executive Council; or

(b) on a Site of Ecological Importance.

(2) Before a person applies to the Executive Council for its approval in terms of subsection (1)(a), that person must –

(a) (i) give notice in at least two newspapers circulating in the province; and

(ii) air such notice on radio stations broadcasting to the area;

of that person's intention to conduct prospecting, mining or related operations within a

Provincial Nature Reserve, a Protected Environment or a Resource use area; and

(b) send a copy of the notice by registered post to the last known postal address of every owner whose land will directly be affected by the proposed operations.

(3) The notice must –

(a) invite members of the public to submit to the Executive Council written representations on or objections to the proposed operations within 30 days from the date of publication of the notice; and

(b) contain sufficient information to enable members of the public to submit meaningful representations or objections, and must include a clear indication of the area that will be affected.

(4) The Executive Council –

(a) must give due consideration to all representations or objections submitted to it before granting or refusing its approval; and

(b) if it grants the application, may grant its approval subject to conditions.

(5) The MEC must as soon as practicable –

(a) publish details of the approval in the *Provincial Gazette,* in at least one newspaper circulated in the Province and by means of radio broadcasts covering the area; and

(b) table any approval granted in terms of subsection (4) in the Provincial Legislature.

Issuing of directives by MEC

29. (1) The MEC may by notice in the *Provincial Gazette* –

(a) issue directives in respect of a Protected Area in order to achieve the objectives of this Chapter, including directives relating to the preservation or use of water in the area; or

(b) amend or repeal any directives issued in terms of paragraph (a).

(2) Before publishing any notice in terms of subsection (1) the MEC must –

(a) publish the draft directives in the *Provincial Gazette* for public comment;

(b) send a copy of the draft directives by registered post to the last known postal address of every owner whose land will directly be affected by the directives; and

(c) obtain the concurrence of each member of the Executive Council charged with the administration of legislation which relates to a matter that will be affected by the directives.

(3) The MEC must in writing notify the Registrar of Deeds whenever directives have been issued in respect of a Protected Area.

(4) On receipt of the notification the Registrar of Deeds must make an endorsement against the title deed of each affected piece of land, reflecting the fact that directives in terms of this section have been issued.

Regulations

30. The MEC may make regulations in terms of section **122** relating to any matter that may be necessary to facilitate the effective implementation of this Chapter.

CHAPTER 4
WILD AND ALIEN ANIMALS

Part 1: Hunting and catching of wild and alien animals

Hunting of Wild and Alien animals

31. (1) No person may without a permit hunt –

(a) specially protected wild animals;

(b) protected wild animals;

(c) game;

(d) specially protected wild animals, protected wild animals, game and non-indigenous wild animals during the night;

(e) in a Provincial Nature Reserve, a Site of Ecological Importance, a Protected Environment or a Private Nature Reserve; or

(f) a wild animal referred to in Schedule 5 which –

(i) is under the influence of a tranquillising, narcotic, immobilising or similar agent;

(ii) has been lured by –

(aa) a simulation or recording of the natural sound made by an animal;

(bb) an imitating sound made by a human; or

(cc) bait;

(iii) has been confined to a cage; or

(iv) has been confined to an enclosure, the size of which must be prescribed, from which it cannot readily escape.

(2) The provisions of –

(a) subsection (1)(a),(b),(c) and (d) do not apply to a professional hunter supervising a client during lawful hunting; and

(b) subsection (1)(c) do not apply to –

(i) an owner of land who hunts game during an open season on the owner's land; or

(ii) a family member of an owner of land who, during an open season, hunts game on the owner's land with the written permission of the owner.

(3) No person may hunt a wild or alien animal on land of which that person is not the owner, except with the written permission of the owner of the land.

(4) For the purposes of this section **"hunt"** includes –

(a) the construction of a pitfall, trap-cage, capture boma or holding pen; and

(b) the possession, erection or handling of any snare, trap, gin, net, bird-lime, bow and arrow, set-gun, poison or similar device, means or method, on any land on which any wild or alien animal is found or is likely to be found.

Open season to hunt game

32. (1) The MEC may, by notice in the *Provincial Gazette,* declare a period of the year to be an open season for hunting purposes.

(2) A notice published in terms of subsection (1) must specify –

(a) the persons or category of persons that may hunt during the open season;

(b) the species and sex, or the other categories, of game that may be hunted during the open season; and

(c) the area or category of areas in which hunting is allowed during the open season.

(3) The MEC must, when declaring a period of the year to be an open season for hunting purposes under subsection (1)-

(a) publish such notice in at least two newspapers circulating in the Province; and

(b) cause such notice to be aired on at least two radio stations broadcasting in the Province.

Hunting on Provincial Nature Reserve, Sites of Ecological Importance, Protected Environments or Private Nature Reserve

33. The owner of land on which a Provincial Nature Reserve, a Site of Ecological

Importance, a Protected Environment or a Private Nature Reserve have been declared and who is the holder of a permit to hunt on such land, may not allow any person to hunt on that land –

(a) except during an open season; and

(b) provided such person –

(i) is the holder of a permit; and

(ii) has obtained the written permission of the owner.

Transfer of hunting-rights

34. (1) An owner of land may in writing transfer any hunting-rights to which that owner is entitled, to any other person.

(2) A person to whom hunting-rights have been transferred in terms of subsection (1) may not exercise those rights without a permit.

(3) An owner of land who transfers hunting-rights to a hunting-outfitter, may not amend or withdraw those hunting rights without notifying the hunting outfitter concerned, in writing, 60 days before the amendment or withdrawal takes effect.

Catching of Wild and Alien animals

35. (1) No person may without a permit operate as a wildlife translocator.

(2) Subsection (1) does not apply to the owner of land who catches wild or alien animals on his or her own land.

(3) No person may without a permit catch specially protected wild animals, protected wild animals, game and non-indigenous wild animals.

(4) Subsection (3) does not apply to any person assisting the holder of a permit on the instruction of the permit holder.

(5) No person may catch a wild or alien animal on land of which that person is not

the owner, except with the written permission of the owner of the land.

(6) For the purposes of this section "catch" includes –

(a) the construction of a pitfall, trap-cage, capture boma or holding pen; or

(b) the possession, erection or handling of any snare, trap, gin, net, bird-lime, bow and arrow, set gun, poison or similar device, means or method, on any land on which any wild or alien animal is found or is likely to be found.

Leaving or making of openings in certain fences

36. No person may without a permit, on land upon which wild animals are found or likely to be found and which is fenced in such a manner that such wild animals cannot readily escape, make an opening in the fence so designed that wild animals entering the land through the opening, cannot easily find the opening to escape.

Picking up or removal of wild animals

37. (1) No person may pick up or remove a wild animal which has not been hunted or caught lawfully or which has been killed or caught, or apparently killed or caught by an animal or bird of prey, unless such person has obtained the written permission of the owner of the land on which such wild animal was found beforehand or, where the owner is not available, of the office of the environmental compliance officer or the official in charge of the police station nearest to the land on which the wild animal was found.

(2) For the purpose of subsection (1) "land" includes a public road.

Prohibited acts relating to ways of hunting or catching wild or alien animals

38. (1) No person may without a permit –

(a) hunt specially protected wild animals, protected wild animals, game or non-indigenous wild animals with –

(i) a fire-arm which after it has been discharged, automatically reloads

and fires when the trigger is pulled or held in a discharged position;

(ii) a fire-arm which discharges a rim-fire cartridge of a calibre of 5,6 millimetres or smaller;

(iii) a shotgun; or

(iv) an air-gun; or

(b) hunt or catch a wild or alien animal with or by using –

(i) a snare, trap, gin, net, bird-lime, pitfall, capture boma, holding pen, trap cage or similar device, means or method;

(ii) a bow and arrow or similar weapon discharging an arrow;

(iii) a set gun or similar device;

(iv) a dog; or

(v) an aircraft.

(2) The provisions of –

(a) subsection (1)(a) do not apply to the owner of land, or a family member of the owner acting with the owner's written permission, who hunts protected wild animals, game or non-indigenous wild animals with any firearm on the owner's land;

(b) subsection (1)(a)(ii) and (iii) do not apply to any person who hunts a hare or a bird;

(c) subsection (1)(b)(i) do not apply to the owner of land, or a family member of the owner acting with the owner's written permission, who hunts or catches on the owner's land a wild animal which is not a specially protected wild animal, a protected wild animal, game or a non-indigenous wild animal by means of a trap cage placed in the immediate vicinity of a carcass of an animal which it apparently has killed; and

(d) subsection (1)(b)(iv) does not apply where a dog is used –

(i) in the lawful hunting of a bird; or

(ii) in the pursuit of a wild or alien animal which has been wounded during lawful hunting.

Prohibited acts relating to firearms

39. (1) No person whilst being in possession of a firearm may enter or be on land where wild or alien animals are found or likely to be found unless that person –

(a) has the written permission of the owner of that land; or

(b) has a lawful reason.

(2) For the purpose of subsection (1) **"land"** does not include a public road.

(3) No person may convey a firearm on a public road traversing land on which wild or alien animals are found or likely to be found unless the firearm is unloaded and secured in a gun bag, gun case or gun holder designed for that purpose.

(4) Subsection (3) does not apply to a person who conveys a handgun with a barrel no longer than 102 millimetres on a road traversing land on which wild or alien animals are found or likely to be found.

Part 2: Other prohibited acts

Poisoning of wild and alien animals

40. (1) No person may without a permit poison any wild or alien animal.

(2) Subsection (1) does not apply to any person poisoning a wild or alien animal with poison, which in terms of applicable legislation has been registered for the purpose of poisoning the species of wild or alien animal to which that animal belongs.

Prohibited acts regarding wild and alien animals

41. (1) No person may without a permit –

(a) acquire, possess, convey, keep, sell, purchase, donate or receive as a gift, any specially protected wild animal, protected wild animal, game, non-indigenous wild animal or animals referred to in Schedules 7 or 8;

(b) import into or export from the Province or convey or set free a live wild or alien animal referred to in Schedules 7 or 8; or

(c) establish or operate a wild animal park, bird park, reptile park, zoological garden, similar institution or commercial enterprise.

(2) No person may without a permit in terms of this Act or other document prescribed by other relevant legislation, convey any live wild or alien animal through the Province.

(3) Subsection (2) does not apply to a person conveying through the Province an animal belonging to a species, which is a recognised domestic species or pet, or a bird excluded in paragraph (a) of Schedule 8.

Keeping or conveyance of wild and alien animals in certain conditions

42. (1) No person may keep or convey a wild or alien animal in conditions –

(a) which are unhygienic; or

(b) in which the animal –

(i) may be injured or otherwise impaired; or

(ii) suffer unnecessarily.

(2) An Environmental Compliance Officer may –

(a) in writing instruct a person who keeps or conveys a wild or alien animal in contravention of subsection (1), or other person who has physical control of the animal, to rectify the matter immediately or within a reasonable period;

(b) issue instructions to that or such other person concerning the manner in which the animal must be kept, conveyed or otherwise treated;

(c) remove the animal from the custody of that or such other person without compensation if it is necessary to prevent injury, impairment, suffering or death of the animal; or

(d) keep, treat or release in a suitable environment an animal removed from the custody of a person in terms of paragraph (c).

Prohibited acts relating to dead wild and alien animals

43. (1) No person may without a permit –

(a) sell any dead specially protected wild animal, protected wild animal, game or non-indigenous wild animal; or

(b) sell biltong or sausage made from venison unless the packaging of such biltong or sausage indicates **–**

(i) that the contents is biltong or sausage made from venison; and

(ii) the name, business address, telephone and permit numbers of the person who packaged the biltong or sausage**.**

(2) No person may –

(a) acquire, possess, convey, convey through the Province, purchase, donate or receive as a gift, import into, export or remove from the Province, any dead wild or alien animal unless it was hunted lawfully or otherwise acquired lawfully; or

(b) in any manner referred to in subsection (a) handle a dead wild animal without the required documentation.

(3) The provisions of **–**

(a) subsection (1)(a) do not apply to the owner of land who sells the meat including biltong or sausage made from that meat or carcasses of specially protected wild animals, protected wild animals, game or non-indigenous wild animals hunted lawfully in terms of this Act on the owner's land; and

(b) subsection (2)(a) do not apply to –

(i) an owner of land who acquires, possesses, conveys,

imports, exports or removes from the Province, dead wild or alien animals, game or non-indigenous wild animals which were lawfully hunted on the land of that owner, if such owner can produce documentary proof indicating such ownership; or

(ii) any person who on behalf of the owner, conveys the wild animals with the owner's written permission.

Part 3: Powers of MEC

MEC may direct that wild and alien animals be hunted or caught

44. (1) The MEC may with the concurrence of the owner of land where wild or alien animals are found, instruct an Environmental Compliance Officer or other person in writing to hunt, catch or remove any specific animal, if the animal –

(a) is causing damage to livestock, cultivated trees or crops;

(b) is present in such numbers that grazing is materially damaged;

(c) is likely to constitute a danger to human life;

(d) is causing damage to property;

(e) is wounded or injured;

(f) should be hunted, caught or removed in the interest of environmental management; or

(g) is to be caught or removed for the survival of the species.

(2) The Environmental Compliance Officer or person instructed in terms of subsection (1) to hunt, catch or remove an animal –

(a) may enter upon any land to hunt, catch or remove the animal; and

(b) must deal with the carcass or with the caught animal as indicated in the written instruction.

Exemption of enclosed land from provisions of this Chapter

45. (1) Whenever the owner of enclosed land applies for exemption of any or all of the

provisions of this Chapter, excluding section 31(1)(f), and if such owner submits a written application and environmental management plan on the prescribed forms, the MEC may after having considered the application, grant such owner of land or any other person indicated in the application, such exemption.

(2) For the purposes of subsection (1) **"enclosed land"** means land which is enclosed in such a way that–

(a) the specially protected wild animals, protected wild animals and game found on that land are confined to that land; and

(b) those outside that land are excluded from entering that land.

(3) The holder of an exemption issued in terms of subsection (1) may, subject to any conditions contained in the exemption, grant permission in writing to any other person to –

(a) hunt or catch the species of live wild animals specified in the exemption on the land in respect of which the exemption was issued;

(b) sell such dead or live animals;

(c) convey such dead or live animals from that land to a destination indicated in the written permission;

(d) convey live wild animals to that land; or

(e) assist with the hunting, catching or conveyance of the animals.

Establishment of Wildlife Councils

46. (1) The MEC may by notice in the *Provincial Gazette,* establish a Wildlife Council in the area of a Traditional Authority after consultation with the Traditional Authority and the community living in the area.

(2) A Wildlife Council must perform the prescribed functions.

Powers of MEC

47. The MEC may –

(a) take steps that may be necessary or expedient –

(i) to breed or preserve any species of wild or alien animal or to promote or facilitate research in this regard;

(ii) to destroy, reduce, remove or eliminate, either generally or in a particular area, any species of wild or alien animal which may be harmful or detrimental to the existence of any other species of wild animal; or

(iii) to import into the Province and acclimatise any species of wild or alien animal;

(b) institute any survey or investigation in connection with any wild or alien animal;

(c) take steps that may be necessary or expedient to catch, purchase or otherwise acquire, sell, exchange, donate or otherwise dispose of any wild or alien animal; or

(d) on approval of a project proposal, authorize any person in writing to do research on any wild or alien animal.

Regulations

48. The MEC may for the purposes of this Chapter make regulations in terms of section **122** relating to –

(a) the requirements that must be complied with by a wildlife translocator before a permit referred to in section **35(1)** may be issued to the wildlife translocator;

(b) the registers, records, books or documents required to be kept by a wildlife translocator, and the inspection of such registers, records, books or documents;

(c) the control and regulation of the hunting or catching of wild or alien animals;

(d) the taking, disturbing, destruction or collection of the egg or egg shell of a bird or reptile to which this Chapter applies;

(e) the sale of a wild or alien animal;

(f) the import into or the export or removal from the Province of a wild or alien animal;

(g) the possession, keeping, rehabilitation, conveyance or removal of a wild or alien animal;

(h) the requirements to be complied with when any person has wounded a wild or alien animal;

(i) the type or calibre of firearm with which any person may hunt a wild or alien animal, or category of wild or alien animal;

(j) the poisoning of wild or alien animal;

(k) the acquisition or transfer of hunting-rights;

(l) bow hunting;

(m) the marking of individual wild or alien animals for identification purposes;

(n) Wildlife Councils, including matters relating to –

(i) the management and utilisation of wild and alien animals in the area of a Wildlife Council;

(ii) the functions and powers, duties, rights and privileges of Wildlife Councils;

(iii) the appropriate method for the equitable distribution of the benefits derived from the utilisation of wild and alien animals in the area of a Wildlife Council to the community living in the area;

(iv) the constitution of Wildlife Councils and the establishment and management of the funds of Wildlife Councils;

(v) the representation of the community on Wildlife Councils;

(vi) the form on and the manner in which an application for the establishment of a Wildlife Council must be submitted and the information to be contained therein;

(vii) any other matter necessary or expedient in relation to an application for or the establishment of a Wildlife Council;

(o) any other matter that may be necessary to facilitate the effective

implementation of this Chapter.

CHAPTER 5
PROFESSIONAL HUNTING

Professional hunters, hunting-outfitters, directors of professional hunting schools and taxidermists

49. (1) No person may without a permit act as –

(a) a professional hunter;

(b) a hunting-outfitter, or

(c) a director of a professional hunting school.

(2) No person may without a permit establish and operate a taxidermy.

Hunting of wild and alien animals by clients

50. (1) A client may hunt a wild or alien animal only –

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

(b) under the supervision of a professional hunter.

(2) A hunting-outfitter and professional hunter –

(a) must ensure that the client hunts in accordance with this Act; and

(b) may give the client any lawful instruction which the client must obey at all times.

(3) A hunting-outfitter and professional hunter must without delay report any act committed by a client in breach of a provision of this Act to the nearest-

(a) office of the Environmental Management Authority; or

(b) Police Station .

(4) A hunting outfitter and professional hunter may not present or conduct a hunt

with a client under false pretences.

Hunting-outfitters to be holders of hunting-rights

51. (1) A hunting-outfitter may not present, advertise, organise or conduct the hunting of a wild or alien animal for a client, unless the hunting-outfitter –

(a) is the holder of hunting-rights on the land on which the hunting is presented, advertised, organised or conducted; or

(b) is authorised by the MEC in writing, to present a hunt of specific wild or alien animals.

(2) A professional hunter may not escort a client on a hunt unless the hunting outfitter is the holder of the hunting rights and must at all times carry a copy of such hunting rights on such holder of hunting rights.

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Professional hunting schools

52. The MEC may appoint such number of persons, as the MEC may deem expedient or necessary as directors of professional hunting schools to conduct these schools, and to advise the MEC on the performance of an applicant in relation to the prescribed *curriculum*.

Regulations

53. The MEC may for the purposes of this Chapter make regulations in terms of section **122** relating to –

(a) the requirements that must be complied with by a professional hunter, hunting-outfitter, director of a professional hunting school or taxidermist before a permit referred to in section **49** may be issued to the professional hunter, hunting-outfitter, director of a professional hunting school or taxidermist;

(b) the *curriculum* and other requirements to be complied with by professional hunting schools or directors of such schools;

(c) the exportation or removal from the Province of a hunted wild or alien

animal;

(d) the requirements to be complied with when a client has wounded a wild or alien animal;

(e) the type and calibre of firearm with which any wild or alien animal may be hunted;

(f) the registers, records, books or documents required to be kept by professional hunters, hunting-outfitters, directors of professional hunting schools and taxidermists, and the inspection of such registers, records, books or documents;

(g) the supervision of hunting by a client, services and conveniences, agreements between a hunting-outfitter and a client, advertising to act as a hunting-outfitter, the obtaining of licences, permits and exemptions from the qualifying requirements which must be complied with, the documents and written permissions for a client and the dispatching of trophies;

(h) the control and conducting of professional hunting schools; and

(i) any other matter that may be necessary to facilitate the effective implementation of this Chapter.

CHAPTER 6
AQUATIC BIOTA AND AQUATIC SYSTEMS

Catching of fish

54. (1) No person may without a permit –

(a) catch fish in any aquatic system otherwise than by means of angling;

(b) place in any aquatic system any obstruction preventing the free passage of fish;

(c) drain or partially drain or attempt to drain any aquatic system in order to catch or kill fish in any manner whatsoever;

(d) catch fish during a closed season in an aquatic system specified in a notice issued in terms of section **56**;

(e) wilfully damage, disturb or destroy the ova or spawn of fish or the spawning bed, bank or shallow where the spawn of fish is deposited;

(f) while angling, employ a method to hook fish on any part other than in the mouth;

(g) angle with –

(i) more than two lines;

(ii) a line to which more than two single hooks are attached with natural bait; or

(iii) a line to which more than one artificial lure or spoon is attached;

(h) catch fish with a set line;

(i) catch, stun or kill fish by means of any explosive or electrical device;

(j) wilfully poison fish by any means or method;

(k) make a feeding area in waters by placing any animal matter, vegetable matter or other substance therein to lure fish; or

(l) angle in a Provincial Nature Reserve, a Site of Ecological Importance, a Protected Environment or a Private Nature Reserve.

(2) Subsection (1)(a) to (d),(f) to (h) and (l) does not apply to the following persons

with respect to an aquatic system that has been artificially created and that is totally surrounded by the land of the owner —

(a) the owner of such land;

(b) a family member acting with the written permission of the owner;

(c) an employee in the full time service of the owner acting on the written instruction or with the written permission of the owner; and

(d) any other person acting with the written permission of the owner.

Possession of fishnets, fish traps or similar devices

55. (1) No person may on land on which an aquatic system occurs, be in possession of a fishnet**,** a fish trap or a similar device designed for the catching of fish, without the written permission of the owner of the land.

(2) Subsection (1) does not apply to the possession on land on which an aquatic system occurs, of a landing net or keep-net designed for the purpose of landing or keeping fish.

Closed season for angling

56. The MEC may, by notice in the *Provincial Gazette*, declare a period of the year to be a closed season during which angling in the aquatic system specified in the notice is prohibited.

Protection of aquatic systems

57. (1) No person may without a permit –

(a) establish or operate an aquaculture process;

(b) place or release live aquatic biota in any aquatic system except aquatic biota released alive by the person who had caught it in the same aquatic system where it had been caught;

(c) import into, convey in the Province, buy, sell, donate, receive as a gift, live aquatic biota excluding such species referred to in the list published by the MEC by notice in the *Provincial Gazette* from time to time;

(d) possess, sell, purchase, donate or receive as a gift, import into the

Province, convey, cultivate or place in an aquatic system an aquatic growth referred to in Schedule 9;

(e) place in water a floating object which –

(i) constitutes or is likely to constitute a danger –

(aa) to a boat, float or similar vessel;

(bb) to any person practising sport; or

(cc) to any person who angles in an aquatic system in which the object has been placed;

(ii) serves as a marker indicating the place where there is any object, substance, agent or product under the water which lures or is likely to lure fish;

(f) catch any aquatic biota in any aquatic system in a Provincial Nature Reserve, a Site of Ecological Importance, a Protected Environment or a Private Nature Reserve; or

(g) catch any aquatic biota in an aquatic system in a Protected Environment, Private Nature Reserve or Resource use area, excluding fish caught by angling with the written permission of the owner of the land on which the aquatic system occurs**.**

(2) No person may without a permit issued in terms of this Act or other document issued in terms of any other relevant legislation, convey through the Province –

(a) live aquatic biota excluding those species referred to in the list published by the MEC by notice in the *Provincial Gazette* from time to time; or

(b) aquatic growth referred to in Schedule 9.

Pollution of aquatic systems

58. No person may –

(a) deposit into an aquatic system any solid, liquid or gaseous substance or thing which may injure, damage or kill, or in any way be harmful to, aquatic biota;

(b) cause or allow such substance or thing to enter or percolate into an aquatic system; or

(c) carry on a business or occupation which may result in any such substance or thing entering or percolating into an aquatic system, without taking adequate precautions to prevent such substance or thing from entering or percolating into that aquatic system.

Powers of MEC

59. The MEC may–

(a) take steps that may be necessary or expedient for –

(i) research in connection with any matter dealt with in this Chapter; or

(ii) the propagation or control of any aquatic biota or aquatic growth**;**

(b) take steps in connection with the catching, collection, destruction, reduction, removal, elimination, either generally or in a particular area, of any matter referred to in this Chapter that may be harmful to any aquatic biota;

(c) conduct any survey or institute any investigation regarding any matter referred to in this Chapter;

(d) purchase, sell or exchange any aquatic biota;

(e) take steps to develop and control land for the promotion of this Chapter in collaboration with any other public or private body; or

(f) on approval of a project proposal, authorise any person or body in writing to do research on any aquatic biota.

Regulations

60. The MEC may in terms of section **122** make regulations for the purposes of this Chapter relating to –

(a) the measurements, mass and size of aquatic biota that may be caught and retained;

(b) the control and regulation of the catching of fish;

(c) the taking, disturbing, destruction or collection of ova or spawn of fish;

(d) the sale of aquatic biota or aquatic growths**;**

(e) the import into or the export or removal from the Province of aquatic biota or aquatic growths**;**

(f) the possession or keeping of aquatic biota, or the conveyance or removal of aquatic biota from one place to another;

(g) the poisoning of aquatic biota;

(h) the supervision, control, development and protection of aquatic systems;

(i) the quantity, nature, measurements, form and construction of –

(i) fishing tackle, either generally or in relation to a particular species of fish; or

(ii) any other equipment used for the catching of aquatic biota;

(j) the control, import into the Province**,** cultivation, destruction or combating of a plant that is or could be harmful to aquatic biota;

(k) research regarding aquatic biota; and

(l) any other matter that may be necessary to facilitate the effective implementation of this Chapter.

CHAPTER 7
INVERTEBRATES

Prohibited acts

61. (1) No person may without a permit –

(a) collect, catch, kill, keep, convey**,** purchase, sell, donate or receive as a gift, import into or export or remove from the Province**,** any invertebrate referred to in paragraph (a) of Schedule 10;

(b) collect, catch, keep, convey or kill, for the purpose of collection, any

invertebrate in an area referred to in paragraph (b) of Schedule 10;

(c) import into**,** or convey in or through, the Province, any alien invertebrate for entomology, commercial or collection purposes;

(d) collect, catch, keep or import into, convey in or through, or export or remove from, the Province any other invertebrate not referred to in paragraph (a) of Schedule 10 for entomology**,** commercial or collection purposes; or

(e) collect, catch or kill any invertebrate in a Provincial Nature Reserve or Site of Ecological Importance.

(2) No person may without a permit in terms of this Act or other document issued in terms of any other relevant legislation, convey any invertebrate referred to in paragraph (a) of Schedule 10 through the Province.

Powers of MEC

62. The MEC may –

(a) take steps that may be necessary or expedient for research in connection with, or the propagation or preservation of any invertebrate;

(b) take steps in connection with the importation, acclimatisation**,** catching, destruction, reduction, removal or elimination, either generally or in a particular area, of any invertebrate;

(c) on approval of a project proposal, institute any survey or investigation in connection with any invertebrate; or

(d) take steps to develop and control land for the conservation of any invertebrate in collaboration with any other public or private body.

Regulations

63. The MEC may in terms of section **122** make regulations for the purposes of this Chapter relating to –

(a) the species, number and sex of invertebrates that may be caught;

(b) the control and regulation of the catching, collecting, possession, keeping or import into, export from or the conveyance in or through the Province of an invertebrate;

(c) the regulation of the purchase, sale or exchange of an invertebrate;

(d) the taking, disturbing, destruction or collection of the eggs, larvae or pupa of an invertebrate;

(e) the sale or trade of an invertebrate;

(f) the poisoning of an invertebrate;

(g) research in connection with an invertebrate; and

(h) any other matter that may be necessary to facilitate the effective implementation of this Chapter.

CHAPTER 8
INDIGENOUS PLANTS

Protection of indigenous plants

64. (1) No person may without a permit –

(a) pick, be in possession of, sell, purchase, donate, receive as a gift, import into, export or remove from the Province, or convey a specially protected plant**;** or

(b) pick, sell, purchase, donate, receive as a gift, import into, export or remove from the Province, or convey a protected plant**;** or

(c) pick any indigenous plant –

(i) on a public road;

(ii) on land next to a public road within a distance of 100 meters measured from the centre of the road;

(iii) within an area bordering any natural water course, whether wet or dry, up to and within a distance of 50 meters from the high watermark on either side of the natural water course; or

(iv) in a Provincial Nature Reserve, a Site of Ecological Importance, a

Protected Environment or a Private Nature Reserve; or

(d) collect firewood.

(2) No person may without a permit issued in terms of this Act or other document issued in terms of other relevant legislation convey through the Province-

(a) any specially protected plant; or

(b) protected plant**.**

(3) No person may on land of which that person is not the owner, pick any indigenous plant without the owner's written permission**.**

(4) The provisions of –

(a) subsection (1)(a), in so far as it prohibits the possession of a specially protected plant, do not apply to a person who is in possession of a specially protected plant which grows in its natural habitat and which was not planted by human hands;

(b) subsection (1)(b), in so far as it prohibits the picking, donation, receiving as a gift or conveyance of a protected plant, do not apply to the flower of a protected plant –

(i) picked by the owner of the land on which the plant grows;

(ii) picked on that land by a family member of the owner; or

(iii) picked on that land by a person acting with the written permission of the owner;

(c) subsection (1)(b), in so far as it prohibits the donation, receiving as a gift or conveyance of a protected plant, do not apply to a protected plant cultivated on land set aside solely for the cultivation of such protected plant;

(d) subsection (1)(b), in so far as it prohibits the import into or export or removal from the Province, purchase or conveyance of a protected plant, do not apply to a protected plant –

(i) lawfully bought or received as a gift from a person in another province; or

(ii) lawfully bought or received as a gift from a person within the Province**;**

(e) subsection (1)(b), in so far as it prohibits the sale or donation or the export or removal from the Province of a protected plant, do not apply to a protected plant –

(i) acquired lawfully and sold or donated, exported or removed from the Province, by a person authorised to sell plants in terms of Schedule 2 of the Business Act, 1991 (Act No. 71 of 1991); or

(ii) sold or donated, exported or removed from the Province, by a Botanical Garden which is subject to the provisions of the Cultural Institutions Act, 1998 (Act No. 119 of 1998); and

(f) subsection (1)(d) does not apply –

(i) to the collection of a head load of firewood conveyed in any manner on communal land, except on communal land included in a Site of Ecological Importance, a Protected Environment or a Private Nature Reserve**;** or

(ii) to the collection of firewood in a Protected Environment or Private Nature Reserve**,** by the owner of the land, or another person acting with the written permission of the owner.

(5) A person importing into or exporting or removing from, the Province or conveying a protected plant may rely on any of the exemptions granted in terms of subsection (4), only if that person can produce documentary proof indicating that acquisition of the protected plant was lawful.

Exemption of nurseries

65. (1) The MEC may on written application by the owner of a nursery registered in terms of the provisions of the Plant Improvement Act, 1976 (Act No. 53 of 1976), exempt the nursery in writing from the application of all or any of the provisions of this Chapter.

(2) A nursery exempted in terms of subsection (1) may in accordance with the terms and conditions of the exemption, sell, donate, convey, export or remove from the Province, or grant written permission to any other person to donate or convey, or to export or remove from the Province, any species of protected plant cultivated on the premises of the nursery and specified in the exemption.

(3) The written permission referred to in subsection (2) must be issued in the name of the nursery and may only be signed by a person authorised in the written exemption.

(4) The holder of the written permission granted in terms of subsection (2) may in accordance with the terms and conditions of the written permission, sell, donate, convey, export or remove from the Province a protected plant acquired from the nursery and specified in the written permission.

Powers of MEC

66. (1) The MEC may –

(a) take steps that may be necessary or expedient for research regarding the propagation, preservation or control of weed or invader plants;

(b) take steps for the importation, acclimatization, picking, destruction, reduction, removal or elimination of any species of plant;

(c) on approval of a project proposal, institute any survey or investigation in connection with any plant referred to in this Chapter;

(d) take steps necessary for the identification of any specially protected plant; or

(e) take steps to develop and control land for the purposes of this Chapter in collaboration with any other public or private body.

Regulations

67. The MEC may in terms of section **122** make regulations for the purposes of this Chapter

relating to –

(a) the number and species of plants that may be picked in terms of a permit or exemption;

(b) the control, possession, keeping, convey in, convey through, import into or export or removal from the Province of a plant referred to in this Chapter, including the marking of individual plants for identification;

(c) the control, importation, cultivation, destruction or combating of a plant that could be harmful to environmental conservation;

(d) research in connection with any plant referred to in this Chapter;

(e) the collecting of wood, including firewood, on any land; or

(f) any other matter that may be necessary to facilitate the effective implementation of this Chapter.

CHAPTER 9

CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD *FAUNA* AND *FLORA*

Application of this Chapter

68. This Chapter applies to **–**

(a) the species of *fauna* and *flora* listed in –

(i) Appendix I to CITES as an endangered species;

(ii) Appendix II to CITES as a rare species; and

(iii) Appendix III to CITES as an indeterminate species; and

(b) *fauna* and *flora* consisting of any readily recognisable part or derivative of any such listed species,

as published by the MEC by notice in the *Provincial Gazette* from time to time.

Prohibited acts

69. (1) No person may without a CITES permit –

(a) import or bring into the Province from a foreign country *fauna* and *flora* to which this Chapter applies;

(b) export or remove from the Province to a foreign country *fauna* and *flora* to which this Chapter applies;

(c) convey through the Province to another province or a foreign country *fauna* and *flora* to which this Chapter applies if that *fauna* and *flora* were imported from a foreign country; or

(d) convey through the Province to a foreign country *fauna* and *flora* to which this Chapter applies if that *fauna* and *flora* were imported or brought from another province.

(2) (2) Subsection (1) does not apply to the importing or exporting between the provinces of *fauna and flora* to which this Chapter applies.

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CHAPTER 10

PRESERVATION OF CAVES AND CAVE-FORMATIONS

Prohibited acts

70. (1) No person may without a permit –

(a) enter or inhabit a cave; or

(b) remove from a cave, be in possession of, dispose of by way of a sale, exchange or receive as a gift, give as a gift, import or bring into, or export or remove from the Province, or convey –

(i) a cave-formation;

(ii) wild *fauna* and *flora* or any other natural matter found in a cave; or

(iii) any readily recognisable part or derivative of a cave-formation or such *fauna* and *flora* or other natural matter.

(2) No person may –

(a) deposit, dump or drain any refuse, waste, substance or thing, whether solid, liquid, gaseous or explosive, into a cave or near a cave or near a

cave entrance, or cause or allow it to enter or percolate into a cave;

(b) disturb or alter the natural atmosphere of a cave in any manner, including by way of burning any matter which emits smoke or gas in the cave;

(c) leave any container, rope, clothing, battery, candle, wax, food or any other object in a cave;

(d) take an aerosol container or other container containing poison, paint, dye or other colouring agent into a cave;

(e) break open, break, remove or in any other manner tamper with an obstruction or structure erected to prevent unauthorised entry into a cave or any part thereof; or

(f) break, break-off, crack or in any other manner destroy, damage, mutilate or spoil a cave-formation in a cave or engrave, paint, write or in any other manner make a mark therein or thereon.

Entry or admission to caves

71. (1) The MEC may by notice in the *Provincial Gazette* –

(a) allow the commercialisation or development of a cave specified in the notice for tourism purposes;

(b) limit the entry or admission of visitors to a cave specified in the notice; or

(c) close a cave specified in the notice entirely or partially to visitors or any category of persons specified in the notice.

(2) Before publishing any notice in terms of subsection (1), the MEC must publish the draft notice in the *Provincial Gazette* and air such notice on radio stations broadcasting in the area for public comment.

Powers of MEC

72. The MEC may–

(a) take steps to develop and control any cave in collaboration with any other public or private body;

(b) take steps necessary or expedient for research with regard to caves and cave-formations and the preservation of caves and cave-formations;

(c) conduct any survey or investigation in connection with any cave or cave-formation; or

(d) collect and publish statistics and information regarding caves and cave-formations**.**

Regulations

73. The MEC may in terms of section **122** make regulations for the purposes of this Chapter relating to –

(a) the activities in caves and the taking, disturbing or collection of cave-formations;

(b) the sale of or trading in cave-formations;

(c) the possession or keeping, or the conveyance in or through, the import into or the export or removal from, the Province of cave-formations;

(d) the research in connection with caves and cave-formations; or

(e) any other matter that may be necessary to facilitate the effective implementation of this Chapter.

CHAPTER 11
LIMITED DEVELOPMENT AREAS

Declaration

74. The MEC may, by notice in the *Provincial Gazette* –

(a) declare an area specified in the notice a limited development area under a name allocated to it in the notice;

(b) prohibit in a limited development area any development or activity specified in the notice; or

(c) amend or withdraw any notice issued in terms of this section.

Notice to be given

75. (1) Before an area is declared a limited development area or a notice issued in terms of section **74** is amended or withdrawn, the MEC must –

(a) give notice in the *Provincial Gazette,* in at least one newspaper circulated in the Province and by means of radio broadcasts covering the area, of the intention to declare the area or to amend or withdraw the notice; and

(b) send a copy of the notice by registered post to the last known postal address of every owner whose land will directly be affected by the declaration or by the amendment or withdrawal of the notice.

(2) The notice must –

(a) invite interested persons to submit to the MEC written representations on or objections to the proposed declaration, or amendment or withdrawal of the notice, within 60 days from the date of publication of the notice; and

(b) contain sufficient information to enable interested persons to submit meaningful representations or objections, and must include a clear indication of the area that will be affected.

(3) The MEC must give due consideration to all representations or objections received before declaring an area a limited development area.

Prohibited Acts

76. No person may in a limited development area undertake any development or perform any activity prohibited in a notice in terms of section **74**(b), without the written permission of the MEC or the municipality in which the area falls, or otherwise than in accordance with the conditions on which the written permission was granted.

Environmental Impact Reports

77. (1) Before considering an application for permission in terms of section 76, the MEC or the municipality concerned may request the applicant to submit a report concerning the impact of the proposed development or activity on the environment in the limited development area.

(2) An environmental impact report must contain, but is not limited to –

(a) a description of the proposed or any alternative development or activity**;**

(b) an identification of the physical environment that may be affected by the proposed or any alternative development or activity**;**

(c) an estimation of the nature and extent of the impact of the proposed or any alternative development or activity on the land, air, water, biota and other elements or features of the natural and man-made environment;

(d) an identification of the economic and social interests that may be affected by the proposed or any alternative development or activity**;**

(e) an estimation of the nature and extent of the impact of the proposed or any alternative development or activity on social and economic interests;

(f) particulars of the design or management principles proposed to minimise adverse environmental effects;

(g) particulars of the procedure that will be followed to substantiate the estimations of the environmental impact –

(i) in the course of undertaking or performing the proposed or any alternative development or activity; and

(ii) after the proposed or any alternative development or activity has been completed;

(h) particulars of any preventative or additional actions that will be taken if the estimations of the environmental impact are not met;

(i) any other matter that may be prescribed; and

(j) a concise summary of the salient features of the environmental impact report.

Compensation for loss

78. (1) If a notice issued in terms of section **74** has the effect of diminishing the value of land in a limited development area, the owner of the land may recover compensation from the MEC in respect of actual loss suffered.

(2) The amount so recoverable must be determined by agreement between the owner and the MEC, acting with the concurrence of the Member of the Executive Council responsible for finance in the Province.

(3) In the absence of such agreement the amount must be determined by arbitration, unless the Expropriation Act, 1975 (Act No. 63 of 1975), is applied.

(4) No compensation may be paid in terms of this section unless the person claiming compensation applies to the MEC in the prescribed manner and on the prescribed form.

Regulations

79. The MEC may in terms of section **122** make regulations for the purposes of this Chapter relating to –

(a) the procedure to be followed when applying for permission to undertake development or perform activities in a Limited Development Area declared in terms of section 74;

(b) the repair of damage to the environment caused by unauthorised development or activities;

(c) the powers of an Environmental Compliance Officer, municipality or government institution to direct a person contravening a provision of this Chapter to**–**

(i) repair any damage to the environment which that person has unlawfully caused; or

(ii) cease any unlawful development or activity;

(d) any other matter that may be necessary to facilitate the effective

implementation of this Chapter.

CHAPTER 12
MOUNTAIN CATCHMENT AREAS

Declaration

80. The MEC may by notice in the *Provincial Gazette* –

(a) declare an area specified in the notice a mountain catchment area; or

(b) amend or withdraw a notice issued in terms of paragraph (a).

Beacons

81. (1) In order to physically identify an area declared or to be declared a mountain catchment area, the MEC may direct that beacons are erected at places designated by the MEC along the border of the area.

(2) A certificate purporting to be signed by an Environmental Compliance Officer and stating that a beacon which has been erected in terms of subsection (1), complies with regulations made in terms of section **88** and has been erected at a place designated by the MEC, may on its mere production in any civil or criminal proceedings be taken into account as evidence that the beacon complies with the regulations and has been erected at the designated place**.**

Fire protection plans

82. The MEC may by notice in the *Provincial Gazette* –

(a) establish a fire protection plan for a mountain catchment area or any part of such area; or

(b) amend or withdraw a notice issued in terms of paragraph (a).

Contents of fire protection plans

83. A fire protection plan must –

(a) specify the area to which it applies;

(b) state the scope, objectives and commencement of the plan;

(c) establish a fire protection committee for the area to implement the fire protection plan;

(d) determine the functions, powers and duties of the fire protection committee; and

(e) contain provisions aimed at controlling veld and forest fires in the area, including–

(i) the regulation or prohibition of veld burning; and

(ii) the prevention and extinguishing of veld and forest fires.

Notice to be given of all fire protection plans

84. (1) Before a fire protection plan is established for an area, or a fire protection plan is amended or withdrawn, the MEC must –

(a) give notice in the *Provincial Gazette,* in at least one newspaper circulated in the area and by means of radio broadcasts covering the area, of the intention to establish, amend or withdraw a fire protection plan; and

(b) send a copy of the notice by registered post to the last known postal address of every owner whose land will directly be affected by the establishment, amendment or withdrawal.

(2) The notice must –

(a) invite members of the public to submit to the MEC written representations on or objections to the proposed establishment, amendment or withdrawal of the fire protection plan within 30 days from the date of publication of the notice; and

(b) contain sufficient information to enable members of the public to submit

meaningful representations or objections, and must include a clear indication of the area that will be affected.

(3) The MEC must give due consideration to all representations or objections received.

Legal status of fire protection plans

85. A fire protection plan binds all owners of land within the area in which the plan applies.

Rendering of financial aid

86. The MEC may, with the concurrence of the Member of the Executive Council responsible for finance in the Province, from moneys appropriated by the Provincial Legislature, render financial aid by way of grants or otherwise –

(a) to any fire protection committee; or

(b) to the owner of land in respect of expenses incurred by the owner in compliance with any provision of a fire protection plan.

Powers of MEC

87. The MEC may –

(a) implement any provision of a fire protection plan;

(b) perform a prescribed act within a mountain catchment area in connection with the conservation, use and management of land within the area, which may include steps aimed at the–

(i) prevention of soil erosion;

(ii) protection and treatment of the natural vegetation; or

(iii) destruction of intruding vegetation; or

(c) perform a prescribed act outside a mountain catchment area but within a distance of five kilometres from the boundary of the area, aimed at the destruction of intruding vegetation.

Regulations

88. The MEC may in terms of section **122** make regulations for the purposes of this Chapter relating to –

(a) the form and dimensions of beacons referred to in section **81**(1) and the manner of their construction, erection, marking for identification, maintenance and repair;

(b) the conditions subject to which and the rates at which financial aid by way of grants or otherwise may be rendered;

(c) the conservation, use and management of land within a mountain catchment area, which may include provisions aimed at –

(i) the prevention of soil erosion;

(ii) the protection and treatment of the natural vegetation; or

(iii) the destruction of intruding vegetation;

(d) the destruction of intruding vegetation outside a mountain catchment area but within a distance of five kilometres from the boundary of the area; or

(e) any other matter that may be necessary to facilitate the effective implementation of this Chapter.

CHAPTER 13
ENVIRONMENTAL POLLUTION
Part 1: Littering

Prohibition of littering

89. No person may discard, dump or leave litter on any land, water surface, street, road or site to which the public has access, except in a container or at a place which has been specially indicated, provided for or set aside for such purpose.

Duties of persons in charge of public places

90. Every person, authority or Management Agency in charge of or responsible for the maintenance of a place to which the public has access must –

(a) ensure that adequate and suitable containers or facilities for the discarding of litter by the public, are provided at all times; and

(b) within a reasonable time after litter has been discarded, dumped or left behind at that place, including the pavement adjacent to, or land situated between that place and a street, road or site used by the public to get access to such place, remove the litter.

Regulations

91. The MEC may in terms of section **122** make regulations relating to –

(a) the nature, design, number, provision and placing of containers for the dumping of litter;

(b) the nature, design, number, contents and placing of notices in respect of the dumping of litter;

(c) the removal of litter and the emptying and maintenance of containers for the dumping of litter;

(d) any other facilities or methods to prevent the dumping of litter, as well as programs for the clearing away of litter;

(e) the powers and duties of municipalities or government institutions to control and prevent the dumping of litter; or

(f) any other matter that may be necessary to facilitate the effective implementation of this Part.

Part 2: Waste management

Regulations

92. The MEC may in terms of section **122** make regulations relating to –

(a) the submission of statistics on the quantity and types of waste produced**;**

(b) the classification of different types of waste and the handling, storage, transport and disposal of waste;

(c) the location, planning and design of waste disposal sites;

(d) control over the management of waste disposal sites, installations and equipment;

(e) the administration arrangements for the effective disposal of waste;

(f) the dissemination of information to the public on effective waste disposal; or

(g) any other matter that may be necessary or expedient for the effective disposal of waste for the protection of the environment**.**

Part 3: Noise, vibration and shock

Regulations

93. The MEC may in terms of section **122** make regulations relating to –

(a) the definition of noise, vibration and shock;

(b) the prevention, reduction or elimination of noise, vibration and shock;

(c) the levels of noise, vibrations and shock which may not be exceeded, either in general or by specified apparatus or machinery or in specified instances or places;

(d) the type of measuring instrument to be used for the determination of the levels of noise, vibration and shock, and the utilisation and calibration thereof;

(e) the powers and duties of provincial departments and municipalities to control noise, vibrations and shock; or

(f) any other matter that may be necessary or expedient for the effective control and combating of noise, vibration and shock**.**

CHAPTER 14
ENVIRONMENTAL COMPLIANCE OFFICERS

Appointment of Environmental Compliance Officers

94. (1) The Head of the Environmental Management Authority must–

(a) appoint from the staff of the Environmental Management Authority, Environmental Compliance Officers as may be necessary for the enforcement of this Act; and

(b) issue a document in the prescribed form certifying that a person has been appointed as an Environmental Compliance Officer**.**

(2) An Environmental Compliance Officer, when acting in terms of this Act, must produce the appointment certificate to a member of the public.

(3) The Head of the Environmental Management Authority may at any time cancel the appointment of a person as an Environmental Compliance Officer and withdraw the certificate issued in terms of subsection (1) to the person concerned.

(4) The Head of the Environmental Management Authority may not appoint a person as an Environmental officer unless that person complies with the prescribed standards**.**

Appointment of Honorary Environmental Compliance Officers

95. (1) The Head of the Environmental Management Authority may –

(a) appoint private individuals as Honorary Environmental Compliance Officers; and

(b) issue certificates of appointment to these officers.

(2) Section **94**(2),(3) and (4) is also applicable to Honorary Environmental Compliance Officers.

Powers, functions and duties of Environmental Compliance Officers and Honorary Environmental Compliance Officers

96. (1) An Environmental Compliance Officer may, in addition to the powers assigned to such an officer in terms of this Act–

(a) (i) at any time enter upon any land or premises if the officer has

reasonable suspicion that a provision of this Act has been breached, and carry out an investigation on that land or premises that may be necessary to establish whether such provision has been breached;

(ii) subject to prior notification to the landowner where this is possible, enter upon any land for the purpose of performing an act ordered or authorised by the MEC in terms of section **81** or **87,** together with such equipment and assistants as are required for the performance of the act**;**

(iii) enter upon any land or premises at any reasonable time and after reasonable notice to the owner, in order to investigate whether action is necessary to give effect to the provisions of this Act**;**

(b) search any land, premises, building, tent, camping place, vessel or container, if the officer has reasonable suspicion that there is a thing therein or thereon –

(i) which is or has been used for the purpose of or in connection with the commission of an offence in terms of this Act; or

(ii) which may serve as evidence of the commission or intended commission of such an offence;

(c) at any time, direct the person in charge of a vessel to stop, or use such force as may be reasonable necessary to stop the vessel, if the officer has reasonable suspicion that the vessel contains or conveys a thing –

(i) which is or has been used for the purpose of or in connection with the commission of an offence in terms of this Act; or

(ii) which may serve as evidence of the commission or intended commission of such an offence;

(d) seize anything which the officer reasonably believes –

(i) is being or has been used for the purpose of or in connection with the commission of an offence in terms of this Act; or

(ii) may serve as evidence of the commission or intended commission of such an offence;

and must provide a receipt for such seized articles;

(e) at any time question a person who the officer reasonably believes has information relating to a breach of a provision of this Act, and order such person to furnish such information;

(f) demand the name, address and identification number of any person who –

(i) has committed an offence in terms of this Act;

(ii) is reasonably suspected of having committed an offence in terms of this Act;

(iii) is reasonably believed to be able to give evidence relating to an offence in terms of this Act; or

(iv) is reasonably suspected of having evidence that an offence in terms of this Act has been or is to be committed;

(g) instruct a person who –

(i) commits an act in contravention of a provision of this Act to cease committing that act immediately or within a specified period; or

(ii) fails to perform an act required by a provision of this Act, to perform that act immediately or within a specified period;

(iii) has committed an offence, not to remove evidence referred to in the instruction, or to deal with the evidence as instructed;

(h) remove or cause to be removed any snare, trap, gin, net, birdlime, pitfall, capture boma, holding pen, trap cage, set gun, fish-trap, set-line, poison or other device or means which is reasonably believed of being used to hunt or capture a wild or alien animal or aquatic biota unlawfully, or if it cannot be removed, destroy it or cause it to be destroyed or render it harmless or cause it to be rendered harmless;

(i) instruct any person who in a protected or reserved area or on land used by

the Environmental Management Authority for the purposes of this Act, contravenes or fails to comply with the provisions of this Act or a requirement or condition determined in terms of this Act, to leave such area or land;

(j) stop a vessel in a protected or reserved area or on land or waters used by the Environmental Management Authority for the purpose of this Act, and inspect it to determine whether it complies with the requirements prescribed or determined in terms of this Act;

(k) destroy a dog not used in lawful hunting which is pursuing or searching for a wild animal;

(l) demand from any person required in terms of this Act to keep or carry on that person any register, record, book, document or written permission, to produce it for inspection;

(m) demand from any person who performs an act, or is reasonably suspected of performing an act, which may not in terms of this Act be performed without a permit, written permission, exemption or other document, to produce such document;

(n) in the exercise of a power or the performance of a function or duty in terms of this Act make use of an interpreter or, if necessary, of one or more persons, and such an interpreter or other person is deemed to be an Environmental Compliance Officer while acting under the control of an Environmental Compliance Officer;

(o) seize any stock or other animal trespassing in a protected or reserved area or on land used by the Environmental Management Authority for the purposes of this Act, and despite the provisions of any legislation relating to pounds, retain that stock or other animal; and

(p) affix to an Environmental Compliance Officer's vehicle a light or lights which beam on an interrupted blue flickering light in any direction, and may make use of a stop sign at will.

(2) An Honorary Environmental Compliance Officer has the powers, functions and duties conferred upon, assigned to or imposed on an Environmental Compliance Officer in terms of subsection (1), excluding those referred to in paragraphs (b),(c),(m), and (n).

CHAPTER 15
PERMITS, PERMISSIONS, EXEMPTIONS AND EXCLUSIONS
Part 1: Permits

Permits to be issued by MEC

97. The MEC may –

(a) issue any permit required by a provision of this Act; or

(b) withdraw any such permit if the holder of the permit contravenes or fails to comply with a condition subject to which the permit was issued.

Application for permits

98. (1) Any person may in writing apply to the MEC for a permit by lodging an application on the prescribed form to any office of the Environmental Management Authority.

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

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

(a) refuse the application in writing;

(b) issue the permit unconditionally; or

(c) issue the permit subject to any conditions the MEC may consider necessary in the interest of environmental management.

(4) A permit issued in terms of subsection (3)(c) applies to the extent only that any conditions subject to which it was issued are complied with.

(5) This section also applies, with the necessary changes as the context may require, to any authority or permission, which may be issued by the MEC or a municipality in terms of this Act.

Part 2: Permissions

Permissions to be in writing

99. A permission which an owner of land may issue in terms of a provision of this Act must be in writing and in the prescribed form.

Permissions to be issued before act is performed

100. (1) A written permission which an owner of land may issue in terms of a provision of this Act must be issued by the owner before the act for which the permission is required is performed.

(2) A permission issued after the performance of the act is invalid.

Conditional permissions

101. (1) A written permission which an owner of land may issue in terms of a provision of this Act may be issued subject to any conditions the owner may consider necessary in the interest of environmental management.

(2) A permission applies to the extent only that conditions imposed in terms of subsection (1) are complied with, and the owner of land who issued the permission must withdraw the permission if the holder of the permission contravenes or fails to comply with a condition of the permission.

Part 3: Exemptions

Exemption of specific persons

102. (1) The MEC, in consultation with the Executive Council of Limpopo Provincial Government and subject to sections 103 and 104, may in writing, exempt any person from any or all of the provisions of this Act if the exemption can be justified in the interest of environmental management**.**

(2) The MEC must, annually, by notice in the *Provincial Gazette* publish the prescribed information regarding exemptions granted in terms of subsection (1).

Process to apply for exemption

103. (1) A person desiring exemption in terms of section **102** from all or any of the provisions of this Act–

(a) may in writing apply to the MEC for such exemption by lodging an application on the prescribed form to any office of the Environmental Management Authority; and

(b) must furnish reasons in the application why the exemption should be granted.

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

(3) The MEC may, after considering an application in terms of section 102, in writing–

(a) refuse to grant the exemption;

(b) grant the exemption unconditionally; or

(c) grant the exemption subject to any conditions the MEC may consider necessary in the interest of environmental management, including conditions limiting the scope of the exemption to –

(i) a species or category of wild or alien animals, aquatic biota, invertebrate or indigenous plants, specified in the exemption; or

(ii) an area or category of areas specified in the exemption.

(4) An exemption in terms of subsection (3)(c) applies to the extent only that any conditions subject to which the exemption was issued, are complied with.

Review of exemptions

104. The MEC in consultation with the Executive Council of Limpopo Provincial Government, may at any time review an exemption, and by written notice to the holder of the exemption –

(a) withdraw the exemption if –

(i) any of the conditions subject to which the exemption was granted are contravened or not complied with; or

(ii) the exemption can no longer be justified in the interest of environmental management**;** or

(b) delete or amend a condition if it is in the interest of environmental management.

Part 4: Exclusions

General exclusions

105. (1) The MEC may in the *Provincial Gazette* **–**

(a) exclude from any or all of the provisions of this Act in a specified notice –

(i) a category of persons;

(ii) an area or category of areas;

(iii) a species or category of wild or alien animals;

(iv) a species or category of aquatic biota;

(v) an aquatic system or category of aquatic systems;

(vi) a species or category of invertebrate;

(vii) a species or category of indigenous plants; or

(viii) a cave or category of caves;

(b) amend or withdraw a notice issued in terms of paragraph (a).

(2) A notice in terms of subsection (1) may be issued only if the exclusion can be justified in the interest of environmental management**.**

(3) A notice issued in terms of subsection (1) may impose conditions subject to which the exclusion is granted.

(4) An exclusion applies to the extent only that conditions imposed in terms of subsection (3) are complied with.

Process

106. (1) Before a notice in terms of section **105** is published, amended or withdrawn, the MEC must give notice in the *Provincial Gazette,* in at least one newspaper circulated in the Province and on radio broadcasts covering the area, of the intention to grant, amend or withdraw an exclusion.

(2) The notice must –

(a) invite members of the public to submit to the MEC written representations on or objections to the proposed exclusion, amendment or withdrawal within 30 days from the date of publication of the notice; and

(b) contain sufficient information to enable members of the public to submit meaningful representations or objections.

(3) The MEC must give due consideration to all representations or objections received.

Part 5: General provisions

Expert evidence before permit or exemption is granted

107. (1) Before granting a permit or exemption in terms of this Act, the MEC may in writing require the applicant to provide the MEC, at the applicant's expense, with expert evidence that the granting of the permit or exemption would not be detrimental to the interests of environmental conservation.

(2) If after evaluation of the expert evidence, there is doubt that the granting of the permit or exemption may be detrimental to the interests of environmental conservation, the permit or exemption may not be issued.

Permits, permissions, licences and other documents to be carried on person

108. A person to whom a permit, written permission, exemption or other document was issued in terms of this Act, must carry the document on their person when performing the act for which the document was issued.

CHAPTER 16
DELEGATIONS AND INTERNAL APPEALS

Delegations by MEC

109. The MEC may, in writing, delegate any power or function conferred, entrusted or imposed upon the MEC under this Act, except the power to make regulations and issue notices, to the HOD with or without the authority to delegate further.

Delegations by HOD

110. The HOD may, in writing, delegate any power or function conferred, entrusted or imposed upon or to the HOD in terms of section 109 to the Head of the Environmental

Management Authority, with or without the authority to delegate further.

Appeals to MEC

111. (1) Any person who is aggrieved by a decision taken by a person, other than the MEC, in the performance of a function or the exercise of a power assigned or delegated to that person in terms of this Act, may appeal against the decision to the MEC in the prescribed manner, within the prescribed period and on payment of the prescribed fee.

(2) The MEC may, after considering an appeal, confirm, set aside or vary the decision and make such order as may be appropriate in the circumstances, including an order that the prescribed fee paid by the appellant or such part thereof as the MEC may determine, be refunded to the appellant.

CHAPTER 17
OFFENCES, EVIDENCE, PENALTIES AND FORFEITURES

General offences

112. A person is guilty of an offence if that person –

(a) contravenes or fails to comply with any provision of this Act;

(b) contravenes or fails to comply with a directive issued in terms of this Act; or

(c) permits or allows any other person to do, or to omit to do, anything which is an offence in terms of paragraph (a) or (b); and

shall upon conviction be liable to a fine or imprisonment or to both such fine and imprisonment.

Offences relating to mountain catchment areas

113. A person is guilty of an offence if that person –

(a) damages, or without the written permission of the Environmental Management Authority, alters any fire belt or any other works constructed

in terms of Chapter 12;

(b) contravenes or fails to comply with any provision of a fire protection plan established in terms of section **82;** or

(c) alters, moves, disturbs, wilfully damages or destroy any beacon erected in terms of section **81**(1).

Offences relating to Environmental Advisory Bodies, Environmental Compliance Officers, and other persons

114. A person is guilty of an offence if that person –

(a) hinders or interferes with an Environmental Compliance Officer or Honorary Environmental Compliance Officer in the execution of official duties;

(b) hinders or interferes with an Environmental Advisory Body, or a committee of such a body, or member of such a body or committee, in the execution of official duties;

(c) falsely professes to be an Environmental Compliance Officer, the interpreter or assistant of such an officer or an Honorary Environmental Compliance Officer;

(d) furnishes false or misleading information when complying with an order, instruction or demand;

(e) has been stopped in terms of section **96**(1)(c) and departs without permission of an Environmental Compliance Officer; or

(f) fails to comply with any instruction given in terms of this Act,

and shall upon conviction be liable to a fine or imprisonment or to both such fine and imprisonment.

Offences relating to permits, permissions, exemptions and other documents

115. (1) A person who is the holder of a permit, permission, exemption or authority in terms of this Act is guilty of an offence if that person –

(a) performs the act for which the permit, permission, exemption or authority was issued otherwise than in accordance with any conditions subject to which the permit, permission, exemption or authority was issued; or

(b) permits or allows any other person to do, or to omit to do, anything which is an offence in terms of paragraph (a).

(2) A person is guilty of an offence if that person –

(a) alters any permit, permission, exemption or authority issued in terms of this Act**;**

(b) fabricates or forges any document for the purpose of passing it as a permit, permission, exemption or authority issued in terms of this Act**;**

(c) passes, uses, alters or has in possession any altered or false document purporting to be a permit, permission, exemption or authority issued in terms of this Act; or

(d) makes any false statement or report, for the purpose of obtaining the permit, permission, exemption or authority in terms of this Act.

Evidence

116. Where in criminal proceedings in terms of this Act –

(a) the question arises whether –

(i) an enclosure is of the nature contemplated in section **31**(1)(f)(iv), the mere production at those proceedings of a certificate purporting to have been issued by or on the authority of the MEC declaring that the enclosure is of such nature, is admissible as evidence of that fact;

(ii) land is fenced in the manner contemplated in section **36**, the mere production at those proceedings of a certificate purporting to have been issued by or on the authority of the MEC declaring that the land is so fenced, is admissible as evidence of that fact;

(iii) a particular species of *fauna* or *flora*, or a cave formation, is or is not found on any particular land, the mere production at those proceedings of a certificate purporting to have been issued by an Environmental Compliance Officer, or an expert in the particular field, that a particular species of *fauna* and *flora*, or a particular cave formation, is or is not found on that land, is admissible as evidence of that fact;

(iv) a particular species of *fauna* or *flora* is or is not a mutation, crossbreed, alien colour variation, improved or genetic variation or any genetically modified specimen, the mere production at those proceedings of a certificate purporting to have been issued by an Environmental Compliance Officer, or an expert in the particular field, that a particular species of *fauna* and *flora* is or is not a mutation, crossbreed, alien colour variation, improved or genetic variation or any genetically modified specimen, is admissible as evidence of that fact; and

(b) a register, record, book or document kept in terms of this Act, is produced at those proceedings by the person in whose custody it is, any entry in that register, record, book or document made in the exercise of any power or the performance of any function or duty in terms of this Act, is admissible as evidence of the facts recorded therein.

Penalties

117. (1) Any person who is convicted of an offence in terms of this Act is liable-

(a) in case of an offence referred to in-

(i) sections 28(1), 31(1)(a), 35(1), and 40(1), 41(1), 41(2), 42(1), 49, 54(1)(i) and (j), 57(1)(a) and(b), 57(2), 58, 61(2), 64(1)(a), 64 (2)(a), 69(1), 70, 76; and

(ii) section 35(3), 37, 41(1)(a) and (b), 43(1)(a) and 43(2)(a) in relation to specially protected wild animals,

to a fine not exceeding R250 000.00 or to imprisonment for a period not exceeding 15 years or to both such fine and such imprisonment and to a fine not exceeding 4 times the commercial value of the *fauna*, *flora* or cave formation in respect of which the offence was committed.

(b) in case of an offence referred to in-

(i) section 31(1)(b),(d),(e),(f) and 31(3), 33, 34(2), 36, 38(1), 39(1) and(3), 50, 51, 54(1)(a),(b),(c) and (e), 57(1)(c),(d), and (f) 61(1), 64(1)(b) and (iv), 64(1)(c)(iii) and (iv), 64(2),(b), 113 or 115; or

(ii) section 35(3), 41(1)(a),(b), 43(1)(a), and 43(2)(a), in relation to protected wild animals,

to a fine not exceeding R150 000.00 or to imprisonment for a period not exceeding 7 years or to both such fine and such imprisonment; and

(c) in case of any other offence not provided for in paragraph (a) and (b), to a fine, or imprisonment for a period not exceeding 3 years or to both such fine and such imprisonment.

(2) Any person convicted of an offence in terms of section **42(1)**, **58**, **70**(1)(a), **70**(2)(a) and (b), 76, 89, and section **121** of the Act, and who after such conviction persists in the act or omission which constituted such offence, shall be guilty of a continuing offence and liable on conviction to a fine, or to imprisonment for a period not exceeding 60 days, or to both such fine and such imprisonment in respect of every day on which he or she so persists with such act or omission.

Forfeitures and orders of court

118. (1) A court convicting a person of an offence in terms of this Act shall-

(a) declare any wild or alien animal, invertebrate, aquatic biota, indigenous plant, aquatic growth, endangered species, rare species, indeterminate

specie or cave-formation in connection with which the offence was committed;

(b) declare any weapon, net, article, device or apparatus of any nature whatsoever, used for the purpose of or in connection with the unlawful –

(i) hunting, catching or keeping of a wild or alien animal, aquatic biota, invertebrate, or an endangered, rare or indeterminate species; or

(ii) picking of an indigenous plant or cave formation;

to be forfeited to the Environmental Management Authority.

(2) The court convicting any person of an offence in terms of this Act may-

(a) declare a vessel or any fishing tackle used for the purpose of or in connection with the commission of the offence, to be forfeited to the Environmental Management Authority;

(b) instruct the Environmental Management Authority to destroy or otherwise to dispose of any object forfeited to it in terms of subsection(1);

(c) cancel any or all of the permits, licences, permissions or exemptions granted or issued to the convicted person in terms of this Act; or

(d) disqualify the convicted person for a period not exceeding 5 years, from obtaining in terms of this Act –

(i) any specific permit, licence, permission or exemption; or

(ii) any permit, licence, permission or exemption whatsoever.

(3) A forfeiture in terms of subsection (2)(a) does not affect the rights which a person other than the convicted person may have in the vessel or other thing concerned, if it is proved that the other person **–**

(a) did not know that the vessel or other thing was used or would be used for the purpose of or in connection with the commission of the offence; or

(b) could not prevent such use.

(4) The MEC must deal with an object forfeited in terms of an order of the court –

(a) in accordance with the order; or

(b) in the absence of any specific instructions in the order, in a manner determined by the MEC with the concurrence of the Member of the Executive Council responsible for finance in the Province, except perishable goods which must be destroyed or otherwise disposed of expediently.

(5) A forfeited object may not be destroyed or disposed of until –

(a) any appeal against the conviction which led to the forfeiture has been decided;

(b) any appeal against or review of the forfeiture order has been decided; or

(c) the time allowed for an appeal against the conviction has lapsed,

except for perishable goods which must be disposed of in terms of subsection (4)(b).

CHAPTER 18
GENERAL PROVISIONS

General powers of MEC

119. (1) The MEC may –

(a) acquire movable or immovable property or a right in or to property for the purposes of the effective implementation of this Act;

(b) reserve any provincial land or land acquired in terms of paragraph (a) as a reserved area;

(c) (i) admit visitors to a protected or reserved area;

(ii) limit the admission of visitors to a protected or reserved area or

part of such an area; or

(iii) close a protected or reserved area, or part of such an area, entirely or partially to visitors;

(d) determine the fees to be levied for the right –

(i) to enter a protected or reserved area; or

(ii) to perform any particular act therein or to use any facility therein;

(e) collect and publish statistics and information in connection with any matter dealt with in this Act;

(f) render assistance, whether financial or otherwise, to any person or body of persons promoting environmental management in the Province; or

(g) in general take any steps necessary or expedient to implement this Act effectively.

(2) Steps in terms of subsection (1) which have financial implications for the Province, may be taken only with the concurrence of the Member of the Executive Council responsible for finance in the Province.

Failure by municipalities to perform functions

120. (1) If a municipality fails to perform a function assigned or delegated to it in terms of this Act, the MEC may, after affording the municipality an opportunity to state its case to the MEC –

(a) in writing direct the municipality to perform the function within a period specified in the directive; and

(b) if that municipality fails to comply with the directive, the MEC may perform that function and may authorise any person to take all steps required for that purpose.

(2) Any expenditure incurred by the MEC in terms of subsection (1) may be recovered from the municipality concerned.

Directives to stop, curb, prevent or repair damage to environment

121. (1) If the environment is or may be seriously damaged, endangered or detrimentally affected by any person's unlawful act or omission, the MEC or the municipality concerned may in writing direct that person–

(a) to stop that act or omission; or

(b) at that person's own expense, to take steps specified in the directive within a period specified in the directive–

(i) to eliminate, reduce or prevent the damage, danger or detrimental effect caused to the environment as a result of the act or omission; or

(ii) to repair any damage caused to the environment as a result of the act or omission.

(2) If a person to whom a directive in terms of subsection (1) has been issued fails to comply with the directive, the MEC or municipality may take any steps necessary to implement the directive.

(3) Any expenditure incurred by the MEC or municipality in terms of subsection (2) may be recovered from the person concerned.

Regulations

122. (1) The MEC may make regulations relating to –

(a) the matters listed in sections **30, 48, 53, 60, 63, 67, 73, 79, 88, 91, 92 or 93**;

(b) any matter that may be prescribed in terms of this Act;

(c) the management and administration of a protected or reserved area;

(d) the control of –

(i) the behaviour of any person in a protected or reserved area;

(ii) animals in such an area;

(iii) the traffic in such an area;

(e) the use of a vessel in a protected or reserved area, including –

(i) the type of vessel that may be used; or

(ii) the maximum power or the type of engine or machine that may be used to propel a vessel;

(f) the conditions of entry into a protected or reserved area, including a total or partial ban on such entry by the public or private vessel; and

(g) the seizure of any live stock or other animals in a protected or reserved area, and the retention and disposal of such live stock or other animals, including the fees and penalties payable by the owner of such live stock or other animals to the Environmental Management Authority for –

(i) the herding, tending or the release of these animals;

(ii) their dipping, dosing, inoculation or other treatment;

(iii) any damage caused on such land by them; or

(iv) any other cost incurred by the Environmental Management Authority in respect of these animals;

(h) the issuing of permits, permissions, exemptions or other documents in terms of this Act, including –

(i) the form and contents of such permits, permissions, exemptions or other documents;

(ii) the circumstances in and the conditions on which such permits, permissions, exemptions or other documents may be issued;

(iii) the manner in which application must be made for such permits, exemptions or other documents; and

(iv) the fees payable for such permits, exemptions or other documents; or

(i) any other matter that may be necessary to facilitate the implementation of this Act.

(2) Regulations made in terms of subsection (1) may –

(a) restrict or prohibit any act either absolutely or conditionally;

(b) apply –

(i) generally throughout the Province or only in a specified area or category of areas;

(ii) generally to all persons or only a specified category of persons; or

(iii) generally with respect to all *fauna* and *flora* or only a specified species of *fauna* and *flora* or category of *fauna* and *flora*; or

(c) differentiate between –

(i) different areas or categories of areas;

(ii) persons or categories of persons; or

(iii) species of *fauna* and *flora* or categories of species of *fauna* and *flora.*

(3) Any regulation relating to the payment of fees to the Province or exemption from the payment of such fees, or which will entail the expenditure of provincial funds, may be made only with the concurrence of the Member of the Executive Council responsible for finance in the Province.

(4) Any regulations relating to the powers and duties conferred upon municipalities in terms of this Act must be made in consultation with the Member of the Executive Council responsible for local government in the Province.

(5) Regulations made in terms of subsection (1) may provide that any person who contravenes or fails to comply with a provision thereof is guilty of an offence and liable on conviction to a fine or imprisonment or to both such fine and imprisonment.

(6) Before publishing any regulations in terms of subsection (1), the MEC must publish the draft regulations in the *Provincial Gazette* for public comment.

Amendment of Schedules

123. The MEC may by notice in the *Provincial Gazette* make amendments to any of the

Schedules to this Act**.**

Provincial government bound by this Act

124. This Act binds the provincial government.

Limitation of liability

125. Neither the State nor any other person is liable for any damage or loss caused by—

(a) the exercise of any power or the performance of any duty under this Act; or

(b) the failure to exercise any power, or perform any function or duty under this Act,

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

Repeal of laws and savings

126. (1) Subject to the provisions of subsection (2), the legislation specified in Schedule 13 is hereby repealed to the extent set out in the third column thereof.

(2) Anything done under any provision of legislation repealed by subsection (1) and which could have been done in terms of a provision of this Act must be considered as having been done in terms of the latter provision.

(3) An owner of privately owned land or the authority managing state land which, has the words “Protected Environment” or “Private Nature Reserve” in a name assigned to that land without that land having been declared as such in terms of section 21, must within two years from the date of commencement of this Act, have that land declared as a “Protected Environment” or “Private Nature Reserve” in terms of this Act.

Short title and commencement

127. (1) This Act is called the Limpopo Environmental Management Act, 2003, and takes effect on a date to be fixed by the Premier by proclamation in the *Provincial Gazette.*

(2) Different dates may in terms of subsection (1) be determined for different provisions of this Act.

SCHEDULE 1

PROTECTED AREAS

COLUMN 1 **CATAGORY OF PROTECTED AREA**	**COLUMN 2** **CRITERIA TO BE TAKEN INTO ACCOUNT**
1. PROVINCIAL NATURE RESERVE	The need in the interest of environmental conservation to – (a) protect an area because of its natural landscapes, indigenous fauna and flora and biotic communities; (b) to propagate scarce and endangered species of Fauna and Flora; and (c) sustain ably utilise the area for scientific, educational and eco-tourism purposes.
2. SITE OF ECOLOGICAL IMPORTANCE	The need to protect a site because of it's particular ecological significance by reason of it's - (a) indigenous species, ecological communities, general biodiversity; (b) natural ecosystems, habitats or landscapes (c) features or unique characteristics such as: historic landmarks, natural landscapes, specific species of *fauna* and *flora* and biotic communities.

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3. PROTECTED ENVIRONMENT OR PRIVATE NATURE RESERVE	The need to – (a) protect an area for the – (i) promotion or preservation of specific ecological processes, natural systems, natural beauty or species of indigenous wildlife; or (ii) preservation of biotic diversity in general; (b) allow and support sustainable economic activities in the area; and (c) develop and manage the area in the interest of conservation, education and sustained resource utilisation.
4. RESOURCE USE AREAS	The need to preserve and manage an area to promote – (a) the sustainable utilisation of natural resources by the community living in the area; and (b) the conservation of the environment and indigenous wildlife in the area.

SCHEDULE 2

SPECIALLY PROTECTED WILD ANIMALS

Mammals

COMMON NAME	SCIENTIFIC NAME
African elephant	*Loxodonta africana*
Ant bear	*Orycteropus afer*
Black footed cat	*Felis nigripes*
Lichtenstein's hartebeest	*Alcelaphus lichtensteinii*
Pangolin	*Manis temmincki*
Red duiker	*Cephalophus natalensis*
Rhinoceros, Black	*Diceros bico*rnis
Rhinoceros, White	*Ceratotherium simum*
Roan antelope	*Hippotragus equinus*
Sharpe's grysbok	*Raphicerus sharpei*
Suni	*Neotragus moschatus*
Wild dog	*Lycaon pictus*

Birds

COMMON NAME	SCIENTIFIC NAME
African Finfoot	*Podica senegalensis*
African Marsh Harrier	*Circus ranivorus*
Bald ibis	*Geronticus calvus*
Barred Owl	*Glaucidium capens*
Bat hawk	*Macheirhamphus alcinus*
Bateleur	*Terathopius ecaudatus*
Bittern	*Botaurus stellaris*

Blue crane	*Tetrapteryx paradisea*
Blue swallow	*Hirundu atrocaerulae*
Bustard, Kori	*Ardeotis kori*
Bustard, Stanley's	*Neotis denhami*
Cape parrot	*Poicephalus robustus*
Cape vulture	*Gyps coprotheres*
Corncrake	*Crex crex*
Crested guineafowl	*Guttera edouardi*
Eagle- Tawny	*Aquila rapax*
Falcon, Peregrine	*Falco peregrinus*
Falcon, Taita	*Falco fasciinucha*
Grass Owl	*Tyto capensis*
Ground hornbill	*Bucorvus leadbeateri*
Lesser Kestrel	*Falco naumanni*
Long-tailed Starling	*Lamprotornis mevesii*
Martial eagle	*Polemaëtus bellicosus*
Parrot, Cape	*Poicephalus robustus*
Parrot, Grey headed	*Poicephalus fuscicollis*
Pel's fishing owl	*Scotopelia peli*
Pigmy Goose	*Nettapus auritus*
Rufous-bellied Heron	*Ardeola rufiventris*
Saddlebill stork	*Ephippiorhynchus senegalensis*
Shortclawed Lark	*Certhilauda chuana*
Short-tailed Pipit	*Anthus brachyurus*
Striped Flufftail	*Sarothrura affinis*
Vulture- African White-backed	*Gyps africanus*
Vulture- Egyptian	*Neophron percnopterus*
Vulture- Hooded	*Necrosyrtes monachus*
Vulture- Lappet-faced	*Torgos tracheliotus*
Vulture- White-headed	*Trigonoceps occipitalis*

Whitebacked Night Heron	*Gorsachius leuconotus*
Whitebellied Korhaan	*Eupodotis cafra*
Whitecrowned Plover	*Vanellus albiceps*
Yellow-billed Oxpecker	*Buphagus africanus*
Yellow-throated Sandgrouse	*Pterocles gutturalis*

Reptiles

COMMON NAME	SCIENTIFIC NAME
Nile crocodile	*Crocodylus niloticus*

SCHEDULE 3

PROTECTED WILD ANIMALS

Mammals

COMMON NAME	SCIENTIFIC NAME
Aardwolf	*Proteles cristatus*
African civet	*Civettictis civetta*
African wild cat	*Felis silvestris lybica*
Buffalo	*Syncerus caffer*
Bushbaby	*Galago crassicaudatus*
Bushbaby, Lesser	*Galago senegalensis*
Cape clawless otter	*Aonyx capensis*

Cheetah	*Acinonyx jubatus*
Fox, Bat-eared	*Otocyon megalotis*
Fox, Cape	*Vulpes chama*
Giraffe	*Giraffa camelopardalis*
Hedgehog	*Atelerix frontalis*
Hippopotamus	*Hippopotamus amphibius*
Honey badger	*Mellivora capensis*
Hyaena, Brown	*Parahyaena brunnea*
Hyaena, Spotted	*Crocuta crocuta*
Jameson's red rock rabbit	*Pronolagus randensis*
Klipspringer	*Oreotragus oreotragus*
Leopard	*Panthera pardus*
Lion	*Panthera leo*
Mongoose, Mellers's	*Rhynchogale melleri*
Mongoose, Selous	*Paracynictis selousi selousi*
Oribi	*Ourebia ourebia*
Reedbuck, Common	*Redunca arundinum*
Reedbuck, Mountain	*Redunca fulvorufula*
Rhebuck, Grey	*Pelea capreolus*
Sable antelope	*Hippotragus niger*
Samango monkey	*Cercopithecus mitis*
Serval	*Laptailurus serval*
Side-striped Jackal	*Canis adustus*
Steenbok	*Raphicerus campestris*
Tsessebe	*Damaliscus lunatus*
Yellow-spotted rock dassie	*Heterohyrax brucei*

Birds

Any bird which is a wild animal excluding-

i) a bird which is a specially protected wild animal;

ii) a bird which is game; and

iii) the following species:

COMMON NAME	**SCIENTIFIC NAME**
All species of mousebirds	*Family Coliidae*
Black-eyed bulbul	*Pycnonotus barbatus*
Cape sparrow	*Passer melanurus*
Crow, Black	*Corvus capensis*
Crow, Pied	*Corvus albus*
Dove, Cape turtle	*Streptopelia capicola*
Dove, Laughing	*Streptopelia senegalensis*
Dove, Red-eyed turtle	*Streptopelia semitorquata*
Ostrich	*Struthio camelus*
Red-billed quelea	*Quelea quelea*
Red-winged starling	*Onychognathus morio*
Weaver, Cape	*Ploceus capensis*
Weaver, Masked	*Ploceus velatus*
Weaver, Spotted-backed	*Ploceus cucullatus*

Reptiles and amphibians

COMMON NAME	SCIENTIFIC NAME
Bullfrog	*Pyxicephalus adspersus*
File snake, Black	*Mehelya nyassae*
File snake, Cape	*Mehelya capensis*
Python	*Python sebae*
All other species of reptiles excluding; water monitor, rock monitor, and all indigenous snakes not listed in this Schedule.	All species of the Class *Reptilia;* excluding *Varanus niloticus*, *Varanus albigularis* and all species of the Sub Order *Serpentes*, except *Phython sebae, Mehelya capensis* and *Mehylya nyassae.*

SCHEDULE 4

GAME

Mammals

COMMON NAME	SCIENTIFIC NAME
Blue wildebeest	*Connochaetes taurinus*
Burchell's zebra	*Equus burchelli*
Bushbuck	*Tragelaphus scriptus*
Caracal	*Caracal caracal*
Chacma baboon	*Papio hamadryas ursinus*
Eland	*Tragelaphus oryx*
Gemsbok	*Oryx gazella*
Grey duiker	*Sylvicapra grimmia*
Hare, cape	*Lepus capensis*

Hare, scrub	*Lepus saxatilis*
Impala	*Aepyceros melampus*
Kudu	*Tragelaphus strepsiceros*
Nyala	*Tragelaphus angasi*
Red Hartebeest	*Alcelaphus buselaphus*
Springbok	*Antidorcas marsupialis*
Vervet monkey	*Chlorocebus aethiops*
Waterbuck	*Kobus ellipsiprymnus*

Birds

COMMON NAME	SCIENTIFIC NAME
Duck, White faced whistling	*Dendrocygna viduata*
Duck, Yellow billed	*Anas undulata*
Francolin, Crested	*Francolinus sephaena*
Francolin, Natal	*Francolinus natalensis*
Francolin, Red-wing	*Francolinus levailantii*
Francolin, Shelley's	*Francolinus shellyi*
Francolin, Swainson's	*Pternistis swainsoni*
Goose, Egyptian	*Alpochen aegyptiacus*
Goose, Spur-winged	*Plectropterus gambensis*
Helmeted guinea fowl	*Numida meleagris*
Red billed teal	*Anas erythrorhyncha*
Red knobbed coot	*Fulica cristata*
Rock pigeon	*Columba guinea*

SCHEDULE 5

WILD ANIMALS TO WHICH SECTION 31(1)(f) APPLIES

COMMON NAME	SCIENTIFIC NAME
Cheetah	*Acinonyx jubatus*
Hyaena, Brown	*Parahyaena brunnea*
Hyaena, Spotted	*Crocuta crocuta*
Leopard	*Panthera pardus*
Lion	*Panthera leo*

Wild dog	*Lycaon pictus*

SCHEDULE 6

NON-INDIGENOUS WILD ANIMALS

COMMON NAME	SCIENTIFIC NAME
Black wildebeest	*Connochaetus gnou*
Blesbuck	*Damaliscus pygargus phillipsi*
Blue duiker	*Philantomba monticola*
Bontebok	*Damaliscus pygargus dorcas*
Greysbok	*Raphicerus melanotis*
Mountain zebra	*Equus zebra*

(b) All mutations, cross-breeds, improved, alien colour variations, genetic variations and genetically modified specimens of any wild animal.

SCHEDULE 7

INVASIVE ALIEN ANIMALS

Mammals

COMMON NAME	SCIENTIFIC NAME
All alien species of New World rats and mice, hamsters, mole rats, Malagasy rats, maned rats, voles, lemmings and gerbils, excluding the golden hamster.	All alien species of the *Family Cricetidae*, excluding *Mesocricetus duranus*

Ferret	*Mustela putorius* and all subspecies thereof
Nutria	*Myocastor coypus*
Chukar partridge	*Alectoris graeca*
Indian house crow	*Corvus splendens*
Indian mynah	*Acridotheres tristis*
Mallard duck	*Anas platyrhynchus*

Reptiles and amphibians

All species of alien tortoises, turtles and terrapins	All alien species of the Order *Chelonia*
All species of iguana	All species of the Family *Iguanidae*
All alien species of newts or salamanders, including the Axolotl	All alien species of the Order *Urodela*, including *Ambystoma mexicanum*

SCHEDULE 8

WILD ANIMALS TO WHICH SECTION 41(1)(a),(b) AND (3) APPLIES

Birds

(a) any bird which is a wild animal but which is not a specially protected wild animal, protected wild animal or game, excluding the following:

COMMON NAME	**SCIENTIFIC NAME**

Ostrich	*Struthio camelus*
Rosy-faced lovebird	*Agapornis roseicollis*

(b) and the following:

Reptiles

COMMON NAME	**SCIENTIFIC NAME**
All species of snakes (excluding species which are protected wild animals)	Sub Order *Serpentes*, excluding: *Python sebae,* *Mehelya capensis* and *Mehelya nyassae*
Monitor, Rock	*Varanus albigularis*
Monitor, Water	*Varanus niloticus*

SCHEDULE 9
PROHIBITED AQUATIC GROWTHS

COMMON NAME	**SCIENTIFIC NAME**
Azolla	*Azolla spp*
Kariba weed	*Salvinia molesta*
Parrot's feather	*Myriophyllum aquaticum*
Pond weed	*Egeria densa*
Water hyacinth	*Eichhornia crassipes*
Water lettuce	*Pistia stratiotes*

SCHEDULE 10
INVERTEBRATES TO WHICH SECTION 61(1)(a) AND (b) APPLIES

COMMON NAME	SCIENTIFIC NAME
(a) All species of baboon spiders belonging to the genera referred hereby	*Ceratogyrus spp* *Harpactira spp* *Pterinocchilus spp*
The following Alaena species	*Alaena margaritacea*
The following Ericssonia Species	*Ericssonia acraeina*
Lotana blue butterfly	*Lepidochrysops lotana*

(b) The following areas: The Farms: Argimedes Punt 208 KS, Forest Glens 1085 LS, Fountain Head 1084 LS, La Fleur 907 KS, and Sterkfontein 282 KQ

SCHEDULE 11
SPECIALLY PROTECTED PLANTS

All plants, of all indigenous cycads of the Genus *Encephalartos*, excluding cultivated seedlings of plants.

SCHEDULE 12
PROTECTED PLANTS

The plants, referred to in this schedule, do not include plants which have been improved by selection or cross-breeding.

Cycads

COMMON NAME	SCIENTIFIC NAME
All cultivated seedlings of indigenous cycads	*Encephalartos spp*

Trees and shrubs

COMMON NAME	SCIENTIFIC NAME
The following Adenia species	Adenia fruticosa simpliciflora
Baobab	*Adansonia digitata*
Beech	*Faurea macnaughtonii*
Bitter false thorn	*Albizia amara sericocephala*
The following Boscia species	*Boscia angustifolia var. corymbosa*
	Boscia foetida minima
Borassus palm	*Borassus aethiopicum*
Brackenridgea	*Brackenridgea zanguebarica*
Capper bush	*Capparis sepiaria var. subglabra*
The following Combretum species	*Combretum collinum taborense*
	Combretum padoides
	Combretum petrophilum
	Combretum vendae

The following Commiphora species	*Commiphora zanzibarica*
Currant	*Allophylus ainifolius*
The following elephantorrhiza species	*Elephantorrhiza praetermissa*
The following Grewia species	*Grewia rogersii*
The following Hibiscus species	*Hibiscus articulatus*
	Hibiscus barnardii
	Hibiscus sabiensis
Large cape myrtle	*Myrsine pillansii*
Large-leaved dragon tree	*Dracaena hookerana*
Large leaved saucer-berry	*Cordia africana*
The following Maytenus species	*Maytenus oxycarpa*
	Maytenus pubescens
The following Ochna species	*Ochna glauca*
Pepper-bark tree	*Warburgia salutaris*
Pincushion	*Leucospermum saxosum*
The following Rhus species	*Rhus batophylla*
Sand ironplum	*Drypetes mossambicensis*
Salati palm	*Borassus aethiopicum*
Stinkwood, Black	*Ocotea bullata*
Stinkwood, Transvaal	*Ocotea kenyensis*
Tamboti	*Spirostachys africana*
The following tarenna species	*Tarenna zygoon*
Transvaal red balloon	*Erythrophysa transvaalensis*

Venda bead-string	*Alchornea laxiflora*
Wild banana	*Ensete ventricosum*
Wild teak	*Pterocarpus angolensis*
Yellowwood, Outeniqua	*Podocarpus latifolius*
Yellowwood, Real	*Podocarpus falcatus*

Succulents

COMMON NAME	**SCIENTIFIC NAME**
All species of aloes indigenous to the Province, excluding the following species:	
Aculeata	*Aloe aculeata*
Aloe, Catstail	*A.castanea*
Aloe, Krans	*A. arborescens*
Aloe, Mountain	*A. marlothii*
Ammophilla	*A. ammophilla*
Davyana	*A. davyana*
Fosteri	*A. fosteri*
Globuligemma	*A. globuligemma*
Grandidentata	*A. grandidentata*
Greatheadii	*A. greatheadii*
Lutescens	*A lutescens*
Mutans	*A. mutans*
Parvibracteata	*A. parvibracteata*
Transvaalensis	*A. transvaalensis*
Wickensii	*A. wickensii*
All species of brachystelma	*Brachystelma spp*

All species of ceropegia	*Ceropegia spp*
All species of duvalia	*Duvalia spp*
The following species euphorbias:	*Euphorbia barnardii,* *E. clivicola,* *E. grandialata,* E. *groenewaldii,* *E. louwii*, *E. restricta,* *E. rowlandii,* *E. tortirama* *E. waterbergensis*
Ghaap	*Hoodia lugardii*
All species of ghaap	*Tavaresia* spp
All species of huernia	*Huernia spp*
All species of huerniopsis	*Huerniopsis spp*
The following impala lilies	*Adenium multiflorum*
Multiflorum en oleifolium	*A. olefolium*
Kudu lily	*Pachypodium saundersii*
All species of orbeanthus	*Orbeanthus spp*
All species of orbeas	*Orbea spp*
All species of orbeopsis	*Orbeopsis spp*
All species of pachycymbiums	*Pachycymbium spp*
All species of riocreuxias	*Riocreuxia* spp
All species of stapeliads	*Stapelia spp*

Stone plant	*Lithops leslieii*

Other plants

COMMON NAME	**SCIENTIFIC NAME**
The following agapanthus species	*Agapanthus coddii, A. dyeri*
The following anacampseros species	*Anacampseros bemenkampii (now A. rhodesica*)
All species of anomatheca	*Anomatheca spp*
The following anthericum species	*Anthericum cyperaceum*
The following arum lilies: Jucunda, pentlandii and rehmannii	*Zantedeschia jucunda*, *Z.pentlandii, Z. rehmannii*
The following babiana species	*Babiana hypogea var. longituba*
Batesiana gasteria	*Gasteria batesiana*
Blue squill	*Scilla natalensis*
Clivia	*Clivia caulescens*
The following cyathula species	*Cyathula natalensis*

The following eragrostis species	*Eragrostis arenicola*
The following eriosema species	*Eriosema transvaalense*
The following eulophia species	*Eulophia coddii*
	E. leachii
The following felicia species	*Felicia fruticosa brevipendunculata*
The following festuca species	*Festuca dracomontana*
All species of fire lily	*Cyrtanthus spp*
The following freylinia species	*Freylinia tropica*
The following gladiolus species	*Gladiolus macneilii*
The following habernaria species	*Habernaria kraenzliniana*
The following heinsia species	*Heinsia crinita*
The following hermstaedtia species	*Hermstaedtia capitata*
The following hippocratea species	*Hippocratea parvifolia*
The following hymenodictyon species	*Hymenodictyon parvifolium parvifolium*
The following hyptis species	*Hyptis spicigera*
The following inula species	*Inula paniculata*
The following jasminum species	*Jasminum abyssinbicum*
The following kalanchoe species	*Kalanchoe crundallii*
	K. rogersii
The following kniphofia species	*Kniphofia coralligemma*
	K.crassifolia
	K. rigidifolia
The following kotschya species	*Kotschya thymodora*
The following melinus species	*Melinus tenuissima*
The following mondia species	*Mondia whitei*

The following monsonia species	*Monsonia lanuginosa*
The following neobulosia species	*Neobulosia tysonii*
The following nervillia species	*Nervillia umbroza*
The following nymphaea species	*Nymphaea lotus*
The following oberonia species	*Oberonia distichia*
The following oreosyce species	*Oreosyce africana*
Paint brush	*Haemanthus montanus*
The following peristrophe species	*Peristrophe cliffordii*
	P. gililandorum
	P. transvaalensis
The following phyllanthus species	*Phyllanthus pinnatus*
The following pilea species	*Pilea rivularis*
The following plinthus species	*Plinthus rehmannii*
The following polycarpea species	*Polycarpia eriantha var. effusa*
The following polystachya species	*Polystachia albescens imbricata*
The following portulaca species	*Portulaca foliosa*
	P. trianthemoides
The following rhyncosia species	*Rhyncosia vendae*
Royal paint brush (Blood lily)	*Scadoxis puniceus*
The following sartidia species	*Sartidia jucunda*
The following schizagyrium species	*Schizagyrium brevifolium*
All species of South African orchid	*Family Orchidaceae*
The following stadmania species	*Stadmania oppositifolia*
The following streptocarpus species	*Streptocarpus decipiens*

The following strophanthus species	*Strophanthus luteolus*
The following sutera species	*Sutera maerantha*
The following thorncroftia species	*Thorncroftia media*
All species of tree ferns	*Cyathea spp*
All species of tree moss	*Porothamnium, Pilotrichella and Papillaria spp*
The following trilepisium species	*Trilepisium madagascariensis*
The following tristachya species	*Tristachya trifaria*
The following turbina species	*Turbina shirensis*
The following watsonia species	*Watsonia densiflora* *W. transvaalensis* *W. wilmsii*
Wild ginger	*Burmannia madagascariensis*
Wild ginger	*Siphonochilus aethiopicus*
The following xylopia species	*Xylopia parviflora*

SCHEDULE 13

Laws repealed

Number and year of law	**Title**	**Extent of repeal**
Act No. 10 of 1973	Lebowa Nature Conservation Act, 1973	The whole.

Act No. 5 of 1975	Gazankulu Nature Conservation Act, 1975	The whole
Act No. 9 of 1978	Lebowa Nature Conservation Amendment Act, 1978	The whole
Act No. 9 of 1981	Gazankulu Nature Conservation Amendment Act, 1981	The whole
Ordinance No. 12 of 1983	Nature Conservation Ordinance 1983	The whole
Ordinance No. 11 of 1984	Nature Conservation Amendment Ordinance, 1984	The whole
Ordinance No. 18 of 1986	Nature Conservation Amendment Ordinance, 1986	The whole
Act No.20 of 1986	The Nature Conservation and National Parks Act, 1986 (Venda)	The whole
Act No. 3 of 1992	Lebowa Nature Conservation Amendment Act, 1992	The whole
Act No. 7 of 1996	Northern Province Nature Conservation Amendment Act, 1996	The whole